

I feel that I must cover again one matter, and that is the attitude towards trade unions. Mr Cooley without question uses every opportunity, as we know, to accuse the Government and Government members—Liberal Party people in particular—of union bashing. Those are his words, not mine. Of course it is simply untrue. The Labor Party does not have a monopoly of the thinking with regard to employment. Nobody regrets more than I or members of the Government our present rate of unemployment in Western Australia or in Australia for that matter. Nobody wants to see that situation, but when it comes to this being a consequence of some attacks upon the trade union movement as a whole, how wrong that is.

I have no hesitation whatever in being just as critical as any other Minister of the activities of the leaders of certain trade unions in this State. Mr Cooley might secretly even share some of those views about some of the trade unions. Some of us were able to see what I thought was a rather long exposure of one, Hawke, Australian Council of Trade Unions and Australian Labor Party President, last evening. I think he has interested himself in some of those trade union leaders and trade unions.

All the Government has asked is for the people to recognise that there are these people in the community and in the trade union movement. Let me remind Mr Cooley that my own background was amongst the great trade union people of the south-west. So there is no lack of sympathy and no lack of understanding.

The Hon. D. W. Cooley: Your trouble is that you judge everybody by the actions of a few.

The Hon. N. McNEILL: I tried to explain rather patiently that I was doing quite the reverse of what Mr Cooley has just said. Our attentions are directed to those who would create trouble and we are simply trying to point out to the great mass of workers, the people who try to earn an honest living to support their families and buy their homes, that their prospects are not improved by the activities and actions of certain of those trade union people. I am sure that Mr Cooley knows that.

If we were to embark upon a general process of union bashing against all unionists in Western Australia Mr Cooley knows full well that we would never be in Government. One reason amongst many others why we are in Government is that a tremendous number of trade unionists are prepared to and do vote Liberal or Country Party. Mr Cooley knows that.

The Hon. D. K. Dans: They might agree with the Liberal Party but not too many vote for the Country Party judging by their depleted ranks.

The Hon. N. McNEILL: I would not know for certain how the numbers are split but we would not be in Government unless they did.

The Hon. D. W. Cooley: I will give you \$50 if you can find the words "union bashing" in my speech in *Hansard*.

The Hon. N. McNEILL: I am not aware that I said that Mr Cooley used those words tonight. If I gave that impression, I am sorry because it was not my intention to give that impression. But he has certainly used them on many occasions in the past.

The Hon. D. W. Cooley: You indicated that I said it tonight.

The Hon. N. McNEILL: I will not make an argument of it. I shall simply deny that I said he used the words tonight, and I did not intend to do so.

I express my appreciation of the useful contributions that have been made in this debate on the Supply Bill. I thank members for their support.

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.

*Third Reading*

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and passed.

*House adjourned at 1.50 a.m. (Wednesday)*

## Legislative Assembly

Tuesday, the 10th August, 1976

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

### LIQUOR

*Hours of Trading; Petition*

MR T. D. EVANS (Kalgoorlie) [4.31 p.m.]: I have a petition for presentation to the House. It reads—

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned citizens of Kalgoorlie, Boulder, Coolgardie and Kambalda strongly protest against the provision of clause seven of the Liquor Act Amendment Bill of 1976 (seeking to amend section 24 of the Liquor Act 1974 as amended), as far as the said amendment will reduce the hours of

trading of licensed hotels and clubs in the areas in which we reside from five to four hours on a Sunday.

We urge that the deliberations of the Legislative Assembly in the above regard shall leave the existing law intact, so that there shall be no diminution of trading hours of such licensed premises on a Sunday in our districts.

Your petitioners therefore humbly pray that you will give this matter current consideration and your petitioners, as in duty bound, will ever pray.

The petition contains 1 084 signatures and I certify that it appears to conform with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

The petition was tabled (see paper No. 326).

### QUESTIONS (37): ON NOTICE

#### 1. FARMERS

##### *Number of Rural Holdings*

Mr H. D. EVANS, to the Minister for Agriculture:

What was the total number of farmers on active rural holdings in Western Australia in each of the following years—

- (a) 1966;
- (b) 1968;
- (c) 1970;
- (d) 1972;
- (e) 1974;
- (f) 1976?

Mr OLD replied:

Statistics show the following number of active rural holdings (one hectare and above)—

- (a) 1966 22 853;
- (b) 1968 23 004;
- (c) 1970 22 592;
- (d) 1972 21 128;
- (e) 1974 20 500;
- (f) 1976 not available.

(Source—Australian Bureau of Statistics.)

#### 2. TIMBER INDUSTRY WORKERS

##### *Wages*

Mr H. D. EVANS, to the Minister for Labour and Industry:

- (1) What is the present
  - (a) average male wage;
  - (b) minimum wage, payable in Western Australia?

- (2) What level or categories of workers in the timber industry receive the average male wage as by right of award?
- (3) How many workers would receive the average male award or more?
- (4) What is the average wage of timber industry employees?
- (5) What is the number of employees in the timber industry in Western Australia?
- (6) What is the average net wage of farmers in the south-west of Western Australia?

Mr GRAYDEN replied:

From information received from the Commonwealth Bureau of Statistics:

- (1) (a) Weighted average minimum weekly rate payable to adult males for a full week's work (excluding overtime) as prescribed in awards, determinations and collective agreements as at 31st May, 1976—\$125.12;
- (b) \$94.20.
- (2) Three awards cover workers in this industry:
  - (i) Timber Workers Award;
  - (ii) Woodchip Industry Award;
  - (iii) Timber Yard Workers Award.
 Of 389 classifications in these awards 164 classifications of workers receive below the level of the average male award wage of \$125.12 and 225 classifications of workers receive above the level of the average male award wage of \$125.12.
- (3) Figures not produced.
- (4) Weighted average minimum weekly rate payable to adult males for a full week's work (excluding overtime) as prescribed in awards, determinations and collective agreements as at 31st May, 1976, for the industry group—sawmilling, furniture, etc—\$120.26.
- (5) Number of employees in the log sawmilling industry as at June, 1976—2 942.
- (6) Figures not produced.

#### 3. MARGARINE, TABLE *Quotas*

Mr A. R. TONKIN, to the Premier:  
When is it expected that table margarine quotas will end?

Sir CHARLES COURT replied:  
No decision has been made to terminate margarine quotas.

## 4. URANIUM ENRICHMENT PLANT

*Establishment*

Mr A. R. TONKIN to the Minister for Industrial Development:

Now that there is a new Australian Government so that the "biggest obstruction to the development of uranium enrichment", as stated by him, has been removed, what is the position of the plans for such a development at the present time?

Mr MENSAROS replied:

There is no specific proposal for uranium enrichment before the State at present.

## 5. COMMITTEE FOR THE UNDERSTANDING OF THE ENVIRONMENT

*School Competition*

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

- (1) Is the Committee for the Understanding of the Environment organising a competition in 1976 amongst school students similar to the 1975 Sir Thomas Wardle Conservation Prize?
- (2) How many entries in the various sections were there in 1975?

Mr P. V. JONES replied:

- (1) The Sir Thomas Wardle Conservation Prize was conducted this year in conjunction with a similar competition organised for World Environment Day (5th June) by the Australian Environment Council.  
There were approximately 300 entries, of which some are now on display at the Bank of New South Wales head office in Perth and will also be featured at the Conservation Centre at the Perth Royal Show in September this year.
- (2) A total of approximately 300 entries for the two sections for primary and secondary school students.

## 6. LAND AGENTS

*Law Reform Commission Recommendation*

Mr A. R. TONKIN, to the Minister representing the Attorney-General:

What has been the Government's action in respect of the recommendation by the Law Reform Commission that there should be appointed a five-member authority to supervise the activities of land agents?

Mr O'NEIL replied:

A Bill is now being drafted based on the Law Reform Commission's Report.

## 7. SWAN AND CANNING RIVERS

*Tabling of Report*

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

Will he table a copy of the report on the Swan and Canning Rivers which has now been completed?

Mr RUSHTON replied:

The report of the current study of the Swan and Canning Rivers is not yet completed.

## 8. BUILDING BLOCKS

*Kununurra*

Mr A. R. TONKIN, to the Minister for Lands:

- (1) Are Kununurra building lots to be auctioned or otherwise sold by action in Perth?
- (2) When are such sales to be held?
- (3) Why are the sales to be held in Perth rather than in Kununurra?

Mr RIDGE replied:

- (1) to (3) Under Section 41A of the Land Act blocks put up for auction and passed in as unsold for the ensuing 12 months remain available for direct purchase at the upset price.

Following a sale of 40 blocks on 20th February, 1975, at Kununurra, when all were passed in, residential lots remained available for direct purchase until 20th February, 1976.

There is therefore no obvious demand at Kununurra and it is considered that the expense of conducting an auction there is not warranted.

The auction of 17 residential lots to be held in Perth on 28th August, 1976, is expected to ensure the continuous availability of blocks for direct purchase until 28th August, 1977.

## 9.

## WASTE DISPOSAL

*Landfill Excavations*

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

- (1) Are any landfill sites excavated to water table level prior to the dumping of waste therein?
- (2) If "Yes" which sites have been so excavated?
- (3) If "No" when was the practice discontinued?

Mr RIDGE replied:

- (1) to (3) No.

# 10. LIQUID WASTE DISPOSAL

## *Quantities and Types*

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

- (1) Is the Government aware of the quantities and types of liquid wastes being discharged in the various localities in the Perth metropolitan area?
- (2) If so, will he give the House the details?

Mr RIDGE replied:

- (1) Yes.
- (2) See previously tabled "A Report on Community Wastes in the Perth Metropolitan Region".

# 11. POLICE

## *Personnel: Number*

Mr A. R. TONKIN, to the Minister for Police:

What were the numbers in the Western Australian Police Force at the end of each of the following years—

1968;  
1969;  
1970;  
1971;  
1972;  
1973;  
1974;  
1975?

Mr O'CONNOR replied:

1968, 1 444;  
1969, 1 468;  
1970, 1 544;  
1971, 1 647;  
1972, 1 760;  
1973, 1 875;  
1974, 2 037;  
1975, 2 280.

# 12. HEALTH

## *Ocean and River Water: Tests*

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

- (1) Is there a programme of testing ocean or river water frequented by swimmers, so as to ascertain whether it exceeds acceptable bacteria counts or other public health criteria?
- (2) If so what localities are so tested, how often do tests occur and by whom?
- (3) Will the Minister table the reports made?
- (4) If there is no such programme in Western Australia, what is the reason for this?

Mr RIDGE replied:

- (1) and (4) Yes.
- (2) (a) 37 river swimming locations, 15 ocean swimming locations;  
(b) River, monthly; ocean, weekly;  
(c) Health Department.
- (3) Impracticable, reports are too extensive.

# 13. HERITAGE COMMISSION

## *Establishment*

Mr A. R. TONKIN, to the Premier: What is the intention of the Government as to legislative action to establish a heritage commission in 1976?

Sir CHARLES COURT replied:

Legislation is planned this session to establish a Heritage Council.

# 14. TOWN PLANNING

## *Regional Open Spaces for Sport*

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

- (1) Upon what basis is land set aside by the Metropolitan Region Planning Authority as regional open space?
- (2) Does the MRPA allocate land under its control and zoned as regional open space for the exclusive use of professional sporting organisations such as league football clubs?
- (3) If not, what is the reason for the delay by the MRPA in arriving at a decision with respect to the East Perth Football Club's application to develop its new headquarters on the Dianella regional open space?

Mr RUSHTON replied:

- (1) The reserves for public recreation shown in the Metropolitan Region Scheme are complementary to the local and district open space systems. The total "reserves" system is intended to cater for the active and passive recreational needs of the community.
- (2) The authority has not done so to date.
- (3) The MRPA has a commitment to the Stirling City Council in respect of the Dianella land and has sought and received its advice. A decision is expected from the next meeting of the authority.

## 15. MENTAL HEALTH

*Profoundly Retarded Persons:  
Cost of Institutions*

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) What sum will the Australian Government subscribe to the purchase price of the following places for profoundly mentally retarded people—
  - (a) Ross Memorial;
  - (b) Yokine;
  - (c) Sussex?
- (2) What is the cost of Yokine and Sussex?
- (3) What is the expected cost of suitably equipping—
  - (a) Ross Memorial;
  - (b) Yokine;
  - (c) Sussex?

Mr RIDGE replied:

- (1) (a) Nil;
- (b) Nil;
- (c) The Commonwealth Government makes a grant towards the cost of approved hospital and mental health projects in the State's total programme, but no specific figure is allocated to any individual work. Sussex Hostel is an approved project.
- (2) Yokine Hospital, \$325 000, plus modifications estimated to cost \$50 000; total \$375 000. Sussex, estimated cost \$610 000.
- (3) (a) \$40 000;
- (b) \$40 000;
- (c) \$85 000.

## 16. MENTAL HEALTH

*Ross Memorial Hospital: Staff*

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) How many staff and in what categories from the Ross Memorial Hospital accepted positions with Mental Health Services, including Mental Deficiency Division?
- (2) Where are they currently employed?

Mr RIDGE replied:

- (1) The following Ross Memorial Hospital staff have been recruited by Mental Health Services:
 

General trained nurses ..	3
Registered nursing aide ..	1
Nursing assistants .....	5
Domestic staff .....	3
<b>Total engaged</b>	<b>12</b>

- (2) All will be employed at Ross Memorial Hospital, Forrestfield, although one trained nurse is working temporarily at Tresillian Hostel.

17. EASTERN GOLDFIELDS  
HIGH SCHOOL*Guidance Officer and Social Worker*

Mr T. D. EVANS, to the Minister representing the Minister for Education:

- (1) Further to his answer to question 47 on 7th April, 1976 concerning the provision of guidance and social worker service at the Eastern Goldfields Senior High School, would the Minister now please give the present position?
- (2) If full time provision of at least one guidance officer cannot be made for the balance of the school year, will the Minister endeavour to have a full-time social worker appointed?

Mr GRAYDEN replied:

- (1) Eastern Goldfields Senior High School is without a full-time guidance officer. Teams of three guidance officers from the metropolitan area visit the Kalgoorlie district for a week each school term.
- (2) The appointment of a social worker is not regarded as an alternative to the appointment of a guidance officer at a particular school.

18. GOLD BUYERS ACT  
*Amendment*

Mr T. D. EVANS, to the Minister for Mines:

Is he now able to inform me subsequent to his answer to my question 5 on 4th May 1976, whether the Gold Buyers Act will be amended during this Parliament to facilitate the holding or possession of gold by private citizens?

Mr MENSAROS replied:

I am currently studying the subject question and considering the various submissions and reports received. I have not reached any definite decision yet as to my recommendations to Cabinet.

## 19. QUEENSLAND PREMIER

*Visit to Western Australia: Discussions*

Mr MAY, to the Premier:

- (1) During the visit of the Queensland Premier Mr J. Bjelke-Petersen, to Western Australia in June, 1976, at the invitation of Mr Lang

Hancock, did he have any discussions with the Queensland Premier?

- (2) As Mr Lang Hancock in the *Sunday Times* dated 20th June, 1976, is reported to have stated that Mr Bjelke-Petersen was better equipped to push Western Australia's industrial development requirements than the Western Australian Premier, would he indicate if this contention is shared by the Western Australian Government?

Sir CHARLES COURT replied:

- (1) No.  
(2) The Western Australian Government—as the member would rightly assess—does not share this contention.

20.

### COALMINING

#### *Badgingarra Area*

Mr MAY, to the Minister for Mines:

- (1) Will he advise details of companies and persons allocated coal prospecting areas in the Badgingarra district?  
(2) Which companies or persons have provided exploration details to the Mines Department?  
(3) What companies or persons have advised the Mines Department of potential coal deposits in this area?

Mr MENSAROS replied:

- (1) Within a radius of 50 miles of Badgingarra—  
(i) Amax Iron Ore Corporation—a company incorporated in Delaware, U.S.A., and registered in Western Australia as a foreign company, holds three coal mining leases totalling approximately 388 hectares, and is the applicant company for 112 additional coal mining leases totalling approximately 13 434 hectares.  
(ii) Messrs. C. L. Wilkinson and J. A. Griffiths are applicants for 38 coal mining leases totalling approximately 4 920 hectares.  
(iii) Mr K. Mort has one application for a prospecting area for coal of approximately 1 214 hectares.  
(2) The Mines Department has been provided with details of the following coal exploration programmes within a 50 mile radius of Badgingarra since 1970:  
Company; Area; Year.  
Taylor-Woodrow International; Eneabba; 1972.

Amax Exploration (Aust); Greenhead; 1974.

Ashburton Oil N.L.; Woodada; 1972.

Ashburton Oil N.L.; Lake Eganu; 1971.

Prior to 1970 several companies have explored for coal in the area.

- (3) The Eneabba (Taylor-Woodrow) exploration determined a potential coal deposit; the Amax programme in the Greenhead area has located coal at depth but more investigations are planned to ascertain if it has any economic significance.

21.

### ELECTRICITY SUPPLIES AND GAS

#### *Increased Charges*

Mr MAY, to the Premier:

- (1) Will he advise if the Government contemplates further increases in electricity and gas charges in the near future?  
(2) In order that the public can budget for such increases will he advise the anticipated date that the increases will take place?

Sir CHARLES COURT replied:

- (1) and (2) No increases in electricity and gas charges are contemplated in the near future.

22. ALBANY REGIONAL HOSPITAL

#### *Emergency Power Plant*

Mr WATT, to the Minister representing the Minister for Health:

- (1) What is the capacity of the emergency power plant at the Albany Regional Hospital?  
(2) Are all wards and corridors provided with emergency lighting during a power failure?  
(3) Does emergency power extend to operating theatres and casualty sections in sufficient quantity to allow their use during a civil emergency?  
(4) Does the emergency power extend to the blood bank, and if so, in sufficient quantity to use the facility during an emergency?  
(5) If emergency power is insufficient in any of these areas, will the Minister take the necessary steps to provide adequate power for the hospital to meet any emergency situation?

Mr RIDGE replied:

- (1) 25 K.V.A.  
(2) Emergency power is supplied to ward corridors, main corridor, casualty and theatre corridor but not to wards or connecting corridors.

- (3) Casualty and operating theatre operate normally under emergency power.
- (4) Blood bank refrigerator is connected to emergency power but building has no emergency lighting.
- (5) Satisfactory cover is provided to meet temporary emergency situations so extension of the emergency power plant is considered unwarranted.

## 23. HOSPITAL LAUNDRY AND LINEN SERVICE

### *Balance Sheet*

Dr DADOUR, to the Minister representing the Minister for Health:

Will the Minister table the balance sheet for 1975-76 of the Hospital Laundry and Linen Service?

Mr RIDGE replied:

I will be prepared to table the balance sheet of the Hospital Laundry and Linen Service when this has been audited. This will probably be in about 8 weeks' time.

## 24. BLUFF POINT SCHOOL

### *Pre-primary Centre: Report*

Mr CARR, to the Minister representing the Minister for Education:

- (1) Has the departmental officer who visited Bluff Point school recently to investigate the need for a pre-primary centre at the school submitted a report to the Minister?
- (2) If "Yes" does his report confirm my contention that the school has a strong case to be provided with a centre for the 1977 school year?
- (3) Is the Minister able to indicate now whether a centre will be provided for 1977?

Mr GRAYDEN replied:

- (1) and (2) The pre-primary requirements of the Bluff Point area had already been established prior to the visit of an Education Department officer to Geraldton. He has recommended on the location of a centre.
- (3) Planning has commenced for a double unit to be erected at the Bluff Point school for 1977.

## 25. SCHOOLS

### *Waggrakine, South Rangeway, and Spalding Park*

Mr CARR, to the Minister representing the Minister for Education:

- (1) Has a site yet been finalised for the proposed primary school at Waggrakine?
- (2) If "Yes" will the Minister please provide details?

- (3) Does his department have a projected timetable for provision of this school?
- (4) If "Yes" will he please provide details?
- (5) Has his department given any further consideration to providing schools at South Rangeway (joint site with John Willcock High School) or at Spalding Park (Anderson Street, site)?
- (6) If "Yes" will he please provide details?

Mr GRAYDEN replied:

- (1) and (2) Two sites have been selected in the area, one west of Hall Road and north of Adelaide Street being the southern part of lots 2 and 3, and the other east of David Road being the northern part of lots 6 and 7.
- (3) No.
- (4) Not applicable.
- (5) A detailed survey will be undertaken later this year covering the whole Geraldton area to determine the provision of new primary schools.
- (6) Not applicable.

## 26. GERALDTON SCHOOL

### *Classrooms*

Mr CARR, to the Minister representing the Minister for Education:

- (1) When were the four pavillion-type classrooms at Geraldton Primary School constructed?
- (2) Does the Government have any plans to replace these rooms, e.g., with a cluster?
- (3) If "Yes" will he indicate the Government's intentions?
- (4) If "No" to (2), why not?

Mr GRAYDEN replied:

- (1) Not known.
- (2) No.
- (3) Not applicable.
- (4) The limited availability of funds for replacement projects necessitates that priority be given to those schools with the greatest needs. Geraldton will be considered in relation to the needs of other schools should additional funds become available for replacement works.

## 27. HOUSING *Geraldton*

Mr CARR, to the Minister for Housing:

- (1) How many applicants are presently listed for each category of State Housing Commission

accommodation in Geraldton, including purchase?

(2) What month of application is presently being allocated for each category?

(3) Will he give details of SHC accommodation presently under

construction or proposed for construction in Geraldton?

Mr P. V. JONES replied:

(1) Number of applicants presently listed at Geraldton:

(a) Rental—

Particulars	5 B/R	4 B/R	3 B/R	2 B/R	1 B/R	Pens. Couple	Single Unit	Total
Caucasians	....	3	82	99	19	3	15	221
Aboriginals	1	4	30	19	2	....	2	58
Total	1	7	112	118	21	3	17	279

(b) Purchase—

Particulars	Purchase only	Dual Listing	Total
Applicants	89	52	141

(2) Month of application presently being allocated:

(a) Rental—

Particulars	5 B/R	4 B/R	3 B/R	2 B/R	1 B/R	Pens. Couple	Single Unit
Caucasians	....	Jul. 74	May 75	Oct. 74	Apr. 74	Mar. 76	Apr. 75
Aboriginals	Nov. 72	Dec. 74	Sep. 72	Nov. 72	Jan. 74	....	Jul. 75

(b) Purchase—

Particulars	Purchase only	Dual Listing
Applicants	Aug. 73	Aug. 73

(3) (a) Under construction—

Particulars	Single Detached House 4 B/R	3 B/R	House Total	3 B/R	Duplex 2 B/R	Total	Total
State Housing	8	44	52	6	8	14	66
Aboriginal Housing	....	2	2	....	....	....	2
Total	8	46	54	6	8	14	68

(b) Proposed—

Particulars	Single Detached House 4 B/R	3 B/R	House Total	Remarks
State Housing	3	15	18	5 units of housing proposed for 1976-77. Programme not finalised (subject to funding)
Aboriginal Housing	....	....	....	

## 28. REGIONAL ADMINISTRATORS

*Office Staff*

Mr CARR, to the Minister Co-ordinating Economic and Regional Development:

- (1) How many staff members have been appointed to each regional office presently operating?
- (2) What is the classification of each such staff member?
- (3) What will be the full staff complement of each regional office when all are in operation later this year?

Sir CHARLES COURT replied:

- (1) Kimberley region, 3;  
Pilbara region, 5.
- (2) Kimberley Region:  
Regional administrator, A-1-5;  
Assistant regional administrator, G-II-7;  
Clerk-typist, C-V.  
Pilbara Region:  
Regional administrator, A-1-5;  
Assistant regional administrator, G-II-7;  
Clerk, C-II-3;  
Clerk, C-IV;  
Clerk, C-IV.

- (3) Staff complement will be dependent on the level of activity which takes place in each region and will be appointed progressively as the role of each regional administrator develops and staff needs are determined.

Considerable variation could take place between regions because of varying economic, and other factors, and the type of expertise needed additional to that available from normal departmental sources—especially as departments are themselves being instructed to think more in terms of a regional approach.

## 29. PUBLIC WORKS DEPARTMENT

*Albany: Office Hours*

Mr WATT, to the Minister for Works:

- (1) What hours are the Public Works Department offices open each day in Albany for—  
(a) the payment of accounts; and  
(b) the issue of licences and other services?
- (2) If the office is closed during the lunch break, why is it necessary when modern business practice is to remain open to provide service to the public—especially workers wishing to pay accounts in their lunch hour?

- (3) Will he take the necessary steps to provide more realistic hours to the public, especially as flexitime is now worked by many employees in Government departments?

Mr O'NEIL replied:

- (1) The Albany office of the Public Works Department is open during the following times:—  
10.00 a.m. to 12.45 p.m.  
1.30 p.m. to 3.30 p.m.
- (2) Timing of the present lunch break of three-quarters of an hour permits access to the office by most workers for the payment of accounts. The issue of licences, examination of plans and other inquiries require specialised personnel. It is impracticable to have such staff available at all times and clients are advised to make appointments when wishing to meet with specialised staff at any time.
- (3) I am advised that there have been no specific complaints to my department. However, to provide an unrestricted service for the payment of accounts, issue of licences and other services would call for an increase in staff which it is not possible to contemplate in the present economic climate.

30.

## ALBANY SCHOOL

*Playing Areas*

Mr WATT, to the Minister for Works:

- (1) What stage have negotiations reached for the purpose of acquiring land for additional playground areas for the Albany Primary School following the offers made to the present owners?
- (2) If replies have not been received, would he instruct his officers to pursue the matter with a view to achieving the earliest possible agreement in view of the unsatisfactory amount of playground space available at the school?

Mr O'NEIL replied:

- (1) Offers to purchase were made to the two owners involved in May last. One replied in writing rejecting the offer and seeking exchange land. Nothing suitable is available and negotiations are continuing in the hope that this person will utilise the services of local agents to find suitable alternative property. The departmental offer has recently been renewed for this reason. The other owner did not reply to the offer in writing. However, there have subsequently been verbal negotiations and it is understood he will be prepared to negotiate after receiving private advice.

- (2) This matter is being pursued on the basis of finality of acquisition being achieved during the financial year 1976-77. Funds are currently available to cover land acquisition cost but not subsequent ground improvements.

### 31. POLICE

#### *Serious Crimes: Solving and Recidivism*

Mr GREWAR, to the Minister for Police:

Could he detail:

- (1) The rate of success of the police in solving serious crimes as—  
(a) armed holdups;

- (b) major robberies;  
(c) murder;  
(d) rape?

- (2) What percentage of convicted persons repeat such crimes?  
(3) Is there any substantive evidence to support the statement that greater leniency in sentences leads to lesser numbers of criminals returning for recommitment?

Mr O'CONNOR replied:

The following figures relate to the year ended 30th June, 1976:—

(1)—

	No. of Offences	No. Solved	% Solved	No. of Offenders charged
(a) Armed Holdups—				
With firearms ....	38	31	81.5	36
With other weapons ....	24	9	37.5	11
(b) Other Robberies—				
Violence without use of weapons ....	83	31	37.3	37
(c) Murder ....	13	12	92.3	11
Attempted murder ....	3	3	100.0	3
(d) Rape ....	40	31	77.5	38
	established offences			

- (2) 82.2 per cent of offenders had prior convictions for other offences. Instances of recidivism in relation to offences listed were:—

Armed Holdups—

firearms, nil;

other weapons, nil.

In some cases there were more than one offence before apprehension. One offender had a prior conviction for robbery which did not involve use of a weapon.

Other robberies, nil;

murder, nil;

rape, 1.

- (3) No.

### 32. EAST VICTORIA PARK SCHOOL

#### *New Structure*

Mr DAVIES, to the Minister representing the Minister for Education:

- (1) What is the timetable for the demolition of the East Victoria Park primary schools?  
(2) What is the timetable for the construction of a new school?

- (3) Will this incorporate junior and senior schools in the one complex?  
(4) On what site will it be built?  
(5) How many children will it accommodate?  
(6) How many children attending the school at present will be directed to other schools, and of these how many will be directed to what schools?  
(7) Will all students at present attending the junior and senior schools be able to complete this year's schooling at those schools?  
(8) Has consideration been given to constructing a pedestrian overpass at a suitable point in Shepperton Road for use by children?  
(9) Will the new school provide facilities for music activities, migrant language classes, etc., as accommodated at the present schools?

Mr GRAYDEN replied:

- (1) The demolition programme will be dependent upon the completion date of the replacement school.  
(2) Tenders for the new school will be called early next month and the anticipated completion date is May, 1977.

- (3) Yes.
- (4) Corner of Beatty Avenue and Mint Street.
- (5) 480 pupils.
- (6) It is anticipated that the parents of approximately 60 pupils will choose to send their children to Millen Primary School.
- (7) Yes.
- (8) No.
- (9) Curricula activities similar to those being conducted at present will be available at the new school.

### 33. COCKBURN SOUND

#### *Effluent Disposal: Studies*

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

- (1) Have feasibility studies been carried out, as recommended in 1970, so as to determine suitable effluent outfall sites in Cockburn Sound so as to achieve better rates of effluent dispersion?
- (2) If so—
  - (a) who carried out the studies;
  - (b) when were they carried out;
  - (c) at whose cost were they conducted; and
  - (d) will he table the study referred to?
- (3) Have any changes been made in the outfall sites as a consequence of such studies or for any other reasons?
- (4) If so, what are the details?

Mr P. V. JONES replied:

- (1) and (2) No.
- (3) and (4) Not to my knowledge.

### 34. PRISONS

#### *Officers: Salary Review*

Mr CARR, to the Minister representing the Chief Secretary:

- (1) Is the Minister aware that in 1968, principal prison officers of the Department of Corrections, who were promoted to chief officer or superintendent, received a salary increase of 15% at minimum to 19% at maximum?
- (2) Is the Minister aware that at 31st May, 1976, this position had deteriorated to the point where the principal officers on promotion to chief officer or superintendent now receive a reduction in salary of approximately \$1.50 per week?
- (3) Is the Minister also aware that recent attempts by the superintendents and chief officers to rectify this position by way of appeal were dismissed and that the Public Service Board opposed the application?

- (4) In view of the above can the Minister state whether he is prepared to request the Public Service Board to carry out an immediate review of salaries of the senior ranks of the Department of Corrections referred to, particularly as the salaries of these officers are also said to include provision for "overtime and special duties"?

- (5) If the request for a review is rejected or unsuccessful will the Minister give an undertaking to support a move by these officers to have section 6 of the Public Service Act applied to their positions, so that they then will be in a position to form their own industrial organisation and apply for award coverage through the W.A. Industrial Commission?

Mr O'NEIL replied:

- (1) The Minister has been informed by the Public Service Board that this was the situation in 1968.
- (2) The Minister has been informed that prior to 28th May, 1976, the chief officer and some superintendents received \$1.14 per week more than principal officers. However, following separate decisions of the Commonwealth Conciliation and Arbitration Commission, and the W.A. Industrial Commission, the positions were reversed, with the principal officer receiving \$1.67 per week more than the chief officer on the minimum of his range.
- (3) The superintendents appealed against their classifications as at 28th June, 1974, to the Public Service Arbitrator under the Public Service Arbitration Act and these were dismissed. Similar appeals in 1971 were also dismissed.
- (4) The Civil Service Association has lodged a claim with the Public Service Board on behalf of superintendents and certain other supervisory groups. This claim will be negotiated with the association in accordance with the Public Service Arbitration Act.
- (5) No such undertaking will be given.

### 35. COCKBURN SOUND

#### *Ecology Research: Finance*

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

What direct financial contributions to research undertaken into the ecology of Cockburn Sound have been made by any industry located on the shores of the Sound?

**Mr P. V. JONES** replied:

The industries have not contributed directly to studies undertaken by Government agencies. Some industries have funded separate research, the details of the cost of which are not known.

### 36. COCKBURN SOUND

*Authority: Establishment*

**Mr A. R. TONKIN**, to the Minister for Conservation and the Environment:

Has a decision been made as to whether the recommendation of the Scott Report (1976) with respect to the establishment of a Cockburn Sound Authority will be accepted or rejected?

**Mr P. V. JONES** replied:

A suggested management plan for Cockburn Sound is before Government, and we are following up with industry its participation.

### 37. COCKBURN SOUND

*Effluent: Identification and Measuring*

**Mr A. R. TONKIN**, to the Minister for Conservation and the Environment:

What action has been taken with respect to the Scott Report's recommendation (1976) that "All points of discharge to the Sound of any liquid effluent and particulate or solid waste must be identified and measured" (which refers to Cockburn Sound)?

*Point of Order*

**Mr A. R. TONKIN**: On a point of order, Mr Speaker, I think I should point out that question 37, in its present form, does not make sense. No doubt, the reason is because of my very bad handwriting when I drafted the question. Part (2) of my question was intended merely to qualify part (1). The question should be amended accordingly.

The **SPEAKER**: I direct that the question be amended accordingly.

*Questions (on notice) Resumed*

**Mr P. V. JONES**: Having regard for the suggestion, the amendment makes no difference to the answer I was about to supply which is—

A suggested management plan for Cockburn Sound is before Government, and we are following up with industry its participation.

## QUESTIONS (6): WITHOUT NOTICE

### 1. GOLDMINING INDUSTRY

*Deputation to Commonwealth Government*

**Mr MAY**, to the Premier:

I apologise for not giving any notice of this question. Will the Premier advise who will represent the Western Australian Government on the deputation to be received by the Prime Minister in Canberra on the 18th August, 1976, to discuss the phasing out of the tax concession in relation to the goldmining industry?

**Sir CHARLES COURT** replied:

To the best of my knowledge, no invitation has been extended to the Western Australian Government to have a representative on the deputation.

I gather it is a local deputation. I have asked the Minister concerned to make inquiries in order to find out whether any assistance is required by the deputation in the preparation of its case, or in any other way.

### 2.

### STATE FINANCE

*Weekly Wages Payment*

**Mr BERTRAM**, to the Treasurer:

- (1) What is the approximate total weekly wage bill paid out of the Consolidated Revenue Fund?
- (2) How is the said total made up as between the various departments, approximately?

**Sir CHARLES COURT** replied:

- (1) Based on the salary and wage bill of \$606.2 million in 1975-76, approximately \$23.3 million per fortnight.
- (2) The approximate fortnightly bill for major departments is as follows—

	\$
Education—Teaching and other staff	6 605 000
Hospitals	5 373 000
Railways	3 018 000
Police	872 000
Mental Health Services	805 000
Public Health	497 000
Public Works	468 000
Country Water Supplies	445 000
Agriculture	406 000
Community Welfare	400 000
Road Traffic Authority	363 000
All other	4 048 000
	<hr/> 23 300 000

NOTE: Fortnightly figures have been used because the greater part of the Government's salary and wages bill is paid on a fortnightly basis.

### 3. STATTON MOTORS

#### *Station Sedan Licence*

Mr HARMAN, to the Minister for Traffic:

- (1) Was the 1970 station sedan referred to in *The West Australian* of the 7th August, on page 3, previously licensed in another State?
- (2) When was the station sedan licensed and issued with Western Australian plates?
- (3) When and where was the station sedan examined by the Road Traffic Authority?
- (4) Was the station sedan passed as roadworthy by the Road Traffic Authority?
- (5) Including the first transfer of the station sedan from a non-WA licence to a WA licence, how many times has the station sedan been transferred?
- (6) What were the occupations of the transferors and transferees?

Mr O'CONNOR replied:

- (1) Yes.
- (2) The 18th December, 1975.
- (3) The 18th December, 1975, Midland examination centre.
- (4) Yes, but there are discrepancies between the description of the vehicle in question and the information on the application form at the time of licensing.
- (5) and (6) A departmental inquiry is proceeding to positively identify the vehicle. A search of records is being made but at this stage it is not known how many times the station sedan has been transferred. I will advise the honourable member of the details when investigations have been completed.

### 4. STATE FINANCE

#### *\$8 million in Suspense Account*

Mr BERTRAM, to the Treasurer:

- (1) Was a cheque, or cheques, drawn for the \$8 million suspense account?  
If "Yes", what is the number of the cheque, or cheques, making up the \$8 million?
- (2) Was the cheque for \$8 million actually prepared and signed on, or before, the 30th June, 1976?  
If "No", when was it actually prepared and signed?

Sir CHARLES COURT replied:

The member for Mt. Hawthorn gave me some notice of his question, as he did with his previous question, and the answer is as follows—

- (1) No, because a cheque is not involved in a transaction of this nature.
- (2) Answered by (1).

### 5. NORTH-WEST SHELF GAS

#### *Exploration Permits*

Mr MAY, to the Minister for Mines:

I think the Minister will appreciate why I have not given any notice of this question.

In connection with the recent announcement inviting applications for exploration permits off the north-west shelf, will he advise whether the provisions of the Act requiring the designated authority to obtain the approval of the Federal Government in relation to its areas of responsibility were adhered to in this and previous instances?

Mr MENSAROS replied.

Yes.

### 6. MOTOR VEHICLES

#### *Inspection Checks*

Mr HARMAN, to the Minister for traffic:

- (1) Excluding new vehicles, how many used vehicles have been inspected since the 1st January, 1976, until the 30th June, 1976?
- (2) Does the Road Traffic Authority operate mobile vehicle inspection units?
- (3) If so, how many operated in July, 1976, in the metropolitan area?
- (4) At what centres in the metropolitan area does the Road Traffic Authority have permanent daily vehicle inspection centres?
- (5) In what circumstances are vehicles subject to inspection at such centres?

Mr O'CONNOR replied:

- (1) 54 154.
- (2) Yes.
- (3) Five.
- (4) Perth, Fremantle, Victoria Park, Subiaco, Midland, Rockingham, Kalamunda, Wanneroo, Mundaring.
- (5) (a) Presented for licensing;  
(b) licence expires beyond 15 days;  
(c) subject to work order;

- (d) annual inspection of taxis, private taxis, mobile cranes, driver instructor's vehicles;
- (e) re-licence of overseas, Eastern States or ex-country vehicles, and
- (f) modified vehicles.

## **VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS BILL**

### *Introduction and First Reading*

Bill introduced, on motion by Mr Old (Minister for Agriculture), and read a first time.

## **FIREARMS ACT AMENDMENT BILL**

### *Second Reading*

**MR O'CONNOR** (Mt. Lawley—Minister for Police) [5.00 p.m.]: I move—

That the Bill be now read a second time.

As the law stands at the present time, when a person resident in another State visits Western Australia and brings his firearms with him, he must obtain a licence or a temporary permit for such firearms, notwithstanding that he has already had them licensed or registered in his home State.

A person living in Western Australia near the border with South Australia must register such firearms in South Australia before he can carry his firearms into that State—even for the purpose of a lawful short hunting trip. This would involve a lengthy trip to the nearest police station.

This applies also to people living in South Australia near the Western Australian border.

It has been suggested that holders of current firearm licences and shooters' permits under State law issued in their respective home States be relieved of the obligation to license or register their licensed firearms when visiting interstate for the purpose of competitive shooting or a private hunting trip. Northern Territory legislation has this situation covered adequately and Victorian legislation provides for pistol clubs only.

To retain some measure of control of the movement in and out of this State of persons carrying firearms, while relieving them of the onerous necessity to apply for a licence or permit, it is believed that an amendment to our Firearms Act, on lines similar to that of Victoria—but including any organisation of shooting bodies—would be most desirable.

I am sure all members know a number of such competent and worth-while organisations. Representatives of these bodies come to this State and they must comply with the present regulations. Recently a clay pigeon shooting group visited here and its members were all responsible citizens. Their equipment was good and

their handling of it was exemplary. Such visitors do little or no harm and often very much good for the State.

The amendments before members have been prepared with this in mind. They will enable the Commissioner of Police, on receipt of a written application from a bona fide shooting club or similar body, to grant a permit to the organisation which would allow specified members to bring their firearms into Western Australia for participation in shooting or sporting activity. The permit will be valid for a maximum of seven days and will be issued free of charge.

It is expected that all States will enact similar legislation, and by doing so put an end to the present situation whereby a sportsman is required to obtain a licence each time he travels interstate with his firearm. I am quite sure many of these people unknowingly are breaking the law in this regard.

The other amendments relate to penalties for failure to renew a firearm licence and misleading the police in respect of firearms. At present persons are charged in the Court of Petty Sessions with being in possession of an unlicensed firearm.

I know a number of members of the House have been to see me regarding this matter and it is one that has been of some concern to me.

The penalties imposed vary from fines ranging from \$1 to \$150. Some offenders have received three months' gaol and at times the firearms have been forfeited to the Crown.

A survey of fines paid during the past six months shows that the average fine is just over \$24. During that six-month period, 857 fines were imposed totalling \$20 581.

The present procedure causes a great deal of concern to many persons who have otherwise unblemished records and it is certainly not good for public relations. Persons who claim they need firearms to destroy vermin, and professional shooters, may be deprived also of the use of their firearms.

From the Police Department point of view the present procedure creates an enormous amount of work within the branch.

The proposed amendments to the Act allow for infringement notices where renewals are not effected within three months of the date of expiry of the firearm licence. The defaulter will have one month to pay the penalty of \$20 and obtain the renewal of his firearm licence.

A defaulter may alternatively by his own choice elect to have the matter decided by the Court of Petty Sessions should he feel the infringement penalty is unjustified.

Under section 24 (6) (b) of the Firearms Act prosecutors have declined to proceed because it is necessary to prove

the police have actually been misled. To overcome this shortcoming it is proposed to insert the words "or attempts to willfully mislead".

The amendments contained in this Bill are recommended for the consideration of the House.

Debate adjourned, on motion by Mr T. H. Jones.

### **STOCK DISEASES (REGULATIONS) ACT AMENDMENT BILL**

#### *Second Reading*

**MR OLD** (Katanning—Minister for Agriculture) [5.07 p.m.]: I move—

That the Bill be now read a second time.

As members are aware, the Stock Diseases (Regulations) Act has as its basic objective the control and eradication of diseases of livestock of serious economic importance to producers in Western Australia.

It has recently come to my attention that the Act does not authorise the initiation of measures to prevent animal disease—either enzootic, that is, already present within the State, or exotic, that is, existing in an overseas country but potentially constituting a risk to livestock in the State. Examples of the latter category are foot and mouth disease and swine fever.

This clearly is a serious deficiency and the intention of the Bill now before the House is to make good this defect.

Clause 2 of the Bill provides therefore for the long title of the principal Act to be changed by the addition of the word "prevention" before the words "eradication and control". Similarly clause 4 amends section 11 of the principal Act to give authority to prevent the introduction of an exotic disease into the State.

The Bill enables food intended to be provided to livestock to be treated prior to being fed—the intention of such treatment being, where considered necessary, to render it innocuous in terms of its ability to cause disease. Persons carrying out such treatment are also required to be licensed. Members will appreciate, however, that this proviso will apply only to waste foodstuffs.

The Bill enables regulations to be made to prevent the introduction of disease into Western Australia; and it validates regulations which have been utilised in the past to require the treatment of material which has been used for the purpose of feed for stock and the licensing of persons carrying out such treatment.

I commend the Bill to members.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

### **CATTLE INDUSTRY COMPENSATION ACT AMENDMENT BILL**

#### *Second Reading*

**MR OLD** (Katanning—Minister for Agriculture) [5.10 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House is a simple amendment to the Cattle Industry Compensation Act, 1965-1970. The present situation is that compensation is paid on cattle which have to be slaughtered because they are suffering from various diseases, particularly tuberculosis and brucellosis.

The Act as it stands today allows for compensation to be paid on claims made within 30 days of slaughter, but by specific approval of the Minister, payment may be made on claims submitted up to 90 days of the time of slaughter. In some remote meatworks it is almost impossible to have claims submitted within the 30-day period, and the number of claims submitted to the Minister for his approval is growing.

Consequently the administration of this provision is becoming a rather heavy burden.

The Bill proposes therefore that the period of time allowable before claims become the subject of special investigation should be increased from 30 to 90 days. This extension of time should reduce the administrative cost to a minimal amount. I commend the Bill to members.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

### **COUNTRY TOWNS SEWERAGE ACT AMENDMENT BILL**

#### *Second Reading*

**MR O'NEIL** (East Melville—Minister for Water Supplies) [5.13 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to widen the powers of the Minister in regard to the acquisition of sewerage works.

At present the Act provides that sewerage works constructed by local authorities may be taken over. It does not permit the department to assume control of a company-owned sewerage scheme such as that at Wickham, the town which was developed by Cleveland Cliffs to house its port work force, and this restriction has created a problem.

In its proposals to the Government, the company indicated that it did not want the port township to be restricted to its own personnel. Company management saw advantages in having an "open" town and this decision moved the Government of the day to agree to acquire the sewerage works and to undertake to operate and maintain the system in the future out of revenue obtained from rating.

This Bill will enable the Government to honour the obligation which has been entered into and I commend it to members.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

## OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

### *Second Reading*

MR O'NEIL (East Melville—Minister for Works) [5.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make three significant changes to the Act: Firstly, to extend the probation provisions to cover young persons between 17 and 18 years of age; secondly, to allow for courts to make community service orders; and, thirdly, to allow for a female member of the Parole Board to sit on meetings of the board dealing with males.

The first proposal deals with a suggestion made at the 1975 magistrates' conference to extend the probation provision to cover young persons between 17 and 18 years of age. The 1975 annual report of the Department for Community Welfare in this State reveals that the number of offences with which young persons were charged were highest in the 17-year-old age group; 2 792 charges were listed for that age group.

Recently a newspaper—the *Weekend News* of the 24th July, 1976—featured an article under the heading, "Lower Age Bid to Fight Crime". The article stated that juvenile crime is responsible for 60 per cent of serious offences in Western Australia; that juvenile crime has been steadily increasing in Western Australia; and that statistics collated by the Police Department indicate that most juvenile crime is committed by youths who are between 17 and 18. The foregoing comments indicate that for certain young offenders between 17 and 18 years of age the provisions of adult probation service would be more appropriate.

If the House accepts this proposal, the Children's Court will be given an extended range of alternatives in dealing with older offenders within its jurisdiction. It will be able to place selected offenders on adult probation which, up to the present, it has not been able to do, and it will also be able to refer suitable cases to the proposed community service order scheme.

The second proposal will enable those persons made the subject of a community service order to maintain their employment, family and social obligations, whilst fulfilling the sentence of the court. Combined with reparation and restitution, the goal of community service orders is rehabilitation. However, because it implies involvement which adds a dimension to

the offender's life, it therefore cannot be regarded as merely punitive, as there is also an intrinsic therapeutic process.

Community service orders are seen as an attempt to provide a viable alternative to the shorter custodial sentence which would be acceptable to the courts and to the public, in those cases where the public interest is not an overriding consideration. It is an attempt, furthermore, in the broader sense, to provide the courts with a more demanding sentence where the offender has, for example, had previous court appearances and subsequent default or breach indicates that a community service order would be appropriate to that person's needs.

For the benefit of members, I will now outline the categories of offenders where, it is suggested, community service orders would be appropriate.

Firstly, persons sentenced to imprisonment where the minimum term is six months or less: Recent research indicated that 44.5 per cent of the total number of prisoners who come under the notice of the Probation and Parole Service for the first time come within this category. If community service orders were to be used with probation, in contrast to short minimum terms with parole, it is submitted the effect would be equally salutary, and control would still be in the hands of the courts, rather than with the Parole Board.

Many breaches of probation cases would be another suitable category. Certain offences against the Traffic Act, especially the second or subsequent conviction for "unlawful use of a motor vehicle" where imprisonment for not less than three months is a mandatory penalty, is another.

It is proposed that six requirements would need to be satisfied before a court should make a community service order.

The offender would have to be 17 years of age or above, and have been convicted of an offence for which a sentence of imprisonment could be given. He or she must have consented to an order being given, and his or her home must be in an area where arrangements existed for offenders to work under community service orders.

The court must have considered a report on the offender by a probation officer, and be satisfied that person is suitable to carry out work under an order. It must also be possible, under the arrangements in force in the area, for the offender to perform the work.

It is proposed the order should require the offender to perform unpaid work or service for not less than 40 hours or more than 240 hours within 12 months following the order.

Substantial penalties may be imposed by a court should an offender fail to comply with the terms and conditions of a community service order. It should be

noted here that it has been considered appropriate to include a provision in the amendments to the effect that where an offender between 17 and 18 years of age is sentenced in the Children's Court, as is provided under the amendments, the supervising court will be required to be the Court of Petty Sessions nearest to where the person resides. This means that any further sanctions required can be provided in an adult setting.

Provision is made to appoint supervisors, and all probation officers are so appointed, but for the greater part actual supervision will be carried out by citizen volunteers. The link with voluntary organisations and citizen participation is crucial. In particular, it is intended that association with people who, of their own volition, go out of their way to help the disabled or the aged, or to improve amenities or conditions, may make a favourable impact upon the social attitudes of many of those who are required to work or participate alongside them.

Offenders against whom a work order has been made are deemed to be workers employed by the Crown for the purposes of the Workers' Compensation Act.

Provision has been made for the appointment of one or more advisory committees so that the community interest, including the Trades and Labor Council, may advise on the suitability of projects. While Tasmania emphasised work by calling its scheme "community work orders", the wider approach has been preferred in Western Australia, and "community service orders" is considered more acceptable. This provides much more scope for imagination and initiative in arranging either service or work placements for offenders.

The recently published report on an evaluation of the Tasmanian work order scheme, which has now been in operation for over three years, indicates that the operating cost of the work order scheme in that State, compared to the cost of imprisonment, is \$4.69 per man per week, compared with \$117.11 per man per week for imprisonment.

Community service orders have been successfully operating now in New Zealand for 16 years, in Britain for three years, and Tasmania for three years, in very similar ways to that proposed for this State. As a new method of dealing with offenders in Western Australia, it will give greater flexibility to the courts. It will also provide the need for a more demanding and viable alternative to prison as a noncustodial measure. Finally, it benefits both the offender and the community. The Tasmanian experience is that the scheme can be unreservedly recommended for adoption in other Australian States and Territories.

Mr Davies: What happens; do you make application if you want a couple of offenders to clean up the yard of the senior citizens' centre, or something of that nature?

Mr O'NEIL: There will be an advisory committee to advise the courts regarding the availability of work and the services which may be performed in each district. I presume in general terms one would make application; but then one does not go out to catch some offenders!

Mr Davies: You would have to select the right workers, of course.

Mr O'NEIL: That is right. The third proposal is in keeping with current thinking that distinctions because of sex should be avoided. The Act presently provides that where a general matter, or a matter affecting a male prisoner, is to be dealt with by the Parole Board, it shall consist of five members; namely the chairman, the comptroller-general, and three men.

I can see no justification for the exclusion of women from the board dealing with males, and believe that the inclusion of women could be advantageous.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

### INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING ACT AMENDMENT BILL

#### *Second Reading*

MR P. V. JONES (Narrogin—Minister for Housing) [5.25 p.m.]: I move—

That the Bill be now read a second time.

It has always been intended that the Industrial and Commercial Employees' Housing Authority would work in two main streams to achieve the purposes for which the authority was created. On the one hand, the authority, from the limited funds which it can obtain from the State, is intended to assist, as far as possible, the small businessman in country areas. This, it is intended, should be by way of provision of rental housing constructed and financed by the authority and rented to the employer.

On the other hand, it was the intention that the authority would also be able to provide some assistance to the medium and larger sized business concern, but not through the direct provision of housing funded from the authority's own resources.

It was envisaged that the authority would assist by using the provisions of the Act for the issue of Government guarantees as security for borrowing by an organisation of the funds necessary for the provision of housing required by its employees.

Experience has shown that in the aim to assist by the use of Government guarantees, the Industrial and Commercial Employees' Housing Act is not sufficient. As presently drafted, the Act allows the issue of guarantees as security for loans raised only for the acquisition of land. There is no specific authority for a guarantee to be issued in respect of funds

raised for the construction of houses and there is also some doubt as to whether the Act, as presently drafted, would allow a guarantee in respect of funds raised for the development of land necessary to bring it to subdivided residential use.

The purpose of this amending Bill is to ensure there is in the Act a full and adequate provision to allow the issue of a Treasurer's guarantee in respect of funds raised for the acquisition of land, the necessary expenditure for the development of such land for residential use, and for the construction thereon of houses.

This amending Bill also makes provision for any claims which may arise under a guarantee to be paid out of the Public Account and for any sums recovered by the Treasurer within the terms of a guarantee to be repaid to the Public Account. Without this latter provision, should there be any claim under a guarantee issued by the Treasurer, it would have to be met from the funds of the authority. There would be no certainty that at any particular point of time the authority would be holding unspent funds which could be diverted to meet a claim under a guarantee.

There are other Statutes which permit the issue of guarantees and, in particular, the Housing Loan Guarantee Act, and the Industry (Advances) Act, would probably provide authority for the issue of guarantees in respect of housing by employers within the general intent of the Industrial and Commercial Employees' Housing Act. However, there are certain particular features of each of those Statutes which could, at times, provide difficulty and, therefore, it is thought expedient to introduce this amending legislation.

There have not as yet been a large number of approaches to the authority for the issue of guarantees as security for loans raised to provide housing. This, in part, would be due to the fact that the authority has been in operation only since March, 1974; but it would also have been affected by the fairly stringent financial conditions which have been experienced in Australia for some time. Nevertheless, I am able to inform the House that some approaches have been made to the authority in regard to guarantees. One, in particular, had almost been finalised when the legal doubts leading to the introduction of this amending Bill were discovered. At that point, it was found possible, although not quite so convenient, to cover the situation by use of the Housing Loan Guarantee Act.

The authority presently has before it two other applications which may lead to a request for the issue of a guarantee and there are some other organisations known to be examining the possibility of seeking assistance.

I commend the Bill to the House.

Debate adjourned, on motion by Mr B. T. Burke.

## MAIN ROADS ACT AMENDMENT BILL

### *Second Reading*

MR O'CONNOR (Mt. Lawley—Minister for Transport) [5.30 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for some simple amendments to the Main Roads Act for the purpose of deleting or amending redundant or archaic provisions in order to tidy up the Act.

In this regard I would like to explain to members that sections of the Act provide transition powers which were passed in the year 1930 to cover the period of transition from the original Main Roads Board to the present department and, where these provisions have become redundant, it is proposed that they be deleted.

Similarly, another section of the Main Roads Act refers to a provision in the old Road Districts Act, 1919, which has been repealed, and it is proposed to delete this redundant provision.

There is also an interpretation of the term "inspector" in the Main Roads Act and, as this term is no longer required for the functioning of the Main Roads Department, it is proposed that it be deleted also. Similarly, the term "assistant engineer" is used in the Act and is redundant as no officers are employed in this category.

A further section of the Act dealing with the commissioner's powers to carry out works contains archaic phraseology in a roadworks context by using such terms as "aerial tramways" and "steel tracks" and it is proposed to amend this section to bring it up to date with modern day roadworks terminology.

Finally, there is a long and rambling section of the Act dealing with the provision of motor traffic passes or stock grids. It is felt that this old section of the Act could well be abridged without changing the powers of the commissioner or the local authority as provided in the section and the amendments have been drafted to achieve this purpose. The powers, under the Local Government Act, of a local authority to construct motor traffic passes on local authority roads are not affected by the proposed amendments in this Bill.

I commend the Bill, which is designed to make statutory enactments more easily understood, to the House.

Debate adjourned, on motion by Mr McIver.

## BILLS (4): MESSAGES

### *Appropriations*

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

1. Country Towns Sewerage Act Amendment Bill.

2. Offenders Probation and Parole Act Amendment Bill.
3. Industrial and Commercial Employees' Housing Act Amendment Bill.
4. Main Roads Act Amendment Bill.

## BUILDING SOCIETIES BILL

### *Second Reading*

Debate resumed from the 18th May.

**MR B. T. BURKE** (Balga) [5.35 p.m.] : Firstly, I should like to thank the Minister for his co-operation in the scheduling of this Bill. His action has made it much easier for the Opposition to consider this comprehensive and quite complex piece of legislation. At the same time I should like to point out to the House that the same sort of co-operation is not always forthcoming from other sections of the industry. I should like to read to the House a memorandum that was distributed by the Town and Country Permanent Building Society to its employees following the introduction of this legislation. The copy I have reads—

Unfortunately the Bill relative to amendments to the current Building Societies Act was not passed in the May parliamentary session and has been deferred until August. The concerning feature of that delay is that it provides more time for the Opposition to discuss problems between building societies and their customers which may, as you will appreciate, be damaging to the societies involved. With this in mind it would seem that we will need to be careful ourselves in the handling of complaints from our borrowers. For the time being therefore I would like—

Here the name of a person is written down—

—and myself to be advised immediately with details of any such problems that may arise.

I think that memorandum makes it quite clear that the Opposition cannot expect co-operation from some sections of the industry.

**Mr P. V. Jones**: Do you have the original of that or is that a copy?

**Mr B. T. BURKE**: I have a copy.

**Mr P. V. Jones**: Will you let me have one?

**Mr B. T. BURKE**: I shall. The Minister makes many claims on behalf of his legislation and some of the claims are quite justified, but I do not believe many members of this House would claim for this piece of legislation that which the Minister claims. He said in his second reading speech, among other things, that the Bill strengthened monetary policies dealing with home purchase advances, liquidity, and investments and introduced

statutory reserves. He said also that the inspectorial role and powers of the registrar had been increased and that this, with other proposals, provided added protection to the investing public and the borrower.

As I said earlier, I believe the Minister claims for his legislation more than would be claimed by most men. Liquidity requirements certainly have been increased under the provisions of this legislation from 7.5 per cent to 10 per cent, but that is scant reassurance at times when societies are voluntarily retaining as liquid assets percentages in the region of 15 per cent, 18 per cent, and sometimes even 21 per cent.

It seems to me that the added protection certainly is there if we are talking of increasing liquidity reserve requirements from 7.5 per cent to 10 per cent but that the added protection is really not of a dimension that is sufficient in the societies' own eyes. It is certainly true, as the Minister said, that statutory reserve requirements have been introduced, but it is interesting to point out to the House that the requirements are 50 per cent of the requirements under the New South Wales legislation and that if these reserve requirements are to be truly effective perhaps it would have been wiser to look at a level of 2 per cent rather than 1 per cent.

It is true also that the registrar's inspectorial role and powers have been increased; and that is good. At the same time it is incumbent upon the Government to ensure that the registrar has full support in the exercise of the powers that have now been given to him.

There are other measures included in the proposal which, to my mind, change the sort of protection given to investors and borrowers and certainly to some extent add to that protection. But it is the belief of the Opposition that the changes and the additions go only a little way down the street towards the added protection that is really essential. It seems to the Opposition that the keynote of this legislation is really window dressing.

Some things are done that are desirable and good but so many things are left undone that in many respects the legislation represents a failure to grasp the true needs of the system and a failure to embark on something exciting, worth while, and certainly most desirable. The Bill recognises the massive shift in emphasis that the industry has undergone since the years in which the co-operatives that gave rise to our permanent building societies were first formed; and to the extent that the measure recognises, provokes, or ratifies that change in emphasis, we believe it is a bad measure.

The shift in emphasis is perhaps best illustrated by the new proposals governing the registration of societies where it will now become necessary for those people

wishing to register a new society to have \$1 million in paid-up capital of which \$500 000 should have been retained for a period of 10 years. It is lamentable to say that that is probably necessary. Perhaps it should be an even higher figure than \$1 million, but inherent in that necessary requirement is a recognition of the change in emphasis that the industry has undergone—the change from the truly co-operative nature of the founding organisations of building societies to the now more commercial and less co-operative nature of the present building societies.

It is also true that the amalgamation provisions of the legislation will to some degree promote monopoly situations. They will allow a closed shop consisting of fewer participants. Also the change in emphasis is emphasised by the provisions which will allow building societies to lend to corporations and companies and the provisions which will allow societies to lend to land developers.

Unfortunately, as I touched upon briefly earlier, the legislation appears to have missed the opportunity to grasp at the essential significance of the problem. Each time amending measures have been brought into this House they have been tantamount to a shoring up operation that becomes less and less efficient.

The essential failure of the legislation is its lack of recognition of the class of people who might be termed the "new dispossessed"—the people whose particular economic situation has forced them into a position of disadvantage from which they have been forced to assume commitments that they find almost impossible to fulfil. I shall give the House an example. A person earning \$167 a week qualifies for Government housing funds attracting interest at 5½ per cent. A person earning \$170 a week is forced to alternative sources of finance to build a home—perhaps a building society—in which case the funds will attract interest at 11½ per cent or 12 per cent. On a \$30 000 loan the first person will pay \$33 138.60 in total interest over the period of the loan while the second person will pay \$79 203.70 in total interest over the period of his or her loan.

The person who earns \$167 a week will repay his or her loan at the rate of \$40.35 a week. The person earning \$170 a week will repay the loan at the rate of \$71.04 a week, so there is a difference of \$30.69 a week in repayments.

Ignoring other drains on gross income, it is readily apparent that the first wage earner has a disposable income of \$126.65. The second wage earner's disposable income is \$98.96. The second wage earner has been dispossessed of \$27.69, despite the fact that he earns only \$3 a week more than the first wage earner.

It would be idle of any Government not to realise that the people in this invidious position are those who are populating our

newer suburbs, who blame Governments for higher interest rates, and who change their votes at election time. This Bill does nothing to recognise their particular situation and does nothing to remedy the disadvantages they endure.

Apart from the failure to grapple with the problem of interest rates, the Bill makes no attempt to recognise or do anything about the provision of last-resort safeguards for building societies. This is something the Opposition believes requires intensive study and assessment and a realistic solution. Last-resort safeguards are desired by the industry and the argument that their provision will result in flaccid management hardly stands up when we consider that the banking system already has safeguards of this kind.

There is no serious or genuine attempt in this measure to recognise the fundamental change which occurred in the operation of building societies in 1968 when they began to borrow short while continuing to lend long. That very radical departure from their previous operation resulted in a completely changed situation as far as building societies are concerned, but that changed situation is not allowed for or recognised in this measure.

There is no genuine or serious attempt to recognise and remedy the inherent instability in the operation of building societies. It is true that the income tax legislation—a Commonwealth Statute—has a big bearing on the ability of societies to lend and manage lending programmes in the public interest; but there is no recognition in the Bill of that fact or of the inherent instability in frantic attempts by the societies to lend funds as soon as they receive them to make sure they are not caught on a short-term money market earning less than the amount of money for which they are committed in terms of the money deposited.

Referring to the first point I raised in that series, it is true that treating the symptoms of the disease of escalating interest rates will not cure the illness itself. It is true to say that treating the symptoms will ease the pain—but certainly there is no attempt in this measure to treat the symptoms.

Moving on to the point about the practice adopted by societies in 1968 when they began to borrow money on no-fixed-term conditions and continued to lend long with this money which had been borrowed short, it is obvious to all that it was then that the building societies became much more formidable competitors of the banking system. They became formidable competitors for funds, but, of course, were not subject to anywhere near the same level of regulation in almost every area in which they were operating.

At the moment it is my information that one of the major societies has 93 per cent of its funds raised on no-fixed-term conditions; in other words, 93 per cent of its

funds is available to be immediately recalled by depositors. A requirement of 10 per cent liquidity in such a situation is dangerous not only for the society involved, but also for all the societies which are operating in our State at this time.

In Victoria the liquidity requirement is already 10 per cent, and of this *The Australian Financial Review* says—

Existing legislation compels Victorian building societies to hold 10 per cent of their withdrawable funds in liquids.

But this has not prevented some Victorian societies from facing critical liquidity problems in the past.

It is obvious that the requirement of 10 per cent in the context of no-fixed-term deposit schemes means that quite dangerous situations can develop with regard to the stability of building societies in this State.

The Opposition has given the Minister notice of its intention to move a number of amendments and has provided him with a copy of them. While it is proper to deal with them in detail in the Committee stage, I feel there are one or two amendments to which I should allude briefly for the benefit of the House.

The advisory committee which is proposed under the legislation will have no power to control interest rates. It is the Opposition's belief that it should have some authority in this area, and the authority to be given to it should be exercised with regard to certain factors which are important to the economy, to borrowers, to lenders, and also to the societies themselves.

We are also not over-happy about the composition of the advisory committee in that it has no direct consumer representation. Of course there is provision for the Commissioner for Consumer Affairs to be appointed to the advisory committee, but we believe that the need is present for direct consumer representation.

Having already discussed briefly the problems we see in the requirement for a 10 per cent liquidity level, it is proposed by the Opposition to allow more flexibility in this area and to suggest to members later in the Committee stage that the question of liquid assessment be left to the advisory committee to determine from time to time. If the Minister and the advisory committee believe that the level should remain at 10 per cent, the advisory committee shall have the power to retain that level, but for the sake of flexibility we should not arbitrarily decide that the level shall be such and remain such for evermore.

There are one or two other matters to be dealt with in Committee which touch upon the proposed powers to lend to land developers and to corporations and companies. In general terms neither of those propositions finds favour with the Opposition. Building societies are, or should be,

in the business of lending money to people to enable them to build homes and, with due respect to the Minister, I say that private companies are generally tax dodges or probate dodges, or some other form of manoeuvre to avoid regulations lawfully imposed upon the community. For this reason we do not believe a building society should lend to private companies or corporations.

With respect to the proposal in the Bill to allow building societies to lend to land developers, we think it is essential—and perhaps intended by the Minister, although not stated in the legislation or his speech—that the land in respect of which money can be advanced should be residential and not commercial. We must decide exactly what building societies are organised to do and what role they should fulfil in our community. With respect, the Opposition suggests that building societies should not be lending money for the development of commercial properties, factories, and other forms of private enterprise. If they must lend for the development of land, that land should be residential.

We are also hoping that during the Committee stage we will convince members that the power which the Minister is given under the Bill with respect to special advances should not be limited solely to advances of the size the Minister envisages in the Bill. If we are to have proper supervision of this aspect of the legislation the Minister should be consulted and should be in a position to determine the future of every special loan, and not only those special loans which exceed a certain amount of money.

To return briefly to the question of an overall policy under which building societies can operate truly for the benefit of the public, it seems to me that the Minister should, on behalf of his Government and the people of this State, embark upon the presentation of a case to the Australian Government to point out to that Government the great difficulties building societies have in investing their reserve funds at a level of profitability which allows them properly to manage their lending programmes. No-one can blame building societies for their frantic attempts to relieve themselves of depositors' funds almost as soon as they are deposited in the society. If the case were as it is in Britain, with building societies being allowed to invest reserves in more profitable avenues, it is elementary that this practice would allow societies properly to manage their lending programmes.

Of course the permission to invest in other investment opportunities which bear more profit than those presently imposed upon the societies will have to be managed properly, but that is at the very base of the whole problem. Building societies are just not managing their affairs in a way that is of the maximum benefit to the people of this State. It is not their fault.

To a degree it is the fault of some Australian and some State laws which do not open up to building societies the opportunities they need for investment.

With those words and the promise of some amendments in the Committee stage, I conclude my remarks.

**MR P. V. JONES** (Narrogin—Minister for Housing) [5.58 p.m.]: First of all, I would like to thank the member for Balga for his remarks on the legislation. I am hopeful that I will be able to see the original document from which he quoted, and I very clearly indicate that we dissociate ourselves entirely from it. What a society does internally in relation to the legislation is of no concern to the Government which is involved with the legislation only, and not in the manner in which societies conduct internal memoranda.

I was a little confused at the beginning of the honourable member's remarks when he suggested that the legislation was lacking in certain clauses and aspects, while at the same time he went on to justify its need and also to indicate that he appreciated that it was perhaps difficult for us to do that which he was asking, or thinking we may have been able to do. In addition he recognised the problems under which building societies labour.

May I clearly indicate that we are, in fact, talking about building societies which at the present time are responsible for 70 per cent of the home-loan industry in Western Australia. In addition, we are talking about an industry which has a very long and distinguished record in relation to home ownership in Western Australia and has served this State with great responsibility.

It is inherent in everything that has occurred over a very long period, so far as building society management is concerned, that a basic cornerstone of this legislation is protection; not only protection for the depositor but also protection for the borrower. We have a very clear responsibility to provide in the legislation as much protection as possible for the depositor and the funds of ordinary saving people, while at the same time ensuring that the restrictions which are imposed are not so stringent as to inhibit the operations of the societies.

The question of average weekly earnings is very relevant as far as the potential home owner or the person who has already made a contract under a mortgage agreement is concerned. However, it has nothing to do with this legislation. We are all aware that a problem exists when a person gets above that particular level. We have been trying to grapple with the question of what happens when people are in an income bracket up to about \$220 a week, which is above the welfare housing eligibility. It is in that particular

area—that is, 100 to 125 per cent of average weekly earnings—that we have introduced income-g geared loans and various forms of principal deferment in order to ease the burden on people in that income bracket; but it has nothing to do with this legislation. The legislation is directed towards the operations and conduct of permanent building societies. It has nothing to do with the average weekly earnings of potential home owners.

Mention was made of the amount of funding required for the registration of a permanent building society, which has now been determined at \$1 million. I agree with the member for Balga that it is a very difficult figure to determine. He thought perhaps it should be higher, in the interests of all involved on a State-wide basis—not only those who invest in building societies, but also potential borrowers. At the same time, if the figure is low, it might allow the establishment of a permanent building society which does not operate in the interests of potential borrowers. It could become a closed shop, but I think that could occur no matter what figure is determined.

We must accept the fact that any legislation in this field must provide protection. We would not provide protection if we allowed the establishment of a permanent building society with a comparatively small amount of money. I suggest \$1 million is not a large sum of money in the face of today's home building costs and the number of mortgages which that sum would provide.

I might deal with the matter of lender of last resort in the Committee stage. The Government has before it a proposition regarding the establishment of a home loan bank, but in anticipation of that, the legislation provides for the sale or transfer of mortgages between societies. Although that is is not quite a home loan bank such as the honourable member has at times mentioned in the Press, it does provide a flexibility to the societies which they do not enjoy at the present time.

In the Committee stage I will comment upon matters raised in relation to interest rate control, lending to local government authorities, and the purposes to which funding by means of the special finance clauses may be directed, but I understand amendments are to be proposed relative to those matters.

The member for Balga acknowledged there was a need for societies to be profitable. Without a degree of profitability we would not have building societies because depositors would direct their savings to the most profitable form of investment. If we deprive depositors of a reasonable return on their savings with building societies, we will cause funds to be directed away from building societies, thus inhibiting their ability to provide home-loan finance. It could not be said that the funds directed away from building

societies would go into savings banks or other institutions which would in turn provide home-loan finance. On the history of lending, that does not happen. We would immediately deny to a number of people home loans which would otherwise be available. Let us not talk about the value at the moment.

I was pleased the honourable member acknowledged the need for profitability, although he questioned the manner in which at times that profitability is achieved. The way societies manage their internal affairs is of interest to the Government. For that reason the legislation gives the Government, through the Minister or the registrar, the power to approve certain things, one of which is loans over \$100 000 in certain circumstances. We see nothing wrong with that.

I will comment on other aspects of the Bill when they are introduced in the Committee stage. I now commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Reference to Select Committee*

MR B. T. BURKE (Balga) [6.08 p.m.]: I move—

That this Bill be referred to a Select Committee.

The SPEAKER: You can speak to the motion now. You have 20 minutes.

Mr B. T. BURKE: For a number of reasons the Opposition believes it is time to have a much more comprehensive look at legislation in this area. In his reply to the second reading debate the Minister said it was not the purpose of the legislation to do anything about the people who are suffering hardship as a result of escalating interest rates.

Mr P. V. Jones: I did not say that at all. I said it did not fall within the province of this Bill, and it is not meant to. I did not say we were not going to do something about it.

Mr B. T. BURKE: The Minister said it was not the proper province of this legislation.

Mr P. V. Jones: Do you disagree with that?

Mr B. T. BURKE: Yes. I am about to do so. The Minister said it was not the proper province of this Bill to consider and take action in relation to the hardship being experienced by people who are confronted with escalating interest rates. The Opposition believes very strongly that this situation of hardship is inherent in the organisation of permanent building societies in this State. Without any direct and very extensive forms of control being open to a Government which must make policies in the public interest, building societies do not react at all to those things which Governments believe should be done. Because of this, we do not believe the

Minister is correct in saying this legislation should not concern itself with the hardship of those people.

We believe one of the primary concerns of any piece of legislation is the social effects of operations beneath that legislation. We believe, too, that the Minister's argument with respect to the continuity of funds available to building societies needs much closer consideration. The Opposition believes a ratio must be established between the funds available for home lending from fixed deposits and from deposits not on a fixed term basis. This legislation does not take account of that requirement, as the Opposition sees it, and we believe it is an area which should be given a significant amount of further consideration and study.

We believe also that the permission given to societies under this legislation for the transfer of mortgages falls short of what is required. If the matter is too complex, and if this State's money market is organised on a scale which is too small to support its own mortgage bank, we believe the Select Committee proposed by the Opposition should have the opportunity to study, investigate, and inquire further into the possibilities of putting the operation of transfer of mortgages onto a more sensible and sound basis.

In addition, we believe the question of last resort guarantees to societies must be investigated very fully. We believe with these last resort guarantees the wasteful duplication of advertising activity by societies, for example, should be greatly curtailed. We believe the situation which has resulted from societies always fearing a situation in which they are caught short is costing this State a great deal of money, and the advertising budgets which run into hundreds of thousands of dollars serve only to divert a borrower from one society to another society. They also, of course, force into direct advertising competition banks which are being challenged so seriously that they are now spending hundreds of thousands of dollars each year on advertising.

Building societies are afraid of being caught short. This fear can be allayed, and the Opposition believes a Select Committee of this House should have the opportunity to investigate the way in which this can best be done.

Touching once again on the need for a ratio between fixed deposits and deposits which are held for no-fixed-term, it is patently obvious to the Opposition that the desirable stability of building societies, in their lending programmes, and the building industry, in its activities which largely result from the lending programmes followed by building societies—

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr B. T. BURKE: Prior to the tea suspension I was talking of the instability of the lending programmes of building

societies and the resulting instability within the building industry that carries on its activity as the end result of the lending programmes of the societies.

It seems to me there are two ways in which this instability can best be counteracted: the first is by allowing the societies more profitable avenues of investment for their reserves while retaining their co-operative recognition or Statute. That is not possible in this Parliament; but what is possible in this Parliament is to ensure the building societies lend as a result of the money obtained from two sources—sources that are at call and sources that have a specific term.

The more funds that societies have available as term deposits, or as fixed deposits, or as shares, the greater will be the ability of the societies to predict an uncertain future.

We believe very strongly that by increasing the ratio of fixed deposits from which the societies make loans this Parliament can ensure to a much greater degree that the instability of lending programmes is curtailed and that the instability of the building industry that results from these programmes is also curtailed to some extent.

It matters little in our opinion that shares, or deposits, or fixed term accounts, or call moneys, rank unequally in times of liquidation. We believe strongly it should be the aim of this legislation to ensure that no building society is in danger of financial ruin, and that we should not be concerning ourselves with the question of which form of deposit should rank highest when it comes to the point of liquidation.

So it is in all seriousness that the Opposition moves to refer this Bill to a Select Committee on the following grounds—

- (1) To determine just how we are going to instil into this legislation regulations that will assist in counteracting, controlling, or influencing the interest rates which are causing so much misery in our community;
- (2) because we believe the building societies are in desperate need of a more sophisticated and better organised mortgage market than the one proposed in this measure; and
- (3) we believe that it is time the Government seriously and in a genuine fashion decided, discussed, and inquired into the need for last-resort facilities to prevent once and for all the danger of any society going to the wall.

All those matters require investigation and a great deal of study. The Opposition believes that any member of this Chamber appointed to such a Select Committee

and charged with that responsibility would certainly benefit and that his benefit would endure to the community as a whole and most certainly to the constituents he represents in this place. I commend the motion to the House.

**MR A. R. TONKIN (Morley)** [7.33 p.m.]: I second the motion, and in doing so I believe it is most important that this Parliament ceases to be the rubber stamp it has become by accepting legislation blindly.

We have a situation where most members of the Government, for example, will not speak to a measure, and possibly do not know even what the measure is all about. This is a very involved area. It includes the relationship in the money market with other financial institutions and to say we should listen to the Minister's speech, make some inquiries of our own, and then come to a full conclusion without a proper inquiry is absurd and does us no credit in an area that is exceedingly complex.

There is no question that members of this House appointed to such a Select Committee would become far more familiar with the workings of our financial system and, if that were to happen, we would really arrive at the situation where this Parliament would begin to legislate rather than merely accept what the Government has given to it.

The member for Balga has raised some very important points. With characteristic modesty he has not tried to give the answers to those points; he has suggested that what is needed is further study. It is impossible for us, sitting here as a Committee of the whole House—all 51 of us—without being able to hear expert evidence, to come to any proper conclusion.

This must be about the last Parliament on earth without a proper committee system and, while we do not have these standing committees, I believe we have to inform ourselves as best we may.

It is not possible, really, for this House to act as a committee; to hear evidence from people called to the Bar of the House, even though there is provision for such action in our Standing Orders. But if we were to say that we are going to have a thorough look at this very complex area—we are going to understand fully the ramifications and especially the relationship of this money market with the rest of the money markets—and the ways in which the building societies have attempted to ameliorate the conditions under which people borrow money from financial institutions we would in that case be discharging our responsibility fully.

If it is maintained there is no need for Parliament to have this knowledge, that all wisdom resides in the Government, then I suggest we should shut up this place and go home.

**MR P. V. JONES** (Narrogin—Minister for Housing) [7.36 p.m.]: The Bill we are debating tonight was made public on the 18th May. The motion we are now being asked to debate requires this matter to be referred to a Select Committee.

The Bill has been in the public domain for some three months. The building society industry has been under examination since 1972—first by the previous Government, then by the present Government, and also by the industry itself.

**Mr A. R. Tonkin:** Not by Parliament though.

**Mr P. V. JONES:** In referring to this legislation I might point out that today is the first indication I have had of any move by the Opposition to refer the matter to a Select Committee.

**Mr Watt:** Shame!

**Mr P. V. JONES:** Although the legislation has been in the public domain since the 18th May, today we have some 29 amendments which, I presume, are going to be moved, which are not even on the notice paper, and which I knew about at midday today.

What sort of an argument is that by an Opposition which now seeks to refer this legislation to a Select Committee—at the very time we are debating it in Parliament—so that more information may be provided? I might add that no notice of the proposition was even given.

It has been suggested by the member for Morley that there should be further examination because it is a complicated matter. I agree there ought to be more examination and I will give one point.

In moving that the legislation be referred to a Select Committee the member for Balga mentioned the question of interest rates. I have no doubt he will have more to say on that when the relevant amendment of which I have received notice is discussed. To show how little the honourable member understands the legislation, he made the statement that the building societies ought to be allowed to move freely so that they may be able to attract money in order to lend money.

**Mr B. T. Burke:** I never said that at all; I said they should be allowed to invest in other than securities while preserving their stature.

**Mr P. V. JONES:** For what purpose?

**Mr B. T. Burke:** To ensure they can lend money when in the public interest it is proper to do so.

**Mr P. V. JONES:** The honourable member also said because they need a degree of profitability.

**Mr B. T. Burke:** Not with regard to that, with regard to their investments.

**Mr P. V. JONES:** The honourable member has suggested we control every facet of the entire financial structure which enables them to lend freely.

**Mr B. T. Burke:** You do not understand your own legislation.

**Mr P. V. JONES:** To control this is to castrate the whole purpose of building societies.

We reject the very concept of the Bill being referred to a Select Committee.

**MR JAMIESON** (Welshpool—Leader of the Opposition) [7.42 p.m.]: I support the member for Balga's proposal to refer this matter to a Select Committee, because I feel we are dealing with the lives of a number of people when we deal with building society finance. It might be true, as the Minister said, that the Bill has been on the file since the 18th May, but that has very little to do with the question of referring it to a Select Committee.

If the members of this Chamber desire legislation to be referred to a Select Committee the right and proper place to do so under the Standing Orders is at the present juncture. The member for Balga made quite an issue of the various features he thought should be examined further.

I have no doubt that there are in the community people who could give evidence of practical experiences to show why there should be some further changes or revisions; experiences to which the Minister and his department have not been able to give consideration. There is no reason at all why this matter should not be inquired into. There is no particular hurry for the Bill to be passed this week or the next. If a Select Committee were appointed to inquire into the matter everybody would be satisfied.

A year or so ago we had the question of interest rates causing quite a furore when certain groups were formed and a number of meetings held. If this organisation—which is still fairly active—were able to put its case before a Select Committee, the advice of the Select Committee back to Parliament would be surely as near to the ultimate as we could get in respect of what is desired to control this aspect.

We have a complicated system of finance in our community, a great deal of which is tied up in the building society industry. I do not think we should treat the matter lightly and we should not be concerned about further delay.

The Minister complains that he had not been given the amendments, and many of the other features may have been motivated by the fact that I knew at an early stage that the member concerned intended to move for the appointment of a Select Committee. He informed me but I do not think he needed to inform the Minister of this fact, and naturally it was necessary for him to prepare his other amendments in case the move he proposed was not successful.

I think it would be a sensible step at this stage, because the lives of so many people are involved. The one big issue

in most people's lives is the purchase of a home. They put the family wealth into it. Accordingly, when we finalise our deliberations surely we should have the best possible legislation to guide us and ensure of our best endeavours when protecting their interests. If we do not do this we will not be giving to the community the consideration we should. I support the proposal to refer the Bill to a Select Committee.

Question put and a division taken with the following result—

**Ayes—16**

Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr Carr	Mr May
Mr H. D. Evans	Mr McIver
Mr T. D. Evans	Mr Skidmore
Mr Fletcher	Mr A. R. Tonkin
Mr Harman	Mr J. T. Tonkin
Mr Hartrey	Mr Moiler

(Teller)

**Noes—22**

Mr Blaikie	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neill
Mr Crane	Mr Ridge
Mr Grayden	Mr Shalders
Mr Grewar	Mr Sodeman
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Thompson
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

**Pairs**

<b>Ayes</b>	<b>Noes</b>
Mr Barnett	Dr Dadour
Mr Bateman	Sir Charles Court
Mr Bryce	Mr Tubby
Mr Taylor	Mr Cowan
Mr Davies	Mr Sibson
Mr T. J. Burke	Mr Rushton

Question thus negatived.

**In Committee**

The Chairman of Committees (Mr Thompson) in the Chair; Mr P. V. Jones (Minister for Housing) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Interpretation—

Mr B. T. BURKE: I move an amendment—

Page 4, after line 25—Insert the following new interpretation—

"rate of interest" means the amount of interest payable to a lender or by a borrower on the daily balance outstanding of the loan or deposit expressed as a percentage of that outstanding balance;

The intent of my amendment and its effect will not change in any way the manner in which interest is now calculated on deposits of money left with building societies on no-fixed-term.

However, it will bring about a decided change in the manner in which societies calculate the interest repayments due from borrowers who have financed their homes with building society funds. The present method of calculating interest on

loans incorporates the highest balance within a quarter over the full period of a quarter, and capitalised quarterly, with the added penalty that a further interest figure is calculated and charged on any amount greater than the agreed repayment.

Without considering the penalty for repayment, there would be a significant reduction in the interest rate quoted to borrowers if societies calculated that rate on the same basis as they calculate the rate on which they return interest payments to those investors who deposit funds with their particular society.

There seems to the Opposition to be no good reason that borrowers should not be treated in the same manner as investors are treated by the societies. If it is good enough for the societies to calculate the rate of interest on no-fixed-term deposits in a certain manner, the Opposition believes very strongly that the same method of calculation should be used for determining the rate of interest to be paid by borrowers. After all, that was the essential nature of the co-operatives when they first came into existence, and when those co-operatives gave rise to our permanent building societies.

I would be interested to hear from the Minister his reasons for disagreeing with this proposed insertion, if that is his intent.

Mr P. V. JONES: The member for Balga has indicated everything except one vital point; namely, that the amendment he has moved is allied with further amendments which he has indicated relate to interest rates, and which effectively would control the rate of interest charged by building societies. Although we are talking now only in regard to the interpretations clause, it represents in fact part of the whole question of interest rates, their control and determination.

I indicate at this stage our total opposition to interfering with the building societies in the determination and method of calculation of interest rates. I have already indicated the Government will oppose such amendments and any measure which seeks to take away from the societies the free flow, and the societies' ability to react to the forces of the financial market.

Mr B. T. BURKE: Just to make it perfectly clear, the Minister has told this Chamber that he does not care what interest rates building societies charge their clients; let everybody understand very clearly—

Mr P. V. Jones: I did not say that.

Mr B. T. BURKE: —that this Minister has said he will ignore the existence—if this amendment is carried—of the power he has to stipulate that interest rates shall be calculated in a certain manner, and that those interest rates shall attain a certain figure.

Mr Laurance: At what rate do you want to set them?

Mr B. T. BURKE: Little Sir Echo from the Gascoyne fails to grasp that this is an interpretation of the term "rate of interest" and that all I am asking the Minister to do is to agree with me that borrowers should be treated in the same way as investors. It seems unfair to make fish of one and flesh of the other. If the building societies calculate an investor's return according to a certain formula, it should calculate the burden to be imposed on the person who borrows as a result of that investment in the same manner.

My amendment does not seek to control interest rates and to tie them to a certain, absolute level. The Minister has trailed a red herring across the Chamber by referring to further amendments and ignoring the fact that the essential feature of my amendment is to ensure the equitable treatment of all people, whether they be investors or borrowers.

Mr P. V. Jones: You are not suggesting this amendment is not allied with the other amendments?

Mr B. T. BURKE: I am not suggesting anything; all I am saying is that the new interpretation will result in a similar method of calculation being used in respect of both borrowers and investors. The Minister has not advanced one good reason for treating these two types of people differently.

Amendment put and negatived.

Clause put and passed.

Clauses 6 to 10 put and passed.

Clause 11: Building Societies Advisory Committee—

Mr B. T. BURKE: I move an amendment—

Page 9, lines 22 to 26—Delete all words after the word "experience" down to and including the word "purposes".

Quite simply, this amendment has been moved to explore the Minister's reasons for limiting the ambit of the choice available under this particular prohibition. It seems to the Opposition that, should the clause be carried in its existing form, almost everybody, apart from a stockbroker or a bookmaker will be prevented from participating on the advisory committee. Quite simply, we should like the Minister to explain exactly who he has in mind to appoint under this legislation.

Mr P. V. Jones: I have no-one in mind; it would be quite improper for the Government to start appointing people before the legislation passed through Parliament.

Mr B. T. Burke: Do you intend to appoint academics? You have excluded accountants, bankers—in fact, almost everybody.

Mr P. V. Jones: We have not. However, we have excluded a person who is an employee or an officer of, for example, a trading bank, which is a financial house operating in direct competition with permanent building societies.

Mr B. T. Burke: Or an accountant with a trust fund.

Mr P. V. Jones: The member for Balga said that—I did not. The point the Government is trying to make is that we should not appoint to the advisory committee—bearing in mind the functions of the committee, and what it is now going to do as distinct from what it had to do in the past—a person who in fact is in direct competition with the body which he is seeking to advise. That is hardly in keeping with what the Government is trying to do. We deliberately deleted that.

With three persons from the building societies on the advisory committee, we are still providing an opportunity for a person who has extensive financial knowledge to be a member of it. The member for Balga has suggested an academic might be appointed. Certainly he could be if he were available. There are merchant bankers and many other people engaged in finance and commerce who would be able to make a broad and general contribution to the functions of the advisory committee; and this will not open the gate to the full width to permit of competition.

The member for Balga referred to accountants of trust funds. If they operate trust funds how would they be lending these moneys on home loans?

Mr B. T. Burke: They might well be advancing money on mortgages.

Mr P. V. Jones: If they are acting in competition they will not be eligible for appointment.

Amendment put and negatived.

Mr B. T. BURKE: I move an amendment—

Page 9—Add after paragraph (c) the following new paragraph to stand as paragraph (d)—

(d) One shall be a representative elected by a housing consumers organisation or an organisation which is an aggregate of organisations which concern themselves with protecting the interests of mortgagors or prospective mortgagors.

It is a straightforward amendment, and it aims to include among the members of the advisory committee some true consumer representation. It is conceded by the Opposition that among the members of the advisory committee is the Commissioner for Consumer Affairs. At the same time we believe this committee would benefit by the addition of some grass roots representation in the form of a consumer organisation representative—one who is

truly in tune with the needs of consumers in the mortgagor area and is able to reflect those needs in the deliberations and discussions of the advisory committee.

Mr P. V. JONES: Any suggestion that indicates there is a need for "true" consumer representation implies that the Commissioner for Consumer Affairs does not provide such representation. I know the member for Balga put forward the qualification that someone with grass roots participation in consumer affairs should be included. The key to this provision is protection. It is the contention of the Government that the Commissioner for Consumer Affairs, together with the advisory committee, provides more than adequate protection for mortgagors and home-loan borrowers. There is no need to add a further person to the advisory committee.

Mr B. T. BURKE: The Opposition is not satisfied with the lack of explanation provided by the Minister. He says that in his opinion there is no need to include on the advisory committee a representative of the consumers, apart from the Commissioner for Consumer Affairs. He does not advance a single reason to indicate why such a consumer representative as suggested by the Opposition should not be included.

We know it is a fairly futile task to propose amendments. We certainly do not move amendments for the sake of exercising our vocal chords. In this case we believe firmly that the advisory committee will benefit from the participation of someone who can explain the areas in which mortgagors are suffering under the present practices, or are likely to suffer under planned proposed practices. The Minister's dismissal of the amendment is simply not good enough. The Opposition wants to go on record as saying that once again this Government is ensuring that consumer protection is relegated to a back seat.

Amendment put and negatived.

Clause put and passed.

Clause 12: Functions of the Advisory Committee—

Mr B. T. BURKE: I move an amendment—

Page 10—Add after paragraph (e) the following new paragraphs to stand as paragraphs (f) and (g)—

(f) to regulate and determine the maximum amount of interest and any other charges and/or fees which shall be payable by mortgagors.

In determining interest rates and any other charges and/or fees, the Advisory Committee shall have regard to—

(i) the supply of loanable funds and demand for mortgage advances;

(ii) the general interest rates prevailing in the money market;

(iii) the general level of interest rates applicable to building societies operating in other States of Australia;

(iv) the likely effects of any proposed interest rate variations; and

(v) the economics of building society management; and

(g) determine the amount of liquid funds—as described in Clause 40 of this Act—that a society shall hold from time to time.

That amendment gives the lie to the prattling of the Minister about Select Committees, when they should be sought, and why interest rates should not be controlled.

Proposed paragraph (f) contains one of the recommendations of the Brotherson report which was brought down some years ago; this was a unanimous report, and representatives of the permanent building societies participated in it.

The Minister is talking about control of interest rates as though the Opposition is seeking to say to building societies, "You shall set your interest rates at such a level. We do not want to hear any argument about the level set. This is being done according to our dictum, and nothing else."

The amendment will ensure that the advisory committee, which is very heavily weighted with representatives of the building societies, has the final say with respect to interest rates, and the final say only after taking into account the five factors which the Brotherson report says are paramount in deciding interest rates. This is not an unreasonable proposition, and is not the rigid sort of control that has contributed greatly to the troubles experienced by the Queensland building societies. It is an attempt to frame an overall supervisory attitude towards interest rates, and to ensure that that attitude be determined according to factors which are considered to be important.

Proposed paragraph (g) deals with liquidity. It will enable the advisory committee to determine the amount of liquid funds, as defined in a later clause, which a building society shall hold from time to time. It is a plain statement of fact that the Opposition believes this is a better way of organising adequate liquid reserves. To imply that the advisory committee, as constituted, does not have the competence to determine properly the liquid assets that should be held from time to time is to

damn the advisory committee to the extent that it should not find a place in this legislation at all.

Mr P. V. JONES: We have talked about the control of interest rates in a general sense. I shall now indicate some more pertinent points about this matter, and first of all I refer to the Brotherson report. What has not been indicated by the member for Balga is the exact terminology in the Brotherson report. It is stated at page 4 of the report that the committee recommended that the "proposed commission be empowered to control interest rates as in section 5.01 of the report, allowing a flexible system which permitted change to be made quickly when circumstances required it". We should bear in mind that report was made in August, 1972.

Today the situation is somewhat different, even allowing for the fact that the Brotherson report did refer to interest rates being influenced by means of legislation. How have the circumstances changed? To illustrate this I shall refer to the *Syntec of Business Review* of the 2nd August of this year to indicate the interest rates prevailing in the various States.

In Victoria the rate to depositors was 9.5 per cent, and the mortgage rate was 11 to 14 per cent. In New South Wales the rate to depositors was 9 per cent, and the mortgage rate was 10.5 to 12 per cent. In Queensland the rate to depositors was 9 per cent, and the mortgage rate was 11.75 per cent. We must bear in mind that in Queensland both the upper and the lower levels are determined by the Government, and the statutory rate applies to both borrowing and lending.

I should point out that in New South Wales the borrowing rates are also controlled by the Government; yet on the 2nd August the Government-controlled rate was 12 per cent. In South Australia the borrowing rate was 10.5 to 11.5 per cent, and the rate payable to depositors was 8.5 per cent. In Tasmania the rate was 9 per cent to depositors, and 10.5 to 11 per cent to borrowers. In Western Australia the rate to depositors was 9 per cent, and the mortgage rate started at 11 per cent.

The point I make is that in States where there is statutory control of interest rates, the powers that be have found themselves in the position of forcing the level on the borrowers—the people for whom the member for Balga is trying to bring down interest rates. They have found that they are unable to attract the necessary funds to enable them to lend, without increasing the percentage payable to the depositors. In a State like New South Wales the lending rate on mortgages is 12 per cent, and in Victoria it is up to 14 per cent.

Referring to the basic principle of whether or not we allow building societies to ebb and flow on the financial market,

the whole success of the permanent building society movement in meeting the demands of the home-loan market is due mainly to its freedom in being able to respond to fluctuations in the market.

Queensland has suffered under statutory restrictions, and that nearly brought their industry to rack and ruin. This brought about a complete restructuring of the building societies in that State, the amalgamation of five societies by the Government, and so on.

There is no known success story anywhere in the world where interest rates of co-operative building societies have been controlled in the manner referred to in the amendment and doing what the member for Balga seeks. If, in fact, he is seeking to ensure that home-loan interest rates are set at the lowest possible level, then we join him in his effort; but we do not join him when he says this will be achieved by the method he proposes.

As we indicated in the Press and earlier in this debate, if we influence the supply of money going into building societies we will be influencing what money goes out of the building societies; and thus we will defeat the whole purpose of their existence.

Competition between the building societies and their ability to go into the money market to attract funds at certain rates of interest, a little better than some of their competitors, has created a very healthy industry. It is certainly not an industry we want to move into and take away that competitive spirit by the type of statutory requirement now suggested.

The other point which has been raised relates to the inclusion of a new clause. The result of the proposed amendment would be to take away a power which the legislation vests in the Minister and give it to the advisory committee. I agree with the honourable member that the advisory committee is a very responsible body but we are not prepared to take the power away from the Minister. After all, he has the ultimate responsibility for this legislation and he should have the power to determine liquid assets. Needless to say, no Minister would act in isolation without having the advice of the advisory committee. However, we do not intend that the advisory committee should have the power of determination where liquid assets are concerned. That power quite rightly belongs to the Minister. We oppose the amendment.

Mr B. T. BURKE: The Minister has said that my attitude, and the attitude of the Opposition, is one of obtaining the lowest interest rate and he imputes to this amendment that desire. He dismisses the amendment because he says it is not practicable to interfere. That is not the nature of the amendment.

The amendment sets out the manner in which interest rates will be arrived at. At present interest rates are arrived at

by the societies acting either independently or in collusion. The amendment does not presuppose any interest rate whatsoever. It simply sets out that the interest rate shall be arrived at by the committee after referring to five factors. It does not say that the committee shall arrive at a rate higher or lower than that applying. The Minister talked about interfering with the interest rate.

Mr P. V. Jones: Do you not think your amendment will control the interest rate?

Mr B. T. BURKE: No. It certainly sets out that the interest rate shall be at a certain level, but it does not state what that level shall be. The method of calculating the level of interest will be that set down by the advisory committee. We are saying that instead of the individual building societies calculating their own interest rates, either independently or in collusion with other building societies, there should be a method of arriving at an interest rate which is appropriate to the industry.

Mr P. V. Jones: I agree you are setting out how it will be done. However, you are also setting out that the advisory committee will determine the interest rate.

Mr B. T. BURKE: To that extent, I suppose it is, but it is not interest rate control as imposed by other States.

Mr P. V. Jones: It would still be determined by the Government through the advisory committee.

Mr B. T. BURKE: Through the advisory committee, which consists of members of the building societies. It is a very competent way to do it, and the building societies take the factors included in my amendment into account now.

The Opposition is not opting for rigid control of interest rates. Rather, it is opting for the determination of interest rates by a committee which acts in the knowledge of certain features of the economy and of the operations of building societies.

Amendment put and negatived.

Clause put and passed.

Clauses 13 to 15 put and passed.

Clause 16: Receipt to operate as conveyance—

Mr B. T. BURKE: In speaking to the debate on the move to refer this Bill to a Select Committee the Minister more or less suggested the Opposition should have moved to refer the Bill to a Select Committee during June—when Parliament was in recess. This clause illustrates quite clearly that a Select Committee would probably have been appropriate to consider and report on this legislation. The Minister also said that the Opposition has had this measure for some time, but the Opposition does not have anywhere near the resources which the Minister has.

I am the first to admit that this clause took me a considerable time to fathom. I move an amendment—

Page 15—Delete subclause (1).

It appears to me, and I will stand corrected if I am wrong, that this is an attempt to avoid the provisions of the Transfer of Land Act. The Minister may be able to explain that that is not the intention of the subclause.

Mr P. V. JONES: This clause has been included on the advice of the Commissioner of Titles. It needs to be retained for the completely opposite reason to that fathomed by the member for Balga.

There are still properties registered under the old Land Act which are likely to be sold and be subject to a mortgage. I am advised that some of the older properties are situated at Kalgoorlie, in various rural areas of the State, and in some of the older suburbs of Perth and at Fremantle.

The Commissioner of Titles has said it is necessary to retain this provision, which is part of the original Act, to make those old properties subject to mortgage if an application is made in the future.

Amendment put and negatived.

Clause put and passed.

Clause 17 put and passed.

Clause 18: Effect of rules—

Mr B. T. BURKE: It is my intention to oppose this clause which reads—

The rules of a society shall bind the society and all members thereof and all persons claiming under them.

There is no good reason for the inclusion of this clause. It is absurd to impose such a condition on people who, as members of a society, are bound to obey the rules of the society.

Mr P. V. JONES: This type of provision is included in building society legislation throughout Australia, in the United Kingdom, and everywhere else. It is an essential clause in order that there is a recognition of an existence of a contract between the society and its members. It is a legal requirement to acknowledge the existence of a contract between a society and its members.

Clause put and passed.

Clause 19 put and passed.

Clause 20: Alteration of rules—

Mr B. T. BURKE: I move an amendment—

Page 16, line 27—Insert after the word "until" the words "one calendar month after".

A sparsely attended special meeting could propose and pass an amendment which would be of considerable disadvantage to other members of the society. It seems to be sensible to allow a certain period of time during which the decision of such

a meeting could be considered by the society—in other words, a cooling-off period.

Mr P. V. JONES: I gave some thought to this matter when the Bill was drafted and discussed. It was decided there was no valid reason for delaying the implementation of a decision for a period of a month. A decision taken at a meeting requires the approval of three-quarters of those present. I do acknowledge that not many might attend a meeting, but that is hardly the responsibility of the Government.

Mr B. T. Burke: The Government often involves itself in protecting people who are too lazy to protect themselves!

Mr P. V. JONES: If a change were made to correct an error, or to implement lower interest rates—

Mr B. T. Burke: Or to raise the interest rates!

Mr P. V. JONES: I am not denying that. Any alteration to interest rates should not be delayed for a period of one month.

Amendment put and negatived.

Clause put and passed.

Clauses 21 to 30 put and passed.

Clause 31: Loans—

Mr B. T. BURKE: I move an amendment—

Page 25, line 26—Insert after the word "freehold" the word "residential".

I am not sure whether it was the intention of the Minister that this legislation should provide building societies with an opportunity to participate in commercial enterprises, business enterprises, or other sorts of development. It is the belief of the Opposition that if a society is to advance money over freehold or leasehold land, that land should be residential land.

We say that because we believe it is the prime function of the building societies to facilitate the building of houses. By including the word "residential" we are qualifying the sort of uses to which the funds of investors—which the Minister has already said are critical to the housing industry—can be put.

Mr P. V. JONES: This and the subsequent amendment relating to the addition of the word "residential" would have the effect of inhibiting some of the provisions under which we are allowing societies now to make special advances. I have indicated already that we have an interest in land development schemes, and the land involved will be mostly for houses. The schemes must be approved town planning schemes. However, such a development could be for industrial land, factory sites, and so on. Therefore, we would not like to include this prohibitive word.

I would like to indicate another reason for our opposition to this amendment and that is our proposal to allow building societies to advance funds to the Rural Housing Authority. I outlined this when the

legislation was passed through the Parliament. The proposed amendment would prohibit the societies from advancing money to the Rural Housing Authority because the land on which a farm is built could not be described as residential land.

Very few special advances would be made outside residential land, but some advances from building societies have been utilised in other than residential areas. As the member indicated quite properly early in the debate, at times it has been difficult for societies to utilise adequately the funds available. We have no intention of allowing any restraint other than the restraint already incorporated in other parts of the legislation. I have referred already to the fact that approval must be sought from the Minister in the case of an advance of over \$100 000. Considering all the amendments together, we believe they would incorporate an inhibiting factor which would not be in the best interests of the societies.

Mr B. T. BURKE: The point the Minister makes in relation to rural housing is quite valid and the Opposition would have no objection to further amending the amendment—as the now Minister for Works first did in this place some time ago. However, we take strong exception to the proposition advanced by the Minister which would seem to open the way for wholesale investment by building societies in commercial land development and in industrial and other semi-business land uses. It is something to which we object very strongly because it is completely foreign to the fundamental philosophy behind the foundation of the societies, and foreign to the fundamental philosophy as expressed by the Minister when he explained the importance of the societies in the provision of housing for Western Australians.

It seems patently clear to us that if this high risk aspect of investment—that is, the development of land—is to be undertaken, it probably will not become as prevalent as we fear, but at the same time, if it is to come into existence at all, it should be specifically for the development of residential lots. The Minister himself has said it is unlikely there will be any large-scale investment in such sites. That may be the case—but it may not be the case—later. The Opposition says we should safeguard against building societies diverting large portions of their funds to this use.

Mr P. V. JONES: I would like to comment on the last remark of the honourable member. Perhaps he has not quite accepted the fact that clause 43 requires that any advance, even for commercial land, must be subject to the Town Planning and Development Act. So there could not be wholesale investment in commercial land development. These could not be the types of investment in land such as occurred in Queensland.

Mr B. T. Burke: It can be in an industrial subdivision, can't it?

Mr P. V. JONES: Yes, but an advance of \$100 000 cannot be made without reference to the Minister, and it must be subject to a town planning development scheme. To take the words of the honourable member, we could not have wholesale investment without any form of monitoring.

Mr B. T. Burke: In my electorate alone there was one industrial subdivision under a town planning scheme and it would have cost hundreds of thousands of dollars.

Mr P. V. JONES: Yes, but for an advance of over \$100 000, it must be referred to the Minister. That is a check.

Mr B. T. Burke: Sure, but that does not rule out what the Opposition wants ruled out; that is, any advance to that sort of scheme. If the Minister wants to approve it, good, but we say he should not have the right.

Mr P. V. JONES: I omitted to make one further point about the utilisation of these funds in town planning schemes for residential purposes. I am certain that the honourable member will agree with me when I say that in securing the usage of these funds for residential purposes and land development for residential purposes, it should provide additional funds at probably 4 or 5 per cent less than the rate at which land development funds are available at the present time. If we accept the fact that residential land funding is available to developers now from hire-purchase companies, finance houses, etc., at interest rates of 15 or 16 per cent, we must see there will be a commendable saving which will be passed on to home buyers if this money is available from building societies at 10 or 11 per cent. That is one of the main reasons for the incorporation of the provision in the legislation. The main avenue for the lending of this money will be to provide finance for land development schemes where the end result will be a home loan to a purchaser who has a house built for him on land developed with building society funds. This is only forward lending and, hopefully, it will provide funds at low interest rates.

Mr B. T. Burke: You can lend them Treasury funds at 6½ per cent and that will pass on to home buyers cheaper land as well.

Amendment put and negatived.

Clause put and passed.

Clauses 32 and 33 put and passed.

Clause 34: Meaning of "special advance"—

Mr B. T. BURKE: At the end of the Minister's speech to the last amendment I suggested to him that he could advance Treasury funds to land developers at 6½ per cent and that this benefit could be passed on to home buyers in the form of cheaper land. That was a facetious remark, but it does illustrate a situation, and

that is that certain avenues are open to the Government to provide cheap land for home buyers. However, of course the Government does not choose to allow certain avenues to be used. For example, it would not advance such Treasury funds to land developers, and that sort of choice is what this clause is all about.

I move an amendment—

Page 27, lines 29 to 35—Delete paragraph (a).

Mr Rushton: Money for land development is now being made available more cheaply than under the previous Prime Minister, so that just shows how wrong you are.

Mr McIver: Poor old Gough—even Mrs Fraser is attacking him now.

Mr B. T. BURKE: I am not sure what the Minister for Urban Development and Town Planning means.

Mr Harman: You can get a block of land more cheaply in Adelaide than you can here.

Mr Bertram: Don Dunstan has made land available fairly cheaply over there.

The CHAIRMAN: I think the member for Balga should be permitted to make his speech; we are making reasonable progress.

Mr B. T. BURKE: The member for Balga is renowned for his co-operation—he would hate to cease to be co-operative.

The CHAIRMAN: Indeed.

Mr B. T. BURKE: Thank you, Mr Chairman. I was making the point that if the Government wishes, it can advance money free of interest to land developers—that is one extreme. If a Government considers that the cheapest possible land should be made available it can follow that course.

We are saying in essence that corporations have access to funds through the Stock Exchange, and private companies are normally or usually probate or taxation dodges of some sort. For that reason we do not think it is appropriate to extend the savings of building societies' depositors to corporations and private companies. That is what our amendment is all about. We believe that if the Government wishes to make cheap land available, it should do so without attempting to make it available through the use of the funds of building societies' depositors. I suppose it is a divergence of philosophy as much as anything else. If we like, we can allow building societies to invest on the stock market or to buy racehorses—they might buy a good one if they see the Minister for Police. However, as far as the Opposition is concerned, we have reached the cut-off stage and we say that building societies' funds should not be used for that purpose.

Mr P. V. JONES: If special advances can be made only to people in the singular sense and not in the corporate sense, it

would restrict land development, for example, to individuals. This would mean societies could not advance to corporate bodies for land development purposes.

Mr B. T. BURKE: No, I am thinking of the man who has five acres and wants to develop it.

Mr P. V. JONES: There is nothing to say such a person could not obtain funds now.

Mr B. T. BURKE: Sure, and it is that type of person to whom the Opposition envisages advancing the money. We do not think this money should be advanced to a corporation to develop hundreds of acres.

Mr P. V. JONES: The amendment would mean that societies could lend all their special advances, with the approval of the Minister, to corporate bodies.

Mr B. T. BURKE: No.

Mr P. V. JONES: I think the honourable member should look at what he is doing.

Mr B. T. BURKE: We are endeavouring to delete all the words after the word "person" in the first line.

The CHAIRMAN: No, we are dealing with the deletion of paragraph (a).

Mr P. V. JONES: The honourable member does not know what we are on! I will just indicate that we would not support anything which would deny building societies the right to make advances under the special advances provision. I quoted the example of land development to show that if this amendment were passed money could be advanced only to persons in the singular sense and not in the corporate sense. This would deny assistance to the companies which undertake nearly all the land development.

Amendment put and negatived.

Clause put and passed.

Clause 35: Limitation on special advances—

Mr B. T. BURKE: I move an amendment—

Page 30—Delete subclause (4).

This amendment is obviously a restriction of the amount of money that may be diverted to special advances. If there are to be special advances to corporations and companies or anyone else, we would like to see them restricted as much as possible.

Mr P. V. JONES: We agree with the need to establish a limit in respect of subclauses (4) and (5). We consider the limit we have established to be quite acceptable. It is still within taxation requirements, and we have no desire further to inhibit the societies in respect of these special advances.

Amendment put and negatived.

Clause put and passed.

Clause 36 put and passed.

Clause 37: Restrictions on lending on vacant land—

Mr B. T. BURKE: I move an amendment—

Page 31, lines 16 to 18—Delete all words after the word "sum" down to and including the word "sum".

If there are to be special advances, I think the Minister should approve each and every one of them. This will not mean a back-breaking burden of work, and I think the Minister will agree that such advances deserve some special consideration in their supervision.

Mr P. V. JONES: We are not talking of special advances *per se*, but of special advances in respect of vacant land. In restricting advances over \$100 000 in this manner we are acknowledging the points made by the member are valid. However, we do not agree that control should apply to advances under \$100 000. When we talk about \$100 000 in respect of land development, we are talking of 20 or 25 blocks. We cannot see it is necessary for the Minister to approve of such advances. Already certain checks are required in other clauses.

Mr B. T. BURKE: We disagree.

Amendment put and negatived.

Clause put and passed.

Clauses 38 and 39 put and passed.

Clause 40: Liquidity—

Mr B. T. BURKE: I move an amendment—

Page 32, lines 16 and 17—Delete the words "than ten per cent or such other percentage as is prescribed" with a view to substituting the words "the percentage as prescribed by the Advisory Committee".

The fate of this amendment was foretold in the attitude of the Minister to the attempts of the Opposition to widen the powers of the advisory committee. However, I take this opportunity to query the Minister's statements about ministerial control over liquid reserves, and to ask him what authority this legislation will give him to require societies to hold, should he so desire, 25 per cent in liquid funds. The Minister said that to give the power to the advisory committee would be to take power from the Minister. We said it appeared appropriate to us to have an ability to float the liquidity requirement according to the times in which the requirement is made, because it seems to us that a requirement of 10 per cent at times when societies voluntarily retain 21 per cent is a fairly idle sort of protection. I would like the Minister to explain his statement further.

Mr P. V. JONES: We are trying to do that which the member has said we ought to do in respect of certain clauses; that is, provide protection. I cannot see how he can reconcile his arguments. On the one

hand he asks for protection, and on the other hand he says we should take away power from the Minister and give it to an advisory committee. I cannot conceive of the Minister acting in isolation without consultation with the committee. Clearly the Government has tried to provide some—although certainly not all—of the protection sought by the member for Balga. To provide all the protection he seeks would be to inhibit the ability of building societies to trade freely and to react to market forces.

Mr B. T. BURKE: I would like further explanation from the Minister. Does the Minister see danger in the situation I outlined earlier tonight wherein one of the major societies raises 93 per cent of its funds at call, and at the same time the Government maintains a liquidity requirement of something like 10 per cent? That seems to me to be a clear case of a dangerous situation, not only to that society but to the movement in general.

While it might be argued that the proper way to tackle that situation is to require a ratio between fixed deposits and deposits at call, it would be of interest to the Opposition to hear the Minister comment briefly on that situation.

I would like him also to comment on a situation that has persisted for some time; that is, the situation in which societies are voluntarily holding reserves far in excess of the minimum requirements set down by the Minister.

Mr P. V. JONES: Answering the second question first, we have already acknowledged that at times the societies have been unable to find adequate investments for their funds. We are now providing them with avenues of investment which will help the home-loan situation. The ability to forward lend for land development schemes is an avenue investment societies have not been able to use.

Mr B. T. BURKE: The reason that they hold in excess of 7.5 per cent of liquid funds is not that they cannot find a place to invest their money but because they are frightened of being caught short.

Mr P. V. JONES: It is also probably very good business practice on the part of societies to hold some of their investment capacity in this State at the moment, because the home building industry is moving just about to capacity at the moment, and home-loan finance might be short later in the financial year. So if they are doing something to even out these troughs and peaks, I suggest they are exercising sound financial judgment. Therefore, I cannot see it is a criticism of societies if they are holding over 7.5 per cent in those circumstances.

Mr B. T. BURKE: No; rather it is a criticism of the legislation if it says they should hold less than they themselves sensibly see fit to hold.

Mr P. V. JONES: If we propound that argument we are getting into the area of looking for more control.

Mr B. T. BURKE: It is the same control, but a higher figure.

Mr P. V. JONES: Yes, but it is still a greater degree of control, and it is taking away a certain flexibility they enjoy.

Mr B. T. BURKE: They do not enjoy it, because they do not choose to use it.

Mr P. V. JONES: But it is taking away the flexibility.

Mr B. T. BURKE: It has been demonstrated they do not need it.

Mr P. V. JONES: With regard to the other query, the basis of the no-fixed-term provision is similar to the private trading bank situation. To suggest it is dangerous is in fact not to recognise the situation that has prevailed with trading banks for some time. It is also to deny high volume. The member said one society has 93 per cent of its funds on no-fixed-term, and I see nothing wrong with that bearing in mind that some forms of co-operative business operations in the United Kingdom and the United States have 100 per cent of their funds on no-fixed-term.

The borrower can gain under the no-fixed-term situation. If interest rates fall funds can be reapplied at what happens to be the current interest rate. The member asked if I can see danger in this. The answer is "No".

Mr B. T. BURKE: I will attempt to explain to the Minister why he should see some danger in the situation. He drew a parallel that certainly cannot be drawn when he compared building societies with trading banks. There is no comparison between banking operations carried on under the umbrella of safety provided by Government regulations and the operation of non-guaranteed building societies. It is patently obvious that a major society that has 93 per cent of its funds at call when it is required to have 10 per cent as liquid assets is operating at a level approaching a danger level.

At the same time the Minister ventured into the area of stability but made no mention of the difficulties societies face in predicting the future. He spoke of their ability to fuel the loan market; but, of course, that is not really true when during the first two or three months of this year building societies were frequently receiving applications for three times the amount of finance they could supply. In any case, the Opposition considers the situation which was outlined a moment ago to be dangerous. For that reason, amongst others, we believe there should be a variation in liquidity requirements according to the times at which those requirements are made. The Opposition

would be quite happy to accept a minimum of 10 per cent which should be variable upwards if times necessitate variation.

Amendment put and negatived.

Clause put and passed.

Clause 41 put and passed.

Clause 42: Reserve account—

Mr B. T. BURKE: Clause 42 deals with the question of reserves and I have already said that the Opposition considers it desirable to establish a system of reserves. At the same time we do not agree with the level proposed by the Government. As a result, I move an amendment—

Page 34, line 32—Delete the word "one" with a view to substituting the word "two".

The requirement of the New South Wales Act is for a 2 per cent reserve fund. It may well be that the Minister will argue that societies which are not in this habit, through being required previously by legislation to retain large reserves, might find it difficult to maintain reserves at 2 per cent. But if the Minister is genuine in his efforts to safeguard investors and borrowers—I have no reason to believe he is anything but genuine—I think he will agree with me that it is desirable to set the level of reserves at 2 per cent. Perhaps the Minister has in mind that at some later date reserves could be gradually increased to this figure. I would be interested to know whether he sees the increase in the requirement from 1 per cent to 2 per cent as an added protection to the investors, the borrowers, and the societies.

Mr P. V. JONES: As the member for Balga has indicated, the requirement of reserves is a new provision and we have established them at 1 per cent. I do not know when the New South Wales legislation for 2 per cent came in in relation to such aspects as mortgage insurance, which is now available, and some other provisions. But we do not believe that anything above 1 per cent at this time is justified. I understand that when one determines 1 per cent with regard to building societies in this State at present it is a considerable sum of money. To make the figure 2 per cent would inhibit the societies to some degree and may very well lead to a need to increase margins.

Amendment put and negatived.

Clause put and passed.

Clauses 43 to 57 put and passed.

Clause 58: Age limit for directors—

Mr B. T. BURKE: The amendment to clause 58 is fairly straightforward. Instead of precluding those above the age of 72 years from participating as a director of a

society, we believe the age should be 65 years, which is the normal retiring age. I move an amendment—

Page 46, lines 1 and 2—Delete the word "seventy-two" with a view to substituting the word "sixty-five".

Mr HARTREY: I should like to say a word about that subject. I doubt very much whether the Opposition as a body is prepared to support the proposed amendment, but certainly I am not prepared to support it. I think it is stupid and insulting. I think the age of 72 is a little severe. There are a great many people over the age of 72 who are quite clear-headed and intelligent and are persons of integrity and ability. At all events, all I have to say is that I strongly object to the reduction to 65. It is an insult to any man of reasonable intelligence. If such a man is not of reasonable intelligence he will not be a director of a building society in any case.

Mr P. V. JONES: The Government entirely agrees with the member for Boulder-Dundas. To suggest the age of 65 should become the level for compulsory removal from assisting in conducting the affairs of building societies is to deny the contribution that many people are able to make.

Mr B. T. BURKE: Why did you pick 72?

Mr P. V. JONES: The question of availability is the only point.

Mr B. T. BURKE: It could be 75.

Mr P. V. JONES: The member for Boulder-Dundas covered the matter perfectly except for one point I should like to make. Prior to the age of 65, or any other age one wishes to pick, many people in the community do not have the time to accept office as directors of permanent building societies. When they reach the age when their daily occupation declines or they retire, they are still able to occupy positions as directors such as those we are seeking in this piece of legislation. We are not even denying that 72 is too old. All we are saying is that after the age of 72 a special resolution will be required. We are really indicating that the present provision allows directors to be elected for life. Without labouring the point, we entirely agree with the member for Boulder-Dundas.

Mr B. T. BURKE: The point we were trying to make was simply that if there is to be an upper limit we suggest that it be 65 after which year there should be a special resolution. I agree entirely that there are people of perhaps 80 or 85 who are perfectly equipped to fulfil the functions of a director of a building society. But the Minister has chosen to put in the age of 72 and I suggest that he is probably discriminating at 72 in the same way as I did at 65. If there is to be a limit we would prefer 65.

Mr Hartrey: You live to be 72 first, mate, and then talk.

Amendment put and negatived.

Mr B. T. BURKE: Will the Minister explain why the age of participation should be 21 and not 18? I move an amendment—

Page 46, line 2—Delete the word “twenty-one” with a view to substituting the word “eighteen”.

Mr P. V. JONES: The age of 18 may be considered an adequate age at which to vote. I support that principle, but we do not consider it to be an adequate age to be conducting the affairs of a building society and to be charged with the trusteeship of people's savings. It is as simple as that.

Mr B. T. BURKE: The Minister seems to think that at the age of 18 a person is entitled and able to conduct the affairs of the country by voting and by standing for election but should not participate in building society operations.

Mr P. V. Jones: I did not say that.

Mr B. T. BURKE: I do not think any greater responsibility can be given to a person than the right to vote. It seems to me to be passing strange that we are prepared to give him the right to vote but certainly not the right to participate as a director of a building society.

Mr Sodeman: How many 18-year-olds are there in Parliament? That is a true analogy.

Mr B. T. BURKE: I think the fact that 18-year-olds are allowed to vote for one candidate or another is a recognition that they are allowed to carry out the most responsible right that society can bestow upon them.

Mr Sodeman: They do not have an individual administrative role as in a building society.

Mr B. T. BURKE: The right to vote is a fundamental right. If we do not recognise that as a fundamental right members should not tell me that the right to do things under this Bill is any more important or fundamental. It is as simple as that. The legal age of consent is 18, except in regard to building societies. It is a fair dinkum joke.

Amendment put and negatived.

Clause put and passed.

Clauses 59 to 88 put and passed.

Clause 89: Certain insurance policies to be forwarded to members—

Mr B. T. BURKE: I move an amendment—

Page 74, line 6—Add after the word “policy” the following—

- (2) Any commission due or paid by the insurance company shall accrue to the borrower and not the society.

This matter has been the subject of public and private scrutiny on many previous occasions. It deals with the practice of building societies, prior to the recent court decision, tying their borrowers to certain insurance companies and deriving income from the insurance companies as a result of the policies that borrowers were forced to take out with those companies. The compulsory aspect of the practice will be discontinued because the recent case decided that proposition once and for all. At the same time I think we need to make it clear both to societies and borrowers that the right of choice as far as insurance is concerned rests with the borrower. For that reason the borrower should benefit from any commission that is forthcoming as a result of a decision to take out insurance with a certain company.

Mr P. V. JONES: We considered the question raised and were advised by the Crown Law Department that there is no requirement whatever—in view of the recent trade practices decision—in future for any benefits relative to this to be awarded to the borrower, and that the societies' previous insurance commission situation will not prevail.

Mr B. T. Burke: Would the Minister repeat that please?

Mr P. V. JONES: I am agreeing with the point the honourable member made.

Mr B. T. Burke: I do not follow you.

Mr P. V. JONES: Had the honourable member been following me he would have known that I repeated what he said, which is—

Mr B. T. Burke: Perhaps I just cannot believe it.

Mr P. V. JONES: —that the trade practices decision has made it unnecessary for us to include in our legislation a provision to protect the borrower and to enable him to receive the benefit of the policy commission.

Mr B. T. BURKE: I am not sure the Minister did repeat what I said. The amendment has nothing to do with forcing customers to choose certain insurance companies. It relates to the commission from the policy taken out. I will be completely reassured on the subject if the Minister can tell me that the commission will revert to the borrowers and not to the societies. Is that what the Minister said?

Mr P. V. Jones: I indicated exactly what you said, which is that the trade practices decision has determined the question of compulsory insurance.

Mr B. T. BURKE: What I am trying to get at is that borrowers who take out policies as the result of advice from building societies—in other words, the building society suggests that the borrower go to a certain insurance company—should

receive the commission involved. That is not the situation rectified by the trade practices decision.

Mr P. V. Jones: That is correct; and it is not one we intend to put in here, either.

Mr B. T. BURKE: The Minister thinks that the practice of insurance companies of paying the commission to building societies is correct?

Mr P. V. Jones: I said that we are not going to put in this legislation a provision under which a person who accepts the advice of a society—which is the proposition you pose and that turns out to be dearer, for example, than another society—benefits. You are asking me to agree to an amendment to protect him—I say that in inverted commas—against any commission policy which may accrue to the society.

Mr B. T. BURKE: The commission should go to him and not to the society. I can see no reason why the society should get the commission.

Mr P. V. Jones: I see no reason to include a provision to protect the person against himself.

Mr Skidmore: To protect the building societies.

Mr B. T. BURKE: Suddenly we are changing our minds. Half our laws protect people against themselves.

Mr P. V. Jones: I am referring to the example you gave.

Mr B. T. BURKE: If the Minister is so intent on not protecting people against themselves I expect that in the next few days he will introduce a Bill to rescind those laws appertaining to the seven-day "cooling-off" period covering door-to-door salesmen.

Mr P. V. Jones: I am referring to the example you gave.

Mr B. T. BURKE: If I had a dollar for every time the Minister supported legislation his Government proposed to protect the unwary and ignorant, I would be a millionaire.

Amendment put and negatived.

Clause put and passed.

Clauses 90 to 95 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

## **ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)**

### *Second Reading*

Debate resumed from the 13th May.

MR McIVER (Avon) [9.22 p.m.]: The Bill before us is designed to amend section 49 of the Act in order to increase

penalties imposed on persons who drive under the influence of liquor and to make it more difficult for a driver to obtain an extraordinary licence.

The Government is providing nothing new under the legislation. Certain laws were changed by the Minister last June by regulation and as a result no doubt the RTA has found it necessary to request that more stringent penalties be imposed and that it be made more difficult for a driver to obtain an extraordinary licence.

The Opposition has nothing against the Bill because it is just as anxious as the Government that the road toll be reduced. However, I am not convinced that the Bill will achieve its objective.

I must concede that since the RTA was established there has been a reduction in speeding and drunken driving offences, but this is always the case when the deterrent is sufficient.

If magistrates have wrongly ordered the issue of extraordinary licences it is the fault of the Minister because he changed the regulations in order to make it possible for the magistrates to do so. To substantiate what I have said I obtained a copy of the regulations and I draw attention to a brief note made by the Director of the RTA (Mr Court) who emphasised the inconvenience motorists faced. He claimed that motorists, while under suspension, often drive their vehicles.

Mr O'Connor: You are now referring to a newspaper article?

Mr McIVER: Yes. The Minister then stated that he was aware of the situation, but that it was up to courts to make the decisions.

That is quite right; it is up to the courts to make the decisions when all the evidence has been presented. If the suspension of a licence will involve hardship then, because of the permission granted under the Act for an extraordinary licence to be issued, the magistrates will often so order, especially to 0.08 first offenders.

Now the situation is reversed and concern is being expressed about the way in which these extraordinary licences are being issued. I do not condone the actions of those who drive while under the influence of liquor because they deserve all they get. They know the law.

However, evidence has been produced about the manner in which some of the patrolmen are apprehending 0.08 drivers and presenting the facts in court. Evidence has come to me by letter and various other means to indicate that many patrolmen have perjured themselves when giving the evidence.

Mr Thompson: That is a wild statement to make.

Mr McIVER: I will quote from *The West Australian* of the 9th June, 1976, as follows—

#### POLICE TO APPEAL ON ACQUITTAL.

The Commissioner of Police, Mr G. O. Letch, will appeal against the dismissal of a drunken-driving charge against a Perth company director.

The Crown Law Department has approved an application by the police prosecuting branch to appeal against the dismissal on the grounds that the magistrate was wrong in law.

Charles Robert Bunning (71), of View Street, Peppermint Grove, was acquitted last month in the Perth Police Court on a charge of drunken driving.

Magistrate R. H. Burton refused to accept evidence of a breathalyser test made after Bunning had been stopped.

The following is the most relevant point—

He ruled that it was inadmissible because the police did not have a reasonable suspicion that the offence of drunken driving had been committed when the test was taken.

Of course, it is obvious that quite a lot of fuss is made about a company director, but what about the ordinary individual who has been picked up, particularly in a country area, by an RTA officer, not because of the way the vehicle was being driven, but perhaps because a tail light was not on, unbeknown to the driver who may have had one or two drinks? We must bear in mind that it takes only four glasses for a person to have a blood alcohol content of 0.08.

Mr O'Connor: They would want to be pretty big glasses.

Mr Thompson: And they'd have to be consumed quickly.

Mr McIVER: I stand corrected if I am wrong. That point is irrelevant, anyhow.

Mr May: You did not say what size they were.

Mr McIVER: The point is that patrolmen are apprehending drivers not because they are driving in a reckless or irregular manner, but on some small pretext and then the drivers are being asked to breathe into the bag. This is the situation all over the State.

The other night the member for Collie referred to RTA officers who merely apprehend drivers in order that they themselves will not be transferred. I fully support the honourable member in what he said because I was on the same country tour and I was present when the complaints were made to him. I know he did not exaggerate the situation to the House the other night. He was spot on in what he said.

The Government has created a monster of which it is politically afraid. If it is good enough for a case against a company director to be dismissed, it is good enough for an ordinary citizen to be treated in the same way.

I am not very happy about the manner in which these cases are presented to court when charges are laid. Recently a Catholic priest in a country town was very concerned about the situation in which he found himself and he openly admitted that because of perjury he claimed was committed by the police officers giving evidence in court, he would rather go to gaol than pay the fine involved. He claimed that the officers giving evidence committed perjury and did not give a full account of what occurred.

Mr O'Connor: Did he go to gaol?

Mr McIVER: Not as far as I know. He could be in gaol now but if he were I think it would have received big headlines. I am not of that particular faith but surely we must take notice of such people as he. I received two letters from him expressing concern about the way in which he was treated. I have also received letters from people who, when leaving the State, have fallen foul of the RTA boys and have had to pay the penalty following a 0.08 conviction. I say that in view of the increased penalties more tangible evidence must be obtained from motorists.

Let me take it a step further. When speaking to a previous Bill in this House I quoted the case of a barmaid who was challenged by the RTA when she left her place of employment and was told that because her car was in the vicinity of licensed premises it was felt she might be under the influence. Before she got near her vehicle she was asked to breathe into the bag. At that time the Minister asked me to name the person concerned and I said I would do so in confidence.

To prove my point further, I quote from Bill Bailey's column in *The West Australian* on the 9th June—

A road patrol noticed that his car had been parked outside the district club for most of the day and all of the evening.

Patrolmen were waiting after closing time when he left the club and made his way to the car. To their surprise, the breathalyser test proved negative—the man was the club manager.

Of course it would prove negative.

Mr Young: No wonder they were surprised.

Mr McIVER: This is not an isolated case. It was only a matter of a fortnight ago that an employee of a country hotel was driving home and was challenged by the RTA officers who said his steering was defective. They asked him to get out of

his car and breathe into the bag. Here again the test proved negative because he was an employee of the hotel and a teetotaler. In no way was his driving irregular, nor did it constitute an infringement of the traffic code. Officers of the RTA are testing at random. They are spot checking, and when this legislation was introduced into Parliament we said this would occur. In a short time I have given sufficient evidence to prove it is occurring.

Mr Thompson: I wonder how many times they breathe into the bag and are found to have 0.08.

Mr McIVER: But we must consider the environment in which a person in a country town lives. To follow that line of thinking through, everybody would have to be tested.

Mr May: How many drunk drivers do not get picked up?

Mr McIVER: I do not condone people driving on the highway under the influence of liquor; they deserve all they get. We want to co-operate and do everything possible to reduce the road toll but I would say the deterrent provided in this Bill will have effect for perhaps two months. Since the RTA was introduced the road toll has increased. At the present time the death rate is increasing, according to the statistics. There was an improvement for a short time. In the old days the hands of counterfeiters were cut off but it did not stop them, just as this Bill will not prevent drunken driving. It will have a deterrent effect for a while but it will certainly not stop drunken driving.

In many instances advantage has been taken of motorists because of the attitude of some RTA officers. Only a week ago a motorist delivered a bundle of papers to the licensee of a country hotel between here and Northam. It took him only two or three minutes. He got into his car and drove away. He had not gone half a mile when he was challenged by the RTA and asked, "Was it you who just left that hotel?" Naturally he replied, "Yes", and he was asked to breathe into the bag. Let us have a look at this matter in its proper perspective and be fair about it. What reason did that RTA patrolman have to apprehend and challenge that driver? He was not driving all over the road; when he left the hotel he did not drive any differently from the way he drives at any other time.

Mr O'Connor: Are you sure about that?

Mr McIVER: Yes.

Mr O'Connor: Were you following him?

Mr McIVER: No, but I know the person concerned and I know what I say is true. I would not make such a statement here if I were not sure of my facts. I am concerned about the number of complaints I am receiving, not only from

people in my electorate but also from people in country areas throughout the State.

Mr Hartrey: So am I.

Mr McIVER: What I have said was substantiated on our recent trip to the south-west areas of the State.

Mr O'Connor: What is your suggestion for rectifying it?

Mr McIVER: I would say the RTA patrolmen should be instructed to adopt a far more judicious approach than they have at the present time. I can assure the Minister a barrier of hate is being raised against the patrolmen, who in some cases do not deserve it but because they wear the uniform they are under strong challenge by the people. Everywhere we go the people are asking us to abolish the RTA, and that of course is in the platform of the Labor Party.

Mr O'Connor: If you have the same people doing the same work under another name, what is the difference?

Mr May: We would have a Labor Government.

Mr McIVER: If we had policemen who have been in the force for a long time doing the job they would have a far different approach. I would say in many cases cautions should be issued instead of asking people to breathe into the bag as a means of raising further revenue. As the member for Collie said, if they do not obtain more convictions they will be transferred.

Mr T. H. Jones: To the bush.

Mr McIVER: I feel that if this work were being carried out by experienced policemen who have been in the force for many years, there would be a different situation in relation to evidence when they get in the witness box. I can quote several other cases and produce reports of court proceedings. One man won his case hands down and proved perjury. Had his wife not been in the car with him he would have faced a very stiff fine. I will not go into that.

We have only to read the views of people who strongly support the Minister. I refer to doctors in the professional field. A doctor in Dalkeith wrote in very strong terms to the member for Floreat asking him to have a further look at the way the RTA officers are carrying out their duties in connection with drunken driving. On the 30th July the Local Government Association considered a resolution asking councillors to discuss the situation and press for the abolition of the RTA, mainly for the reasons I have mentioned tonight.

Mr O'Connor: What was the result of the meeting?

Mr McIVER: I understand the resolution was defeated and members favoured the retention of the RTA. Nevertheless there is unrest, even in the Minister's electorate.

I will not weary members with newspaper reports but I have here a letter to a newspaper from a man who has attended accidents and who openly states he is disgusted with the attitudes demonstrated. He says he has sent all the information to the Minister's opponent and wishes him the best at the next election.

This is a very serious matter which I think warrants a round table conference with the Commissioner of Police and the Director of the Road Traffic Authority with a view to issuing instructions immediately. It may be said we are exaggerating the situation but I can assure the House the information I am presenting is factual. I therefore think the time has arrived when we must have a further look at the matter.

If these people have been telling lies they must be lined up and strongly challenged, including the priest in the country town. If they are telling lies, let us deal with them under the law. But in a State such as this we do not want a continuation of the situation where these officers are being overzealous in their duties and in their attitude towards motorists, particularly the first offenders who I feel could be cautioned rather than taken to court, following which they have a black mark against them. I say that in all sincerity.

In his reply to the second reading debate I would like the Minister to clarify a point in relation to truck drivers, for whom I understand the penalty for a first 0.08 offence will be three month's suspension. This would impose real hardship on a person with a family of three or four children.

Mr O'Connor: He can take it back to the court and fight it.

Mr McIVER: They will suffer hardship in the meantime. I suggest that perhaps by amendment in another place we could make provision for these people to have their cases re-examined in the court on the same day.

This does not overcome the fact that the Government has created a monster, although perhaps it did so in good faith in an attempt to improve the driving situation in Western Australia and reduce the road toll. However, the RTA has not had the effect the Government hoped it would have. It is a great pity that in its anxiety to establish an independent authority the Government did not realise it could not be implemented and that traffic control should be in the hands of the Police Department. Irrespective of what members opposite say, those officers are the only people qualified to handle traffic. If we told people in other parts of the world of our concept we would be a laughing stock.

I believe the purchase of aeroplanes is justified so far as air-sea rescue is concerned and when searching for people lost in densely wooded country; but such expenditure is certainly not justified when

it is used to impose an injustice upon people in cases where cautions would be adequate.

I trust the Minister will note what I have said and will confer with Mr Court and his senior officers, and the Commissioner of Police, to see if a more amicable decision cannot be reached in respect of drink-driving cases. With those remarks, I indicate that the Opposition supports the Bill.

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [9.46 p.m.]: I thank the member for Avon for his general support of the Bill. I will endeavour to reply to the several points he raised.

He commented on extraordinary licences, and what he said is true. Last year we brought in a Bill to allow the court discretion in this area. However, there were a number of cases in which these extraordinary drivers' licences were issued very freely—more so than the Government and the Parliament desired. I mentioned when introducing this Bill that in one court something like 40 people applied for extraordinary licences, and all received them; some to go shopping, some to visit the doctor, etc.

Mr McIVER: The magistrate must have felt they were justified.

Mr O'CONNOR: That is so, and it is up to the court to act within the law. If Parliament feels the law is wrong, it is up to Parliament to change it. That is why the Bill is here.

Mr T. H. Jones: Parliament had no say; it was done by regulation.

Mr O'CONNOR: It was brought forward in a Bill. I brought this matter here because I believe Parliament is concerned and wants the situation reversed. I am pleased to note the Opposition supports this provision.

The member mentioned the case of Charlie Bunning, who was picked up for driving with 0.193 blood alcohol percentage; and he asked what would happen had a lesser-known man been involved. Quite frankly, what else could have happened? We are taking this to the court again and appealing against the decision. I am sure we would do the same if anyone else were involved.

Mr McIVER: The point I was making was that the magistrate said there was not sufficient evidence; and I claim that is so in other cases.

Mr O'CONNOR: The member went on to ask what would be the position if a small man were involved. How could anyone else be treated any worse?

Mr Jamieson: They have been pulled up for crossing the lines, and they have not got this argument. We say he was accorded special consideration because of his standing.

Mr O'CONNOR: Had we not appealed against the decision we would have been criticised by members opposite, and rightly so. In this case the RTA has appealed and I believe it has taken the correct action. Members will be aware that a person with a blood alcohol percentage of 0.193 is hardly capable of handling a motor vehicle.

Mr Jamieson: That was only four whiskies!

Mr O'CONNOR: Yes, but I do not know how big the glass was! In Victoria the limit is 0.05 per cent, and spot checks are made. I have requested the department not to apply spot checks. Letters have been sent to members of the RTA requesting them to be courteous at all times. While we have a large number of people employed by this authority there will at times be those who are discourteous and act in a manner in which none of us would want them to act. However, this applies also to people who are stopped by RTA officers; frequently people believe, rightly or wrongly, that they should not have been stopped.

The member for Avon then went on to say that a person who drinks four glasses of beer would probably have a blood alcohol percentage of 0.08. I would like to make that position clear. They would have to be four very big glasses of beer to achieve that effect.

Mr McIver: I was talking about the glasses in the workers' clubs.

Mr O'CONNOR: In that case it might be so. Normally seven or eight glasses in an hour are required to produce a level of 0.08 per cent. I do not want anyone to take that as being entirely accurate, but it is the approximate amount.

The member also referred to the case of a Catholic priest in Carnarvon. I read about this incident and called for the file. In summing up, according to information I have, the priest was asked by the magistrate whether or not he was wearing his seat belt, and he refused to answer. Probably that gives us the answer to the case. If he was not prepared to stand up for himself in the court in that respect, maybe he did not have much to stand on. I think members should look for this sort of thing before they speak out on such issues.

We get many people coming forward claiming certain things have occurred when, in fact, they have not. This does not apply in all cases, but it occurs frequently. I have many complaints investigated. If we find the same RTA officer is involved more than once we certainly look into the matter closely.

On one occasion there was an article in the Press claiming that a policeman in the Merredin area let a shire councillor off a charge because the policeman was illegally occupying some land and the council was going to shift him. We investigated the matter, and the Press

eventually apologised to us because the statement was inaccurate. The point is that quite often these stories get across to people. Some people believe such stories because they have been stopped by RTA officers and did not like it, and some believe them because they like to spread this sort of thing around. This is most unfortunate because it brings unnecessary and unfair discredit to the RTA.

The member for Avon also commented that more cautions should be issued to drivers. Only last week I studied a certain area in which 13 000 drivers were apprehended over a certain period, and of that number 5 000 received cautions. That is not a bad percentage.

Mr T. H. Jones: Perhaps some of them should not have been stopped at all.

Mr O'CONNOR: I think a person has to do something before he is stopped. I do not deny that at times there may be a difficult RTA officer, but generally speaking they do a damn good job. I support what they are trying to do, and what we are all trying to do.

The member also said the road toll is increasing. That is not so.

Mr McIver: I am going on the statistics in the paper.

Mr O'CONNOR: The member is taking last year's figures and comparing them with the figures for this year, but let us go back—

Mr Jamieson: If you are going to use my argument of a few years ago for which you ridiculed me at the time, you will force me into the debate.

Mr Thompson: Don't use those figures!

Mr O'CONNOR: I think we should use the figures. In 1973 the number of people killed on the road was 371; in 1974 it was 339; in 1975 it was 308; and this year it is three more than at the corresponding time last year. We must remember that during the September-October-November period last year we had something like 96 fatalities. I believe at the end of this year we will be below last year's figure; but even if the figures are the same, we will still be considerably below the 1973 figure.

Mr Bertram: We have better roads, and freeways and less conflict at intersections.

Mr O'CONNOR: That is right; we are trying to improve this all the time. To get back to what the Leader of the Opposition was saying, he was probably referring to the number of deaths per 10 000 vehicles, and the figures are as follows—

Year	Deaths per 10 000 vehicles
1973	7.3
1974	6.4
1975	5.2
1976	4.66

If we carry those figures through to the end of this year and compare them with the 1973 figure of 7.3, we find that this year there will be a saving of 173 lives—and that is a substantial number. We must realise that in the last three years we have had an increase of something like 25 per cent in the number of vehicles on the road, and a decrease of 25 per cent in the number of fatalities per 10 000 vehicles. When we take that into account we see there has been a decrease rather than an increase in the number of fatalities.

Mr McIVER: Do you think you will be able to keep up the allocation of funds?

Mr O'CONNOR: I do not know, but if I can see a method of saving a life I will try to get an extra dollar to do it, and I am sure the Opposition will support me in that because we all want to save lives.

Mr T. H. Jones: What about the \$1.6 million you have paid in overtime? Surely that indicates more men should be employed on a full-time basis.

Mr O'CONNOR: Maybe, if we can get men of the required standard. But, on the other hand, if we have fewer people breaking the law the strength of the RTA may be able to be considerably reduced.

Mr T. H. Jones: That is a lot of money to spend on overtime.

Mr O'CONNOR: Of course it is, but 173 lives is a lot to save. We must take into account the substantial cut in the accident rate, of which the member for Collie would be well aware. While many people involved in accidents are not known to us, sometimes it comes close to home. A fortnight ago the sister of a person in my office was killed on the road, and on the same weekend a friend of mine had to pick up a young girl who had been killed on the road in Mosman Park. We become more aware of the road toll at times like that.

I think I should mention that Mr Walsh of the Law Society contacted me regarding this Bill and made some comments which I will forward to the Attorney-General so that they may be considered, if necessary, in another place. I thank the member for his support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## LIQUOR ACT AMENDMENT BILL

*In Committee*

Resumed from the 3rd August. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neill (Minister for Works) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 2 had been agreed to.

Clause 3: Section 6 amended—

Mr MOILER: Section 6 of the parent Act lists those persons and sections of the liquor industry to which the conditions of the Act do not completely apply. One such section is the vigneron who make and sell wine from their own vineyards. Previous Governments have seen fit to grant concessions to these people to free them from the responsibility of providing returns to the Licensing Court or to pay fees in accordance with a percentage of their sales, as liquor outlets such as hotels and taverns are required to do. This concession has contributed to the development of a local wine-making industry and therefore is appropriate.

In both his second reading speech and his reply to the debate, the Minister failed to explain the reasons for amending section 6 in such a way as to remove this concession so that any wine producer who sells his product to a licensee will be required to provide to the Licensing Court a return relating to the amount of wine so sold. I asked the Minister to clarify this matter and twice he successfully dodged the issue.

I have my own beliefs as to the inclusion of this amendment; I believe it to be the thin end of the wedge, leaving the way open for successive Governments to enlarge upon the proposal. In no time at all, these people will be required to pay an annual fee in accordance with their sales. I believe this to be a retrograde step which will inhibit the development of a fine local industry. The Government professes to support local industry, but does not put its words into action.

Mr O'NEIL: If I neglected to comment on this matter during the second reading debate, I apologise to the honourable member. I assure him there is no intention on the part of the Government to place the vigneron in the position where they will be required to pay fees. It is a fact that vignerons may sell off their own properties the produce of that property; they may sell to anyone, including licensees.

It is the retailer of that product who pays the appropriate licensing fee, and it is considered that some amount of produce sold from a vigneron's vineyard finds its way into retail outlets and is disposed of by the retailers without the appropriate assessment of fees by the retailers.

There is no intention to charge the vigneron a fee in respect of these sales; the section is to be amended simply to have some ultimate check on the produce sold to retail licensees.

The honourable member expressed some concern that future Governments may require the vignerons to pay fees in respect of the produce of their own properties. That is not the intention of this Government and in fact, such a provision

can never be implemented without the approval of this Parliament. Once again, I apologise to the honourable member for neglecting to clarify this matter during the second reading speech.

Mr MOILER: I thank the Minister for his comments. I anticipated during the second reading that this would be one of the reasons for the amendment, but I do not accept it as being worth while. It is quite possible that some vigneronns sell part of their product to retail outlets, and the product is then disposed of through those outlets without being recorded.

However, I suggest that this would represent only a small amount of the total wine sold, and would be to the benefit of the local industry. If a licensee is required to submit returns in respect of his purchase and sale of the local product purchased directly from the vigneron, he will purchase less.

If he is required to pay a fee to the Licensing Court, his margin of profit is reduced and the price he offers for the local product also must be reduced to maintain his margin. I believe that if this amendment is agreed to, the Government will successfully reduce the amount of wine sold from local vigneronns to retail outlets throughout the State.

I can understand why the Government omitted to mention this matter and why the wine producers of Western Australia were not aware of the inclusion of such an amendment. It would appear that it is the Government's intention to dampen the sale of the local product, and it is doing so in a secretive manner. I believe this is due to the pressure being exerted by the breweries, which are concerned at the inroads the sale of local wine is making into their huge sales and profits.

No record is necessary when a vigneron sells wine from his own property. The concession which previously applied should be allowed to continue, as it benefits the local industry and encourages it to develop. If those members opposite who represent vigneronns are prepared to allow this impediment to the local wine industry to pass unchallenged, they cannot be said to be truly representing their electorates.

In the past it has not been necessary to have such a provision in the Act, and I suggest it is not necessary now. This restriction certainly goes against the claim of this Government that it wants to assist local industry.

Clause put and a division taken with the following result—

Ayes—23	
Mr Blakie	Mr Old
Mr Coyne	Mr O'Neill
Mrs Craig	Mr Ridge
Mr Crabe	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Sibson
Mr F. V. Jones	Mr Sodeman
Mr Laurance	Mr Stephens
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	

(Teller)

Noes—17

Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Carr	Mr McIver
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moller
Mr Harman	

(Teller)

Pairs

Ayes	Noes
Dr Dadour	Mr Barnett
Sir Charles Court	Mr Bateman
Mr Tubby	Mr Bryce
Mr Cowan	Mr Taylor

Clause thus passed.

Clause 4: Section 7 amended—

Mr BERTRAM: I oppose the amendment in paragraph (b) relating to the definition of the term "specified fee". In the principle Act specified fee means in relation to a licence, a permit, or an application, the fee specified for that licence, permit, or application in the fourth schedule.

The purpose of the amendment is to add after the word "Schedule" the words "or in the regulations". As the Minister has pointed out this Bill has to do with conscience; it is not a Bill that is being dealt with on party lines; so it is as well that we remind ourselves in the discussion on the clause that we need to apply our consciences.

The question of conscience in this instance is whether by agreeing to the amendment in this clause and other clauses—namely to discontinue the practice within the Act of fixing fees under the fourth schedule, and to fix them by regulation—we will act according to our consciences.

The practice of fixing fees under the fourth schedule has been adopted since this Act became law in 1970, and I think it was applied for many years under the Licensing Act which was repealed by the Liquor Act of 1970.

I cannot recall any serious attempt having been made to justify an amendment to this requirement, to depart from fixing the fees by legislation, and instead to fix the fees by regulation. There having been no case made out, I suggest that our conscience is such that we cannot possibly support the amendment in paragraph (b).

It is worth while bearing in mind that amendments to the Act come before this Chamber nearly every year, so it cannot be argued it will put the people to expense and the Parliament to inconvenience by continuing to alter the fees through amendments to the fourth schedule. If we wanted to alter the fees every year we could do so by including a small clause to amend the fourth schedule. This is a matter of what is good for the conscience and what is desirable in legislation.

No case has been made out to support a change, and nobody is likely to be persuaded to agree to the amendment as no justification for it has been put forward.

The practice of fixing fees, charges, rates, and taxes by regulation is a very risky one, and it should be adopted only where to do otherwise would cause inconvenience to Parliament and perhaps delay the fixing of a fee if it is done in any other way than by regulation. However, no suggestion of that type has been made in this instance.

In appealing to members to vote according to their consciences I suggest that paragraph (b) should not be supported, and should be deleted.

Mr O'NEIL: This matter was fully canvassed in the second reading debate. Furthermore, the member for Mt. Hawthorn has raised this matter by way of questions on notice to some of which the answers were supplied last week. I still stand by the answer I gave in the second reading speech; as I understand the position, we do not have an amendment before the Chair. The member has merely suggested that paragraph (b) of the clause be not supported. I believe that part of the clause should be supported.

Mr BERTRAM: To put the matter formally before the Chair I move an amendment—

Page 3, lines 12 to 15—Delete paragraph (b).

Amendment put and a division taken with the following result—

#### Ayes—17

Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Carr	Mr McIver
Mr Davies	Mr Skidmore
Mr H. P. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moller
Mr Hartrey	

(Teller)

#### Noes—23

Mr Blaikie	Mr Old
Mr Coyne	Mr O'Neill
Mrs Craig	Mr Ridge
Mr Crane	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Sibson
Mr P. V. Jones	Mr Sodeman
Mr Laurance	Mr Stephens
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	

(Teller)

#### Pairs

Ayes	Noes
Mr Barnett	Dr Dadour
Mr Bateman	Sir Charles Court
Mr Bryce	Mr Tubby
Mr Taylor	Mr Cowan

Amendment thus negatived.

Clause put and passed.

Clause 5: Section 10 amended—

Mr BERTRAM: This clause is designed to make it possible for a legal practitioner to be appointed to the Licensing Court and, in such case, to allow the legal practitioner—whoever he or she may be—to be appointed for a period or a term not exceeding seven years.

An adequate case has not been made out to justify this radical change of policy. For many years there has been no legal

practitioner specifically appointed to the Licensing Court.

Mr O'Neil: You are not quite right. There has been a legal practitioner in recent times.

Mr BERTRAM: For a number of years there has not been a legal practitioner on the court. I think this Parliament rejected this type of proposition some years ago.

Mr O'Neil: With my support.

Mr BERTRAM: Yes, and I think the Minister was quite right on that occasion.

Mr O'Neil: I was much younger then.

Mr BERTRAM: The appointment of a legal practitioner will cost the taxpayers at least an additional \$8 000 each year. Therefore, we would have to reject the proposal on a question of conscience. The people of Western Australia will be committed to the policy of the particular legal practitioner for a period of seven years. In the past Parliament has taken the view that that is not good enough because attitudes change.

Mr O'Neil: Don't you think legal practitioners have flexibility of thought and move with changing times?

Mr BERTRAM: I think some of the better ones do. Some more experienced legal practitioners have flexibility. Others are extraordinarily conservative and would never change.

Mr O'Neil: You have destroyed your own argument. Do you only change your mind every seven years?

Mr BERTRAM: The way this Parliament is constructed, by reason of the financial strength of the conservative party as against the non-conservative party and by reason of the position taken by the Press—we do not have an official Press as does a communist country, but we do have a semi-official Press which is far more devastating in a sense because to many people it carries more weight—it is very difficult for the non-conservative forces to win Government in Western Australia. There are other reasons, not the least of which concerns electoral boundaries and the upper House.

The CHAIRMAN: I would ask the member to relate his remarks to the particular clause.

Mr BERTRAM: That is precisely what I am trying to do. On a matter of fairness, this is a matter of conscience. The clause under discussion means that over 40 per cent of the people in Western Australia will in the future be debarred from having any say in appointments to the Licensing Court. That is thoroughly unacceptable to any fair-minded citizen, on whatever side of the Chamber he might happen to sit. That is purely a matter of conscience.

It is worth while remembering the record of the Licensing Court over the last few years. Very few people have complained about its efficiency under the chairmanship of Mr H. E. Graham. He has done a great job. Amongst other things, there has been a move away from the Taj Mahal type of hotel which costs millions of dollars. That barn-type of building has been stopped and quite a number of taverns have emerged. The people have indicated their preference for taverns where there is a quieter drinking atmosphere and an opportunity to have meals. I think there are clear statistics to show that the average square meterage of drinking space in Western Australia has dramatically dropped. Because of the decrease in capital outlay the price of liquor should be affected, and people should be able to purchase it at a reduced cost. Surely that also is a matter of conscience and relates to inflation. We should be addressing ourselves to that aspect and the desire to keep prices down. So, we have a general acceptance of the effect of the great leadership of Mr H. E. Graham.

Mr B. T. Burke: Hear, hear!

Mr BERTRAM: It has taken initiative and courage to pick up the principles contained in the 1970 legislation. There are those people who are concerned that that initiative will be impeded, and perhaps turned back.

There is no evidence that the decisions of the Licensing Court have been of a low calibre and that there has been an unacceptable number of appeals. There is provision in the Act to allow for appeals to go from the Licensing Court to the Supreme Court. There have been some appeals, but not many, and there is no evidence that a legal person should be appointed so as to improve the performance of the court. I suggest that is another matter of conscience and another reason the clause should be rejected, remembering that we are discussing a social question, and not a legal question.

It is true that the court makes decisions affecting large sums of money and large investments.

The CHAIRMAN: The member has two minutes.

Mr BERTRAM: The matters I have mentioned are strictly related to the question of conscience. I appeal to the conscience of members of the Committee not to allow themselves to vote on party lines. It would be regrettable if we were to witness the situation where all members of the Government suddenly found themselves to have a unanimous conscience. The Minister would be placed in a spot because he has indicated this is not a party Bill. I urge members of the Committee to look at the question strictly on a conscience basis and oppose the clause. I move an amendment—

Page 3—Delete paragraph (a).

Mr O'NEIL: Again this matter was canvassed very fully at the second reading stage. I want to point out to the Committee that it is not mandatory for any Government to appoint a legal practitioner to the position of Chairman of the Licensing Court. However, where it so happens that the Government feels or believes that a sufficient tenure of office at an appropriate salary ought to be available to such a person, it may take some action.

I do not think there has been any criticism from this side as to the performance of the Licensing Court under the chairmanship of Mr Graham, and certainly not from me. I have had no complaints made to me personally about the performance of the Licensing Court under Mr Graham who was, at one time, Deputy Premier. A great deal of credit has been given to Mr Graham, as chairman of the court, in initiating certain matters in regard to licensing and licensed premises.

I want to point out that the Liquor Act, as introduced in 1970, and passed by this Parliament, came about as a result of a recommendation from a widely representative committee. It was this committee which recommended the introduction of tavern and other licences, and these licences were certainly not granted on the initiative of the Licensing Court. I admit that during the debates that took place in this Parliament at the time, Mr Graham took a particular interest in the legislation and he expressed his views on many matters. Probably as a layman, he had a greater knowledge of the Liquor Act and liquor laws than anybody else. However, certainly that does not entitle the Opposition to give the Chairman of the Licensing Court all the credit for all the changes that took place, although I do not propose to deny some credit to him.

Now in his arguments I think the member for Mt. Hawthorn was a little irrational. He seems to be obsessed with failure; either the failure of his own profession—

Mr T. H. Jones: Oh, be fair!

Mr O'NEIL: By way of interjection the honourable member pointed out that the appointment of a legal practitioner to the chairmanship of the court would mean there would be inflexibility. I asked him whether a legal practitioner is less flexible in his attitude to social change than anyone else. The member for Mt. Hawthorn then had to back off and he said, "No, but at least he is there for seven years." So I then interjected and said, "You only change your mind every seven years?"

I cannot see why a legal practitioner should be any less capable of chairing the Licensing Court than a layman. However, if a Government demands that the chairman of that court should be a legal practitioner, at least it ought to ensure that

he is remunerated adequately and given security of office in order that he may find such a position attractive to him.

There is no compulsion on the Government to appoint a legal practitioner as chairman. The Bill says simply that where such a person is appointed, the minimum term shall be seven years; he may be appointed for up to seven years on the salary and superannuation benefits that are appropriate to such an appointment. It is as simple as that.

I admitted at the second reading stage and by interjection now that when the first proposal was made, I think in 1961, to make it more or less mandatory for the chairman of the court to be a legal practitioner, I opposed it. I was sitting on this side of the Chamber then and I voted against that provision in the Bill introduced by the Government of which I was a member. However, as I recall it, at that time the position was to be mandatory because the measure stated that the chairman of the court must be a legal practitioner. I felt that principle was completely wrong, but all we are saying here is that the Government of the day may appoint whomever it desires to be the chairman of the Licensing Court and if that person happens to be a legal practitioner, adequate terms of service and remuneration should apply. Therefore, I must oppose the amendment moved by the member for Mt. Hawthorn.

Mr MAY: I support the move by the member for Mt. Hawthorn. I feel the honourable member has put up such a case that the Minister should give this matter quite a lot of thought. Whilst I agree with the Minister that it is not obligatory for a legal practitioner to be appointed under this provision, at the same time we must look at the facts and the facts are that at the present time a legal practitioner has been appointed. Under the provision we are discussing, this legal practitioner will hold the position for at least seven years. We are talking about flexibility, so surely we should have some trial period for a legal practitioner.

Mr O'Neil: Where does it say at least seven years?

Mr MAY: Well, for a period of seven years. The Minister used the words, "minimum term".

Mr O'Neil: I should have said, "not exceeding seven years".

Mr MAY: If we are to have a legal practitioner appointed to the position, there should be a trial period such as was the case with the previous Chairman of the Licensing Court. The Minister used only about 30 words in his second reading speech to try to convince Parliament that if a legal practitioner were appointed, it should be for a period not exceeding seven years.

Mr O'Neil: Thank you.

Mr MAY: If we are to alter the Act, surely we want more conclusive evidence than 30 words in a second reading speech?

Much has been said about Mr Graham. He was not a legal man, but he was in a position to interpret the Act and to administer it, and he administered it very well. If he wanted any legal advice, he went to the Crown Law Department for it. What is the reason for this provision? I believe it is to ensure the present incumbent a term of office of seven years. If we are to have a legal practitioner in this position, why not appoint him for a period of three years as has previously been the case? We could then look at the situation again. However, this man is to be appointed for seven years and we can do nothing about it.

I agree with the member for Mt. Hawthorn that members should think deeply about this provision. We have been given no evidence as to why we should alter the present situation. Where an Act has been administered successfully by a layman, I do not see why the situation should be changed. If legal advice is required, it can be sought from the Crown Law Department. I certainly would like to see this provision defeated.

Mr T. H. JONES: I want to support my colleague, the member for Mt. Hawthorn. The Minister has a responsibility to tell the Parliament where the former set-up failed. He has not done that, and as the member for Clontarf rightly said, if we refer to the Minister's second reading speech, he had little to say about the reason for the change. I would like to refer briefly to just exactly what the Minister said. On page 865 of *Hansard* he said—

As already announced by the Government, an amendment is proposed to provide for the appointment of a Chairman of the Licensing Court for up to seven years, provided the person to be appointed is a legal practitioner of eight years' standing, and otherwise qualified to be a judge.

Representations have been made to the Government in this regard, placing emphasis on the legal complexities which had arisen from time to time in administering the Act. Such an appointment would also balance the composition of the Licensing Court.

I must point out that the Bill does not make it obligatory to have a chairman with such qualifications, nor would it be obligatory to appoint a chairman for a full seven years.

That is all we have been told—that the former basis for appointment was unsatisfactory. We on this side have seen no criticism in the Press about the three-year period of appointment or that it has not been successful. Without meaning to reflect on our judiciary, who is to say that if a legal practitioner is appointed, he will make a good chairman?

Mr May: A legal practitioner has been appointed.

Mr T. H. JONES: It may be that a legal practitioner could be unsuccessful in many spheres. Under this provision we will be saddled with the same person for seven years. I ask the Government what if this appointee is not a success? What will we do then? The Government has not made out a case.

If the Government wishes to change the whole system and involve the State in additional expenditure, it has the duty to tell Parliament where the representations came from. All the Minister told us was that representations were made. If I were any sort of judge, I would know where the representations came from.

I support the amendment moved by the member for Mt. Hawthorn.

Mr JAMIESON: I think this amendment could be called rightly the "Ray Nowland" amendment to the Liquor Act. The Government appears to me to be making a provision in the Act for a particular person. If this gentleman's age had been different, we might have seen an eight-year term mentioned or a six-year term.

When we were in Government we considered the appointment of a legal practitioner to this position. At the time a magistrate was considered for the job and this gentleman was quite prepared to accept it for a three-year term. I do not see why we now have to alter the Act to cater for a person who wishes to be appointed for the full term of his remaining working life. To me this provision is not necessary.

Mr O'Neil: Under this provision a legal practitioner can still be appointed for three years.

Mr JAMIESON: Yes, I know, but that is not the Government's intention. The Government prejudices Parliament's decision. The Press release was that Mr Nowland was to be appointed chairman of the court and that he was to be appointed for seven years. Whether or not that information was incorrectly released I do not know, but the decision should never have been made by the Government in the first place. The legislation has been tailored to fit an individual. If Mr Nowland were appointed for three years and were successful in the position, no doubt he would be reappointed. There is no reason that this three-year term should not apply to him as it has applied to a number of other people.

Mr O'Neil: The present Act says "every person appointed shall hold office for a period of three years". We are saying that it shall be not greater than seven. We could appoint a chairman for one year if we wished. The present Act provides for a minimum of three years.

Mr JAMIESON: What has he been appointed for?

Mr O'Neil: He must be appointed under the provisions of this Act.

Mr JAMIESON: Has he been appointed for a period at this stage? If so, what is that period? If this has been the case is it the intention of the Government to let this period run out before it appoints him for a further term or will it immediately apply this provision and re-appoint him for the balance of a period up to seven years? Or will it be seven years on top of the period he has already had when this provision applies? I think the matter could well be left alone. It has not done any harm in the past.

With all due respect to the present incumbent—I have known him for a long time—I heard him described in a mixed gathering as being a dead fish. That is the sort of dead hand that he will apply to the Licensing Court. It is unfortunate that this sort of thing should happen. The meeting to which I have referred consisted of a mixture of people. Some were fairly high up in the liquor trade and some were fairly high up in the legal profession. I do not think we need to put this sort of person in the position of being appointed for seven years because he will hold the position whether the Parliament likes him or not. The other alternative is again to amend the legislation and buy him out of his position. We have seen that done previously but it is not a very satisfactory situation.

I think the Licensing Court is something that changes with time. It has been subject to many changes in drinking habits and styles during recent years. It is far better to allow the Administration to review the actions of the court and its members over that period. The alternative is to appoint a court that is at variance with the chairman at all times, the other members being appointed for a shorter term. They would be carrying majority decisions against the chairman. Is that desirable? I suggest that it is fooling with the Act. I realise that at the time the late Arthur Watts proposed the compulsory issue he got a general rounding off. Of course, shortly afterwards he was appointed and remained for a number of years. But he remained within the provisions of the Act and he did a reasonably good job. Although I do not think he was very exciting as chairman of the court he did no worse than Lewis, his successor in that position.

I suggest that we leave it to the Administration from time to time to appoint these people for three years and later they can be on the same basis as the other personnel. For that matter they could all be legal men. I presume the other two would be appointed only for a three-year period. I suggest this is a cockeyed way to go about the matter. The provisions

of this Act should apply to all walks of life and special consideration should not be given to a person because he is a legal man, a medical practitioner or a dozen and one other things one could write into the Act. It might be more appropriate to appoint a medical practitioner as the chairman so that while sitting as chairman of the Licensing Court he can study the damage alcohol does to the community. But nobody is suggesting that at this stage. We are suggesting that this matter is better left as it is at present. I support the member for Mt. Hawthorn in his move to have this clause deleted.

Mr O'NEIL: I think the arguments for and against the Government's proposals have been canvassed very well but I want to clarify the position. Currently the Licensing Court consists of three people, each of whom shall be appointed for a period of three years in the first instance—not less, not more, but for three years. Each of them shall be entitled to reappointment at the end of those three years for a period not exceeding three years. Basically a layman appointed to the chairmanship of the court is appointed for three years—no more and no less. Any reappointment can be for a period of less than three years. All we are proposing is that where an appointee is a qualified legal practitioner with eight years' experience he may be appointed for a period up to seven years.

Mr Jamieson: And seven years before his retiring date.

Mr O'NEIL: That is right. That is less than three and he can be appointed for any number of years up to seven. The reason for giving security to the members of the court for three years is to enable people to accept the position, but a legal practitioner would certainly require greater security of office than a layman because of the position from which he will come and that is fair enough.

Mr Skidmore: Does that presuppose that if he is unsuccessful in his job after three years the Government would throw him out?

Mr O'NEIL: We cannot throw him out if he is appointed for seven years. If a qualified person is appointed for a particular job it is fair that an Administration of any colour should be able to offer a longer term of office than normal to that person if it desires to place him in the position. The position is that where an appointee for the chairmanship is a legal practitioner the time may be up to seven years.

Mr T. H. Jones: No layman will ever get a chance again.

Mr O'NEIL: The Opposition cannot sponsor the theory of failure because it can be changed.

Mr Bertram: How and by whom?

Mr O'NEIL: The Opposition revels in failure. We are providing an optional provision in the Liquor Act that where the chairman happens to be a legal practitioner he can be appointed for seven years and there is no question of emoluments. I shall leave it to the Committee to decide who has won this particular argument.

Mr DAVIES: I think there is not the slightest doubt who is going to win because this matter will have been canvassed in the party room. The Deputy Premier argues vehemently but he argues unconvincingly. In fact his argument only helps the argument of the Opposition. He suggested that we were not entirely unhappy about the matter because we have not spoken about the benefits and the emoluments which may come to the person who is appointed if he happens to be a legal man. I oppose the clause not only because it is a "jobs for the boys" clause but also because it is discriminatory. If a man is a layman and is appointed to this job he is appointed for three years and he cannot have his time extended. If he is a solicitor or a lawyer with eight years' standing at the Bar—I am not quite certain which bar he must be standing at—he can be appointed for up to seven years, he is given the status of a District Court judge and he gets all the emoluments which come with it, including superannuation under the Superannuation and Family Benefits Act.

When I had a quick look at the Act I was rather shocked to find that for all the years the Licensing Court has been functioning we have not provided these special benefits of such superannuation, yet it seems we have had no difficulty whatsoever in getting competent chairmen. In this case Mr Nowland was appointed for a period and was clearly given to understand that it was seven years. I had questions asked in another place as to how he could be appointed for seven years when the Act says that it shall be three years. We were told the Act was being amended.

This clause is discriminatory. A layman can be Chairman of the Licensing Court for three years, not longer, on any single appointment and then can be out on his ear. Many distinguished laymen are earning far more than a lawyer and may be interested in and capable of taking the job because they always have a living to go back to. Above all things a solicitor has a job to go back to if a Government decides that he is no longer wanted as chairman of the court. This clause is absolutely tailored to one person. Not only is it a "jobs for the boys" amendment, but it is also a blatant "jobs for the boys" amendment. It is also discriminatory because of the special provisions if the person be a lawyer.

A lawyer gets two great benefits which are not available to laymen. He gets appointed for up to seven years and he gets

the status of a District Court judge with all the rights of superannuation under the Superannuation and Family Benefits Act, 1938. Why should he get that? At his age he would probably have to pay a huge amount of money to take out the units to which he would be entitled. I do not know whether that would be of any great benefit to him. He may still have an interest in his own legal practice, whether he be a sleeping partner or otherwise. There is nothing to say that the person appointed to this court shall deal only with matters relating to the Licensing Court. He can still retain other and outside interests. He may retain an interest in his legal practice and also be chairman of the court.

Mr O'Neil: Have you ever attended the Licensing Court as a witness in support of an application?

Mr DAVIES: I do not know how busy the Licensing Court is.

Mr O'Neil: Never volunteer to support an application for a licence because they treat witnesses like criminals and I would have preferred a lawyer in the chair to protect me on one occasion.

Mr DAVIES: I hope this Act also provides some protection for witnesses; I do not know whether it does. The argument which has ensued tonight shows clearly that this is a "jobs for the boys" appointment because we are now writing into the Act a blatant discrimination which should not exist in any piece of legislation. I will not have a part of it.

Mr BERTRAM: The discussion on this clause started off at a very high level.

Mr O'Neil: Who started it?

Mr BERTRAM: Then the Minister came in and the whole tenor of the debate deteriorated very rapidly.

Mr O'Neil: The member for Victoria Park is insulted.

Mr BERTRAM: The Minister introduced not the most wholesome of debating techniques because he sought to point out to the Committee, abortively, that I was somehow or other attacking one of the professions of which I am a member. Of course he knows very well that I would never do a thing like that. The flexibility about which I was talking is the flexibility which will now be lost because the appointment of the chairman will no longer be for three years, as it has been for some time. If it is passed by reason of the conscience or lack of conscience of members the Bill will allow for an appointment for seven years which will provide for far less flexibility than has heretofore been the case.

The tone of the debate deteriorated to recover only when the Leader of the Opposition, the member for Collie, and the member for Victoria Park lifted it back to the level at which it commenced. It

is a most unfair proposition when it caters for one person out of a population of one million and I say that without any intention to reflect on the appointee in whom I am not interested. We are here to discuss things objectively. It is discriminatory along the lines so clearly, adequately, and eloquently argued by other members who have spoken and who happen to be on this side of the Chamber.

It is also unfair and most unpalatable that the Bill should be organised, drafted, and submitted in such a way that a party representing a heavy percentage of the population will be frustrated because it will be placed in a position where it will be very difficult for it in the foreseeable future to appoint a Chairman of the Licensing Court.

Mr Davies: If this clause were defeated do you think the chairman would resign?

Mr BERTRAM: That is a good question.

Mr Jamieson: He might not get the chance.

Mr BERTRAM: We have been told that this involves a conscience vote, but it transpires that when the vote is taken all the members on the Government side are in the extraordinary, unique, novel, or exceptional situation where they have what can be described only as a unanimous conscience.

Mr Nanovich: As there is on the Opposition benches.

Mr BERTRAM: That is just not on. I do hope members opposite will put aside all their prejudices and concentrate on this matter so that whatever else they do they do not let us have a situation where over 20 people have the one conscience.

Amendment put and a division taken with the following result—

#### Ayes—17

Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Carr	Mr McIver
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moller
Mr Harman	

(Teller)

#### Noes—23

Mr Blaikie	Mr O'Connor
Mr Charles Court	Mr Old
Mr Coyne	Mr O'Neil
Mr Craig	Mr Ridge
Mr Crane	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Gibson
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarke
Mr Nanovich	

(Teller)

#### Pairs

Ayes	Noes
Mr Barnett	Mr Dadour
Mr Bateman	Mr Sodeman
Mr Bryce	Mr Tubby
Mr Taylor	Mr Cowan

Amendment thus negatived.

Mr BERTRAM: We just dealt with paragraph (a) but our move to have it deleted was unsuccessful. With regard to paragraph (b), I would like formally to repeat all the arguments advanced in respect of paragraph (a). It all involves the one matter; namely, the appointment of a legal practitioner for a period not exceeding seven years. This proposition is opposed strenuously by those on this side of the Committee. I therefore move an amendment—

Page 3, lines 21 to 38—Delete paragraph (b).

Amendment put and a division taken with the following result—

#### Ayes—16

Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Carr	Mr McIver
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moller

(Teller)

#### Noes—23

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neill
Mrs Craig	Mr Ridge
Mr Crane	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Sibson
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

#### Pairs

Ayes	Noes
Mr Barnett	Dr Dadour
Mr Bateman	Mr Sodeman
Mr Bryce	Mr Tubby
Mr Taylor	Mr Cowan

Amendment thus negatived.

Clause put and passed.

#### Progress

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

House adjourned at 11.26 p.m.

## Legislative Council

Wednesday, the 11th August, 1976

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

### QUESTIONS (3): WITHOUT NOTICE

#### 1. ALCOHOL AND DRUG AUTHORITY

Mr G. J. Murphy: *Inquiry into Death*

The Hon. Lyla ELLIOTT, to the Minister for Health:

- (1) Will the Minister confirm that there was a longer than normal delay between when the Matron at Quo Vadis Centre, Byford, first

attempted to obtain medical attention for Mr G. J. Murphy, a patient at that centre, and when medical attention was eventually given?

- (2) Was Mr Murphy certified dead immediately after being given medical attention at the Armadale-Keimscott Memorial Hospital?
- (3) What was the time lapse between the Matron's first attempt to contact a medical practitioner and the arrival of a medical practitioner to give medical attention to Mr Murphy?
- (4) Was the delay in obtaining medical attention the result of—
  - (a) the Quo Vadis Centre being unable to contact medical practitioners by telephone; or
  - (b) did the medical practitioners, if contacted, refuse to provide medical attention to Mr Murphy?
- (5) What action has the Minister taken to ensure that such events cannot occur again?

The Hon. N. E. BAXTER replied:

As I did not receive notice of this question until about midday and it involves a fair amount of research, I suggest that it be placed on the notice paper.

#### 2.

### POLICE

Mr W. A. Wilson: *Prosecution*

The Hon. Lyla ELLIOTT, to the Attorney-General:

In respect to the case just heard in the Wyndham Circuit Court against the owner of Billluna Station, Mr William Alex Wilson, will the Minister advise—

- (1) What arrangements were made to ensure the attendance of witnesses for the Crown?
- (2) Is it a fact that the prime witness, Yupupu, was placed aboard a plane in Alice Springs without either an accompanying attendant, or an interpreter?
- (3) (a) Did the Crown counsel seek an adjournment of the court proceedings when Yupupu failed to turn up?  
(b) If not why not?
- (4) (a) In view of the acknowledged fact that Yupupu's English was poor and inadequate for the purpose of court proceedings, did the Crown make arrangements for an interpreter to be present?