

happening in Northern Ireland, I do believe that we in this world have not reached the stage where we can make concessions of this kind to the type of people about whom we have been speaking.

In those circumstances I support the Leader of the Opposition in opposing this Bill.

Debate adjourned, on motion by Mr. Mensaros.

House adjourned at 11.00 p.m.

Legislative Council

Wednesday, the 20th September, 1972

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

QUESTIONS (2): ON NOTICE

1. BINGO

The Hon. D. J. WORDSWORTH, to the Chief Secretary:

In view of the full page advertisement on page 37 in *The Sunday Times* of the 17th September, 1972, headed "Play Your Cards Right and Win Money", showing a card similar to a bingo card—

- (a) does the Minister see any resemblance of this competition to the game of bingo;
- (b) is this one of the illegal bingo games to which he referred in his speech on the Lotteries (Control) Act Amendment Bill;
- (c) is the Government taking any action to stop this game?

The Hon. R. H. C. STUBBS replied:

- (a) to (c) The matter is being investigated in order to ascertain whether the conduct of the competition advertised infringes any Laws of the State and I therefore do not wish to express any opinion as to its resemblance to the game of "bingo" or to its lawfulness in general.

2. MOTOR RACING

Establishment of Complex

The Hon. F. R. WHITE, to the Leader of the House:

- (1) Is a motor racing complex to be established within the Metropolitan Region by "Perth International Raceways"?
- (2) If the answer to (1) is "Yes"—
 - (a) where is the complex to be sited;
 - (b) what area of land will be involved;

- (c) which gazetted roads will provide access to the complex;
- (d) what type of motorized vehicles will be engaged in competitive racing;
- (e) at what distance from the complex is the nearest zoned urban land;
- (f) what daily volume of vehicular traffic is likely to converge upon the complex when racing becomes fully operational;
- (g) who are the principal proprietors of Perth International Raceways?

The Hon. W. F. WILLESEE replied:

- (1) Yes. The Swan Shire Council gave conditional approval on 1st August, 1972.
- (2) (a) At the north-east corner of Beechboro and Marshall Roads, Beechboro—opposite Beechline Drive-in Theatre.
- (b) Approximately 109 ha (270 acres) of which it is understood about 12 ha (30 acres) is intended for use in the racing circuit.
- (c) Beechboro and Marshall Roads.
- (d) It is understood that the complex proposes to provide for—
 - (i) an "A" Class drag racing strip;
 - (ii) a Grand Prix racing circuit; and
 - (iii) a road racing circuit.
- (e) The Urban-Deferred Zone is within $\frac{1}{2}$ mile and the Urban Zone is within $1\frac{1}{2}$ miles.
- (f) This depends upon how successful the venture proves.
- (g) Mr. Michael Edward Ray and Mr. Graeme Eric Platt.

FISHERIES ACT

Amendment of Regulations: Motion

THE HON. T. O. PERRY (Lower Central) [4.43 p.m.]: I move—

That the Regulations made pursuant to the Fisheries Act, 1905-1969, as published in the *Government Gazette* on the 21st September, 1971, and laid upon the Table of the House on the 5th October, 1971, be amended as follows—

To insert after paragraph (a) of subregulation (2B) of regulation 3AA, a new paragraph to stand as paragraph (aa) as follows:

- (aa) is in receipt of a pension under the provisions of the Coal Mine Workers (Pensions) Act, 1943-1971;

In speaking to this motion I would like to explain that the recipient of an aged pension, an invalid pension, or a widow's pension is entitled to certain exemptions under the Fisheries Act; namely, a free inland fisherman's license for marron and perch fishing. The recipient of a coalmine worker's pension is not entitled to the same privilege.

I believe that the coalmine worker's pension was introduced in about 1943 when it was considered undesirable that men should continue to work underground in the mines after reaching the age of 60 years. At that time mining was not highly mechanised—as is the case today—and work underground was rather arduous. In the interests of the safety of the men concerned, and of their fellow workers, it was decided to retire men at the age of 60 years. It was also considered that the health of a mine worker suffered as a result of working underground for a period in some cases of approximately 40 years.

A retired coalmine worker is entitled to a slightly higher pension than that received by an old-age pensioner. An old-age pensioner couple receive a pension in the vicinity of \$64 a fortnight, but they also receive certain other concessions, including a rental allowance.

A retired coalmine worker receives a pension of \$78 a fortnight for himself and his wife—or \$45 if he is single. The widow of a coalmine worker receives a pension of \$43 a fortnight.

In considering pensions it must be remembered that the pensioner who reaches the age of 65 years before retiring has an extra five years during which to earn the full basic wage—or in excess of the basic wage—with which he can pay for his motorcar, his home, his furniture, and whatever other effects he may have. It is quite likely that such a man would have more worldly wealth than a man who retires at 60 years of age.

The introduction of this motion, of course, is not my own idea. I was approached by several retired coalmine workers who live in Collie, and who are in receipt of the coalmine worker's pension. Those pensioners considered that as their pension was only slightly in excess of the old-age pension they should receive the benefits associated with a free inland fisherman's license. If my motion is agreed to those pensioners will still have to apply for a license, but it will be granted to them free, as is the case with old-age pensioners and certain war pensioners.

Members will recall that I asked a question on this subject on the 6th September. The reply to my question was postponed on the 7th September, and again on the 12th September. On the 13th September

the Leader of the House replied to my question as follows:—

As the matter is the subject of a Motion in the Legislative Assembly, the Minister for Fisheries has asked me to inform the Hon. Member he would prefer to await the outcome of the Motion before providing an answer to the Honourable Member.

I was a little disappointed with the reply I received. I suppose I will be accused of jumping on the band wagon, but I understand that another member representing the Collie area was also asked to present a motion to this House. I gave notice of my question in the belief that the Government would give consideration to amending the Fisheries Act so that the privilege of a free inland fisherman's license could be extended to those pensioners. The reply to my question was postponed once, and then again, and finally the reply stated that the Minister preferred to await the outcome of the motion in another place before providing an answer. Of course, in the meantime, the motion had appeared on the notice paper in another place.

The Hon. G. C. MacKinnon: It appears that someone else jumped onto your band wagon.

The Hon. T. O. PERRY: I want to make it clear that I was approached because nothing had been done as a result of requests made to a member in another place.

The Hon. G. C. MacKinnon: Would the honourable member read out the regulation which he intends to amend?

The Hon. T. O. PERRY: Yes, I will read it out.

The Hon. R. Thompson: I thought the honourable member would have done something about this a few years ago.

The Hon. G. C. MacKinnon: It was not brought to our attention.

The Hon. T. O. PERRY: I wonder who was in Government on the 5th October, 1971!

The Hon. R. Thompson: When was the regulation brought in?

The Hon. T. O. PERRY: It was tabled on the 5th October, 1971.

The Hon. R. Thompson: It was tabled long before then.

The Hon. T. O. PERRY: I ask the honourable member opposite to excuse me, but it was only tabled on the 5th October, 1971. It is possible that the honourable member had the confidence of the Minister, which I did not have.

The Hon. G. C. MacKinnon: You, Mr. Perry, are doing a very good job.

The PRESIDENT: Order!

The Hon. T. O. PERRY: I was requested to read out the regulation which my motion proposes to amend. It is as follows:—

2. Regulation 3AA of the principal regulations is amended by substituting (1) and (2) the following sub-regulation:—

(1) A person, other than a child under the age of 13 years, who catches or attempts to catch for his personal use any species of fish described in the schedule to this regulation by any means of capture shall hold an inland fisherman's license which shall be issued in Form B4 in the Appendix to these regulations.

The regulation goes on to mention the exemptions. Is that what the honourable member wanted?

The Hon. G. C. MacKinnon: Yes.

The Hon. T. O. PERRY: Subregulations (2A) and (2B) read—

(2A) A pensioner or a person who is a secondary school student shall be exempted from payment of the fee on an inland fisherman's license.

(2B) For the purposes of subregulation (2A) of this regulation a pensioner means a person who—

(a) is in receipt of an age pension, an invalid pension or a widow's pension under the provisions of the Social Services Act, 1947, of the Parliament of the Commonwealth;

(b) is or was a member of the Forces within the meaning of Part III of the Repatriation Act, 1920, of the Parliament of the Commonwealth and is a service pensioner within the meaning of Division 5 of Part III of that Act; or

(c) is the wife or widow of such member of the Forces if she is a service pensioner as so defined.

I consider it is not unreasonable that the holder of a coal mine worker's pension—one who receives very little more money than an old age pensioner, an invalid pensioner, or a war service pensioner—should enjoy the same privileges as other pensioners. For that reason, I have moved this motion.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the House).

BILLS (2): THIRD READING

1. Government Railways Act Amendment Bill.

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Railways), and transmitted to the Assembly.

2. Hairdressers Registration Act Amendment Bill.

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

SALES BY AUCTION ACT AMENDMENT BILL

Report

Report of Committee adopted.

FUEL, ENERGY AND POWER RESOURCES BILL

In Committee

Resumed from the 19th September. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Postponed clause 7: Duty of the Commission—

Progress was reported after clause 7 had been partly considered.

The Hon. W. F. WILLESEE: Because this is not specifically my Bill, I wanted to have further discussions about the issue that was raised last night. We have nothing to say about the principle in the Bill. The word "undertake" apparently implies that in the future a Government or a body of people in Government might destroy the tenor of the Bill. On that basis I agreed to take the matter further.

As far as I am concerned, the words proposed make very little difference to the context of the Bill. Future Governments will be in charge of their own destinies. I am, therefore, prepared to accept the amendment suggested; that is, the deletion of the words "undertake, the co-ordinated" and the substitution of the words "co-ordinate with".

The CHAIRMAN: Is the Leader of the House moving that?

The Hon. W. F. WILLESEE: In the circumstances, I think I should. I move an amendment—

Page 4, line 20—Delete the passage "undertake, the co-ordinated" with a view to substituting other words.

The Hon. A. F. GRIFFITH: I am appreciative of the remarks made by the Leader of the House and of his agreeing to amend the clause. I do not understand the use of the word "with". The clause would read—

(d) to promote, and with the approval of the Minister co-ordinate with—

I think it should read—

(d) to promote, and with the approval of the Minister to co-ordinate, the development—

Therefore, the word "with" should be "the", should it not?

The Hon. I. G. Medcalf: Yes.

The Hon. A. F. GRIFFITH: Is the Leader of the House unhappy about that?

The Hon. W. F. WILLESEE: I only did what I was told to do. How can you rely on lawyers?

The Hon. A. F. GRIFFITH: I admit they are like politicians. One needs to be a good judge of them. I merely ask the Leader of the House not to use the word "with" because I think it is not grammatical; he should use the word "the". He will then be happy and so will I.

The Hon. W. F. WILLESEE: I suppose 20 years from now no-one will care whether we change these words or leave them as they are. I thought I was in good company. I meticulously wrote down the words suggested by an eminent lawyer who sits not very far from me, and I failed in a religious endeavour to help this Chamber.

The Hon. I. G. MEDCALF: I am appreciative of the Minister's agreeing to write into the Bill the words I suggested. I cannot understand how he wrote down words that are different from those I said. I can only suggest that there was a lack of co-ordination due to either too much fuel or too much energy.

The Hon. W. F. WILLESEE: It is a good man who knows when he is beaten.

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

Page 4, line 20—Substitute for the passage deleted the words "co-ordinate the".

The Hon. A. F. GRIFFITH: I thank the Leader of the House. I think we will make progress today because he is obviously in a co-operative spirit.

Amendment put and passed.

Postponed clause, as amended, put and passed.

First schedule put and passed.

Second schedule—

The Hon. W. F. WILLESEE: I move an amendment—

Page 24—Delete paragraph (b) and substitute the following:—

(b) is a discharged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;

This provision was the subject of some doubt. The matter has been further considered, and I have been asked to move this amendment to clarify the situation.

Amendment put and passed.

Second schedule, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

EDUCATION FOR ABORIGINES

Inquiry by Select Committee; Motion

Debate resumed, from the 2nd August, on the following motion by The Hon. W. R. Withers:—

That a Select Committee be appointed to investigate the requirements of education for the Aborigines of Western Australia and to make such recommendations as are considered necessary to allow them to take full advantage of our education system.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.05 p.m.]: Since the introduction of the motion by Mr. Withers developments occurred within the Government which ordained that we should call for a wide investigation of the problems of Aboriginal development in Western Australia.

I support the remarks made by the honourable member in moving the motion. I know his sincerity regarding this subject, and I know that he has in his electorate approximately 6,000 Aboriginal people. Therefore, one would expect that he would take a deep interest in the issue.

However, despite the fact that, within the ambit of my portfolio I endeavoured to create a line of demarcation to separate the problems of individual people from the needs of groups of people in given areas, I felt that the pressure which was being applied for the appointment of a Royal Commission was becoming stronger and that ultimately I would have to agree to such a course of action.

I wish to give an undertaking to Mr. Withers that of all of the matters he mentioned in the broader concept of education—he specialised in that term, but roamed widely—will be included in the spheres to be investigated. As a matter of fact, before we decide the guidelines and terms of reference of the proposed Royal Commission, I am prepared to have all suggestions submitted to him, and if he is not satisfied I will include anything he feels may be necessary.

I would like to add this comment: As it is intended to appoint a Royal Commission to investigate this pertinent issue, which is becoming more and more important as each day goes by, it is my intention to accept the widest terms of reference possible. I do not think the appointment of a Royal Commission will be more than a palliative or, indeed, an acknowledgement of the problem. The problem is too great, and it has too many dimensions for us of the present generation to understand it in five minutes or five years.

We have left the problem for too long. We have ignored it for too long and, as a result, today people like myself are forced into a situation of incapacity. We are in

that position because we have not acknowledged that Aborigines are Australians, and because we have not spent money in the areas where it is needed. Oh, yes, it is easy to say, "Do this" or "Do that." People come to me and say, "Give \$10,000 to this" or "Give \$10,000 to that." But they forget that today Aborigines are living under trees; they are nursing babies in these conditions, because they are without a home in which to live.

People say to me, "Call for a Royal Commission." Gladly will I do that if it can succeed in solving some issue; if it will help to lift these people to the level of our society. Members tell me by letter—by rote—and by way of questions that certain things should be done. They suggest a Select Committee will be the answer. I say it will never be the answer until the people of Australia and the members of the Federal Parliament dictate that something should be done for these people, rather than merely fool around as they are doing at the moment.

Fool around we do; and God help us in the future! We have killed a race of wonderful people. We will continue to kill them until we give them the rights that we possess in society. Therefore, in all sincerity I ask the honourable member to withdraw his motion and to allow me to proceed with the setting up of a Royal Commission.

THE HON. W. R. WITHERS (North) [5.12 p.m.]: I would like to thank the Leader of the House for assuring me that he will place my views before the Royal Commission. I say to him that I, too, am disappointed at the way problems have developed and are developing in connection with our Aborigines. I can understand the frustrations of the Leader of the House; many of us have experienced similar frustrations, but these cannot be nearly so great as those of the Minister charged with the responsibility for administering this particular portfolio, whether it be in this State, in any other States, or in the Federal sphere.

I would like to express my disappointment at the fact that it is my intention to withdraw the motion. I believe the appointment of a Select Committee would have been more beneficial to the Aboriginal people than would the appointment of a Royal Commission. I will express my reasons for saying that.

It is very important to explain to the House that a Select Committee, comprising three members of three different political parties, would visit the various parts of the State, and each member would ensure that the other acted without bias and received evidence without bias or prejudice. It is important to note also that the Council could agree to observers attending each meeting of the Select Committee. It is also important that we realise

the report of the Select Committee would be laid upon the Table of the House, and its recommendations presented directly to Parliament.

Let us consider what would be the case if a Royal Commission were appointed. It is possible for a Royal Commission to comprise only one person—a Royal Commissioner—who could be a public servant or a judge. We know that each man, regardless of his station in life, has frailties which he endeavours to keep to himself; he does not wish to expose them to public view, if he considers they will prevent his being appointed to a particular post.

Accordingly, it is possible to have appointed a Royal Commissioner, regardless of his integrity, with political or racial bias; and if there is only one Royal Commissioner, this in itself would be a potential fault.

Some Aborigines consider it to be an advantage to have evidence taken in public by a Royal Commission. They consider it to be a disadvantage if the evidence is taken in committee or in camera. Many of the Aborigines I represent would feel they were far better off if the evidence were taken in committee; the reason being that a shy or timid person could quite easily be intimidated by the very presence of people in the gallery during the hearing of a Royal Commission.

The Hon. W. F. Willesee: I intend to have Aborigines represented in every area of Western Australia.

The Hon. W. R. WITHERS: I thank the Minister for that assurance. One major point which I have not made is that it is not mandatory for the findings of a Royal Commission to be made public. This is my greatest fear. I am afraid that the findings of the Royal Commission when presented to the Governor and later passed to the Government of the day may not be made public; I fear they may go the way of the Scott report. I do not know whether I am compromising the Minister by asking him for an assurance that this will not happen.

The Hon. W. F. Willesee: The Scott report could be published but it would be detrimental to certain people. The Royal Commissioner's report will be published.

The Hon. W. R. WITHERS: I thank the Minister for his assurance which I accept. I only hope the same thing will not be said of the findings of the Royal Commissioner at a later date because, regardless of what the findings may be, I do think they should be made public.

I feel the Government was probably influenced in its decision to appoint a Royal Commission because of the decision made by the State Advisory Council. I would like to refer to a telegram which reminded all political leaders of the decision taken by this advisory council. The telegram is dated the 7th August, 1972; it is marked

"Urgent" and, in this particular case, it has been sent to Sir Charles Court, Leader of the Opposition. I understand, however, it was also sent to the leader of each political party. The text of the telegram is as follows:—

Dear Sir The Consultative Committee of the Central Division wish to remind you of the decision of the State Advisory Council of resolution for 40/72 that a Royal Commission be held into all aspects of Aboriginal needs stop . . . Ken Winder Chairman of the Consultative Committee Central Division Perth

I endeavoured to explain to the members of the Aboriginal Advancement Council, including Mr. Winder, Mr. Davis, and others, the advantages and the disadvantages that would flow from the appointment of either a Royal Commission or a Select Committee.

My explanations, however, were to no avail because the telegram to which I have just referred was sent after I had spoken to the people I have just mentioned.

I consider it to be a great pity that some people of Aboriginal descent in the metropolitan area should possess so much influence to be able to persuade others in the community of the requirements necessary and the actions that should be taken for or against the Aboriginal people of Western Australia. As I say, it is a great pity that this minority group of people should be influencing the others.

To give some strength to this statement I would like to read part of a Press report which appeared on page 12 of *The West Australian*. It is dated Thursday, the 14th September, and under the heading, "Racism claim by Aborigines" there appeared the following:—

The W.A. Aboriginal Advancement Council last night condemned three Liberal Party members of State Parliament—including the Leader of the Opposition, Sir Charles Court—for recent comments on Aborigines.

The other members are Mr. W. Grayden (South Perth) and Mr. K. Ridge (Kimberley).

The council secretary, Mr. K. Winder, told about 35 people at the council meeting last night that the politicians' comments showed how little they knew about the Aboriginal problem.

We may have different views of the people mentioned but let us consider their activities, what they have done, and what they are endeavouring to do for the Aborigines generally.

I refer first to Sir Charles Court. The reference made by Sir Charles concerned the possibility of the Government sending observers into South Africa to see what had been done there. His reference was directed at education in South Africa where the South African Government has

set up universities for the Bantu people. For this suggestion Sir Charles has been advised through the Press—not personally, but through the Press—that the Aborigines will have no further contact with him.

I now refer to Alan Ridge, member for Kimberley, who has worked in close contact with the Aborigines of the Kimberley and who has done everything in his power to represent them together with others in his electorate. The Aborigines in Mr. Ridge's electorate represent more than one-quarter of the Aborigines in the State.

Because of Mr. Ridge's representation on behalf of these people, and because of his complete honesty in his dealings with them, he is being castigated and, once again, the group in Perth has advised the Aborigines in Western Australia to have no further contact with this honourable member.

Let us now consider what Mr. Bill Grayden, the member for South Perth, has done for Aborigines generally. I happened to be in Mr. Grayden's office at the time he saw the report I mentioned in the newspaper. He was absolutely incredulous. He immediately grabbed the phone to see whether or not the report was true.

As I have said, I was in his office when he did this. He contacted Mr. Jack Davis and I heard part of the conversation that took place—particularly in relation to what Mr. Grayden had to say. The conversation was very short indeed, and Mr. Grayden was absolutely stunned at what was said by Mr. Davis. He said that the words spoken by Mr. Jack Davis were, "Yes, we have done this; I cannot speak to you further; I am going to hang up."

One can understand why Mr. Grayden was so incredulous. Let us now consider Mr. Grayden's history in relation to the Aborigines and their needs. We find that Mr. Grayden, M.L.A., has championed the cause of Aborigines in the Legislative Assembly of Western Australia and in the Federal House of Representatives since 1947.

It is also a fact that in 1956 he moved for a Select Committee to study the plight of Aborigines in the Warburton-Laverton area. The report was subsequently adopted and corrective action was taken in the Eastern Goldfields and elsewhere.

To draw further attention to the plight of Aborigines in the inland area of Western Australia, Mr. Grayden wrote a book called, "Adam and Atoms," which is still being used by those interested in Aboriginal affairs. Apart from the foregoing, Mr. Grayden was one of the founders of the Aboriginal Advancement League in Western Australia. This was formed in 1956.

In spite of all Mr. Grayden's endeavours and his honesty of representation in relation to these people, we find that one or two Aborigines in the metropolitan area of Perth have convinced and

advised the Aborigines in the rest of the State that they should have no further contact with this man.

I can well appreciate the frustrations felt by the Minister. He is probably striking this sort of thing every day. I believe the Aborigines have been led into this wrong course of action by a few in their community. I feel the Aborigines did the wrong thing when they sent a telegram asking for a Royal Commission to be appointed. This may have been done in all sincerity—the Aborigines probably did it in all sincerity—because they probably thought they would have appointed a Royal Commission made up of Aborigines which, of course, is an idealistic thought.

One may well ask which of the Aborigines would represent the Aboriginal people on the Royal Commission they sought to have appointed. Would it be those who made the irresponsible statements and charges against the members I have mentioned here this afternoon?

I can only reiterate that I am very disappointed indeed. I certainly understand the frustrations experienced by the Minister and those experienced by the Aborigines. I pity these people and I will continue to endeavour to help them, and for their sake I hope that the Royal Commission is successful and that it will be able to find a way to help not only the Aboriginal people of Western Australia but those in Australia generally.

I thank the Minister for his assurances and I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.27 p.m.]: There were two speakers on this Bill. First we had Mr. Heltman who was unqualified in his absolute disapproval of the measure.

I respect the honourable member for his thoughts because I feel he is entitled to be consistent. He did not believe in a similar measure which was introduced by the previous Government. Accordingly, he has, at least, been consistent throughout this issue.

Mr. Logan submitted amendments which appear on the notice paper which, I feel, may be considered as a compromise of the total issue. The first thing to be done is to see whether the Bill can be passed. I am prepared to accept Mr. Logan's amendments because I think they constitute a limiting factor within the Bill.

If that be the case I will give an assurance that during the Committee stage I will accept the amendments the honourable member proposes to move.

I think it is natural that the Government would not have introduced this Bill if it did not believe it was necessary as an adjunct to some sort of control, quite apart from the control of the price of bread. I do not think we need go into the issue any deeper than that. I suggest we accept the Bill in principle at the moment—a principle which members opposite denounced. In the total concept it is probable that the amendments proposed by Mr. Logan will constitute a limiting factor within the range of this legislation.

I commend the Bill to the House.

Question put and a division taken with the following result:—

Ayes—13	
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. R. F. Cloughton	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. J. M. Thompson
Hon. J. Dolan	Hon. F. R. White
Hon. J. L. Hunt	Hon. W. F. Willesee
Hon. R. T. Leeson	Hon. Lyla Elliott
Hon. L. A. Logan	(Teller)

Noes—12	
Hon. G. W. Berry	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. J. Heltman	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. W. R. Withers
	(Teller)

Pairs	
	Ayes
Hon. R. Thompson	Noes
Hon. D. K. Dans	Hon. C. R. Abbey
	Hon. F. D. Willmott

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 15—

The Hon. L. A. LOGAN: I move an amendment—

Page 2, line 8—Substitute for the words "the prescribed price", the words "five dollars per ton of the current market value".

During the second reading debate I mentioned my fears concerning the situation if this Bill were defeated. All that would be required is a proclamation and then every flourmiller in Western Australia would be breaking the law and would be liable to a fine of \$500.

The Hon. A. F. Griffith: Do you think a proclamation would be issued?

The Hon. L. A. LOGAN: I do not know. I do not trust anyone not to do silly things. Silly things do happen.

The Hon. A. F. Griffith: I know that.

The Hon. J. HEITMAN: We have just witnessed one of them as a matter of fact.

The Hon. L. A. LOGAN: The honourable member may think so; but we have a responsibility to ensure that legislation is put in its right form. This is why I moved my amendment. I do not believe the committee should have the right to fix the price of flour.

The Hon. W. F. WILLESEE: I am somewhat disappointed that the honourable member has said he doubts the integrity of people in society. Where would we be if we did not trust each other and could not build upon the original Statutes? We cannot, in isolation, move an amendment because basically we do not trust someone. If this were the case I would not be here. I would trust the man opposite me with my life if necessary, and I would never need his signature on an agreement; but we violently disagree on occasions. We must be careful of the words we use in a situation like this.

This is a simple amendment and I have given notice of my acceptance of it. I thought it was a good provision; but I have no distrust concerning what Mr. Logan has suggested. I do not distrust any person in this Chamber.

The Hon. A. F. Griffith: The only person who might have suggested this was Mr. Logan.

The Hon. W. F. WILLESEE: Yes. He is frightened of something that might never happen.

The Hon. A. F. Griffith: I have been told by someone pretty close to you that I am not to be trusted.

The Hon. W. F. WILLESEE: I have said all I can in that regard.

The Hon. A. F. Griffith: Thank you. I appreciate it.

The Hon. W. F. WILLESEE: I am prepared to learn day by day from the debate which ensues in this Chamber. We represent a fair cross section of the people elected as a result of political inclination. Nevertheless when we meet we meet with trust. If we did not, democracy could not function. I am sorry the honourable member made these statements because in this Chamber there is trust, there is knowledge, and there is ability. Some of us do not have ability, but we learn by listening to those who have. I intend to vote for the amendment, but I am sorry the honourable member qualified the situation. I felt I must refer to it because we do not want a deterioration in the responsibility of members. We do not want to reach the situation where we do not trust each other. We believe in democracy and if that is destroyed we have nothing. I support the amendment.

The Hon. J. HEITMAN: I view this matter in a totally different light from that in which it is viewed by

both Mr. Logan and the Leader of the House. Do we vote for price-fixing legislation or do we not? The Act was introduced many years ago in an attempt to help the farming community at a particular time. I believe that Mr. Logan's amendment indicates he is keen to have price-fixing legislation. He has stated he has moved his amendment in case millers are fined the maximum penalty; but this legislation has been in operation for many years and has contained the sections which the Government now desires to amend. The amendment in the Bill and Mr. Logan's amendment both involve price fixing and as far as I am concerned I do not want this to be price-fixing legislation.

In 1964 a similar amendment was defeated and on that occasion every member of the Labor Party voted against it. The only reason the Labor Party is in favour of this amendment now is that it wants this to be a price-fixing Bill and this is one way of hitting below the belt. A price-fixing Bill is at present in another place and this matter could have been dealt with in that measure.

The Hon. W. F. Willesee: Not hitting below the belt.

The Hon. J. HEITMAN: I do not distrust the Government. I never have done. If I had, this legislation would have been thrown out many years ago. Its only purpose is to fix the price of bread. If the price can be kept at a reasonable level then people will be able to afford to buy it; and that is fair enough.

I have no intention of supporting the amendment or the Bill because we should have no truck with a price-fixing Bill. It is ridiculous not to trust Governments in respect of this legislation because the Act has been in operation for many years but the provision has not been used.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

As to Report

The Hon. W. F. WILLESEE: Mr. Chairman, I move—

That you do now report the Bill to the House.

The CHAIRMAN: The question is that I do now report the Bill to the House.

The Hon. A. F. GRIFFITH: To my way of thinking we have reached a stage where we ought to reconsider the situation. The Committee voted for the second reading of this Bill on the understanding that the amendment to be moved by Mr. Logan—

The CHAIRMAN: Order! I think the Leader of the Opposition could bring this up at the third reading stage. If it is necessary, the Bill can be recommitted. I do not think this can be debated on the question that the report be adopted.

The Hon. A. F. GRIFFITH: Am I right in assuming that you, Sir, do not think I can address myself on the progress of the Bill in relation to the motion that the report be adopted.

The CHAIRMAN: That is correct, unless the Leader of the Opposition is dealing specifically with the report.

The Hon. A. F. GRIFFITH: Mr. Chairman, would you mind telling me to what members can address themselves when the Minister moves for the adoption of the report? Is it a substantive motion or one that cannot be debated? With respect, I think the question can be debated. I will state my reasons. I object to the Bill in its present form. If it is not debated and I do not raise some objection, later on it will be said—

The CHAIRMAN: Order! The Leader of the Opposition is correct. I was in error in saying the matter could not be debated. It is not one of the substantive motions which cannot be debated.

The Hon. A. F. GRIFFITH: I shall start again. I think we ought to reconsider the situation. When the Minister replied to the second reading he foreshadowed he would be prepared to accept the amendment to be moved by Mr. Logan. Had this been done, the Bill would now be in an amended form.

The second reading was carried after a division. The amendment moved by Mr. Logan was defeated on the voices. Neither Mr. Logan nor any other member called for a division. Therefore, the original Bill is now before us. The Bill has passed the second reading and the Committee stage has been completed. My advice to my colleagues is to vote against the adoption of the report if they are not happy with the Bill, as it is now before us.

Question (that the Chairman report the Bill to the House) put and a division taken with the following result:—

Ayes—10

Hon. R. F. Cloughton	Hon. L. A. Logan
Hon. S. J. Dellar	Hon. T. O. Perry
Hon. J. Dolan	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. R. T. Leeson

(Teller)

Noes—14

Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. C. MacKinnon

(Teller)

Pairs

Ayes	Noes
Hon. R. Thompson	Hon. F. D. Willmott
Hon. D. K. Dans	Hon. C. R. Abbey

Question thus negatived.

The CHAIRMAN: I have nothing to report to the House.

Bill lapsed.

LIQUOR ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th August.

THE HON. R. J. L. WILLIAMS (Metropolitan) [5.53 p.m.]: Mr. President, the Bill as presented prior to the Minister for Police placing amendments on the notice paper, would have been totally unacceptable. It would have made Ned Kelly look like an angel had this Bill gone through in its original form. However, by placing the amendments on the notice paper the Minister for Police has removed a great deal of the odium which would otherwise be attached to the Bill.

I think members should realise the original purpose of the measure. It was to pass to the Perth City Council complete control over all parking facilities within its district. This control related to the parking fees chargeable to the public, the conduct, management, operating hours, construction and maintenance of parking facilities, and also to give the Perth City Council the power to charge a license fee to the operator. In other words it sought to give what is complete anathema to my party—price control—and, worse still, price control by the main competitor in the provision of Perth city parking. In the provision of a service to the public it is recognised as correct that there should be at times as a protection to the public control by a governmental authority of the rate at which that service can be charged. However, that price fixing should never be done when that Government instrumentality or agency is itself engaged in the particular industry. It is unfair trading practice. In point of fact, it is monopolistic price fixing and does not give any benefit to the public whom it serves or seeks to serve. It takes away from them the benefit of having prices established by a fair market, working under fair conditions.

There can be no opposition whatsoever to the City of Perth controlling, or influencing, the price of parking by the method which is presently in use. To claim that would be ridiculous. In fact it is difficult to see a better system than the one which exists at the moment. By completing its own parking facilities and determining, as its right, the fees at which such facilities are made available to the public, it does and will continue to exist in the market place as a competitor. I think all credit is due to the Minister for Police, who presented the Bill, for realising this and putting the amendments on

the notice paper. I hope other members in the House will support those amendments and remove these obnoxious clauses.

The Hon. A. F. Griffith: There are one or two other obnoxious clauses.

The Hon. R. J. L. WILLIAMS: As the Leader of the Opposition has said, there are one or two others and I will come to them in a minute. However, I felt it only fair that I should explain to the House that the amendments on the notice paper are fair and reasonable and were put there by the Minister.

One or two other provisions cause some concern to car parking facility operators within the City of Perth. Proposed re-enacted section 15(1)(a) states that a license may be granted for the construction and erection of a car park for a term not exceeding 12 months. I have said, "construction or erection" because some are single storey and some are multi-storey. I shall refer to the two.

In the first place, a person must secure permission to build a multi-storey complex. Secondly, the number of cars which may be parked, and what the construction shall be, is to be regulated by by-laws. Having perfected all that, a developer who builds at a cost of, say, \$5,000,000 is then told, "We are only going to allow you to operate that car park under license for 12 months." The equity which a developer and, perhaps, shareholders—because in nearly all cases there are shareholders—have put into that building is completely destroyed. If at any time the developer wishes to sell that building, in point of fact he will have to sell it in two sections.

Surely we cannot imagine him saying, "This section has a 10-year lease to run and the price for it is so and so. However, as I was licensed in January and it is now September, I can only charge, as it were, for three months of the remainder of the license. What is more, after that three months, the license may or may not be renewed." A prospective purchaser would not have a bar of this. One does not negotiate property deals in this way.

The Hon. A. F. Griffith: I am wondering whether they know that in the proposed building just on the other side of the bridge in Beaufort Street.

The Hon. G. C. MacKinnon: Do you mean the Trades Hall?

The Hon. A. F. Griffith: I am just wondering what they feel about this.

The Hon. R. J. L. WILLIAMS: I do not think anything can be negotiated, guarantee or no guarantee, on the basis that the City of Perth will say, "Yes, by all means you may do that. Let us look at your plans. Yes, that is all right, but do not forget your car parking area will only be licensed for 12 months. Do not upset us in the next 12 months or your license will go." Therein lies the danger.

The Hon. A. F. Griffith: Perhaps we should put in an amendment to make sure that it does not happen over there.

The Hon. R. J. L. WILLIAMS: I am quite sure amendments will be put forward.

The Hon. G. C. MacKinnon: The bays in the car park in the Trades Hall building will be let at \$4 per week.

The Hon. R. J. L. WILLIAMS: There will be no security of tenure if the license is only granted for 12 months. The charge may be \$6 per week if the license is granted to a new owner.

The Hon. A. F. Griffith: It may damage the Government guarantee a bit.

The Hon. R. J. L. WILLIAMS: Yes, it may dent it.

The PRESIDENT: Will the honourable member please address his remarks to the Chair.

The Hon. R. J. L. WILLIAMS: I apologise, Mr. President. I was trying to deal with a crossfire of interjections.

The Hon. R. Thompson: Most unruly, too!

The Hon. R. J. L. WILLIAMS: That is my first objection to the Bill as it stands with the amendments on the notice paper.

Proposed new section 15 will read as follows:—

(1) The Council, with the approval of the Minister, may, on application in such form and containing such particulars as the Council requires, and on payment of any fee prescribed for the purpose, grant a licence to establish, provide, or operate a parking station or parking facility within a parking region for use by the public generally on payment of a fee or charge, and grant a renewal of such a licence—

(a) for such term, not exceeding twelve months, as the Council thinks fit; and

(b) subject to such conditions as the Council thinks fit, and are specified in the licence, in relation to—

(i) the conduct, management, operating hours, construction, and maintenance of the parking station or parking facility;

A person issuing a license must state the conditions under which the license is granted. Here is a competitor in the market trying to lay down what the conduct, management, operating hours, construction, and maintenance of the parking station or parking facility shall be for its opposition. In other words, if the Perth City Council does not feel this is right it can revoke the license. If the conditions of the terms of the license have not been complied with, then that is an entirely different matter—the license can be revoked. However, it is wrong to grant a license and

then indicate how the business concerned is to be conducted and managed, and what hours it should operate. After the council has made sure that the building by-laws have been complied with, and that the Minister is satisfied that everything is in order, a license will be issued, but the council then will further intrude upon a competitor by interfering with regard to the maintenance of the car park.

Nowhere does it say that the terms of the license must be observed, and if they are not observed the license will be revoked. This is normal standard business practice. Perhaps I should rephrase that and say: Normal fair standard business practice.

The Hon. R. Thompson: Some business practice is unfair.

The Hon. R. J. L. WILLIAMS: I have no doubt that Mr. Ron Thompson could give me examples of unfair business practices. I do not move in that world myself, so I do not know.

The Hon. J. Dolan: Innocent fellow!

The Hon. R. J. L. WILLIAMS: The council is genuinely concerned, and I think it has a right to be concerned, about the provision of car parking facilities for people coming into the City of Perth. I am sure members will agree the council has done a remarkably good job in this regard. A motorist coming into our city has no difficulty in obtaining parking. In point of fact, the City of Perth had, and still has, a vehicle parking policy. Unfortunately, with the presentation of this Bill, it flies against its own policy.

Local government is very necessary in our community. The more local government we have the more the total community is involved with the growth of this State and this country.

The Hon. T. O. Perry: That is a very true statement.

The Hon. R. J. L. WILLIAMS: I never speak untruths.

Sitting suspended from 6.06 to 7.30 p.m.

The Hon. R. J. L. WILLIAMS: Prior to the tea suspension I was saying that I believe that local government, within the total concept of government, cannot be done without. It does not matter how small the shire or the city council may be; it forms an integral part of the government of this State. If Parliament had to shoulder the responsibilities associated with the administration of local government in Western Australia we would need a House six or seven times larger than the existing one in this State, with probably six or seven times the number of members we have at the moment.

Also, a tremendous amount would be lost in that we would not be able thoroughly to become acquainted with the various districts, the councils and the shires, and

the people that live within them. Despite that, however, there must always be some form of control of local government and that control is easily established, as we know, by the Minister for Local Government.

In this instance, parking is controlled, rightly and properly, by the Minister for Police, and I cannot disagree with what is contained in the Bill; that is, that everything a council does shall, in point of fact, be upheld in accordance with the Minister's final decision. This takes out of the hands of any council the reflection that may be cast upon it that within the council structure there is a power group that can manipulate this, that, or the other. Therefore the integrity of the council must be jealously guarded because, as I have said, if any aspersions were cast against it, its control could be quickly ruined by people losing confidence in its authority and, consequently, without the activities of local government our task of governing the State would be made much more difficult.

With this in mind, there are certain provisions in the Bill with which I cannot agree. Further, neither would my party, or any fair-minded person agree to them. Subsection (5) of proposed new section 15 outlined in clause 4 reads—

(5) The Council, with the approval of the Minister, may, by notice in writing given to the holder of a licence under this section, authorize the holder to transfer or assign the licence to another person named in the notice, and if the holder does so transfer or assign the licence he shall forthwith give notice in writing to that effect to the Council and thereupon that other person is the holder of the licence.

As members will see the word "authorize" appears in line three of the subsection. This is a word I abhor. We must bear in mind that all building by-laws and zoning by-laws, and the conditions of the license must be complied with, and it would appear to me that the council, having granted a license for a parking facility on a given location, should not place the holder of such license in the position of being refused a transfer of the license, because this would mean that any owner or operator of a parking facility could not be sure of ever being able to dispose of his business.

Such an operator may be offered a good price for his business, but according to this provision the transfer of the parking license could be refused by the council, who may say, "We do not like the man to whom you are transferring the parking facility, and therefore we will not agree to the transfer of the license." Consequently, I must object to that clause.

I do not object to the penal clauses in the Bill, because I admit there is always the "fly-by-night" operator; who is the man who is told, "A condition of your being granted this car parking facility is that you will comply with this regulation as laid down in the Act." It is well known that within the City of Perth people are being granted licenses to operate car parks, and all they are taking over, in point of fact, is a piece of waste ground. Having done this they then proceed to park as many cars as possible on that location without any regard to the number of passengers within each vehicle, or without any regard to the conditions of, or the services on, that car park.

I am not suggesting that every one of these demolition sites, on which is set up a car parking facility should, in the short term, have a layer of bitumen spread over it, because that would mean unnecessary and excessive expenditure. It would be up to the council to say, "Yes, we agree that it is a demolition site, but we will not allow you to provide car parking facilities, because they are not necessary." People will always park their vehicles where it is most convenient for them to park at a price they can afford. For example, if there were a car park with a bitumenised surface on the right hand side of the road, and another on the left hand side of the road which had only a rubble surface, for which facility the operator was charging 10c more than the operator who had the bitumenised car park, no-one in his right mind would patronise the car park on the left hand side of the road.

On page 4 of the Bill, subsection (9) of proposed new section 4, reads as follows:—

(9) This section does not apply to or in relation to a parking station or parking facility that was in operation on the 1st December, 1956 and has been in operation continuously since that date.

In other words, this is an escape clause. The effect of this amendment is to grant protection to people who are encouraged by the car parking policy announced by the council to go ahead and invest in car parking facilities, when it is quite possible that those facilities could be provided in the same business environment as that which existed prior to this 1972 amendment to the Act. Should this amendment not be agreed to, the effect would be to render worthless the policy laid down by the Perth City Council, because serious doubt would be placed on the credibility of any policy it may adopt in the future which could cause serious financial loss to investors who have acted in accordance with that policy. Therefore, I feel that that provision should be amended to read—

This section does not apply to or in relation to a parking station or parking facility that was in operation on the 31st December, 1972 . . .

Finally, I must object to the provisions contained in paragraphs (ua) and (ub) set out in paragraph (b) of clause 5, because I am certain there is something in them that does not add up. Paragraph (ua) prescribes fees for licenses under section 15 of the Act, and if fees are to be set for licenses I think the amount of the fee should be clearly stated; it should not be left to the council to determine. It should not be the responsibility of the council to control the expenses of the car parking facility operator where it is possible that such expenses could be such that they put him out of business.

The Hon. A. F. Griffith: Where a building has been erected under the building by-laws and the car park is part of the building, is it fair that the occupier should pay license fees after that?

The Hon. R. J. L. WILLIAMS: I do not think so, because this could lead to an escalation in fees and put the operator out of business. He may have already submitted plans and paid the price for them and done the thousand and one other things that go with the application for such a license. I am heartily sick of the neglect of this Parliament in not coming to a definite decision on some parts of the legislation which it passes. We are too prone to govern by regulation, and I think that when various items are mentioned in a Bill the details should be written into the Bill and eventually become part of the Act.

Too often Ministers in this House and in another place stand up to table regulations under various Acts. If we care to measure in lineal inches the number of regulations that have been proclaimed and laid on the table of this House since Parliament commenced we would find that the regulations would be in the region of 7½ inches thick. Government by regulation is weak government and we must be prepared, as a Parliament—and I am not casting any aspersions about any Government, past or present; I am merely saying that legislation in any Act should be clearly defined—to set out our decisions in the various Acts and they should not be proclaimed by the tabling of regulations.

I know this is not possible in every instance, but in 99 cases out of 100 it should be possible. The responsibility of Government rests upon the members of this House and those in another place. To prescribe by regulation and say we will agree to a Bill becoming an Act, but will proclaim the regulations later, is anathema to me. I do not like government by regulation; I protest against government by regulation, and I forecast that, in the wisdom of this House, in the future there will be a standing committee which will review all regulations.

No matter how conscientious a Minister may be, and no matter how hard he works, from time to time he will have submitted

to him some subordinate legislation which he will not have time to consider or comprehend. In one instance a public servant told me, he put a regulation in front of the Minister who signed it and laid it on the Table of the House and the House agreed to it. This is no reflection on anyone. It is just human failure and that is why I object to any Bill containing the words that prescribe fees for a license. It is our responsibility to define in the legislation what the fees shall be.

I cannot see the necessity for paragraph (ub) set out in paragraph (b) of clause 5, because section 15 of the Act already states—

... no person, other than the Council, shall establish or provide, for the use of the public generally on payment of a charge, a parking station or a parking facility within a parking region without the approval in writing of the Council.

I cannot see it is necessary to amend that section and therefore I consider that paragraph (ub) is superfluous.

I have been highly critical of many parts of this Bill, and I want to conclude by saying that I reiterate that, in 1966 this Bill would have been vital and possibly necessary, but in 1972, in view of the excellent work that has been performed by the officers of the City of Perth parking section, much of this legislation has now become redundant and superfluous.

I would ask the House to look at this matter in that light. It was on the 17th October, 1966, that the Perth City Council adopted its car parking policy. Part of this policy is as follows:—

It is vital for the healthy growth of a city in the twentieth century to have a car parking policy.

Nobody disagrees with that. The policy states further—

It is important that the citizens should understand the sense behind it. Such a policy is a safeguard for good planning and a safeguard therefore to developers and investors particularly in the city centre. . . .

The policy was carefully worked out on the basis of facts and contemporary planning practice . . .

Its finance should be by private enterprise while possible but control of pricing should continue to ensure efficiency.

Of course, this was to obviate the necessity of the Perth City Council having to apply for large loans to develop its car parking facilities, and the private investors came to the party. For example, we have the construction of the parking facilities at Park Towers. Even the Labor Party conducts its annual ball there, because the people can park their cars in safety and not lose a wheel while they are inside.

The Hon. W. F. Willesee: The only wheel ever lost there was mine, and at the time I was outside.

The Hon. R. J. L. WILLIAMS: This year the Leader of the House will not have any trouble, because he will be inside enjoying the facilities provided by the private developer.

The Hon. W. F. Willesee: No, on the last occasion I did not go inside. I remained outside, as I had been outside for that long!

The Hon. R. J. L. WILLIAMS: The Perth City Council has a car parking policy, and it is a vital one. This policy is understandable and commendable, and the city council has done a tremendous job.

However, there are some inherent dangers contained in the Bill, whereby instead of the Bill being the means of providing facilities it will be the means of controlling the facilities; and legislation which seeks to control the facilities is something with which I do not go along.

I believe implicitly that the Perth City Council must have adequate parking facilities, and that we should not repeat the mistake that has been made in this State—that is, the development of large shopping centres outside the city. The City of Perth is the shopping centre for the metropolitan area. We should not repeat the awful mistake made in the U.S.A. of building large shopping complexes with huge car parks outside cities and towns; if we do we will be storing up troubles for ourselves in the future.

The Hon. R. Thompson: Why?

The Hon. R. J. L. WILLIAMS: Because this has proved to be an absolute failure in the U.S.A. If the honourable member doubts my word he should go to Chicago and see the huge Oak Brook shopping centre development. In establishing that the authorities did not provide for the down-town section. After 12 years of such development the shopping facilities in the centre of Chicago have had to be rebuilt.

Perth is the centre where people like to shop, so it is right and proper that adequate parking facilities be provided. Before the introduction of shopping complexes I think the shoppers were adequately catered for in the City of Perth.

I support the Bill in part, but I cannot support it in total for the reasons I have already stated.

THE HON. L. A. LOGAN (Upper West) [7.49 p.m.]: I can appreciate the reason for the Perth City Council asking the Minister to introduce the measure before us, because in the last 12 months or so it has experienced some problems due to the lack of adequate control in respect of this issue.

I am one of those who like to give local authorities as much autonomy as possible, but I am afraid I cannot go so far as to give the City of Perth the power which it seeks under this Bill.

The Hon J. Heitman: That would be stretching the long bow.

The Hon. L. A. LOGAN: It certainly would. The operative part of this Bill is clause 4 which seeks to repeal and re-enact section 15 of the Act. Section 15 states—

After the coming into operation of this Act, no person, other than the Council, shall establish or provide, for the use of the public generally on payment of a charge, a parking station or a parking facility within a parking region without the approval in writing of the Council.

I think that is a fair provision. I consider the Perth City Council is entitled to have that power, but it is about the only power it has under section 15.

This power is to be re-enacted in proposed new section 15 (1). However, when we delete subparagraphs (i), (ii), and (iii) of paragraph (b), and when we delete proposed subsection (2) there is nothing left of the Bill.

Proposed section 15 (1) (a) has been dealt with by Mr. Williams. It is impossible for this House or this Parliament to agree to companies being given the right to establish parking facilities either at ground level or above ground level under the conditions set out. Mr. Williams was drawing the long bow a bit when he mentioned the figure of \$5,000,000. It could be that \$500,000 or \$750,000 would be spent in establishing a parking station.

The Hon. R. J. L. Williams: I was talking about the total number of buildings.

The Hon. L. A. LOGAN: If we take into account the parking station established in Hay Street we will find that it cost about \$750,000. A person or company may be committed to spending such a sum of money, but then finds that the license is granted for a period of 12 months only. Mr. Heitman said this was stretching the long bow, and I agree. I do not think anyone in his right mind would accept such a proposition.

For that reason I say that proposed new section 15 (1) should be withdrawn or amended in some form. There is nothing wrong with the first part of proposed new section 15 (1) (b). It refers to the conduct of parking stations, and in this regard we could lay down guidelines. The provision also refers to the management of parking stations and facilities. What right has the Perth City Council or its officers to interfere with the management of a business? I suggest they have no right whatsoever; therefore, that reference should be deleted from the Bill. In respect of the reference to operating hours,

I suggest that matter could come under the control of the Perth City Council although I am not too sure about this.

Proposed new section 15 (1) (b) refers to the construction and maintenance of parking stations and facilities. I would point out that such construction and maintenance is governed by the uniform building by-laws; therefore there is no need for those two references to be included in the Bill.

The Minister has given notice of an amendment to delete proposed new section 15 (1) (b) (iii). After that has been accomplished I suggest there will be very little left in the Bill. For that reason the Minister should withdraw the Bill for the time being and refer the matter back to the Perth City Council.

The Hon. J. Dolan: It has been referred back to the council a couple of times.

The Hon. L. A. LOGAN: The Minister should point out to the Perth City Council the error of its ways. To amend the provisions in the Bill in their present form would be an impossibility, and for that reason there is no alternative except to withdraw the Bill.

I can see nothing wrong with the point raised and suggestions made by Mr. Williams concerning parking facilities which operated before 1966. I am not as afraid of the by-laws as Mr. Williams appears to be. For 12 years I was Minister for Local Government, and in that time I laid many by-laws on the Table of the House. I do not think we can govern effectively without by-laws or without conferring certain powers on local authorities.

We cannot write everything into an Act. If we look at the Local Government Act we find it contains many sections which relate to the making of regulations. It would be impossible to write everything into an Act.

To a certain extent I agree with the objection raised by Mr. Williams to proposed new subsections (4) and (5) of section 15 in regard to the assignment or transfer of licenses. These provisions are applicable where someone has leased a property from the city council and wants to assign it. This happens in many local authorities in respect of the assignment of beach shacks and the like. However, in respect of a freehold property of which a person has obtained a license, has established parking facilities, and is operating a business, he should be allowed to assign the property as can be done in the ordinary course of business. To prevent him from assigning it would be to take the matter too far.

All in all, it would be much better for us not to attempt to amend the Bill. We should return it to the Perth City Council and ask it to reconsider the proposals contained therein. What Mr. Williams and I have said in this debate ought to remind

members of the difficulty of trying to amend legislation which is presented in the form appearing in the Bill.

I repeat that if we delete from the Bill the parts mentioned by Mr. Williams and myself there will be nothing left. If the Perth City Council is not prepared to have the Bill rewritten, it must then take the risk as to whether or not it will be given more power and control. As far as I am concerned we should wherever possible give autonomy to local authorities, but I cannot agree to the Bill in its present form. In the circumstances I must oppose it.

THE HON. I. G. MEDCALF (Metropolitan) [8.00 p.m.]: I listened with great interest to the comments made by Mr. Williams and Mr. Logan on this Bill. I have been preoccupied with other Bills lately and I am afraid I have not given this measure the study it deserves. The members who have spoken have drawn to my attention the very serious situation which could occur in the case of people who have constructed car parks as a part of buildings. In future, those car parks will be governed by the Perth City Council.

People who have constructed substantial buildings with two or three floors of car parking facilities will find they have a license to operate those car parks only for a period of 12 months. This is a preposterous situation because such car parks will have been approved by the Perth City Council. People who have invested considerable capital in constructing car parks—in accordance with the requirements of the Perth City Council—will find that their licenses to operate the car parks will be terminated after a period of 12 months.

People who have operated the car parks in the past will find that they would not be able to operate them in the future unless they obtain a renewal of their licenses. The licenses would have to be renewed each year, and fees would have to be paid as prescribed. Of course, the fees would increase the revenue of the Perth City Council which would probably be justified because more people would need to be employed. On the other hand, it will mean an increase in parking fees and an addition to the general cost faced by people who have to park their cars within the Perth City Council area.

The Hon. R. F. Cloughton: Are the people who are operating the car parks the same people who built them?

The Hon. I. G. MEDCALF: Frequently, that is the case. Many buildings have been constructed in which the owners have included car parking facilities for the benefit of the tenants and the people who use the buildings. Those buildings would be included under the provisions of this Bill because the car parking facilities and parking stations are both included.

Clause 4 of the Bill deals not only with a parking facility, but a parking station. It seems to me that the only type of car park to be excluded would be a private garage. Private garages in the City of Perth would be few and far between and, consequently, it seems that anybody who allows other people to park in his premises will be included.

I am quite sure the Government did not appreciate the fact that the provisions of this Bill would terminate the right of people who have constructed car parking facilities at a cost of perhaps many millions of dollars. The rights of such people would be terminated within 12 months. The Minister may say there is no intention to terminate the rights of the people who have constructed car parking facilities, and I am quite sure he would be right. However, I am not prepared to subscribe to legislation which provides that such a situation could occur at the whim of any authority. I would not like a court to have that sort of power and, therefore, I am not prepared to grant such power to any other authority. I would not consider myself a fit legislator if I permitted such a provision to have effect.

I agree with the comments made by Mr. Williams and Mr. Logan, and I suggest the whole matter be resubmitted to the Perth City Council for further attention.

Debate adjourned, on motion by The Hon. R. F. Cloughton.

INTERPRETATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th August.

THE HON V. J. FERRY (South-West) [8.05 p.m.]: This measure is one of three Bills with associated implications. It is relatively simple but it does give me an opportunity to point out to members one change which I believe deserves some amplification.

The Bank Holidays Act of 1970 contains a provision for a holiday to be granted to bank officers on a whole-day basis. In other words, a whole-day holiday is granted.

Under the provisions of a Bill which we discussed yesterday—entitled the Public and Bank Holidays Bill—the Government can grant a public half-holiday or a bank half-holiday. Members will appreciate that whereas previously there was provision for the granting of a full-day holiday it is now proposed that a half-day holiday be granted as an alternative to a full-day holiday.

That is contrary to the provisions of the existing Act. I raise the point and I should be grateful if the Minister would assure me, and other members in this

House, that this particular aspect has been discussed with the representatives of the banking fraternity. I particularly refer to the Associated Banks in W.A., the Australian Bank Officials Association, the Commonwealth Banking Corp. group, and the Commonwealth Bank Officers Association.

I think it is reasonable that the members of those organisations should be consulted. I hope the Government has, in fact, discussed this measure with them because the proposal will be a departure from what has been the case in the past. Perhaps the bank officers agree with the provisions of the Bill, but I believe it is pertinent that we should have an assurance from the Government that the four organisations to which I have referred have had an opportunity to discuss the legislation so that there will be no misunderstanding.

The Bill is quite straightforward other than the provision to amend the definition of a bank holiday. I support the second reading.

The Hon. W. F. Willesee: I think the remarks of the honourable member are pertinent and I will look into the questions raised.

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

House adjourned at 8.09 p.m.

Legislative Assembly

Wednesday, the 20th September, 1972

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

QUESTIONS (34): ON NOTICE

1. WATER SUPPLIES

Tunnel: Canning Dam-Roleystone

Mr. RUSHTON, to the Minister for Water Supplies:

- (1) What amendments to the proposed Canning tunnel project have been requested by the Roleystone Progress Association?
- (2) Have these amendments been accepted by the board?
- (3) If "No" to (2), will he please advise me why they have not been approved?
- (4) What is the board's intention now as to resumption of the 13.85 acres quoted in answer to my question 16 on 15th August, 1972?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

- (1) Variations have been requested to the line of the tunnel at the outlet portal end.
- (2) No.
- (3) The matter has yet to be considered by the board.
- (4) This has also yet to be determined by the board.

2.

HIGH SCHOOLS

Hall-Gymnasiums

Mr. MENSAROS, to the Minister for Education:

Does his reply to part (3) of question 27 on 14th September, 1972 mean that construction of a gymnasium in a high school can be started immediately or at any time with the secure knowledge of the subsidy being forthcoming at any stage of construction—provided that the parents and citizens' association has the funds to cover its proportion of the total cost and understood that the plans are approved by his department and/or the Public Works Department?

Mr. T. D. EVANS replied:

Yes, provided the plans and specifications have the full approval of the Education and Public Works Departments. The subsidy could not exceed the amount mentioned in part (2) of question 27 on the 14th September, 1972.

3.

HIGH SCHOOLS

Commencement, Enrolments, and Covered Space

Mr. MENSAROS, to the Minister for Education:

Could he please supply a list of all high schools indicating with each the—

- (a) year they were established;
- (b) number of enrolled students as at the last available date;
- (c) approximate amount of covered space (conveniently suitable for gymnasium purposes) available in square feet or metres?

Mr. T. D. EVANS replied:

- (a) and (b) Answer tabled.
- (c) Specific information on the amount of covered space in each school is not maintained. The amount of covered space available is only one factor considered with respect to the provision of halls/gymnasiums. An investigation is