Legislative Council

Tuesday, the 18th September, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.45 p.m.]: I move, without notice—

> That, pursuant to Standing Order No. 152, the Council take note of tabled paper No. 337 (Estimates of Revenue and Expenditure and related papers), laid upon the Table of the House on the 18th September, 1979.

The purpose of this motion is to give members the opportunity to debate the Consolidated Revenue Fund Budget at length in this Chamber prior to receipt of the Appropriation Bill. As I have previously indicated, this does not limit the right of members to debate the Bill itself.

In recent years it has been necessary to refer to the difficult circumstances in which the Budget has been framed. This year is no exception.

The Government remains conscious of the demands by taxpayers, not only in Australia, but also throughout the western world, for a tighter stewardship of their money. At the same time it must be made clear that this attitude is not in accord with demands for greater expenditure on Government services.

We have consistently adopted the policy of holding expenditure to the level required to meet essential community needs, rather than all the things people say they want without stopping to think that it is they, as taxpayers, who will have to pay for them.

This Budget, like those before it, reflects the Government's firm commitment to responsible financial management. It is the fifth consecutive year in which a balanced Budget has been presented to the Parliament—a record of which we are justifiably proud.

The increase in general revenues is expected to be 11.7 per cent compared with last year and a large part of this will be required to meet wage and price movements which are likely to be greater than in 1978-79.

Nevertheless, by applying tight expenditure constraints to departments' votes, it has been possible to make a number of significant advances and, at the same time, continue to pursue our policy of reducing the incidence of taxation by providing some important concessions; namely—

> The progressive abolition of death duties, which commenced in 1977, will proceed and will be completely phased out from the 1st January, 1980.
>
> Further amendments to the Stamp Act will be effected to remove the discrepancy between duty levied on the transfer of property by way of gift and the duty which applies to the transfer of property by sale.
>
> For the fourth time in five years the basic pay-roll tax exemption is to be increased. The lifting of the annual exemption from $60 000 to $72 000 from the 1st January, 1980, is expected to relieve another 820 small businesses from payment of pay-roll tax.

As a result of the Government's prudent management of its financial resources since being elected to office in 1974, it has been possible to move ahead in a number of areas of existing activity and to introduce several important new initiatives this year.

Among the outstanding areas of expenditure are—

> An allocation of $370.7 million for education—an increase of 13.9 per cent.
>
> An 11.1 per cent increase in expenditure on hospitals and health services.
>
> A number of innovations by the Department of Agriculture whose funding is increased by 13.1 per cent to $28.2 million.
>
> Provision for the appointment of an additional 84 police and Road Traffic Authority officers and upgrading of services within a total allocation of $68.4 million for the two services. The allocation is 13.5 per cent higher than last year's.
>
> Increased assistance for the decentralisation of industry.
>
> A 21 per cent increase—to $21 million—in expenditure by the Department of Corrections.

In addition, the Premier and Treasurer has foreshadowed certain changes to the present method of funding the operating expenditure of the Western Australian Fire Brigades Board. One of the most important changes will be an increased Government contribution to the board to cover the full cost of fire services in areas not served by full-time board firemen. This will

relieve the insurance companies of a contribution in respect of insurers in these areas.

It has also been announced that the Government will increase the rates rebates concession granted in respect of pensioners as from the 1st July, 1980. Under the present scheme pensioners may choose between a 25 per cent rebate or complete deferment of their local government, water, sewerage, and drainage rates. The rebate concession will be raised to 50 per cent.

Another important initiative is in the area of financial aid to independent schools. Over the past five years we have progressively increased and broadened the range of assistance to non-Government schools.

The Budget provides for an increase in the per capita subsidy scheme from 25 per cent to 26 per cent of the cost of educating children in Government schools. This new level of subsidy will operate from the commencement of the 1980 school year. Furthermore, the interest subsidy scheme has been extended from the 13th September to cover borrowings for all facilities which are provided by the State in Government schools.

I have, of course, referred to only some of the more significant proposals contained in the Budget. There are numerous other areas which will be of specific interest to individual members.

In concluding I would like to re-emphasise that this is the fifth consecutive year in which a balanced Budget has been presented to the Parliament. In each of the last four years the Government has been able to achieve that target or realise a small surplus. During that time no capital funds have had to be diverted to finance Consolidated Revenue Fund deficits. On the contrary, we have been able to supplement the capital works programme from recurrent revenues.

Members have, in the past, expressed their appreciation for this opportunity to debate the Budget prior to receipt of the Appropriation Bill (Consolidated Revenue Fund). I am sure that the debate on this motion will reflect the continuing interest of members in availing themselves of this opportunity.

Debate adjourned, on motion by the Hon. R. T. Leeson.

RESERVE (WOODMAN POINT-JERVOISE BAY) BILL

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and transmitted to the Assembly.

STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.54 p.m.]: I move—

That the Bill be now read a second time.

Under the provisions of the Stock (Brands and Movement) Act all horses are required to be branded with the owner's registered brand, which consists of an arrangement of two letters and a numeral. Branding is compulsory.

Since 1977 the Western Australian Trotting Association has required all horses registered with the association to be individually identified with a number registered with the association. It is known as the Alpha-Angle system and denotes the State where the animal is bred, as well as the horse's individual identification number. As the Act now stands, these horses also have to be branded with the owner's registered brand. The association has therefore requested that its branding be accepted in lieu of that laid down by the Act.

Provision already exists in the Act for stud cattle to be marked by a breed society mark in lieu of the owner's registered brand.

It is relevent therefore to extend this provision to stud horses, so that owners registered with a breed society may have the option of identifying their horses with the brand of the society in lieu of using the registered brand.

The WA Trotting Association is recognised by the Royal Agricultural Society as a body which carries out the registration of a particular breed or strain of horse; that is, standard bred pacers.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

SALARIES AND ALLOWANCES TRIBUNAL ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.55 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to sever the remaining statutory links which exist between magistrates and the Public Service.

In this regard the Bill is complementary to the Public Service Act, which was passed by Parliament last year and the recent legislation before the House which amended the Stipendiary Magistrates Act.

The action proposed by this Bill represents the final step in the process to remove from legislation any connotation that magistrates are civil servants. In 1977 the State Full Court made a clear distinction in this regard and, as the Bill complements other legislation, it proposes only minor changes to the Salaries and Allowances Tribunal Act.

The Bill proposes that reference to stipendiary magistrates be deleted from section 6(1)(c) of the present Act. This action removes the remuneration of stipendiary magistrates from determination by the tribunal.

A reciprocal effect is then achieved by the proposed amendment to section 7(1), which adds stipendiary magistrates to the list of persons whose remuneration is subject to recommendation by the tribunal. The result of these changes would be to place the fixing of remuneration for stipendiary magistrates on the same footing as for judges.

Reference to stipendiary magistrates is also deleted from section 10(4)(b). Under this section, the Minister is required to appoint a person nominated by the Chairman of the Public Service Board, to assist the tribunal in its inquiries relating to remunerations paid to stipendiary magistrates and others. This deletion removes a further connection between the Public Service and magistrates.

It is pointed out that, in the case of Supreme Court and District Court judges, the tribunal makes a recommendation only and does not make an actual determination. This Bill therefore simply adds stipendiary magistrates to the list of those who have a recommendation and not a determination as to salary. Members will appreciate that if Parliament wants to object to the recommendations it is open to do so; otherwise the recommendations become effective after the prescribed period. Determinations come into effect when made.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

HONEY POOL ACT AMENDMENT BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.58 p.m.]: I move—

That the Bill be now read a second time.

Following the Governor's assent to the Honey Pool Act, 1978, action was taken to draft regulations which would enable the election of the new board of directors.

It was intended to proclaim the Act and to effect the gazettal of the regulations at the same time, with the object of enabling the board to take office from the 1st July, 1979. However, during drafting of the proposed regulations, attention was drawn to an important technical difficulty in the Act, because of the use of the concept "prescribed participant".

The present legislation relates the eligibility of participants to a pool, whereas it is the intention of the board of the Honey Pool to relate participation to the delivery of honey to the immediately previous pool—or pools—within the previous financial year.

The new definition of "prescribed participant" which is now proposed, remedies this problem and clearly specifies eligibility in a manner which is in full accord with the policy of the Honey Pool.

It is understood that the criteria for establishing eligibility for a pool has been debated within the industry and is fully accepted by participants. Voting entitlement is also dependent upon the volume of honey delivered by a participant to a pool or pools within the previous financial year.

The Bill also makes explicit the power of the Governor to appoint a chairman, as distinct from the power to appoint directors and effects an interim continuation of the present board so that the eligibility of persons to vote for or stand as directors can be ascertained within the criteria adopted by the directors for such eligibility.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.00 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make provision in the Censorship of Films Act to enable a refund of the prescribed fee to be made in instances where an appeal against the decision of the Censor is upheld, or substantially upheld.

Under an agreement with the Commonwealth for the administration of the Act, film censorship is carried out by a Commonwealth-appointed board, which acts for all States. Where a film has been classified by the board, the owner may seek the review of the classification by the appeal Censor. A fee of $50 must be lodged with the appeal.

There is provision under the Commonwealth Act that, in the event of a successful appeal, the fee is returned. However, this does not apply under our State Act.

The amendment therefore provides for the return of the fee in the case of films reviewed for this State, where appeals were completely or substantially upheld.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.02 p.m.]: I move—

That the Bill be now read a second time.

Section 6 of the principal Act currently provides that, where a judge retires before he has completed six years of service, he is entitled to a pension at a rate equal to 30 per cent of his salary.

In any other case, a judge is entitled to a pension at a rate equal to 30 per cent of his salary, plus an additional rate equal to 4 per cent of his salary for each completed year of service in excess of five years, to a maximum of 50 per cent. The maximum rate of pension is therefore achieved after 10 years of service.

In the event of a judge dying during his first six years of service, his widow would be entitled to a pension equal to five-eighths of the amount to which the judge would have been entitled, had he retired on the date of his death. This means that, in the event of a judge dying during his first six years in office, leaving dependent children, the widow's entitlement to a full pension would not have accrued and there would be many years ahead in which she would have to look after and arrange for the education of her children.

A recent review of these provisions has shown that the present pension entitlement may, in fact, be an unattractive proposition to a practitioner who is offered a position on the bench. This is particularly so where the practitioner is between the ages of 45 and 50 years and has a wife and dependent children.

If a person in this position were to be appointed to the bench at some future date, it is obvious that he must ask how his wife and children will be supported and educated if he dies during the first few years of appointment.

The Government has given consideration to this matter because the tendency nowadays and in the future, both in this State and elsewhere, is likely to be to invite persons to accept judicial office at a somewhat earlier age than previously has been the case.

Members will no doubt be aware that, not so long ago, there was no retiring age for judges and they continued in office until death or until they decided to retire. Subsequently, in keeping with the general trend, a retiring age was introduced. Also in keeping with the trend in industry, commerce, and the professions, it must be accepted that the retirement age is likely to become lower, rather than higher. This, in turn, could influence the age at which approaches are made to people to leave their practice and become a judge in one of our courts.

The Government believes that the time is now appropriate to review the existing scales. As has been mentioned, the present entitlement for a judge—or, in the event of his death, his widow—is based on 30 per cent of his salary at the date of retirement or death during the period up to and including his first six years of service. It is, of course, the first six years of service which present the problem, particularly for the widow in the event of her husband's death.

It is therefore proposed that the base rate for the first six years of service be increased from 30 per cent to 40 per cent of the annual salary, but, at the same time, the yearly incremental percentage be reduced from 4 per cent to 2 per cent. This means that, for service up to six years, the pension entitlement would be 40 per cent of the salary, rising in increments of 2 per cent per annum to the previous maximum of 50 per cent after 10 years of service.

Provision already exists in the Act for the pension payable to a judge's widow to be terminated, should the widow remarry at a future date.

It is, perhaps, appropriate to mention here that the position of a judge is not always fully appreciated. On appointment he gives up a practice which, in many cases, generates income in excess of his judicial salary. At the same time, he forgoes the prospect of accepting any other

appointment which might provide him with some additional remuneration.

It is intended by this Bill to remove one possible obstacle which may arise at some time in the future when a person, who is suitable in all other respects, is offered appointment, but feels constrained to decline on the ground that insufficient provision is made for his dependants.

The remaining amendments to sections 7, 12, and 13 and the first schedule, are to correct cross references and to remove surplus words.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY, LIMITED, ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.07 p.m.]: The Opposition supports this Bill. I remind the House that it seems to have three purposes. The first is to change the rather tongue-twisting name of the company to the shorter one of "West Australian Trustees Limited". The second is to extend to this trustee company and also in a later Bill to The Perpetual Executors, Trustees, and Agency Company (W.A.), Limited the right which the Public Trustee already has to deal with estates of less than $10 000 and make provision for the removal of that right if it is subsequently found that the valuation of the property exceeds $10 000.

Personally, I would like the Public Trust Office extended staff-wise and so on to deal with all these matters. It seems to me a company which is required to declare dividends and make profits for its shareholders should not handle these types of matters.

The Hon. I. G. Medcalf: There is not much money in them. The Public Trustee is glad to shed some of them.

The Hon. GRACE VAUGHAN: At least we have some competition, as will be seen in the next Bill.

The third purpose of the Bill is to control the shareholding so that no takeovers may occur and no dominating influence may be present in the company. We commend those provisions.

Section 21 has been tidied up considerably. It was becoming messy with bits of paper adhering to it as a result of previous amendments. As the 1976 amendment did not close the loophole, the Attorney General has now presented an amendment which will close it, and we support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

THE PERPETUAL EXECUTORS, TRUSTEES, AND AGENCY COMPANY (W.A.), LIMITED, ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.12 p.m.]: This Bill has the same three purposes as the previous Bill, and we support it.

Perhaps the Attorney General would give me advice on one matter in private, if he does not intend to advise the House. What is the historical reason for the ratios of 1:20 shares of the West Australian Trustee Company and 1:30 shares of The Perpetual Executors, Trustees, and Agency Company issued to the public? The Attorney General states in his second reading speech that the reason is historical and then proceeds to another matter which does not elucidate it.

THE HON. I. G. MEDCALF (Metropolitan —Attorney General) [5.13 p.m.]: I thank the Opposition for its support of the Bill. I cannot give the honourable member the answer she seeks. I understand it is just an historical accident. However, it is an interesting point and no doubt we could find the answer in the *Hansard* records.

On one occasion I looked up the debates in relation to some of the trustee companies. In the debate in about 1921, when The Perpetual Executors, Trustees, and Agency Company originally came into being, it is interesting to note the degree of opposition to the granting of a licence to that company which was voiced by some members of Parliament. The West Australian Trustee Company was already in existence; perhaps some of the advocates of that company did not want the other company to start up.

In addition, there was great agitation from some ALP members for the appointment of a public trustee. In those days we had no Public

Trustee. Now, of course, we have a Public Trustee who generally works in well with the other trustee companies. The Public Trustee comes under the jurisdiction of my portfolio. He raises his problems with me, and I have noted a great deal of co-operation between him and the other trustee companies.

I am sorry I cannot give the honourable member the exact reason. If ever I discover it, I will write her a letter.

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.

ACTS AMENDMENT AND REPEAL (DISQUALIFICATION FOR PARLIAMENT) BILL

Second Reading

Debate resumed from the 17th May.

THE HON. R. HETHERINGTON (East Metropolitan) [5.18 p.m.]: Before I begin to speak on the Bill, I would like to thank the Attorney General for the courtesy and help he has extended to me by giving me facts and information so that I might understand the Bill more fully. He has been extremely courteous and helpful; I wish I could now say that I shall support the Bill. However, it is with some regret that I state that the Opposition at this stage will oppose the measure.

I see the need for some kind of legislation, and certainly the Bill sets out to grapple with two rather difficult concepts that have become enshrined in our Constitution; that is, the notion of office of profit under the Crown, and the notion that a member of Parliament should not hold contracts with the Crown.

Before I deal specifically with the Bill I should say something about the development of the notion of office of profit, and remind the House of some of the things that have happened in the past in the mother of Parliaments which caused these kinds of provisions to be written into United Kingdom legislation and the Constitution Acts of British colonies when they were established. Such provisions have, of course, since been repealed or replaced in Britain.

It is well to remind ourselves that in the British Parliament the office of Government Whip in the House of Commons is held by the Parliamentary Secretary to the Treasury. This is no accident. The office was held by the Parliamentary Secretary to the Treasury, who became known as the Patronage Secretary, because in the days before disciplined parties it was necessary to resort to bribery and corruption in order to keep the Executive and the House moving together so that the Executive might have some control of the House.

So the Parliamentary Secretary to the Treasury was a gentleman who dealt out bribes. He was the Patronage Secretary, and he looked for offices of profit which he could give to members of the House of Commons who were compliant. As a result of that, and because once we did establish a system of responsible government it meant the Government remained in office only so long as it held control of the House of Commons, various appointments were made at various times; and the House of Commons tried to bring the Executive under control to ensure it could not control and dominate members.

At one stage in the reign of Queen Anne it was actually enacted that a Minister of the Crown could not sit in Parliament. That measure was repealed before the situation actually occurred; but for many years a member had to resign his seat and stand for re-election upon being appointed a Minister of the Crown. At one stage Mr Gladstone himself did this and was not re-elected. He remained a Minister of the Crown outside the House of Commons, because he lost his seat in the process of becoming a Minister.

Of course, when the colonies were first established such precedents gave us the beginnings of our Constitution. The chief public servants—the Colonial Secretary, the Colonial Treasurer, and so on—were members of the Legislature. They were appointed by the Crown—by the Governor—and did not hold office through the confidence of the House, but because the Governor had said they should hold office.

That situation continued in this State until the coming of responsible government in 1890, when the chief officers of the Government were appointed for political reasons. In other words, a Premier was appointed, and the Governor appointed people to his ministry and his Executive Council on the ground that they had the confidence of the House of Parliament.

With the development of the Public Service the notion developed that the Parliament should be separated from people employed by the Crown.

Over the years this has become a very difficult concept, because as government has grown and

expanded, as the responsibilities of government have expanded, as statutory authorities and the Public Service have grown and expanded, and as Governments have become responsible for providing schools, teachers, and many services, so the number of people employed by the Crown directly or indirectly have multiplied. I think I am agreeing with what the Attorney General said when I say we are not always quite sure who holds an office of profit under the Crown and who does not.

The Hon. I. G. Medcalf: That is right.

The Hon. R. HETHERINGTON: For this reason the Bill attempts to get rid of the notion of office of profit under the Crown and substitutes instead a schedule of offices, the holders of which may not at the same time be members of Parliament.

The schedule to the Bill divides such persons into categories. Some persons must resign before they can even stand for Parliament, and some lose their jobs or appointments the moment they take the oath.

Perhaps I should mention the very awkward position which exists in a federation where we have Commonwealth employees holding offices of profit under the Crown who may want to stand for State seats of Parliament. We have a position in which the State Government cannot legislate to say such people will lose their positions when they take the oath of allegiance upon election as members of Parliament.

Therefore, it is laid down in the Bill that such people may take the oath only if they have resigned their positions with the Commonwealth before taking their seats in the Parliament. If they fail to do so within 21 days they will be regarded as not elected, and they will lose their positions in the Parliament. This seems to be fair enough; and in fact I am not—

The Hon. H. W. Gayfer: You are not opposed to it?

The Hon. R. HETHERINGTON: I wanted to express myself rather more strongly, but the word escaped me. Perhaps I should say I am sympathetic to what the Government is trying to achieve. I have had many discussions with a number of people over the past few weeks—I can assure members I have not taken this Bill lightly—and it has been suggested to me that it is undesirable to incorporate in the Constitution a schedule as long as the one in the Bill. It has been suggested it is not good to make the Constitution too lengthy, and the matter should not be dealt with in the Constitution or the Constitution Act Amendment Act where there should not be a great deal of detail.

It has been suggested to me also—and I would like to examine this more fully, because I am unsure of it—that since the Commonwealth wrote into the Constitution provisions in great detail about election to the Senate, it has had nothing but trouble. I am not sure whether the Attorney General would agree with that; but it was suggested to me that it is undesirable in principle to write such detail into a Constitution.

I am not quite sure just where we would put such detail; it is something I would want to think about. I cannot see a ready and easy solution, but I am not sure that the objections raised with me by various people are not valid. A solution does not come to me immediately, and I really think we should spend more time considering the matter.

Another problem—in respect of which I had a vigorous argument with one of the people who sit behind me, because we do differ at times—concerns which officials should be included in which part of the schedule. I was suggesting that in part 2 of the schedule, divisions 1 and 2 and permanent heads comprise people who at the moment are not expected to resign before standing for Parliament; but I thought perhaps they should do so. One of my colleagues, who can speak for herself, said I was talking nonsense. She may in fact be right; I would like to discuss the matter further with her at some time. I would like also to discuss it with other people because I am not satisfied the schedule set out in the Bill is a desirable one.

I am not sure that the people in part 2, division 1, should not in fact be in part 1. It seems to me that we have tended to accept a suggestion from the then Law Reform Committee which more or less carries on the status quo, and if we are to make this change—and I think it is desirable and important in principle—we should consider more carefully who should be included in which parts of the schedule.

In part 2 and particularly part 3 of division 3 of the schedule, there are between 200 and 300 bodies listed. I do not know how many people are involved. I am not inclined to count them. After reading through the list a number of times, I am still not sure if they all should be there. It seemed to me and to people I discussed this with that perhaps some of those committees, commissions, or statutory bodies are ones on which members of Parliament might sit, if the members had sufficient expertise. I advanced similar arguments in the past when we were talking about members

of Parliament sitting on senates of universities. It seems that at times members of Parliament can serve a useful purpose—

The Hon. I. G. Medcalf: We have left them out.

The Hon. R. HETHERINGTON: I take the point made by the Attorney General. I had a look, as a matter of fact, because my colleague the Hon. Grace Vaughan would be involved as a member of the Senate of the University of Western Australia. She is one of the co-opted members. She is on the senate because they like her and they think she is doing valuable work. She has not been thrust on them by the Government, the Opposition, or anybody else. She is there because she is a valuable member of the senate.

I think some of the other bodies should be given consideration. I am not sure what our criteria should be. This is something that should be discussed. In other words, it seems to me that this is a matter that should be considered by a Select Committee. It should be considered further for about 12 months.

I do not think I could make up my mind satisfactorily without a great deal of study, particularly outside the busiest time of a session. I could not make up my mind without consideration, without consultation, and without further evidence, because as the Attorney General says quite rightly, it is a difficult question. It is not a simple question, and it is not an unimportant question. It is indeed an extremely important question.

I have sympathy for the Bill. I must say the Attorney General may be wryly amused by the fact that when I first received the Bill I was pushing for allowing this part of the Bill to go through. However, I have since changed my mind because of discussions I have had. I have not changed my mind lightly and bitterly; it just seems to me that I should know more about it before I can give it my full support.

It is with some regret that, for these reasons, I find I cannot support that part of the Bill. We should look at it rather more closely. We should be very careful.

I have said in the House before that we should remember what has happened throughout history—how things can change. We should look at the possibilities ahead by looking back at what has happened. As I said, the notion of "office of profit" grew out of a corrupt Parliament. I am not making a condemnation of the British House of Commons of the 18th century when I say this, because we have to realise something which is well put in an article by Professor Trevor Roper entitled "Cromwell and his Parliaments", as follows—

> The real secret of the Westminster system has not been the fact that Parliament has controlled the Executive. It has always been that the Executive can direct the Parliament.

Once the Tudors went, and the Stuarts lost control, Cromwell himself could not control his Parliament. He said once, in a very anguished tone, that he was as much for consent as any man, but he did not know where he could get that consent. He threw his Parliaments out one after the other because he could not control them.

Finally, by 1841 the British found that they could have that consent by putting in an Executive which was responsible to Parliament; that is, an Executive which could control Parliament. I am realistic enough to know that this is the way our Parliament works.

I sometimes argue—and I still continue arguing—that our Executive has too much control of our Parliament. However, I would not argue that one could have a Parliament in a Westminster system in which the Executive is not able to control the Parliament. Where the Parliament and the Executive do not go along side by side, they do not keep in step—

The Hon. G. C. MacKinnon: I have heard it said they got control once by chopping off a king's head. It is a little hard to chop off the head of the Executive.

The Hon. R. HETHERINGTON: That is true. Of course, the king was responsible only to God. I would point out that some of us think this applies to some Premiers, too; but if we have a good electoral system we can be rid of such Premiers at the ballot box if 50 per cent of the people do not like them, as has been proved in another place recently.

The Hon. G. C. MacKinnon: It has been done by a 57 per cent vote.

The Hon. R. HETHERINGTON: I was about to point that out. The Minister and I came in side by side. It was also proved at one stage in the same State that a party could lose an election with 53 per cent of the vote; but these days, of course, the parties receiving a majority of the vote win the election because there is a better electoral system than once used to apply. I will raise that argument at some other time, because it is not strictly germane to what is before us now.

As the Minister said in his second reading speech, the then Law Reform Committee, reported in March, 1971. I was rather amused, on

receiving a copy of the report, to find that it was addressed to the Hon. R. E. Bertram, MLA, Attorney General. It takes us back.

The Hon. I. G. Medcalf: You might point that out to the Hon. R. E. Bertram as well.

The Hon. R. HETHERINGTON: The report has been sitting around since 1971, and it is now 1979.

The Hon. I. G. Medcalf: He keeps asking me when is Parliament going to do something about this very good report.

The Hon. R. HETHERINGTON: I will not comment on that.

The report has been sitting around since 1971. In other words, it does not seem to be very urgent. I know the Attorney General takes the question seriously, and he wants to have the reforms passed; but it has not been a matter of grave urgency. I think we could perhaps wait a little longer.

At page 5 of its report the committee says—

> 11. Traditionally the consideration to which regard has been had in deciding that persons interested in Government contracts should be disqualified, is the need to limit the influence of the Executive over Parliament by awarding of lucrative contracts to members.

That is putting it rather nicely. I read carefully through the report to see why the committee thought there should be a change. I have not discovered why, except that the committee says on page 8—

> 17. In relation to Government contracts—
>
> (a) it is doubtful whether the phrase "a contract made . . . with any person . . . for or on account of the Government of the State" (Constitution Acts Amendment Act, s.32) can be defined with sufficient precision. It is possible that the disqualifying provisions do not extend to contracts where there is no protracted execution, holding or enjoyment, or to contracts which are not "mercantile" (themselves very vague tests);
>
> (b) it is also doubtful whether the proper exemptions have been made in the legislation. Contracts of insurance with the State Government Insurance Office contracts for the sale of land to the Government or for the settlement of claims against the Government should be but have not been exempted. On the other hand, contracts with corporate bodies of more than twenty members have been exempted without reference to how large the member's shareholding may be.

Why should we dispose of this provision because of the terrible difficulty in defining what contracts are? It seems to me that this is not a sufficient reason.

I am not suggesting that the Attorney General is bringing in this legislation because the Government wants to award contracts to its followers. In his second reading speech the Attorney General made a very good point; that is, that the Bill is being introduced at a time when nothing is before us that is an issue, and therefore it is a good time to have a look at the situation. I agree with him on that.

I hope that if the legislation is not passed in this session—and I hope it will not be—the situation will remain as it is. I hope we can give it more thought, and we can deal with the problem because it should be dealt with. It seems to me that if we are to be rid of the notion of members not being able to have contracts with the Government, we have to do something more to make sure that members are put under scrutiny so that a possible unscrupulous Government in the future cannot put itself in the position where it can use contracts for the bribing of members. I am not sure that the section of the Constitution which states that one cannot bribe members is sufficient for this.

We need to do two things before we throw out the contracts section in the Constitution. I know that the first is still under consideration at the Commonwealth level and in the States' sphere; that is, to have some form of register of members' interests which can be consulted so that members cannot be tied up with contracts improperly. I cannot cite cases, but in the past in some States there have been instances when it seemed that there was some impropriety. It is possible that this happens; but I cannot prove it. I know only that it has looked that way at times.

My second suggestion is something that many people in politics have been saying for a long time; that is, that we need to have less secrecy in government so that we can examine better what Governments are doing. The Government could be brought under better scrutiny in this Parliament. In this Parliament, there is not even a Public Accounts Committee. We should have better Standing Committees. We should subject the actions of the Government to some scrutiny. Perhaps we should have some kind of register—and I will not spell this out here because I do not think I am competent to do so; but I can spell out what are my worries and concerns about the whole problem. I am not satisfied that my worries and concerns have yet been overcome. These problems should be overcome before we take such an important step as amending the Constitution.

I believe I have mentioned all the matters I wished to raise. I should like to tell the Attorney General that I will be sad not to see one of the amendments contained in the Bill passed. However, we cannot have everything.

There is one matter I should like to mention in closing. In 1971 the then committee summarised its recommendations. I do not believe sufficient detail and evidence is contained in the committee's report. It is a good, suggestive report; but that is as far as it goes.

On page 15 of the committee's report a paragraph appears which I believe will be of interest to the Attorney General. It reads as follows—

> The United Kingdom House of Commons Disqualification Act 1957 was enacted only after the matters had been investigated by two Select Committees (1941 and 1956). The Committee has not issued a working paper. It would suggest that this report be considered as a working paper and that it be referred to a Select Committee of Parliament for consideration.

I believe this recommendation should be put into effect. This is an excellent working paper, but it raises a number of questions and I am not satisfied with the answers. I am not satisfied with all the committee's recommendations for the broad reasons I have set out. I should like to see them put before a Select Committee which would come back with firm recommendations for the consideration of Parliament.

I am authorised to say that, should the Labor Party be elected to Government at the next election, it will establish such a Select Committee next year in the House it would control, which is the Legislative Assembly.

The Hon. H. W. Gayfer: Who authorised you to say that?

The Hon. R. HETHERINGTON: Who does the honourable member think authorised me to say it?

The Hon. H. W. Gayfer: I do not know. I am just asking.

The Hon. R. HETHERINGTON: I have been authorised by my party and by my leader. I am speaking on behalf of the Labor Party when I say we will make this commitment.

The Hon. H. W. Gayfer: The way you said it, it sounded as though it was coming from God Almighty.

The Hon. R. HETHERINGTON: That comment was rather frivolous. I am making a commitment on behalf of my party that, as an earnest of the fact that we take this matter seriously, we would certainly set up a Select Committee were we in Government. If the Labor Party is not in Government after the next election, I hope the Government will set up such a committee and I would be pleased if that happened.

In the meantime, I cannot accept the Bill as it stands, sympathetic as I am with its intentions and with the wish of the Attorney General to bring about desirable reforms. I will not be satisfied with the measure until further inquiry by Parliament has taken place. This is a proper field for an inquiry by a Select Committee of parliamentarians. It should not be a matter which is inquired into by the Law Reform Commission only. The commission has made suggestions in regard to the matter.

A Select Committee should examine the matter and a number of people may be able to throw further light on it. As a result, we may be able to draft better legislation, or legislation which is similar to the measure we are discussing, but which incorporates other provisions which will set people's fears at rest. On the other hand, we may come up with legislation with which people will be happier, because the matter has been examined more fully.

I oppose the Bill, but in no partisan spirit and with full sympathy for the intentions of the Government in introducing it.

Debate adjourned, on motion by the Hon. G. E. Masters.

House adjourned at 5.50 p.m.

QUESTIONS ON NOTICE

CULTURAL AFFAIRS

School of Executant Music Studies

200. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

(1) Is the Minister aware that the Canberra School of Music is established as a separate institution having earlier this year an enrolment of 457 students and a staff of 48—7 part time?

(2) In view of the above, will the Minister take steps to establish a conservatorium or school of executant music studies in this State?

(3) Will he also press the Australian Government to assist by the granting of funds for this purpose?

The Hon. D. J. WORDSWORTH replied:

(1) Yes, but I am not aware of the details of enrolments.

(2) Endorsement has been given to the establishment of an academy for the performing arts at Mount Lawley college. Music will have a high priority. However, the timing of the academy will depend on the availability of State finance.

(3) When the academy moves into courses at the advanced education level Commonwealth funds will be sought in the normal way.

LAND

North-West Shelf: Developing Companies

205. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Industrial Development:

(1) Has the Government made land available for companies proposing to develop the North-West Shelf gas fields?

(2) If "Yes"—

(a) where is this land located;

(b) what are the proposed uses;

(c) what is the area of land in each case;

(d) will the Minister state whether the land is freehold or leasehold; and

(e) if freehold—

(i) what was the price charged; or

(ii) if under lease, what is the cost of the lease?

(3) If the Government is providing or contributing to the cost of access roads, what is the estimated total cost involved?

The Hon. I. G. MEDCALF replied:

(1) No.

(2) Not applicable.

(3) Subject to the terms of an agreement to be finalised and ratified by Parliament the Government will make land available on lease terms to the developers of the North-West Shelf gas fields.

It will be possible at that time to advise the basis under which land easements and services are being made available.

FISHERIES: TRANSPORT

Regulations

206. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Health:

Further to my question 198 on Wednesday, the 12th September, 1979, relative to "Proposed New Health Department Regulations for the Transport of Fish"—

(1) Will the Minister advise whether any association representing the fishermen was given the opportunity of discussing the regulations with officers of the Public Health Department?

(2) If so, will the Minister name the association or associations concerned?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) The Executive Council of the Australian Fishing Industry Council (Western Australian Branch), representing—

(a) Rock Lobster, Seabird, Ledge Point, Professional Fishermen's Association;

(b) South Coast Licensed Fishermen's Association, Albany;

(c) North West Whaling Pty. Ltd.;

(d) Craig Mostyn Pty. Ltd.;

(e) K. K. and J. Tocas;

(f) Dongara Professional Fishermen's Association.

There seems to be a great deal of unnecessary concern about these proposed new regulations. The honourable member has already been assured that they are in draft form only. Any person with any interest in the regulations should contact the Department of Health and Medical Services.

EDUCATION: UNIVERSITY

Murdoch

207. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

Could the Minister advise the number of full-time, part-time, and external enrolments at the Murdoch University as at—

(a) the 31st March, 1978, and the 31st March, 1979;
(b) the 30th June, 1978, and the 30th June, 1979; and
(c) the 30th September, 1978, and currently?

The Hon. D. J. WORDSWORTH replied:

(a)	30 April, 1978	30 April, 1979	
	1 112	1 059	Full time
	496	507	Part time
	735	785	External
	2 343	2 361	Total
(b)	30 June, 1978	30 June, 1979	
	1 092	1 045	Full time
	476	498	Part time
	672	752	External
	2 240	2 295	Total
(c)	30 Sept. 1978	17 Sept. 1979*	
	1 049	1 034	Full time
	450	552	Part time
	618	761	External
	2 117	2 347	Total

*Footnote: In 1979 the university conducted its first formal mid-year student admissions exercise and enrolled the following number of students—

Full time	14
Part time	59
External	39
Total	112

These figures are included in the September, 1979, enrolments shown above.

LOCAL GOVERNMENT

Elections

208. The Hon. D. W. COOLEY, to the Attorney General representing the Minister for Local Government:

What percentage of ratepayers recorded votes in local government elections for the three-year period, 1976-1977, 1977-1978, and 1978-1979?

The Hon. I. G. MEDCALF replied:

No record is kept within the Local Government Department to enable an answer to be given.

PEARL INDUSTRY

Disease

209. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Fisheries and Wildlife:

(1) Is a disease affecting the cultured pearl industry at Broome?
(2) If "Yes", is this only affecting pearls which have been opened for seeding?
(3) What assistance, if any, is being provided by the Government in this matter?

The Hon. I. G. MEDCALF replied:

(1) Yes.
(2) Apparently not.
(3) (a) Professor F. O. Perkins, Head of the Division of Biological Oceanography of the Virginia Institute of Marine Science has carried out a study of the problem in Western Australia at the invitation of the Government.
(b) The following two Japanese scientists have carried out a study of the problem in Western Australia at the invitation of the Government—

Dr H. Kanno, Director, Aquaculture Division, Tohuku Regional Fisheries Research Laboratory, Japan;
Dr N. Uemoto, Chief, Environment Control Research Laboratory, National Research Institute of Aquaculture, Japan.

(c) A grant of money has been made available to Dr Pass of the School of Veterinary Sciences, Murdoch University, to carry out research on aspects of the pearl oyster mortality.

210. *This question was postponed.*

WAGE INDEXATION

Federal Government's Announcement

211. The Hon. D. W. COOLEY, to the Leader of the House representing the Minister for Labour and Industry:

Further to my question without notice of Thursday, the 30th August, 1979, would the Minister advise the difference between the Federal and State Government's method of discounting the Consumer Price Index when relating that index to wage and salary rates?

The Hon. G. C. MacKINNON replied:

The Commonwealth Government proposes that Consumer Price Index movements would be discounted for all price increases resulting from Commonwealth Government policies.

The Western Australian Government's proposals provide for more flexibility in this area.

INDUSTRIAL DISPUTES

Effect

212. The Hon. D. W. COOLEY, to the Leader of the House representing the Minister for Labour and Industry:

In reply to question 189 on Thursday, the 30th August, 1979, the Minister advised that working time lost due to strikes amounted to 80 900 days for the period March quarter 1978 to March quarter 1979. Could the Minister now advise what percentage of total days worked during the same period does the figure of 80 900 days represent?

The Hon. G. C. MacKINNON replied:

The Australian Bureau of Statistics does not provide this information due to the complexities involved in calculating the data.