

In regard to the last point raised by the member for Dale, I assure him that I will discuss this position with him tomorrow to see whether we can solve the problem. I am not personally aware of the technicalities involved.

The principle we have set out in our new definition of "Prescribed amount" was the source of some inquiry by members. I am told it is based on the worker's salary for the last five years as enunciated by the I.L.O.

The I.L.O. has settled on the figure of 260, which is five times 52. So we feel that as this principle has been enunciated by the I.L.O., and has been adopted by the Australian Government which is obviously setting the pace for workers' compensation in Australia, it should be presented to this Parliament.

The member for Boulder-Dundas was able to explain the reasons for many of the clauses in the Bill, and it is not my intention to go over those matters again. They will be rehashed in the Committee stage, and I would point out plenty of evidence exists to support the rationale behind the amendments. I understand a great deal of case history exists which will be brought forward if necessary.

On the question of hernias, I want to point out that no other State has the restrictive conditions at present in our Act. Doctors in other States have apparently experienced little trouble in establishing whether hernias are work-caused. Even the member for Subiaco made the point that there is no difficulty in diagnosing hernias, and said that he had never yet had a case knocked back. So I feel we have ample justification for removing these restrictive provisions in the Act.

On several occasions reference was made to the fact that the qualifying period for the Chairman of the Workers' Compensation Board is proposed to be changed from seven years to eight years. Members asked for the reason for this change. I understand that under the District Court of Western Australia Act, a District Court judge cannot be appointed unless he has served eight years as a legal practitioner. So I think perhaps the Attorney-General was a little astray the other night when he interjected.

Mr. O'NEILL: So was the member for Boulder-Dundas. That means a Supreme Court judge needs only seven years, but a District Court judge needs eight years.

Mr. Hartrey: You passed that legislation; we didn't.

Mr. HARMAN: I am told that situation was introduced by the previous Government. With those remarks, I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Harman (Minister for Labour) in charge of the Bill.

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. McIver.

House adjourned at 11.06 p.m.

Legislative Council

Wednesday, the 19th September, 1973

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

QUESTIONS (5): ON NOTICE

1. PRICES CONTROL

Legislation

The Hon. A. F. GRIFFITH, to the Leader of the House:

In view of the Commonwealth Government's proposed action to hold a referendum on price control, and the statement contained in the Labor Party's policy speech of February, 1971, in which it was said that the State Government would move on the matter of price control only if the Commonwealth Government failed to do so, what is the State Government's intention in respect of its Excessive Prices Prevention Bill?

The Hon. J. DOLAN replied:

The Government is cognisant of the proposals by the Australian Government and currently before the Australian Parliament in respect of prices control.

The Government will review its intention in respect of the Excessive Prices Prevention Bill when the result of the Australian Government's legislation is determined by the Australian Parliament.

2. *This question was postponed.*

3. DEVELOPMENT

Initiation of Projects

The Hon. LYLIA ELLIOTT, to the Leader of the House:

In view of the interjections of the Leader of the Opposition in the Council during my speech on the Supply Bill on the 14th August, 1973, will the Minister please confirm which of the following projects and/or expansions were

initiated by the present Government and which were initiated by the previous Government—

- (a) \$20 million expansion of Alcoa's Pinjarra Refinery;
- (b) multi-million dollar Kalgoorlie-Esperance Railway standardisation;
- (c) \$87 million expansion of the Muja power station at Collie;
- (d) \$20 million offshore drilling platform for Transfield at Kwinana;
- (e) \$300 million Pacminex alumina refinery at Muchea;
- (f) \$160 million Northern Mining Agreement at Weld Range;
- (g) \$100 million Barrambie ferrovanadium project;
- (h) \$10 million A. V. Jennings Eneabba Mineral Sands project;
- (i) \$2 million Allied Minerals pilot plant for a projected \$54 million undertaking;
- (j) multi-million dollar Rhodes Ridge and McCamey's Monster iron ore agreements;
- (k) \$6 million Redross Nickel-Anaconda Inc., Conzinc Rio Tinto and New Broken Hill Consolidated Eastern Gold-fields project;
- (l) \$300 million Alwest Pty. Ltd. and Dampier Mining alumina refinery near Collie;
- (m) \$6,000 million plan for integrated development of the Pilbara?

The Hon. J. DOLAN replied:

The projects and/or expansions which were initiated by the present Government are—

- (c) \$87 million expansion of the Muja power station at Collie;
- (m) \$6,000 million plan for integrated development of the Pilbara.

Those listed hereunder are variations or renegotiations of Agreements approved by the present Government. The original Agreements were approved by the previous Government.

- (a) \$20 million expansion of Alcoa's Pinjarra refinery;
- (e) \$300 million Pacminex alumina refinery at Muchea;
- (l) \$300 million Alwest Pty. Ltd. and Dampier Mining alumina refinery near Collie.

Statutory Agreements were negotiated by the present Government in respect of the undermentioned

new projects and the assent of Parliament obtained in respect thereof—

- (f) \$160 million Northern Mining Agreement at Weld Range;
- (j) multi-million dollar Rhodes Ridge and McCamey's Monster iron ore agreements.

The feasibility of the following projects has been established during the term of the present Government. No statutory agreements have resulted therefrom but proposals in respect of each have been endorsed by the present Government, and given every encouragement and assistance.

- (d) \$20 million offshore drilling platform for Transfield at Kwinana;
- (g) \$100 million Barrambie ferrovanadium project;
- (h) \$10 million A. V. Jennings Eneabba Mineral Sands project;
- (i) \$2 million Allied Minerals pilot plant for a projected \$54 million undertaking;
- (k) \$6 million Redross Nickel-Anaconda Inc., Conzinc Rio Tinto and New Broken Hill Consolidated Eastern Gold-fields project.

The multi-million dollar Kalgoorlie-Esperance railway standardisation project was initiated by the previous Government. However, the present Government was responsible for implementing standardisation of the Kalgoorlie-Esperance railway. The Government did this after successfully concluding financing arrangements for the project with both Western Mining Corporation Limited and the Australian Government.

4.

ROAD TRANSPORT

Increased Charges and Sales Tax

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

- (1) Does the Minister realise that any increases in State transport charges will not only inflate the cost of consumer items into warehouses by the increased amount of freight and traders' margin, it will also increase the amount of sales tax?
- (2) Is the Minister aware that high freight charges to the North have already increased sales tax on goods sold from northern warehouses?
- (3) Does the Minister realise that any luxury item measuring one cubic foot when packed, wholesaling at

\$1.00 in the city, will have approximately 108% more sales tax applied to it in the North?

- (4) Has this Government expressed these views to the Australian Government in any submission to protest against Budget fuel charges which in turn will increase sales tax at a higher rate than the city by virtue of increased freight rates expected after fuel prices are increased?

The Hon. J. DOLAN replied:

- (1) Yes. However, sales tax is a Commonwealth matter and the honourable member well knows that we are not able to dictate the manner in which it is applied.
- (2) Yes. I am aware that in most instances sales tax is levied on the total in-store cost and that an increase in freight charges will generally result in an increase in sales tax.
- (3) If the freight charge is high—and it will be relatively high in the North because of the distance from the point of supply—then regrettably it does follow that sales tax will also be high.
- (4) I am not aware of any submission to the Australian Government along these lines. However, should the honourable member submit any specific instances the matter will receive consideration.

5. ABORIGINES

Social Service Cheques

The Hon. T. O. PERRY, to the Minister for Community Welfare:

- (1) Is the Minister aware of allegations made by a Perth social worker that Social Security cheques are mailed direct to a wine saloon in Perth?
- (2) Will the Minister investigate the truthfulness of this statement?
- (3) If the statement is found to be correct, will the Minister take steps to stop this undesirable practice?
- (4) Will the Minister ascertain whether the cheques referred to are from Federal or State sources?

The Hon. R. THOMPSON replied:

- (1) Yes.
- (2) No cheques from the Department for Community Welfare are mailed direct to a wine saloon in Perth. I will approach the appropriate Federal Minister and ask him if he will investigate the matter in relation to the Department of Social Security.
- (3) This is a matter for the appropriate Federal Minister.
- (4) Answered by (2).

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and read a first time.

DAYLIGHT SAVING BILL

Leave to Introduce

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [4.41 p.m.]: I move—

That leave be given to introduce a Bill for an Act to promote the earlier use of daylight in a certain period, to repeal the Daylight Saving Act, 1946, and for incidental and other purposes.

Question put and a division taken with the following result—

Ayes—15

Hon. G. W. Berry	Hon. G. C. MacKinnon
Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. W. F. Willsee
Hon. Lyla Elliott	Hon. R. J. L. Williams
Hon. V. J. Ferry	Hon. W. R. Withers
Hon. J. L. Hunt	Hon. D. K. Dans
Hon. R. T. Leeson	(Teller)

Noes—12

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. Clive Griffiths	Hon. J. M. Thomson
Hon. J. Heltman	Hon. F. R. White
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. F. D. Willmott
	(Teller)

Question thus passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

APPLE AND PEAR INDUSTRY BILL

Comments by Minister for Agriculture: Leave to make Ministerial Statement

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.45 p.m.]: I seek leave of the House to make a statement in reply to remarks made on the 18th September, 1973 by The Hon. G. C. MacKinnon and The Hon. V. J. Ferry, regarding a comment on the fate of the Apple and Pear Industry Bill made by the Minister for Agriculture at the opening of the 1973 fruit growers' conference.

The PRESIDENT: The question is that leave be granted.

The Hon. A. F. GRIFFITH: I do not wish to interrupt this proceeding, but the Leader of the House has asked for leave to make a statement, and leave has not been granted.

The PRESIDENT: I was in the process of putting the question.

The Hon. A. F. GRIFFITH: Then, Sir, I would like to ask a question. I am glad the Leader of the House intends to make a statement. I merely question the procedure. At the conclusion of the debate on the motion for the adjournment of the House yesterday evening, the Leader of the House said he would confer with the Minister for Agriculture concerning the allegations made. He has done that and now seeks leave to make a statement. If he is given leave to do so it will mean no other member may comment upon or question that statement. I ask you, Sir, whether it would not be better for the Leader of the House to make his statement when he moves for the adjournment of the House so that those members who wish to comment upon the statement may do so.

The PRESIDENT: The simplest way to do that is not to grant leave, and then the adjournment is the only opportunity the Leader of the House will have to make a statement.

The Hon. A. F. GRIFFITH: I would like to make it clear that I do not wish to deprive the Leader of the House of the opportunity to make a statement; I merely proffer the advice that it might be better for him to do so on the adjournment motion so that others may comment.

The Hon. W. F. WILLESEE: Mr. President, the opportunity was available to members last night when the issue was raised. The Leader of the House now has the right of reply. I do not think we should prolong this further.

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

The PRESIDENT: Order! There is a question before the Chair and there can be no debate whatsoever upon it. The question is that leave be granted.

Question put and negatived; leave refused.

BILLS (5): RECEIPT AND FIRST READING

1. Dairy Industry Bill.
 2. Broken Hill Proprietary Company's Integrated Steel Works Agreement Act Amendment Bill.
 3. Pay-roll Tax Act Amendment Bill.
 4. Pay-roll Tax Assessment Act Amendment Bill.
 5. Western Australian Arts Council Bill.
- Bills received from the Assembly; and, on motions by The Hon. J. Dolan (Leader of the House), read a first time.

TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT BILL

Report

Report of Committee adopted.

JURIES ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.55 p.m.]: I move—

That the Bill be now read a second time.

The Juries Act enacted during 1957 came into operation on the 1st July, 1960, and it has now become apparent that some minor amendments to the machinery provisions are desirable to meet changed conditions.

For instance, the Act requires that the sheriff send copies of the draft jury roll prepared annually to clerks of petty sessions, police stations, and town clerks, to be made available for inspection by the public. This requirement, while serving little useful purpose entails considerable office work and expense. Objection to the proposed repeal of the section is unlikely for the reason that a notice is sent to each person whose name is recorded on the draft jury roll.

It is proposed that there should be power to remove a person's name from the draft jury roll if it appears to the sheriff that the person is dead, no longer resides in the district, or that his address is unknown. Provision was not made for this contingency though the sheriff is already empowered to remove the name of any person disqualified or exempt.

Under the Act, certificates of permanent exemption are issued to persons who are permanently disabled or who are disqualified or exempt because of their age. Similar certificates are proposed in respect of persons convicted of a crime or misdemeanour who are also subject to statutory disqualification as a juror unless granted a pardon. Cases have occurred of embarrassment to the persons concerned where names removed on the ground of conviction from the roll have reappeared in subsequent years. In the event of a pardon the certificate of exemption is to be cancelled.

At present the summoning officer has power on evidence submitted or by affidavit or statutory declaration to omit a person's name from the panel and excuse him from attendance at a criminal trial. The discretion, nevertheless, is not exercised lightly. It often becomes apparent in applications that the jurors should be excused. Consequently it is proposed that a juror may be excused on such evidence as the summoning officer deems sufficient, thus overcoming objections raised, for instance, when applications for exemption are supported by medical certificates.

Presently a juror's ticket is required to be returned to the box marked "Jurors in use" when a juror cannot be served with a summons or does not attend when summoned.

There are often good reasons why it is not possible to serve a juror's summons, such as when a juror has left the district. No good purpose is served by returning the ticket to the box, enabling it to be drawn again when a subsequent panel is being selected. Such ticket will in future be placed in the box marked "Jurors in reserve" which is not requisitioned until all tickets in the box "Jurors in use" have been exhausted, and this circumstance is unlikely to occur as jury rolls include sufficient names to enable a wide margin of selection.

In order to overcome problems which could arise in the selection of a jury for a civil matter, the panel is to be increased by two to provide a reserve in the event of any juror being excused or not served.

At present a summons may be served either personally or by being left with another person at the juror's place of abode. The latter means of service is unsatisfactory and has not been used, and is to be deleted from the section.

Service of summons is currently undertaken by police officers. Objection has been taken from time to time by jurors or prospective jurors lest the impression be entertained abroad that police officers may be visiting jurors' homes in connection with an offence against the law. The power to have service effected by either police officers or a sheriff's officer now proposed will overcome this situation at times when it is practical to use the services of the sheriff's officers. This also entails a consequential amendment to the third schedule to the Act. As there is no good reason why the requisite form should not be prescribed by regulation, there is an appropriate amendment to enable this to be done.

Consideration has also been given to the number of jurors which parties may challenge and the right of the Crown to stand jurors aside. This is an amendment of some significance.

It is proposed that the number which the Crown can stand aside shall be limited to four, and that an accused and the Crown each has the right peremptorily to challenge eight jurors. A further provision is that where two or more accused are put on trial together, each will have the right peremptorily to challenge six jurors. The right to challenge for cause shown will be available and will be preserved for both the Crown and the defence.

The right to challenge must be exercised before the officer of the court who is administering the oath has started to recite the words of the oath. The present practice is for the juror to read the oath from a card, so it is necessary to provide also for the challenge to be exercised before the juror has started to recite the oath.

The second schedule prescribes persons who are exempt from jury service. Part I has been enlarged to include chiropractors registered as such according to law, if actually practising, persons actually engaged in the civil emergency services, the academic staff and the secretary of the Murdoch University, and the Parliamentary Commissioner for Administrative Investigations. These latter three categories were included as a result of amendments made in the Legislative Assembly.

The Commonwealth has now proclaimed the Jury Exemption Act and promulgated the necessary regulations setting out those Commonwealth employees who are exempt from serving as jurors in State courts. As it is preferable for the exemption to be regulated entirely by the law of the Commonwealth, part II of the second schedule is to be amended accordingly.

The Bill contains also a number of minor amendments consequent on the establishment of the District Court. I commend the Bill to the House.

Debate adjourned, on motion of The Hon. R. J. L. Williams.

Sitting suspended from 5.02 to 5.11 p.m.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House [5.12 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 2nd October.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.13 p.m.]: I feel, in the circumstances which I am undoubtedly responsible for provoking, that I should have a word to say on the motion moved by the Leader of the House.

I suggested to you, Sir, that it might be better if the Leader of the House were to make his statement when he adjourned the House, whether the adjournment was until tomorrow—in the normal course—or until some other date. My reason was purely that if the explanation which the Leader of the House proposed to make was such that it prompted any other member to comment upon it, he could do so there and then, and continuity would have then been the order of the day.

The move I made was in no way intended to prevent a Minister—or the Leader of the House in this case—from making a statement to the House. It will be recalled that Mr. MacKinnon raised the question of the comment made by the Minister for Agriculture at a conference. The Minister for Agriculture, in his comments, was followed by The Hon. V. J. Ferry. Mr. Dolan, the Leader of the

House, said he would convey the subject of the remarks to his colleague, the Minister for Agriculture, in due course.

He obviously did that because he intended to say something on behalf of his colleague, the Minister for Agriculture. I now feel that since he did not attempt to say something when he moved for the special adjournment I have been, in a way, responsible for preventing him from making such comments. That was not my intention at all.

My action was based on the thought that if ministerial statements were made at the adjournment, then anybody else who desired to say something in connection with the particular statement could comment at that stage, whereas he could not say anything at the point when the Minister had been granted permission to make a personal explanation to the House.

It is not really a personal explanation. What Mr. Dolan intended to do was to say something on behalf of one of his ministerial colleagues. In my view a personal explanation is something which a member of this House gives concerning a matter which affects him personally. The matter before us, however, does not affect the Leader of the House really, it affects the Minister for Agriculture.

In the circumstances I feel that in the future I should shut up and not try to be of any help in matters of this kind because otherwise it could cause some difficulty. The Leader of the House did not see fit to take the cue; and now in an endeavour to put matters right I apologise for any inconvenience I may have caused and I invite the Leader of the House to make the comment supplied by his ministerial colleague (Mr. H. D. Evans) so we can all hear what it is.

Question put and passed.

ADJOURNMENT OF THE HOUSE

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.16 p.m.]: I move—

That the House do now adjourn.

THE HON. R. J. L. WILLIAMS (Metropolitan) [5.17 p.m.]: Mr. President, a set of circumstances occurred this afternoon which causes me to rise to my feet and ask for your guidance in the matter; because I realise you are the protector of our constitutional rights as members within this House.

This afternoon I heard something which I regard as unconstitutional, and if it is proved otherwise at the appropriate time I will apologise to the House. This afternoon I heard the expression used four times from the Government side of the House, and I read it in a question from the Opposition side, when a reference was made to the Australian Government.

I do not know what the Australian Government is. I know there is a Commonwealth Government, and it would seem that the framers of the second reading speech which was delivered by the Attorney-General also do not know what the Australian Government is, because on page 8 of the notes they refer to the fact that the Commonwealth has now proclaimed the Jury Exemption Act.

We are Australians; and our State Parliament is an Australian Parliament; it is sovereign in its own right; and if and when in the fullness of time you, Sir, investigate my objection I would ask you to direct in point of fact that reference in this House, to the "Australian Parliament" be struck from the *Hansard*, and that the term "Australian Parliament" be not legal until such time as it is proclaimed by Act of Parliament and accepted by the several separate Parliaments within the Commonwealth.

The Hon. L. A. Logan: The Constitution must first be altered.

The PRESIDENT: Order! I will give consideration to the matter raised by The Hon. R. J. L. Williams and give my ruling to the House when it next meets.

House adjourned at 5.19 p.m.

Legislative Assembly

Wednesday, the 19th September, 1973

The SPEAKER (Mr. Norton) took the Chair at 2.15 p.m., and read prayers.

DAIRY INDUSTRY BILL

Third Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [2.18 p.m.]: I move—

That the Bill be now read a third time.

MR. I. W. MANNING (Wellington) [2.19 p.m.]: I would like to make one or two brief comments on the third reading of the measure before it leaves this Chamber. The concept of the legislation was to amalgamate two sections of one industry; that is, to unify the industry under one administrative body.

Despite the efforts of the Opposition during the Committee stage, that object has not been achieved. The administration of the industry remains divided. The primary section of the industry is to be administered by a Government department. The secondary section will be administered by the dairy industry authority, on which there is to be a wealth of sectional representation including a majority of primary producers.