effect of moving Garden Island from the current metropolitan area into the agricultural, mining, and pastoral area. At this stage I do not propose to move that particular amendment, because I want to give the Deputy Leader of the Opposition my assurance and undertaking that I will have an examination made of the three points he raised in respect of Gnangara Road, the area adjacent to Great Eastern Highway, and the nickel refinery. I will see whether the line can be more clearly identified; and I also give him an undertaking in respect of Garden Island. I shall have that amendment moved in the other place and give serious consideration to the other points he raised.

Mr TAYLOR: Because this is the last clause I would like to make one or two comments. They pertain to remarks I made at various times during this debate.

On previous occasions I have used the example of my own electorate in an attempt to point out to the Government the error of its ways. I feel it now behoves me to take back some of the suggestions I made to the Chamber. In appearing to denigrate my electorate, I did so on behalf of the people of the electorate and in their interests, and I want to say on their behalf that, far from being a place which is not worth while living in, Cockburn and Kwinana are well and truly worth while living in. A recent survey carried out by the University of Western Australia showed that an overwhelming proportion of the population were pleased and proud to live in Kwinana.

With respect to that wriggly line at the south of the metropolitan area which runs along the edge of Kwinana, if I were to ask a Yugoslav market gardener, an Italian fitter, an Australian electrician, and a British furnace hand what they thought about it, they would all suggest to me that I advise the Premier and this Chamber just where they can put that line. I oppose the Bill.

Clause put and a division taken with the following result—

Ayes—24

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr Mensaros	Mr Clarko

(Teller)

Noes—18

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller

(Teller)

Pairs

Ayes	Noes
Mr O'Connor	Mr Fletcher
Mr McPharlin	Mr McIver

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 5.29 a.m. (Wednesday).

Legislative Council

Wednesday, the 10th September, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

1. FISHERIES

Esperance Area

The Hon. R. H. C. STUBBS, to the Minister for Education representing the Minister for Fisheries and Wildlife:

(1) Is the Minister aware that some licensed professional fishermen in the Esperance area need to proceed through the Cape le Grand National Park to conduct their operations?

(2) Has the park ranger for this area been recently instructed to stop these fishermen travelling through the park?

(3) If the reply to (2) is "Yes" why has it been found necessary to do so?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) The ranger has been instructed to advise fishermen that they require permission of the National Parks Board to transport their produce and store their equipment, including freezer units, in the park in accordance with the by-laws.

(3) In the previous year some fishermen, by their activities, were detracting from visitors' enjoyment of the park, and were not at all times observing the requirements necessary for efficient and responsible management of a national park.

2. WORKERS' COMPENSATION

Definition of "Work"

The Hon. R. H. C. STUBBS, to the Minister for Education representing the Minister for Labour and Industry:

(1) Is a person who is receiving workers' compensation weekly payments, and is also receiving medical and hospital treatment, legally considered to be working at his occupation within the meaning of the Act?

(2) Is there, or have there been, court rulings and decisions on this matter?

(3) If so, would the Minister advise details?

The Hon. G. C. MacKINNON replied:

(1) to (3) Neither sickness, injury nor receipt of workers' compensation of themselves necessarily terminate a contract of service, but neither do they prejudice the right of either the worker or the employer to terminate it within the terms of the contract of service or award.

3. NORSEMAN SCHOOL

Future Use

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

(1) With reference to the old primary school at Norseman—what plans have been made for its future use?

(2) Is the Minister aware that the Museum Committee and various sporting bodies in the town would like to use part of the buildings for their each separate use?

(3) Will he take this into consideration if a firm decision is to be made?

The Hon. G. C. MacKINNON replied:

(1) to (3) No decision has yet been made on the future use of this building. Submissions made by all interested groups will be considered when determining its future.

AUSTRALIAN CONSTITUTIONAL CONVENTION

Postponement and Review: Assembly's Message

Message from the Assembly received and read, notifying it had agreed to the following motion—

It is the opinion of this House that the Australian Constitution Convention is not proceeding in accordance with the original basic concepts of the Convention.

It is resolved that the Premier request the Chairman of the Convention to secure the postponement of the meetings convened for 24/26 September and arrange an early meeting of the Executive Committee to review the whole of the work of the Convention to date, and to re-assess whether it is fulfilling its original objectives, before a further meeting of the Convention is held.

It is further resolved that, if the postponement is not agreed to, the delegation appointed by resolution of the Legislative Assembly on 20th August, 1974 and concurred in by the Legislative Council on 28th August, 1974 will not attend the Convention meetings convened for Melbourne 24/26 September 1975 as delegates of this Parliament.

It is also resolved that the Legislative Council be acquainted with this resolution and its concurrence desired therewith.

Standing Order Suspension

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.48 p.m.]: Mr President, as the Constitutional Convention to which Message No. 66 refers is due to take place at an early date, can I ask whether in your opinion, under Standing Order 426, its consideration warrants the suspension of Standing Order 384 so that it may be dealt with forthwith.

President's Ruling

The PRESIDENT: It is my opinion that the subject matter of this motion warrants immediate consideration and that therefore, a motion for the suspension of the Standing Order is in order.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [4.49 p.m.]: I know that most members would not have the motion in front of them. I should like to refer to a telegram despatched to the Leader of the Opposition in Western Australia by the Chairman of the Australian Constitutional Convention (Mr L. H. S. Thompson) which reads as follows—

> The Victorian Government has determined that no good purpose would be served by participating in a convention where Queensland and Western Australia are not represented and South Australia only partially represented. It is understood that a similar view is taken by the NSW Government. I therefore propose that there should be a meeting of the executive committee ASAP and suggest a meeting in Melbourne at 10 a.m. on Friday, 12th September so that the committee might decide upon what course it should follow.

In view of the second paragraph of the Assembly's resolution and its expressed terms, and in view of the telegram indicating that the executive committee is being called together to consider this matter, is the motion for the suspending

of the Standing Order a matter of urgency? In my view the conditions set out in paragraph 2 of the Assembly's resolution have already been covered, and I believe the delegates are leaving for Melbourne tomorrow.

The PRESIDENT: Upon receipt of the Assembly's message I was asked by the Minister for Education to state whether in my opinion this matter was one which required urgent consideration. I have ruled that in my opinion it does require urgent consideration, and that a motion for the suspension of the Standing Order would be in order. I have given the ruling.

Debate (on Standing Order Suspension) Resumed

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.52 p.m.]: I move—

> That Standing Order 384 be suspended so that Message No. 66 may be dealt with at once.

I would like to point out that the suspension of Standing Order 426 requires an absolute majority.

The PRESIDENT: I am aware of the procedure and what Standing Order 426 provides. Is there a seconder to the motion? tion?

The Hon. N. E. BAXTER: I second the motion.

The Hon. R. THOMPSON: In view of the information I have given I want to move to disagree with your ruling, Mr President, for the reason that the second paragraph of the Assembly's resolution states—

Point of Order

The Hon. G. C. MacKINNON: As I understand the position, the Leader of the Opposition has indicated he will move to disagree with your ruling, Sir. Such a move should have been made when you gave your opinion or ruling. We have moved past that stage and you have given your ruling with regard to Standing Order 426. We are now considering Standing Order 384, and the Leader of the Opposition is therefore too late in moving to disagree with your ruling.

The PRESIDENT: I think the Minister is correct. I have expressed my opinion, and the House has accepted it. There was no dissentient voice to the ruling or opinion I gave. The matter now before the House is whether Standing Order 384 is to be suspended. I understood the Leader of the Opposition to say that he was disagreeing with my ruling.

The Hon. R. Thompson: Yes.

The PRESIDENT: I think it is too late for him to do that.

The Hon. R. THOMPSON: As soon as the Minister read out what was proposed I rose to my feet and you, Mr President, called me to order. I had to sit down. That was before you gave your ruling. I wanted to give the information to the House before you gave your ruling.

The PRESIDENT: My recollection of the proceedings is as follows—

> The Minister asked me to express an opinion as Standing Order 426 provides that I should.
>
> The Leader of the Opposition then attempted to address the Chair.
>
> I called him to order and informed him I had a question before me upon which I had to give an opinion.
>
> I expressed the opinion that in my opinion—I use the word again—the matter was one which required immediate attention, and a move to suspend the Standing Order would be in order.
>
> Thereupon the Minister for Education moved that Standing Order 384 be suspended so that Message No. 66 might be dealt with at once.
>
> The motion was seconded and I put the motion.
>
> The Leader of the Opposition then sought to disagree with my ruling.
>
> I considered it to be too late.

The question now before the Chair is the suspension of Standing Order 384.

Debate (on Standing Order Suspension) Resumed

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [4.57 p.m.]: I accept your ruling, Mr President. I think it is unfortunate the matter has developed this way. I now wish to debate whether the Standing Order should be suspended. I have given an outline of my reasons, and I was doing that when the point of order was raised by the Minister for Education. I was referring to the second paragraph of the Assembly's resolution.

The PRESIDENT: If you disagreed with my ruling you know that a move under Standing Order 97 had to be made immediately, and the objection put in writing.

The Hon. R. THOMPSON: I thought I had qualified that. I am now debating the suspension of Standing Order 384.

The PRESIDENT: You are not referring to my ruling?

The Hon. R. THOMPSON: No. I said I was debating the suspension of Standing Order 384. The second paragraph of the Assembly's resolution is as follows—

> It is resolved that the Premier request the Chairman of the Convention to secure the postponement of the meetings convened for 24/26 September and arrange an early meeting of the Executive Committee to review the whole of the work of the Convention to date, and to re-assess whether it is fulfilling its original objectives, before a further meeting of the Convention is held.

I draw attention to the telegram from the Chairman of the Australian Constitutional Convention which I have read out.

I do not consider there is any urgency for this House to give consideration to the suspension of the Standing Order to enable the Assembly's resolution to be dealt with. It is hardly likely that the convention will be convened if Victoria and New South Wales are represented, Queensland and Western Australia are not represented, and South Australia is partially represented. The convention will be postponed or set aside.

I see no good reason for the House to agree to the suspension of Standing Order 384 for the purpose of allowing this resolution of the Assembly to be debated in haste when, in actual fact, the delegates from Western Australia at a cost to the State Government have made their bookings to attend a meeting of the review committee.

These are the matters which have to be taken into consideration. Also, I hope the House will not agree to the suspension of the Standing Order because even if the committee decides otherwise—which as I have said is hardly unlikely—why is it necessary for a motion to this effect. It should be clear in our own minds that if the convention is to be held we should be part of it. I sincerely believe the executive committee will postpone the meeting and for that reason there is no urgency about the matter.

This is something which could be dealt with at leisure whereas it is intended to deal with it in haste. When it was announced that Parliament would adjourn for a period of two weeks the Premier must have known, at that stage, that he was not happy—I repeat: that he was not happy—about attending the convention. One week of the two-week period of adjournment was to be taken up with the meeting of the Constitutional Convention. Why could we not have had the motion before us some weeks ago instead of at this late stage? I consider it is not necessary and I hope the House will not agree to the suspension of the Standing Order.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [5.02 p.m.]: I believe these matters could be better canvassed while speaking to the actual motion. The sheer fact of the matter is that there is a convention to which Parliament —not the Government—has agreed to send a delegation. Parliament is obliged to send a delegation unless this motion is carried. I believe that opinions, requests, and all other debate is for the motion, and should not be brought up at this stage.

Motion put.

The PRESIDENT: There being a dissentient voice, it is necessary for the House to divide.

Bells rung and the House divided.

Ayes—17

Hon. C. R. Abbey	Hon. G. E. Masters
Hon. N. E. Baxter	Hon. M. McAleer
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. J. Heitman	Hon. W. R. Withers
Hon. T. Knight	Hon. D. J. Wordsworth
Hon. A. A. Lewis	Hon. V. J. Ferry
Hon. G. C. MacKinnon	*(Teller)*

Noes—9

Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. D. W. Cooley	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. D. K. Dans
Hon. R. T. Leeson	*(Teller)*

The PRESIDENT: The motion has been carried by an absolute majority.

Motion thus passed.

Motion to Concur

THE HON. G. C. MacKINNON (South-West—Minister for Education) [5.05 p.m.] I move—

> That this House concurs with the resolution contained in Message No. 66 from the Legislative Assembly.

I would like to thank members for their assistance so far. In moving that the Legislative Council concur with the motion passed by the Legislative Assembly, I would re-iterate the reasons advanced in another place by the Premier. The motion seeks to postpone the projected meetings of the Constitutional Convention of the 24th-26th September. It is this Government's view that the original concept of the convention has been lost.

Members should recall how the convention started. It was originally proposed by Sir Henry Bolte, then Premier of Victoria, that a Constitutional Convention be held, and this was passed by a motion of both Houses of the Victorian Parliament. Subsequently, other States came in and agreed to participate.

The original argument put up for the holding of the convention rested on the desire of the States to have a better system of sharing the revenues of the country, so that they would have an assurance of funds with which to carry on their basic responsibilities and duties under the Constitution. The States still have the basic responsibilities and duties in most areas, in spite of the inroads which have been made into them by the present Commonwealth Government.

Originally, the convention was to be a convention of States alone, but the Commonwealth Government was invited as an observer. This was thought to be prudent, because the Commonwealth Government alone can initiate proposals for referenda.

The Premier readily admits that he went along with this view at the time but, with hindsight, now sees it as an unfortunate decision.

The McMahon Government was then in power in Canberra, and it was agreed that the Commonwealth Parliament would join in the convention with the States.

Subsequently, after the Whitlam Government came to power, the Commonwealth Parliament continued as a member of the convention on a full representative basis, and it was subsequently agreed that representatives of the Australian Capital Territory, the Northern Territory, and of local government, should also be invited to participate.

The first full session of the convention was held in September, 1973, in Sydney. One of the motions then on the agenda was to enable better provision to be made for state finances.

The following is the text of the agenda item (S.3)—

> The financial provisions of the Constitution, with particular reference to—
>
> (a) the legal and de facto limitations on the State's powers to tax (s.51 (ii), 90);
>
> (b) the financial agreement (s.105A and the financial agreement);
>
> (c) the power and procedures in relation to the grant of financial assistance (s.96);
>
> (d) the taxation of the property and operations of the Commonwealth and States (s.114); and
>
> (e) the position of local government in relation to Commonwealth and State taxation and immunities (s.114).

Following the arrangements agreed to at this convention, all agenda items were then referred to various subcommittees, which proceeded to deal with them. The item concerning better financial provision as between the Commonwealth and States was referred to standing committee "A".

All committees met and most of the items which were referred to the committees were dealt with, but in the case of the finance motion, standing committee "A", after considering it at one of two meetings, made no further progress or recommendation in respect of it. Those who attended those meetings, of course, will know why no progress was possible.

This was partly because the Prime Minister took the view that the Commonwealth would never sponsor a referendum proposal involving a change in section 96—the section which permits the Commonwealth to make "tied grants". Nor would the Commonwealth sponsor a referendum proposal involving the States' financial position to improve the certainty and the adequacy of the States' finance availability as part of the national income.

As far as the Prime Minister is concerned, this is, and I quote his own comment, "not negotiable".

A further plenary session of the convention was mooted to be held in Adelaide in 1974, but this was cancelled on short notice as a result of a disagreement between the House of Representatives and the Senate as to the Commonwealth delegation. The Commonwealth had been insisting on the appointment of the Independent Liberal Steele Hall as one of the opposition representatives. This was not agreed to by the Senate.

In addition, the Queensland delegation was unable to be present as a result of the holding of a State election.

Several of the States desired that the convention resume, but the Commonwealth Government did not appear to be interested.

Finally, the Prime Minister decided that the Commonwealth Government would again be represented, provided the agenda was changed to insert one or two additional items in relation to local government, which had not, at that time, been dealt with by standing committee "A".

These were then dealt with and placed on the agenda, but the item on financial provisions of the Constitution, which had also not been dealt with by standing committee "A", was not considered, and still remains in limbo.

The agenda for the proposed meeting in Melbourne now contains a large number of items put on at the request of the Commonwealth, which items have been given priority, and a certain number of items put forward by some of the States, which appear last on the agenda. The question of the reconsideration of the financial provisions does not appear.

It is not considered reasonable for the States to be asked to give up further powers of a constitutional nature without adequate provision being made for their financial sustenance.

It is against the spirit of Federation not to make adequate provision for State finances. At least the matter should be discussed.

The position of this Government is that it wants the matter discussed at the convention, and wants the matter to be given proper priority. However, this Government has no wish to participate in a "political farce". We want the convention to be a serious attempt to bring the Constitution up to date in a way that suits the Federation of Australia in 1975.

It is evident that it is proposed merely to use it as a vehicle for politicking.

The 1973 September convention was wrecked by the Prime Minister in his opening remarks. He made it clear that, as far as he was concerned, the convention was purely a vehicle for his own politicking, and he also made it clear that he had no intention of having a Federal system if he could get rid of the one we had.

We do not see why further public money should be wasted on politicking.

We believe that the meeting should be postponed until such time as the executive committee of the convention has met again and reconsidered the basic concepts of the convention, and whether it is possible for the Commonwealth and States to come together on a realistic basis which will enable real constitutional change to be effected where necessary.

It is believed that the Commonwealth will not wish to participate in a genuine convention along the lines indicated, and that it will then become necessary for the States to decide whether they will meet together independently and frame the items which they believe should be considered by a Constitutional Convention—including changes in the Constitution which may be beneficial, even though in favour of the Commonwealth. This is the only way, from a practical point of view, that constitutional change can be genuinely brought about.

We would like to reiterate that we are in favour of genuine constitutional change where it can be shown that it is necessary, or desirable, but we are not prepared to participate in a meeting which is merely designed to show further differences between the Commonwealth and the States; to create greater public disunity, and to simply act as a vehicle for the Prime Minister in his attempt to regain some of the political ground he has lost in recent months.

We hope that the chairman will postpone this meeting so as to enable a further meeting of the executive committee to be held to review where the convention is going before the next meeting is held.

We are prepared to give an assurance that we will co-operate and that, for our part, we will not withdraw our delegation provided the September meeting is postponed and a genuine attempt is made, through the executive committee, to formulate the subjects on which real basic agreement is possible without introducing other matters which have no chance of success and which will merely provide a spectacle of disagreement and self-interest as an object of public ridicule.

The constitution emanated from the negotiations between the States. The States created the Commonwealth and this seems to have been forgotten by many people, particularly those currently in power in Canberra.

I believe the time has arrived for the convention executive committee to have another look at the whole situation, because we do find ourselves in the position where the Commonwealth Government has deliberately turned the convention into a forum for it to try to achieve some objectives of centralism and, eventually, the elimination of federalism.

I believe it is desirable for the States to get back to first base, where they started, and again do what they did in the first place; that is, work out how they believe the Constitution should be brought up to date to meet the conditions of 1975. The Constitution is not all that much out of date. It is out of date in the minds of some people who want an entirely different system of government. When one examines the Constitution in relation to the peculiarities of Australia, with its vast area and its great dispersion of the population, one realises that our founding fathers were not quite as stupid as some people believe they were.

If we can get back to what the States want, and then go to the Commonwealth Government and tell it what we think are sensible amendments, the Commonwealth Government can then react. Maybe, out of that situation, a genuine and mutual interest can be created, and the result presented to the people. At present, even if recommendations were bulldozed through the convention by a disciplined vote, they would still have to go to a referendum. The result could be negative, because there is so much disunity and feeling in the community.

We have to get back to first base, and let the States examine the matter in greater detail, and decide whether they want to change the Constitution, bearing in mind that the final decision will be up to the people of the country.

I trust that the House will concur with the Message received from the Legislative Assembly.

Point of Order

The Hon. S. J. DELLAR: I rise on a point of order, Mr President, to ask: Should not a copy of the motion before the House be distributed to members so that they may at least be able to read what they are asked to decide?

The PRESIDENT: If this were done it would be a new practice. I cannot recall messages from the Assembly being distributed to members of the House. If on this occasion the honourable member wishes to have a copy perhaps he could ask the Minister to make one available. As a matter of procedure, however, I think it would be a new practice.

The Hon. S. J. DELLAR: I merely asked for your guidance in the matter, Mr President.

The PRESIDENT: Does the honourable member want a copy of the motion before the House or a copy of the message from the Assembly?

The Hon. S. J. DELLAR: I would like a copy of the motion which is included in the message.

The PRESIDENT: The content of the motion has been on the Legislative Assembly notice paper for some time. At this time it is not possible to have it

included on our notice paper, but if it is so urgent we could ask the Minister to arrange for a number of copies to be run off and distributed to members.

The Hon. G. C. MacKINNON: I think the Clerks are arranging for some copies from the Assembly notice paper to be taken and distributed. Most members who are interested in the matter have probably availed themselves of the opportunity and have already cut this out of the Assembly notice paper.

The Hon. S. J. Dellar: That is not the point.

The Hon. G. C. MacKINNON: But for those who have not I think the Clerks are arranging for copies to be distributed.

The PRESIDENT: Is the Leader of the Opposition in a position to proceed

The Hon. R. Thompson: Yes, Mr President.

The PRESIDENT: Very well. The Hon. Ronald Thompson.

Debate (on motion to concur) Resumed

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [5.19 p.m.]: I think the point was well taken by Mr Dellar, that if the House is to decide such a vital issue and concur with something it is not sufficient to have the matter read out. I think members should have a copy in front of them so that they may have an opportunity to see what was contained in the Legislative Assembly notice paper.

I will start at the end of the Minister's speech notes where he says, "I trust that the House will concur with the message received from the Legislative Assembly." I can assure the Minister that the members of my party will not concur with such a resolution.

I will not go back and again read out the telegram and the reasons I gave previously, because incorporated in the motion is that section which I have previously explained; that a meeting will be held on Friday in Melbourne and, of course, it is more than unlikely that this convention will be postponed.

Perhaps it may be as well to look further at what the Minister said in his speech. I will not read all that he said on page one, but in the last three lines of his first paragraph the Minister said—

> It is this Government's view that the original concept of the convention has been lost.

Firstly I might say that I think this is a reflection on the members from Western Australia who have served on the various committees and who have to a large degree done a lot of work, travelled a lot of miles, and put in a lot of time; it is they who have been responsible for bringing down many of the items that are on the agenda and which would be discussed at this conference.

In the next paragraph the Minister goes on to say—and this is hypocrisy at its worst—

> Members should recall how the convention started. It was originally proposed by Sir Henry Bolte.

That is not true, either. The convention was the result of a motion which was moved in the Victorian Parliament by Jack Galbally; and it was indicated at the first meeting of the convention—and those members who stayed and listened would know—that Jack Galbally was the father of the convention.

Both Houses of the Victorian Parliament accepted Mr Galbally's resolution at the time and it was then taken up by Sir Henry Bolte. In the first paragraph on page 6 of his notes—about a third of the way down—the Minister said—

> This was partly because the Prime Minister—

And he is talking about why no progress was possible—

> —took the view that the Commonwealth would never sponsor a referendum proposal involving a change in section 96—the section which permits the Commonwealth to make "tied grants". Nor would the Commonwealth sponsor a referendum proposal involving the State's financial position to improve the certainty and the adequacy of the States' finance availability as part of the national income.

These, of course, are merely words, and anybody in his right mind would know that irrespective of the colour of the Government in Canberra it would not give away anything; there would be no giving away at all, whether it involved the Whitlam Government, the Fraser Government, or any other Commonwealth Government.

The Commonwealth Government has been given these powers and all Governments in Canberra will cling to such powers. I think it is hypocrisy to say that one of the reasons why we will not attend the conference is that the Commonwealth Government will not institute a referendum.

In the last paragraph on page 9 of the Minister's notes he says—

> The position of this Government is that it wants the matter discussed at the convention, and wants the matter to be given proper priority. However, this Government has no wish to participate in a "political farce". We want the convention to be a serious attempt to bring the Constitution up to date in a way that suits the Federation of Australia in 1975.

It is all very well to write words of that nature, but I dare to say that not one member held the view—when the first motion was moved in the Legislative Assembly and was concurred with by the

Legislative Council in 1972—that this convention was going to make a determination within one or two years.

From memory I think I said that if we could reach some finality in 10 or 12 years we would have done a pretty good job. It took years to get Federation and the Constitution and it will take many years to change it. It will be changed by a gradual process and when the Minister says it is a political farce, I ask, who is making that political farce; who engineered it? It was, of course, engineered by the Premier of Queensland (Mr Bjelke-Petersen), and by the Premier of Western Australia (Sir Charles Court). This is where the farce was initiated. It was not initiated from the Australian Parliament at all. The farce arose because the Premier of Queensland said he was not going to participate, and Sir Charles Court thought he would jump on the same band wagon as the Premier of that State.

This is where the farce originated and it should be brought home to rest squarely where it belongs. On page 10 of his notes the Minister said—

> It is evident that it is proposed merely to use it as a vehicle for politicking.

Who is doing the politicking now? It is the Premiers of the States who are doing the politicking, by bringing us to a stage where the convention virtually will be thrown into chaos as a result of this, and because of it we will never reach unity. Words such as these do nothing to help.

The Hon. G. C. MacKinnon: As a fair-minded man you would admit that they have been forced into it.

The Hon. R. THOMPSON: I will come to that in a moment.

The Hon. H. W. Gayfer: I do not think either of the two gentlemen can be accused of politicking.

The Hon. R. THOMPSON: I do not make any pretence about it—

The Hon. G. C. MacKinnon: I am glad of that.

The Hon. R. THOMPSON: —for the simple reason that I was elected, or chosen—or whatever one might like to call it—to be a member of the Constitutional Convention.

I think every person from Western Australia was most honest and sincere when attending the first and only conference. When we left, the thought uppermost in our minds was that we should do our utmost for Western Australia; that was our first consideration, and that was the view I heard expressed by all the people at that convention, irrespective of their political colour.

The Hon. H. W. Gayfer: Until you realised it was a political farce.

The Hon. R. THOMPSON: It was never a political farce; and it is not a political farce now, unless the honourable member cares to adopt that stand.

The Hon. N. E. Baxter: Unless it suits Mr Whitlam.

The Hon. R. THOMPSON: Mr Whitlam did not draw up the agenda. Has the Minister for Health seen the agenda?

The Hon. N. E. Baxter: No.

The Hon. R. THOMPSON: This of course brings me to another point. People are being asked to set aside this convention because certain matters have been placed on the agenda.

The Hon. N. E. Baxter: And given priority.

The Hon. R. THOMPSON: I think it is nothing short of a disgrace when members are told that there is something wrong with the agenda, particularly when I doubt whether more than half a dozen people in this Chamber have seen the agenda.

The Hon. J. C. Tozer: Are you going to tell us what is on it?

The Hon. R. THOMPSON: I will circulate it if Mr Tozer wants me to. I have a copy of the agenda, and that is the reason I think it is a disgrace that we should have a motion of this nature before us. We are saying we will not have anything to do with the convention, yet members of the Chamber do not even know what is on the agenda. What a lot of hypocrisy that is. Who is politicking now?

The Hon. A. A. Lewis: We saw the performance at the last one.

The Hon. S. J. Dellar: Were you there?

The Hon. A. A. Lewis: No, but we read it.

The Hon. R. THOMPSON: Perhaps when Mr Lewis rises to speak he will tell us the results.

The Hon. A. A. Lewis: If I rise to speak I will do that, although at the moment there is nothing to answer.

The Hon. R. THOMPSON: The agenda contains some 29 items. Of course, some of those items are necessary and good. Some deal with recommendations regarding local government, and giving people in the ACT and the Northern Territory the right to be counted in referendums; and one to be moved by Mr McPharlin from Western Australia deals with the Senate. Another item, No. 27, is to be moved by Mr Wilkes and aims at obtaining a recommendation of the convention that the Constitution should be altered to provide for the establishment of a permanent Australian Constitutional Convention.

This represents a great deal of hard work without politics by a large number of men who have devoted a great deal of

time to the matter. I would give credit to the Honorary Minister (the Hon. I. G. Medcalf) because he has put in hundreds of hours and has done a great deal of travelling. Yet after all this we are to reject decisions, some of which may be decisions Mr Medcalf has made, which are now on the agenda in the form of recommendations for discussion at the convention.

To say loosely that the Constitutional Convention has become a farce as a result of what has happened in respect of the agenda is not factual because members have not even looked at the agenda and are not aware of what is on it. I have a copy of the agenda here, and any member who so wishes may look at it.

The Hon. D. J. Wordsworth: Why would they waste their time?

The Hon. R. THOMPSON: Members opposite are going to be regimented—

The Hon. Clive Griffiths: It is your side that is regimented.

The Hon. R. THOMPSON: —they have been regimented—to ensure that the House concurs with the motion passed in the Assembly.

The Hon. D. J. Wordsworth: The motion says it is to be postponed until such time as the executive committee meets.

The Hon. R. THOMPSON: The convention has already been postponed. If the honourable member had read the telegram, he would know that Victoria, New South Wales, Queensland, and Western Australia will not attend the convention, so it will have to be postponed. That is only common sense—if the honourable member can understand common sense.

The Hon. A. A. Lewis: If we are not going, would you consider we are wasting the time of the House?

The Hon. R. THOMPSON: I think Mr Lewis is wasting the time of the House by interjecting. If he would let me get on with my speech—

The PRESIDENT: Order! If the Leader of the Opposition disregards the interjections he could get on with his speech.

The Hon. R. THOMPSON: Yes, Mr President. Of course, some interjections are nonsensical. I agree with you, Sir, because as the Leader of the Opposition I have a job to do and to say that I am wasting the time of the House is just one of the stupid things the member who interjected is likely to say because he does not understand the situation.

In his speech the Minister said it is believed the Commonwealth will not wish to participate in a genuine convention along the lines indicated, and that it will then be necessary for the States to decide whether they will meet together independently and frame the items which they believe should be considered by a Constitutional Convention, including changes in the Constitution which may be beneficial even though in favour of the Commonwealth. There is a little bit of a sop there.

The Minister said this is the only way from a practical point of view that constitutional change can be genuinely brought about. Of course, we know the Commonwealth must initiate referendums, and one item on the agenda deals with placing a time limit in respect of referendums.

The Minister continued—

> We would like to reiterate that we are in favour of genuine constitutional change where it can be shown that it is necessary, or desirable, but we are not prepared to participate in a meeting which is merely designed to sow further differences between the Commonwealth and the States;

I ask you, Mr President: since the Court Government has been elected to office, is that not all it has done—sow seeds of hatred between the Commonwealth and the State?

The PRESIDENT: The honourable member is hardly in a position to ask me.

The Hon. R. THOMPSON: Well, that is my opinion.

The PRESIDENT: The honourable member asked me.

The Hon. R. THOMPSON: All members of this Chamber know the Court Government has gone out of its way to do that, and it is continuing to do it. In respect of the present issue it has got on the Bjelke-Petersen bandwagon to see that the convention does not work.

The Hon. H. W. Gayfer: Why did Dunstan give it only a minor score?

The Hon. R. THOMPSON: For a very good reason. The Constitutional Convention delegation from South Australia consists of 12 members, as does the delegation from this State. Currently the South Australian Parliament is in session and Mr Dunstan considered that eight members without political imbalance in their representation could do the work. He made that decision because he could not spare some of his Ministers to go to the convention. He did not take the hypocritical action the Premier of Western Australia is taking. When the adjournment notification was made weeks ago our Premier had well in mind that we would not attend the convention, and now right at the death knock, before we adjourn, we have a motion passed by the other House to say that we will not attend the convention, and our concurrence in the motion is requested.

This is a waste of the taxpayers' money, and I think the Government should be honest with the community.

The Hon. G. C. MacKinnon: You are quite wrong, of course.

The Hon. R. THOMPSON: If we do not attend the convention we should be here sitting in Parliament. It is no good presenting limp excuses that members have made arrangements; if members have made arrangements that is too bad. Remember that the taxpayers are meeting the bill—

The Hon. G. C. MacKinnon: They have all made arrangements to work for their constituents.

The Hon. R. THOMPSON: —they are making out our salary cheques each month; and our place is in Parliament.

The Hon. N. E. Baxter: That is very easily said by a metropolitan member.

The Hon. R. THOMPSON: Had there been no Constitutional Convention, we would have been sitting anyway.

The Hon. N. E. Baxter: And members would not have made arrangements.

The Hon. G. E. Masters: We will be working in our electorates, will not you?

The Hon. R. THOMPSON: Mr Masters lives in the metropolitan area.

The Hon. G. E. Masters: No I don't; I am a country member because I live in the hills.

The Hon. R. THOMPSON: If Mr Masters looks at a sign near where he lives he will find the sign says, "You are now entering the metropolitan area"; do not tell me that Mr Masters did not know Kalamunda is in the metropolitan area.

The PRESIDENT: Order! The debate deals with Canberra, and not with Mr Masters' electorate.

The Hon. R. THOMPSON: Yes, Sir; I merely thought he should know his electorate is in the metropolitan area.

The Hon. N. E. Baxter: Where is the sign to which you referred?

The Hon. R. THOMPSON: On Brookton Highway; has the Minister not seen it?

The Hon. N. E. Baxter: I haven't seen it.

The PRESIDENT: Order! The Minister should not encourage the honourable member not to get away from that subject.

The Hon. R. THOMPSON: In his speech the Minister went on to say that if we can get back to what the States want and then go to the Commonwealth Government and tell it what we think are sensible amendments, the Commonwealth Government can then react. Maybe out of that situation a genuine and mutual interest can be created, and the result presented to the people. At present, even if the recommendations were bulldozed through the convention by a disciplined vote—just as this motion will be bulldozed through the Chamber by a disciplined vote—

The Hon. Clive Griffiths: What makes you think that?

The Hon. R. THOMPSON: —they would still have to go to a referendum. That is the point I have been making all along: it is the Commonwealth which is responsible for initiating referendums. The Minister went on to say that the result could be negative because there is so much disunity and feeling in the community. He said we have to get back to first base and let the States examine the matter in greater detail and decide whether they want to change the Constitution, bearing in mind the final decision will be left to the people of the country.

The Hon. G. C. MacKinnon: Hear, hear! A good statement.

The Hon. R. THOMPSON: Of course, everyone in the Chamber knows that is the situation, because it is set down in the Constitution and it would be ridiculous to change the Constitution in that respect. Therefore, it is hardly necessary to consider whether or not that section of the Constitution should be changed.

We all know that the first session of the Australian Constitutional Convention was held in Sydney in September, 1973. At that meeting committees were set up comprising representatives from each State to determine certain issues; and I attended some of those committee meetings. Then plenary sessions were to be held in Adelaide in 1974. Who ruined the session in 1974? It was ruined by the Liberal Party Senators in Canberra.

The Hon. G. C. MacKinnon: Oh, gee! After Mr Whitlam nominated Steele Hall!

The Hon. R. THOMPSON: What I have stated is factual, because representations were made to the Prime Minister regarding who should be the representatives of the Senate, and the nominations included Senator Steele Hall, an ex-Liberal Premier of South Australia. But what happened? The Liberal Party would not accept Senator Steele Hall as a delegate to the convention.

The Hon. D. W. Cooley: Which Liberal Party?

The Hon. R. THOMPSON: The party that has changed its name about 35 times in the last 70 years and which has now just about run out of names and currently calls itself the Liberal Party. Even the Minister in his speech referred to an Independent Liberal senator. Of course, he knows that is not right; he knows Senator Steele Hall represents the Liberal Movement from South Australia.

The Hon. D. K. Dans: Whatever that may mean.

The Hon. R. THOMPSON: He formed a break-away party in South Australia three years ago.

The Hon. J. Heitman: It's not like the DLP, is it?

The PRESIDENT: Has this anything to do with the motion?

The Hon. R. THOMPSON: I think it has a lot to do with the motion, Sir, because it is referred to in the Minister's notes, and if it had relevance in his speech it must have relevance in mine.

Of course, at that time also, Queensland once again was not prepared to participate, but I think that State had a fairly good reason for not attending. What happened in Queensland was the Liberal Party in that State, with some force, told Mr Bjelke-Petersen that it wanted an election held, and so the election was brought on five or six months earlier than the normal time for the holding of an election.

The Hon. Clive Griffiths: How did they get on in that election?

The Hon. R. THOMPSON: Very well. I will even hazard a guess that the Liberal Party did so well that in the next election Mr Bjelke-Petersen will no longer be Premier. The Liberals will eat up the Country Party and will have a majority in Queensland.

The PRESIDENT: Order! Could we please return to the motion?

The Hon. R. THOMPSON: Therefore it can be seen that the plenary session set down for last September in Adelaide was abandoned because of the action of the Liberal Party in two States.

The Hon. G. C. MacKinnon: That is stretching a long bow if ever one was stretched.

The Hon. R. THOMPSON: That was the position. We now find that the agenda paper is criticised. What did the local government representatives from Western Australia think? They voiced their opinions in the Press and through the media generally that they were most unhappy that it was intended not to send a delegation to that convention. Of course, if this motion is passed and a delegation is not sent to the convention it would not make any difference; the local government representatives will still attend because there is nothing to prevent them from attending.

The Government has set up a corporate affairs committee among non-Labor States, and possibly, by not attending the Australian Constitutional Convention it now intends to set up a constitutional review committee among the non-Labor States. Apparently this is the case because I cannot see any other reason for it, despite the fact that the Government talks, quite hypocritically, of reaching common understanding with the Commonwealth. It is mentioned in the Minister's notes that mutual agreement must be reached with the Commonwealth, and so, by boycotting the convention, how does the State reach mutual agreement with the Commonwealth? I have never known anyone who has refused to talk reaching mutual agreement.

The only mutual agreement that is taking place is in the committee system, and those committees have brought forth the items on the agenda. We should be told what has been the cost to Western Australia to date for our participation in the first Australian Constitutional Convention, because this is very important. If one likes to read *Hansard*, it will be found that the Leader of the Opposition at that time, who is now the Premier, was most enthusiastic that Western Australia should join the rest of the States in attending the Australian Constitutional Convention. However, now the Premier is not so enthusiastic. The Premier probably agreed to attending the convention in the first instance because the McMahon Government was then in office, and the Premier probably thought he could use some persuasion on Mr McMahon to alter section 96 of the Constitution. However I hazard a guess that that section will never be altered.

The work that has been done by our representatives on the various committees has been paid for by the taxpayers. I mentioned the agenda items, and no honourable member can tell me they are not worth while. We are intending to give Australians who are now disfranchised the right to vote in referendums. Surely any person living in the ACT or in the Northern Territory is entitled to exercise a vote on any proposed change in the Constitution. Does not the Government believe that people living in those parts of the Commonwealth should have the right to vote on referendums? Regardless of whether this motion is carried, the committee system will continue to operate. Therefore it is a farce to bring a motion such as this before the House and ask members to agree to it, particularly when it is possible that many members have not read it because they did not have the motion in front of them.

Therefore, I will now read the motion so that the members of this House will have an opportunity to find out what it contains. The first paragraph reads as follows—

> It is the opinion of this House that the Australian Constitutional Convention is not proceeding in accordance with the original basic concepts of the Convention.

The Minister has not advanced specific reasons that it is not. Long before the first convention was held the idea was to refer matters to committees for consideration. Those matters have been referred to the committees and they are making determinations on them. Therefore why are we asked to agree to a motion that contains the words, "It is the opinion of this House that the Australian Constitutional Conven-

tion is not proceeding in accordance with the original basic concepts of the Convention", because it should read, "In the opinion of Sir Charles Court . . .". The convention is proceeding as an all-States operation and not as a Queensland-Western Australian operation. The second paragraph of the motion reads—

> It is resolved that the Premier request the Chairman of the Convention to secure the postponement of the meetings convened for 24/26 September and arrange an early meeting of the Executive Committee to review the whole of the work of the Convention to date, and to re-assess whether it is fulfilling its original objectives, before a further meeting of the Convention is held.

In the first part of the motion the Premier is asking us to agree not to proceed with the original concepts of the Australian Constitutional Convention and in the second paragraph he asks that the executive committee should review the whole of the work of the convention to ascertain whether it is fulfilling the original objectives. What gobbledygook is that? One paragraph is contradicting the other. The first paragraph is quite deliberate, but the second seeks a retention of the executive committee to ascertain whether the convention is achieving its original objectives before a further meeting of the convention is held.

The third paragraph of the motion in which we have to concur then reads—

> It is further resolved that, if the postponement is not agreed to, the delegation appointed by resolution of the Legislative Assembly on 20th August, 1974 and concurred in by the Legislative Council on 28th August, 1974 will not attend the Convention meetings convened for Melbourne 24/26 September 1975 as delegates of this Parliament.

When the original motion was brought before this House it was for the specific purpose of allowing Western Australia to become part of the Australian Constitutional Convention to carry out a review in order to bring down recommendations for an alteration of the Constituation. That was a question for the Australian public to decide. Why has there been a change of heart? No sound reason has been advanced other than the argument that has been put forward against us attending the convention; no argument has been submitted to support our attending the convention.

The Minister's notes were probably the work of the Premier and throughout they continue to sow seeds of hatred, but we have to return to the convention if we want to progress and obtain the best for Western Australia and Australia as a whole before making some review of the Constitution, and here I might add that there is room for a good deal of review of the Constitution. The final paragraph of this motion reads—

> It is also resolved that the Legislative Council be acquainted with this resolution and its concurrence desired therewith.

We all rely on the Australian Constitution during every day of our lives. Therefore every member of this Chamber should get up and start talking about the agenda items so that they may find out what they are voting for, because to me it is obvious that this will be one of those questions where a party has made a decision not to attend the convention, and is saying, "To hell with your Constitution! We will remain as we are until the climate is right for us. We will attend the convention when the Liberal Party so determines and not when the Parliament of Western Australia determines. That is when we will confer with the Commonwealth, and not before." I cannot support the motion.

THE HON. I. G. MEDCALF (Metropolitan—Honorary Minister) [5.58 p.m.]: We should bear in mind a few basic facts when we are thinking about the Constitutional Convention. The Leader of the Opposition has referred to how the convention started, and it is true, of course, the Hon. J. W. Galbally moved a motion in the Victorian Legislative Council for the holding of a convention. It has also been said that Sir Henry Bolte originally proposed the convention. That may be so, but I am not in a position to say. It is a fact, however, that a motion was moved in the Victorian Legislative Council by the Hon. J. W. Galbally, QC, a prominent member of the Labor Party and a well-known figure in criminal circles in the sense that he was a criminal lawyer. In Melbourne he was a very well-known man.

Mr Galbally very properly took it upon himself to move the motion in the Victorian Legislative Assembly and it was passed. The motion related only to the States; it did not relate to the Commonwealth at all. It was to the effect that the States should have a Constitutional Convention and that they should consider, amongst other things, the financial provisions of the Commonwealth in regard to the proper funding of State moneys.

Mr Galbally was prompted to move the motion because he was concerned about the State finances. Of this there is no question, and my authority for that statement is Mr Finemore, the Chief Executive Officer of the convention, who recently wrote a paper presented in Canberra about a fortnight ago. Mr Finemore, a QC of Melbourne, stated that Mr Galbally's main concern was the financial situation of the States.

I would like to quote briefly from his paper because it confirms what I have been saying. Mr Finemore states—

> Mr Galbally had based his motion on the financial paralysis that was gripping the States and the overflowing coffers in Canberra. It may be that his proposal had been generated by the high degree of central control exercised in the planning of Latrobe University.

Mr Hamer took up the cudgels in the Legislative Assembly where he proposed the motion. It was a slightly amended motion, but substantially the same as Mr Galbally's. The main reason he took that action was the unsatisfactory state of Commonwealth-State finances; he made this quite clear. His amendment of Mr Galbally's motion did not affect the States or include the Commonwealth. It merely said that the convention should be restricted to financial matters, whereas Mr Galbally had not restricted his to that, although he was mainly preoccupied with that aspect, as he indicated at the time.

However, the motion subsequently carried was not restricted to financial matters, and the motion of the Parliament of Victoria, finally agreed to by both Houses, was to the effect that the States should get together at a convention.

One of the reasons Mr Hamer was so keen about doing something on this—and this probably applied to Sir Henry Bolte before him—was because of the parlous financial situation of his State at that time in relation to the finances of the Commonwealth and the money available to it. That view was shared by the Premiers of all the other States, irrespective of their political colour. They were all concerned about the fact that they did not have a growth tax and, in fact, at the 1970 Premiers' Conference they submitted a joint motion requesting the Commonwealth to introduce a Canadian-type taxation system. That is a summary of what they said. It had nothing to do with their political colour. They wanted a better deal on finance and this was the basic motive which inspired the convention and it was the basic concept of the convention. This is the only reason the States were persuaded to come together. The States traditionally all adopt independent lines and the only reason they were brought together was this fact that they all had the common problem of insufficient money to carry out their basic duties and responsibilities.

When I say that the States all adopt independent lines, I am not reflecting on the States, because we are a Federation and it is only right that we look after the interests of the people in particular areas. It is natural for people to adopt independent lines. They do so right throughout the country. We do not have to be in the State Government to know that local authorities take different views as do groups in local communities, and these have to be reconciled in government.

So it is not a reflection on the States to say they had independent lines, but they came together on that one item which was their common problem in relation to finances. That is the basic concept of the convention.

Sitting suspended from 6.04 to 7.30 p.m.

The Hon. I. G. MEDCALF: Mr President, prior to the tea suspension I was saying I believe one of the basic concepts of the convention—the phrase "basic concepts" has been used—was that the States were united in their desire to improve their financial situation, and that is perhaps one of the reasons that the States were prepared to agree to coming together to discuss constitutional change. I said I thought it was rather remarkable that the States, with their independent views, should have decided to come together and that there had to be a reason for it. The reason, I believe, was that they all had this urgency to improve their financial position.

The matter of finance of course is absolutely basic to a consideration of constitutional change. Many years ago before I entered Parliament I was on a committee which had to consider constitutional changes. It took some time to decide what was the basic point we had to consider: Was it the financial situation alone or should we consider the Constitution as well? This obviously came into the early deliberations in the Victorian Parliament. Quite clearly what motivated the States in deciding to come together in the Constitutional Convention was the dire necessity to do something to improve their financial situation.

In my view—here I express my personal opinion—it is not adequate in a system of federation for parties to be dependent upon some other Government or organisation. If we are going to have responsible government in a federation, then the bodies which spend the money must be accountable for it. In other words, we must have a situation where we do not simply have hand-outs from one Government to another, with the receiving Government having the right to criticise the Government which hands the money out and not having responsibility. We must have a system whereby the States have the undoubted constitutional right to raise money for their requirements and be accountable to the electorate for it. They should have to account to the electorate for their expenditure; they should have to explain their taxes.

This system has not operated in Australia for many years. We have had a situation where the States have become increasingly dependent upon the Commonwealth as a result of a number of historical situations—which I will not go into now but which I have gone into on

other occasions and with which members will be familiar—whereby the States have lost the control of their own finances. If one loses the control of one's finances, one loses the control of one's destiny. If someone else is providing one with money, one has to answer to that other person. It seems to be one of the basic laws of government that unless a body has the money and the wherewithal and is not dependent on another, that body cannot effectively govern itself.

The Hon. R. Thompson: How long ago did we lose control of the money? We have lost it since federation.

The Hon. I. G. MEDCALF: I do not dispute that for a moment. It has been gradually lost over a period since federation. The States have gradually lost control of their own financial destinies. In fact, in my opinion there was a bad financial settlement at federation, to be perfectly precise.

The Hon. R. Thompson: Boycotting the convention does not assist us in any way.

The Hon. I. G. MEDCALF: I will come to that in due course. Over a long period the States have gradually lost the control of their day-to-day powers of governing because they have lost their power over finance. It is the old story that one has to dance to the tune of the person who pays the piper. That is what has happened in Australia.

There are people in this country who believe that is a good thing. There are those who say, "Let us get rid of the States, abolish them, and when one Government has control of the whole thing it can run the show." Here we reach the position where we adopt one philosophical attitude or another. We know the present Prime Minister has the view that his Government can effectively govern the country from Canberra and that he does not need the States. There is no doubt about that. It has been expressed by him on many occasions and by leading members of his Government—not all of them but quite a few of them.

I do not say there are many Labor leaders in the States who have accepted those views holus-bolus, but regrettably they have been put in a position where it is very difficult for many of them to resist. Unfortunately this situation is now upon us and those who share the same philosophy as I do—and I do not say it is the whole of the Liberal Party—believe a federal system of government is the best system of government for Australia. As a result, there is a basic philosophical problem which affects this whole convention.

That does not alter the fact that it may well be desirable to have constitutional change. Anyone who says we should not have any constitutional change under any circumstances is burying his head in the sand. Time passes, and it is obvious that as time passes we have to make changes here and there. One is in the area of finances. I again come back to this point that a basic concept of this convention was to provide finances for the States. I have made that point and I will not make it again.

There is another basic concept, and that is the States themselves should first formulate views on what they need for their own responsibilities, their own wherewithal, and their own powers of government; and the States should then put up this proposition to the Commonwealth. Admittedly the Commonwealth alone under our present Constitution has the power to alter the Constitution by initiating a referendum. The States cannot initiate a referendum, and that may be one of the areas in which there should be a constitutional change.

In fact, at the first session of the convention in September, 1973, at which the Hon. Ron Thompson was present, I advocated that a properly convened Constitutional Convention should also have the power to initiate referendums. In other words, if we have a proper Constitutional Convention in which the States of the Commonwealth are participating, and they come to a considered view that there should be a referendum on a particular subject, I believe they should have the power to initiate it. I think that is fair and proper. That might have been one of the mistakes of the original Constitution. There may have been other mistakes. I have already said I believe there was a bad financial settlement. Canada got a much better Constitution, as did West Germany and the United States. There are obviously areas for improvement, and as a result of experience we can see there should be changes.

How do we achieve those changes? I come back to the second basic concept. To be practical about this matter, in order to get a really effective change we must meet together with people who want change and discuss it. It has always seemed to me that the States should first have come together and got down to tin tacks on the matters upon which they could agree. This was originally the view of the Hon. Jack Galbally and the Hon. R. J. Hamer when that motion was first put to the Victorian Parliament, and it has been the view of a few others.

The Commonwealth Government came into the convention. It was welcomed at the time because, after all, only the Commonwealth can initiate referendums. But with hindsight I believe a mistake was made there. I believe the Commonwealth came in too early. It came in before anyone was really ready to formulate what

was necessary to change the Constitution. I am one who believes there should be a properly formulated, genuinely worked out procedure for change where it is found to be necessary. We cannot just have a static situation for ever. But we must do it in a careful manner which allows for political situations.

It is true the convention on its first day deteriorated into politicking. The Hon. Ron Thompson would agree with me because he was there, as I was, and he heard what went on. We all went to the Sydney Town Hall and heard a very good speech by the Governor-General who exhorted all the delegates to do their best to try to find ways of doing the right thing for the people of Australia. But when we went along to the convention, within an hour or two during the opening speeches of the Prime Minister, particularly, and others, it became apparent that the convention was going to be used for political purposes. I am not actually saying those people should not have said what they said, because after all the Prime Minister is a politician; he is engaged in politics as were all the other delegates, including the local government representatives who are still in politics although they are not in Parliament.

It is only natural that politics should have entered into this, and one would be stupid to think one could keep politics out of such a convention. However, we began to see that we had started off the wrong way. Those of us who really wanted constitutional change, and those of us who believed the convention would be a useful exercise—I was one and I believe there were many others—became disturbed, and we began to realise what we should have realised perhaps earlier that politics would dominate the convention. Unfortunately politics have tended to do this, although not altogether.

So I believe there are these two basic concepts which we must now return to if we want the convention to succeed. One is that we must provide for the financial future of the States, and the other is that we must start off with the States agreeing amongst themselves about what matters they can put up to the Commonwealth. Then I believe the States must invite the Commonwealth in, and the Commonwealth must react to the points made by the States. It would not necessarily agree with everything—and one would be foolish to believe that a Commonwealth Government of any political colour would do so—but the proposals should be put up. I believe that the people of Australia ultimately will be the judges about what is right and what is wrong. I have no worries on that score, because if the people find against me I will accept their verdict. However, if, on the other hand, the people feel that the States or the Commonwealth should make some concessions, then I believe ultimately the concessions will be made and we will get somewhere. We must be practical about it, and so far we have not been.

I am afraid I have come to the conclusion that the projected September meeting which we are discussing tonight was a premature exercise. It was premature for one particular reason, and that is because one of the most vital elements—that is the financial provisions for the States—has been sidetracked. It was put on one side by standing committee "A", and it was left on one side. So was the issue of local government, but at least in July some hasty meetings of the steering committee were called and certain items in relation to local government—although not what local government required or wanted—were put on the agenda.

No reference was made to the financial requirements of the States. That was left off because there was disagreement. There was disagreement also, of course, about local government, but this issue was put on the agenda in a very modified form and not in the way that I say it had been put forward by representatives of local government. The items in relation to States' finances did not appear. Is it reasonable, logical, or sensible, to expect the States to attend a convention—and particularly the outlying States—to agree to a variety of motions on a number of different subjects without making provision for their own financial future? I do not think it is logical and it will only produce further disagreement and disunity.

After the plenary session in September, 1973, of which I attended every meeting along with other delegates, I was reasonably pleased with the outcome although I could see that problems existed. However, I was disturbed at the reaction from the media about what has transpired. In fact, the *Bulletin* dealt with the convention in scathing terms and so did a number of other publications. In the *Bulletin* we saw a picture of the Prime Minister sitting in the Legislative Assembly Chamber of New South Wales. He was lolling back in his seat and, although I have forgotten the exact words, the caption was to the effect, "It was a dreadful bore, wasn't it Gough?" The picture had been taken when the Prime Minister had a bored expression on his face, and it was certainly appropriate.

The Hon. J. Heitman: Do you think he needed a rebore?

The Hon. I. G. MEDCALF: This was an appropriate caption for the picture, but it tended to derogate the actions of the delegates at the convention. The reaction of the media was that the convention was a lot of rubbish and hardly worth reporting. In fact, it received very little coverage in the Press, but what it did get indicated that the public did not think we had made any progress. I do not believe that is right; I do not believe we need give to the public, either actually or

through the media, any further expressions of public disagreement. What we should be doing is trying to emphasise the areas of agreement. I say this because I am a federalist. We would all like to think that other people share our views, but I know some people do not share mine. A centralist would not agree with me, but I feel it is desirable in the interests of the people of Australia as a whole, and particularly the people of Western Australia, as distinct from say those in the large cities in the east, that we should have a federal system of Government.

We should have real Government in Western Australia; I would not know what its political colour might be, but it must be a responsible Government and have control of its own affairs and not be dictated to from 2 000 miles away by people who know nothing about local situations and conditions. That is one of my basic beliefs, and for that reason I support the convention. However, I do not support our delegates attending the meetings which are projected for the 24th to the 26th September.

I would like to remind members of the statement made by the Hon. R. Thompson, when he said—and I have heard him say this on a few occasions—that the convention may take 12 years to work out a satisfactory solution. I think that statement may well be true. We must take a long-term view of this matter. After all, it took 15 or 16 years to form the Commonwealth. The first proposals for the establishment of the Commonwealth Constitution go back to the 1860s, and it was in the 1880s that meetings were commenced. The first convention meeting was, I think, in 1888, and the Commonwealth was formed on the 1st January, 1901. Western Australia was not then a member of the Commonwealth. It took a very long time to reach agreement amongst the States, but they were all motivated by the desire to have a Federal Australian Commonwealth—in other words, one people. I believe that motivation still exists, but it will not be helped by public spectacles of disunity. If we are to be practical about this, we must reach the stage where we underplay politics.

The Hon. D. W. Cooley: You ought to talk to your leader about that.

The Hon. I. G. MEDCALF: We have to come to the conclusion that we are indeed trying to work towards a proper federation providing proper government of this country rather than the situation which we have at the present time and which is far from satisfactory.

My point is that it would take a long time to achieve this; we cannot have it in a year or two. I remind members that if we do not attend the meetings, we are still in the convention. As the Hon. R. Thompson said, we will still continue with our committee meetings. In this motion we are asking that the executive committee should meet again to try to get back to the basic concepts.

It may be that for a while we will have to meet without the Commonwealth, and this may be difficult in practice. However, perhaps there should be some meetings behind closed doors where issues can be thrashed out in private without members of the Press being present, and where we can get down to some of the fundamental matters we ought to be considering as legislators. For those reasons I believe we should look at this whole proposition in a very long-sighted way. To me it is not really relevant that we will not be at the meeting in September provided we are able to keep the convention in existence and that we do return to the basic concepts in the interests of the Australian people that we all profess to serve.

I do not think there is need for me to say any more on this subject but I felt those points should be stated. We have moved away from some basic concepts. It is all very fine and dandy to play politics but in the long run, in a public spectacle such as the Australian Constitutional Convention, it does not get us very far, and it is an extremely costly exercise. I believe we will be serving the interests of the public and of proper constitutional change if we have another look at ourselves in the manner proposed.

THE HON. R. F. CLAUGHTON (North Metropolitan) [7.56 p.m.]: One would expect the Honorary Minister to give an apologia for the Government in respect of the resolution that we must decide upon. I am afraid that he was not really convincing. It is unfortunate, of course, that he has chosen to emphasise the financial aspects of the matters that will be dealt with by the convention. However, in the context of his speech, that is simply an excuse to allow the Liberal Party members in this Parliament to support the resolution before us.

The speech given by the Minister seems to indicate that the Premier of this State wants to set preconditions—indeed, to demand preconditions—for the holding of any future convention, without discussing the matter with the other States, except perhaps Queensland. Obviously the Premier of Queensland has been in contact with our Premier, but there has been no consultation with the Parliaments of South Australia, Victoria, New South Wales, or Tasmania, because all these States wished to continue with the convention until the decision was made by Sir Charles Court that Western Australia would not participate. So we can see that the Premier of Western Australia and the Liberal Party are attempting to place their stamp upon this resolution regardless of the opinion of people in the other States. This attitude certainly does not indicate a spirit

of co-operation. In fact, it is further evidence of the policy of confrontation which we have seen particularly from the Liberal Party Premier of this State and the Country Party Premier of Queensland. This attitude has been practised also by parties which are in opposition to Labor Governments throughout Australia. I wish to quote from the Minister's speech at page 8. He says—

> The agenda for the proposed meeting in Melbourne now contains a large number of items put on at the request of the Commonwealth, which items have been given priority, and a certain number of items put forward by some of the States, which appear last on the agenda. The question of the reconsideration of the financial provisions does not appear.
>
> It is not considered reasonable for the States to be asked to give up further powers of a constitutional nature without adequate provision being made for their financial sustenance.

The Hon. G. C. MacKinnon: What page was that?

The Hon. R. F. CLAUGHTON: I am quoting from pages 8 and 9 of the Minister's notes. These words very clearly indicate that these are the conditions in this State, on its own initiative, is imposing on further meetings of the convention.

However, the Minister's statement that a large number of items put on the agenda by the Commonwealth have been given high priority does not stand up on an examination of the agenda. Items 1 and 2 on the agenda were put forward by Sir Eric Lewis who, I feel, would not be bringing forward items at the request of the Commonwealth.

The Hon. I. G. Medcalf: Those are only procedural matters.

The Hon. R. F. CLAUGHTON: Item 1 certainly is procedural. Item 2 relates to the prevention of items being introduced at the last minute. Item 3 is put forward by a Mr Punch. I do not know who he is, but certainly he is not one of the Commonwealth delegates. As we continue through the agenda we find the statements made by the Minister are not substantiated.

Item 5 is the first item put forward by Mr Whitlam, but one must read a long way further into the agenda before one sees his name again. Item 6 is put forward by Mr Fenton, and deals with the role of local government. Indeed, if we consider that the first two items are procedural we will see that local government has been given a very high priority in the discussions and procedures of the convention.

So, where is the substantiation of the case put forward by the Minister? His case is a very weak one indeed, as an examination of the agenda will reveal. I cannot see that this House should support the very political nature of this resolution; in fact, it is merely political grandstanding, designed to further the dissension about which the Hon. I. G. Medcalf ostensibly lamented. Certainly, the motion will not create an opportunity for co-operation among the States. How could it possibly do that?

In a recent television programme in Victoria, Mr L. H. S. Thompson expressed regret at the stand taken by Mr Bjelke-Petersen. It is interesting that this stance was adopted before Western Australia indicated it did not intend to send its delegates to the convention. The possibility for a co-operative spirit was there and would have been assisted if this State had agreed to continue to send its delegates to the convention.

We cannot be sure that the meeting of the executive committee will not come up with a reasonable proposition which would allow Sir Charles Court to change his mind and agree to send delegates to the convention commencing on the 24th of this month. It would be unfortunate if Western Australia missed out on this meeting merely because of the desire of the Premier to perpetuate and further exacerbate the divisions which have grown up over the last few years between the Commonwealth and the State.

The Hon. W. R. Withers: It is for the House to make the decision.

The Hon. R. F. CLAUGHTON: We know what the result will be.

The Hon. W. R. Withers: I have no idea, but if I were in your party, I would know exactly.

The Hon. Clive Griffiths: I can tell you that your arguments are not going to change anybody's mind.

The Hon. R. F. CLAUGHTON: There is a great sense of futility about this debate.

The Hon. Clive Griffiths: No-one will be able to object to my comments.

The Hon. R. F. CLAUGHTON: Not only is it a waste of one's own time to be on one's feet debating this motion; it is also a waste of the public purse to lengthen the hours this House sits. Unfortunately, that is the way things are. However, I believe it is our duty to discuss these matters and I commend the Hon. R. Thompson for the case he put forward. I believe he did an exceedingly good job in expressing the motives of the Government in sending the resolution to this Chamber.

The Hon. H. W. Gayfer: I thought Mr Medcalf did a good job too.

The Hon. R. F. CLAUGHTON: I was very pleased that Mr Dellar asked for a copy of the resolution, because certainly the resolution varies quite a bit from the

Minister's speech. I will not weary the House by repeating it now because Mr Thompson has already discussed that aspect. But if any member does not have a copy of the resolution, I suggest he obtain one to enable him to find out exactly what it is he is going to be asked to vote upon.

When the original motion that Western Australia should participate in this convention was presented to this Chamber, I said that I hoped financial considerations would not be the chief preoccupation of the convention and that consideration would be given to other equally important areas of the Constitution. I referred at that time to the possibility of establishing a new State in the north of Western Australia; that could have been a matter considered by the convention.

The Hon. W. R. Withers: Not for a few years yet, though.

The Hon. R. F. CLAUGHTON: I would say that it would not occur in my lifetime, or in Mr Withers' lifetime; the point I was making was that the chief cities of Australia are all administrative centres, and if we want to increase the development and population in the north, from our history the creation of a new State with its own administrative centre would be the most logical way of achieving that situation.

With those remarks, I oppose the resolution. As I said it is an exercise in futility; we all know which way the vote will go. I think it is to be regretted that we should be asked to be a party to this policy of politics by confrontation in which the Liberal and Country Parties have indulged since the advent of the Federal Labor Government. It has done Australia no good; indeed I suggest it has done us a great deal of harm.

THE HON. D. K. DANS (South Metropolitan) [8.10 p.m.]: I oppose the resolution; it is with a certain amount of sadness that I rise to my feet in this debate. I do not deny that Mr Medcalf had a view to present, and he presented it extremely well. But I think he would agree that in nearly 75 years of Federation we are in a worse mess now than when we started, and it is getting worse. The people have yet to realise that we now have a national economy; it must also be remembered that this is not the first constitutional convention that has been held since Federation.

It is also sad to think that it will appear to the general public that we did not form our own opinions in deciding not to attend the meeting to be held in Melbourne in September, but once again, we followed. We did not lead; it was up to the Queensland Premier to decide that he was not going to attend the convention.

The Hon. I. G. Medcalf: It actually started in South Australia, you know.

The Hon. D. K. DANS: I am talking about public announcements; that is all the general public knows about.

The Hon. I. G. Medcalf: They made it quite clear in South Australia that they had grave doubts about attending.

The Hon. D. K. DANS: Perhaps I have grave doubts too, but I am not in a position to express them and influence people. Western Australia then decided that it would not attend.

Either fortunately or unfortunately, I have spent a great deal of my life talking to people in very impossible circumstances. I refer of course to that very vigorous area of our lifestyle, the field of industrial relations. One of the things I was always taught was that while people are talking, they are making progress; even if they are only talking about the weather, they are still going in the right direction. But once they stop talking, things start to go wrong.

The Hon. I. G. Medcalf: We have not stopped talking.

The Hon. G. C. MacKinnon: There is a meeting tomorrow.

The Hon. D. K. DANS: Certainly there is a meeting tomorrow, but I do not know what that meeting is going to decide, and I do not know what is in the mind of the Government of Western Australia, and whether it intends to continue this course of action. I can only assume that as far as the Constitutional Convention is concerned, we have stopped talking, and that is a bad sign.

The Hon. W. R. Withers: I do not know; you might start working.

The Hon. D. K. DANS: I have attended only one committee meeting. Perhaps I could express some reservations about the comments of Mr Galbally and others; the mechanics of what they were talking about were way above my head on that occasion. Although I could see what they were trying to get at, I could not see how they intended to achieve the final result.

In fact, I am not even sure that those gentlemen themselves were competent to make such statements because in the end they referred the matter to a special subcommittee comprising eminent professors in the legal field—at least, that is what they said they were; I do not know; I did not check because I do not have a suspicious mind.

The final result is that here we are following Queensland, and our decision has had the effect of influencing New South Wales, Victoria, and South Australia not to attend.

I think that is bad. If we look at the decisions of the review committee of the

Australian Constitutional Convention we will find that a number were made by joint committees. Since then some of those decisions have been put before the people by way of referendums, but on almost all occasions they were opposed by the Liberal Party of this country.

If the decision for not attending the convention was as Mr Medcalf pointed out, perhaps I would agree; but I have a suspicion that this is another chapter in the confrontation between non-Labor State Governments and the Australian Government. I see such a situation as almost tantamount to civil war, and sooner or later the people will view it as such. Such action will divide the Australian community.

When moving the motion the Minister referred to this. I cannot see that the attitude expressed in this House today will do anything to further that kind of situation. I am not underestimating the problems which Western Australia or any other State faces, but I point out that those problems will not disappear if there is a change in the Australian Government. It is quite true that Mr Whitlam and his Government have taken a certain viewpoint. This is not much different from the viewpoint taken by Mr Gorton when he was Prime Minister.

There is the national economy, and there are degrees of Federation to take into account. I would agree with Mr Medcalf that there is a great need to overhaul the Australian Constitution, but this has to be done in an amicable atmosphere. I do not subscribe to the view that it will take 10 to 20 years to do that, but I do know it will take a long time. If we back away continually from meeting with the delegates of other States at conventions we will not succeed. Even if in the initial stages no-one listens, eventually the people will listen.

The other evening I was looking at a television programme. I had seen the previews of that programme and they interested me. It dealt with the Murray River system. In one part of the programme appeared a forlorn customs house at, I think, Echuca. Of course, this is a monument to the colonial days of this country when the States levied customs duty on trade between the States. I have a feeling that what is being promoted now is to sow in the minds of the people a return to those days. A certain amount of goodwill must exist in the relations between States.

We all agree there are problems of finance among the States. I have heard Mr Medcalf refer to this problem and to the speeches of eminent people of all political parties dealing with this question. I have made it my business to read those speeches. Irrespective of what we do, I do not think there will be a return to the situation of the early days. In this respect I refer to an expression used by a philosophical writer; it was "What might have been". I am sure we will not have a return to those days.

The point I am making is that we will not achieve what we desire if we do not work together. Let us assume for the time being that up to date no progress has been made. On one occasion I had the experience of speaking to some officers of BHP. For three years we had been negotiating on an industrial agreement. Each time that one of the company's industrial officers became soft the company put him through a hardening process. However, after three years we made some progress.

Eventually all the arguments which were of no value were exhausted; and when they were exhausted we got down to the nitty gritty of the problem. That is what the Australian people expect their members of Parliament to do. I think the people are slow to stir and slow to move, but I think there is the need for us to talk.

I know from speaking to people in the community that there is a nasty taste in their mouths when they think that Western Australia blandly follows the Queensland Premier on this question. This view has been expressed by people who have no clues about this question. The position would not have been so bad if before the recess had been agreed to some weeks ago, it was announced that Western Australia would not be attending the convention, and the reasons were given.

Here, on the eve of the convention, we have a telegram indicating that it is off, but Mr Medcalf and Mr Taylor will attend the committee meeting to see what happens. That is not good enough. As members of Parliament we have an obligation to the people of this State. I do not think this is a matter for determination by the Government; it is one for determination by Parliament.

I know these procedures have been adopted by bringing forward motions in this Chamber. In this regard I remind members what Benjamin Disraeli said on one occasion, "Despite all your fine rhetoric it is not worth a majority of one."

The Hon. I. G. Medcalf: We have made some progress, but we do not make progress by charging like a bull at a gate.

The Hon. D. K. DANS: I am not suggesting we do that.

The Hon. S. J. Dellar: Tell him the story about the two rams.

The Hon. D. K. DANS: I am quite sure Mr Medcalf knows that story. I did not advocate taking action which can be labelled as charging like a bull at a gate; I realise it is a slow, painful process.

We are going through the serious process of trying to alter the Constitution which I might claim is archaic, but which

Mr Medcalf might claim is not archaic but which merely needs fixing. We will not get to the situation of making alterations to the Constitution without the preliminary work.

The Hon. I. G. Medcalf: I agree with the necessity for preliminary work.

The Hon. D. K. DANS: In other parts of the world people have changed the Constitutions of their countries by more violent means, but I am not advocating that despite what some people may think about my political philosophy. I am a confirmed pacifist.

How long will this go on for, and how long will it be before there is a change of Government? More senators will become independents, but I am not saying whether Independent Liberal or Independent Labor will hold the balance of power in the Senate. Will this country not be in a fix then?

Is it not about time we spoke about the national railways of this country? We have the national Army, Navy, and Air Force, and we have the national postal system. There is also a great deal of national legislation such as the Family Law Act. Surely it is about time we got around to doing other things on a national basis, including the introduction of new financial arrangements.

I think the whole situation in Australia is becoming farcical. Annually we see the pilgrimage of the State Premiers attending the Premiers' Conference. Above all, we look stupid in the eyes of the world—

The Hon. I. G. Medcalf: That is quite right, and that is why we do not want to have the meeting in September.

The Hon. D. K. DANS: I do not see any of those reasons as having anything to do with the meeting in September. The damage has already been done by agreeing not to attend the convention, and by not giving adequate notice to this Parliament of this intention. By agreeing to do that the Government has given the impression that the idea of not attending the convention is not original to this State. Not a word of this was said until the Premier of Queensland decided not to attend the convention.

The Hon. I. G. Medcalf: It all started in South Australia.

The Hon. D. K. DANS: It might have been started in Mukinbudin, but in the eyes of the general public it was started by Mr Bjelke-Petersen, and he was the first to say he would not attend the convention. That is what the Press has reported widely. Western Australia then decided it would not attend, either.

I object to the impression that Western Australia has been led by the nose. I am still of the opinion that the convention should have gone on. The point is the convention is not definitely off, but it will not be meeting in September.

The Hon. I. G. Medcalf: The convention might be more successful when it meets in March next.

The Hon. D. K. DANS: I am not bursting to go to Melbourne, but certain requirements are expected of members of Parliament. Members have a responsibility to the people of the State. It is not good enough for the Government to present a proposal at the eleventh hour and then use its majority in both Houses to force its resolution through. Even if Western Australia does attend, I agree with the view expressed by Mr Thompson that the convention has already been aborted. We could indulge in rhetoric to make the course we follow appear respectable, but that is not good enough. After all, it costs a great deal of money to run this House, and sooner or later people will ask how much is this cost. What would we do then?

I oppose the motion before the House. I am not opposing it on the grounds of politics. I am opposing it on the grounds of representation, and on what is expected of this State and its members of Parliament.

I am not opposing it merely because I am a member of the Labor Party; I am opposing it because I am one of the two members of the South Metropolitan Province. Those people are entitled to expect me to support the representation of Western Australia at the conference to be held in Melbourne.

I would not have been on my feet now if, five or six weeks ago, it was stated that Western Australia would not attend the convention for certain reasons. I oppose the Assembly's resolution. I am indeed saddened that we have come to the conclusion that nearly 70 years after Federation we have not advanced a step. In fact, we have walked backwards, and the old customs house at Echuca instead of getting further away has a very good chance of coming closer to us.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.29 p.m.]: I also oppose the Assembly's resolution. The first point I make is that it seems quite extraordinary that the resolution was not passed to this House a fortnight ago. All the arguments put forward by the Government, which it claims to be reliable and valid, existed then; but it appears that a certain gentleman in Queensland seems to be leading the Government of Western Australia by the nose; and our Government prefers that rather than to make its own decision on logical grounds.

I agree with the comments of Mr Dans that our opposition to the Assembly's resolution is based on the threat to the goodwill existing between members of this Parliament and the people they represent.

I believe this is a false excuse and the reason is that this Government wants to join with other conservative Governments is to embarrass the Australian Government. The Minister claimed that the trend is away from the original concept in the minds of the people who arranged the convention. It is always amusing how people seem to know the state of mind of those who arranged the convention. This becomes apparent in much of the legislation introduced by this Government.

It seems to me that if a convention is held in order to decide what is to happen to the Constitution then surely the Constitution itself is the only matter with which one has to deal. Delegates to the convention need to be called together because social conditions are different, and working conditions are different. Those conditions are different and no matter what our conservative delegates say change will occur. Even if one stands still time ensures that change will occur. Even when people claim that changes are not occurring, time ensures that they do occur.

Whether or not the Constitution needs to be changed is beside the point. However, it must be reviewed in the light of present day conditions. The Minister claims that the trend is away from the original concept, whatever that was. It seems to me we should be reviewing the convention and the ways by which the States can work together.

What is it that makes trends? Who lists these concepts, which were brought up at the beginning of negotiations for a convention? It seems to me that only the participants are able to create the trend. Let us look at the participants. I must admit I feel pessimistic about any change in the Constitution which would be conducive to the good of all Australia. The participants, in the main, have been from the conservative parties so the trend which has occurred must have been as a result of those who were doing the job.

The Hon. I. G. Medcalf: The participants were equal in number from both parties.

The Hon. GRACE VAUGHAN: Mr Medcalf stressed that in federalism we have to search for points of agreement, and I could not agree more. However, I think the Minister should talk to his leader because it seems to me that all we hear with regard to the relationship of this Government with the Australian Government is points of disagreement. It seems the Government is waiting in the wings for something to happen to the programme put forward by the Australian Government. The social welfare programme has been sabotaged by State Governments waiting to see what happens to Medibank, and other programmes, in the hope that they will fail.

The Hon. G. E. Masters: Like the British health scheme.

The Hon. GRACE VAUGHAN: It is not like the British health scheme; the member does not understand.

The Hon. G. E. Masters: I do understand. The results will be the same.

The Hon. GRACE VAUGHAN: You are a prognosticator.

The Hon. G. E. Masters: I have more experience of health schemes than has the honourable member.

The Hon. GRACE VAUGHAN: This is not a health scheme; it is health insurance. Anyway, the member should not be speaking.

The Hon. G. C. MacKinnon: As a matter of fact, we could all do without both of you!

The Hon. GRACE VAUGHAN: I am unable to speak with someone interrupting me all the time.

The PRESIDENT: I would prefer the honourable member took a leaf out of the book of a previous speaker, and made her speech.

The Hon. GRACE VAUGHAN: I am being continually interrupted by a member sitting in front of me. Agreement can only be reached as a result of people getting together. How in the name of heaven can the Government expect to reach agreement by a fragmented approach to a review to the Constitution?

As the Minister suggested, the States got together originally in an effort to change the Constitution to suit themselves. How on earth can a fragmented approach achieve anything. The Minister also said that many people in Canberra seem to have forgotten that the States were responsible for setting up the Commonwealth. Many people on the other side of the House seem to forget that the federation of the States was the beginning of Australia. Many people in this country do not believe that they are Australians.

The Hon. W. R. Withers: Would you care to name any of them?

The Hon. GRACE VAUGHAN: Many people think of themselves as being Western Australians. They do not understand that as a result of the States getting together something intangible was created, which is Australia. The ACT might be only a small piece of territory but the people should think of themselves as Australians first, and as Western Australians second. They should remember that the intangible is something which our founding fathers created, and they were not stupid. They did what they thought was best for the future of the people of this country.

Mr Medcalf said we should not be politicking, but of course we are.

The Hon. I. G. Medcalf: I did not say that.

The Hon. G. C. MacKinnon: I said that.

The Hon. GRACE VAUGHAN: I am sorry.

The Hon. I. G. Medcalf: I accept the apology.

The Hon. GRACE VAUGHAN: Actually, I did not think Mr Medcalf would say anything as silly as that.

The Hon. D. K. Dans: Mr MacKinnon has admitted that he said it.

The Hon. R. Thompson: I suppose we could expect him to say it!

The Hon. GRACE VAUGHAN: But Mr MacKinnon is never wrong.

The Hon. G. C. MacKinnon: I did not say I was never wrong; the member opposite is always wrong.

The Hon. GRACE VAUGHAN: I think the Minister was wrong on this occasion. The Minister's reference about general pessimism worries me. He said it does not matter what has been done in the past; nothing can be done with the present set up. Of course, that is a natural statement to come from a member of a conservative party—a party which always looks back and never looks forward to progress. The conservative attitude is to look back at what has happened in the past and claim that it will happen again in the future. The fact of the matter is that some new people have been appointed as representatives on the Australian Constitutional Convention. I refer to people such as Mr Dans. Surely people such as the Hon. G. E. Masters, and myself, have a different approach from that of people who have been hanging around for a long while. Obviously, members opposite will point out that we will not have a convention, and that the delegation has been withdrawn.

The Hon. G. E. Masters: Has the member learnt anything from that?

The Hon. GRACE VAUGHAN: Yes, how to interject while somebody else is speaking.

The PRESIDENT: Order!

The Hon. GRACE VAUGHAN: My last point is in regard to the claim of our impotence in changing anything to suit the financial structure. Again, this is a very conservative attitude. Of course, there are other ways by which changes can be brought about. If this widespread feeling against the financial arrangements between the Australian Government and the States is true then surely we can get enough signatures to force a referendum in order to bring about a change. I oppose the motion.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [8.40 p.m.]: I thank members for their interest in the debate. I would dearly love to answer the Hon. Grace Vaughan in perhaps the most fitting way I have heard during my lifetime; that is, by using the basic Anglo-Saxon language used by Flo Kennedy when she appeared on television recently.

The Hon. D. K. Dans: Basic Anglo-Saxon?

The PRESIDENT: As long as the words are not unparliamentary.

The Hon. G. C. MacKINNON: That is the trouble; the language would shock the male members in this place. In the circumstances, it would be most apt to use the words which Flo Kennedy used but I am afraid the male members of this Chamber have been brought up by their mothers, in the main, and would not be able to stand such language. You, Sir, would not have allowed me to use it.

There are one or two points I would like to answer. One of the major threads running through the debate is that we are copy cats because we followed the Premier of Queensland. At least, Mr Dans who is invariably honest, said it appears that way. That is right, of course. However, when talking around and about, as so often happens, somebody gets in first. Nevertheless the feeling has been exprcssed. I think many of the States ought to be glad of what is happening, and not just the conservative States—to use that phrase which the Hon. Grace Vaughan uses so often. I feel that the two Labor States would have a similar feeling.

There is one matter I would like to put forward which has mystified me for a long time. Why is it that a decision reached in the Australian Labor Party Caucus room, binding all members, is a case of democracy at work whilst a decision reached in the Liberal and Country Party meeting room is claimed to be a matter of dictatorial discipline?

The Hon. D. K. Dans: Who said that?

The Hon. G. C. MacKINNON: It is a constant implication.

The Hon. R. Thompson: Could I put the Minister right before he makes any more mistakes? That has not been discussed in our party room.

The Hon. G. C. MacKINNON: I can see a Caucus decision in the arguments which have been advanced.

The Hon. R. Thompson: It has not been discussed.

The Hon. D. K. Dans: You are so wrong.

The Hon. G. C. MacKINNON: This point has been well made, and it has come to light in several statements made tonight. You, Mr President, have sat there tonight and listened. I would dearly love an opportunity to talk to you and obtain your view which would be of interest in the general discussion. You have sat there looking as wise as all of us ought to be.

The Hon. R. Thompson: Does the Minister intend to waffle on, or answer some of the allegations?

The Hon. G. C. MacKINNON: The Leader of the Opposition sat there and listened while the last speaker waffled on, and I did not object.

The Hon. R. Thompson: I think it is about time you answered some of the points which were raised.

The Hon. G. C. MacKINNON: I have said that the point which kept coming to my mind was that a binding decision made in the Labor Party Caucus room is considered to be democracy at work whereas an accepted decision in our party room is considered to be ruthless discipline.

The Hon. D. K. Dans: Who said that tonight?

The Hon. G. C. MacKINNON: If the honourable member reads the discussion which has taken place he will see where it came up. I am delighted that my speech impressed members so much. Most of the speeches made by members opposite consisted of quoting from what I had to say.

The Hon. D. K. Dans: I did not.

The Hon. G. C. MacKINNON: One point I would like to mention seems to have been missed by Mr Claughton. What I am about to say also has some bearing on what the Hon. Grace Vaughan said when she mentioned common sense concepts, and so on.

The original concept laid down, as I pointed out, was in regard to the question of the restriction on the financial processes, and that is to be changed despite the fact that it was the overriding concept at the start of the conferences. Mr Dans, of course, was talking about the grave threat of civil war.

The Hon. D. K. Dans: I did not say there was a grave threat of civil war.

The Hon. G. C. MacKINNON: And he immediately said we had already started a civil war.

The Hon. D. K. Dans: I said it appeared to be a civil war.

The Hon. G. C. MacKINNON: That is right. Why does the honourable member argue when I say what he said, particularly when he agrees with what I say he said. He now tries to slide out from under it.

I am sorry that this sort of attitude prevails and that it is not accepted that part of the work of the conference is not merely to attend or not; or to go into committee and discuss it in committee, but to know when to front up for a big open meeting.

The time for a big open convention is not now. We are convinced of that. We would be convinced of it whether or not Queensland changes its mind tomorrow. That is how much we are convinced about the matter.

I am certain the argument I have put forward, which has been ably supported by Mr Medcalf, will convince a sufficient number of members in this House that the Legislative Assembly's message should be agreed to, and I trust it will.

Question put and a division taken with the following result—

Ayes—16

Hon. C. R. Abbey	Hon. G. E. Masters
Hon. N. E. Baxter	Hon. M. McAleer
Hon. H. W. Gayfer	Hon. I. G. Medcalf
Hon. Clive Griffiths	Hon. I. G. Pratt
Hon. J. Heitman	Hon. J. C. Tozer
Hon. T. Knight	Hon. W. R. Withers
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Ferry *(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. D. K. Dans *(Teller)*

Pair

Aye	No
Hon. N. McNeill	Hon. R. H. C. Stubbs

Question thus passed; and a message accordingly sent to the Assembly.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [8.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains amendments which have been found to be necessary to clarify the powers of the board to act on recommendations of the public inquiry conducted by retired magistrate, H. G. Smith; to implement policies in the public interest and to provide the means for the administration of such policies.

Amendments to the Transport Commission Act, and the setting up of the Road Transport Authority, necessitate changes to the sections of the Act dealing with interpretations and the composition of and appointment to the Taxi Control Board. The opportunity has been taken to enable the election of the third industry member of the board to be truly representative of the whole of the industry, rather than as at present by nomination by a particular association.

Currently the Act provides that, subject to the Minister, this Act shall be administered by the Board. A proposed new subsection lays emphasis on the fact that the board must determine its policies and recommendations with regard to the provision of service in the interests of the public.

The purpose of this additional subsection is to remove any legal doubt that it should initiate or implement such actions as it considers necessary in organising a taxi industry aimed at achieving maximum service in the public interest.

The Act provides that the expenses of the administration of the Act shall be administered by the board. Whilst the normal costs of administration are expected to be met out of revenue received from the industry by way of license fees and premiums payable on the issue of new licenses, provision has been made that should it become necessary for additional funds to be available for implementation of new policies, such funds could be made available subject to the approval of Parliament.

This is a precautionary extension of the present provision to meet the costs of administration, and includes provision for the payment of moneys from other sources into the taxi control fund, should the necessity arise.

As a result of the previously mentioned public inquiry, there have been some legal expressions of opinion that the board's powers in relation to disciplinary action are not clearly defined. To clarify the position, the Bill contains amendments designed to define these powers.

It is intended that the responsibility of the board will extend to all matters relating to taxi cars, other than safety considerations. The proposed amendments will enable the board to announce, subject to ministerial disallowance, fares and charges, particularly in cases where it is considered that in the public interest multiple hiring should be permitted; they will empower the board, subject to ministerial disallowance, to approve of the application of multiple hiring on such occasions as major sporting events, etc.

Definition of the powers of the board in relation to the registration of taxi-car drivers and radio facilities, and to provide disciplinary procedures for the conduct of owners and operators, is included, extending the powers of the board to register radio facilities. Members will appreciate that the basis of an efficient taxi service is an efficient radio network, and for this reason it is intended that these facilities must be registered by the board.

Provision has also been made to enable the board to secure information in relation to taxi services, and to prevent information secured in such a manner from being conveyed to unauthorised persons.

It is also intended that it will be an offence for any person to interfere with the transmission or reception of taxi radio broadcasts, and appropriate penalties are designated.

In the interests of discipline, a clause is included which will empower an inspector to seize a taxi-car license plate if a person refuses to comply with a lawful demand to return the plate to the board.

Authority is also provided for the board to accept responsibility for all matters directly associated with the operation of a taxi-car, and for the board to take over the testing of taxi meters. This will not alter the present position that the Road Traffic Authority will be primarily responsible for the mechanical fitness of the motor vehicle.

The repeal and re-enactment of section 22E provides authority for action to be taken against the owners of private motor cars who illegally park on taxi stands, obstruct traffic, and cause inconvenience to the public and taxi-car operators.

Amendment of section 23 will empower inspectors to conduct inquiries into the illegal use of private motor cars as taxi-cars.

Although the Act provides that the Commissioner of Transport is chairman of the board, it is obvious that the commissioner cannot carry out all the acts of day-to-day administration. Provision is therefore made for delegation to the deputy commissioner or officers employed by the commissioner as a normal administrative procedure.

Provision is made for clarification as to the ownership of taxi-cars licensed by the board and the determination of penalties for offenders against this section. A new subsection has been added to enable the board, for administrative efficiency, to stagger the issue of licenses. Another new subsection provides for the renewal of licenses to be subject to compliance with the board's requirements in relation to taxi-cars.

It is felt only fair that the board may, where justified, make refunds of taxi-car licence premiums if an operator is forced to surrender his premium issue license on which money is still owing to the board, and the bill will facilitate this action.

The present maximum license fee was set in 1963 by regulation under section 19 and, although the taxi-car license fee is currently only $25, a new maximum limit has been set so as to avoid further amendment to meet the present inflationary trend. It is not intended, however, to increase the license fee of $25 in the reasonably foreseeable future

This section also enables the setting of a lower license fee to restricted area licenses. Although, on present indications, it is not envisaged that increases in license fees will be necessary, and the proposal is to set the maximum fee for restricted area taxi licenses lower than that applicable to an unrestricted taxi, these amendments have been introduced to meet present trends.

In the case of transfer fees, again the maximum fee has been raised to meet the present inflationary trend.

Amendment to section 22D of the Act permits an operator of taxi-cars to purchase up to a maximum of five taxis, provided he is involved full time in the taxi industry. It is considered that a fleet of five cars is the minimum number that a person could operate as an entity, and make a reasonable living. The opportunity has been taken clearly to define the board's disciplinary powers in line with the paramount consideration of the interest of the public in the provision of an adequate taxi service. Furthermore, the board's responsibility in disciplinary action is clarified. Provision is also made for the day-to-day administration of the discipline of drivers to be dealt with by the chairman and subject to appeal to the local court.

The general penalties section has been amended to bring the maximum penalties into line with current money values.

Several of the clauses in the Bill merely introduce procedural provisions necessary for the implementation of the amended Act, and may be dealt with in detail in committee.

Although on first impression the amendments may appear to be considerable, they clarify the board's powers with emphasis on public interest so as to enable the board to implement policies aimed at improving taxi services, and at the same time to take appropriate disciplinary action.

Every effort has been made to provide the administrative structure necessary efficiently to manage an industry which must play an important part in the passenger transport task.

THE HON. D. K. DANS (South Metropolitan) [8.59 p.m.]: We on this side of the House support the Bill. It is a measure that seeks to refine the taxi industry and to make it more efficient so that it will provide a far better and more regulated service to the public.

I commend the Bill and hope it will have a speedy passage through the Chamber.

THE HON. N. E. BAXTER (Central—Minister for Health) [9.00 p.m.]: I thank Mr Dans for speaking on behalf of his party in support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [9.05 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains several amendments which past experience has shown to be desirable in the administration of the Transport Commission Act.

The definition of "officer" is to be amended to include an officer of the newly constituted Road Traffic Authority. This will enable officers of that authority to assist in inquiries should the occasion arise.

It is also proposed to amend the interpretation of the term "omnibus". An omnibus is now defined as "a motor vehicle used or intended to be used . . . to carry passengers at separate fares". This excludes vehicles which carry passengers on a "charge per mile" basis, which is not contributed to by the passengers individually. At present there is no legislative control over the operations of these vehicles, but they do have a place in the conduct and economy of organised tourist services, as well as on regular commuter services.

In the amended definition, the words "at separate fares" have been replaced by the words "for hire or reward". The present interpretation also conflicts with the provisions of the Taxi-cars (Co-ordination and Control) Act on occasions when taxis are authorised under that Act to carry passengers on a multiple hiring. It is considered that the control of taxis should be confined to the Taxi-cars (Co-ordination and Control) Act, whether they operate on normal hirings or on multiple hirings. For this reason, the amended interpretation excludes licensed taxis from the provisions of the Transport Commission Act.

A new provision will empower the commission to borrow money, subject to the approval of the Treasurer. Experience has shown that without this authority, expenditure of a capital nature, such as the provision of office accommodation and other facilities, has had to be met from annual revenue. This has had the effect of concentrating the whole expenditure of any project as a debit against the income of one year, or of two years at the most.

To avoid undue charges against any one year, it has been necessary in the past to carry out office extensions on a piecemeal basis by a series of small contracts spread over several years, which has caused overall undue delays and inconvenience. The more economic and satisfactory method of letting a single contract when extensions are needed is preferable.

By raising loans to cover items of capital expenditure, the cost could be spread over a number of years, in preference to burdening the resources of the lesser period.

I now turn to section 21 of the Act, which prescribes the maximum fees which the commissioner is authorised to charge for licenses. For the most part the fees charged have always been below the maximum prescribed by the Act, even

though increases have been necessary from time to time to cover rising administrative costs. The commission has no control over increases in such costs as salaries and wages, motor vehicle maintenance rates, printing and stationery, electricity, and so on. These items have increased so much in the past few years that the present limit of $1 per 50 kilograms of the gross weight of a vehicle, which has remained the same since 1933 and is not related to present money values, no longer enables adequate coverage of administration costs.

Having regard to the future, the Bill proposes increasing the limit from $1 to $2 for each 50 kilograms of the gross vehicle weight.

If the amendment is agreed to, it will have no immediate effect on the present license fees for the majority of vehicles. It is only at the upper levels of the scale that the existing limit of $1 is inadequate.

The proposed increases in the maximum fees chargeable are related only to commercial goods vehicles. In the case of the omnibus and aircraft, fees are based on a percentage of the gross earnings and are automatically increased as fares are increased to cover rising costs from time to time.

Section 35 of the Act, as now written, provides that applications for commercial goods vehicle licenses must be in writing. It has been the practice for operators to seek approval by telephone to operate, so it is now proposed legally to empower the commissioner to issue licenses retrospectively so as to remove any doubt as to the existing practice of the commissioner providing such convenience to transport operators.

Under section 49 of the Act, the driver of a vehicle is required to supply an inspector, on request, with certain particulars, including his name and address. On occasions some drivers give their address as a post office box number or "care of" some service station which they occasionally patronise. This does not always enable the driver to be contacted when necessary.

The amendment proposes to replace the word "address" with "place of abode" and this is considered to be quite a reasonable requirement.

It is intended to add two new subsections to section 50 of the Act. This section makes the driver and owner of a vehicle guilty of an offence where goods are carried without the requisite license, or where goods are carried in excess of what the license authorises. It provides that fines shall not exceed $100 for a first offence, $200 for a second offence, and $400 for any subsequent offence.

In practice, maximum fines are seldom imposed by the courts and it frequently happens that the amount of a fine plus any costs ordered against a defendant are less than the amount of fees he has evaded by not obtaining a license or permit. The existing provision is an inducement to some operators to run without a permit to save money, yet involving the Transport Commission in extra work and cost.

Under some legislation—for instance, the Road Traffic Act and the Road Maintenance (Contribution) Act—the courts are empowered to order payment of fees which have been evaded. The amendment proposed in clause 6 seeks to make a similar provision in the Transport Commission Act, while the amount of fines or orders for payment of fees would still rest on the judgment of the court.

Section 62 of the Act authorises the disbursement of moneys derived from license and permit fees which have been paid into the Transport Commission fund. These are defined as—

> administration costs, including contributions to the superannuation fund; and
>
> subsidies to assist transport services or to provide omnibus shelters.

The section further provides that any surplus funds remaining at the end of each financial year shall be distributed to statutory authorities for expenditure on roads. In the case of aircraft license fees, the surplus is retained in a fund from which grants may be made as necessary for the improvement of aircraft landing grounds.

During the year ended the 30th June, 1975, due to the state of the economy, there was doubt as late as May, 1975, as to whether or not the Transport Commission would have sufficient funds to meet its administration costs. Fortunately, there was a slight improvement in revenue, although the full impact of rising costs of a year's trading has not been felt. There was a small surplus for the year ended the 30th June, 1974.

Failing some material improvement in the financial position in the future, recourse may be necessary to further increases in license and permit fees, but it is desired to avoid this if at all possible.

Over the past 10 years the Commission has distributed surplus moneys totalling over $1.7 million. Had a portion of this sum been held in reserve, the present financial difficulties would have been contained, and the need to increase license fees could have been delayed.

The amendment now proposed comes too late to assist the position for 1974-75, but it will, in future, enable the retention of portion of any future surplus in an equalisation fund to cover financial deficiencies, and so reduce the need to increase license fees.

The amendment defined in clause 8 of the Bill seeks to empower the Treasurer

to authorise retention of any portion of future surplus for the purpose I have explained.

The final clause of the Bill proposes to amend the second schedule of the Act to provide an increase in the maximum license fees to be paid for trailers and semi-trailers.

Earlier, I pointed out the reasons for the proposed amendment of section 21 to increase commercial goods vehicle license fees from $1 to $2 per 50 kilograms of gross vehicle weight. Section 21 relates to rigid vehicles. The second schedule of the Act makes a similar provision for the maximum license fees for trailers and semi-trailers. For the same reasons, the new scale now proposed would raise the maximum level to approximately twice the amount provided in the present Act—which has not been changed, except for metrication, since it was originally enacted in 1933.

The Minister for Transport is confident that the measures outlined will facilitate the efficient administration of the Transport Commission Act, and I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan) [9.15 p.m.]: The Minister, in his second reading speech, has explained the Bill in detail. Therefore we agree with it in principle and detail, and wish the measure a speedy passage through this Chamber.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Honorary Minister) [9.18 p.m.]: I move—

> That the Bill be now read a second time.

This Bill proposes to amend the Motor Vehicle (Third Party Insurance) Act to reconstitute the membership provisions of both the Motor Vehicle Insurance Trust and the Premiums Committee.

The necessity to alter slightly the composition of these two bodies has been brought about by the fact that the organisation known as the Fire and Accident Underwriters' Association of Western Australia has now gone out of existence, whereas the parent Act provides for nominees of that association to be members of both the trust and the Premiums Committee.

Section 3A of the Act currently provides for the Motor Vehicle Insurance Trust to comprise five members, as follows—

> One to be the General Manager of the State Government Insurance Office;
>
> Three to be nominees of the Fire and Accident Underwriters' Association;
>
> One to be the nominee of those participating approved insurers which are not members of the Fire and Accident Underwriters' Association.

The Bill accordingly proposes the amendment of subsection (3) of section 3A, by deleting the reference to the three nominees of the Fire and Accident Underwriters' Association, and increasing the nominees of participating approved insurers from one to four. The membership of the trust will thus continue to be five.

A consequential amendment is also proposed to subsection (4) of section 3A to allow the Governor to appoint any person as a member of the trust as representative of the participating approved insurers in cases where no nomination, or insufficient nominations are made.

Section 3B of the Act, dealing with the term of office of nominated members of the trust, is to be repealed and re-enacted. Under the existing provisions of section 3B, each of the four nominated members hold office for a term of three years, with the three members representing the Fire and Accident Underwriters' Association retiring in rotation.

The re-enacted section will provide for the four nominated members to hold office for a term of four years, and provision for these four members to retire in rotation.

It is proposed to define the term "nominated member" so that it is clear that those provisions which deal with a "nominated member" of the trust refer also to a member who has been appointed by the Governor, in a case where no nominator, or insufficient nominations have been forthcoming.

A new section 3BA, makes transitional provisions to allow existing nominated members to continue in office. It makes provision—

> Firstly, for the four nominated members of the trust at present in office to be deemed to be nominees of participating approved insurers. This will allow these four members to continue in office notwithstanding that three were, in fact, appointed as nominees of the Fire and Accident Underwriters' Association;
>
> Secondly, for the terms of office of each of these four nominated members to continue until they would have expired under the provisions of the Act as it presently stands; and

Thirdly, for one of the two members appointed to fill vacancies which will occur in 1976 to hold office for three years and the other for four years. Thereafter, there will be only one vacancy each year, with each member being appointed for a four-year term.

There is a consequential amendment to sub-section (2) of section 3G, dealing with the replacement of members whose offices are vacated other than by effluxion of time—for instance, by death or resignation.

Section 31 of the principal Act provides for the appointment of a Premiums Committee of six members, including one nominee of participating approved insurers, and one nominee of the Fire and Accident Underwriters' Association.

This section requires amendment to exclude a nominee of the Fire and Accident Underwriters' Association from membership of this committee. The Bill also increases the representation of participating approved insurers from one to two members, so that the complement of the committee will remain at six.

I commend the Bill to the House.

THE HON. S. J. DELLAR (Lower North) [9.21 p.m.]: Let me assure the Honorary Minister that we have no intention of opposing this measure. As he explained in his second reading speech its sole purpose is to amend the Motor Vehicle (Third Party Insurance) Trust Act as a consequence of a body known as the Fire and Accident Underwriters Association of Western Australia going out of existence. It has therefore been found necessary to make certain amendments to the principal Act so that the composition of the Motor Vehicle Insurance Trust will remain at five members, and also that the membership of the Premiums Committee will remain at six.

I think the majority of the action in the Bill is contained in the first three clauses, the remainder being more or less consequential and machinery clauses, and I have no hesitation in supporting the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Honorary Minister) [9.25 p.m.]: I move—

That the Bill be now read a second time.

This Bill is introduced to amend that section of the Town Planning and Development Act dealing with the procedures governing town planning schemes. Principally, it affects two aspects of the regulations: advertising costs and the validity of town planning schemes.

On the first point, the Bill proposes a simple amendment to enable a local authority to recover the costs of advertising an amendment to its town planning scheme where the amendment has been made at the specific request of a landowner. Local authorities have requested this measure because of the heavy increases in advertising charges, and the large number of requests from owners for amendments to change the zoning of their land. It is considered that it is reasonable to allow councils this recoupment, bearing in mind also that there are cases where there is a distinct advantage to a landowner who has successfully requested a rezoning of land from one use to another.

The second objective of this Bill deals with the validity of town planning schemes. Members may know that the West Perth town planning scheme was challenged because it was found that the declared period of objection was, in fact, one day short of the three-months period statutorily required under the town planning regulations. Legal opinion given to the Perth City Council caused the withdrawal of the scheme.

For many years the dates relating to objection periods in such cases have been set at three months exactly from and including the first day of advertisement. In effect this has resulted in many schemes being advertised for one day short of the required period.

As the Act now requires town planning schemes to be reviewed at intervals of not less than five years, the appropriate action is to validate those schemes already operating. Considerable difficulties could result, both from the point of view of landowners, and councils, if existing schemes were successfully challenged. I would, however, add that any deficiency caused by the shortfall is probably more apparent than real, and in any case would be corrected when the schemes are revised.

This amendment, therefore, proposes to validate all town planning schemes, and any subsequent amendments to such schemes, adopted before this amending Bill passes into an Act.

The Bill provides that those schemes, or amendments thereto, shall not be regarded as invalid for any of the following reasons—

(i) That, in the notice issued by the Town Planning Board, the stated period during which objections may be lodged was shorter than it should have been;

(ii) that the responsible authority did not accept for consideration any objection even though it was made on or before the earliest date the Board could lawfully have specified as the expiry date of the objection period; and

(iii) that a copy of the notice notifying people of their right to lodge objections was displayed for a shorter period than that prescribed by the regulations then in force.

It will be agreed generally, I am sure, that it would be most undesirable if any town planning schemes were invalidated because of little more than a technicality, such as the miscalculation of one day in defining a three-months period. The consequences of such invalidation could be costly in time because of the need to re-submit schemes and to re-introduce the three-months objection period.

The consequences might be even more costly in money if councils and their officers became the subject of litigation because of their actions, and it is no exaggeration to say that planning could be set back many years in some areas.

Arising from an understanding given by the Minister for Town Planning during the third reading stage of this Bill in another place, I feel I am in a position to foreshadow further amendments being proposed in this House with a view to limiting to a period of a few days past irregularities in the timing of objection periods which this Bill proposes to validate.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

THE HON I. G. MEDCALF (Metropolitan—Honorary Minister) [9.29 p.m.]: I move—

That the Bill be now read a second time.

This is another Bill, the aim of which is to clarify certain aspects of the town planning Statutes. In this case, the Bill's provisions relate only to the metropolitan region. The main objectives come under four headings—

(i) Procedural.

(ii) Validation of planning schemes and amendments.

(iii) Agreements with landowners under improvement plans.

(iv) Public representations on planning schemes and amendments.

In dealing with the procedural provisions, though the purpose is quite simple, the explanation is somewhat technical. In the principal Act, sections 31, 32, and 33 set out the procedures to be followed in the making of the metropolitan region scheme and amendments to it.

The metropolitan region town planning scheme came into operation in October, 1963 and this means that, to some extent, section 31 is no longer operative. The technicality that arises is that section 33—which deals with amendments to this important scheme—refers to the procedures which are set out in section 31, and there has been some difficulty in relating these procedures to current circumstances.

It is therefore proposed to clarify the situation by explaining, in schedule form, what modifications should be made to section 31 when making amendments under section 33. There are also some further aspects relating to other matters to which I shall refer when I come to the fourth heading.

The second main objective of the Bill deals with the validation of the metropolitan region town planning scheme, and any amendments made to it. These provisions are similar to those contained in the current Town Planning and Development Act Amendment Bill.

That amendment is considered necessary because of legal advice that the West Perth town planning scheme had not been advertised for the stipulated three months. For many years the three-months period for objections referred to in advertisements of planning scheme proposals had included the day of advertisement, with the result that many schemes had been advertised for one day short of the required period.

This Bill similarly proposes to validate the 1963 metropolitan region town planning scheme, and any subsequent amendments to it where the objection period has been incorrectly stated.

The third objective of this Bill relates to agreements with landowners under improvement plans. The amendments are related to section 37A of the Act and arise from queries raised about agreements prepared on behalf of the Metropolitan Region Planning Authority under the Kelmscott improvement plan.

In its original form, section 37A required that all land within an improvement plan area should be acquired by the MRPA. In dealing with the Kelmscott improvement plan, an amendment was introduced to allow the MRPA to enter into agreements with the landowners. There were two reasons for this: one was economic, and the other arose from owners being willing to co-operate in a joint development.

In the light of that experience, it is now thought desirable to make a further amendment to section 37A which will

clarify the circumstances in which the MRPA may enter into agreements with owners. The amendment will also validate any existing agreements, remove any uncertainties, and specify the matters which may be covered by such agreements.

In turning to the fourth objective of this Bill, some new ground is opened up. Members will be familiar with the phrase "objection period" in relation to town planning schemes, and amendments to them. It was apparently assumed, when the principal Acts were drafted, that there would be objections only to planning proposals, as no provision was made for submissions from people who might favour such proposals.

This has made possible a situation where someone who supports a particular planning proposal may be disadvantaged in the event of the planning authority changing its ideas and acceding to the wishes of objectors.

As matters now stand, with only objections being invited, the MRPA may vary a scheme, after having heard only the arguments of objectors and, as already posed, such a variation may possibly be to the disadvantage of people who favoured the original concept. However, because the legislation has not provided a procedure for the supporters to make submissions, their opinions remain officially unknown to the MRPA which, conceivably, had it become aware of the support for the original proposal, might have adhered to it.

There has been a growing body of opinion which considers that supporters of a scheme or amendment should also be given the right to make submissions. The purpose of advertising a scheme or amendment for three months is to give people the right to have a say in local planning, and it is only just that opinions in favour of a proposal be invited, and not merely the opinions in opposition.

This amendment—which appears in the clarifying schedule to which I referred earlier—provides for equal rights. The word "objections" is replaced by "submissions" and therefore requires the MRPA to consider all submissions lodged regarding a proposal. It further provides that the authority shall not uphold an objection until it has given every person who has lodged a submission supporting the proposal in question an opportunity to be heard in support of the proposal.

It is considered that these amendments, besides recognising representations that have been made for broadening the base of submissions, are more in keeping with present trends in public interest in planning issues.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

BUILDERS REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th September.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [9.35 p.m.]: The Builders Registration Act has had a long and chequered career and it is interesting to relate some of its history and to consider the number of amendments which have been made to it from time to time. The volumes on the desk in front of me contain a few of the amendments made over the years.

From my reading it seems to me that the purpose of the amendments has been to try to establish a satisfactory set of rules under which builders can be registered and controlled by the board, but it is quite obvious that a completely satisfactory set of rules has still not been compiled because here again we have another amendment to the Act.

I am not one of those people who can become terribly worked up over the Act one way or the other; indeed I am not exceedingly sure that I agree with the existence of the Act. I am not certain it has done very much at all in the interests of the community. However, whether or not I am wrong in that though, does not matter because the fact is that we have a Builders Registration Act and it is not my intention to oppose the Bill before us. I propose to make some comments about it and to offer suggestions in regard to some areas I believe require consideration.

Members must keep in mind that in 1961, as a result of an Honorary Royal Commission on which some members who are still in the Chamber served, a new-look Act was brought into existence. One of the things which that legislation did was to delete the provisions concerning "A"-class and "B"-class builders. We now have just registered builders and what is known as journeymen builders. Registered builders are those who were previously "A"-class builders and who can undertake any construction they desire.

On the other hand the journeyman builder has certain restrictions placed on him and he is in fact the person previously known as a "B"-class builder who could not qualify to become an "A"-class builder. He could build structures to a value of $20 000.

The Hon. N. E. Baxter: I don't think that is right.

The Hon. CLIVE GRIFFITHS: The Minister does not consider the figure is right?

The Hon. N. E. Baxter: No; the distinction between an "A"-class and a "B"-class builder.

The Hon. CLIVE GRIFFITHS: The journeyman builder is a person who was a "B"-class builder and he could not qualify

to become an "A"-class builder, but he still desired to continue in the building industry.

The Hon. N. E. Baxter: Generally "A"-class and "B"-class builders became registered builders with no distinction.

The Hon. CLIVE GRIFFITHS: Generally they did, but if someone was not able to qualify he became a journeyman builder.

The Hon. N. E. Baxter: That is right.

The Hon. CLIVE GRIFFITHS: However, that is not the point of the comments I intend to make. The journeyman builder is a dying race. Eventually there will be no journeyman builders because at the time the amendments were made in 1961 a journeyman builder either had to be studying or participating in the industry at that time. Consequently over a period of years the journeyman builder will gradually disappear.

It is in this respect that I believe we have gone wrong. There ought to be a clearly-defined provision for a person who may not want to build structures like the AMP building in town, but who simply wants to build a few cottages a year. He is a competent tradesman and does not want to build huge multi-storied projects, but that is the only person for which the Act provides at the moment. The registered builder is entitled to build any type of structure, but I am suggesting there is room for someone who does not want to build all those major structures, but who is content to build on a much smaller scale.

The Hon. N. E. Baxter: Under a restricted registration.

The Hon. CLIVE GRIFFITHS: Yes. Notwithstanding the fact that the majority of the Honorary Royal Commission's recommendations were built into the 1961 legislation—not all of them, but most of them—the Act has had to be amended frequently and we are amending it again now. We must also bear in mind the tremendous changes which have taken place in the building industry since 1961 and the completely different techniques and technology used these days in comparison with those used in 1961. Therefore, I believe we should do the exercise all over again and have a Select Committee again study the whole industry. It should keep in mind my suggestion about a restricted license.

Under the Act it is against the law for certain people to build a structure which is valued at more than $2 400. That provision was inserted in 1961. I would like the Minister to consider this aspect and indicate when he replies whether he would be prepared to accept an amendment, or move one himself—I am not terribly fussy about who does it—so that that value of $2 400 could be increased substantially to, say something like $15 000.

Bearing in mind the different values which existed in 1961 as compared with those of today, I do not think that would be an unreasonable figure. The $15 000 is a figure I have plucked out of the air at this moment. I would be just as happy if it were $20 000 or perhaps $10 000, but $15 000 seems to be a reasonable figure which would perhaps cover the cost of a small, modest house. There are many competent building tradesmen who are able to do this work but are precluded from doing it under the present registration legislation. So I ask the Minister to check with the Minister who administers this particular Act and inquire whether he would be prepared to accept such an amendment. I will not move it for the sake of moving it. If the Government is not prepared to do it I would be wasting the time of the House.

The Hon. I. G. Medcalf: Do you mean to expand the limits of unregistered builders or create a new class of journeyman builders?

The Hon. CLIVE GRIFFITHS: I am suggesting both, but that prior to creating this new restricted registration we increase the $2 400 for unregistered builders. If it was good enough in 1961 for an unregistered builder to build a structure worth £1 200 or $2 400, it is reasonable to say in this day and age the same person should be able to build a structure to a value in the vicinity of $10 000 or $15 000.

The Hon. N. E. Baxter: Was that not a minimum figure?

The Hon. CLIVE GRIFFITHS: No, it was the maximum. It is an offence for an unregistered builder to undertake building work over the value of $2 400. We are upgrading and altering several matters and we are enlarging the range of people who can be registered under this legislation. I do not think my suggestion would be controversial, and the Government should accept it.

My first suggestion is that we should have another Select Committee to look into this legislation because I think it is a mess. It is hopelessly inadequate to cover the building industry as it exists today.

The Hon. N. E. Baxter: The $2 400 was intended for repair work and small additions to houses. I agree that figure could be increased. They need not register but they could carry out work up to the higher figure because of the changed values.

The Hon. CLIVE GRIFFITHS: That is the point. It will probably permit people to do only work which is equivalent to the work they could do in those days. Another aspect of this matter is that the technology of building has changed dramatically over the years since 1961. Today, so much of the work is pre-cut—roofs, for instance—that I could practically build a house these days. I think we

should make provision for people who could do that kind of work.

The journeyman builder is the type of person about whom I am thinking, and I see Mr Claughton has on the notice paper an amendment to increase the value of the work the journeyman builder can do. I intend to support that particular amendment, which increases the amount from $20 000 to $30 000. I think it is a reasonable increase, bearing in mind that it does not alter the intention of the Act. All it does is attempt to keep pace with inflation. I would have thought we could talk about $40 000 for the journeyman builder, but $30 000 is at least going some of the way. If it was competent for that type of person to build a structure to the value of $20 000 in 1961, it should be competent for him to build a structure to the value of $30 000 these days.

The Hon. R. F. Claughton: It was increased to $20 000 in 1968 or 1970.

The Hon. CLIVE GRIFFITHS: I do not know about that, but I accept what the honourable member says. I am supporting the principle of increasing that particular figure. I might say it is the only one of his amendments I have any intention of supporting.

I am completely in favour of the amendments which will enlarge the scope for registration because there are people who are competent builders, who in most cases have been in the industry all their lives, who have been charged with ensuring buildings were erected to specifications, and who have supervised them from start to finish. If those people are not competent to be registered as builders, nobody is, in my opinion. Mr Claughton went to great lengths to explain why he was opposed to this particular provision. I tried unsuccessfully to get in a couple of interjections to point out to him that he was reading the new item (V) and seemed to be stopping after the word "supervisor", because the provision goes on to say—

> . . . and satisfies the Board that he is fit and competent to carry out building work,;

That is the safeguard to cover the area about which Mr Claughton was concerned. He is not a person in the position of manager who sits in an office all day and is not competent to be a builder. The provision says not only must he have had five years' experience as a manager or supervisor but he must also be able to satisfy the board he is a fit and competent person to carry out building work. Surely that is what building registration is all about—being competent to carry out building work. I certainly go along with that provision.

It goes without saying that the other additions to the qualifications are designed to protect the industry and also to look after the individual who is qualified in the respect set out in the Bill.

One area of the Bill about which I am a bit concerned is clause 3, in which it is proposed to delete the words "a dwelling house or a building comprising two dwellings on ground level". I am not very happy about this provision because I think there are some complications associated with it. Other members who have made a much more detailed examination of this particular provision than I will have more to say about it, so I will not pursue it at this stage except to say I am not very thrilled about this prospect because I think it will do something the Government does not really intend it to do.

If we are going to have builders' registration, I think clause 11 is a very desirable addition. Indeed one of the matters which over the years has made me unhappy about the whole of the builders' registration system is that the board did not seem to have any power. If one took to the board a complaint about a builder who was not registered, the board could not do anything about it. This clause rectifies that situation. Where the board is of the opinion that faulty work has been carried out by somebody who is not a registered builder, the board will have authority to take action to have the work remedied on behalf of the owner. That is a very desirable addition which was not previously in the Act.

Clause 12 also took my notice. It says in effect that if people make frivolous complaints about builders, for whatever reason, the board will be empowered to say so and to charge such persons reasonable costs for investigating the frivolous complaints.

One particular matter which is not contained in the Bill or the Act, and which I think is very important if we must have builders' registration, is giving the board authority to take action against registered builders who have deviated from the plans and specifications presented to them by owners.

The Hon. W. R. Withers: He can make a complaint.

The Hon. CLIVE GRIFFITHS: Yes, he could make a complaint, but the board has power to take action only if it finds faulty workmanship has been carried out. It has no power to act when it finds that the work has been carried out in a tradesmanlike manner, even though it may not comply with the plans and specifications. I have complained about this provision ever since I have been in Parliament.

The Hon. I. G. Medcalf: Has the board ever refused to take action? Do you know of any cases where it has refused?

The Hon. CLIVE GRIFFITHS: The board cannot take action, because the Act does not give it authority to take action. I do know of specific cases where the board has refused to act. If the structure has been constructed in a tradesmanlike

manner, despite the fact that a lounge-room which was supposed to be 11 ft. wide is only 9 ft. 6 in. wide, the board cannot act.

The Hon. T. Knight: That is a case for the local council.

The Hon. CLIVE GRIFFITHS: Well, it is a case for somebody. I suggest that the owner could take action through the civil courts.

The Hon. R. Thompson: It is a civil matter; I have hammered this for years.

The Hon. CLIVE GRIFFITHS: I know it is. I am saying that we have a Builders Registration Act which purports to protect the community from unscrupulous builders, yet one of the most important aspects of building—that of compliance with the client's plans and specifications—is left unprotected.

The Hon. R. Thompson: I agree with you 100 per cent.

The Hon. CLIVE GRIFFITHS: This is another reason that the entire Act should be burnt, and we should start again. I recall the good work performed by the Select Committee which subsequently became an Honorary Royal Commission back in the 1960s. Perhaps now, 16 years later, in view of the changes which have occurred in building techniques and technology over that period, it is time to start again.

Perhaps what was pertinent in 1961 is no longer pertinent in 1975. A complete inquiry into these matters could bring about a more complete implementation of these things which we add to the Act, year after year. I have been in this Parliament for 10 years and it seems to me that, every couple of years, we amend the Builders Registration Act. We are covering up loopholes which appear from time to time somewhere along the line.

The Hon. I. G. Medcalf: You could say that about a lot of Acts.

The Hon. CLIVE GRIFFITHS: That is true, but I must confine my remarks at this stage to the Builders Registration Act.

The Hon. G. E. Masters: Has it taken you 10 years to reach this decision, or have you come to this conclusion along the way?

The Hon. CLIVE GRIFFITHS: I have argued this point for years. In the main, I go along with the Bill. I suggest that clause 3 should be examined and I ask the Minister to check the point I made in relation to increasing the present value limit at which a building can be constructed by an unregistered builder, with a view to increasing the limit. I want an examination made of the proposition to provide for restrictive registration for people who do not want to be "A"-class builders or registered builders.

I do not think there is a great deal more I can say at this stage. I had a great deal of difficulty hearing Mr Claughton, and when I asked him to speak up he made some rude remark about the state of my ears, which nearly earned him a clip over his.

The Hon. S. J. Dellar: Probably there was too much chatter on your side of the Chamber.

The Hon. CLIVE GRIFFITHS: I suffer from poor hearing, unfortunately, and I could not hear Mr Claughton. However, I believe he was referring to the apprentices in the building industry. The Minister for Labour and Industry recently announced the Government's proposal to introduce an industrial training Bill to provide for apprenticeship schemes in trades like plumbing, carpentry, and painting. I certainly commend that action because, with changes in technology, it is not a practical proposition to employ apprentices in the building industry today.

The system put forward by the Government will facilitate the training of apprentices and continuity of employment and improved facilities will be provided for appentices.

Mr Claughton also has an amendment on the notice paper designed to extend the provisions of this Act State-wide. I simply say that the Act already contains such a provision, and his amendment will merely do things the other way around. His amendment will mean that the Government can opt out of some areas, whereas the Act now says that the Government can opt areas in from time to time.

I am not in favour of extending the provisions of the Builders Registration Act until such time as we have an Act that is satisfactory to the industry. I am not convinced that this Act is satisfactory for this day and age, and I would not be prepared to support any move to extend its provisions outside the areas currently embraced by the Act.

The Hon. N. E. Baxter: There has not been a great number of amendments to the Act. This is the first amendment since 1970.

The Hon. CLIVE GRIFFITHS: That is only five years. We have had plenty of amendments to the Act.

The Hon. N. E. Baxter: No, not that many. Since 1961, a period of 14 years, there have been five amendments.

The Hon. S. J. Dellar: That is one amendment every three years.

The Hon. CLIVE GRIFFITHS: That may be so, but on each occasion we amend the Act it is not just one amendment but a great number of them.

The Hon. N. E. Baxter: Of course there are a number of amendments; we do not amend an Act by putting forward only one amendment.

The Hon. CLIVE GRIFFITHS: There are numerous amendments. Obviously, the Minister for Health is terribly pleased with the current Act and does not believe there is a need to upgrade it.

The Hon. N. E. Baxter: I did not say that; you said there were a lot of amendments.

The Hon. CLIVE GRIFFITHS: I believe there are quite a few amendments. However, I do not intend to argue the point. I will be interested to hear the comments of other speakers, and I will probably have something further to say on the various clauses during the Committee stage.

The Hon. R. F. Claughton: Before you sit down, I notice the figure of £10 000 was included in the 1961 Act. If I had known that, I would have suggested a figure of $40 000 instead of $30 000.

The Hon. CLIVE GRIFFITHS: Yes, I would have supported a figure of $40 000.

THE HON. T. KNIGHT (South) [10.10 p.m.]: Firstly, I should like to make it clear that I am a registered builder. I was registered in 1963, after eight years in business on my own, where I employed about 12 men. At that stage, I was studying by correspondence for builders registration. I had spent three years studying for the builders registration examination, when the grandfather clause was introduced, and I accepted the offer contained in the legislation and became a registered builder.

I am also an associate of the Australian Institute of Building. I notice that this Bill provides that registration will be granted to anyone who has passed the entry requirements of the institute. I believe this to be a good idea because it represents a rather stingent method of entry into the building industry.

I understand the Australian Institute of Building is endeavouring to establish a chair of building in Western Australia; I believe it has already established such a chair at the University of New South Wales. This would be of great benefit to the building industry.

Like Mr Griffiths, I agree with Mr Claughton that we should increase the value of work permitted to be carried out by a journeyman-builder. Back in 1961, at the time the Honorary Royal Commission was held and it was thrown open to builders to apply to become registered, I was building a particular type of cottage of about eight squares, the value of which was £1 500. At that time, an unregistered builder was permitted to undertake work to the value of £1 200. I believe that the same ratio should apply today, and an unregistered builder should be permitted to construct a modest type of home.

I refer now to the Bill, and to clause 7 (5). I honestly believe it is wrong to unload unqualified men onto the public and call them registered builders. I do not agree that supervisors should be permitted to become qualified, yet the Bill provides that anyone who has served five years in the building industry in this capacity can become a registered builder.

I believe the term "manager" is used correctly, because a manager works on quantities, costing, bookkeeping, site management and the hiring and firing of men. In other words he runs a building business. On the other hand, any supervisor who has ever worked for me used to turn up for work at 7.45 a.m. and receive instructions about what to do and how to do it, the materials to order and so on.

Perhaps the arguments have some relevance when applied to supervisors working on multi-storied buildings, where probably they are involved in reading plans and ordering materials, but I still do not believe they are properly qualified to run a business and be responsible for the work normally undertaken by the manager.

I have friends in Perth and the country who have undertaken up to seven years of study to become registered builders through the Builders Registration Act.

They have probably worked over supervisors who did not have the ambition or initiative to improve their station, but were only interested in picking up their pay on Friday and perhaps losing it at the races in the weekend. These other people spend a great deal of time to attend night classes, to study, and to pass examinations. Some take up to seven years to pass the examinations.

I think it is wrong to allow a person who has had no ambition to improve his future to come into the building industry and be registered. In his second reading speech the Minister told us that people coming from other States and other countries will fall into this category, because the State needed their experience.

In 1972 Queensland introduced Statewide registration of builders, and this was based on the Western Australian scheme. In 1971 New South Wales did the same thing, and registration was similarly based on the Western Australian scheme. This year South Australia introduced an overall registration and licensing scheme under which people employed in construction and subcontracting in the building industry had to obtain some type of license. In 1958 Victoria brought in a licensing system governing the building industry, under which people with an approved background in the building industry became eligible for a license to build. I understand that Tasmania is looking at the registration and licensing of builders, along the lines of the Western Australian Builders Registration Act.

The Hon. Clive Griffiths: Tasmania should look at our Act quickly before we change it.

The Hon. T. KNIGHT: People from other States desiring to become registered in Western Australia should have to prove their background and experience, otherwise we could have supervisors, foremen, concrete-forming workers, and builders' labourers from other States claiming they had the necessary experience and wanting registration. It would be unfair to grant them registration.

The Hon. I. G. Medcalf: They would have to satisfy the board.

The Hon. T. KNIGHT: I realise that such a safeguard exists, but the granting of registration depends on what the applicant tells the board. Often the board does not ask for proof; if the board does want proof some applicants will say the proof is in the States from which they came.

The Hon. I. G. Medcalf: Are you saying the board does not make inquiries?

The Hon. T. KNIGHT: The Act does not prescribe what inquiries the board shall make. Sometimes the inquiries by the board can be fobbed off by a smart talker applying for registration.

The Hon. Clive Griffiths: The board is as hard as nails.

The Hon. T. KNIGHT: I understood the member to say the board was too soft. It has been claimed that this Bill will bring about a closed shop in the building industry. How can such a claim be sustained, when any person can study and pass the required examinations to become a registered builder? How can it be said that this is a closed shop when such a facility exists?

As I see it the Builders Registration Act is designed to protect the public and the building industry. As I have said on numerous occasions previously we should look into the extension of the Act. I understand that a Government Committee is now considering the extension of the Act, and something might come from its efforts. If we open the flood gates and allow supervisors, overseers, and others to become registered builders we will have chaos in the industry.

The Hon. I. G. Medcalf: Under the Bill we are not allowing anybody to become registered builders. Under the existing Act people can become registered provided they satisfy the board. We are now talking about the supervisors and managers.

The Hon. T. KNIGHT: I do not believe the gates should be thrown open. The public deserve to be provided with fully-qualified builders to carry out building work. I suppose the biggest single outlay of a person in his lifetime is in the acquisition of a home; I do not consider the purchase of a car is as important an outlay. For that reason home buyers should be protected, in view of the size of their investments. If we allow the butcher, baker, and candlestick maker to come into the industry, where will they get this protection?

The Hon. Clive Griffiths: The protection is found in the provisions in the Bill.

The Hon. T. KNIGHT: The honourable member has said that he did not believe in the Bill and that it ought to be scrapped. He should not say one thing on one occasion, and then the opposite when he interjects. I do not think that the proposed amendment to section 4A will comply with the requirements for the building of a single-storey building.

I understand that at the present time a person is permitted to build a home for himself once every two years. In most localities people look for sloping sites so that they may build garages under their houses. This will prevent many people from building their homes, because such structures constitute two storeys. I know that one member in this House has some information on this aspect, and I shall leave him to deal with it.

The provision in clause 4 will take away the right of a person to build his own home. We should bear in mind that a home builder is using his own money, he is limited to what he is permitted to build, and the work comes under the supervision of the local authority. Furthermore the home builder has to comply with the Uniform Building Bylaws, and the approved plans and specifications.

I cannot see how a home builder can change the size of the passage in his house from 18 ft. x 6 ft. to 22 ft. x 8 ft. without the shire taking action against him for contravening the approved plans. It is not only the Builders Registration Board which exercises supervision.

I refer to the provision in clause 7 (b) which seeks to repeal subsections (1a), (1b), and (1c) of section 10 of the Act. If ever the provisions of the Act are extended, I suggest this part of the Act should be retained. The only change that needs to be made is in the year "1961". The year should be changed to the year to which the Act is extended.

If we agree to the repeal of the three subsections I have mentioned and the Government decides to extend the coverage of the Act, it will have to reintroduce the provisions it is seeking to delete or include similar ones to achieve the desired purpose.

Looking at the provisions in the Bill and the sections of the Act we find that many alterations are required. For that reason I believe the Act should be repealed and rewritten. I find it contains too many anomalies, and I believe in all honesty that it would be in the best interests of the people, the builders, and the Government to rewrite it.

The Hon. S. J. Dellar: Do you think its provisions should be extended to cover electricians?

The Hon. T. KNIGHT: I have brought this point up over the years. The Government insists that plumbers be licensed,

because they are controlled by a Government department. Similarly electricians should be licensed, because they also come under a Government department. However, there is an anomaly. A person who is supposed to be at the top of the industry can be disadvantaged by the inclusion of a provision to enable anyone to become registered in the industry. As the Act has not been extended to country areas, a person who fails to obtain registration in the metropolitan area can pack his tools and operate in the country. Under the grandfather clause he can obtain registration subsequently and return to the metropolitan area. I know of many cases where unregistered builders have gone into country areas, where contracts have been called for certain projects. Before long those builders slash thousands of dollars from contracts, to the detriment of the local builders. Often after six months they find they cannot carry on or they go broke, and the local builders have to fill the needs of the people, often at the expense of the client. This sort of thing will not happen with the extension of the coverage of the Act.

If the Act applies to the metropolitan area it should also apply to the country; and if the Government does not believe it should be extended to cover the country then the Act should be scrubbed. I understand that at present a Government committee is looking into the Builders Registration Act and the extension of its coverage. I hope some recommendation will come forward for an extension of the Act, although it may be on a trial basis.

With those comments I support the second reading.

THE HON. I. G. PRATT (Lower West) [10.26 p.m.]: I rise to express my disquiet concerning the provisions in clause 3(a) and clause 4(a). These provisions have been mentioned briefly by Mr Clive Griffiths and Mr Knight. My reason for rising to speak is that I have concern for the person who wishes to build his own house, and who has the drive and the initiative to do so.

In the past such a person has been permitted to construct a dwelling for himself. In his second reading speech the Minister referred to a dwelling as one consisting of a basement, ground floor, and one or more floors above. Up to this stage an owner-builder has been able to construct such a house, and I know of many cases where such houses have been constructed satisfactorily.

There is today on the market a wide range of prefabricated dwellings which an owner-buyer can purchase, and by erecting the dwelling himself he can save a lot of money. Recently we have seen advertisements in the newspapers offering prefabricated houses for $8 000 unassembled on site, and for $13 000 to $14 000 erected by the company. If a person wishes to erect the house himself he can save $5 000 or $6 000. Many people in the metropolitan area have chosen to construct these prefabricated houses.

In his second reading speech the Minister also told us that one amendment in the Bill was designed to make this clear. He said—

> The Act at present does not make this clear, as it refers to a dwelling house, which may consist of, say, a basement, ground floor and one or more floors above, and in the case of the duplex it refers to "on ground level" which is of indefinite interpretation.

I feel the Act does make this clear, because it provides that a person may construct a dwelling house which may consist of a basement, ground floor, and one or more floors above. It is clear that if a person builds a duplex, the structure could be on one level only. In actual fact the Bill does not clarify the existing provision; it introduces an entirely new provision. I am concerned about this and I have endeavoured to find out the reason why the amendment has been included in the Bill.

Today I spoke to an officer who was a party to the advice which led to the insertion of this amendment in the Bill. I queried the reason for its inclusion. In his second reading speech the Minister said if a two-storied house was constructed there was every likelihood that the completed structure would be defective. I questioned this officer and asked him in what way such a building was likely to be defective.

The answer I received was that there had been some problems in the past with owner builders, or unregistered builders, who had constructed suspended concrete slabs for the floor of the first storey of a building. I queried whether there were any other problems, and I was told there were no problems apart from an unregistered builder constructing a concrete slab.

I put the question that this would not apply to the owner builder who wanted to build a two-storied house with a wooden floor and I was told the problem would not arise. I asked whether the problem would arise in the case of a prefabricated two-storied house and I was told there was no problem. I then queried whether the problem could arise in a Cape Cod type of house, where the rooms are under the roof, and I was told that no problem would arise.

I asked whether any problem would be experienced in the most simple form of structure—an "A"-frame building—and I was told the problem does not arise. So, it appears we will stop the owner builder

from constructing a two-storied house—which the average person with any dexterity can do—just because some people have had problems in constructing suspended concrete floors.

If we are to go along with this sort of restriction on an individual, who has the right to use his natural ability and skill, we are deviating from the way of life we enjoy in this country. We will restrict scores of people and stop them from doing a worth-while service for themselves and their families just because of an isolated case here and there where something has been done incorrectly.

In actual fact, if it is the intention to control this particular issue of suspended concrete floors, it is only necessary to require that the slab be designed by an engineer. In many cases that is exactly what is done. It is only necessary to require that a survey by an engineer be lodged with the shire council, or the authority which supervises the building.

By that method we could overcome this problem and there would be no need whatsoever to place this unwarranted and unwanted restriction on people who have the ability and the enterprise to benefit themselves and their families by building their own homes.

I have asked the Minister to give serious consideration as to whether these clauses have any place in the Bill. If we agree that an individual should have the freedom to do something for himself we cannot, in any circumstances, go along with this particular amendment.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [10.33 p.m.]: I can support some of the views put forward by the Hon. Clive Griffiths and the Hon. T. Knight because I share many of the fears which they have expressed with respect to the registration of builders.

When the Act was introduced I was under the impression it was for the benefit of the home owner but, of course, the Act now is for the protection of the builder. We have reached the stage where we do not know where we are going because all types of people are now in the building industry, contrary to the intention of the legislation when it was introduced.

The original intention was that builders had to pass an examination to become tradesmen. Of course, they did not have to build to plans and specifications until some years ago when they had to comply with uniform building by-laws.

On numerous occasions I have instanced cases of people entering the building industry and I return, once again, to the classic of my hairdresser who sold his business and started to build. He is still building but he uses somebody else's ticket. He had no experience whatsoever, but has been building for about eight or 10 years.

The Hon. Clive Griffiths: Then he has eight or 10 years' experience.

The Hon. R. THOMPSON: I have mentioned my former barber previously, and the story is not funny any more. We then move to the other situation where many builders have been working under a license issued to another person. Some of the biggest builders in the metropolitan area—and they put up some beautiful buildings—are not registered and are working under somebody else's ticket. As a matter of fact, the Builders Registration Board keeps a register of people who work under the names of registered builders.

The registered builder usually receives 1 per cent of the cost of a home, but in recent years he has been made responsible for the supervision of the building and, as a result, he can be sued in the event of faulty workmanship.

Quite a number of builders are still unregistered. I am aware that the Minister does not intend to reply to the debate tonight, but I wish to refer to item (V) of clause 7, which reads as follows—

> (V) although not having complied with the requirement of item (I), (II), (III) or (IV) of this subparagraph has nevertheless had five years' experience in the work of building construction as a manager or supervisor and satisfies the Board that he is fit and competent to carry out building work, ;

Will that mean that my former hairdresser, who has been building for a number of years without any complaints having been made against him, will now be qualified?

The Hon. Clive Griffiths: My word!

The Hon. I. G. Medcalf: Provided he has been a manager or a supervisor.

The Hon. R. THOMPSON: Well, what will be his classification?

The Hon. I. G. Medcalf: I do not know whether it will be manager or supervisor.

The Hon. R. THOMPSON: He is a builder working under somebody else's ticket. I could reel off about 10 names of people who work exactly in that way, and they have been working that way for a number of years.

The Hon. Clive Griffiths: I would say that in the instance of your former hairdresser he would now be qualified to apply.

The Hon. R. THOMPSON: That is the type of question I want answered. I have previously raised objections to unqualified people building homes, or being represented by registered builders for the sake of expediency. In many cases the registered builders never go near the homes which are under construction, and probably would not know where they are being built. I want to know whether every builder who has worked under the registration of somebody else for a period of

five years will now be entitled to be registered. I do not want any provisos. If a builder has not had any complaints lodged against him, and he has a clean sheet, is there any reason why he should not be registered?

The Hon. Clive Griffiths: No.

The Hon. I. G. Medcalf: He has to satisfy the board.

The Hon. R. THOMPSON: Satisfy the board of what? That is what I want to know. He satisfies the board he is fit and competent to carry out building work. However, we have a huge pile of regulations. It is not the legislation which causes the trouble, but the regulations because these debar people who have proved their competency over a number of years from becoming registered. They could have built hundreds of homes, but because someone does not like them—and this has happened—they are debarred. I have made representations to the secretary on behalf of some people who have not been allocated a number. This is even since the legislation was enacted. Yet some of these builders are erecting our schools and have been doing so for years, but they are still not registered builders and are therefore out on a limb.

On the other hand, someone from the Eastern States who can prove his competency can come to Western Australia and although neither he nor his work is known here, he can become registered if he can satisfy the board as to his competency.

The Hon. I. G. Medcalf: That is why we are bringing in the amendment.

The Hon. R. THOMPSON: Before I support the Bill that is what I want confirmed. I also want further elucidation on the position of a manager or supervisor. If a person has been in the fortunate position of being a manager or supervisor he can make application, indicating for whom he has supervised or managed, and that no complaints have been received about the homes he has built. If he can satisfy the board in this respect, he can become registered, despite the fact that he might know very little about the actual construction of a home.

The Hon. Clive Griffiths: But he would have to satisfy the board that he knew something about it.

The Hon. R. THOMPSON: Would he?

The Hon. Clive Griffiths: That is what it says.

The Hon. I. G. Medcalf: Clearly.

The Hon. R. THOMPSON: He has to prove that he is fit and competent to carry out building work, but he has had no actual experience in the building industry other than as a manager or supervisor.

The Hon. I. G. Medcalf: It is the board's job to decide.

The Hon. R. THOMPSON: Of course the bricklayer or carpenter who wants to become a builder has to put in years of study at a technical school; I think it is the Leederville Technical School they have to attend. Mr Knight referred to this aspect. Despite the years of study, if a person is unable to answer a simple technical question, he is denied registration. I know this to be a fact because I know of one person who was asked the name of a piece of wood which went in front of a fireplace and he called it a skirting board or something like that and his application was rejected. This is how finicky boards can become. They are not all they are supposed to be.

The Hon. I. G. Medcalf: You are proving that the board is strict.

The Hon. R. THOMPSON: Not at all. I think it is ridiculous that a person who can do all the study necessary and pass all the tests can then go before the board and be knocked back on a very minor technical point while a manager from the Eastern States, who would probably know all the names because he would be better registered, would obtain registration because he would answer the question accurately. A person may not know the name of the piece of wood, but he certainly knows where it goes and has made and fitted thousands of them. However, merely because he does not know the name of the piece of wood, he can be left on a limb.

I do not believe we require a Royal Commission or a Select Committee to inquire into this legislation. All that is required is a very practical person who knows the industry and who could make practical suggestions to amend the Act. The board has not done its job if it has proposed these amendments. If the board was doing its job it would have recommended that one of the first requirements under the Act should be that a house be built according to the plans and specifications as passed by the local authority.

In one month I had three cases referred to me by homeowners in the Fremantle-Spearwood area because the uniform building by-laws were not complied with. Those by-laws stipulate that garages which are established underneath a house—I am referring to the two-storied type of home which necessitates excavation to provide a garage—shall have a gradient of not more than 12 to one. In other words, for every 12 feet the gradient can drop one foot. Yet, a particular builder in this area who does a marvellous job of workmanship, in two instances built garages with a gradient of 3½ to one.

The Hon. I. G. Medcalf: I thought you were going to say one to 12.

The Hon. R. THOMPSON: No. The gradient was 3½ to one and of course the people concerned can get their cars into their garages, but cannot get them out!

The Hon. V. J. Ferry: They'll save petrol.

The Hon. R. THOMPSON: I can take members to a home in Forrest Road, Hamilton Hill, on which the owner spent thousands of dollars extra on foundations and elaborate work in order to have his garage underneath his home, but all he has is a worthless hole underneath his house.

When I represented the case to the Builders Registraion Board it indicated that it could take no part in the dispute because the house was built in a workmanlike manner, and that is its only concern.

The Hon. N. E. Baxter: It must be built according to the plans and specifications.

The Hon. R. THOMPSON: The workmanship could not be faulted. It was perfect.

The Hon. N. E. Baxter: The board has no power to do anything if the workmanship is all right.

The Hon. R. THOMPSON: I have recommended for years that somewhere in the Act a provision should be included to make it compulsory for a building to comply with the uniform building by-laws and with the plans and specifications. We are fooling ourselves when we say we have a Builders Registration Act which protects home builders because the Act does not do that. We have an Act which protects builders.

In another instance a builder erected the foundations of a home 18 inches lower than the plans stipulated. The board could not act because the home was built in a workmanlike manner. Yet the mistake was pointed out before the bricklayers commenced work. What is the point in having a useless Act like this if people cannot obtain the protection they deserve?

Such homeowners are told they can take civil action, but that is costly. Why do we have an Act at all if people must take civil action to obtain redress?

The Hon. N. E. Baxter: The Act was never meant to cover such instances.

The Hon. R. THOMPSON: Initially the legislation was a private member's Bill and it was introduced by Mr Graham at a time when a great deal of shoddy building was taking place just after the war. It was introduced to provide some protection and some standardisation in regard to the quality of work. At that time anyone who had a sugar bag, a saw, a hammer, and some nails could build a house.

The Hon. N. E. Baxter: Quite right.

The Hon. R. THOMPSON: As a result people were getting into serious financial difficulties because the standard of the work was very poor. I want a complete—

The Hon. N. E. Baxter: You want to extend the legislation beyond the original concept?

The Hon. R. THOMPSON: Every few years amendments are made to the Act.

The Hon. N. E. Baxter: We have not had an amendment since 1970.

The Hon. R. THOMPSON: I said every few years.

The Hon. N. E. Baxter: It has been in force only since 1961.

The Hon. R. THOMPSON: This is the fourteenth amendment in 34 years.

The Hon. Clive Griffiths: Every time it is amended there are 20 or 30 amendments.

The Hon. R. THOMPSON: Why can we not get the Act into shape? It is not a political issue. The issue is to protect the person who is paying out once in a lifetime to build a home, and the Builders Registration Board should come up with the necessary amendments. It has the responsibility to do so, and if it does not do so let us tear up the legislation and allow everybody to have a go because it is not worth a spit at the present time.

Debate adjourned, on motion by the Hon. V. J. Ferry.

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Receipt and First Reading

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

House adjourned at 10.52 p.m.

Legislative Assembly

Wednesday, the 10th September, 1975

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

QUESTIONS (47): ON NOTICE

1. RAILWAYS

Narrow Gauge Line: Cost

Mr SHALDERS, to the Minister for Transport:

(1) Can he advise the current cost per kilometre of laying new narrow gauge railway line?

(2) What is the saving per annum in the changeover from rail to bus transport between Bunbury and Perth?

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

(1) The cost is dependent on a number of factors which differ in accordance with the particular circumstances, including location, terrain, etc.