Legislative Assembly

Thursday, the 23rd August, 1973

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

BILLS (2): INTRODUCTION AND FIRST READING

1. Nurses Act Amendment Bill.
2. Dental Act Amendment Bill.

Bills introduced, on motions by Mr. Davies (Minister for Health), and read a first time.

PROPERTY LAW ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

WOOD CHIPPING INDUSTRY AGREEMENT ACT AMENDMENT BILL

Third Reading

MR. TAYLOR (Cockburn—Minister for Development and Decentralisation) [11.06 a.m.]: I move—

That the Bill be now read a third time.

This Bill passed the second reading and Committee stages last night when I undertook to obtain some information for the Leader of the Opposition. One point concerned the situation pertaining to road maintenance tax for company vehicles which were likely to be on private roads and subsequently moved onto public roads; and the second point related to the association of Millars with Bunnings, the principals.

Regrettably, although I have attempted to obtain the information I am having difficulty in obtaining a ruling, particularly in connection with road maintenance tax. I therefore ask the indulgence of the Leader of the Opposition to permit the Bill to pass the third reading stage now and I will convey the information to him well before the Bill reaches another place.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [11.08 a.m.]: I appreciate that the Minister has not had much time to ascertain the information on those two points; but perhaps I should clear up a misunderstanding in connection with road maintenance tax. The Minister referred to company vehicles moving onto public roads, but the point which was concerning me was a different one. If a private road were constructed and were accepted as a private road for the use of special type vehicles for a particular purpose in accordance with the agreement, this would be all right so far as the road maintenance tax was concerned provided the road was used by those particular vehicles only. In other words, the road would be the equivalent of a railway working for the company.

Mr. Taylor: That is right.

Sir CHARLES COURT: But in certain circumstances noncompany vehicles could go onto the private road. This was a problem which arose over a proposition to build a private road for special type vehicles to handle manganese in the north. Special trucks carrying 200 tons were to be used on the special road because it would not have been safe or possible to allow them to operate on public roads. For the whole of the 40 to 50 miles of specially constructed roads it was desirable we have this type of vehicle if the other economics had fitted in for the project. However, one of the problems which arose was the question of keeping the road strictly private and the vehicles exempt from the payment of road maintenance tax.

It was pointed out to me, rightly or wrongly, that if other people intruded onto the road as a matter of convenience—and there would be a great temptation to the local station-owners and so on to use it when they saw a perfect piece of road between point A and point B—this could spoil the classification of the road as a private road and thus cancel its exemption from road maintenance tax which would make the whole of the operations on that road taxable.

I hope I have got the message across to the Minister. If he could take my comments into account when making his studies, perhaps after they are recorded in *Hansard*, they could be of some assistance to him. We would like to obtain the information.

Mr. H. D. Evans: A number of private roads are already in existence throughout the south-west. The problem will be accentuated by the greater number of roads, certainly, but they are in existence at the moment.

Sir CHARLES COURT: That is understood; they are used for log hauling and so on. I am not quite sure of their position so far as road maintenance tax is concerned. The present agreement seeks to provide for vehicles to move on private roads other than those vehicles of the company covered by the agreement. Those additional vehicles will pay road maintenance tax.

I am trying to avoid the situation which could arise whereby all the users—including the company—of the private roads in this south-west project would become involved in the payment of road maintenance tax. It is purely a question of trying

to protect the private road status for authorised company vehicles, and now is the time to take action while we have an opportunity to alter the agreement.

MR. RUSHTON (Dale) [11.11 a.m.]: I would like to refer a question to the Minister, and it relates to environmental protection. Great interest has been shown in this legislation, both in regard to the industry to be set up and to the environmental aspect. The Minister for Forests was good enough to confirm what we believe was the situation in the past.

Because of the poor record of this Government regarding environmental protection it is necessary that the report from the Environmental Protection Council should be tabled so that its contents can be examined as soon as possible. Perhaps the Minister has some further information available now, but I would like him to table the full report when Parliament resumes following the proposed adjournment.

I understand that further reports have been made to the Government and it is very necessary that the people should be able to see that justice is being done. We have been assured by the Minister for Forests, and by the Minister handling the legislation, that all aspects of the environment will be protected; and we are all aware that emphasis has been given to environmental protection by the appointment of a director, and the formation of an authority and a council, and for that reason I consider it to be important for relevant information from them to be tabled as soon as possible.

MR. TAYLOR (Cockburn—Minister for Development and Decentralisation) [11.14 a.m.]: I would like to advise the Leader of the Opposition that I will obtain a copy of his speech and provide him with the details he desires. In reply to the member for Dale, I felt that the contents of the Bill, and the points made by the Minister for Forests, would have satisfied anybody that the Government is concerned with environmental protection in connection with this project.

The Environmental Protection Authority is to continue the monitoring of forest areas; it will not just be a matter of observing what is happening and saying, "It will be okay, it will be an ongoing thing."

In other words, the Environmental Protection Authority is to continue a monitoring programme progressively over the period of the agreement, which should be an additional guarantee.

An assurance to table the report is not one which I personally can give the honourable member but I will speak to the Minister for Environmental Protection and seek his co-operation in tabling any documents which are necessary in connection with this legislation.

Question put and passed.

Bill read a third time and transmitted to the Council.

WORKERS' COMPENSATION ACT AMENDMENT BILL (2ND.)

Second Reading

MR. HARMAN (Maylands—Minister for Labour) [11.16 a.m.]: I move—

That the Bill be now read a second time.

This Bill replaces the earlier Bill introduced in the House in the first part of this session. At the request of the Deputy Leader of the Opposition, I have had the Workers' Compensation Act consolidated and reprinted, and the amendments to the Bill which were placed on the notice paper by my predecessor, the Deputy Premier, incorporated in this new Bill.

The Government considers that Western Australian wage and salary earners are entitled to compensation benefits equal to the best in Australia. This Bill seeks to achieve that objective. In broad terms, the measure follows the benefits sought by the Australian Government in the amending Bill to the Compensation (Commonwealth Employees) Act, at present before the Australian Parliament.

It is proposed to increase weekly compensation rates to the level of the weekly earnings, including overtime, the injured worker would have received if he were not incapacitated as a result of his injury. This is the rate which applies in Tasmania and the rate being sought by the Australian Government for Commonwealth employees. The weekly compensation rate proposed by the Bill will bring Western Australia to the forefront in workers' compensation in this respect; up with Tasmania and, upon approval of its Bill, with the Australian Government. We on this side of the House do not apologise that the proposed weekly rates go further than the rates in the conservative States have gone or are likely to go. The Queensland Act, for example, only provides for ordinary time earnings.

In other States the majority of workers receive ordinary time earnings by the application of "make-up" pay schemes. The problem of a rate equal only to ordinary time earnings is that it is not equal to a worker's actual normal earnings. Ordinary time earnings would normally exclude from a worker's normal earnings some allowances, such as shift penalties, and overtime normally worked.

In modern times workers undertake financial commitments according, not unnaturally, to the earnings they normally receive and have been receiving for some considerable time. Society demands a

standard of living which enables workers and their families to live in a reasonable standard of comfort; and workers aspire to achieve those standards, and undertake commitments in accordance with their normal earnings. The modern household of the average worker is geared to the worker's normal earnings and the corresponding commitments. These commitments do not conveniently disappear if one of the hazards of modern life produces physical misfortune.

The Government therefore feels fully justified in proposing that compensation rates should be the entire loss of the injured worker's earnings, and not merely a proportion of his earnings, as ordinary time earnings would represent.

Some members may hold the unfounded opinion that compensating an injured worker for his full loss will encourage abuse of the system. When introducing the 1972 amending Bill late last year, the Deputy Premier quoted at length from the report of the Woodhouse Enquiry into the Compensation System in New Zealand, concerning the risks of abuse. Mr. Justice Woodhouse is, as all knowledgeable members will acknowledge, an expert in workers' compensation. He is also the gentleman commissioned by the Australian Government to head the inquiry to establish the best method of implementation of a national compensation scheme in Australia.

At paragraph 405 of the Woodhouse report, the Royal Commission said—

> We are aware that there are claims that fixed periodic compensation will encourage what is described as malingering. The word is intended to describe those who will put up a pretence that the injury is more serious than is really the case. Certainly there will be some who will attempt to take advantage of the system. But they are doing much the same in a different fashion at present. And we entirely reject the suggestion that there are substantial numbers of workshy or dishonest people waiting for the moment of injury in order to batten on to a compensation fund for extended periods of time.
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> The matter needs to be mentioned because it troubles many reasonable people. For this reason we have examined some of the material which has been gathered together in regard to it.
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> In England the matter has been considered on several occasions over the last half century. In 1911 the report of the Departmental Committee on accidents in places under the Factory and Workshops Acts made it clear that in the opinion of the Committee injured workmen were not disposed to malingering. Ten years later the well-known Hollman Gregory Report expressed similar conclusions having "made careful enquiries of employers and insurance companies' officials". Indeed the Committee had devoted a whole section of their questioning of witnesses to the matter. Their conclusion was that "we are satisfied that the average workman is anxious to return to his work as soon as possible".
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> In 1961, Freda Young, a perceptive student of the British Social Services, considered the question in relation to the medical and other safeguards against abuse of welfare programmes. She considered on the experience of the Ministry of Pensions and National Insurance (of persons who persistently refused to maintain themselves) that "if malingering does exist it is of tiny proportions"; and that "the medical safeguards against malingering in the welfare state are fairly comprehensive".
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> Then in 1965 the same matter was raised before Mr. Justice Tysoe in British Columbia. In his report he has said—
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> > "As to malingering, I imagine there are cases of this... but the number of these compensation cases must be very small indeed, and they are very hard to prove. The malingerer is a different person to the workman who honestly but wrongly believes he is not fit for work".
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> Obviously enough, any scheme of the sort proposed in this Report must be administered by methods which will keep abuse to the "tiny proportions" mentioned by Freda Young. But primarily the problem, to the extent that it exists, can be controlled by an experienced and efficient medical profession. We are in no doubt that the profession in this country is well able to discharge its responsibilities in regard to the matter. And in addition there will be the central oversight and control exercisable by the Medical Department of the authority itself.
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> The short survey we have been able to make has left us satisfied that the issue of malingering is one of minimal proportions when set against the vast number of reliable citizens who may have reason, from time to time, to seek the support which the scheme is designed to afford. It is a problem with a nuisance value but this is certainly so insignificant that it would be entirely wrong to allow it to bear down upon a scheme otherwise able to produce widespread and necessary benefit for the community as a whole.

Another important amendment concerns the monetary limit placed on each worker's compensation claim. At present there is a limit which can only be extended, in cases of permanent and total incapacity, upon application to the Workers' Compensation Board. When the Government recently examined the Workers' Compensation Act, the question was asked: Was the *status quo* and past practice sufficient justification for the retention of such an arbitrary limit?

There is no limit to weekly compensation with respect to Commonwealth employees nor to workers in New South Wales and the Northern Territory. Moreover, the international concensus of opinion, as represented by I.L.O. Convention 121, Employment Injury Benefits, is that payment of compensation benefits should be made throughout the full period of incapacity.

After considering the matter the Government concluded that any arbitrary limit, no matter how high that limit might be, is basically inequitable. We feel that it is wrong that the short-term or minor incapacities should be preferred to protracted or recurring conditions. Why should the partially incapacitated worker, or the worker who suffers recurrences of an injury which temporarily but totally disables him, be subject to some arbitrary limit? Even though such injured workers continue to suffer incapacity due to a work-caused injury, they immediately lose the benefits of compensation when the monetary limit is reached.

What is to happen to such a worker who is suddenly incapacitated for two or three months due to a recurrence of an old injury? The disruption to the worker's life, his family, and his home caused by the sudden loss of income, is of great concern to the Government. Is the anxiety that flows from the resultant financial problems conducive to the recovery or rehabilitation of a man in these circumstances? Moreover, how would such a man feel when he sees a workmate, just recently incapacitated due to a relatively minor injury, receiving full compensation benefits?

It is patently unjust that the system should operate to the benefit of people who suffer the least loss financially, but to the detriment of those who suffer the most financially, no matter how small the number may be. The greatest happiness of the greatest number is not, in our view, a suitable foundation for a just compensation system. Accordingly instead of merely raising the monetary limit as has been the practice in the past, the Government proposes to remove the limit altogether.

The Bill also proposes, following the example of the Australian Government, to introduce a new standard in the Act known as the "Prescribed amount". The "Prescribed amount" is defined as "the amount ascertained by multiplying by two hundred and sixty the amount specified in the last estimate, published by the Commonwealth Statistician, before the date of injury or date of death, as the case requires, of the seasonably adjusted average weekly earnings per employed male unit throughout Australia in respect of the last period of three months that ended before that date in relation to which he published such an estimate".

As the statistician's figure for the March quarter was $102.50, the "Prescribed amount would currently be $26,650. The equivalent standard in the Act at present could be said to be $13,136, which is the present maximum amount payable for second schedule disabilities and the maximum liability for weekly payments. The Bill therefore seeks roughly to double the basic standard. The Government feels justified in proposing the substantial improvements in benefits which will flow from the adoption of this new standard. Values of society have changed and new values demand that realistic compensation be provided for the disabilities and losses suffered by workers due to employment-caused injuries.

The Government does not consider a lump sum payment of $26,650, as proposed in the Bill, to a worker who suffers loss of sight of both eyes, as being exorbitant. This amount is merely a more realistic assessment of the real loss involved. The adoption of this new standard is the Government's response to the demands of society that some degree of realism be injected into compensation benefits to provide for the real losses and disabilities suffered by injured workers and their dependants.

Before turning to the Bill, I would once more reiterate what has been said before by other Government spokesmen. The Government sees this Bill as an interim measure prior to the eventual absorption of the State compensation system by the proposed national compensation scheme. Whilst the Bill is considered an interim measure, it is nevertheless considered of major importance both to the Government and to the people of the State, and accordingly it is our intention to press for the full implementation of the Bill's proposals. I now turn to the Bill itself.

Clause 2:

Because the statistician's seasonally adjusted average weekly earnings per employed male unit are adjusted quarterly in accordance with wage movements, the "Prescribed amount" is a datum for the benefits to which it is attached. The retention of the present datum—the basic wage—as well as the "Prescribed amount", is considered clumsy. It is therefore proposed to remove the basic wage as a datum from the Act. Should the implementation of the proposed national compensation scheme take longer than 12 to 18 months,

then it is my intention to update those benefits not tied to the "Prescribed amount" by further legislation.

Clause 3—Interpretation:

The interpretation "Basic wage" becomes superfluous and is to be removed. The term "Disabled from earning full wages", has been inserted to remove any disagreement as to its interpretation. Additional interpretations are required for "The Chairman" consequential to proposed amendments to section 25 of the Act, and for the new standard, the "Prescribed amount".

The definition of "Widow" or "Wife" in the Act has been widened to include the situation where the "Widow" or "Wife" has been living with the worker—although not legally married to him—for less than three years and there is a dependent child of the union between him and the woman.

The definition "Worker" is to be amended to include within the provisions of the Act clergymen of the Anglican Church. This has been done at the express request of the church made to the Premier. Officials of the other large churches have been approached and, as a number of them have expressed interest, provision has been made for their inclusion quite simply at their request.

Clause 4—Journey Provisions:

Cover is at present given only for accidents between work and one only place of residence. It is intended to extend this in the case of men working in camps who, if they are to maintain any semblance of family life at all, must make weekend or even less frequent trips to their true homes.

Clause 5—Noise-induced Hearing Loss:

The addition of section 7A will rationalise the calculation of benefits due to workers who suffer noise-induced hearing loss. Without such a provision considerable disputation might occur as to the degree of compensation to which a worker is entitled.

Clause 6—Medical Boards:

Medical boards established by Section 8 (1d) of the Act to examine workers suffering from pneumoconiosis, mesothelioma, or chronic bronchitis in association with silicosis, are to be reconstituted to provide that one member each will be chosen by the worker and the employer, and the chairman will be selected by the registrar by lot from a panel of specialists.

Three specific questions have also been included which the medical board will be required to consider and determine when considering a worker's condition and fitness. In addition, subsection 13 of section 8 is to be repealed. It is considered that the limitation imposed on the pneumoconiosis disease is anomalous and should be removed.

Clause 7—Special Provisions for Certain Conditions:

There are three types of conditions which the Government considers warrant special provisions to protect disabled workers and their dependants. The proposed section 8A places the onus on employers to prove that workers, severely disabled by pneumoconiosis and who subsequently die from natural causes, did not die from the pneumoconiosis condition. The beneficiaries of this provision are the worker's dependants who will be entitled to receive the usual benefits provided to dependants in the first schedule upon the death of a worker.

It is often difficult for a worker who suffers a cardiovascular or cerebro-vascular "accident" due to activities performed during his employment, to prove the occurrence was work-caused. The proposed section 8B seeks to remedy this deficiency in the current Act.

Proposed section 8C provides that mineworkers who are suffering from silicosis in the advanced stage are to be deemed totally and permanently incapacitated for work, and they are to be entitled to compensation from the last employer who employed them as mineworkers.

Clause 8—Hernias:

Western Australia is the only State which places restrictive conditions on hernia injuries. The repeal of section 10 of the Act will remove these restrictive conditions so that hernia injuries will be treated in the same way as any other personal injury by accident.

Clause 9—Regular Payments:

The report from the Senate Standing Committee on Health and Welfare in May, 1971, recommended that urgent steps be taken to eliminate the long delays occurring in disputed workers' compensation claims. By adding the two new sections, 12A and 12B, Western Australia is merely implementing this recommendation.

Annual and Long Service Leave:

The proposed section 12C makes it clear that if a period of compensable incapacity supervened on a period in respect of which the worker is receiving or is entitled to receive payment for annual or long service leave, the worker is entitled also to his weekly payments of compensation.

Public Holidays:

The new section 12D stipulates payment of full rates for public holidays falling within any period of incapacity.

Employer to Provide Suitable Employment for Partial Incapacity:

The proposed section 12E provides that an employer shall provide suitable work for employees who are partially incapacitated for work, and upon failure to do so, employers will be liable for payment of full compensation.

Recovery of Cost of Services Rendered:

Although the present provisions have proved to be satisfactory in most ways complaints have been received from the medical profession and from hospitals that through the disappearance of the patient they are often left without payment. At present they only have the power to claim from their patients and they desire, and we think they should be entitled to, claim direct from an employer or insurer in a proven or admitted compensation claim. The addition of the new section 12F will enable this to be done.

Clause 10—Chairman of the Workers' Compensation Board:

The Bill proposes that the chairman will have entitlements as if his service as chairman were service as a District Court judge, and that he be entitled to the designation "Judge".

Clause 11—The First Schedule:

Besides the increase in weekly compensation to the earnings injured workers would normally receive, and the removal of the monetary limit to workers' compensation claims, there has been a general up-grading in benefits. In particular, the Government is concerned about the welfare of dependants of deceased workers and accordingly there has been a substantial improvement in their benefits.

In addition, provision has been made for the repair or replacement of worker's clothing and tools damaged, by reason of an accident arising out of or in the course of the worker's employment.

The board has also been provided with the discretion to define certain children, including those 16 years and over, as dependants under the Act.

Clause 12—Second Schedule:

The percentages of the maximum for each disability have been up-dated to bring them more into line with other States, with particular reference to the percentages adopted in the South Australian and Commonwealth legislation. By adopting the "Prescribed amount" as the maximum payable for the second schedule disabilities, there has been a rough doubling of lump sums payable for the disabilities listed in the schedule.

Clause 13—Third Schedule:

Besides the addition of industrial deafness, some additional diseases and their causes have been included to enable Western Australia to comply with the I.L.O. Convention No. 42. This convention, dealing with occupational diseases, was ratified by Western Australia 14 years ago. Upon scrutiny the I.L.O. Committee of Experts considered the Western Australian Workers' Compensation Act did not comply with the terms of the convention. Although there is some room for other opinion on this point, the proposed amendments to the third schedule will meet the I.L.O. request.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Neil (Deputy Leader of the Opposition).

WESTERN AUSTRALIAN ARTS COUNCIL BILL

Second Reading

MR. J. T. TONKIN (Melville—Premier) [11.40 a.m.]: I move—

That the Bill be now read a second time.

This Bill, to establish a Western Australian arts council as a statutory body, is the result of three years' experience in the operation of the Arts Advisory Board, tempered by the experience and examination of the workings of arts councils both in Australia and overseas.

The Western Australian Arts Advisory Board was set up by the previous Government in 1970 to advise the Treasurer on the distribution of financial assistance to the arts.

Its original brief was to address itself primarily to the performing arts—drama, opera, ballet—although it had a secondary function to recommend assistance to any organisation which it felt was in a position to be of benefit to the community.

The original membership of the board was Professor Frank Callaway as chairman, the late Mr. Philip Masel, deputy chairman, with Mr. Joseph Griffith, Miss Joanne Patman, and Mr. J. A. B. Campbell as members. It was later strengthened by the addition of Mrs. Erica Underwood, Mr. Harry Bluck, and Mr. Sydney Box.

The untimely death of Mr. Masel, whose wide-ranging interest in the arts was well known, deprived the board of one of its most respected and hard-working members. In due course the vacancy was filled by Mr. Tony Evans.

In making these appointments the Government adopted the same criteria as its predecessors, in trying to select members, not to represent any sectional interest, but for their general interest in the arts and their ability to look objectively at the whole area under consideration.

It speaks highly for the calibre of those appointed that the Government has been able to have the same confidence and faith in the advice given to it by the board as had it predecessors.

As members will know, financial assistance for the arts has increased greatly in recent years, and is now regarded as an essential part of the function of a Government. It soon became evident to

the Arts Advisory Board that the need for help was considerable, especially in the country. Also the board found that country tours were suffering from a lack of co-ordination of touring by theatrical companies so that small places found themselves entertaining three companies in a week and then not seeing anything else for over a year. The board was asked to see if it could regulate this situation but it soon became clear that to do so would need some permanent staff. Furthermore the number and variety of requests for help were multiplying and it became necessary to employ the services of someone with administrative experience, and a particular knowledge of the local arts to help the board to investigate and collate the applications.

To this end, the Government employed a liaison officer. Because many of the problems with country touring dealt with performances in schools, it was assumed that a proportion of this officer's work would be with the Education Ministry, so he was given the title "Liaison Officer for Cultural and Educational Affairs".

The day-to-day administration of the board's affairs was handled by the Treasury with one of its officials acting as secretary to the board, and the liaison officer acted as a source of advice and information whilst making personal contact with as many organisations as possible.

It was seen that one of the major needs in the organisation of the arts was some kind of central office to organise and co-ordinate country touring.

In other States this duty was undertaken by a division of the Arts Council of Australia with funds provided by the State and Federal Governments. Western Australia had no such organisation, each theatre company organising its own touring.

An application by the Cultural Development Council to become the W.A. division of the Arts Council of Australia was not supported because the C.D.C. made it clear that it was not interested in undertaking the touring commitment.

However this approach, together with an assessment of its own activities, led the board to examine the whole area of assistance to the arts both within Western Australia and in other States and overseas.

From this examination the board concluded that there was an urgent need for the establishment of a suitable co-ordinating authority to control country touring in a number of fields, and for the establishment of a suitable agency in Western Australia to co-operate with the Arts Council of Australia through which the State could share and benefit from certain projects at present being extended to all other States.

The board also judged that aid to the arts in Australia was bedevilled by a multiplicity of organisations—the Australian Elizabethan Theatre Trust, the Australian Council for the Arts, and the Arts Council of Australia. These organisations were fitted into the pattern of Federal aid to the arts more because they existed than because they were necessary. It might have been more sensible had the Commonwealth Government, when it decided to enter the field itself, rationalised the situation by amalgamating all such bodies to establish a new national agency. Instead it chose to superimpose yet another Federal organisation—The Australian Council for the Arts.

Western Australia is fortunate in not having any firmly entrenched or predisposed organisations and because of this the Government has been in the unique and happy position of being able to choose the most rational form of organisation best suited to the special needs of the State.

This State has a particular problem in combining vast distances with a sparcity of population not found in any other State. For this reason it is virtually impossible for a professional company to tour profitably. It is therefore necessary for all professional country touring to be heavily subsidised. In effect the Government pays for all losses incurred by professional companies on country tours.

Mr. Mensaros called attention to the state of the House.

The SPEAKER: There is a quorum present.

Mr. J. T. TONKIN: In looking at this problem it seemed sensible that the Government should therefore create an agency which would undertake the organisation and supervision of country touring, thus ensuring the maximum economy commensurate with efficiency.

It was therefore concluded that the cultural needs of Western Australia could best be met by creating a statutory body to be called the arts council of Western Australia which would relieve the Minister from the day-to-day responsibility for policy and administration and prevent the further proliferation of bodies concerned with assistance to and organisation of the arts.

The role of this new statutory body would be—

(1) to formulate and implement policy in respect of the arts generally, thus creating a greater sense of immediacy;

(2) to co-ordinate artistic effort, particularly in country areas, and employ or set up the necessary organisations to do so;

(3) to encourage, foster, and promote the practice and appreciation of the arts by taking necessary initiatives to make all forms of artistic expression accessible to the general public;

(4) to make grants, pay subsidies, or make advances to local authorities, organisations, or individuals to promote and encourage the arts;

(5) to co-operate, with bodies with similar aims interstate, to improve and expand the provision of exhibitions and performances.

The detail of translating this into legislation is contained in the Bill before the House, but I must emphasise two particular aspects of it. First, an arts council must of necessity retain the maximum flexibility. Art and culture are fluid abstracts; they cannot be tied down to any particular set of rules or regulations. It has therefore been attempted to keep any definitions contained in the Bill as flexible as possible. Culture as we understand it today may bear no relationship with culture tomorrow—as indeed it is often difficult to equate cultural standards today with those of yesterday. No arts council must be allowed to find itself fettered with standards and circumstances imposed upon it at one given moment in cultural time.

The second point is more important. Experience everywhere, in Britain, in Canada, in South Africa, in New Zealand, and in Australia has shown that the arts and in particular an arts council must accept controversy as an almost everyday occurrence. Great pressure will be placed on people to reverse decisions, to censure allegedly undesirable trends, and to alter policies. These pressures will often be severe. It is therefore vitally necessary that the council be autonomous, and responsible only to Parliament through the medium of the responsible Minister. Its independence of action and resistance to pressure should have the essential protection of the Parliament.

In formulating this legislation we have been considerably guided by the Act creating the Queen Elizabeth The Second Arts Council of New Zealand, which council was largely based upon the British Arts Council which is generally regarded as the model.

So, in commending this Bill to the House, I feel I cannot do better than to quote what Lord Keynes said when the Arts Council of Great Britain was formed in 1946.

"The aim of an Arts Council", he said, "should be co-operation with all, competition with none". "Art", he said, "is something incalculable, not to be confined or measured by planning, but cherished and made available for all who want it".

I commend the Bill to the House.

Debate adjourned, on motion by Mr. A. A. Lewis.

BILLS (2): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Workers' Compensation Act Amendment Bill (2nd.)
2. Western Australian Arts Council Bill.

AGE OF MAJORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st August.

MR. MENSAROS (Floreat) [11.56 a.m.]: For some years now the question concerning what should be the age of majority has been discussed by the community generally, and by the law-makers, the members of Parliament. As a result of discussions at State and Commonwealth level it was agreed by all political parties that the age of majority should be brought down to 18 years; and when the Attorney-General introduced the necessary legislation it was supported by both sides of the House.

The implementation of the decision was of course not as easy as the decision itself. Scores of situations occur involving infants, minors—people of nonage—and, on the other hand, majors, adults, people of full age, full capacity or *sui juris* as they are variously called or defined, in other words —as it were—involving people being under or over the age of 21.

The Act which the Minister seeks to amend contains in its schedule no fewer than 13 Acts involving many sections; besides that it declares generally that the age of majority is 18 years instead of 21; or the age of majority was attained at the commencing day which was the day the parent Act was proclaimed—namely, the 1st November, 1972—if a person was between the ages of 18 and 21 at that time.

One of the Acts amended by the parent legislation is the Limitation Act and, in particular, section 40 which in turn refers to section 38. Section 38 deals with the time within which certain actions for law suits or other proceedings may be commenced from the time of the event which caused the necessity for the law suit or action.

This section of the Limitation Act has various parts and sets the time of limitation for various cases from two through six and up to about 12 years.

Let us take one more case where action can be brought for damages suffered, say, through an accident. A person injured in such an accident, who alleges he is due for some damages from the person who caused the accident, has six years from the time of the accident, during which to set in motion a law suit.

However, if the person concerned is a minor the Limitation Act provides that the six-year limit commences when that person attains the age of majority; in other words, the age of 21. The Age of Majority Act, which reduced the age of majority to 18 years, has meant that cases could occur where a person is injured when he is just under the age of 18 years—say, 17 years. Consequently, the time during which that person could make a claim for damages would not be four years plus six years, but only one year plus six years. It is claimed that such a person might have lost some of his acquired rights because instead of having a total period of 10 years during which to start his action, he would have a period of only seven years.

Of course, it could be argued that this is really not something which we have to change because it was the contention of all parties and all concerned with the legislation that those to whom some additional privileges were being given would also have to accept the responsibilities which went with those privileges. I can well recall the then Premier (Sir David Brand) very wisely pointing out that a coin has two sides. It was argued by some people then, that the age of majority should be lowered immediately, and with undue haste, when we only extended it to certain circumstances such as voting. However, as I have said, Sir David Brand pointed out that those youngsters between the age of 18 and 21 years, who were to be affected by the general provisions of a future Bill, would have to be prepared to accept the responsibilities which would be involved in their acceptance of additional privileges. So it could be pointed out that not a great deal of injustice would occur to the young people concerned. If they were mature enough to accept the consequences, rights, privileges, and responsibilities of the age of majority at 18 years they should also be mature enough to decide whether or not they should commence an action for damages at that stage.

However, the Minister rightly argues that the principle which should prevail is that no legislation should abolish or diminish existing rights. I can assure the Minister that I could not agree more with him in that view. I agree that that principle should always prevail. Indeed, I provided an example recently when I moved an amendment to a Bill to remove the provision for retrospectivity which would have diminished the acquired rights of certain people. I am grateful to the Attorney-General for accepting my amendment on that occasion.

Unfortunately, the pressure of my many parliamentary duties did not allow me the time necessary to indulge in an otherwise enjoyable exercise of making a list of all the legislative and administrative actions taken by this Government since it went into office. I refer to the actions which infringe on the acquired rights of individuals, and which abolish or diminish their existing rights. Had I been able to carry out such research in the comparatively short time between the second reading of this Bill, and the present debate—and I am not complaining at all—I am sure I would have composed a formidable list of legislation; Bills introduced but not passed, and, more so, regulations tabled in the Parliament. There have also been many actions by this Government which did not need the backing of Bills or regulations.

In the absence of that formidable list all I can now do is take notice of the laudable and commendable statement made by the Minister. I will cut it out and keep it so that I can bring it to the notice of the Attorney-General, and the House, on future occasions when dealing with legislative actions. I have in mind the legislation for the Salvado development, and Bills of a similar nature which are already foreshadowed and as a result of which the existing rights and privileges of citizens will be greatly diminished or abolished.

I might mention, purely as a technicality, that the intention of the Attorney-General could have been achieved, perhaps, in another way. The Attorney-General said that it was necessary to amend the Age of Majority Act because of an anomaly which became apparent, and so that the Act would not affect cases which came within the Limitation Act. The Minister could have attained his objective by amending the Limitation Act. I have been given to understand that according to the minutes of a Law Society meeting, where this matter was brought to the surface, it was suggested originally that the Limitation Act should be amended. An example, similar to the one I have already mentioned, was given to show that a potential plaintiff—an injured person—might be disadvantaged.

That is a matter of a fine and technical decision. With all due respect. I might say that lawyers like to work with complicated Acts, and had the Limitation Act instead of the Age of Majority Act been amended the work of those dealing with claims for damages might have been much easier because they would refer to the Limitation Act first. Had lawyers found in the Limitation Act the amendment which this measure seeks to achieve they would have been happy. In this case no definite indication is given that they must look at another Act which, indeed, they will have to do or else find themselves misguided.

Mr. Hartrey: There will be a cross-index reference in the Statute.

Mr. MENSAROS: At the moment section 40 of the Limitation Act is amended in accordance with the schedule to the parent Age of Majority Act, but section 38 is not mentioned.

As I have said, this is a fine judgment and the Minister himself said that the Law Reform Commission will busy itself in looking at the Limitation Act. Having studied that Act in conjunction with the measure before us, I consider it needs to be updated, if I may use a commercial expression. Many of its provisions possibly should be reconsidered in the present circumstances.

I do not consider this is a major problem and I merely wanted to bring it forward. As I said before, possibly lawyers want it this way and do not want anyone else who is a layman—or half a layman, like myself—to poke his nose into their business.

On this note, and on behalf of the Opposition, I support the second reading.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [12.12 p.m.]: The member for Floreat has rightly indicated the changing awareness in the community which has become apparent in recent times particularly in relation to according an 18-year-old the rights and responsibilities of being regarded, and expected to act, as an adult person. He rightly indicated that, generally speaking, political parties of all complexions have reflected this changing awareness in the community.

His words and his acknowledgment of this awareness in the community remind me of the words of the late Senator Robert Kennedy who, I suppose, considered himself as a person dedicated not only to meeting but at times to spearheading social change. Other people see a situation with which they are not happy and they ask "Why?". The late Senator Robert Kennedy said, "I trust and I hope that if I were able to see the situation and the solution I would ask 'And why not?' ". He would then have gone about seeking and, in fact, effecting the desired change.

Answers had to be found with the parent legislation, as the member for Floreat said, not only to the philosophical question of "Why" but also to the pragmatic question of "How?" An attempt was made last year by this Parliament partially to complete the steps taken in the case of amendments to the Electoral Act and the Liquor Act by the previous Government. It is true there are certain exceptions in our parent legislation and the reasons for not taking certain steps last year were clearly outlined at the time. There is no need for me to retrace the explanation now.

In answering the pragmatic question "How?" it appears that there was a serious oversight on the part of those who framed the legislation and, indeed, on the part of those who passed it. Happily, this situation has been brought to our attention and, as far as we are aware, no person has suffered as a result of that oversight.

The cornerstone of the measure before us is, I believe, what should be regarded as the reluctance of the community, having proper regard for the responsibilities and the rights of citizens, to abolish or diminish unnecessarily, unduly, or without good reason the existing rights of such persons.

The member for Floreat said that it was a pity he did not have time, perhaps, to rely upon himself or upon the Opposition's accounting officer to draw up a balance sheet. I indicate to him—and, if I were permitted to put up some necessary consideration I would be prepared to put my money where my mouth is—that if he were able to do so he would find that not only has the Government paid proper regard for existing rights but, in more cases than not, has augmented them. However, that is by way of passing.

I believe that the legislation as it is proposed to be amended will, as a whole, be destined to take a very favourable place in the story of the social progress of Western Australia. In saying this, I have regard for those areas which are still being explored as yet and have not yet been covered. I anticipate members will support the measure and, for this, I thank them.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

MENTAL HEALTH ACT AMENDMENT BILL

Second Reading

MR. DAVIES (Victoria Park—Minister for Health) [12.19 p.m.]: I move—

> That the Bill be now read a second time.

It is sometimes necessary for the purposes of mental treatment to require a person to be conveyed to an approved hospital on the authority of an order issued under division 3 of the Mental Health Act, 1962-72. In such cases, the assistance of the police and other persons is usually necessary. Present legislation however fixes no obligation to assist and it is sought to rectify this.

Provision is also included in the Bill for persons giving assistance as a result of the requirement being indemnified for claims for damages.

Another matter dealt with concerns the 1971 amendments to the Offenders Probation and Parole Act which placed it beyond doubt that persons become the responsibility of the Mental Health Services when Her Majesty's pleasure is made known by the Governor's order under section 48 of the Mental Health Act.

The deletion of the words "or to strict custody" is an amendment consequential to the Mental Health Act because the Offenders Probation and Parole Act, as amended, makes this reference unnecessary. The Governor by order still retains all the powers to order the patient to be returned to hospital if a breach in the terms or conditions of the person's liberation occurs.

The other matter dealt with in the Bill is a provision to enable the disposal of patients' unclaimed property following death or discharge from mental health institutions. Such provision does not exist in the present legislation and, because of the small value of the property held, the time and costs of action under part VIII of the Disposal of Uncollected Goods Act would be disproportionate to the value of the articles to be disposed of.

Mr. Hutchinson: Is the clause you are discussing based on a provision in any other Act?

Mr. DAVIES: There is an Act, which I think the previous Government introduced, providing for the orderly disposal of property. The matters referred to here are only minor ones which will be dealt with by regulation, I think.

This amendment will simplify the procedures required but will still provide proper security for the property.

Debate adjourned, on motion by Mr. Hutchinson.

EXCESSIVE PRICES PREVENTION BILL

In Committee

Resumed from the 21st August. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Harman (Minister for Labour) in charge of the Bill.

Clause 21: Determination of maximum prices—

Progress was reported after the clause had been partly considered.

Mr. O'NEIL: As far as this clause is concerned, I think the Opposition has made its point. It is the first clause of part IV of the proposed excessive prices Act and sets out the procedures to be followed in arriving at maximum prices at which any declared goods may be sold throughout the State.

I have indicated previously that we do not like the principle of prices control. We have expressed our point of view loudly and clearly during the second reading stage. We will only indicate various aspects of the legislation which in our view are particularly obnoxious, and the fact that we do not intend to speak and divide on every clause is not an indication that we support the Bill in any way. We are opposed to the provisions in clause 21.

Mr. TAYLOR: Having been involved with this legislation in the past, I only make the comment that I support this measure.

Clause put and passed.

Clauses 22 to 24 put and passed.

Clause 25: Variation of agreements—

Mr. O'NEIL: I would like the Minister to comment on this provision because it appears that not only does the Bill propose a scheme for declaring goods and services which are to be subject to prices control but also this clause appears to have some retrospective effect. The clause reads—

> (1) Where the maximum price or rate fixed pursuant to this Act for any goods or services is less than the price or rate fixed by any agreement for the sale or supply of such goods or services that agreement shall in relation to goods or services sold or supplied while that maximum rate or price is in force be deemed to be varied by the substitution of that maximum price or rate for the rate otherwise payable under the agreement.

It is quite clear to me that if by some arrangement the supply of goods or a service has been agreed to at a certain price, the Minister may intrude his wishes into the agreement between two parties and determine that the price is something less than that to which the parties have agreed.

Mr. J. T. Tonkin: Why should that not be done if it is in the public interest?

Mr. O'NEIL: There is nothing in the Bill which states these actions must be taken in the public interest. I suppose we can say Parliament legislates, generally, in the public interest; but I would like an explanation as to the circumstances the Minister envisages wherein, by virtue of the powers vested in him by this measure, he can reduce the rate for the supply of goods or services which has been agreed upon between two parties.

One may think to refer to an agreement between two idividuals is drawing a long bow. However if we look at the powers which will be vested in the Minister in respect of prices control, we see that he can dictate the prices of goods or services as between two individuals. I may enter into an agreement to obtain the services of an individual, and we may agree upon a price which I am happy to pay and the person supplying the service is happy to receive. However, it could well be that the Minister, for some reason best known to himself, determines that the agreed price is not fair and reasonable despite the fact I am prepared to pay it. Could the Minister explain any circumstances where such action would be warranted?

Mr. HARMAN: It has been pointed out previously during the debate that the measure before us is identical to the prices control legislation which has operated for a considerable period of time in South Australia. This legislation was in force during the term of the previous Liberal Government as well as during the term of the present Labor Government. Some of the provisions of the South Australian legislation may or may not be used. I believe some provisions were originally contained in the National Security Regulations operating during the war.

Mr. Hartrey: That is where they came from originally.

Mr. HARMAN: That is correct. The intention was that we should have legislation identical to that operating in South Australia. This would give us the widest possible scope, and I point out that the South Australian legislation seems to be working quite effectively. The Liberal Government was in power in South Australia for a considerable period of time, and it did not seek to repeal the legislation. I am not sure in what particular circumstances the Minister may intrude upon an agreement made between parties, but the provision is there to use when such an occasion arises.

It may well be that the Minister, on advice, feels he should vary an agreement. I realise we cannot get down to a specific case, but we should bear in mind we will be adopting legislation which has worked effectively in South Australia and which neither the Liberal Government nor the Labor Government has sought to repeal.

Mr. O'NEIL: I am pleased that the member for Mt. Hawthorn is not present. On every occasion that the previous Government introduced proposals to amend legislation, he wanted the rhyme and reason for every one of them. It is not a reason to state merely that we are adopting legislation which has apparently worked effectively in another State. I admit that legislative draftsmen have a habit of taking appropriate provisions from the legislation in other States. I do not mean that the draftsmen are lazy; they are simply adopting provisions existing in other legislation. This has proved embarrassing sometimes. I recall an occasion when the previous Premier (Sir David Brand) introduced a Bill referring to members of Parliament. Right throughout the measure we saw references to the House of Assembly. These clauses were a direct steal from the South Australian Act and the Premier then had to move amendments to delete the references to the House of Assembly and substitute references to the Legislative Assembly.

I am amazed that the Minister said the South Australian legislation has been found to be effective. One need only look at the consumer price index in South Australia and the rate at which it has risen compared with other States to find that his statement is not true. If anything, the consumer price index history of a State operating under prices control is worse than that of a State operating without it. It may well be that we see this result in South Australia because the legislation is not used to any great extent.

When a housewife thinks of prices control she naturally thinks of foodstuffs. As I have said before, the only foodstuffs in South Australia which are not controlled under orderly marketing are soap—apparently considered to be a foodstuff—meat pies, and pasties. I cannot stress that often enough.

I would like to refer to the price of fuel —motor vehicle spirit. This is regulated throughout Australia in accordance with a price set by the South Australian Prices Commissioner. I do not say that the price is identical throughout the country, but the basis of the price of petrol throughout Australia has its genesis in the price fixing system in South Australia. People right throughout Australia say that petrol is too highly priced. We have heard accusations that it is 5c, 6c, or 7c per gallon more than it should be. It has been said that a 100 per cent. markup occurs between the time the fuel leaves the depot and the time it goes into the tank of the consumer's car. So important is this item that it was one of the first items to be considered by the Federal Parliamentary Committee on Prices Justification. So here we have the situation of a commodity which is subject to price control and yet it is said by everyone to be too highly priced. Then to add insult to injury, the Federal Government adds another 5c per gallon to the price. What a farce!

We have already referred to the price of bread.

Mr. Harman: You were in Government for 12 years. You had the opportunity to restrict the number of service outlets.

Mr. J. T. Tonkin: What is your plan for the price of bread?

Mr. O'NEIL: I wish to take this opportunity to refer to what has happened in regard to the bread sold by Charlie Carter Pty. Ltd. The management has been forced to increase bread by 4c a loaf—back to the price it was previously. The Transport Workers' Union said to the company, "If you do not increase the price of bread, not only will we ban the delivery of bread to your stores, but we will ban also the delivery of every other product you sell."

Mr. Brady: Was it only the Transport Workers' Union?

Mr. O'NEIL: I said "unions" before, and I was criticised for that.

Mr. Brady: Someone else had a finger in the pie, too.

Mr. O'NEIL: I used the word "unions" and a member on the Government side said it was only one union. I then referred to the Transport Workers' Union.

We are not really arguing about the price of bread; we are arguing about the fact that this is another State's legislation. The Government says it may be necessary in some circumstances in the foreseeable future. This is a "Big Brother" attitude. We have not been able to find out what commodities need to be controlled. We have been told that many goods in different areas are excessively priced. However, when I asked what these goods were, the Minister said, "We do not know." This legislation is simply a big stick with which to belt someone on the head if he gets out of line.

Mr. Harman: Only after an investigation.

Mr. O'NEIL: Why have prices control if we cannot itemise the things which need to be controlled? Can the Minister tell us now which goods and services he believes to be excessively priced?

Mr. Harman: We will not know that until they are investigated.

Mr. O'NEIL: Well, the Government is hoodwinking the public. It is saying that things are too dear; but what are the areas concerned? Perhaps if the Minister mentioned 100 articles that should be controlled our attitude to the Bill might change. But fancy the Government introducing legislation for a purpose which it cannot explain; and in my estimate it has been introduced as a political gimmick. We oppose the clause.

Mr. MENSAROS: The Deputy Leader of the Opposition advanced a quiet, sound argument pointing out that if a seller and a purchaser agree on something the Minister will still be able to say, "Despite the fact that you have agreed on this, I will tell you what to do." However, the Minister replied by saying—and these are his exact words—"The intention of the Bill is to be in line with South Australia." That was his reply to the sound argument of the Deputy Leader of the Opposition.

The Government has been in office for more than two years now, and we hear virtually no argument from it apart from the argument that "you did this too". The Minister also argued that the South Australian legislation was in force during the term of a Liberal Government. If that is his argument, why does not the Government adjourn Parliament altogether and do nothing, because Liberal Governments have already done everything? I humbly submit that Liberal Governments have made some mistakes; they are not 100 per cent. perfect as the present Government seems to think they are. The Minister's argument in that respect is absolutely irrelevant.

I am sorry the Attorney-General is not present at the moment because a few moments ago I had a quiet debate with him on another measure. The reason given for the introduction of that measure was that it is a bad principle to diminish or abolish anyone's rights by legislation. I said to him that it was a pity I did not have time to list all the measures, legislative, administrative, or otherwise, in which the present Government has done exactly that. The Attorney-General said I would not have found many because the Government is very conscientious.

However, when we look at subclause (2) we find that the provisions of clause 25 apply to agreements whether made before or after the coming into operation of the legislation. That is pure retrospectivity. It means, Mr. Chairman, that if you and I have an agreement in which you are to sell me articles, and I am quite happy with the price, the Minister will be able to change our agreement. So if this Bill is passed people will not be at liberty to make contracts, because Big Brother can come along and say, "Oh no, you cannot do that".

Mr. Hartrey: That is nineteenth century philosophy. The worker was free to contract with his boss, hence the doctrine of common employment. You are talking a lot of rubbish.

Mr. MENSAROS: I am not speaking about workers; I am speaking about an agreement to sell goods. Subclause (2) relates to agreements which have already been made, and it is an example of sheer retrospectivity. It is contrary to the principle espoused by the Attorney-General a few minutes ago. I reminded him then—and I am true to my promise—that on every occasion when such legislation is introduced I would remind the Government that it is contrary to the principle that the Attorney-General so laudably espoused.

Sitting suspended from 12.45 to 2.15 p.m.

Mr. MENSAROS: I had pointed out that the answer given to the Deputy Leader of the Opposition was unsatisfactory so far as we were concerned. I also pointed out that subclause (2) of this clause is in direct opposition to what the Attorney-General espoused, and which he commended as a policy just an hour or so ago; namely, that no-one should be restricted in his existing rights. Whilst I concede, as the Minister has said, that he has been only a short while in office and therefore cannot have an overall knowledge of all the legislation under his charge, his departmental officers and his advisers should do better by explaining more fully the clauses and provisions in the Bill so that the Parliament can understand exactly the legislation with which it is dealing.

Mr. J. T. TONKIN: The purpose of this clause is to take power to provide the lower price for a commodity where agreements are in existence setting a higher price. It is not to be expected that the Deputy Leader of the Opposition or the member for Floreat would be in favour of such a proposal because they are both against prices control completely. Of course, that is not so with all members of the Liberal Party. John Gorton is on record as having said on the 18th February, 1972, that prices control on basic commodities might be necessary where manufacturers could not justify price increases.

Mr. O'Neil: I wonder what happened to him.

Mr. J. T. TONKIN: Yet he is still a prominent member of the Liberal Party.

Mr. May: A front-bencher, as a matter of fact.

Sir Charles Court: *Ex officio.*

Mr. J. T. TONKIN: There is a classic case in regard to these agreements. I refer to that of the frozen food people who came up against the Trade Practices Tribunal in 1971. The Trade Practices Tribunal ruled that a price fixing agreement between frozen vegetable processors was not in the public interest. The agreement was therefore in breach of the Commonwealth Trade Practices Act. It was found that prices fixed by the agreement were higher to an unreasonable extent than would have existed under normal conditions of free competition.

These people appealed against the decision and the circumstances of this were these: One of the frozen food manufacturers who was not a signatory to the agreement started to sell products at a lower price. That did not suit those who had an agreement so they put their heads together and decided they would drop their prices below that of this individual manufacturer and run him out of business, which they were successful in doing. Having got rid of him, they then raised their prices sufficiently high to recoup the losses they had made in this process. That was the subject of this case before the tribunal. Let us see what happened on appeal. In August, 1971, the Press reported, "Tribunal says no to price fixing". The article then went on—

> Pressure on Australian manufacturers to reduce their 12,000 registered trade practice agreements will increase following the frozen food ruling in Sydney yesterday.
>
> The decision that a price-fixing agreement by processors of frozen fruit and vegetables was against the public interest will strengthen the position of the Trade Practices Commissioner, Mr. N. Bannerman, in seeking a voluntary end to price fixing by manufacturers.
>
> In its first major decision yesterday, the tribunal said it was satisfied "that the prices fixed by the agreement were and are higher than would have been obtained under conditions of free competition to an extent that we regard as unreasonable."

In *The West Australian* of yesterday appeared the following report—

> Frozen Foods Dividend up after Record Year
>
> Frozen Food Industries of Australia Ltd. has lifted dividend from 18 per cent. to 28 per cent. after a record year to June 30.
>
> The company has also announced plans for a $900,000 new premium issue.
>
> The rise in profit and dividend is in line with forecasts made by Frozen Food directors during the long takeover battle with Provincial Traders Holding Ltd., which resulted in the Queensland group winning a 61 per cent. stake in the Chiko group.
>
> The rise in profit lifted Frozen Food's earning rate from 43.3 per cent. to 50 per cent.

Does anyone consider a 50 per cent. earning rate is reasonable, having regard for the prices which are charged as a result of agreements between these parties? Surely it is necessary to have power, when agreements of this kind are made, to ensure that profits of this magnitude are controlled; and there should be some controlling power to stop that. This is the philosophy behind the Bill and the clause under discussion.

Mr. O'NEIL: I do not know whether the Premier has been of assistance to his Minister. He talked about prices being fixed under restrictive trade practices agreements, which are illegal and are already covered. We are not talking about the prices being fixed under such agreements.

Mr. J. T. Tonkin: We are talking about the power to fix lower prices, and about prices being fixed by agreement.

Mr. O'NEIL: These are probably the prices of commodities which are being fixed by a number of manufacturers; under the Commonwealth law this is illegal, and so the position is covered. If there is a price fixing arrangement between a group of manufacturers then it is an illegal practice.

Mr. J. T. Tonkin: You know it is not very adequately covered unless there is complementary legislation in the States.

Mr. O'NEIL: The Premier is drawing the long bow. This legislation before us goes further than that. If I enter into an agreement with a person for him to render me a service at a price which I consider to be fair and reasonable, it will

be possible for the Minister under the provisions of the Bill to say it is not fair or reasonable.

Mr. J. T. Tonkin: If it is in the public interest.

Mr. O'NEIL: This is a contract between me and the person concerned.

Mr. J. T. Tonkin: An agreement between two individuals could be such that the one agreeing to pay the higher price knows that he can recoup the higher cost from the public.

Mr. O'NEIL: I do not think the comments of the Premier are of any assistance to his Minister. What he has said has not changed our minds at all.

Mr. T. D. EVANS: I feel I should comment on the remarks made by the member for Floreat before lunch. I understand the honourable member used as a comparison the attitude I adopted in regard to the Property Law Act Amendment Bill which passed through the House this week, wherein I accepted the proposition put forward by him that in the absence of any evidence suggesting the need to make the provisions of that Bill retroactive, the Government should accept the proposed amendment and ensure that the operation of the law is amended so that that piece of legislation would only apply prospectively.

Mr. O'Neil: Was it not the Age of Majority Act Amendment Bill?

Mr. T. D. EVANS: No, it was not. I indicated clearly in that debate that as far as I was aware there was no evidence to suggest the need to make that Bill retrospective. The member for Floreat should be more concerned with the contents of a package than with the mere label. Whenever he finds that legislation is intended to be made retroactive he considers it to be obnoxious and asks for the legislation to be defeated. He does that because he does not examine the mischief which such legislation seeks to overcome.

In this instance if there is to be a price structure to be controlled by a tribunal it would be absolutely farcical to allow certain agreements which have been entered into previously to operate. To do so would make a farce of the law, and waste the time of legislators.

Mr. HARMAN: I have endeavoured to be patient and somewhat considerate of the comments of the Deputy Leader of the Opposition, but I am afraid my patience is wearing thin. I want to make two points which the honourable member has raised in dealing with the clause. First of all, he wanted us to nominate the areas in which there is to be control of prices. Before I elaborate on that point I want to make it clear that the Government is introducing this legislation, because it has a mandate from the people to do so. The people gave us the mandate when we were elected to office.

Sir Charles Court: You have lost that mandate.

Mr. HARMAN: Since the Consumer Protection Bureau has been established complaints have been received almost every day about the prices of goods sold in Western Australia. These complaints cover commodities such as foodstuffs, footwear, woollen clothes, chemists' lines, etc.

Mr. O'Neil: I am glad you now have the information.

Mr. HARMAN: People in the metropolitan area and country areas are complaining about the price of a whole range of items.

Mr. O'Connor: Fuel is one.

Mr. O'Neil: What about electricity charges and rail freights?

Mr. HARMAN: In reply to a question recently we indicated that the Commissioner for Consumer Protection visited the Pilbara to conduct a survey on the cost of living in that area; and the reason he was sent on the visit was the number of complaints we received from the residents in the Pilbara.

Unless we have this legislation for which the people gave us a mandate we will not be able to investigate the items about which consumers are complaining daily.

Mr. O'Connor: The Commonwealth Government has crippled prices control anyway.

The CHAIRMAN: Order!

Mr. HARMAN: This legislation is necessary in order that the commissioner and the committees can investigate the claims concerning high prices. That is the first point. The second is that the Deputy Leader of the Opposition continually says that the legislation is a gimmick. He has been sitting next to the Leader of the Opposition too long because he is starting to use the same exaggerated terms used by his leader. He referred to the massive books the people would have to keep and to prices control being a gimmick. He says prices control has not been successful in South Australia.

Sir Charles Court: I'll say it hasn't.

Mr. Hartrey: That shouldn't worry you because you don't want it anyway.

The CHAIRMAN: Order!

Mr. HARMAN: Yet we are told that three months ago the cost of living in South Australia was the lowest in any State of the Commonwealth.

Mr. O'Neil: Who told you that?

Sir Charles Court: Have you seen South Australia's place in the price index for the whole year?

Mr. HARMAN: We cannot compare the index in South Australia with that in Western Australia.

Sir Charles Court: Good heavens!

Mr. HARMAN: The prices of a number of food items in South Australia are controlled.

Mr. O'Neil: Meat pies and pasties.

Mr. HARMAN: That is where the Deputy Leader of the Opposition is wrong again. A number of items in the food line are controlled.

Mr. O'Neil: And they are fixed here, too. Tell me what they are.

Mr. HARMAN: Flour.

Mr. O'Neil: That is controlled here, too, under the Wheat Products (Prices Fixation) Act.

Mr. HARMAN: Rolled oats.

Mr. O'Neil: That's fixed here under the wheat products legislation.

Mr. HARMAN: Meat pies; Kellogg's corn flakes, coco pops, and rice bubbles; and bread.

Mr. O'Neil: Bread is fixed here. What about soap?

Mr. R. L. Young: Is that the end of the food items?

Mr. HARMAN: This is a sample. Let us look at clothing.

Mr. O'Neil: Maids' brassieres is one item. Give us all the items. This is interesting.

Mr. HARMAN: The prices of a number of items of footwear are controlled.

Mr. O'Neil: Read the list of clothing.

The CHAIRMAN: Order!

Mr. HARMAN: I have always said that it is not our intention immediately to control every item sold in Western Australia.

Sir Charles Court: Not much!

Mr. HARMAN: It will be a selective type of prices control. When a number of complaints are received about an item, that item will be investigated and if it is found necessary its price will be controlled.

In the food line, in South Australia the price of a 16 oz. packet of Kellogg's corn flakes is 42c, while in Western Australia the price is 52c, a difference of 10c.

I have a list here which I will give to the member for Dale because he told me the other night he was waiting for such a list. The reason for the delay in its presentation is that we wanted to be absolutely sure that the brand of the items being compared was exactly the same in each State.

If we look through the list we find that the total cost of all the controlled goods on the list is $3.23 in South Australia while in Western Australia those same items cost $3.54. In South Australia in the clothing line the cost is $28.50.

Mr. R. L. Young: How many items are controlled?

Mr. HARMAN: Three items.

Mr. R. L. Young: What are they?

Mr. HARMAN: AMCO Bull denim jeans, Levi Strause flare jeans, and Keyman flare jeans.

Mr. R. L. Young: They are all jeans. Is that supposed to be an example of all the clothing items controlled?

The CHAIRMAN: Order!

Mr. R. L. Young: And you are trying to justify—

The CHAIRMAN: Order! The Minister will address the Chair.

Mr. HARMAN: The items which cost $28.50 in South Australia cost $30.40 in Western Australia. The total cost of four items of footwear, the prices of which are controlled in South Australia, is $34.55. The same items here cost $37.47.

Mr. E. H. M. Lewis: Does that mean that our prices are necessarily excessive?

Mr. HARMAN: It is necessary to have price fixing on some lines. The system works in South Australia, which is fairly obvious from the particulars I have just given. No South Australian Government has seen fit to repeal the Act there and we have a mandate from the people to introduce the legislation here. If it were passed we would be able to investigate the prices of those items about which the consumers are continually complaining. We would then be in a position to determine whether the prices of those items should be controlled.

Mr. O'NEIL: Mr. Chairman—

The CHAIRMAN: The Deputy Leader of the Opposition has already spoken three times.

Mr. R. L. YOUNG: The Minister indicated that a number of clothing items in South Australia are controlled, but from his answer to my interjection he revealed that the only items under control were several pairs of jeans. This is the type of argument he submits in justification of prices control here. I do not want to canvass that point any further because it is so absurd it is not worthy of comment.

The Minister said that the Government has a mandate for prices control. I am not denying that the Government has a majority in the Chamber and it could well be said that prices control was included in the Government's election policy.

Mr. Harman: You would not disagree with that?

Mr. R. L. YOUNG: I am not necessarily admitting that the Government has been given the right to do anything it likes, but prices control was certainly part of the Government's policy.

Mr. Harman: It would not be wrong—

Mr. R. L. YOUNG: It would certainly not be wrong for the Government to try to introduce the legislation. I will grant the Minister that. However, if the Government claims it has a mandate to introduce prices control legislation one would expect that it would have made an in-depth study of all the items the prices of which it thought should be controlled. This study should have been undertaken prior to the delivery of the policy speech and during the past 2½ years in which time the Government has been talking about prices control.

Mr. Harman: We have been doing that. I have already said we have been to the north.

Mr. R. L. YOUNG: If there has been a study, either before or since the election, of this great area of problem in regard to prices control I find it rather amazing that when called upon the Minister cannot advance any reasonable list of articles. During the course of the second reading debate we went into statistical detail concerning items which have, in fact, risen in price over the years, and about which people might complain. The point was made—and it is still valid today—that some of the areas generally accepted as the greater problem areas are, in fact, already under controls of various kinds, or in the field of semi and absolute luxury. Some of the items, if not in the semi and absolute field of luxury, are starting to get into that class.

Mr. Harman: Name one such item.

Mr. R. L. YOUNG: Let us take the high price of toilet articles. If one observes the baskets at the supermarket check-outs one will see that the basic items are not all foodstuffs, but tissues, deodorants, and that sort of thing. Admittedly, the baskets also contain a fair proportion of food.

Mr. Harman: Is that the result of some objective survey, or is the honourable member just guessing?

Mr. R. L. YOUNG: It is based on a survey I made. The Minister can refer to my second reading speech, made to the last Bill introduced, for that sort of statistical evidence. My remarks are also based on my observance of the buying habits of the people.

The Government has called on the Opposition to start naming individual items with which we consider there is no problem, but the Government does not seem to be able to say that the mandate allegedly given to it by the people is based on some sort of survey, or that surveys have been carried out under the provisions of the consumer protection legislation which has been in force for some time.

The Government has not been able to mention specific areas where a problem exists, and into which it will look if this legislation is passed.

Mr. Harman: I have mentioned a list including food, shoes, clothing, and woollen goods.

Mr. R. L. YOUNG: But the Minister keeps falling back on the South Australian legislation as justification for this Bill. However, the legislation works in South Australia for a different reason. If we are to talk about clothing we want specific items, but the Minister refers to jeans in the clothing line, and Kellogg's corn flakes and other items such as bread in the food line. However, the price of corn flakes is already controlled.

Mr. Harman: Breakfast cereals are not controlled.

Mr. R. L. YOUNG: I mentioned Kellogg's corn flakes and other items such as bread.

Mr. Harman: Which items?

Mr. R. L. YOUNG: Bread, and rolled oats.

Mr. Harman: Rolled oats are not controlled.

Mr. R. L. YOUNG: Okay; bread and cereals.

Mr. Harman: No, not cereals.

Mr. R. L. YOUNG: I meant all cereals under that particular Act. The Minister referred to bread, which is already controlled, and he referred to breakfast cereals which are not controlled in Western Australia, and on which he is basing his case by comparing that item with similar items in South Australia.

So we have jeans and breakfast cereals. Should we not start to get to the basic issue of what really motivates prices control? It seems to me that there will be a divorce in the Coleman family in the near future! Mr. Coleman, as Secretary of the T.L.C., is committed to follow one policy while Mrs. Coleman is committed to follow another policy.

Mr. May: That remark is unwarranted.

The CHAIRMAN: Order!

Mr. R. L. YOUNG: I have reached the bone of contention on the real issue.

Mr. Davies: Mrs. Coleman did not support the Transport Workers' Union, which the member for Wembley is implying.

Mr. R. L. YOUNG: I am not implying that; why does not the Minister listen?

The CHAIRMAN: Order! Members will keep order.

Mr. R. L. YOUNG: The point I was making is that in the instance I have referred to there are two completely different philosophies. That is what the Minister for Health did not understand. There is a trade union philosophy on the one side, and a different philosophy in regard to consumer protection on the other side.

Mr. J. T. Tonkin: There are two different philosophies in the Liberal Party.

Mr. T. D. Evans: And I suppose the member for Wembley would not agree with either of them.

Mr. R. L. YOUNG: Generally, the trade union movement is complaining about prices but it has now committed itself to a line of action because in one shop it has forced up the price of bread.

Mr. Bryce: Has the whole of the trade union movement supported that?

Mr. R. L. YOUNG: I am talking about the Transport Workers' Union which, I understand, is affiliated with the T.L.C.

Mr. Harman: Were those prices artificially low in the first instance?

The CHAIRMAN: Order! Order! The member for Wembley will address the Chair. Interjections from the back of the Chamber cannot be heard. Also, they are out of order. There is no provision for interjections in Standing Orders and they will cease. The member for Wembley will address the Chair.

Mr. Bryce: *Hansard* very rarely—

The CHAIRMAN: Order!

Mr. R. L. YOUNG: The situation is quite clear. On the one hand the supplier of goods reduced the price but the Transport Workers' Union suddenly becomes a disciple of the law of supply and demand to such an extent that it threatens to ban deliveries to the shop involved.

Mrs. Coleman, as the consumer representative, supposedly, must say, "What sort of rubbish is this?" That is why I referred to a divorce. I spoke jokingly and my remarks were not supposed to be taken seriously. However, those two people when talking, and while supporting philosophies from different sides, will come into conflict because of the basic law of economics.

The Minister suggests that prices control legislation is justified because of the Government's mandate in this respect, but that is absurd. He attempts to justify the measure on the results of the South Australian legislation, and mentions a few pairs of jeans, breakfast cereals, and bread.

Mr. Lapham: He mentioned clothing.

Mr. R. L. YOUNG: He said clothing.

Mr. Lapham: Does the member for Wembley buy his own shoes and clothing? If he did he would find out the situation which exists in Western Australia.

Mr. R. L. YOUNG: That is the point I am making. If the Minister wanted to talk about shirts, and he considers his Government has a mandate for prices control, should he not have told us the price of shirts?

Mr. Brady: The arbitration court does not do that.

Mr. R. L. YOUNG: The stupidity is that the justification for this Bill, in regard to clothing, is based on the South Australian legislation. However, the Minister has said that the only items covered are jeans.

Mr. Harman: I mentioned jeans as an example.

Mr. R. L. YOUNG: When I asked if that was the only item covered the Minister said, "Yes". That is hardly justification for prices control in respect of clothing, nor is it justification for prices control in respect of food.

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

Sir CHARLES COURT: The Premier bought into this debate and, somehow or other, the Attorney-General also became involved in it, to the embarrassment of the poor Minister.

Mr. T. D. Evans: Another wild "Court" statement.

Mr. H. D. Evans: From here, the Minister for Labour does not look embarrassed.

Sir CHARLES COURT: The Minister for Agriculture did not see or hear him making his response after his two colleagues spoke. The Premier bought into clause 25 in relation to the question of a contract—an agreement—which fixed a price for goods or a service. He instanced the frozen food case which had been dealt with by the restrictive trade practice machinery of the Commonwealth.

One of our main objections to the clause—although it is not our only one—is the fact that it is retroactive in its effect. An agreement between two traders could have existed, in good faith, for a long time.

Mr. J. T. Tonkin: If it is against the public interest it should not stay.

Mr. O'Neil: But it is not subject to this law.

Sir CHARLES COURT: Suppose an agreement has existed in good faith and has worked quite well with neither party being upset in any way. All of a sudden, because this legislation is passed, someone may get the smart idea to go to the prices commissioner—by whatever name he may be called—and prevail upon him to fix a lower price. This could even be done

maliciously as a means of breaking a contract. Surely we are not going to countenance this sort of thing?

The other reason for my belief that the Premier is on the wrong track is the fact that it is a matter which should be dealt with through restrictive trade practice legislation, if there is to be that sort of legislation. The Commonwealth Government believes in it and the previous Commonwealth Government legislated against restrictive trade practices. This is the type of thing that should be dealt with under restrictive trade practices and not under prices control. If it is dealt with only under prices control it can be such a means of manipulation between two people as to be totally unacceptable as far as we are concerned.

Not everyone is as pure as the lily. It could easily be the case that one of the parties to the deal is happy to go along with it as long as it suits him. The time may come when he would like to do something about it and he could use this legislation to break the contract.

Quite apart from any other consideration, I believe this should not be a part of price fixing legislation. If we want to deal with restrictive trade practices and argue about them as well as retail price maintenance and similar subjects, these must be dealt with under a different form of Statute altogether.

On the general question of the clause and the debate on it, I want to refer to what the Minister keeps coming back to. He keeps on referring to the Government's so-called "mandate" which, we say, went out of the window a long time ago.

Mr. May: The Legislative Council did not think so.

Sir CHARLES COURT: Assuming the Government has the shreds of a mandate still left, let us look at what it was. The Premier said—

> Labor is of the opinion that some form of price control is necessary but it is desirable to have it on a Commonwealth basis. Accordingly, we support the holding of a referendum of the Australian people to ascertain their wishes.

Under the heading of "Consumers' Protection Council" the Premier went on to say—

> Failing action being taken to enable price control to operate on a Commonwealth basis, we propose to institute a system of selective price control similar to that in operation in South Australia.

In the meantime, the Commonwealth Government has moved on the question of prices and a Prices Justification Tribunal has been established and is currently at work.

Mr. Harman: At a limit.

Mr. T. D. Evans: Under limited jurisdiction.

Mr. O'Neil: The State Government has no mandate for this.

Sir CHARLES COURT: Why is there a limit? There is a reason for the Commonwealth Government having decided to go into prices justification on a restricted basis. It has nominated certain items which it considers as crucial to the economy of the country.

Mr. T. D. Evans: The Constitution also limits this.

Sir CHARLES COURT: That is not the reason for the Commonwealth Government having nominated a figure of sales as being the statutory level at which a firm comes within its jurisdiction. The Commonwealth Government could have fixed a higher or a lower figure than the one it has fixed. However, the Commonwealth Government believes that certain types of commodities and services in the community are crucial in the total economic wellbeing of the nation. Consequently it has nominated a category of commodities and services which come into this field. Prior to the Federal elections, some Labor members in the Federal field, when put to the test, nominated certain items which they believed should be subject to control. They did not go beyond the items they specified. They talked about rubber, oil, chemicals and certain metals particularly steel.

Mr. Hartrey: How does the Leader of the Opposition spell "steel"?

Mr. O'Connor: The same as "solicitor".

Sir CHARLES COURT: The plain fact is that the Government has no mandate for this particular legislation because the conditions which the Premier laid down have been complied with.

Mr. T. D. Evans: There has not been a referendum.

Sir CHARLES COURT: It is not a question of a mandate at all. Mandate or no mandate, with the slender majority the Government has, it has failed to maintain the support originally given to it when it has been put to the test.

Mr. T. D. Evans: We came through with flying colours.

Sir CHARLES COURT: Has the Attorney-General forgotten Balcatta? We do not regard it as a mandate for his Government for this anyhow, and we oppose the clause on principle.

Mr. HARTREY: Something should be said from our side of the fence in respect of clause 25.

Mr. O'Neil: The Premier and the Attorney-General have already spoken.

Mr. HARTREY: The whole idea of consumer protection is to protect the person who, in a humble way, is forced to buy a vital commodity from monopoly interests which can charge almost what they choose—or, at least, all that the market will bear for that commodity. The object of the legislation is to try, to some extent, to equalise the relationship between the purchaser and the vendor of such monopoly-controlled and vitally needed commodities. That this is absolutely and completely wrong was the gospel preached by the member for Floreat just prior to the lunch suspension. It is now being reiterated, of course, by that most conservative of Liberals—and least liberal of all Conservatives—the Leader of the Opposition.

Mr. T. D. Evans: Well put.

Mr. HARTREY: One of the judges of the Court of Appeal in England about 150 years ago said, in effect, "You have, above all things, to preserve the sacred right of freedom of contract." The conclusion was that it would be quite wrong to have legislation which restrained in any way freedom of contract. The worker was free to contract with his boss to live on 5s. 6d. a week but the Poor Rates had to supplement his wages so that he and his family would not starve.

Mr. E. H. M. Lewis: Was that in the 19th century?

Mr. HARTREY: If the honourable member cares to subtract 150 years from the present year, he will realise that this was at the start of the 19th century.

Mr. E. H. M. Lewis: What relationship has this to the measure?

Mr. HARTREY: It is the same philosophy. The Liberal Party has not changed since the days of *laissez faire-laissez aller*. This attitude goes back to the reign of George III.

Mr. May: They were not called Liberals.

Mr. HARTREY: No, they called themselves Conservatives, undisguised. They did not disguise themselves under a progressive term. In those days the Labor Party, as it is now, corresponded to the Liberal Party, and the equivalent of the Liberal Party—the "dinosaur" party—as it is now, was the Conservative Party. In England the Conservatives still have the courage to call themselves by that name.

The CHAIRMAN: Order! Please stick to the clause.

Mr. HARTREY: Yes, Mr. Chairman, my irregular expressions and out-of-order remarks came about through the out-of-order interjections. Let us confine ourselves to the subject. The subject is—

Sir Charles Court: Clause 25!

Mr. HARTREY: —that we have been told by the member for Floreat and other members on the "dinosaur side" of the Chamber that we must not interfere with a contract that is already in existence.

How can we protect consumers if we cannot do that? If a man is the victim of a fraudulent deal, how can we redress his wrong unless we upset his fraudulent deal? It cannot be upset before it is entered into; it can only be upset after it has been entered into.

Mr. W. G. Young: Why would it be fraudulent?

Mr. HARTREY: I am saying a fraudulent transaction should not and cannot be upset until it has been entered into. It cannot be upset before it has been entered into.

Mr. W. G. Young: How is it fraudulent if both parties agree?

Mr. HARTREY: I am interested in that remark. That is the essence of this type of legislation. If, because I have a lot of capital, power, and monopoly behind me, I can force a man who must have a certain type of commodity for his business, maintenance, or existence to pay me a higher price than would be fair and reasonable in the eyes of most fair and reasonable people, that man is free to tell me to go to hell; but he will starve and I will not.

It is because the buyer is rarely on an equal footing in this world with the monopoly manufacturer—who is likely to have been protected by tariffs for years past, anyhow—and because the buyer is at so much of a disadvantage as against the seller, that we are introducing this legislation to protect the vast majority of the people, who are buyers, and redress the wrongs done by the small minority of the people, who control monopolies. I do not want to say more than that.

We have now almost reached the last quarter of the twentieth century, and the Opposition's thinking, politically and economically, is still in the first quarter of the nineteenth century.

Clause put and a division taken with the following result—

Ayes—20

Mr. Brady	Mr. Jamieson
Mr. Bryce	Mr. Jones
Mr. B. T. Burke	Mr. Lapham
Mr. Cook	Mr. May
Mr. Davies	Mr. McIver
Mr. H. D. Evans	Mr. Norton
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Harman	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Moiler

(Teller.)

Noes—20

Mr. Blaikie	Mr. Mensaros
Sir Charles Court	Mr. Nalder
Mr. Coyne	Mr. O'Connor
Dr. Dadour	Mr. O'Neil
Mr. Grayden	Mr. Ridge
Mr. Hutchinson	Mr. Runciman
Mr. A. A. Lewis	Mr. Thompson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning *(Teller)*

Pairs

Ayes	Noes
Mr. Bertram	Mr. Stephens
Mr. Brown	Sir David Brand
Mr. T. J. Burke	Mr. Sibson
Mr. A. R. Tonkin	Mr. Gayfer
Mr. Bickerton	Mr. Rushton

The CHAIRMAN: The voting being equal, I give my casting vote with the Ayes.

Clause thus passed.

Clauses 26 to 29 put and passed.

Clause 30: Application of proclamations and notices—

Mr. O'NEIL: I regret that the limitation of being permitted to speak only three times applies. However, I have a feeling we wandered far from the clause in question, anyway. This clause gives me an opportunity to reply to some of the things the Minister said.

I think it is important that the provisions of clause 30 be included in *Hansard*. I do not know whether that has been done in respect of this second attempt by the Government to introduce such a measure.

We were critical of the first attempt because it was supposed to be a piece of legislation which imposed selective price control. We have not been able to find out the areas which are to be selected as subject to control, nor the goods and services within those areas. But let me, for the purpose of the record, read this clause into *Hansard*. It is not a very long one, and the only way in which it can appear for posterity is for it to be read. Clause 30 states—

> 30. (1) Any proclamation order or notice authorized to be made or given under this Act may be made or given so as to apply according to its tenor, to—
>
> (a) persons generally;
>
> (b) all or any persons included in a class of person;
>
> (c) in the case of a proclamation or order, any person to whom a notice is given in pursuance of the proclamation or order;
>
> (d) all or any persons in any area;
>
> (e) any particular person;
>
> (f) the sale of goods or supply of services to a particular person by a particular person;
>
> (g) goods or services generally;
>
> (h) any class of goods or any class of services;
>
> (i) all or any goods or services in any area; or
>
> (j) specific goods or a specific service.
>
> (2) Every order fixing maximum prices of goods or rates for services shall be published in the *Gazette*, or served on the persons bound thereby.

Anyone who reads that will realise it covers almost everything which can possibly take place in respect of the supply of goods or services. I do not know whether the Government is staying out of the bedroom, but to my mind, in respect of the ordinary goods and services supplied or required, there is nothing that cannot be covered under this provision.

This brings me to the situation with respect to those goods or services which have been referred to by the Minister as being either subject to control or controlled in South Australia. He mentioned a number of things. The Minister tabled in this Parliament a list of the areas which are subject to goods being declared in South Australia. I admit that list was tabled on the 9th August, 1972. The areas are—

Groceries and foodstuffs
Clothing
Hides, leather, and rubber
Paper and stationery
Drugs and chemicals
Oils, paints, varnishes, adhesives, and plasters
Packages and containers
Miscellaneous
Services
Nonintoxicating drinks and Icecream

Those are the areas of goods and services which are covered. The Minister mentioned the matter of footwear. Perhaps I had better list those things the prices of which are in fact controlled in South Australia under the legislation in that State. They are—

Foodstuffs
- bread, flour, breakfast foods
- infant and invalid foods
- soap
- country milk
- meat pies and pasties

The last-named were listed under services, not under foodstuffs. The list continues—

Clothing
- children's, youths', and maids' clothing and garments, including school and college wear
- men's working attire

Footwear
children's, youths', and maids' school footwear
working boots

Petroleum products
petrol
lubricating oil
distillates
furnace heating oil
kerosene

School requisites
kit bags, satchels and cases
exercise books

Miscellaneous
superphosphate
blood and bone fertilisers
sulphate of ammonia
sulphuric acid
gas—

Mr. T. D. Evans: It is a pity we cannot control gas in this Chamber.

Mr. O'NEIL: To continue—
sand, gravel and stone cartage
footwear repairs
wheat, bran and pollard
some stock and poultry foods
funeral services.

That is the lot except that a minimum price is fixed for wine grapes.

Some of the items which have been declared as being eligible to be subject to prices control are listed in the various sections. Some of them are, to say the least, amusing. Under division 5 we see garters, armbands, braces, suspenders, and belts. They are subject to control if the Minister feels this is necessary.

Mr. O'Connor: Help to keep the economy up.

Mr. O'NEIL: Division 5 includes maids' gowns, dresses, and jackets, whether designed for dance, wedding, or evening wear, and of ankle length or longer. So miniskirts, if designed for evening or wedding wear, are not controlled.

Foundation garments may be controlled, other than maids' or girls' brassieres—most important items! Item 100 lists diapers and item 105 lists nursery squares. I have never been able to determine the difference between a diaper and a nursery square. If that is the legislation the Government is messing around with I think we—

Sir Charles Court: I like the bit about the sand and the funeral services.

Mr. T. D. Evans: Do not forget that Tom Playford was the author of this.

Mr. O'NEIL: If someone wants to take the responsibility for this type of legislation, that is his business.

Mr. T. D. Evans: He was a confirmed Liberal.

Mr. O'NEIL: Sometimes the Labor Party says that something a Liberal Government has done is good and sometimes it says it is not good. I believe these interjections show a lack of basic argument in respect of the issue. As well as being opposed to the Bill, I am becoming amused at many of its provisions.

Clause put and passed.

Clauses 31 and 32 put and passed.

Clause 33: Knowledge of offences—

Mr. O'NEIL: I must tender an unofficial apology to the Minister. I did not imagine we would debate this measure for such a long time. I understood he had an important commitment. However, the Premier and the Attorney-General drew the crabs a bit and we are still here.

This is the final clause to which I wish to speak. Perhaps I shall not ask the opinion of the legal eagles on the Government side because I may draw the crabs again. This clause provides for what I refer to as "kangaroo" justice. Let us look at some of the provisions which may relate to the people who are unfortunate enough to become subject to some action under this measure. I believe this clause is a little bit of "two bob each way" or "heads I win, tails you lose"! I will read the clause—

> 33. In a charge for any offence of selling goods at a price greater than that fixed under this Act it shall not be necessary for the prosecution to prove that the defendant knew the price so fixed and it shall not be a defence for the defendant to prove that he did not know that price.

Mr. Hartrey: Have you not heard the principle—ignorance of the law is no excuse?

Mr. O'NEIL: Yes, I have. However, in this case we will not give a person an opportunity to make a representation as to mitigating circumstances.

Mr. T. D. Evans: Ignorance of the law is still no excuse.

Mr. O'NEIL: I purposely did not ask for the opinion of the member for Boulder-Dundas because I thought I would draw the crabs.

Mr. Hartrey: You should not refer to me at all.

Mr. O'NEIL: The Committee will be pleased to know that that is my final say during the Committee stage.

Clause put and passed.

Clauses 34 to 40 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

COMPANIES ACT AMENDMENT BILL

Third Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [3.17 p.m.]: I move—

That the Bill be now read a third time.

MR. R. L. YOUNG (Wembley) [3.18 p.m.]: I do not intend to take up anywhere near as much time as the Attorney-General and I took in duet in the Committee stage of this measure, as referred to by the member for Boulder-Dundas. Nor do I intend to take as long as I took during the second reading debate—I would not be allowed to do that even if I wished to do so.

I wish to canvass a few matters I wanted to put forward at the commencement of the Committee stage of the measure in regard to the general philosophy of this legislation. The Attorney-General at that stage took the opportunity to suggest that the time was drawing nigh when the Commonwealth would introduce a Commonwealth Companies Act. When I commenced my second reading speech, I suggested that the Commonwealth did not have this power, but because of certain recent legal decisions in regard to a few major issues, it may be that the Commonwealth could in fact introduce Commonwealth company legislation provided the States were prepared to cede their power prior to its introduction. If the Commonwealth does decide to go ahead with such legislation, we have been given fair notice by a number of senior Ministers in the Commonwealth Government of the type of legislation we will have to consider before ceding our State legislative powers.

I attempted in Committee, and was quite rightly prevented from doing so by the Chairman, to refer the Chamber to some statements made by the Federal Minister for Overseas Trade and Secondary Industry when he was guest speaker at a symposium. I think his statements are probably a fair indication of his opinion of companies and their shareholders, and of those people who are on the boards of companies. In a few minutes I want also to refer to the attitude of the Commonwealth Government so far as companies are concerned, as evidenced by the Budget proposals recently introduced by the Federal Treasurer (Mr. Crean).

I say this is a fair warning to the people of Western Australia and to the business community—in fact to everyone who does business with companies—to watch out for any proposed Commonwealth Companies Act. I will now quote what Dr. Cairns had to say at the symposium called Strategy 2000 on Friday, the 10th August, 1973—

> Most of the big companies in Australia were controlled by "Wasps"—white Anglo-Saxon Protestants—the Minister for Overseas Trade and Secondary Industry, Dr. Cairns, said today.
>
> Speaking at a symposium, Strategy 2000, Dr. Cairns said that Australia was controlled by the "unfemale, the unyoung, the unCatholic, the unJew and the unworker."
>
> He said that about 200 big companies controlled about 60 per cent. of productive activity, and no more than 800 people controlled these companies.
>
> Of the 800, 98 per cent. were men, 75 per cent. were over 50, and probably more than 70 per cent. were "Wasps".

If that is not a calculated attempt to divide the community into groups, and to make each of those groups look suspiciously at the others and ask who is the genuine Australian and who is not, I do not know what is. I see it as a calculated attempt firstly to drive in that wedge; and, secondly, then to drive a wedge between the companies and the consumers, the Jews and the Catholics, the females and the males, and the young and the old. It provides a fairly clear indication of Dr. Cairns' attitude towards companies, the way Australia is being run, and the way he would like it to be run.

Mr. H. D. Evans: Didn't Ralph Nader make some investigation of companies and their involvement in business?

Mr. R. L. YOUNG: Is the Minister referring to Mr. Nader's comments on the Australian situation, or his comments on the American situation?

Mr. H. D. Evans: No, generally.

Mr. R. L. YOUNG: One cannot make general comments about companies; one can comment on the situation in the United States or in Australia. Ralph Nader did come to Australia; and although I cannot remember what he said at the time I do remember that public opinion was that he was a little off the beam. I am not qualified to comment upon the accuracy of Mr. Nader's statements with regard to company activity in the United States, which is controlled by a number of different types of boards and securities and exchange commissions. In any case, I am not talking about Ralph Nader; I am talking about the references of Commonwealth Ministers regarding the Australian community and companies, generally.

After making those comments, Dr. Cairns went on to say—

> "Perhaps one of the most important things would be to persuade people to want more power in the running of their factories, trade unions, schools and localities," he said.

Dr. Cairns said that Australia needed the means to plan national development.

"But if we are to do this we will need more public ownership and control," he said. "Soon it will become as unacceptable to own land as it is now to own people."

Not only did he attempt in his opening remarks to drive wedges between as many sectors of the community as he possibly could—and this is seen in the Commonwealth attitude to education as evidenced by the recent Budget, and fortunately it has been recognised by the various religious bodies which will be affected by the budgetary proposals—but now we see his attitude to companies.

I will not embark upon a great deal of supposition regarding what might or might not be included in the Commonwealth Companies Act, but if we read the comments of the Federal Minister for Overseas Trade and Secondary Industry—who is a senior member of the Commonwealth Government—and also the comments of the Federal Treasurer (Mr. Crean) in his Budget speech, we can at least assume that when the Commonwealth starts to frame companies legislation it will not be in favour of the present set-up regarding companies, generally

To pursue that point a little further, I just want to say that companies have been recognised for several centuries. There was a period between 1719 and about 1825 when companies were, in fact, banned under British legislation known as the Bubble Act.

Mr. Taylor: The South Sea Bubble.

Mr. R. L. YOUNG: I do not know about that; I know it was called the Bubble Act. The legislators in 1719 were convinced that all people connected with the formation of companies in any way were rogues, charlatans, and what-have you. That Statute had no regard for the fact that there may have been some genuine people who wanted to obtain capital to pursue the sorts of things that England was looking for at the time in regard to overseas trade.

It seems to me that if the present attitudes of the Federal Minister for Overseas Trade and Secondary Industry and the Federal Treasurer are pursued, we may be going back over a quarter of a millennium in time. We may see legislation enacted based on the fact that all people concerned with companies are rotten, and the only way to clean them up is to prevent the formation of companies—and I refer to the largest of companies as well as to the smallest. If that happens one of the great areas of economic activity in Australia will be considerably whittled away.

The Minister for Overseas Trade and Secondary Industry has made quite clear where he stands in regard to his shifting socialist philosophies as far as companies are concerned. The Federal Treasurer virtually said in his Budget speech—and I have not a copy of the speech with me—that in future years small, private companies will be taxed at the rate of 47½ per cent. on all of their profits; and that they will be taxed at 45 per cent. this year, because there is no difference between small and large companies. There is an insinuation in Mr. Crean's speech of what the Americans might call an anti-business attitude when he referred to Pitt Street farmers. Let me say that I have never been a great supporter of those who take advantage of the taxation laws regarding farming properties, because where a degree of over-production occurs it is the genuine farmer who is hit.

Yet the small private companies in Australia which for many years—let us say since the fashion of the early 1920s of going out and chasing as much economic activity as possible—have formed the basis of the Australian economy are to be taxed more heavily in future.

It is all very well to refer to 200 big companies controlling about 60 per cent. of productive activity; but when one looks at the small private companies that built up the economic activity—and I admit many were eventually absorbed by large companies—one finds that they have been able to get capital from people who could not otherwise run a business; and one realises the sort of activity upon which the Australian economy has been based.

For the life of me I cannot see why the attitude has to be that the Commonwealth Government looks at companies as though they were committing some terrible travesty on the Australian people. It could well be that the Commonwealth Companies Act may not include such items as have been suggested by some people but I will use the same sort of suppositions the Premier took the liberty of using last night and assume it will. For instance, it could well be that in the memorandum of association and in the articles of a company there will be a mandatory clause providing that a certain number of workers' representatives must be on the board of a company.

That is a suggestion that has been well and truly canvassed, but it is one of which I am not enamoured. If that sort of attitude, and the attitude of Dr. Cairns pervade in the drafting of the proposed Commonwealth Companies Act, all I would say is that I would be the last person to have anything to do with that sort of legislation in this State, or cede power to allow it to be brought in. I think my point on that situation is quite clear.

We have dealt in general with the Companies Act, probably to the discomfort of most members in the House, and I do not want to bore them any longer. The statement as to what might happen to the Commonwealth Companies Act, together with many others, should be made at this time so that the State knows what my attitude is towards this type of legislation.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [3.32 p.m.]: An object lesson in brevity as well as some comment is called from me in reply to the member for Wembley. He may feel that what he has had to say may impress some people, but I am reminded that, in fact, thunder is impressive, but it is lightning that does the work. From his comments he has been content to continue the theme adopted by the Opposition of maligning the Commonwealth, which only convinces me—whether its arguments are valid or otherwise; and I deny that they are—that the Opposition must surely be devoid of any argument against the State Government.

Sir Charles Court: Are you not part of the same idea?

Mr. T. D. EVANS: I would remind the Leader of the Opposition that I am speaking. The member for Wembley was quite content to condemn a national Companies Act without knowing the actual contents of it, and this does him little credit indeed. As I mentioned today to the member for Floreat, I believe the contents of the package are more important than the label. As a State Government we are prepared to wait and see before we make a decision as to whether we will adopt it and, to what extent, if necessary. We would be prepared to recommend to Parliament the ceding of the necessary power to enable a worth-while national Companies Act to operate. Having made those remarks I now commend the Bill to the House for its third reading.

Question put and passed.

Bill read a third time and transmitted to the Council.

IRON ORE (MURCHISON) AGREEMENT AUTHORIZATION BILL

Second Reading

Debate resumed from the 9th August.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [3.34 p.m.]: Perhaps the Premier could indicate across the Chamber whether he wants me to break in the course of my remarks for questions on notice at the appropriate time.

Mr. J. T. Tonkin: I think there will be ample time to take the questions following the afternoon tea suspension.

Sir CHARLES COURT: Very well. This Bill deals with an agreement to try to bring together a number of conditions that could assist Northern Mining Corporation N.L. to develop what would be a viable proposition for a general area, based on Geraldton as the port. In the course of his remarks the Minister did not go into a great deal of detail and he made it clear that much work had yet to be done in establishing the viability of the project.

It is therefore interesting to go back and have a look at some of the earlier history surrounding this project. The previous Government had a number of discussions with the people concerned, and with others, to see if a proposition could be worked out whereby a number of deposits could be brought together in one overall concept to produce sufficient volume to justify the extremely heavy capital expenditure that would be necessary if the project was to be based on Geraldton and to be of sufficient size to justify the tremendous capital expenditure for railways, port, and, of course, associated water, power, and town construction.

A number of alternatives were looked at. For instance, the possibility of Mt. Gibson, Mt. Jackson, the Morawa deposits, the Tallering Peak deposits, and some others, being dealt with as a package deal by the group coming together, was considered. Experience in many other cases is that because there were tremendous geographical differences between the deposits, and a number of parties were involved, it was not easy to get everyone to see that it was possible to undertake a total venture for this area. I believe that one day it will be possible, and that this will be done.

For instance, one concept was to bring a line from Mt. Jackson through Mt. Gibson to Geraldton. Of course, in the process, this would pick up the Morawa deposits. Various estimates were made before major proving programmes had been completed about large tonnages of magnetite thought to be available in the area of Mt. Gibson and Morawa. Perhaps I should explain that when I speak of Mt. Jackson I am talking about the deposits in reverse order so far as development is concerned. One idea was to start at Morawa if that area proved to have very large tonnages of magnetite of, say, 38 per cent. iron content underlaying the hematite deposits, that could be developed, with a clear understanding between all the parties, that Mt. Gibson could eventually be incorporated, and the line ultimately could go right back to Mt. Jackson.

On looking at the map one gains the impression that the iron ore deposits at Mt. Jackson should logically be brought down to Kwinana on the standard gauge line, joining the existing line somewhere east of Northam. I think if we look at the project in a bolder way and think in terms of

decentralisation we can produce a very good case to bring the line out from Geraldton, to Morawa and Mt. Gibson, and eventually get back to Mt. Jackson.

Mr. May: Blue Hills is one of the deposits between those points.

Sir CHARLES COURT: Yes. I understand that the so-called very massive deposits of magnetite are not so massive and not as good in regard to quality and size as was first expected, but perhaps the Minister for Mines may have some other information on that.

However, there does not appear to be any immediate prospect of bringing these deposits into this total scheme. I would like to feel, however, that in the course of other deposits being developed we will not abandon or neglect this possibility.

In the presentation of the Bill the Minister made no false claims in regard to the project. Quite properly, he emphasised that a great deal of work has yet to be done. It was important to give the company a piece of paper from which it could put the pieces together and eventually if the economics of the project proved its viability, come up with something the Government could approve. I do not disagree with what is being attempted because this project is a very difficult one. I have a belief that when the project is finally put together—if this is to be the case, and we have a long way to go before we get there—it could follow a pattern quite different from what is being currently portrayed in the Bill before us and in the explanation that has been given.

I do not say this in a critical way. We are dealing with an area which is a whole region in itself. For instance, as shown on plan "A" which has been tabled, we are dealing with areas a long way from Geraldton, and these are very widely scattered. If we turn to the map, and look at the Robinson Range and then cross to the other side of the map and look at the Mt. Gould area, we find we are dealing with two areas which are very far apart. Another area that has been mentioned is the Weld Range area; so, we have this triangle of deposits—not huge by Pilbara standards, and not outstanding as to grade and quality, but of sufficient size to warrant a study being undertaken.

I believe there will be world interest in this type of project, because there is not only a tendency between countries but also within countries to try to achieve some diversity in the source of supply. We can see this going on in Brazil where efforts are being made to seek some diversity in the source of supply from the old iron ore areas which export ore through Tubarao and the old port of Vitoria. Efforts are being made in that country to undertake a major development of the Amazon area where I think the resources are greater than anything that has been found in the other part, the Itabira area, and the other more traditional deposits of iron ore in that country.

It is a fact that there is world interest in achieving diversity in the sources of Brazilian supply; and instead of concentrating on the extraction of iron from areas already known where towns, railways, and the ports have been established, the companies are prepared to spend big money in trying to develop areas around the River Amazon. I think those efforts will be successful.

We have to realise that in Brazil the deposits of iron ore are greater in dimension than the deposits that are found in Western Australia, and the quality of the ore in some of those deposits is better than the quality of ore found here because it is lower in contaminates in many of the known deposits.

It is most important that overseas companies—Japanese and European—be interested to develop a project of this kind in the Geraldton region even though the cost of the ore so extracted may not be as cheap as ore coming out of the Pilbara. This provides diversity in the source of supply, and gives security so far as railways, ports, weather, and other operational hazards are concerned.

The importance of this particular project to the Geraldton area is not disputed. I sincerely hope that it will prove to be successful. This whole concept was discussed at Dongara by myself, at the request of the then Premier when we were in Government. I had to explain as forcibly as I could the great problems of getting this project off the ground.

At that time the people of Dongara were rather worried about the bringing of natural gas from Dongara to Perth. They felt it should be retained in the area to be used to process minerals or to generate power. It was explained to them the known gas which would go out of Dongara did not have a great potential for the type of project we had in mind, and had a limited life so far as the Perth supply was concerned. They were told it was better to enable the company to earn some money quickly, and use it to find some other fields. I gather there has been no spectacular find of gas in that area since.

The people of Morawa were very edgy, because they could see their deposits coming to an end with no other projects coming along—projects which would provide continuity of operations for their town. Again, at the request of the then Premier I visited the area and explained with great frankness the problems of their area, and the problems which confronted the total Geraldton region.

Mr. May: Morawa has probably one of the lowest grades of ore.

Sir CHARLES COURT: It was thought that there was a huge magnetite deposit underlying the hematite, but it did not prove to be so. Had it been a large magnetite deposit it would be an attraction because of its value in steelmaking and for processing in our own State.

Subsequently the Geraldton people were upset because I had talked to the people of Dongara and of Morawa. Therefore I had to go to Geraldton and explain the position to them, in the hope that as a result of the interest in this work we would be able to put together a proposition.

We also ran into a problem of port location. In this regard I refer to the second reading speech of the Minister and to the agreement.

Sitting suspended from 3.45 to 4.04 p.m.

Sir CHARLES COURT: Before the afternoon tea suspension I was commenting on the background of this particular project and the difficulties which will be experienced in bringing together all the pieces which will be necessary to make it a viable proposition. We all hope it will be viable because it will have a tremendous impact on the Geraldton region. It will superimpose a mineral and metal component on its economy. It has a very strong agricultural component which has stood the test of time and which continues to expand, but, like all other places dependent on rural industries, Geraldton needs something additional to retain and expand its population.

One of the problems which arose in the early negotiations in respect of this type of industry for Geraldton was the location of the actual processing part of the industry and there was a very strong desire —understandably so—on the part of the people of Geraldton to have the industry based at Geraldton. It was necessary at the time to demonstrate to them that if they wanted an industry of the size under consideration, if it ever proved viable, they would need to resume an area going back from the port to include both the Anglican and the Roman Catholic cathedrals. I said to the then mayor that I sincerely hoped I was not the Minister of the day who had to go to Geraldton and announce that the land on which the two cathedrals stood had to be resumed!

I make this point only to demonstrate what 200 to 400 acres involve when superimposed on a town like Geraldton. However, those concerned eventually got the message and were reconciled to the fact that it was much better to have an industry of this kind and a port of the size necessary to take big ships, located a few miles north or south of Geraldton. By this means Geraldton can continue to enjoy the good life it has. It is a pleasant and contented community and it has a role to play in the provision of regional educational, administrative, recreational, and hospital facilities. It has all the ingredients to enable it to become a great regional centre.

I do not know whether the argument has been settled within reasonable limits as to where the port will go within 20 miles south or 20 miles north of Geraldton. All current talk seems to be centred around a port a few miles north of Geraldton.

Mr. May: About 10 miles.

Sir CHARLES COURT: In this regard no plan has been tabled concerning the site of the port facilities. The Government has tabled plan "A" which deals only with the three deposit areas to which I have referred; namely, Robinson Range, Mt. Gould, and Weld Range. However, no plan has been tabled indicating the general area and approximate line of any railway system leading into this potential port. The agreement and the Minister's speech refer to the Shires of Chapman Valley and Greenough, and I was rather intrigued about this reference because I gather it could indicate that there is still some flexibility in the port end of the project. There may be an explanation for this, but it did occur to me that it would be in either one shire or the other, dependent upon whether it was in the north or the south; but the reservation has been made in the agreement so that it can be within either the Greenough Shire or the Chapman Valley Shire. Perhaps the Minister can enlarge on this point and explain why the two shires are specifically mentioned in the agreement and in his speech.

If the port is located within, say, 10 to 20 miles north or south of Geraldton, it would be ideal. We have only to think of Kwinana in relation to Fremantle to realise that a similar relationship between Geraldton and its industrial port would be ideal so that Geraldton could expand logically to service the region of which it would be the capital, without having the disadvantages associated with heavy industry, and particularly the type of industry which is envisaged for this locality.

I did not intend to speak for very long on this Bill in Committee. I hope to raise a number of matters with the Minister in order to seek some amplification; but I would like him to know that we support the agreement. However, we are conscious of the fact, and I hope the people of Geraldton are also conscious of the fact—it is important they be not deceived on this—that this project has a long way to go before the pieces can be put together on an economic basis. I also believe that

in the final form it will bear little relation in detail to what we are considering today.

Mr. Taylor: You will agree it is presented in a soft-sell manner.

Sir CHARLES COURT: I hope this is so because I would not like the people of Geraldton or its hinterland to gain the wrong impression. After consultation with the then Premier, it was always our policy to make clear that we could not produce any magic out of a hat. However, one day these bits and pieces will be put together to produce a great regional concept.

I was glad that when introducing the Bill the Minister mentioned the Murchison and its potential for minerals. He stated that the Murchison is heavily mineralised and it could be that finally the regional development will be based on many minerals and not just on iron ore. However, if the volume of iron ore is adequate and it can be capitalised to stand very heavy capital expenditure, it makes all the rest a bonus for the area, and it would be that much more secure.

The railway concept is an unusual one. I know the company was very anxious to have a privately operated railway, and there is good reason for that. A privately operated railway—a captive railway—carrying heavy tonnages of one nonperishable and nondamageable commodity could operate much cheaper than one operated by the W.A.G.R. A W.A.G.R. system must operate as a total trunk and branch line system, and once those systems have to work in together overheads go up to glory. It is less costly for one line to carry large tonnages of one commodity. It is a railwayman's dream to do just that, but it is well nigh impossible with a common carrier scheme like the W.A.G.R. I can understand why the company desires to have a captive railway.

Mr. Taylor: The opportunity will be available for the railway to expand.

Sir CHARLES COURT: It looks as though the company has had to accept a compromise deal. It is also interesting to note that the reversion to the Government is at the end of a 15-year period, which is a very short life. If the tonnages necessary to make the project viable are extracted from Mt. Gould, the Robinson Range, and the Weld Range, of course 15 years would be about the life of the project so far as known iron ore is concerned. If more ore is is discovered, or if lower grade deposits of the right type and of sufficient magnitude are discovered, the ore can then be transported on the railway which will become a W.A.G.R. project. I mention this matter again in passing because I can see all sorts of variations arising in which the main company, and its partners, finish up mining many other ores.

My next point is the alignment of the railway. There has been considerable reaction from the people living in the area concerning the alignment, and in answer to the representations I have received I have had to say that I could not imagine that, at this stage, the Government is able to be specific; nor is the company able to be specific about the actual alignment of the railway. However, present indications are that some of the old established towns are to be bypassed. We are all aware of the emotions and sentiments of the residents of old towns when those towns are bypassed. They ask why the old system cannot prevail and why the new line cannot follow the old route.

One aspect is that if the new railway follows the old route an extra 60 miles of haulage would be involved in the carting of the iron ore and that extra distance could mean the difference between the proposition being viable or nonviable unless the Government picked up the chit for the extra miles, which is hardly likely. No doubt the member for Murchison-Eyre has also had representations made to him about the bypassing of some of the old towns. The old areas do not depend, to a great extent, on the traffic on the railway at the present time. Nevertheless, the railway has been preserved through the worst days of railway closures. It has received a new lease of life with Meekatharra being the terminal point. There is hope that one day the railway will extend further. We would like to hear from the Minister what is proposed. Will the people in the area receive an assurance from the W.A.G.R. that the line will not be discontinued?

Mr. Taylor: I will explain the situation when I reply; the existing railway will remain.

Sir CHARLES COURT: My own view is that the new projects will generate traffic on the old line as it is a corollary that a specific development such as this generally boosts the whole region. Travellers passing through the towns generate extra trade for the hotels, the restaurants, the service stations, and the like. I would like the Minister to give us some indication of what he has in mind in respect of the railway line. I gather from his interjection the intention is that the existing railway will be preserved and not discontinued.

I was approached on another matter concerning the general area, and not concerning only Geraldton. It seems somebody is circulating a story that I am advocating the iron ore from the Murchison area should go through Esperance. Well, that is news to me. The story seems to have gained considerable circulation, so much so that several people have written to me and asked why I am anti-Geraldton. Some bright boy must have taken out a

map and, because I have been a great advocate of the standard gauge line from Kalgoorlie to the Pilbara, he has apparently come to the conclusion that I desire to see the ore from Robinson Range and Mt. Gould taken out through Esperance. I want to make sure that it is clearly understood by the people in this State—and in Geraldton in particular—that I have been a great advocate of this particular project, and I have used Geraldton as a focal point.

Mr. Jamieson: Only that sort of scheme could be subscribed to you.

Sir CHARLES COURT: What sort of scheme?

Mr. Jamieson: Taking the ore through Esperance.

Sir CHARLES COURT: Well, I do not know. Somebody dreamed up the idea and put my name on it.

Mr. Jamieson: That could be so.

Sir CHARLES COURT: I think that in fairness to the people concerned they probably took out a map and looked at the standard gauge line which I have advocated from Kalgoorlie northward to eventually go through Meekatharra, and on to Newman, and into the Pilbara. I suppose that by stretching the imagination it could be said Esperance would be the logical point for export. However, the three days' extra steam has been overlooked.

Mr. May: And the extra costs.

Sir CHARLES COURT: In any case, I do not know that there is sufficient depth of water at Esperance. However, I have never had any thought other than to get the iron ore out through the Port of Geraldton.

My next point concerns the question of the parties to the agreement. At the moment we are dealing with an agreement with a company known as Northern Mining Corporation N.L. However, the Minister has made it clear—and I think it is well to reiterate the point—that we could finish up dealing with a company or with companies quite different from that mentioned in the agreement. The present company has the right under the agreement contained in this piece of paper to try to put everything together in order to convince the Government that the proposition is viable. Of course, the company also has to convince the people who will invest the tens of millions of dollars necessary for the venture, and the hundreds of millions of dollars which may be required by the time the project is completed. It is well to understand that it is possible we will eventually have an agreement with someone unknown at this point of time. It could be a group of people interested not only in the iron ore, but in copper, uranium, bauxite, and anything else which happens to be discovered in the location, and development which will be made possible by the groundwork for the iron ore project.

I will not labour the next point but in passing I refer to the variations clause. Unlike its predecessors, the present Government will be able to virtually rewrite this whole agreement purely at its discretion. The Government does not have to bring the matter to Parliament at all. The Government can add areas or take away areas by including or excluding different ore deposits.

Mr. Taylor: But we agree to bring the matter to Parliament if it concerns a major change.

Sir CHARLES COURT: The Government does not have to. I thought the Government would have learnt by now that our variations clauses, on the advice of Crown Law, are much tighter than the ones currently used.

Mr. Taylor: Ours have not failed so far, and they have been incorporated in several agreements.

Sir CHARLES COURT: Yes, they have. I am telling the Minister that his Government can play around with these agreements to a degree which was not originally contemplated. This has already been done with one agreement. The Government has granted a major deposit which is more valuable than the deposit in the original agreement.

Mr. Taylor: Which agreement?

Sir CHARLES COURT: Rhodes. The Government does not have to bring it back to the Parliament.

Mr. May: It will be a long while before we do.

Sir CHARLES COURT: Under our old form of agreement with its variations clause we would not have dared do this. The Government has had to bring our B.H.P. agreement to Parliament for a minor amendment to areas because of our variations clause.

I will make one final point before I conclude my remarks to the second reading, but I intend to deal with some of the matters in more detail at the Committee stage. I wish now to deal with the question of processing so that the Minister can be prepared for it.

I cannot work out the logic of what is intended. Knowing that this is a fairly "thin" project from an economic point of view, I realise it is impossible for the company to tie itself to any heavy processing commitment; but I cannot work out the merit of the processing commitment in the agreement. I say this because 250,000 tons of steel has simply no economic significance today; it has no economic possibility today. Even using an electric furnace

system it would be a freak if it could be economic at that level today, particularly with Australian costs.

Mr. Taylor: Firstly, that is the minimum. Secondly, the agreement is very wide as to the ability to bring in partners or to co-operate with other venturers.

Sir CHARLES COURT: I will deal with that in more detail. Of course, the third party clause gives the right to have the commitment met by some other party. When in government we always adopted the attitude—as, doubtless, the present Government does—that it did not matter who did it as long is it was done as part of the commitment. This is especially so if the third party is a specialist company which will do it in a bigger and better way than a company which may be solely concerned with mining and not with processing. Consequently it was written into agreements that a third party could meet the obligations, provided that party was approved by the Government and did the work as part of the commitments under the agreement itself.

Mr. Taylor: We have the same situation.

Sir CHARLES COURT: That is so, but this is an extremely small commitment. I merely wonder why this figure was selected because it seems quite unrealistic as a processing commitment. If there is to be any processing at all those concerned would want a bigger commitment to make it economically viable.

Provision is made in the agreement for ore to be made available to other people if the processing commitment cannot be met. This is not an unusual provision.

I also warn the Minister in advance of an anomaly in the definitions clause so that he may undertake some research in the meantime. There is something of an anomaly in the definition relating to steel. I refer to page 10 where it is stated—

> "steel means steel in the form of steel billets or manufactured steel products;

There is an anomaly between the two. Steel billets are a very low form of steel —this is simply the crude steel stage. Manufactured steel products, on the other hand, are at the other end of the scale. In between there are blooms, slabs, plates, and a host of other things. When talking about manufactured products we are talking about steel converted into tractors, ploughs, girders and that type of thing.

The next definition is "tertiary processing" and it reads—

> "tertiary processing" means the production of pig iron by blast furnace smelting the production of steel by any means whatsoever and the further processing of steel into special shapes and alloys;

In other words, there are three phases of tertiary processing which are completely unrelated. The first is the making of pig iron by blast furnace smelting; the second is the production of steel by any means—it could be by electric or blast furnace systems; the third is the further processing of steel into special shapes and alloys. There is a tremendous difference between the three but they are all grouped as one item under "tertiary processing". Perhaps the Minister could explain why it was necessary or thought desirable to group these under the one heading.

On studying the point, I am sure he will understand what I mean. There is a mighty difference between pig iron and steel; again, there is a mighty difference between going from steel "in any form whatsoever" into special shapes and alloys.

Perhaps I could put it this way; it would be unusual if anyone nominated to meet the tertiary processing commitment by the production of steel into special shapes and alloys. Obviously he would select the lower stage—which is pig iron, such as we produce at Kwinana at present. I mention this in passing so that the Minister may do some research. It would be unfair to him to raise it for the first time in Committee, as it is a technical matter.

These are the main points I wanted to mention. I will leave the remainder of my remarks for the Committee stage. We support the Bill.

Debate adjourned until a later stage of the sitting, on motion by Mr. J. T. Tonkin (Premier).

QUESTIONS (34): ON NOTICE

1. MEMBERS OF PARLIAMENT

Staff and Offices

Mr. W. A. MANNING, to the Premier:

(1) In announcing the intention to provide staff and offices in the electorates of the Members of this Assembly, did he, as reported, state the plan results from a recommendation by the Parliamentary Rights and Privileges Committee?

(2) If so, will he re-examine this statement?

(3) Did he not receive the recommendation in a submission dated 1st May from the Secretary of the Parliamentary Labor Party who does not represent the Parliamentary Rights and Privileges Committee?

Mr. J. T. TONKIN replied:

(1) and (2) Yes, in error, which was corrected as soon as the true position was known.

(3) The submission was received in the belief that it represented the decision of a committee, representative of all parties, which was set up for the purpose of giving consideration to Members' requirements.

2. DENTAL CLINIC

Canning Electorate

Mr. BATEMAN, to the Minister for Health:

(1) In view of the ever increasing requirements for dental treatment in the Cannington-Thornlie-Gosnells area, has any consideration been given to the establishment of an additional clinic along the lines of the Liddell, Victoria Park, or Fremantle clinics, in this area?

(2) If "Yes" what is envisaged as regards location and facilities, and when is it anticipated this clinic will come into being?

(3) If "No" would he give urgent consideration to this badly needed amenity?

Mr. DAVIES replied:

(1) and (2) No.

(3) The Government is rapidly developing a dental service to provide free treatment to all school children under fifteen years of age. Priority will be given to areas where there is an existing shortage of dentists and dental services. Dental clinics to provide this service will be established throughout the State.

3. NARROGIN SCHOOL

Replacement

Mr. W. A. MANNING, to the Minister representing the Minister for Education:

(1) When will work commence at the Narrogin (Williams Road) primary school to replace the portions of the school now 65 years old?

(2) What work is planned and at what estimated cost?

Mr. T. D. EVANS replied:

(1) Sketch plans have been prepared and documentation is now proceeding.

(2) Three classrooms, new toilets and a new administration block.

Cost will not be known until tenders have been received.

4. SCHOOLS AND HIGH SCHOOLS

Maintenance: Expenditure

Mr. RUSHTON, to the Minister representing the Minister for Education:

(1) Will he please advise me the total amount spent on maintaining schools for the years 1969, 1970, 1971, 1972 and 1973?

(2) How much has been spent on maintenance of Rockingham Beach primary school for each of the past five years?

(3) Has the pruning of the trees around this school been completed?

(4) What maintenance is currently listed for this school and when will it be carried out?

Mr. T. D. EVANS replied:

Expenditure is recorded by financial year and on this basis the information requested is as follows:—

(1)—

1968/69	1969/70	1970/71	1971/72	1972/73
$1,831,815.53	$2,289,304.81	$2,722,668.61	$2,435,000.99	$2,222,055.48

Total—$11,501,745.42

(2)—

1968/69	1969/70	1970/71	1971/72	1972/73
$522	$2,889	$2,354	$1,149	$1,930

Total—$8,844

(3) Yes.

(4) Maintenance will be carried out as and when necessary. There is no special requirement listed at this point in time.

5. BIRDS

Declaration as Vermin

Mr. RUSHTON, to the Minister for Agriculture:

(1) Why is it necessary to declare the three species of African love bird (masked, peach face and nynsia) vermin?

(2) What evidence is available to show these birds will become a pest in Western Australia?

(3) What constitutes an approved aviary?

(4) Are private aviculturalists to be allowed under license to retain and breed these birds?

(5) Is the feral cat a protected animal?

(6) Are these animals numerous in this State?

(7) To what extent is the feral cat considered to be a danger to our fauna?

(8) Are the short billed corella cockatoos protected or declared vermin in Western Australia?

(9) What are the conditions applying for the keeping of these cockatoos?

(10) If there is now a firm Government policy for the keeping or destruction of exotic birds in Western Australia, will he please advise the Assembly of it and include in the report the accepted and rejected species with the reasoning for this decision?

Mr. H. D. EVANS replied:

(1) This has been necessary in order to give the Agriculture Protection Board authority to set conditions for the keeping of these birds in such a manner as to minimise their potential threat to agriculture and the environment.

(2) The species are already a pest in parts of their home range in Africa. Some of this range is similar in topography, vegetation and land use to parts of W.A. The species have already become established in areas beyond their indigenous ranges.

(3) One which meets certain requirements agreed upon by the Department of Fisheries and Fauna, the Agriculture Protection Board and the combined bird organisations of W.A., as providing adequate security for the safe keeping of birds. Different specifications apply to birds of different species.

(4) Yes. They will be permitted to retain birds already held.

The conditions under which aviculturists may be permitted to keep exotic birds which are not known to be harmless are still the subject of discussions between the two authorities and the combined bird organisations of W.A.

(5) No.

(6) It is believed they are numerous in this State.

(7) No authoritative research work relative to Western Australian fauna is known, and opinions differ as to the extent to which the feral cat is responsible for the decline in species of fauna in different localities. Work done in Victoria suggests that the effect of cats on wildlife may be much less than is generally thought.

(8) Short-billed corellas are protected under the Fauna Conservation Act, except in the municipal districts of West Kimberley and Coorow, where they have been declared to be vermin under the Vermin Act. In these two districts, appropriate action has been taken under the Fauna Conservation Act to avoid conflict between the two Acts.

(9) (a) Where declared vermin, it is an offence for people to keep this species without a permit from the Agriculture Protection Board.

(b) Where protected, these birds may only be kept in accordance with the appropriate provisions of part 4 of the fauna conservation regulations, particularly regulations 28, 29, 30, 31, 32 and 34.

(10) A decision has been taken that no exotic birds already in W.A. will be destroyed. However, no further introductions to the State of birds, other than those known to be harmless will be permitted. Conditions for the keeping of birds already in the State are the subject of present discussions with the combined bird organisations of W.A.

All species have been grouped into five lists which are submitted for tabling.

The lists were tabled (see paper No. 302).

6. BUILDERS' REGISTRATION BOARD

Faulty Workmanship: Complaints

Mr. MENSAROS, to the Minister for Works:

Referring to his reply to question 37 on 21st August, could he please advise how many of the complaints in each period listed were found to be justified to full extent by the Builders' Registration Board?

Mr. JAMIESON replied:

Of the 342 complaints received in 1972 and 221 complaints received in 1973 to 30th June, it was found that 315 and 197 respectively were justifiable.

The Builders' Registration Board is unable to itemise the complaints to each period as inspections and investigations may proceed over many months. Many of the complaints received by the board are of a minor nature relating to unsatisfactory workmanship and not to structural defects.

7. TRADE UNIONS

Membership, 1970 to 1973

Mr. MENSAROS, to the Minister for Labour:

Could he please advise what was the total number of industrial union members in Western Australia at any convenient statistical date in the years 1970, 1971, 1972 and if available 1973—

(a) with State registered unions;

(b) with Federal registered unions?

Mr. HARMAN replied:

The membership of unions of workers—

(a) With respect to State registered unions membership as at 30th June was—

1970—137,556
1971—149,846
1972—150,910
1973—156,635

(b) My department has no information on the numbers of members in Federal registered unions. Federal unions are required to inform the Commonwealth Industrial Registrar of membership of Federal unions but there is no break up of numbers by States.

8. FERTILISERS

Production and Usage

Mr. McPHARLIN, to the Minister for Agriculture:

(1) What quantity of fertiliser was manufactured by the four manufacturing companies in Western Australia for the years 1969-70, 1970-71, 1971-72 and 1972-73?

(2) What quantities of fertiliser were used by farmers during the period quoted?

(3) What quantities of fertiliser were sold by the four companies over the years mentioned?

Mr. H. D. EVANS replied:

(1) and (2) This information is not available to my department.

(3)

	tonnes
1969-70	1,284,000
1970-71	1,120,000
1971-72	1,208,000
1972-73	1,517,000

9. UNITARY SYSTEM OF GOVERNMENT

Government Policy

Mr. MENSAROS, to the Premier:

Referring to his reply to part (3) of question 16 on 21st August, 1973, regarding his Government's policy in respect of the Prime Minister's preference for a unitary system of government, could he please either explain in his reply what his and his Government's policy is, or refer by date and source of publication to the reports and public occasions where this policy was expressed?

Mr. J. T. TONKIN replied:

Copies of Press statements are tabled herewith.

The Press statements were tabled (see paper No. 301).

10. LEGISLATIVE ASSEMBLY ELECTORATES

Enrolments and Quotas

Mr. MENSAROS, to the Attorney-General:

(1) What is the latest available number of electors enrolled in each Legislative Assembly district?

(2) What is the average quota for the metropolitan districts and for the agricultural, mining and pastoral areas?

Mr. T. D. EVANS replied:

(1) The undermentioned were the enrolment figures for each of the Legislative Assembly Districts as at 20th August, 1973—

Metropolitan area:		
Ascot	15,572	
Balga	16,334	
Canning	19,688	
Clontarf	16,333	
Cockburn	17,125	
Cottesloe	16,315	
East Melville	16,983	
Floreat	16,517	
Fremantle	16,729	
Karrinyup	19,456	
Maylands	16,982	
Melville	15,983	
Morley	18,018	
Mount Hawthorn	16,087	
Mount Lawley	16,651	
Nedlands	16,020	
Perth	16,105	
Scarborough	16,484	
South Perth	15,720	
Subiaco	15,364	
Swan	17,055	
Victoria Park	16,754	
Welshpool	17,036	
		385,311

Agricultural, mining and pastoral areas		
Albany	7,858	
Avon	7,761	
Boulder-Dundas	7,632	
Bunbury	7,905	
Collie	7,729	
Dale	9,844	
Geraldton	8,089	
Greenough	7,212	
Kalamunda	8,858	
Kalgoorlie	7,148	
Katanning	7,744	
Merredin-Yilgarn	7,439	
Moore	7,273	
Mount Marshall	6,999	
Mundaring	8,141	
Murray	8,093	
Narrogin	7,832	
Rockingham	8,361	
Roe	8,046	
Stirling	7,737	
Toodyay	12,284	
Vasse	8,348	
Warren	7,445	
Wellington	8,114	
		193,892
North-west Murchison-Eyre area		
Gascoyne	3,642	
Kimberley	3,305	
Murchison-Eyre	1,844	
Pilbara	8,284	
		17,075
Grand Total		596,278

(2) On the aggregate enrolment figures for the undermentioned areas as at that date the quotas calculated in accordance with the statutory provisions of the Electoral Districts Act, 1947-1965 would be—

(a) Metropolitan area	16,752
(b) Agricultural, mining and pastoral area	8,078

11. HEALTH

Opticians: Shortage and Training

Mr. BRADY, to the Minister for Health:

In view of the report in *The West Australian* last week that a shortage of opticians could be expected in Western Australia in the near future, will he ascertain if any consideration is being given to having facilities made available at the Nedlands or Murdoch universities for training of students in all aspects of optometry to avoid the necessity for students having to travel to the Eastern States in order to qualify for this calling?

Mr. DAVIES replied:

Representations were made to the University of Western Australia in 1972 to establish a course in optometry.

In June 1973 it was reported to the Tertiary Education Commission that the Faculty of Science of the University had stated that a case existed for the establishment of an optometry course in W.A., but that such a course would not fit readily into the University's Faculty of Science.

On 3rd July, 1973, the commission suggested that such a course might be established at the Western Australian Institute of Technology and proposed that the Council of the Institute consider the inclusion of Optometry in its financial submission for developments in the 1976-78 triennium.

12. SEWERAGE

Hazelmere

Mr. BRADY, to the Minister for Water Supplies:

(1) Can he state if any plans are prepared for deep sewerage in the Hazelmere area?

(2) If plans are prepared will he state the approximate date the scheme will be started?

(3) If no plans are prepared, can he state the approximate date deep sewerage could be expected in the Hazelmere area?

Mr. JAMIESON replied:

(1) Preliminary design work only has been carried out in the area. No detailed plans have been prepared.

(2) Answered by (1).

(3) It is not possible to give a date at this stage.

13. LOCAL GOVERNMENT

Regional Councils

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

(1) Referring to my question 12 on 21st August, will he please advise the Assembly of the information

he has of the Commonwealth scheme to help local authorities through regional groupings which allows him to confidently tell local authorities they will like it?

(2) If he has not the full knowledge of the proposals for creating the regional authorities, did he mislead the local authorities?

(3) If "No" to (2), will he please explain how he can make such statements when he answered my question that he only knew of part of the proposals?

(4) Can the Commonwealth Government set up these regional authorities within the States without legislation enacted by the State and/or against the State's wishes?

(5) Will he, following the Commonwealth Budget, advise the sum to be made available to Western Australian local authorities this financial year?

Mr. HARMAN replied:

(1) Press releases made by Australian Government Ministers this week are tabled herewith.

(2) No.

(3) The Grants Commission Act will provide obvious advantages to municipal councils in allowing submissions to be made to the Grants Commision.

(4) There is nothing to indicate that "authorities" are necessarily contemplated. The term used in section 17 of the Grants Commission Act is "regional organisation".

(5) I have no information on this matter.

The Press releases were tabled (see paper No. 303).

14. WATER SUPPLIES

Forrestdale: Temporary Disconnection

Mr. RUSHTON, to the Minister for Water Supplies:

(1) Are the residents living along Nicholson Road, Forrestdale, to have their board reticulated water supply cut off for three weeks from tomorrow?

(2) For what periods have these residents already had their water supply stopped this year?

(3) Will he make urgent arrangements to reduce the period of stoppage to enable the public to cope?

Mr. JAMIESON replied:

(1) Yes. Water will be cut off for 2-3 weeks for urgent and unavoidable maintenance work. Residents are not supplied from board reticulation mains but direct off the trunk main.

(2) One period of two days to repair a small leak and one period of approximately two weeks for repairs.

(3) No. This situation is foreseen when the service is supplied and consumers accept the following condition:

> "As this service is given from a trunk main the board does not undertake to maintain a continuous supply or to give prior notice of any shut down of the main or to accept any liability for loss, damage, or inconvenience suffered as a result of the discontinuance of supply. In the circumstances you may feel disposed to provide some form of storage to meet such an emergency."

15. TOWN PLANNING

Westfield Park Housing Project

Mr. RUSHTON, to the Minister for Town Planning:

(1) As the *impasse* causing long delays in provision of public facilities for the residents at Westfield Park, Kelmscott, has been to a large degree created by town planning ministerial decisions, will he give urgent attention to resolving the differences between the shire and the developer as requested over a lengthy period?

(2) When does he expect to complete his review and make a final determination?

(3) Will he quickly resolve the differences over the shopping centre, recreational reserves, major drainage reserves, public amenities and Lake Road upgrading, to enable the Westfield Park community the enjoyment and benefits of these facilities and services?

Mr. DAVIES replied:

(1) The question of the location of commercial facilities and associated civic uses in Westfield Road is receiving the attention of my department. The provision of other public facilities in the Westfield Park locality must be resolved between the local authority, the developer, and the departments concerned.

(2) A decision on the most suitable site for commercial and civic uses in Westfield Road, having regard to all the relevant issues involved, should be taken by September 30th. It is then expected that the local authority will initiate an appropriate amendment to its town planning scheme.

(3) Answered by (1) and (2).

16. GOVERNMENT DEPARTMENTS

Commonwealth Takeover

Mr. HUTCHINSON, to the Premier:

(1) Will he advise which State departments the Prime Minister or his Government have offered to take over, or explore the possibility of Commonwealth takeover in whole or in part?

(2) In regard to which departments has he responded by indicating his preparedness to enter into discussions?

(3) Apart from himself as Premier, which of his Ministers have had follow-up discussions with Commonwealth Ministers or Commonwealth Officers?

(4) Are State officers still exploring takeovers with Commonwealth officers and, if so, which departments are involved?

(5) Which State Ministers make regular or occasional visits to Commonwealth counterparts as a matter of policy before ministerial decisions are made and/or as part of Commonwealth conditions for giving final approvals to decisions?

Mr. J. T. TONKIN replied:

(1) The Railways Department and the Aboriginal Affairs Planning Authority.

(2) As for (1).

(3) The Minister for Railways and the Minister for Community Welfare.

(4) Yes. The departments indicated in answer to (1).

(5) All Ministers, except the Minister for Labour, have made visits for the purpose mentioned, and will continue to do so. The Minister for Labour will also make visits when it is considered desirable.

17. COMPREHENSIVE WATER SCHEME

Completion of Final Stage

Mr. HUTCHINSON, to the Minister for Water Supplies:

(1) Will he explain and endeavour to reconcile the Press announcement dated 9th February, 1973 that the final stage of the current comprehensive water supply scheme would cost $220,000 for certain listed works and would be completed in May, with his recent answers that a total sum of $1,165,000 was to be spent this year on the current scheme and listing a different set of works?

(2) Would he also make reference to and give explanation why he did not refute the 9th February Press report when he answered my questions relating to this report on the 20th March?

Mr. JAMIESON replied:

(1) The statement released to the Press on 8th February, 1973 correctly indicated that there were still two aspects of phase 2 of the Comprehensive Water Supply proposal remaining for completion.

These were—

(a) that section of the farmland reticulation between Pithara and Dalwallinu. The work included reticulation mains and a storage tank and the estimated cost was $220,000. The completion of the work was scheduled for May 1973; and

(b) the completion of the major improvements to the Narrogin-Katanning Main. It was clearly stated that this work was scheduled for completion in 1973-74 financial year.

The report finally published in the newspaper omitted reference to the work of upgrading the Narrogin-Katanning main which is not a reticulation main and does not enable any additional farmers to be served.

The Dalwallinu-Pithara reticulation work which was detailed in the Press statement is a section of the area covered by phase 2 of the Comprehensive Water Supply Scheme which is officially designated as the West Kokardine farmlands.
The current position is that the work on the farmland reticulation in the Dalwallinu-Pithara area was physically completed, but a significant amount of the expenditure was not cleared through Treasury records before 30th June, 1973. This expenditure, which is known in departmental phraseology as a "carry-over", must

therefore be treated as expenditure in the 1973-74 financial year and budgeted for accordingly.

(2) At the time of the question asked by the Member on 20th March, it was not appreciated that any confusion had resulted from the report actually published in the Press, and the Member's question was not directed towards this aspect. A subsequent question asked by the Member on 27th March was the first indication that there was a misunderstanding in respect of the actual completion date proposed for the two remaining aspects of the work under phase 2 of the Comprehensive Water Supply Scheme. Consequently the reply to part (2) of this question clarified this aspect.

18. SALVADO LAND DEVELOPMENT

Government Loan

Mr. HUTCHINSON, to the Premier:

Apart from doubt as to how long the interest rate could be deferred, what terms and conditions apply to the $3 million loan for Salvado land?

Mr. J. T. TONKIN replied:

Terms and conditions have yet to be settled.

19. ARTS ADVISORY COUNCIL

Grants

Mr. A. A. LEWIS, to the Minister for Cultural Affairs:

(1) Further to my questions 36 on Wednesday, 15th August and 11 on 22nd August, could he explain the difference in the amounts advanced by the Bursary Trust Fund, as on 15th August the amount of $19,250 is mentioned, but in appendix "B" on 22nd August the list contains only grants of $10,240?

(2) If there has been an error, could he provide a list of the additional grants?

Mr. J. T. TONKIN replied:

	$
(1) and (2) The grants approved for eventual payment from the bursary trust fund should read as	16,290
Of the above, the grants paid from the fund, and detailed in appendix "B" to item (2) of reply to question 11 of 22nd August, 1973, amounted to	10,240
Subsequent payments, details of which are shown in appendix "A"	2,000
Grant approved, but not yet paid—details shown in appendix "A"	4,050
	$16,290

Appendix "A"

(1) Details of grants paid from bursary trust fund not detailed in appendix "B" to item 2 of reply to question 11 of 22nd August, 1973—

Person to whom assistance paid	Amount paid $	Purpose
Miss L. P. Murphy, Claremont	1,000	To enable her to attend Stuttgart State Ballet School.
Mr. G. H. Russo, Crawley	1,000	To assist with research for a biography of Bishop Salvado.
	$2,000	

(2) Grants approved, but not yet paid—

Person to whom assistance paid	Amount Approved $	Purpose
Mr. J. A. Linton, Subiaco	2,800	Assistance to study design and silversmithing at the Royal College of Art, and elsewhere, subject to the provision of proof of acceptance for courses. Grant to cover 2 years.
Miss J. M. Barrett	750	To assist with tuition fees at Australian Ballet School, Melbourne.
Miss J. M. Mellet, Floreat Park	500	Assistance to study at National Institute of Dramatic Art, or suitable alternative institution overseas.
	$4,050	

20. LAMBS

Export Sales: Price Guarantee

Mr. A. A. LEWIS, to the Minister for Agriculture:

In reference to part (1) of his answer to question 8 on Wednesday, 22nd August, 1973 concerning Lamb Marketing Board price guarantees for exported lambs, could he state—

(a) the date the agreement was reached;

(b) the prices for export set?

Mr. H. D. EVANS replied:

(a) and (b) Agreement and prices were confirmed on the 12th July.

21. DEFENCE

Effect of Federal Budget

Sir CHARLES COURT, to the Premier:

Will he make urgent representations to the Commonwealth Government to get them to specify in detail the impact of their budget on the amount of defence effort in Western Australia in respect of all three services, namely, Navy, Army and Air Force including—

(a) the financial payments that will be made; and

(b) the number of personnel and the type of activities that will be engaged in as distinct from the straight out financial spending that will take place?

Mr. J. T. TONKIN replied:

Action has been taken to obtain a copy of the statement on defence made in the House of Representatives by the Federal Minister for Defence. Consideration will be given to the need to make further inquiries when this statement has been studied.

22. NAVAL BASE AT COCKBURN SOUND

Effect of Federal Budget

Sir CHARLES COURT, to the Premier:

Now the Commonwealth Budget has been announced, will he make urgent representations to the Commonwealth Government to ascertain the position regarding the naval facility at Garden Island and, in particular—

(a) whether it is proposed to slow down the construction programme and, if so, to what extent;

(b) what discussions have taken place in Western Australia with the State Government, State Government departments and/or unions by Commonwealth Government Ministers and/or Commonwealth departmental representatives, whereby the Commonwealth would initiate or condone large over-award wage payments which would be reimbursed to the contractor through an addition to the contract price?

Mr. J. T. TONKIN replied:

(a) Prior to current Press releases on this matter, confidential advice was received from the Hon. the Prime Minister to the effect that, in the context of the current strategic assessment and the priorities of expenditure, the Australian Government, after careful consideration, had decided that the construction period of the next phase of the naval support facility should be extended from 1975 to 1978. This would leave for later decision the commencement of the remaining elements of armament depot and jetty and the large ships wharf.

The Prime Minister added it was not envisaged that this re-phasing would cause any retrenchment, although it might be necessary to transfer some day labour employees to works at other locations.

(b) I am not personally aware of such discussions, although I am now informed that negotiations of this nature are taking place between representatives of the unions concerned and the relevant employers' associations. I am also advised that these discussions are following the pattern of over-award payments generally applicable in the Kwinana industrial area.

In the event that agreement is reached on these negotiations, the question as to how any additional payments granted would be reimbursed to the contractor is not one for my consideration.

23. COUNTRY AIR SERVICES

Subsidies

Sir CHARLES COURT, to the Premier:

Having regard to the Federal Budget decision for a withdrawal of Commonwealth subsidies for certain country air services, will the Premier—

(a) state if he is in favour of this Commonwealth move;

(b) indicate what he feels will be the effect on country air services in this State, particularly those that service remote areas; and

(c) advise if he was consulted on this matter before the decision was made?

Mr. J. T. TONKIN replied:

(a) Doubtless the Australian Government has its reasons for the proposed action which, however, I regret.

(b) We have no information on how the Commonwealth proposes to proceed. The services operated under subsidy are—

(i) Kimberley Stations, including Halls Creek and Fitzroy Crossing.

(ii) Port Hedland, Marble Bar, Hillside, Nullagine.

(iii) Carnarvon, Denham.

(iv) Kalgoorlie, Leonora, Laverton.

Lacking information, we must assume that some, or all of these services, will be affected by reduced or eliminated subsidies. Whether this will result in higher fares and freight rates, or reduction or elimination of services, is not yet known.

(c) I was not consulted.

24. URBAN TRANSPORT SERVICES

Commonwealth Financial Assistance

Sir CHARLES COURT, to the Premier:

(1) What requests did the Western Australian State Government make to the Commonwealth for finance to upgrade city and urban transport services?

(2) If this State is now to receive Commonwealth money for this purpose, where, and in what way will it be spent?

Mr. J. T. TONKIN replied:

(1) and (2) The Western Australian request to the Commonwealth for financial assistance for the first year (fiscal 73/74) of its urban public transport improvement programme was:—

	$ millions
(i) pedestrian access to central bus station	.63
(ii) bus access to central bus station across the railway line	.16
(iii) design of stage I of Mitchell Freeway busway	.06
(iv) Adelaide Terrace bus priority lane	.01
(v) Three bus transfer stations at Amelia Street, Innaloo and Whitfords	.04
(vi) New and replacement buses	.90
(vii) New ferry terminals at Mends Street and Barrack Street	.07
(viii) Transport planning and research	.16

We have been advised that the Commonwealth contribution will, in effect, match our request in respect of items (i) to (vii), inclusive. The Commonwealth response to item (viii) has not yet been determined. It may be as late as November before we are advised on this, but our expectation is that our request will be acceded to.

I should point out that the Commonwealth contribution represents 2/3rds of the total amount to be spent. The remaining 1/3rd will be provided from State resources.

25. EDUCATION

Free Milk Scheme: Abandonment

Sir CHARLES COURT, to the Minister representing the Minister for Education:

In view of the Federal Government's decision to virtually abandon the free milk scheme for school children on the grounds that there are no longer any nutritional needs for the present scheme, will he advise when he, as the Minister, gave his assent to this proposal?

Mr. T. D. EVANS replied:

The free milk scheme for school children is administered by the Education Department in this State but is financed almost entirely by the Australian Government under the State Grants (Milk for School Children) Act 1950.

The cost of the scheme for the year ended 30th June, 1973, was $1,035,407, of which the State contributed $3,750 being one-half of the administration expenses.

My assent to Australian Government policy changes to the scheme is not required.

It is understood that the Australian Government intends to discuss with the States, special aspects of

the milk scheme prior to modifying the scheme from January, 1974.

Members will be aware that I am answering on behalf of the Minister for Education who has supplied this answer in the first person.

26. PRIMARY INDUSTRIES

Effect of Federal Budget

Sir CHARLES COURT, to the Minister for Agriculture:

What effects will the 1973-74 Federal Budget have on primary industries in Western Australia—

(a) generally;

(b) as a result of the 5c per gallon increase in petrol tax;

(c) as a result of the 1c tax on meat exports;

(d) as a result of the 100% increase in telephone rents for country telephone subscribers?

Mr. H. D. EVANS replied:

(a) The removal of concessional deductions for development and capital items could slow down farm development and limit the purchase of farm structures and machinery. A slightly reduced demand for land could occur.

On the other hand, further assistance in the form of funds for long term finance for farm purchase and rural reconstruction was announced in the Federal Budget.

(b) The increase in petrol tax will have similar effects on farmers as with other business owners and individuals. The increased cost would probably not exceed $60-$80 per year for a typical wheat belt farm.

(c) The 1c per pound levy on meat exports would have raised $1.95 million in 1972-73 on a shipped weight basis. Improved export prices will probably result in there being little detrimental effect on producer returns.

(d) The effect of the increase in telephone rentals amounts to an extra $27 per year per subscriber.

27. GOOSEBERRY HILL SCHOOL

Sports Ground

Mr. THOMPSON, to the Minister representing the Minister for Education:

(1) Has he received a letter from the President of the Gooseberry Hill primary school parents and citizens' association requesting earth works to establish an oval?

(2) If so, has a decision been made, and what is that decision?

Mr. T. D. EVANS replied:

(1) and (2) The letter was only received at the office of the Minister for Education yesterday. The request will be examined.

28. PORNOGRAPHIC LITERATURE

Prosecutions

Mr. RUSHTON, to the Minister representing the Chief Secretary:

Referring to my questions without notice on 16th August and question 62 on 22nd August, will he name the publications which the advisory committee on publications has recommended—

(a) as obscene;

(b) should be the subject of prosecution?

Mr. HARMAN replied:

(a) and (b)—

Mini Special No. 5
Colour Orgie No. 11
Bound to Satisfy
Schoolgirls' Fancy
Lesbian Capers
Zodiac Poster
Girls in Ecstasy
Female Oral Lovers
Chained
National U
Archetypal Gumbo
Ribald Nos. 48, 49, 50, 51, 52, 53, 54
Bawdy No. 4
Sexy Swingers No. 43.

29. STATE FINANCE

Government Guarantees

Mr. RUSHTON, to the Premier:

Will he please advise the Assembly of the individual guarantees granted by his Government which have not been recommended by the Under Treasurer?

Mr. J. T. TONKIN replied:

No. Information of this kind is confidential to the Government.

30. PICTON-BUNBURY RAILWAY LINE

Phasing Out

Mr. SIBSON, to the Minister representing the Minister for Railways:

When will the railway line between Picton and Bunbury be phased out so as to prevent further congestion of the Bunbury town centre, and allow that area to be used towards the further advancement of the town of Bunbury, for example cultural and civic centre?

Mr. MAY replied:

In discussions with the Town of Bunbury on the possible closure of the Picton-Bunbury railway an acknowledgment has been given that closure of this section would be a desirable objective to work towards in the long term.

In view of the long term nature of the planning involved it is not possible to nominate a date for closure of the section.

31. PENSIONERS

Motor Vehicle License Concessions

Mr. BLAIKIE, to the Minister representing the Minister for Police:

(1) In what year were concessional motor vehicle licenses made available to specified pensioners by the State of Western Australia?

(2) What has been the yearly cost of this concession since inception?

(3) Would he advise the number of eligible persons, under this State concession, who took advantage of this benefit?

(4) Would he please provide details of the criteria used in assessing those persons who shall be advantaged by this concession?

(5) Is a motor vehicle owner, who is in receipt of social service aged pension subject to any form of means test when assessment of eligibility or otherwise of a concessional motor vehicle license?

Mr. BICKERTON replied:

(1) Records indicate that concession motor vehicle licenses were made available to totally and permanently disabled soldiers as far back as 1936. General policy concerning the issue of concessions to civilian maimed and limbless pensioners was first laid down in 1950.

(2) and (3) Statistics relating to the number and cost of concessions are not maintained, but if the Member so requests the commissioner will undertake research in order that the figures can be made available to him. This would be a costly exercise.

(4) Where the local authority so recommends, free licenses may be granted to pensioners classified by the Department of Social Security as invalid pensioners, where the combined income of pensioner and spouse does not exceed the basic wage. Concession licenses at half the normal rate are granted to invalid pensioners where the combined incomes exceed the basic wage by no more than $6.00 per week.

An ex-serviceman classified as totally and permanently incapacitated by the Repatriation Department under paragraph 1 of the second schedule to the Repatriation Act may be granted a free license, provided the pensioner and spouse have no significant income other than pension.

Service pensioners, as defined by section 85 (2) of the Repatriation Act may be granted concessions on the same basis as civilian invalid pensioners.

(5) Motor vehicle owners who are age pensioners entitled to medical benefits under the National Health Act qualify for a concession in respect of their driver's licenses, but not vehicle licenses.

32. AIR TRANSPORT

State Powers: Handover

Mr. HUTCHINSON, to the Minister representing the Minister for Transport:

(1) Is it a fact that a reference of State powers to the Commonwealth Government, in respect of the T.A.A., Ansett-M.M.A. dispute, has to be a complete handover?

(2) Is it a fact that such powers once given could not be regained by the State?

(3) If this is not so, how could they be regained?

(4) What effect would such reference of powers have over the State's present control of M.M.A.?

(5) Which airfields in Western Australia are able to accept D.C.9 aircraft?

Mr. JAMIESON replied:

The State Government has not made a firm decision in this matter as the Australian Government legislation is not yet finalised.

(1) Whether or not a reference of State powers to the Commonwealth has to be a complete handover depends upon—

(a) the precise terms of the reference; and

(b) the provisions of the Commonwealth legislation which by force of that reference operates within Western Australia.

(2) No, provided that the legislation referring the power reserves to the State the power to revoke the reference. However, there could be practical reasons why the original situation could not be reverted to at a later stage.

(3) By exercise of the power of revocation contained in the State legislation.

(4) This would depend upon—

(a) the precise terms of the reference; and

(b) the provisions of the Commonwealth legislation.

However, the reference could be limited in such a way as to preclude any Commonwealth interference with the State's present control of M.M.A.

(5) The suitability of air fields for DC-9 operation depends upon gross weight, tyre pressures and width of runway and limited frequency of aircraft movements may be necessary to protect some pavements.

Advice received from the Department of Civil Aviation is that, outside of Perth, completely unrestricted operation of DC-9 aircraft would be permitted only at Learmonth and Paraburdoo. Subject to limitations as to gross weight and frequency of use, approval would be given in respect of Port Hedland, Broome, Derby, Kalgoorlie and Geraldton. The Department has advised that landing strips at Kununurra, Carnarvon, Karratha and Mt. Newman would require widening to 150 feet for DC-9 operation.

33. UNIVERSITY OF WESTERN AUSTRALIA

Teaching Effectiveness: Questionnaire

Mr. A. R. TONKIN, to the Minister representing the Minister for Education:

(1) Has the questionnaire on teaching effectiveness mentioned in the *University News* of August 1972 been administered at the University of Western Australia?

(2) Did all of the staff administer the questionnaire?

(3) Are results on a broad basis available to the public?

(4) Does the University intend to alter its method of selecting teaching staff as a consequence of the revelations of the questionnaire?

(5) Does it intend to take any other action?

Mr. T. D. EVANS replied:

(1) and (2) The questionnaire, which is designed to enable individual members of the teaching staff to evaluate their own teaching effectiveness, is now available to all members of the teaching staff at the University of Western Australia. It has been used by many, but not all, of the staff.

(3) and (4) As the *University News* article clearly stated, the results of any surveys are confidential and for the exclusive use of the staff member involved. In the circumstances, the question of staff selection does not arise.

(5) The University will encourage members of its teaching staff to make frequent use of the questionnaire so that a continual review of teaching effectiveness is maintained.

34. PORTS

Broome, Derby, and Wyndham: Charges

Mr. RIDGE, to the Minister for Works:

(1) In order to overcome the anomaly in Harbour and Light Department charges which he referred to at question time on 7th August—

(a) when will the reduced storage charges be applied to cargo which is consigned to northern station properties;

(b) will the reduced charges apply to cargo consigned to inland towns which suffer from the same disabilities as pastoral properties?

(2) In relation to the third answer to question 12 on 7th August, is it a fact that the Harbour and Light Department was recouped for wages paid for shipboard labour at the Wyndham port prior to the Australian Stevedoring Industry Authority assuming control of waterside labour; if so, could he explain why a compensating charge and recoup would affect the profit and loss situation of the department?

(3) In view of the resentment created by the increase in charges in 1971-72 and the vagueness of the answer to the question earlier referred to, would he itemise actual figures of revenue and expenditure related to Wyndham for the years 1970-71 and 1971-72?

Mr. JAMIESON replied:

(1) (a) The proposed amendments to the Jetties Act regulations to authorise the reduced storage charges on cargo consigned to northern station properties have been prepared by the Harbour and Light Department for drafting by Crown Law Department. It is anticipated that the reduced storage charges will be gazetted and apply within the next few weeks.

(b) Yes.

(2) Yes. Following the change to Waterside Workers' Federation labour and the introduction of Australian Stevedoring Industry Authority control in the port in 1971, the Harbour and Light Department ceased to pay wages for stevedoring labour employed on board vessels and to recoup the outlay on this item. Consequently, it lost an appreciable amount of revenue previously charged for the administration and supervision of shipboard labour. Additionally, it had to pay levies to the Australian Stevedoring Industry Authority and the Association of Employers of Waterside Labour, that were not previously payable, for all shore labour it employed. Resulting from this, the reduction in expenditure in 1971-72 was considerably less than the reduction in revenue for the corresponding period.

(3) It is not accepted the answer given to question 12 on 7th August was vague.

In accordance with policy, this was intended to convey to the Member the information requested.

Itemised details of expenditure and revenue at the Port of Wyndham for the years 1970-72 were not volunteered as it was not appreciated that this information was required.

A statement containing the details is, with permission, now tabled.

The statement was tabled (see paper No. 304).

QUESTIONS (6): WITHOUT NOTICE

1. PRICES CONTROL

Items: Comparison with South Australia

Mr. HARMAN (Minister for Prices Control):

Some time ago the member for Dale asked my predecessor a question without notice concerning comparative prices between South Australian and Western Australia. The answer is as follows—

(a) The following price list sets out comparable prices of goods in Western Australia to the identical goods available in South Australia, which are subject to price control.

GROUP 1—FOOD	S.A. $	W.A. $
Flour—plain (per 2 lb packet)	0.21	0.21
Flour—selfraising (per 2 lb packet)	0.22	0.22
*Rolled Oats (per 2 lb packet)	0.30	0.34
Meat pies and pasties (each)	0.16	0.20
*Kelloggs—Corn Flakes (16 oz)	0.42	0.52
Kelloggs—Coco Pops (12 oz)	0.40	0.45
Kelloggs—Rice Bubbles (16 oz)	0.49	0.52
Bread—2 lb ordinary shop (each)	0.24	0.25
Bread—2 lb ordinary delivered	0.24	0.25
Bread—2 lb sliced and wrapped shop	0.27	0.29
Bread—2 lb sliced and wrapped delivered	0.28	0.29
Total cost for this basket of goods	$3.23	$3.54

GROUP 2—PETROLEUM PRODUCTS	c	c
Motor Spirit—standard (per gal)	44·7	45·5
Motor Spirit—super (per gal)	48·1	48·7
Lighting kerosene (per gal)	29·0	25·0
Distillate (per gal)	37·6	44·0
	$1.594	$1.62

CLOTHING	$	$
AMCO Bull denim jeans	10.20	10.05
Levi Strauss flare jeans	10.70	11.95
Keyman Flare Jeans	7.60	7.50
	$28.50	$30.40

	$	$
Exacto briefs	1.06	1.10
Bonds Athletic singlets	0.59	0.59
Bonds briefs	0.71	0.79
	$2.36	$2.48

FOOTWEAR		$	$
Clarks Lucy shoes for girls	....	7.20	9.50
Dunlop men's workboots	....	10.65	11.99
Dunlop ESL181 workboots	....	11.25	9.99
Dunlop " Volley OC " sandshoes	....	5.45	5.99
		$34.55	$37.47
Total cost of all Goods	....	$70.23	$75.51

* Some only.

The South Australian prices are the maximum prices and rates for goods as fixed under price control. The food prices in Western Australia were taken from the current Grocers' and Storekeepers Journal, while the clothing and footwear prices were obtained from Perth's large retail department stores. The petroleum products prices were obtained from a suburban service station.

(b) Using figures provided by the Commonwealth Bureau of Census and Statistics, it was found the aggregate sum of 20 selected grocery items in Adelaide in January, 1973 was $6.56, while in Perth the same items, in comparable outlets cost $6.94. In June, 1973 the same items cost $7.07 in Adelaide and $7.07 in Perth. The surge in Adelaide prices in June were due to increases in the price of potatoes and eggs.

The grocery items are : bread white 2 lb ; sugar 4 lb ; rice 1 lb ; jam (apricot) 1½ lb ; oats rolled 2 lb ; peaches canned 29 oz ; pears canned 29 oz ; potatoes 7 lb ; onions brown 1 lb ; soap (laundry) 20 oz ; butter 1 lb ; cheese processed 8 oz ; bacon rashers ½ lb ; milk evaporated 14½ oz ; milk fresh, home delivered 2 pints ; flour plain 2 lb ; flour self raising 2 lb ; tea ¼ lb ; eggs 55g per doz ; eggs 50g per doz.

2. TRANSPORT WORKERS' UNION

Charlie Carters: Bread Delivery Ban

Sir CHARLES COURT, to the Premier:

(1) Has the Premier read the Press report, and also heard the radio news, about the industrial stand-over action taken by the T.W.U. against Charlie Carters, demanding that bread prices be increased, otherwise supplies will be cut off, with the result that the company has had to capitulate to the union's demand if it is to continue to get supplies and give service to the public?

(2) Does he agree with and/or condone the action of the T.W.U., which amounts to an abuse of industrial power, and is a straight-out form of industrial anarchy in defiance of democratic rights and constitutional authority?

(3) If he agrees with and/or condones the action of the T.W.U., what are his reasons for so doing?

(4) If he does not agree with and/or condone the action of the T.W.U., will he advise what action he has taken, and proposes to take in the matter?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) I do not agree with or in any way condone the action of the T.W.U., which is selfish and short-sighted; however, I understand the circumstances leading up to such action came about through fear of redundancies amongst bread-carters. Furthermore, I would point out that redundancy problems cannot be dealt with at arbitration because this is a subject beyond the ordinary jurisdiction and powers of the Industrial Commission.

(3) Answered by (2).

(4) The Minister for Labour received two joint deputations from bread manufacturers and the union, during which concern was expressed about possible redundancies. Further discussions will be held.

3. TRADES HALL BUILDING PROJECT

A.L.P. Members: Constitutional Restriction

Mr. O'CONNOR, to the Attorney-General:

(1) Has the Attorney-General studied sections 32 and 34 of the Constitution Acts Amendment Act, which in effect state that any person who shall undertake, execute, hold, or enjoy any contract or agreement made or entered into with any person on account of the Government of the State . . . if such person being a member of the Legislative Council or Legislative Assembly who or who on behalf of his use or benefit or in trust for him enters into a contract or agreement . . . the seat of each such member shall be void?

(2) Will he advise—

(a) who signed the agreement relating to the Trades Hall issue on behalf of the Government;

(b) who are members of the Legislative Assembly and also members of the State Executive of the A.L.P.;

(c) who are trustees of Perth Trades Hall Incorporated and also members of the State Executive of the A.L.P.;

(d) which A.L.P. members of the State Parliament could render their seats void as a result of the requirements of sections 32 and 34 of the Constitution Acts Amendment Act?

Mr. T. D. EVANS replied:

(1) and (2) Notice of this question was handed to me as late as 2.50 p.m. today whilst I was in the Chamber. I am aware of the provisions of the Constitution Acts Amendment Act referred to in the question. My answer is "Yes, I have studied them." However, the member asks me to advise him regarding four other matters. I would have to peruse the actual agreement to be aware of who signed it. I draw the attention of the honourable member to part (2) (b), which suggests that I should name each of the 51 members of the Asembly, and then turn around and quote the names of all members of the State Executive of the A.L.P. I do not think the question he has asked is correctly worded if he is seeking to find out whether there is a link between the members of those two bodies. Having regard for that, and for the fact that I will have to have time to study the agreement referred to in the question, I would like the honourable member to place the question on the notice paper.

4. SCHOOLS

Commencement Age, and Pre-school Facilities

Mr. BRYCE, to the Minister for Education:

(1) Is it intended that pre-school education facilities will be established in conjunction with existing and future primary schools?

(2) Is it intended to reduce the age at which pupils commence primary education from the year in which they turn six years to the year in which they turn five years—

(a) for the 1974 school year;

(b) in the foreseeable future?

Mr. T. D. EVANS replied:

I acknowledge notice of this question by the member for Ascot, and the answers are as follows—

(1) There is no intention at the present time, but this policy may be reviewed after the report of the interim commission on pre-school education has been released.

(2) (a) No.

(b) A decision has not been reached.

5. WOOD CHIPPING INDUSTRY

Environmental Reports

Mr. RUSHTON, to the Minister for Environmental Protection:

(1) Will he table the reports already held on the environmental viability of the wood chipping industry from the director, the authority, and the council for environmental protection?

(2) If these reports are not yet to hand, will he table them on the day Parliament resumes after the next two weeks' adjournment?

Mr. DAVIES replied:

I think I can place the answer to this question in the "bad news and good news" category, because the answer is—

(1) No.

(2) Yes.

6. TRANSPORT WORKERS' UNION

Charlie Carters: Bread Delivery Ban

Sir CHARLES COURT, to the Minister for Labour:

Can he advise the House whether, in fact, the ban on Charlie Carters has been lifted by the T.W.U., as there are conflicting reports that the union has not lifted the ban?

Mr. HARMAN replied:

My understanding of the situation is that the ban has been lifted. My understanding is based on the reports I have received. Whether or not they are conflicting, I do not know.

QUESTIONS ON NOTICE

Receival

THE SPEAKER (Mr. Norton): I advise members that questions for Tuesday, the 11th September, will be received up to 12.00 noon on Friday, the 7th September.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. J. T. TONKIN (Melville—Premier) [5.02 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 11th September, at 4.30 p.m.

Question put and passed.

House adjourned at 5.03 p.m.