> It is estimated that there are in Australia 215,000 male alcoholics (5% of the male population 15 years +) and 43 000 female alcoholics (1% of the female population 15 years +). The prevalence of alcoholism is highest amongst Australian-born (particularly those of Irish-Catholic origin), British and Eastern Europeans and lowest amongst Italians, Greeks and Jews. The prevalence of alcoholism is also related to social class, it being three to nine times more common in the unskilled, low-income group than in the professional, semi-professional and managerial high-income group.

I quote that part of Dr Rankine's paper only to indicate to members that if they visit countries like Greece, Italy, Hong Kong, and Singapore, they will see that liquor in all forms is available, but very rarely does one see the distressing sight of public drunkenness.

I wish to differentiate between public drunkenness and alcoholism. Public drunkenness is being drunk in public. It would seem that these people have learned it is necessary to take a little food to combat any drunkenness. That is one of the safest things one can do; namely, to eat as well as drink. It is when people forget to eat that their troubles start.

I intend to support the amendments on the notice paper. As I said, I do not intend now to move my amendment. I take the point relating to the Swan Valley, Wanneroo and other vineyards in this State. There are one or two I know of where one can enjoy a very pleasant meal and have one or two glasses of wine, and purchase some wine.

Invariably when we have visitors to the State one of the things we try to show them—in addition to our scenery—is the vineyards, because many countries do not have such vineyards or wine-making industries. It is a unique tourist attraction and should be thoroughly exploited. These places have a great deal of potential to expand.

I can think of one vineyard in Western Australia which has done particularly well this year in certain shows abroad and interstate and has collected medals for its wine. It is improving, and naturally we feel very proud of the effort being made. Why should not we be allowed to take friends or visitors to these vineyards on a Sunday afternoon to look over these establishments, sample their products and purchase wine?

The Act still contains several anomalies. The Minister never said this amending Bill will be the last for goodness knows how long. What he has said—and, I believe, sensibly—is that this is always ongoing legislation. Certain things come up in our community and certain anomalies present themselves; it is then Parliament's duty to correct those anomalies by amending legislation.

I believe the sale of spirits and wines on Sundays will not shoot off the charts. It may take four or five weeks, but people will get used to the idea that such a facility is available and, at any rate, they will be restrained economically. I cannot agree with the critics who say we are encouraging people to drink, because if people want to drink they will obtain alcohol.

I know for a fact that the law has been broken many times, because no-one really checks hotel patrons carrying brown paper bags when they leave the premises. It is impossible to police such a situation, and the Government, in recognising the difficulties, has introduced an amending Bill. I do not stand for the discriminatory part of the clause which provides that sale of liquor on Sunday must be restricted to beer. I believe it should not be so restricted. If a person is to be permitted to purchase any quantity of beer, surely he should be allowed to purchase a bottle of wine or a bottle of spirits if he so desires.

I support the Bill, but I hope the Minister will look at some of the anomalies and will take steps to rectify them, especially the discrimination shown against licensed premises which will allow one outlet to remain open for a longer period than another. I have no further comments to make and, as I have stated, I support the second reading.

Debate adjourned, on motion by the Hon. V. J. Ferry.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [1.01 a.m.]: I move—

> That the House at its rising adjourn until 11.00 a.m. today (Wednesday).

Question put and passed.

House adjourned at 1.02 a.m. (Wednesday).

Legislative Assembly

Tuesday, the 11th November, 1975

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

BILLS (7): ASSENT

Message from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Government Railways Act Amend- Bill (No. 2).
2. Fauna Conservation Act Amendment Bill.

3. Door to Door (Sales) Act Amendment Bill.
4. Town Planning and Development Act Amendment Bill.
5. Acts Amendment (Western Australian Meat Commission) Bill.
6. Constitution Acts Amendment Bill (No. 2).
7. Justices Act Amendment Bill.

PUBLIC ACCOUNTS COMMITTEE
Report

MR CLARKO (Karrinyup) [4.35 p.m.]: I present the 12th report of the Public Accounts Committee and move—

That the report be received.

Mr BERTRAM: I second the motion.

Question put and passed.

MR CLARKO (Karrinyup) [4.36 p.m.]: I move—

That the report be printed.

Since the creation of the Public Accounts Committee increasing interest has been shown in its reports, both amongst the community in general and, particularly, amongst Government departments and tertiary institutions. Those requests have led to the development of a significant distribution list and, as a result, it is necessary for the report to be printed.

The circulation of the reports is believed to have encouraged greater responsibility and efficiency in Government accounting procedures.

In conclusion, I thank my fellow members on the Public Accounts Committee for their assistance. I also thank our secretary, Mr Thornber, and the *Hansard* reporting staff.

Mr BERTRAM: I formally second the motion.

Question put and passed.

The Public Accounts Committee report was tabled (see paper No. 553).

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)
Introduction and First Reading

Bill introduced, on motion by Mr O'Neil (Minister for Works), and read a first time.

Second Reading

MR O'NEIL (East Melville—Minister for Works) [4.38 p.m.]: I move—

That the Bill be now read a second time.

Mr J. T. Tonkin: Why could not the Minister take the second reading after questions?

Mr O'NEIL: It has been suggested, Mr Speaker—and I am happy to co-operate—that the second reading be taken immediately following questions.

The SPEAKER: The Minister will have to seek leave of the House to withdraw his motion.

Mr O'NEIL: I seek leave to withdraw my motion, and move—

That the second reading be taken at a later stage of this sitting.

The SPEAKER: Is it the wish of the House that the second reading of this Bill be taken at a later stage of the sitting?

There being no dissentient voice, the motion is carried.

BILLS (4): INTRODUCTION AND FIRST READING

1. Industrial Training Bill.
2. Industrial Arbitration Act Amendment Bill (No. 4).

   Bills introduced, on motions by Mr Grayden (Minister for Labour and Industry), and read a first time.
3. Dog Bill.
4. Local Government Act Amendment Bill (No. 4).

   Bills introduced, on motions by Mr Rushton (Minister for Local Government), and read a first time.

QUESTIONS (17): ON NOTICE

1. HEALTH

Shark: Mercury Content

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

(1) What is done to prevent people from eating shark which is found to contain excessive quantities of mercury and which is being sold in Western Australia?

(2) What is currently an "excessive quantity" of mercury as stipulated by regulation?

(3) What is done to check the catch on fishing boats so as to ascertain whether it has an excessively high level of mercury and what action is taken if such a high level is detected?

Mr O'NEIL replied:

(1) Monitoring is done at wholesale and retail outlets. Large sharks of 18 kilos and above are held pending analysis and condemned if in excess of 0.5 p.p.m. Hg.

(2) Above 0.5 p.p.m. Hg.

(3) Action as indicated under (1).

2. HEALTH

Fish: Mercury Content

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

(1) What have been the results of the testing of fish for mercury content subsequent to those results tabled in this House on 9th April, 1975?

(2) Have the recommendations of the Public Health Department that studies be made of the mercury levels in the hair and blood of persons been followed?

(3) If so, will he table the results?

Mr O'NEIL replied:

(1) Tabled herewith.

(2) No. No individuals suitable for examination have been identified.

(3) Not applicable.

The answer to part (1) was tabled (see paper No. 557).

3. BUS SERVICES

Single-fare System: Evaluation

Mr TAYLOR, to the Minister for Transport:

(1) Is Wilbur Smith & Associates, under a transport planning and research programme, preparing an evaluation of the MTT's single fare system, now over one year old?

(2) If the Shire of Kwinana should desire to make a formal submission with respect to suggested shortcomings in the scheme is it able to contact the consultants direct?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) Yes.

(2) The Shire of Kwinana should direct its submission to the trust where it will be examined, and if it is considered to be of assistance to the consultants it will be forwarded to them.

4. HOSPITAL LAUNDRY AND LINEN SERVICE

Tenders

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

Will the Minister list the cost and number of each of the following items purchased by the Hospital Laundry and Linen Service now offered for tender—

(a) "Wier" sheet stack-n-fold machines 1973 models, capable of stacking one to ten sheets;

(b) "Calor" coat folders 1973 models, automatic, suitable for folding long or short doctors' coats;

(c) "Hill and Herbert" starch mixer, 10 gallon capacity, electrically driven;

(d) "Brown and Green" steam laundry presses with large flat bench tables;

(e) "Ecka" heat sealing machines, maximum table size 36 in. x 24 in.;

(f) "Polymark" feedmaster 160 inches wide (automatic feeding aid for 160 inch ironer);

(g) "Sager" sheet spreader;

(h) "Lonsdale" blanket teasing machine electrically driven, 120 inches;

(i) "National" thermopress units (heat sealing units for patching garments);

(j) "Cafe Bars"?

Mr O'NEIL replied:

None of the items referred to by the Member was purchased by the Hospital Laundry and Linen Service as such.

The following information relates to the items listed—

(a) Two "Wier" sheet stack-n-fold machines were included in a package deal for 2 x 120 in. ironers in the original contract let by Public Works Department. The stack-n-fold machines are not used because the operator has no means of final inspection—Cost $3 500 each.

(b) Two "Calor" coat folders purchased in original contract let by Public Works Department. The service uses an improved system of returning finished coats on hangers, thus eliminating the need for folders—Cost $5 000 each.

(c) One "Hill and Herbert" starch mixer was purchased under the original contract let by the Public Works Department for starching caps, belts, etc., for the period from opening of the service until polycotton uniforms were issued—Cost $1 398.

(d) Two "Brown and Green" steam presses were purchased under the original contract let by Public Works Department. This work is now done by other machines with greater speed—Cost $3 113 each.

(e) Three "Ecka" heat sealing machines were purchased under the original contract let by Public Works Department for plastic bagging of patients' personal laundry. Ready made plastic bags are now used instead—Cost $350 each.

(f) One "Polymark" feedmaster was purchased under the original contract let by Public

Works Department for the 160 inch ironer. However, this ironer is used only for small articles not requiring a feedmaster, which is used only for large, flat work—Cost $5 175.

(g) One "Sager" sheet spreader was taken over from a hospital laundry and used until a complete ironer unit became available from another hospital laundry—Cost Nil.

(h) One "Lonsdale" blanket teasing machine was taken over by a hospital laundry and used for a short time to retexture old blankets which had become hard and felted, but it cannot be used to process the new Hospital Laundry and Linen Service type blankets—Cost Nil.

(i) Two "National" thermopress units were taken over from two different hospitals' laundries and used in marking the large initial stocks of linen—Cost Nil.

(j) Two "Cafe Bars" were purchased under the original contract let by Public Works Department. They were found too slow for the requirements and urns are used instead—Cost $130 each.

5. MOTOR VEHICLE REGISTRATION

Boulder-Kalgoorlie

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

(1) When did the Shire of Boulder cease to effect motor vehicle registrations within its jurisdiction?

(2) What were the circumstances leading to the cessation of this activity?

(3) By whom have motor vehicle registrations been effected to serve people who previously were served in this direction by the Shire of Boulder?

(4) Under what arrangement with the Road Traffic Authority is the Town of Kalgoorlie continuing to effect motor vehicle registrations?

(5) Is the Town of Kalgoorlie precluded from effecting a motor vehicle registration for a person who in the past would have had this matter effected by the Shire of Boulder?

(6) Will he, in the interests of decentralisation and also in avoidance of duplicating services and staff, arrange for the Town of Kalgoorlie to be the sole licensing agency on behalf of the Road Traffic Authority in the Kalgoorlie-Boulder area?

(7) If not, why not?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) 10th November, 1975.

(2) A request by the Shire of Boulder to the Road Traffic Authority.

(3) Road Traffic Authority.

(4) As an agent of the Road Traffic Authority.

(5) Yes.

(6) No.

(7) This matter has received the full consideration of the Road Traffic Authority which resolved to agree to the request of the Shire of Boulder.

6. MUNDARING SCHOOL

Grounds Improvements

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

(1) In view of the Government's decision to again defer the promised extensions to the Mundaring Primary School, will the Minister at least take steps to expedite the necessary improvements required to the playing fields and school grounds?

(2) If "Yes" when can it be anticipated that improvements will be made to the playing fields, etc.?

Mr GRAYDEN replied:

(1) and (2) In 1974 improvements and extensions to the playing fields were estimated at $8 000. Funds were not available at that time for the work. The position on funding is the same now. The work will be undertaken when funding does allow.

7. POLICE

Canteen Visitors' Book: Missing Page

Mr MOILER, to the Minister for Police:

In reference to the report provided to him in connection with the page taken from the visitors' book at the police canteen—

(a) will he table the report;

(b) has action been taken against the person responsible for removing the page and, if so, what action;

(c) was the page destroyed or has it been located?

Mr O'Neil (for Mr O'CONNOR) replied:

(a) No;

(b) the person responsible has not been located;

(c) the page has apparently been destroyed; it has not been located.

8. MINING

Australian Equity

Mr MOILER, to the Premier:

(1) Did he see the announcement made during October by the Australian Treasurer and the Minister for Minerals and Energy in which they explained the Australian Government's persistent interest in the $650 million Nebo coal development project in central Queensland had now resulted in a 51% Australian equity in the project instead of the 22% which would have been the case if the Australian Government had not taken a firm interest in negotiations in this project?

(2) Would he, for the benefit of Australians generally and Western Australians particularly, start to co-operate with the Australian Government in an endeavour to obtain the same Australian equity in major future developments in this State?

Sir CHARLES COURT replied:

(1) Yes, but I do not necessarily accept their explanation, which is one of convenience to cover up a series of unfortunate experiences of unnecessary delays in Queensland's economic development.

(2) I reject completely any suggestion that either myself or the W.A. Government has failed to co-operate with the Commonwealth Government.

The reverse has been the case.

All our genuine attempts to achieve a good working arrangement have been rebuffed by the Commonwealth Government because of its socialist and centralist commitment to progressively get rid of the States.

The W.A. Government's policy of achieving maximum Australian ownership is clear and will be implemented without any prompting from Canberra. In so doing, we will not seek to encourage the Whitlam Government's policy of Government ownership.

9. HOSPITALS

Beds

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

(1) Is the report in the *Sunday Independent* of 2nd November, 1975 relating to pegging of bed size at Royal Perth Hospital and Sir Charles Gairdner Hospital (presumably Perth Medical Centre) correct?

(2) How many beds are currently provided at these hospitals?

(3) Does the number of beds at SCGH include those used at the Hollywood Repatriation Department?

(4) What is the number of such beds?

(5) Is it proposed the State Government will have access to further such beds, and if so, how many?

(6) Will the proposed ceiling of 700 beds include those at Hollywood Hospital?

(7) What authority made the recommendations regarding limits?

Mr O'NEIL replied:

(1) The report in the *Sunday Independent* refers only to acute general beds and is substantially correct.

(2) Royal Perth Hospital—682 beds on the Wellington Street site. Sir Charles Gairdner Hospital—425 acute beds, plus 81 extended care and long stay beds.

(3) No.

(4) 36

(5) No decision has been made but further discussions are envisaged when needs are established.

(6) No.

(7) Senior officers of the Medical Department.

10. INFLATION

Effect on Fixed Incomes

Mr DAVIES, to the Premier:

Can he advise what progress has been made in regard to the study of the plight of all people on fixed incomes who see the fruits of a lifetime's work in saving for retirement destroyed by the failing value of money?

Sir CHARLES COURT replied:

Terms of reference and the arrangements for the study have been agreed with Professor Alex Kerr, Professor of Economics at the School of Social Enquiry, Murdoch University.

The study is expected to commence this month.

11. CIB HEADQUARTERS

Breaking and Entering

Mr B. T. BURKE, to the Minister for Police:

Can the Minister expand on his answer to the following questions, asked on Thursday, 5th November, 1975—

(a) Was there a breaking and entering at CIB headquarters overnight;

(b) if so, did the offence occur in a room in which material referring to a current Royal Commission was being photocopied;

(c) if so, which Royal Commission did the material refer to?

Mr O'Neil (for Mr O'CONNOR) replied:

(a) No;

(b) No;

(c) answered by (b).

12. HILLMAN SCHOOL

Reticulation of Grounds

Mr BARNETT, to the Minister for Works:

When will the promised bore and reticulation work on the Hillman school grounds be carried out?

Mr O'NEIL replied:

A tender was let for the bore on 23rd October, 1975, and work started on site on Friday, 7th November.

Provided adequate water quantities are available from the bore, tenders will be called for the reticulation in approximately 3 weeks' time.

It is anticipated that all work will be completed by late January, 1976.

13. PRE-PRIMARY CENTRE

Warnbro

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

(1) Did the Minister send a letter to the Rockingham Shire Council stating that a $72 000 pre-primary centre would be built at Warnbro providing the three other established kindergartens agreed to incorporate with the Education Department, or words to that effect?

(2) If not, was a similar letter stating the same conditions sent to the Rockingham Shire Council by the Education Department?

(3) If not, has the Minister at any time suggested verbally to the Rockingham Shire Council that a $72 000 pre-primary centre would be built at Warnbro providing the three other established kindergartens agreed to be incorporated with the Education Department?

(4) Will the Minister give an assurance that the Warnbro pre-primary centre will proceed irrespective of whether the already established kindergartens in Rockingham agree to be incorporated with the Education Department?

Mr GRAYDEN replied:

As the Member is aware, my colleague, the Minister for Education, is overseas on Government business, and the portent of the Member's questions are such that he should have directed them to the Minister while he was present.

However, the answers to parts (1) to (3) of the Member's question are—

The negotiations between the Shire of Rockingham and the Education Department have been handled by the Minister and officers of the department over a period of several weeks.

A thorough search has failed to indicate letters from the Minister or departmental officers which contain any statement of conditions that the Warnbro pre-primary centre would only be built if the other established kindergartens in the Shire were incorporated in the Education Department.

There is no evidence to support any implication that this was the case. In fact, it is understood that the Rockingham Shire Council, at its meeting on the 14th October 1975, welcomed the building of a pre-primary centre at Warnbro while deferring a decision on incorporation until the parent committees of the established centres had agreed.

In the *Sound Advertiser* of 5th November 1975, the Minister, in commenting on remarks made by the Member for Rockingham in connection with Warnbro, strongly denied any implications of coercion of any parent committee or local authority, whether in Rockingham or elsewhere.

In a letter to the Minister on 24th October 1975, the Rockingham Shire Clerk confirmed that the council concurred with the incorporation of the existing centres, and the only proviso in that letter was that this would be subject to satisfactory lease arrangements being negotiated. There was no reference to any conditions concerning Warnbro.

In answer to part (4) of the Member's question, the Minister for Education has quite clearly indicated that the pre-primary centre at Warnbro will be established. This is verified by departmental records which show that on the 17th October the Public Works Department was asked to arrange the design and documentation of the building and to proceed to tender as soon as possible.

It is anticipated that the proposed works will go to tender on the 22nd November.

Subject to receiving a satisfactory tender, the work will proceed.

The Member should note that the proposed works at Warnbro were initiated by the Education Department prior to completion of negotiations for incorporation of any of the existing centres in Rockingham and these negotiations have not yet been finalised.

14. CITY OF STIRLING

Retaining Wall Dispute

Mr YOUNG, to the Minister for Local Government:

Further to my question without notice on 6th November, can he say—

(1) What tangible progress has taken place in regard to the dispute between Kensit, Kent and the City of Stirling and what action is taking place to have the problem solved?

(2) Will he initiate legislation to give him power to resolve matters such as this in the future?

(3) Further to part (4) of my question of the same date, what and when will be the next action to be taken by the City of Stirling?

(4) If the City of Stirling takes no urgent action will he call a meeting of councillors and persons involved in an attempt to resolve the matter?

Mr RUSHTON replied:

(1) The council has advised that Mr Kent has engaged a consulting engineer who has prepared drawings which are to the satisfaction of the council and the work is expected to commence soon.

(2) The question of legislation is receiving consideration.

(3) and (4) Further action will be dependent upon the progress made towards completion of the work.

15. PUBLIC SERVICE

Concessional Petrol

Dr DADOUR, to the Premier:

What are the criteria under which public servants are entitled to receive concessional petrol from State Government supplies?

Sir CHARLES COURT replied:

Only public servants who use their private vehicles to travel on Government business are given authority to purchase petrol from State Government supplies.

Permission must be sought before authority is given.

16. IRON ORE

Projects: Ministerial Visits

Mr MAY, to the Minister for Mines:

(1) Since taking office in March, 1974, on how many occasions has he visited the following iron ore projects:—

(a) Paraburdoo;
(b) Tom Price;
(c) Pannawonica;
(d) Goldsworthy;
(e) Shay Gap;
(f) Area "C";
(g) Newman;
(h) Wickham;
(i) Marandoo?

(2) Will he indicate the dates on which the above projects were visited?

Mr MENSAROS replied:

(1) and (2) The Member has selected particular townships and/or undefined areas in his question yet prefacing it with "iron ore projects".

I have visited all the towns and the two areas he describes and many others during my term as Minister for Mines and Industrial Development. The visits which touched the enumerated places took place during November, 1974, May, August and November, 1975.

Mr Harman: Sidstepped that one!

17. *This question was postponed.*

QUESTIONS (4): WITHOUT NOTICE

1. FINANCE BROKERS CONTROL BILL

Recommendations, Representation, and Fees

Mr BERTRAM, to the Minister representing the Minister for Justice:

Relative to the Bill for the Finance Brokers Control Act 1975—

(1) What recommendations of the Law Reform Commission were departed from and why?

(2) What are the variations in this Bill from the Finance Brokers Act 1975 Bill which was introduced on the 29th of April, 1975, and in each case what is the alleged justification for each variation?

(3) Since the Trades and Labor Council of Western Australia represents hundreds of thousands of people many of whom will be affected by this Bill and the activities of finance brokers, why has ne refused to accept the amendment which will allow the Trades and Labor Council of Western Australia to nominate one only of the five persons who shall comprise the finance brokers supervisory board?

(4) What is the current scale of fees charged by finance brokers whether by way of procuration fees or otherwise?

(5) What protection does the public have from the improper activities including the charging or overcharging of fees by—

(a) insurance companies;

(b) "certain pastoral companies"; and

(c) those persons coming within clause 5 (1) (g) of the Bill?

Mr O'NEIL replied:

(1) (a) Definition of "finance broker"

(i) to recast the order of words to make the intent clearer; and

(ii) to delete "for reward" because it was brought to the notice of the Government that some persons —for example, land agents—arranged finance in addition to their main function and ostensibly without reward; in this aspect they would probably not be subject to the controls of the Land Agents Act, but would be handling trust moneys in respect of the loan and therefore should be subject to the controls of the proposed finance broker's legislation.

(b) Addition of what are now 5 (1) (b) and (g) as exceptions to definition of "finance broker" because controls are available otherwise.

(c) Licensing requirements for partnerships and bodies corporate—to alter the number of partners or directors who were required themselves to be licensed, as the initial proposals could have proved too restrictive.

(2) The matters referred to in (a) to (c) of the answer to (1) above and other variations follow—

(1) Clauses 13 and 14 (1), so the inspector may proceed to investigation and inquiry only at the direction of the board or the registrar. It was finally considered that the board and its chief executive officer should be, and be seen to be, in control of operations.

(2) Clause 15 (6), to make a warrant necessary to enter any premises, as a measure of preserving civil liberties.

(3) Clause 27 (1), to add "and" after paragraph (d) to make sure the paragraphs are read cumulatively.

(4) Clause 32 (1), to allow a late application for reasonable cause.

(5) Clause 34 (1), to provide simply that a licensee shall comply with the provisions of the Act and the finance brokers' code of conduct, and if he does not he is subject to the disciplinary provisions; the original 34 (1) may have required arbitrary termination of his license.

(6) Clause 34 (4), added to follow an analogous provision elsewhere in the Bill to make clear that a pending appeal does not entitle a licensee to carry on business unless the District Court so authorises.

(7) Clause 35, to allow an alternative form of protection to the public—for example a bank guarantee.

(8) Clause 44 (2), and consequentially to (3) and (5), so

the board will not fix valuation fees which are regulated within the valuing profession.

(9) Clause 50, to remove the requirement of audit within three months after the end of each year so that there can be a running audit during the year with the report delivered within three months of the end of the year.

(10) Clause 50, the former subclause (2) deleted as not now considered necessary.

(11) Clause 50, the former subclause (3), now (2), reworded to show clearly that special board requirements, if any, shall be additional to and not less than usual good auditing practice.

(12) Clause 56, to add clauses to make clear that the aggrieved person has an opportunity to make a submission to the District Court.

(13) Clause 59, to make paragraph (d) consistent with (a) by adding "in the opinion of the auditor".

(14) Clause 65, to make the criterion of auditors' fees to be reasonableness and not subject to agreement between the auditor and the finance broker.

(15) Clause 89, to make the joint and severable liability of directors relate only to defalcation of trust funds, as other legislation regulates the activities of bodies corporate and directors thereof generally.

(3) As the only proposed representative members are from persons sought to be controlled by the legislation and they are to be in the minority, and as it is proposed that the independent members will have expertise suitable to their role as members of such a board, it would appear that there will be adequate supervision and control of finance brokers.

(4) As far as I am aware there is no current scale of fees charged by finance brokers generally, and if there were it would be without statutory sanction.

(5) The honourable member has not shown to be correct the assumption he appears to make of improper activities including the charging and overcharging of fees by the groups mentioned; however, I refer him to paragraph (b) of my answer to the first part of his question.

2. SKELETON WEED

Wanneroo District

Mr NANOVICH, to the Minister for Agriculture:

(1) Is it correct that an outbreak of skeleton weed has been discovered on the CSIRO Research Station at Lake Pinjar at Wanneroo?

(2) If "Yes", when was it discovered and have any steps been taken to eradicate the weed?

(3) Is this the first time skeleton weed has been found in the Wanneroo district?

Mr OLD replied:

I thank the honourable member for notice of this question, the reply to which is as follows—

(1) Yes.

(2) The weed was reported on the 5th November and identification confirmed on the 6th November, 1975. The area will be burnt to facilitate searching and at a later stage will be treated with a herbicide to eradicate the weed.

(3) Yes.

3. MINING BILL

Aborigines: Protest

Mr DAVIES, to the Premier:

I apologise to the Premier for not providing any notice of this question; however, I do not think it will worry him. As the tent that has been erected in the grounds of St. George's Cathedral is as a protest against the effect of the proposed Mining Bill on the Aboriginal people, and if as we believe the Bill is not to be proceeded with, could he make an announcement to this effect and so eliminate the need for the tent to remain?

Sir CHARLES COURT replied:

A formal announcement was made after the Cabinet meeting last week, and I felt it had been sufficiently publicised. However, if that is not adequate, I will certainly arrange for it to be publicised again.

Davies: That it will not be proceeded with?

Sir CHARLES COURT: It was announced at the time, so as to inform members of Parliament, particularly, interested members of industry, and the public.

4. ENVIRONMENTAL PROTECTION

Coastal Road, and Marmion Avenue Extension

Mr YOUNG, to the Minister for Conservation and the Environment:

(1) Is it true that the firm of Scott and Furphy Pty. Ltd. has been commissioned to prepare a report on the channelisation of metropolitan coastal traffic?

(2) If "Yes" to (1), do the terms of reference include an examination of the possibility of continuing Marmion Avenue south along Duke Street and Weaponess Road?

Mr P. V. JONES replied:

I thank the honourable member for adequate notice of the question the answer to which is as follows—

(1) The Environmental Protection Authority commissioned a report which is being prepared by Scott and Furphy Consulting Group together with John Paterson Urban Systems Pty. Ltd.

(2) The terms of reference include a detailed study of future transport routes for the corridor bordered by the Indian Ocean, Swan River, Mitchell Freeway and Karrinyup Road in so far as they affect the requirements for north-south links in the coastal region of Swanbourne-Cottesloe.

The demands for such transport routes are seen as those associated with commercial, commuter, and recreational uses.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

MR O'NEIL (East Melville—Minister for Works) [4.56 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House contains several measures to amend the Road Traffic Act, 1974, the first of which is to provide for the appointment of a deputy chairman of the Road Traffic Authority, for a term not exceeding three years, from a member of the authority in the absence of the chairman.

There no doubt will be occasions when the chairman may be unable for various reasons to chair a meeting of the authority and in that event the amendment would enable the Minister to appoint a member of the authority as deputy chairman in his absence. In the absence of the chairman and the deputy chairman, the authority itself may elect one of its members to act as chairman for a particular meeting.

The second matter the Bill seeks to introduce is a proposal to amend subsection (15) of section 19 by adding the words "or tractor plant" after the word "tractor" in line 2 so that vehicles such as graders, bulldozers and the like may be licensed at the present reduced fee of $4 and obviate the requirement to pay stamp duty on the transfer of such vehicles when they are used solely in farming pursuits.

At the moment approval is given to issue such licenses under the general terms of subsection (4) of section 19 by applying the exceptional circumstances provisions. However, this amendment would regularise the position by applying the concession in all cases, rather than having to apply the exceptional circumstances provisions in subsection (4).

The proposal to amend subsection (2) of section 50 is introduced simply to stifle criticism that arises from time to time that officers of the Road Traffic Authority unduly favour certain driving schools when issuing learners' permits, but it will also have the advantage of reducing the inconvenience that people have to go through if they want the name of an instructor or relative or friend who intended to teach the learner-driver.

It is felt that the permit need show only conditions that the instructor must be a person who has held an MDL of the appropriate class for a period of not less than four years. If the amendment is agreed to there would not be any difficulty encountered in effectively policing learners and instructors.

The next matter the Bill deals with is to enable a substitute bus to be used under the same license while the regular vehicle is being repaired. Section 82 permits a substitute taxi to be used at the present time under similar circumstances with the consent of the authority and the local authority and the redrafted new section would provide for an omnibus or taxicar to be substituted as required.

Provision also is made for the reference to consent by the local authority to be deleted because experience has shown that local authorities have no interest in the matter and the present provisions are less effective than they could be because of the delay caused in having to get the local authority's consent.

Another measure the Bill introduces relates to an amendment to the penalty points system. At the present time section 103 of the Act provides for a number of points to be recorded against every person convicted of specified offences, and upon 12 points being accumulated and recorded within a period of three years the licensee is disqualified from holding or obtaining a driver's license for a period not exceeding three months.

The present difficulty with the section is in the words "only those recorded within three years" in subsection (3). It will be

appreciated that a time lapse can occur between the date of the final offence or infringement notice that would bring an accumulation of points to 12 or more and the recording of the points onto the computer.

It is felt that the intention of the section was that if a driver accumulated 12 points within a period of three years his license should be suspended regardless of when the points were actually recorded.

Therefore, the amendment seeks to make the time of committing the offence the relevant time. If the period of three years between the dates of the first and last offence or infringement is made the criterion everyone will face the same consequences.

The final measure introduced in the Bill seeks an amendment to the definitions of "motorcycle" and "motor carrier" in the first schedule to the Act specifically to cater for new types of three-wheeled vehicles which are coming onto the market; for example, the balloon tyred fun bike.

Although there are definitions of "motorcycle" and "motor carrier" at present in the first schedule they are not considered to be sufficiently descriptive to include this type of vehicle. and whilst the vehicles may not be suitable for licensing in their present form, no doubt they can and will be modified eventually so that they are suitable for licensing.

Another problem associated with these vehicles is that licenses are required only for vehicles described in the first schedule and, therefore, prosecution for using an unlicensed vehicle would not be possible where three-wheeled motor cycles of this type are concerned. There would be similar difficulties with regard to requiring riders of such vehicles to hold the requisite driver's license or wear protective helmets. For these reasons an amendment to the first schedule to the Act is proposed.

The Bill therefore represents an accumulation of several matters that have occurred since the Road Traffic Act was proclaimed in July, 1974, and the amendments will ensure the satisfactory working of the Act in respect of each of those points.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Davies.

INDUSTRIAL TRAINING BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.04 p.m.]: I move—

That the Bill be now read a second time.

Over the last decade the increased growth of apprenticeship and adult training requires the legislation to be rethought and updated so that it can cope with the newer concepts which will arise in the future.

Fortunately in Western Australia there has been a very active Apprenticeship Advisory Council which has kept abreast of the times but is now finding itself in the position that new legislation is necessary to meet the demands placed upon the council.

The present apprenticeship regulations made under the Western Aurstralian Industrial Arbitration Act are somewhat restricted in that they are bound up in industrial arbitration and that is not the appropriate Act to cover the situation.

The Apprenticeship Advisory Council of Western Australia has been studying a number of the reports put out by Governments in Australia. The report of the Australian interdepartmental mission to study overseas manpower and industry policies and programmes together with the technical and further education report—TAFE report—have also been the subject of study. From these reports the Apprenticeship Advisory Council in this State has drawn conclusions that it is necessary to restructure the legislation in this State to cater more adequately for the training policy which should apply for pre-apprentices, apprentices, and adult trainees.

The concept of apprenticeship is clearly understood by all members of the House and does not need any explanation. Pre-apprenticeship is that form of training whereby students attend a technical education college for a period, ordinarily 12 months, and then go into apprenticeship on a reduced term because of the additional training.

The concept of adult training provides for a concentrated course of training in a technical education college with a fixed period of on-the-job training where the adults are required to attain the same standard of training and experience as achieved by the apprentice over his period of apprenticeship dependent upon the particular trade and the method of entry into that trade.

The Apprenticeship Advisory Council considers that the time has now arrived whereby Western Australia should have an industrial training Act to provide for apprentices, pre-apprentices, and adult trainees and remove from the Industrial Arbitration Act the legislative authority to cater for these forms of training.

The change to a new system has the support of the employer groups represented by the Confederation of Western Australian Industry, the Trades and Labor Council, and technical education, and also has the strong support of the Industrial Commission.

Some members might query why adults are to be the subject of coverage under the new Industrial Training Bill, but it must be pointed out that many young adults missed their vocation in younger

life to qualify through trade training and they should not now be denied that opportunity to achieve trade status just because of their mature age. The council does not see this in any way as being a challenge or danger to the existing apprenticeship system, and in fact it should be looked at in a complementary manner so that the two schemes run in parallel.

A number of newer skills arise and these younger adults should not be denied their opportunity to participate in this form of training. This does not mean older people are being encouraged to participate in this form of training. Indeed, the adult training courses which have been sponsored and nurtured by the department have included younger people in the 20-30 age bracket so that they might enjoy their chance to be skilled tradesmen. Technological change and redundancy have also caused adults to seek training in other vocations.

The Apprenticeship Advisory Council has now recommended that there should be a separate apprenticeship authority created in Western Australia to adminsiter industrial training in this State.

Incidentally, Western Australia is the only State in Australia not to have a separate apprenticeship or training Act. The change is now necessary.

Apprenticeship today is a large administrative problem. We have over 10 000 apprentices in this State. Ten years ago the number was 5 000 and therefore did not create the same problems as with the greater numbers and with the variety of trades now available. A new Statute is the only way of meeting the challenge to the future training problems. Victoria and South Australia have already moved to incorporate industrial training in its wider emphasis.

Tribute should be paid to the work of the Apprenticeship Advisory Council which was created as the result of recommendations of the Professor Bowen reports of the early 1960s. The council was appointed in 1964 and has operated since that date. In fact, two members of the 1964 committee, one employer and one from the unions, are still on the present Apprenticeship Advisory Council. The council, which comprises employer, employee, and Government representatives has recommended the new concept of an industrial training Act. In fact, the employers and the unions agreed to negotiate and they came forward with an agreed proposition as to what should be embodied in the new Industrial Training Bill. Both these bodies are to be congratulated.

The Government representatives—the technical education division and the Department of Labour and Industry—also endorse the concept agreed to by the employers and the unions. The Western Australian Industrial Commission has, over the last few years, strongly emphasised the need for an independent authority to be created to handle industrial training and also is strongly behind the new concept. The new authority will cater for the normal day-to-day activities thus relieving the Industrial Commission of these time-consuming duties.

I must acknowledge the parties to apprenticeship over the past decades have put the welfare of apprentices to the forefront, and I must again state that in the recommendations put forward by all of the parties they are again putting the welfare of the apprentice to the forefront.

I am able to assure Parliament that in introducing this measure to the House, apart from minor points, the Bill is the formulation of very great consideration and negotiation to bring it to this point.

The Technical Education Division of the Education Department plays an important role in the technical training of apprentices and in general it agrees with the wider concept of the Industrial Training Bill.

The Bill does not take away from the Western Australian Industrial Commission its responsibilities in respect of matters of determination of wages, allowances, and remuneration of apprentices, or of the concept that the commission should determine conditions of employment such as working hours, annual leave, sick leave, and all of the other matters which are within its jurisdiction. The new Industrial Training Bill places the concept of industrial training under a separate Act of Parliament with a director in a division of training established to absorb the major task of looking after apprentices and industrial trainees in their day-to-day activities leaving the Industrial Commission with the task of determining industrial disputes which arise out of matters of apprenticeship.

The provisions of the Industrial Arbitration Act provided for a separate building trades apprenticeship board under section 128 of that Act. At the special request of the building trades unions a separate "special trade" provision is included so that a building trades apprenticeship board can again be created under the new Bill. At the same time it will provide if the circumstances require it for any other group of trades to be established as a separate "special trades" board to which apprentices can be indentured.

It has been a problem in recent adult training courses which have been organised to grant certification to adult trainees who have completed the training courses; but, with the new Bill, formalised training, certification, and recognition will be possible. New forms of training are being introduced and demands for such new skills as hard-rock miners, agricultural workers, and even carpet layers are demanding consideration for trade training. Not that

all of this trade training will be to apprenticeable trades; some will be trade training trades, and to this extent provision is made for both forms of training.

The Bill provides for the administration of industrial training to be a division of the Department of Labour and Industry and as mentioned before necessitates the appointment of a director of industrial training to administer the division. The Apprenticeship Advisory Council will still comprise a membership of seven persons similar to the existing structure.

There are 29 apprenticeship training boards already in existence for the various trades and these boards will be reappointed. It will also provide for additional training boards to be appointed for trade training as distinct from apprenticeship training.

The division of industrial training will involve the registration procedures for apprenticeship, together with the surveillance of examinations, transfers, and mutual cancellations. As previously stated only disputes arising out of apprenticeship will involve the time of industrial commissioners to determine these matters.

A consequential change will be necessary to the Industrial Arbitration Act to transfer the indenture procedures from that Act to the new training Bill, but this is a minimal amendment. Anything arising out of a dispute concerning an apprentice, the employer, or from the unions will go before the Industrial Commission for determination and the normal appeal rights from these decisions of a single commissioner will apply. To this extent employers, unions, and apprentices will not lose any legal capacity under the new Bill.

Finally, before I give an explanation of the various clauses of the Bill I must again emphasise that the measure is before the House because of the very fine co-operation and understanding of the employer and union organisations which have been instrumental in co-operating with Government departments in preparing this Bill. Each has not achieved everything that it wished in the Bill and there have been many compromises.

I now propose to refer briefly to the clauses of the Bill.

Clauses 1 to 3 are the short title, commencement, and the arrangement clauses.

Clause 4—Interpretation: The interpretations separate the "apprenticeship trade" from an "industrial training trade".

Clause 5 removes from the definition of "Industrial matters" in section 6 of the Industrial Arbitration Act the matters involving—

Subparagraph (iii): The method of binding apprentices.

Subparagraph (v): The registration of apprentices.

Subparagraph (vi): Examination of apprentices and payment of examiners.

Subparagraph (viii): The assigning or turning over of apprentices.

Subparagraph (ix): The dissolution of apprentices.

Subparagraph (x): Any claim or dispute arising under the agreement or breach of such agreement.

This clause does not affect the power of the Industrial Commission to determine the rights, duties, and liabilities of the parties to any agreement of apprenticeship.

The clause also saves all the apprenticeship agreements made under any award, industrial agreement, or order made under the Industrial Arbitration Act.

Clause 6 provides for the variation of any of the old agreements or their replacement if desired.

Clause 7 provides for the Act to be administered by the permanent head of the Department of Labour and Industry.

Clause 8 establishes the industrial training advisory council in place of the existing Apprenticeship Advisory Council.

Clause 9 determines that the industrial training advisory council shall comprise seven members—the same number as the existing Apprenticeship Advisory Council.

Clauses 10 to 13 concern the terms of appointment of the council, meetings, validity of acts and reimbursement of expenses of the members of council.

Clause 14 provides for the director who is appointed under clause 17 to be also the executive officer of the council.

Clauses 15 and 16 set out the functions and duties of the council.

Clause 17 provides for the appointment of the director of industrial training.

Clause 18 establishes a division of industrial training within the Department of Labour and Industry and prescribes its functions.

Clauses 19 and 20 provide for the appointment of a registrar and the requirement to maintain a register of apprentices and trainees.

Clauses 21 and 22 provide for trades, groups of trades and training trades to be prescribed by the Governor.

Clause 23: In many instances it is necessary to have interim committees examine the feasibility of future trades and this clause provides the council with authority to so appoint.

Clause 24 provides that agreements already in force shall be registered if a trade is subsequently prescribed at a later date.

Clause 25 establishes industrial training advisory boards for trades and groups of trades. This differs little from the existing procedure except that voting rights are confined to employers and unions with the chairman having a casting vote only.

Clause 26: Because the building trades have always had a special building trade

apprenticeship board, the request of the building trades unions has been agreed to and a "special trade" may be prescribed for this purpose. The clause also makes provision for any other group of trades to be prescribed as a "special trade".

Apprenticeship indentures for apprentices in these "special trades" include the name of the board. This clause embodies the existing situation and saves the indentures already made under section 128 of the Industrial Arbitration Act.

Clause 27: Where the Governor prescribes a trade under clause 21, the council shall appoint a board for that trade or group of trades.

Clause 28: It is only where a specific provision is defined in this Bill that the specific provision prevails over an industrial award, agreement, etc.; otherwise the provisions of the award or agreement operate.

Clause 29 retains the existing arrangement of three months' probation being part of the term of the apprenticeship.

Clause 30 provides the general provisions which shall be included in the apprenticeship agreement such as the term, execution, validity, registration, and the parties to whom the agreement shall be given.

Clause 31 requires the registration of the agreement between the parties.

Clause 32 requires that the term of service under the agreement shall commence from the time of first commencing employment in training, including the probationary period.

Clause 33 requires the apprentice or trainee to attend technical classes when prescribed.

Clause 34: Mutual transfers may be arranged, but where there is no agreement to transfer, the commission may transfer. The clause also provides for the situations where there is the cessation of business or where financial difficulties are encountered or where the transfer is impossible or impracticable. In such cases the Industrial Commission may suspend or cancel the agreement.

Clause 35 provides for the assignment of the apprentice in the event of death of a partner in a partnership or on the sale of the business.

Clause 36 provides that where an apprentice has been engaged in the defence forces of the Commonwealth, causing his agreement to be suspended, or he is re-employed after service in the forces, he is not to be included in the ratio of apprentices to tradesmen for the purposes of the award as it affects the employer.

Clause 37: The director shall determine differences over agreements—other than wages, etc.—but any party who is aggrieved by his decision may refer the matter to the Industrial Commission. The commission shall decide matters of dismissal where misconduct is an issue. The commission shall also determine matters of suspension of the agreement.

Clause 38 provides that no duty required is payable for registration or certification of an agreement under the Bill. This repeats an existing provision.

Clause 39 makes it an offence to demand or receive a premium for taking an apprentice or trainee. This is an existing provision which is repeated.

Clause 40: A general penalty for any breach of the Bill where no other penalty is specially provided, is $200.

Clause 41: The chairman of the council shall submit an annual report, which the Minister shall table.

Clause 42 gives the Governor power to make such regulations as the council recommends. The regulation-making power is specifically provided in the Bill to cover the very wide range of activities concerning apprenticeship and industrial training generally.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

SECOND READING SPEECH NOTES

Omission of Committee Details: Statement

THE SPEAKER (Mr Hutchinson): I take this opportunity to inform Ministers in particular that there is no need for them to read detailed Committee notes during their second reading speeches. I often feel that this trend, which has developed in recent times, is unnecessary. Any Committee information which it is worth while including in the second reading speech should be included, but without the detailed information which has been given by some Ministers in the past. I do hope Ministers will watch that in the future.

BUSINESS FRANCHISE (TOBACCO) BILL

Returned

Bill returned from the Council without amendment.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 4)

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.26 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is necessary because of, and is consequential to, the Industrial Training Bill, 1975.

The object of this Bill is to add a definition to section 6 of the Industrial Arbitration Act, 1912, to give the terms "apprentice", "apprenticeship" and "agreement of apprenticeship" in that Act the same meaning

given to those terms by the proposed Industrial Training Act, 1975. The terms will also include industrial trainees, industrial training, and industrial training agreements under the latter Act.

The Bill is drawn to come into operation on the day that the proposed Industrial Training Act, 1975, comes into operation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

DENTAL ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

Second Reading

MR O'NEIL (East Melville—Minister for Works) [5.28 p.m.]: I move—

That the Bill be now read a second time.

In 1972 extensive amendments were made to the Dental Act.

One of the principal features of that legislation was to authorise the employment of dental therapists in the school dental service conducted by the Public Health Department.

The situation with dental therapists is that qualified persons who are employed by a dentist in private practice or by the school dental service, may undertake the dental procedures specified in section 50A of the Dental Act. No provision is made for the employment of dental therapists in other situations.

This means that the Perth Dental Hospital, which has its headquarters in Perth, but has branches in some country towns, and operates a mobile service for remote areas, is not permitted to employ dental therapists. The same barrier prevents the employment of dental therapists in dental clinics in public hospitals, universities, or other tertiary education institutions.

Local experience of dental therapists has borne out the high hopes for improved dental services which were held when training of these auxiliaries was commenced in this State.

The private profession and the Australian Dental Association endorse the use of dental therapists in the dental health team.

There seems to be no reason whatsoever to deny the Perth Dental Hospital, public hospitals, universities, and tertiary education institutions the legal right to employ dental therapists.

They would of course be required to operate under the direction and control of a dentist, as is the case with therapists currently employed.

The Bill seeks to amend section 50A of the Dental Act to allow these authorities to use dental therapists in their clinics.

I commend the Bill to the House.

Debate adjourned, on motion by Mr J. T. Tonkin (Leader of the Opposition).

EMPLOYMENT AGENTS BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.31 p.m.]: I move—

That the Bill be now read a second time.

The Employment Brokers Act was first introduced in Western Australia in 1909 to regulate the activities of Employment Brokers. It was amended in 1912 and again in 1918 but for the past 57 years has functioned without change. It is therefore appropriate to propose some alteration in the format of the legislation, particularly as various parties connected with or affected by its operations have moved strongly in this direction.

The origin of protective Statutes on this matter in other places arose out of strongly held philosophical and pragmatic points of view that workers, particularly those on lower incomes, should be protected from exploitation by persons who chose to make a profit from the circumstances of unemployment.

Following the 1939-1945 World War, the Commonwealth Employment Service had its beginnings under the Commonwealth Re-establishment and Employment Act, 1945, and it followed the principles of the ILO Convention No. 88 (Employment Service) which Australia ratified in 1949. This ensured the maintenance of a free public employment service which comprises a network of local and regional offices sufficient in number to serve each geographical area of the nation, and this State, conveniently located for employers and workers who are encouraged to use it on a voluntary basis.

An ILO Convention No. 34 (Fee Charging Employment Agencies) was adopted at Geneva in 1933 but it was revised and superseded in 1949 by ILO Convention No. 96 on the same matter. Australia however has not ratified this Convention. It provides for either the progressive abolition of fee charging agencies (part II) or the regulation of such (part III). It is optional to adopt either part when considering ratification of the Convention. In common with Western Australia, other States of Australia—except Victoria and Tasmania—have had legislation over the years to license and regulate the activities of employment brokers who have operated in conjunction with the free Commonwealth service. The acceptance of this Bill would allow Western Australia to agree to the ratification of Convention No. 96 which it could not do under the current Act.

Following the industrial expansion in Western Australia in the 1960s, there was

some increase in the number of employment brokers licensed as shown in the following figures—

1962—21
1966—40
1968—72
1972—82
1975—99

Different agencies cover either a variety or special classes of employees varying through executive, professional, office, and secretarial staff, rural workers, hotel and domestic staff, and the like.

A number of employment agents took the initiative early in 1969 to form the Employment Agents Association—later changed to the Personnel Services Association—which is affiliated with the Perth Chamber of Commerce. It is understood that criticism of employment brokers was one of the main reasons which caused this step to be taken and this body was formed as a trade association pledged to a code of ethics and conduct designed to foster harmonious relations between the clients and the general public. Its membership since its formation seems to have varied between 20 and 30.

In September, 1970, a motion in the Legislative Assembly to appoint a Select Committee to inquire into and report upon the activities of employment brokers was defeated. It was suggested then that the Department of Labour and Industry should administer the Act in a more complete form. Some mention was also made of the qualifications of the licensees and their employees and the necessity for a person who is charged with the responsibility of selecting people for or placing people in employment to have an understanding of the duties of the vacancies and the qualifications required of the applicants. No doubt requirements are misjudged by the agents from time to time, which dissatisfies the employer or worker. However, these agents seem to develop a personalised service which retains a clientele for them although, obviously, they cannot match the backup facilities of a national employment service with its full range of services and activities such as assessment and counselling services, professional and executive sections, and so on.

The Personnel Services Association is anxious to adapt the legislation to modern concepts and practices and the Western Australian Trades and Labor Council shares the same view. The professional Musicians' Union was of the opinion that the entertainment industry has, over the years, been plagued by exploitation of performers, causing every country to grapple with the problem of preventing exploitation by those in the guise of managers, entrepreneurs, representatives, entertainment consultants, and so on. Because of the ever-present lure of success and stardom in show business, the performer tends to be more gullible to the wiles of smooth operators and the annals of the history of that industry are filled with legendary cases of these cankerous practices.

The Bill contains basic principles and new provisions which have been developed in consultation with the interested parties, and in the main it seems to have their support. It endeavours to deal with those things which have caused concern in the past such as excessive control of unemployed persons by virtue of access to employment opportunities, overcharging of fees to either party, and the use of agency provided circumstances to profit under cover of the agency whilst acting as employers, contractors, or subcontractors.

I might mention that this Bill, if passed by both Houses, will require a consequential Bill to amend section 178 of the Industrial Arbitration Act but it would be of a minor nature only, so as to alter the reference in that Act to the Employment Brokers Act.

Some major changes in approach occur in the Employment Agents Bill and I will deal with those clauses in the Committee stage. In considering the new provisions, close study was given to the Auction Sales Act of Western Australia. It was agreed that its provisions in regard to licensing and some other requirements were appropriate for the Employment Agents Bill and they have been utilised accordingly.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 3)

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill is consequential upon the introduction of the Employment Agents Bill, 1975, to repeal and replace the Employment Brokers Act.

Its only purpose is to change references in section 178 of the Industrial Arbitration Act so that the term "employment broker" will be substituted by "employment agent" and the title "Employment Brokers Act" will be altered to "Employment Agents Act". It must be dealt with in conjunction with the Employment Agents Bill as its passing is dependent upon the acceptance by both Houses of the Employment Agents Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

STATE HOUSING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th November.

MR HARMAN (Maylands) [5.41 p.m.]: This amending Bill has been considered by

the Opposition, following which I am happy to inform the House there are no objections to it.

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 Mr P. V. Jones (Minister for Housing), and transmitted to the Council.

PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th November.

MR J. T. TONKIN (Melville—Leader of the Opposition) [5.43 p.m.]: The introduction of this Bill was foreshadowed by the Premier and Treasurer when he introduced the Estimates. It has two purposes: one is to replace the existing exemption with a system of tapered deductions and to provide a higher figure for exemption from payment of pay-roll tax; and the other is to endeavour to prevent tax avoidance, which is occurring to some extent already and the indications are that it is likely to increase in incidence to become quite a substantial loss to the Treasury if steps are not taken to prevent it.

The general exemption of $20 800 which prevails at present has existed since 1957 and it must be appreciated that with the inflation which has taken place in the long period since that exemption was first established that figure is no longer appropriate and consideration should be given to increasing the amount so that an attempt can be made to provide the same extent of relief as the original exemption was expected to provide.

This Bill will, for a start, double the exemption so that it will go to $41 600. This action is not being taken by this State alone; it has been considered by the other States. They also see the need for some change, and emphasis has been placed upon this by persistent requests for a change in the exemption. So if we take those two circumstances—the persistent requests for a higher exemption, and the decision of the various States that it is reasonable to make this change—we can understand why the Treasurer made this announcement when he introduced the Estimates.

It is not claimed that all of the States have agreed to make the change proposed here, but I understand a majority of them have done so.

It is also intended that there shall be a system of tapered deductions which will take place as from the 1st January, 1976. Under this system those who have to pay pay-roll tax at present—the small business people will to a large extent be exempted by the increase in the basic exemption—will have the basic exemption of $41 600 decreased by $2 for every $3 by which their annual pay-roll exceeds $41 600; thus no exemption at all will be available in respect of a pay-roll above $104 000. Because this grants a measure of relief to the small businessmen—and I agree they need it because some of them have been struggling for some time as a result of increased inflation and tight liquidity—it will be a very substantial help to them.

I think that although all States have not yet agreed to do this, probably they all will eventually and some may go a little further and grant higher exemptions. In that case I think the proposals are reasonable and quite fair. It cannot be argued that this action is precipitative, because I think it might well have been taken before.

The Opposition supports the Bill.

SIR CHARLES COURT (Nedlands—Treasurer) [5.48 p.m.]: I thank the Leader of the Opposition for his support of the Bill, and I have noted his comments. I cannot say what will happen in the two States which have yet to make up their minds as to whether they will follow the pattern of South Australia, Western Australia, New South Wales, and Tasmania; but there are indications they might go a little further. However, that has yet to be determined. For the time being we intend to keep this tax as uniform as possible with the other States, and in that respect I am satisfied we have a majority of the States seeking to do what we are doing here.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 9A added—

Sir CHARLES COURT: Mr Chairman, I seek your guidance. In proposed new subsection (3) on page 5, line 10 begins with the word "or", and line 9 finishes with the word "or". It has been pointed out to me that this is a printing error and I wonder whether I need to move an amendment or whether it can be corrected at the Table.

The CHAIRMAN: I direct the Clerks to make the necessary correction.

Clause, as corrected, put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Part IVA added—

Sir CHARLES COURT: Another printer's error has occurred on page 31 at line 39, which refers to "section 16 of this Act". As members will see if they study the

other provisions which go to make up this proposed new section, the reference should be to "section 16K", otherwise the wording is meaningless. This is hardly an amendment that can be made by the Clerks, and I wonder whether I could move an amendment without having to have the Bill reprinted.

The CHAIRMAN: I think it has to be reprinted.

Sir CHARLES COURT: Then perhaps I should give an undertaking to have the error corrected in another place. I invite the attention of members to the fact that it should refer to section 16K, otherwise it is meaningless.

Clause put and passed.

Clauses 13 to 17 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Sir Charles Court (Treasurer), and transmitted to the Council.

FINANCE BROKERS CONTROL BILL

Second Reading

Debate resumed from the 4th November.

MR BERTRAM (Mt. Hawthorn) [5.54 p.m.]: On the 29th April last a Bill to provide for the Finance Brokers Act, 1975, was introduced. It contained 98 clauses and it still remains on the notice paper. We are now debating a Bill for a Finance Brokers Control Act, 1975, which was introduced in this place on Tuesday, the 4th November. This Bill also contains 98 clauses, and we in the Opposition have been given seven days to consider and prepare the action we should take in respect of it.

The Minister told us that the previous Bill was purposely allowed to remain on the notice paper until interested parties had an opportunity to examine it and make recommendations as to desirable amendments. He said the Minister for Justice was in receipt of a considerable number of amendments which, I think, would have taken up six pages of our notice paper. So the Government has given unto itself from the 29th April last until Tuesday last to prepare this Bill, but has given the Opposition seven days since last Tuesday to work out what it considers should be done with the measure. There may be some members in the House who think that is a fair arrangement; but the Opposition thinks it is a putrid one, grossly unfair, and quite improper. Nonetheless, it is the sort of thing we have learnt to expect under the arrangement of business and conduct of this place by the present Government.

I am pleased to observe that all the amendments bar one which I placed on the notice paper in respect of the first Bill introduced on the 29th April have been incorporated in this Bill—not that they were of great consequence. The amendment which has not been incorporated was not accepted by the Government; however, I will speak of that later.

The Bill before us reflects no credit at all on this Parliament because it has been introduced most belatedly—in fact, six years after a comparable Bill was introduced in the Victorian Parliament. I have never heard anyone seriously allege that the Victorian Parliament sets any leadership standards in the matter of legislation. As a matter of fact, Mr Speaker, if you look at some of the legislation and administration of Victoria you will receive some rude shocks in respect of just how far behind that State really is. However, here we have Western Australia, as is so usual, following along behind other States; on this occasion six years behind Victoria.

Mr Thompson: Other than bellyaching, have you anything to say?

Mr BERTRAM: How about the member for Kalamunda? His contributions as a general rule are not very helpful.

Mr Harman: Half a page in the *Hansard* Index.

Mr BERTRAM: If I do not receive many interjections I will finish in a few moments. It is not a case of bellyaching; it is a factual state of affairs. Is there anything wrong with recognising our position, particularly as it happens to be factual? Is there any reason that we should bury our heads in the sand?

This Bill has to do with the licensing and general control of people who are finance brokers, and the term "finance broker" is defined in it. A finance broker, of course, is not a person who borrows or lends money; he is the agent in between who organises transactions between the borrower and the lender for which function he receives—and rightly so—a commission. Unfortunately we in this House do not know what commission he charges. However, it is interesting to observe that the Government once again is operating most consistently in breach of its alleged policy.

I say that, because if members look at clause 44 of this Bill—particularly some of those on the other side of the House who are not really aware of the tactics of the Government—they will find it is a price-fixing provision. Here we have, for the first time in history, a price-fixing provision being introduced by a Government that repeatedly tells the people it is opposed to price fixing. On this occasion it is taking the opportunity to price fix the fees for brokers when it is not even aware of what the fees for brokers are. The fees that are now being charged by brokers, and were charged by them in the past, may be perfectly fair. There is no evidence to the contrary. Perhaps it may be as well if I

read the Minister's answer to my question asked today. It reads—

> As far as I am aware there is no current scale of fees charged by brokers generally, and if there were it would be without statutory sanction.

So we really do not know, but the Government, taking advantage of this Bill to control brokers, has said to them, "We will fix your prices." We are not told whether the finance brokers agreed to this measure or whether they asked for it. I think it is most unlikely. However, notwithstanding that, the Government says, "We will fix your fees, whether you like it or not."

Mr O'Neil: Who will fix the fees?

Mr BERTRAM: The supervisory board.

Mr O'Neil: You said the Government.

Mr BERTRAM: The supervisory board could not fix the fees if the Government did not have clause 44 in this Bill. So the Government will fix the prices for procuration fees and whatever fees the finance brokers may be permitted to charge.

Mr O'Neil: Is that a good thing or a bad thing?

Mr J. T. Tonkin: It depends on the point of view.

Mr BERTRAM: It does indeed. However, I think the Government believes it is a good thing. It says—I do not know for how long—that wage indexation is a good thing, and so it is saying that if it is to fix the salaries of judges, parliamentarians, and other professional men, it had better also fix the salaries or fees of finance brokers. I imagine that is really what the Government is saying. At least it is consistent there. How long it will continue to support indexation remains to be seen.

However, the Government is not consistent—I have said this on innumerable occasions previously, and no doubt I will be saying it on innumerable occasions in the future—because, though it tells the people it is opposed to price fixing, it habitually practises it, and provides leadership in it. The fixing of prices for brokers is not really called for under this Bill. Primarily it is designed to protect people from fraud by brokers. That is the purpose of the legislation. Why then does the Government come here and specifically write into the Bill clause 44 which has for its purpose the price fixing of brokers' fees? To anybody who knows anything this is absolute nonsense when we look at the background of conservative Governments in this State, or the so-called Liberal Governments. It is an absolute manifestation of the Liberals' abiding faith in what they believe is the invincible ignorance and stupidity of the electors. If they did not think that way they would not have the hide to bring in this sort of Bill and at the same time tell the people outside something completely different.

A few months ago there was an unfortunate occurrence in this State where a broker defrauded people of something like $170 000.

Mr Clarko: In fact, it was believed to be much more than that.

Mr BERTRAM: Anyway, $170 000 is a very substantial sum.

Mr Clarko: It has been suggested it could be twice as high at least.

Mr BERTRAM: Right. Anyway, it is a very substantial figure. An image, of course, is being created that this Bill has been introduced to cure or prevent an occurrence of that nature. My complaint and concern is that, so often, this is the type of action that is taken in this Parliament, particularly when we have a conservative Government.

What I am saying is that the Government seems to wait for the event to happen and then we see a tremendous response on the part of the Government after the event. Here we have, once again, an instance of something happening after the event. This legislation should have been introduced into this place literally years ago. That frauds of this type would have occurred was an absolute certainty. There was no doubt in the mind of anybody who knew anything that such an event would happen.

Mr Nanovich: What would happen?

Mr BERTRAM: People being defrauded by finance brokers. I am not saying that all finance brokers would do this. We know there is a good percentage of them in our society who are reputable and honest operators. I know that, but occasionally someone does defraud the public, whether it be a finance broker or some other professional man. It does happen and so it is up to us to do what we are doing here today and that is at least to do our best to prevent this sort of offence.

This legislation will not prevent frauds by finance brokers for evermore. I do not think the Minister really suggests that, anyhow. What it will do will be to discourage such frauds, and finance brokers will have to enter into bonds or some other undertaking so that if a fraud does occur people will not suffer as a consequence. They will be covered under this Bill from the result of any defalcation or any fraud that may be worked.

The Bill seeks to set up a supervisory board. That seems to be the obvious procedure. Finance brokers will be required to be licensed. We, on this side of the House, are aggrieved by the fact that the supervisory board will not be representative of the consumer. There will be no public watchdog, really. That is what we complain about so far as the proposed supervisory board is concerned.

On the board there will be five members altogether, and two of them will be finance brokers. I see no objection to that

because they are entitled to be heard on the board. However, the public itself is not clearly seen to be given a voice on the board. This Government has a penchant for setting up faceless committees all over the place. Members will recall that we have a corporate affairs board or committee in Sydney, Brisbane, or wherever it operates. That is a faceless body; a nonelective body.

Now we are told, at the time of the creation of the thirteenth Ministry—which will mean another amendment to the Constitution here; a "job for the boys" routine—that a new Minister will have another nonelective committee of faceless men. Apparently the Government has no confidence in the Crown Law Department. So the Crown Law Department prepares a Bill and it will give it to the new Minister who will give it to the faceless committee, who will vet it and send it here.

I can understand the need for the committee since the committee system is not allowed to work in this Parliament. However, the Government has this penchant for setting up committees away from the public. So far as the public is concerned they are nonelective and nonparticipatory committees. There is on the notice paper an amendment which, to me, seems to be an excellent contribution towards bringing the people into the action and participating on this particular board.

We would like to see the barrister or solicitor who will be a member of the board one who is nominated by the Trades and Labor Council of Western Australia, because that body represents hundreds and thousands of people who have a real interest and it is, I suppose, the largest body of people who could possibly be represented on this board. When the Bill goes into Committee we will discuss that particular aspect further. It would not, anyway, take away what the Government is seeking. If it wants a solicitor or barrister on the board it could have one. The only difference is that this one would be appointed by the Trades and Labor Council and he would have an obligation to report to the Trades and Labor Council from time to time on what was going on. I cannot see any objection to that. On our side we do not have any particular confidence in the outcome of our amendment on that aspect of the Bill.

It is important, as I have already mentioned, that the public generally do not imagine that with the passage of this Bill into law and the establishment of a supervisory body over finance brokers they, as individuals, need no longer care and be prudent in their own dealings with brokers in regard to borrowings and other matters. They should remain diligent and at all times act prudently and with judgment. In other words they should continue to help themselves and not rely on a Statute to give them protection.

It does not matter how sound or how just legislation happens to be, it will not be effective if the people who are governed by it do not have the character to give effect to it or comply with it. No legislation can make them comply with it. I do not expect, of course, that this would generally be the case with finance brokers. I know that a Bill along the lines of this measure is one they have striven for for years. I know I have done my bit to try to get a similar measure before the Parliament. What members of the Opposition are concerned about, of course, is that a Bill of 98 clauses requires quite a lot of study, as the Government has found. However, although the Government has given itself time to study the Bill in detail, it has no intention of giving us a proper opportunity to study it ourselves.

Sitting suspended from 6.15 to 7.30 p.m.

Mr BERTRAM: Prior to the tea suspension I was about to sum up in conclusion to indicate that what the Opposition says is that the measure was brought before Parliament most belatedly; traipsing along years behind Victoria.

The Opposition has been given seven days to consider this measure which contains 98 clauses. If one takes out the two days of the weekend and the days one spends in one's constituency one will realise how much time the Opposition has really had to consider this Bill.

I draw the attention of the House to the fact that once again we find a provision which we have come to expect; namely, the price-fixing provision which is contained in this measure.

The Bill will not stop frauds but it should go some significant distance towards that end. Amongst other things it will require finance brokers to keep trust accounts; it will require them to have an auditor; and it will also require finance brokers to be licensed. These are all steps in the right direction.

What is more important is that should a defalcation occur the Bill provides for moneys to be available so that the people concerned will not suffer but will be compensated from another source.

Finally, the Opposition has made the point clear that it is not satisfied with a supervisory board being established in 1975 which cannot clearly be seen to include somebody who is there to protect and be the watchdog for the consumers; in this case the people who from time to time have to borrow money, whether it be for the purchase of a motorcar, the purchase of a house, or for any other reason.

Many thousands of people from time to time find themselves needing to borrow money and it is important that their views be heard as loudly and as clearly as possible by whatever means; and in this particular case their interests should

be safeguarded by the supervisory board which will be set up by this Bill.

Subject to those comments, the Opposition supports the measure.

MR O'NEIL (East Melville—Minister for Works) [7.34 p.m.]: I thank the honourable member for indicating that the Opposition will support the Bill. I will be pardoned for wondering right up till the honourable member's last few words whether this was to be the case.

I do not accept that the Opposition has had insufficient time to look at the legislation. The honourable member was fair enough to say that a Bill purporting to contain provisions for the control of finance brokers was introduced into this Parliament on the 29th April this year. It was allowed to lie so that those people interested in the legislation could suggest any amendments which were important to the purposes of the Bill. That was done.

It was found there were a number of amendments which, in fact, did not change the principles in the legislation at all; but they certainly ensured that the legislation would be more effective.

The amendments were such that I requested the Bill be reprinted to contain those amendments which had been submitted by the people involved in the finance broking industry.

The honourable member had ample time to prepare any amendments that he may have desired and they could have been included in the legislation. There were a few amendments on the notice paper and some of these were included in the reprint of the Bill. Admittedly they were purely corrections of what were grammatical errors in the text of certain clauses of the Bill.

There was no attempt by the honourable member to change any of the philosophies or the proposals in the original piece of legislation. Certainly, had he made submissions either by way of the notice paper, or by direct representation to the Minister for Justice, those submissions would have been taken heed of.

The Bill is not a party political issue, *per se;* it is one which purports to control the finance broking industry.

The member for Mt. Hawthorn also mentioned that the Bill, as we have it before us, was introduced some seven days ago with a slight change in the title, to overcome what could be a technical difficulty.

It is passing strange that the honourable member who took the adjournment of the initial Bill, way back in April, did not take the opportunity to examine the two pieces of legislation in the seven days that elapsed. However, he found it necessary today to ask a question without notice —a question which contained a number of queries relative to the various provisions of the Bill—particularly to check in what way the present measure differed from that which was previously introduced.

I should have thought it would be a simple matter to go through the two pieces of legislation and check them clause by clause. This could have been done on one of the seven days. He implies, of course, that he does not work on weekends. I wish I were in the happy position of being able to take weekends off.

The honourable member, of course, was also critical of the fact that this Bill is six years late in reaching this Parliament. I would point out that a Labor Government was in office for three of the last 4½ years of that period, and during that period of three years the honourable member himself was Attorney-General and would have had the responsibility of preparing such legislation.

The only other query raised by the member for Mt. Hawthorn was the fact that the Government is introducing price-fixing provisions in this Bill. He referred members to clause 44 of the Bill, I think it was, which says that the board shall determine the appropriate fees. I do not interpret that at all as meaning the Government. In fact while the honourable member read the answer to one question he asked today he did not read the question or the answer that referred to this particular part. Perhaps I should correct that omission and read the question which asks—

> Why has the Government omitted to prescribe by regulation or otherwise the scale of fees to be charged by finance brokers particularly having in mind the Government's alleged support for wages and salary fixation by indexation, its concern for the high cost of borrowing money which makes it difficult for people to buy their own home and its continuing performance as opposed to its policy on price fixation?

So when he posed the question without notice the implication in his question was that the Government ought to provide in the legislation by regulation the power to control the prescribed fees. Having read the question perhaps I should read the answer to indicate the Government's attitude. It is as follows—

> The Government certainly cannot now prescribe fees by regulations and the Bill, of course, does not propose to give power to do so. The Government sees no reason to depart from the custom of having an appropriately constituted body to determine the remuneration of persons within a defined category.

I do not see anything wrong with that. I do not see it as a departure from any principles to which we subscribe. It seems to me to be fair and reasonable that an appropriate controlling authority representative of the industry, although in a minority, should have the power so to do. To have that distorted as meaning that the Government is introducing price-fixing

controls in the legislation is just beyond my comprehension.

I do gather from what the honourable member said that the Bill is supported in principle, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Composition of Board—

Mr BERTRAM: I move an amendment—

> Page 6, line 11—Insert after the word "capacities" the following words—
>
> and who shall be nominated from time to time by The Trades and Labor Council of Western Australia.

The clause states—

> (1) Subject to this section, the Board shall consist of five members appointed by the Governor of whom—
>
> (a) one shall be appointed to be a member and Chairman of the Board;
>
> (b) one shall be a person who is experienced in commercial practice;
>
> (c) one shall be a person who is admitted and entitled to practise as a barrister, solicitor, attorney, and proctor of the Supreme Court, or in any one or more of those capacities;

If the amendment is carried it will then go on and say, "who shall be nominated from time to time by The Trades and Labor Council of Western Australia". Paragraph (d) states—

> (d) two shall be persons who are licensed finance brokers and elected for appointment by licensed finance brokers.

I think five is a convenient number for the supervisory board and I do not argue with that.

During the last election a certain pamphlet was issued in the most general terms. It was headed, "What Liberalism Really Means". I have a fair idea who the author is. Later the pamphlet states the specific things that will follow. Having thought back on the generalities I thought my amendment would be accepted. The pamphlet reads—

> The Liberal Party is a non-sectional Party of Social Reform—

Mr Grayden: Hear, hear!

Mr May: Coming events cast their shadows before them.

Mr BERTRAM: To continue—

> —which seeks to create a Society that offers freedom for citizens to choose their own way of living, subject only to the rights of others.

I am relying on the last part which says "subject only to the rights of others."

Mr Jamieson: It must have been written before today.

Mr BERTRAM: I see nothing wrong with two finance brokers being on the board. I think that is proper. They represent their own interests and I feel they are entitled to be heard. They can bring the benefit of their experience to the board and, generally, I think it is desirable they should be represented on the board.

It is also thoroughly desirable that the public—the users, the consumers—should be protected and heard on the board. I can think of no other body with a wider spectrum than the Trades and Labor Council. Would it not be sensible for that body to be permitted to nominate the third person set out under the provisions of clause 7 (1) (c)? He would have a duty to report back to the Trades and Labor Council—the people, if you like. What is objectionable in that?

I would have thought there would be no objection from the conservatives opposite because from my reading of the glossy pamphlet, full of words and nonsense, the Liberal Party has no affiliations with other organisations. I suppose it means no official affiliation. The pamphlet states—

> . . . it strives to represent all sections of the community—the worker, civil servant, businessman, pensioner, all employees and employers.

The question I put is whether the Liberal Party is striving hard enough, or whether it is kidding itself. Does it most effectively represent the worker, civil servant, businessman, pensioner, and all employers and employees?

If this Bill is to give those people a voice they should be allowed to nominate a consumer's representative. I do not suggest we should appoint an additional member; I simply say that if a solicitor is required on the board, let those people for whom the Liberal Party has great affection have a voice in the appointment. If a better appointment than a person from the Trades and Labor Council is available, I will go along with that.

Mr Sibson: What about the housewife?

Mr BERTRAM: I will go along with that too. The pamphlet goes on—

> Liberals aim for maximum personal freedom and minimal government control.

How will there be minimal Government control when the Government is to appoint all five members of the board?

Mr Clarko: You mean that, when appointed, the person from the Trades and Labor Council will behave as you want him to?

Mr BERTRAM: Not at all.

Mr Taylor: But that happens quite often on boards appointed by Governments.

Mr BERTRAM: I think the events of today, where the Governor-General was appointed by the ex-Prime Minister, would prove the opposite.

Mr Clarko: You are complimenting the former Prime Minister on his selection.

Mr BERTRAM: I was not doing that; I said one could not be certain. I think the Government is one of those which desire the States to have the right to appoint judges to the High Court.

Mr O'Neil: It wants to be consulted on appointments; do not distort the facts.

Mr BERTRAM: That has been a slight digression, Mr Chairman.

The CHAIRMAN: The member has another three minutes only.

Mr BERTRAM: Thank you; that will be ample. I would have liked to read some other excerpts from the glossy pamphlet because I think that a rather weary and warm night requires some humour.

I believe this Bill can be improved by the amendment I have proposed. Whilst it is somewhat unusual, I find I have ample support in writing from the conservatives themselves. So I am relying on them. On that basis I am more confident than usual that my amendment will be carried.

Mr O'NEIL: The honourable member has not persuaded me in the least to follow his line of reasoning. As a matter of fact, it is rather curious that he quotes from a document that he ridicules all the time. He now uses that document, which he ridicules, to support his case. I am quite sure the honourable member takes the document to bed at night and revels in the nightmares it must cause him.

Mr Bertram: I have become immune to it.

Mr O'NEIL: I am sure the argument put forward by the member opposite will not persuade us to go along with his amendment.

Mr Taylor: Your own policy will not persuade members opposite either.

Mr O'NEIL: The board is, quite clearly, not representative of any particular group of interests. It is designed that way. One member shall be appointed to be chairman of the board; one shall be a person who is experienced in commercial practice; one shall be a person who is admitted and entitled to practise as a barrister, solicitor, attorney, and proctor of the Supreme Court, or in any one or more of those capacities; and two shall be persons who are licensed finance brokers and elected for appointment by licensed finance brokers.

Mr J. T. Tonkin: I think there is need for two solicitors to be certain of different opinions.

Mr O'NEIL: The board would probably never get an answer!

We are accustomed to the Opposition endeavouring to have a representative of the Trades and Labor Council appointed to various boards and instrumentalities. That is fair enough, but I think it is almost ridiculous to have a situation where a solicitor who is to serve on a board should be nominated by the Trades and Labor Council. It could well be that a solicitor would not like to be on a board as the result of such a nomination, just the same as a solicitor probably would not like to be on a board if he were nominated by the Liberal Party, the Labor Party, or the Country Party. I think the endeavour of the Opposition to pander to the Trades and Labor Council in this way is a completely abortive exercise, and I oppose the amendment.

Mr BERTRAM: I am not really surprised at the attitude of the Minister. However, I would remind the other members of the Government—in this Committee, so-called—by quoting once again from the document, that they are completely free to follow their own consciences. I see the member for Karrinyup is taking particular interest in what I am saying.

Mr Clarko: I always listen carefully to what you say.

Mr BERTRAM: The words may be familiar.

Mr Clarko: Some of them are. I think the pamphlet is very well written.

Mr BERTRAM: I will not comment on the face which appears on the front of the pamphlet, but I believe the following quote is excellent for those who believe in the credibility of the conservatives. It reads—

> A Liberal Parliamentarian is completely free to follow his own conscience and the interests of the people of his own Electorate.

I am appealing to the conservatives opposite to follow that recommendation. They do not have to follow the Government like so many sheep or goats. Members opposite know what this Committee is striving to achieve and they recognise the merit of what we are trying to do. We are trying to include on the board a watchdog for the consumers. The board will not be increased in size, and there will be no additional cost to the people or to the purse of the Government. In a sense, the proposed appointee will be in the form of an ombudsman. Members opposite will remember that for many years they defeated moves for the creation of the position of an ombudsman.

The CHAIRMAN: I do not know that this has much to do with the clause.

Mr BERTRAM: I am trying to develop the point. My amendment proposes a built-in ombudsman—a built-in consumer

protection device. Members opposite who are interested in protecting the consumers should remember that they are completely free to follow their own consciences and the interests of the people of their electorates. As members will observe, the case is clear. Surely they should have some concern for the people in their electorates. Government members might, in due course, tell their electors that this Bill has been before the House for months, but they neglected to care for the people in the way proposed by my amendment. Members opposite will be able to say that ultimately they did the right thing and changed direction, and admitted that they thoroughly neglected the Bill until they became aware of the virtue of the amendment which would provide a protection for the electors, and that is the reason they voted for it.

Amendment put and negatived.

Clause put and passed.

Clauses 8 to 14 put and passed.

Clause 15: Power of registrar and inspector to investigate, inquire and obtain information—

Mr HARTREY: I object strongly to the clause in its present form and I move an amendment—

> Page 10, after line 30—Add the following proviso—
>
> > Provided that no information given or document produced pursuant to paragraphs (a) or (b) of this subsection or pursuant to the ensuing subsection hereof shall be used to incriminate any person complying with any such demand made by virtue of this section or any part thereof.

It is reasonably clear and fairly vital. I have always identified myself with any provision contained in legislation which encroaches on personal liberties. I do not like to see repeated incursions into the personal liberties of people.

Once upon a time it was better to be a subject of the English Crown than a citizen of many foreign countries. I have no objection to being a subject of the English Crown—or the Australian Crown as it now is—but I do object to being one of the Government's abjects as is becoming more and more the tendency of legislation introduced into this Chamber, and introduced into this country of Australia.

For the sake of the exercise I will read paragraph (a) of subclause (1) of clause 15, which is as follows—

> (1) For the purposes of carrying out any investigation or inquiry in the course of carrying out his duties under this Act, the Registrar or an inspector may—
>
> > (a) require any person—
> >
> > > (i) to give him such information as he requires;
> >
> > > (ii) to answer any question put to him,
> >
> > in relation to any matter the subject of such investigation or inquiry; . . .

A fundamental principle of English law is *nemo debet se ipsum accusare*—no man is bound to accuse himself. The Government proposes that he shall. It proposes that a registrar or an inspector may approach anyone he suspects of an offence and say, "Tell me, are you or are you not guilty of an offence under this Act?" If a man gives a statutory declaration to the effect that he is not guilty, and he is subsequently found guilty, he can be convicted of perjury, or a modified form of perjury under the legislation relating to statutory declarations. In other words, the provision violates an individual's personal liberties. I do not like that type of legislation.

Under our existing legislation, a man called to give evidence in a court of law may decline to answer questions on the ground that the answer may tend to incriminate him. If he says that, the judge or magistrate has the power to say to him, "If you answer the questions, and I believe you have answered them truthfully, I will give you a certificate exempting you from prosecution." If a man blatantly lies, the magistrate can say, "It serves you right; you did not answer truthfully, and what you have said can be used to incriminate you." On the other hand, the magistrate may say, "I think you made a clean breast of it and told the truth. You will not be prosecuted." That is our present law to protect a person's liberty; the Government proposes to subvert it with this provision, and I will not have a bar of it.

It is for this reason I have moved to add that any information supplied or any document produced pursuant to the requirements of paragraphs (a) or (b) of subclause (1), or any other information provided pursuant to any other subclauses of this clause, shall not be used to incriminate the person from whom it is obtained.

Mr O'NEIL: I have a great deal of respect for my colleague opposite. However, he admitted that he wrote this amendment in a hurry, and I have not had an opportunity to see what he has written. I would like to refer him to clause 16 of the Bill, and I will read it to members as I believe it covers the very point raised by the honourable member. It reads—

> Without prejudice to the provisions of section 11 of the Evidence Act, 1906, where under section 15—

And this is the provision the honourable member objected to. To continue—

> —a person is required to—
>
> > (a) give any information;
> >
> > (b) answer any question;
> >
> > (c) produce any document,
>
> he shall not refuse to comply with that requirement on the ground that

the information, answer, or document may tend to incriminate him or render him liable to any penalty, but the information or answer given, or document produced, by him shall not be admissible in evidence in any proceedings against him other than proceedings in respect of an offence against paragraph (b) of subsection (1) of section 17.

Mr Hartrey: That is exactly what I am objecting to.

Mr O'NEIL: This relates to the giving of false evidence.

Mr Hartrey: He cannot be found guilty of perjury or of murder, but he can be found guilty of the offence under this Act and which he may have compulsorily confessed to.

Mr O'NEIL: Members will appreciate that I propose to oppose the amendment.

Mr HARTREY: In reply to the Minister, for whom I have a great respect also, I am not unconscious of the fact that clause 16 contains that proviso. However, it does not go far enough. It says a man cannot be convicted in some other proceedings, but that he can be convicted in the very proceedings then taking place. This is exactly the point I make.

I will not waste the time of the Committee any further, but I ask members to support my amendment.

Amendment put and a division taken with the following result—

Ayes—19

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr May
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Taylor
Mr Carr	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	*(Teller)*

Noes—23

Mr Blaikie	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Rushton
Mr Coyne	Mr Shalders
Mrs Craig	Mr Sibson
Mr Crane	Mr Sodeman
Mr Grayden	Mr Stephens
Mr Grewar	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr Davies	Mr Ridge
Mr T. H. Jones	Dr Dadour
Mr Skidmore	Mr Mensaros

Amendment thus negatived.

Clause put and passed.

Clauses 16 to 98 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th November.

MR J. T. TONKIN (Melville—Leader of the Opposition) [8.12 p.m.]: The purpose of this Bill is to improve the provisons of the Parliamentary Superannuation Act. I have more than the usual interest in speaking to it because I happen to have played a very important part in the establishment of the whole scheme; as a matter of fact, I think I can quite rightly claim to be the father of the parent Act.

Mr Thompson: The grandfather!

Mr J. T. TONKIN: Maybe. I can recall going to some lengths to sell the scheme initially to members of Parliament who were somewhat doubtful about its viability.

Mr Thompson: It is good that you succeeded.

Mr J. T. TONKIN: One member of the upper House, the late Mr Joe Holmes, said to me, "Tonkin, you cannot take more out of a pint pot than you put into it." I said, "That might be true enough, but what you have overlooked is that the tap keeps on running." That is the basis of the success of the scheme. When a member is defeated or retires, his place is taken by a new member who immediately and compulsorily becomes a member of the scheme. So we always have full contribution from every member of Parliament.

This scheme has built up from a very modest beginning. Initially, the fund was not supplemented by Government contribution; it was maintained entirely by the contributions of members. It was established back in 1944, and in 1970, after some years of experience, the Government of the day decided that a new scheme should be implemented, and considerable advances were made. We have reached a further stage now where it is proposed to improve the scheme again and to bring it more into line with the superannuation scheme applying to Government servants and to the schemes applying to members of Parliament in other States.

The principles of the existing scheme are that the present basic pension entitlement is 30 per cent of the basic salary; this increases by 1 per cent of the basic salary for each six months a member contributes in excess of his initial qualifying period of seven years. This increase in contribution and in pension entitlement goes to a maximum of 66 per cent after 25 years' membership of the fund.

But the existing Act requires that even after a member has completed his full qualifying period he must continue to contribute to the fund, even though it

brings him no additional benefit. One of the provisions of this Bill is to alter that somewhat, so that after a qualifying period of 23 years a member has to contribute only 5 per cent of his salary; he then continues to contribute until he becomes entitled to draw the pension.

As I have already said, our scheme compares unfavourably with other parliamentary schemes and it is now proposed to increase the existing maximum benefit of 66 per cent to 70 per cent to which a member will become entitled after 23 years' contributions. As in the other States, a greater proportion of salary is contributed over the 23 years. It is considered that should be equalised in this State, so it is proposed that the contribution shall be such that a member in 23 years will have contributed as much as he would have contributed under the existing scheme, if he were paying for the full 25 years.

Therefore, there is no additional benefit in that direction; the change is made in such a way as to even it up. So, the proposal in the Bill is that after 23 years' membership of the fund, the maximum benefit which a member will be able to acquire will be 70 per cent of his basic salary.

Under the existing provisions, a member becomes entitled to a pension of 30 per cent of his basic salary after seven years' membership of the fund. This Bill proposes to increase that to 38 per cent of the basic salary, after seven years' membership. This will increase by 1 per cent each six-monthly period until the maximum of 70 per cent of basic salary becomes the entitlement.

In addition, there will be a recalculation of pensions being paid to former members, and an increase as from the first pension day in January, 1976. At present, the members have to continue contributions beyond 25 years. However, under this Bill there will be a reduced contribution after 23 years, of 5 per cent of salary.

There also is to be a changed method of updating pensions—commonly called, I suppose, indexation—and there will be an adjustment to the total pension, instead of to only two-thirds of the pension. Under the existing law when increases are granted to the pension because of increases in the Consumer Price Index, the increase applies only to two-thirds of the pension. Under this legislation it is intended that the increase due to CPI increases will apply to the total pension.

I think most of the benefit to be obtained from this new legislation will go—in my view, quite rightly—to widows. They will be entitled to a pension based on five-eighths of the basic pension which their former husbands would have received. So, to put it clearly, if a member who has been a contributor to the fund retires and draws his full basic pension—perhaps it is the proposed entitlement of 70 per cent—and then dies, upon his death his widow will be entitled to five-eighths of the basic pension, regardless of the fact that her former husband may have exercised his right to convert part of his pension to a lump sum.

Under the existing legislation, after a member of the fund upon retirement elects to convert part of his pension to a lump sum, that is deducted when it becomes necessary to determine the amount to be paid to the widow. But that is no longer to be the case under this legislation; the amount of conversion will be disregarded for the purpose of calculating the five-eighths of pension which the widow will receive.

The Bill also contains an improvement with regard to the allowances for children of a member of the fund, and also a change with regard to payment to the widow, irrespective of when the marriage occurred. The legislation provides that if the widow remarries after she has reached 55 years of age, her pension entitlement will be restored if her second husband dies. These represent quite definite improvements to the legislation.

However, there is one aspect of the legislation which I should like to bring to the Premier's notice. In this year of emphasis upon equality between the sexes, I can see no reason that we should not give to the widower of a woman member of Parliament who belonged to the pension fund the same entitlements we propose to give to the widow of a male member of the fund. It is conceivable that the widower has an obligation to look after the children of the marriage and, considering that his wife was a compulsory contributor to the fund, and possibly could have made a very substantial contribution over many years, he is entitled to receive the benefits which ordinarily would flow to a widow.

Surely we should not differentiate in this matter. I believe we should apply precisely the same conditions with regard to the initial entitlement and with regard to the provision for children. I hope the Government will have a look at this point, because I can see no reason that there should be any different treatment at all.

At present we have four women in the Parliament; those four who, like the male members, are compulsory contributors to the fund, are not entitled to the same advantage for their partners as the male members of the fund. For the life of me, I could not supply any justification for that differentiation. In each case, they have no option; they must join the fund and contribute—on the same basis as the male members—a certain percentage of their salary.

Why should there be any differentiation as far as the two partners of the marriage are concerned? They should be in precisely the same position, irrespective of which one of them happens to be the member of the fund. I would hope the

Government will amend this Bill to include such a provision, because I believe it is highly desirable.

I intend to raise the question again in regard to a later Bill because I believe the same situation should apply. The later Bill, to which I will make only passing reference now, deals with judges. We are reaching the stage where women judges already have been appointed in Australia and there is a distinct possibility there will be women judges in Western Australia. I believe that should cause us to consider the desirability of applying to women judges precisely the same argument as I am now applying to female members of Parliament.

I repeat that if I were called upon to try to justify the differentiation, I could not find a sound argument for it. In each case, a member—be he male or female—is obligated to join the fund; there is no right to opt out of it; so, it is compulsory membership. Then, for entitlement, the conditions are precisely the same.

If we differentiated in respect of extending to women members of Parliament the advantage of being members of the fund for a lesser contribution, or if we removed the obligation for her to continue to contribute after a period of years, there might be some argument for this discrimination. But at present membership of the fund implies that, irrespective of the sex of the member, certain conditions must be complied with.

My reading of the legislation leads me to the conclusion that as the Bill is drafted at present the advantages which we propose to give to the widow and her children would not necessarily be available to a widower and his children. I should like the Government to consider the situation. With those few remarks, I indicate that the Opposition supports the Bill.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [8.29 p.m.]: I wish to make only a few comments in regard to the legislation. Usually at this stage of the proceedings of Parliament, the report of the Parliamentary Superannuation Fund has been tabled in the House; however, this year I notice there has been no such tabling to indicate the standing of the fund. As far as I am aware, the fund is in a very healthy situation.

I had the parliamentary labour representative telephone the trustee to ascertain the position, and as far as I can recall, the fund stands at something like $1.6 million. This would provide a good indication why the actuaries, no doubt after consultation with the former Under-Treasurer (Mr Townsing), have put forward these recommendations; the fund is growing to an embarrassing degree.

The report on the fund has now been tabled. The amount standing to its credit is $1 552 000, and it is getting rather high. That indicates that as a result of accumulation of contributions, the fund can now provide more benefits.

You, Mr Speaker, several other members, and I having completed some 15 years of service in this Parliament under the old scheme, achieved the maximum. We then reverted to the new term, because the period was changed to 25 years of service. Today only you, Mr Speaker, and the Leader of the Opposition have achieved the maximum of 25 years, and the Premier and I will achieve that period of service on the 14th February next year.

As a consequence, the provision for 5 per cent contribution which will apply only to members with 23 years instead of 25 years' service will affect four contributors. It will affect my colleague, the member for Kalgoorlie, in another three years. So, it will be about six years before the member for Kalgoorlie will qualify under the 5 per cent contribution provision instead of the 10 per cent contribution.

A major part of the Bill deals with what might be termed the Gayfer amendment. When Mr Gayfer ceased to be a member of this House, and was elected a member of a more distinguished Chamber, he was in a position to cause considerable embarrassment to the fund. In the period he was not a member of Parliament he could have claimed all sorts of benefits from the fund, including a lump-sum payment. However, he did not elect to do that. He continued payments into the fund where he had left off, with the intention of accumulating payments from the fund till a later stage. I do not think the position was as bad as the trustees of the fund made it out to be; I think they were overplaying their role.

It seems that every time we experience a problem we have to write three or four pages of amendments into the legislation. If we continue to do that within a few years we will have a very large volume containing the Parliamentary Superannuation Act.

When a member was elected in the latter part of a year, he could make payments from the beginning of the year to cover the situation. It seems that this case has been argued successfully, and as a result a provision has been included in the Bill.

I wish to make reference to clause 13. I do not think much attention has been given to this provision, and I am not sure of its intention. If it is intended to enable action to be taken when a certain situation arises, as in the Hutchison-Lavery case, then I think she should be entitled to two pensions. Mrs Hutchison married Mr Lavery, when both were members of this Parliament. Mr Lavery predeceased Mrs Hutchison, and at that time she should have been entitled to a widow's pension. Later on when she herself retired she should have been entitled not only to that

widow's pension but also to her own superannuation benefits. Both members had contributed to the fund.

This is a rare instance, and we should not take it into account by attempting to amend the legislation. If it is a case of a widow of an ex-member of Parliament, who subsequently marries a widower who is a member of Parliament, as happened in the Holt-Bates case in the Commonwealth Parliament, I am inclined to think she should receive only one pension and not two pensions.

I stress again that where two members have contributed to the fund separately, the survivor should not be confined to one pension. In the Hutchison-Lavery case the contributions were over a long period, and neither lived very long to derive any great benefit from the fund. I do not think Mr Lavery saw out his term of office. The pension accrued to his widow, but she did not live for many years after her retirement from Parliament.

It would be a case of nit picking, if we tried to cover every aspect that might arise by amending the Act constantly.

The amendment in the Bill which seeks to increase the benefits is justified, in view of the information I have given on the fund and its stability. We all know that actuaries are very conservative people, and they make actuarial calculations on the basis that there could be a national calamity and we could all be stricken down at the one time, with the result that many pensions would have to be paid to the widows. The actuaries make sure that a fund is in a reasonable state and is able to cope with such an eventuality.

What they make provision for is most unlikely to eventuate. There is another aspect to be considered, and that is the contributions that are paid into the fund by the existing members. In view of these contributions and the interest earned by the fund, it is able to meet any outgoings. The two-thirds portion that is guaranteed by the Government and paid into the fund keeps on accumulating.

In respect of an ordinary superannuation fund, the proportion paid by the contributor is two-fifths as against the three-fifths paid by the employer. In the case of the Parliamentary Superannuation Fund, members contribute one-third and the Government two-thirds. I suggest that basically our fund is the same as the Government employees' superannuation fund.

I do not agree with continual amendments to the Act. If this practice is persisted with the Act will become too unwieldy. Indeed, some of the provisions relating to the payment of pensions to widows are difficult to understand. One aspect is whether the widow of a member of Parliament understands her position when she remarries and her second husband dies. I wonder whether such a widow would be aware of the continued payment of benefits on the death of her second husband.

If widows are aware that their pensions would be discontinued on their second marriage, are they told that when their second husband dies they will be able to claim again from the fund? These points should be emphasised to people who are in receipt of benefits, otherwise we could have estates making claims against the fund where widows in these circumstances fail to draw the benefits. With those remarks I support the legislation.

SIR CHARLES COURT (Nedlands—Treasurer) [8.40 p.m.]: I thank members opposite for their support of the legislation. To deal with the question of widowers, I will certainly have the query raised by the Leader of the Opposition researched at the proper legal level. I would have thought that the Interpretation Act covered the position. However, it may be that it does not, because the parent Act of the parliamentary superannuation legislation is very specific when it refers to the widow.

Section 26 of the Interpretation Act is quite explicit when it provides—

(a) every word of the masculine gender shall be construed as including the feminine gender;

(b) every word in the singular number shall be construed as including the plural number;

(c) every word in the plural number shall be construed as including the singular number;

(d) every word in either of the said genders or numbers shall be construed as including a body corporate as well as an individual.

I know these provisions are subject to different interpretations when we bring in words like "widow" as distinct from "widower", whereas in the case of the words "his" and "hers" the position is quite clear. I will have the matter looked at.

Some of the arguments used in the old days would not prevail today. We have to bear in mind that when provision was made for widows to receive pensions the widows generally had no other income of their own. Today we have the situation where the widow sometimes has all the wealth, but the deceased member has nothing but his copies of *Hansard*—and he would not get much for those! If the deceased member arranged his estate prudently for probate purposes that could happen. So the argument in support of the payment of a pension to the widow only because she is without means loses its point. I am only making that illustration, because it strengthens the point put

forward by the Leader of the Opposition that the widower could be just as much in need as is the widow if the positions were reversed.

I hope that as the years go by we will have more women members of Parliament with husbands. Maybe when that time comes there will be more widowers. I think it is fair enough to make the provision in this legislation clear, particularly as it is a contributing scheme. I shall have the matter checked tomorrow to see whether there is any automatic application of the provision because of the Interpretation Act.

The Deputy Leader of the Opposition raised the question of the report on the fund. I think he now has that document. I would like to warn the younger members of the House, who have not had as much experience as the older members, that they should not look at this fund on an actuarial basis, because if they do they will see it is bankrupt. Those of us who have learnt to live with actuaries all our lives know that if we relied on actuaries to pay a dividend there would be no dividend, because they make provision for a disaster that will envelop another disaster. That is natural to their type of calculation.

However, the Parliamentary Superannuation Fund has a difference. It provides for a group of people who do not have the normal expectancy of service. Often they come in at a much later age than the ordinary employee, and often they leave much sooner, but usually this is not of their own free will. Therefore, we need to have a degree of good sense in the administration of the fund, and for this purpose the fund has been underwritten by the Government. If the fund was not underwritten by the Government it could not make the payments that it does. So, when we look at the amount of money standing to the credit of the fund, let us not be embarrassed or deceived by it. The amount standing to its credit would not be very much if there were many deaths or retirements. The fact is the fund is underwritten from another source. I believe it would be a most extraordinary set of circumstances if the Government had to put in funds to meet our proportion.

Mr Laurance: A good definition of an actuary is a person who wears braces and a belt to keep his pants up!

Sir CHARLES COURT: That is as good a definition as I could give. I now refer to the question raised by the Deputy Leader of the Opposition in respect of the Gayfer amendment. This of course has been provided on a two-way basis. I think it is fair enough that we clean up the provision beyond doubt, because my understanding of it was that that honourable member was to some extent dependent upon the goodwill of the trustees and their interpretation of certain events. Had it not been interpreted in the sensible way he could easily have been the loser. However, that is remedied by including it in the Statute.

Mr Jamieson: So could the former member for Bunbury, but you have not altered it in so far as his case is concerned.

Mr O'Neil: They were not quite the same.

Mr Jamieson: No, but they were similar and the trustees would have had to adjudicate.

Sir CHARLES COURT: So far as clause 13 is concerned, which is the last point on which I have to comment, I have not read this the way the Deputy Leader of the Opposition has read it. My understanding is that it would deal with the situation of a widow who, by a set of circumstances could, nominally, finish up with two widow's pensions under this provision. However, the provision does not refer to a member's pension, but to the widow's pension.

We could easily have the situation that, with the effluxion of time, a woman could have been married to a member of Parliament who predeceased her and then she could have married another member of Parliament. She would be a glutton for punishment if she did so after having experienced the matrimonial problems involved with being married to a member of Parliament, if he were an active one!

However, it could happen and my understanding is that the provision refers to such a case. Nevertheless, none of us would accept that such a person should receive two pensions, and this provision enables her to obtain the greater of the entitlements on a single pension basis.

If I have misread the provision I will certainly report back in due course, but I do not think I have. My understanding is that we are referring to a widow's pension. The proposed new section 23A reads—

> 23A. Notwithstanding any other provision of this Act, where but for this section a widow would be entitled to receive more than one widow's pension—

It is not a member's pension, but a widow's pension. To continue—

> —or a child would be entitled to receive more than one children's allowance during any particular period, only the greater or greatest of those pensions or allowances, as the case may be, shall be payable. .

However, the point has been made by the Deputy Leader of the Opposition and I will have it checked for him. From my reading and understanding of it it is not intended to be what he says it would be in the case of the unusual circumstances of Mr and Mrs Lavery, Mrs Lavery being known to us as the late Ruby Hutchison. However, I will have the matter researched.

I thank the members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clause 1: Short title and citation—

Mr T. D. EVANS: I have been asked by a former member of this Chamber—the former member for Pilbara—to raise a question with the Treasurer relating to a situation last confronted by the former member for the old seat of Balcatta. I am referring to Mr Graham who was appointed to the Licensing Court. When he accepted the appointment he had to forgo two-thirds of his parliamentary pension.

Mr Bickerton was a member of the Rights and Privileges Committee which I am afraid has disappeared from the scene. That committee made overtures to the Premier of the day (Sir David Brand) who agreed, so I am told, to remove once and for all the bar that then existed, and I am afraid still exists, to a member of Parliament receiving his full parliamentary pension if he takes a position as a result of which he draws a salary from a Crown instrumentality, whether it be State or Federal, or an agency of either.

I have been told that the former Premier (Sir David Brand) gave an undertaking that the next time the Act was reviewed, this provision would be amended and the anomaly resolved.

A person can leave parliamentary life and work in private employment and draw his full parliamentary pension, but if he accepts a position in a Crown instrumentality, either State or Federal, he can be penalised and can lose two-thirds of his parliamentary pension. I would like to hear the Treasurer's comments on that aspect.

Mr HARTREY: I would also like to say that there seems to be no logic at all in the idea which has just been mentioned; that is, that if a person takes employment in the State he loses two-thirds of his pension. The member for Kalgoorlie has suggested that the same loss would occur if employment was obtained with the Commonwealth. However, this Parliament has no authority in that respect. It is doubtful whether the Commonwealth would have any power to put obstacles in the way of persons who in a similar position accepted employment by this State, but that is not the problem concerning us at the moment.

I do know that about 25 years ago a friend of mine who was a school teacher died while still in the service of the State and his widow drew a pension. Subsequently she accepted a position as secretary to the then Federal member for Perth, a Labor member (Mr Tom Burke) and she was penalised as a result. I raised the point in court before the then Chief Justice (Sir John Dwyer) that it was an infringement of the Commonwealth Constitution to put an impediment in the way of anyone working in a Federal instrumentality. The point was upheld.

We can certainly do this in respect of Mr Graham, who accepted employment in the service of the State. However, had he accepted a position as commissioner of the Commonwealth arbitration court, we could not have done it.

As the member for Kalgoorlie has mentioned, such a person would not be penalised if he were in private enterprise, so why should he be if he is employed by the State?

Sir CHARLES COURT: First of all the logic of reducing the pension in the case of Mr Graham is quite obvious because two-thirds of his pension is paid by the State. He accepted a position for which the salary is quite reasonable for his sustenance. It is hardly a basic wage salary and therefore it is logical that the pension be reduced by two-thirds, because two-thirds of it is a State contribution and only one-third is actually contributed by the member. This, in broad outline, is the significance of why Mr Graham continues to draw the one-third that he himself contributed.

Mr T. D. Evans: If he went into private enterprise and drew the same salary as he does as Chairman of the Licensing Court he would be entitled to the full amount of the parliamentary pension.

Sir CHARLES COURT: It has nothing to do with us when he works in private enterprise. It might appear to be—

Mr T. D. Evans: Sir David Brand gave an undertaking to review the situation.

Sir CHARLES COURT: Before we start to record in *Hansard* that Sir David gave an undertaking, I wish to state that I cannot recall such an undertaking. I know the matter was discussed because the situation could arise, for instance, when a member of Parliament was defeated and went back to school teaching. I know the point was raised about such a case because he would automatically lose at least the Government's part of the pension.

Mr T. D. Evans: The Speaker used to raise this regularly.

Sir CHARLES COURT: Yes, I know.

Mr O'Neil: So did I.

Mr T. D. Evans: All I am asking the Treasurer is whether he will have another look at the situation.

Sir CHARLES COURT: I will as long as the member for Kalgoorlie—

Mr T. D. Evans: The former Treasurer gave an undertaking.

Sir CHARLES COURT: I will not look at it if the member for Kalgoorlie pins me to the proposition that the former

Treasurer gave an undertaking. My understanding is different from that. He did agree to have a look at it.

Mr T. D. Evans: If you give me the same undertaking, I will be quite happy.

Sir CHARLES COURT: I am quite prepared to look at the matter and find out what happened at the time as a result of the study made of the situation when the matter was raised on a number of previous occasions. The point has been argued at great length. It has been argued at great length by one of my constituents who feels very strongly about the fact that because he works for the Government and not for a private firm of consultants his pension is reduced.

This happens to be the condition of the fund and it seems to me to be quite logical that if he is working for the Government and drawing something of a sizeable nature in connection with that employment the Government's part of the pension should be suspended for that time. It is suspended only for that time, members must keep in mind. Therefore I cannot see anything very serious—

Mr T. D. Evans: You say that it is suspended only for that time. The Act provides that the member retiring from Parliament has only three months in which he shall elect whether or not he shall take a lump sum. I am not pushing Mr Graham's barrow but only using him as an example. His time to make an election has expired so he will remain on the one-third.

Sir CHARLES COURT: I will have a look at his particular case.

Mr T. D. Evans: I am using him only as an example.

Sir CHARLES COURT: But I will not look at it on the basis that there was a clear understanding in *Hansard* that a former Treasurer (Sir David Brand) gave an undertaking, because that is not my understanding.

Can I return to the question of two-thirds and one-third in the case of State employment? I have made out the argument as I understand it although I do not pose as an authority on the intricacies of the fund. However, I question what the honourable member said about this provision applying if a person worked for the Commonwealth.

Mr T. D. Evans: Read the Act.

Sir CHARLES COURT: If he becomes a Federal member, that is different; but if he works for the Commonwealth Government, I doubt whether it is actually suspended.

Mr T. D. Evans: Despite what the members for Boulder-Dundas said, I refer the Treasurer to the actual section in the Act.

Sir CHARLES COURT: If a person becomes a Federal member, that is an entirely different matter.

Mr T. D. Evans: The Treasurer has now been handed a copy of the Act.

Sir CHARLES COURT: Section 22(1) reads—

> (1) Subject to section 21 of this Act and to subsection (2) of this section, but notwithstanding any other provision of this Act, where a former member who is receiving or is entitled to receive a pension under this Part—
>
> (a) becomes a member of the Parliament of the Commonwealth or of any other State; or

Mr T. D. Evans: Keep going.

Sir CHARLES COURT: To continue—

> (b) holds within the State or elsewhere an office of profit under the Crown, whether in right of the State or otherwise,
>
> the pension payable to him from time to time under this Part shall be reduced by the amount, if any, by which the remuneration he receives as such a member of Parliament or from the office of profit, as the case may be, together with two-thirds of that pension exceeds the basic salary for the time being payable to a member.

Mr T. D. Evans: The material words are "an office of profit under the Crown".

Sir CHARLES COURT: I do not pose as having any legal knowledge. I am a simple layman who reads things as they are printed. I suggest the lawyers retire and have a conference outside. In my practice days, I did not use any textbooks dealing with taxation; I just read the Act and that kept me out of trouble. It says "holds within the State or elsewhere"—

Mr T. D. Evans: Under the Crown.

Sir CHARLES COURT: The honourable member is committing the cardinal sin of the legal profession; that is, bending words to suit his own predetermined convictions. Paragraph (b) of section 22 (1) says "holds within the State or elsewhere"—he does not have to be living in Western Australia—"an office of profit under the Crown". The Crown is clearly defined as it applies to our State. Paragraph (b) goes on to say "whether in right of the State or otherwise".

Mr T. D. Evans: I suggest the Premier has been clean bowled.

Sir CHARLES COURT: I suggest the honourable member, who has legal training, confer with another two members in this Chamber who have legal training, and I will accept the opinion of a two-thirds majority of them. I suggest the honourable member is confused about the word "Crown". The fact that it refers to "elsewhere" gives him the impression that the work could be performed for the Queen in Africa or another British Commonwealth country which has the Queen as its head.

Mr T. D. Evans: He can earn a certain salary outside the State or the Commonwealth. He should not be victimised if he earns that salary in the service of the Crown.

Sir CHARLES COURT: I do not think we need waste a lot of time on it. I have no intention of introducing an amendment because I do not think the point the honourable member raises is a valid one.

Mr T. D. Evans: I am glad you said that because it will go down on record.

Sir CHARLES COURT: I will gladly have it interpreted because I do not pose as having any legal knowledge.

Mr T. D. Evans: You have said exactly what I wanted you to say.

Sir CHARLES COURT: I will have the matter clarified. I want to refer to one other matter which I feel I have a duty to place before the Parliament because it is not included in the legislation; that is, it was suggested by Mr Townsing in his recommendations that there be a special provision in this Bill relating to retired Premiers. I mentioned the matter briefly to the Leader of the Opposition. I do not know that I am on the right ground in this; perhaps I can mention the matter at the third reading stage.

Clause put and passed.

Clauses 2 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

SIR CHARLES COURT (Nedlands—Treasurer) [9.06 p.m.]: I move—

That the Bill be now read a third time.

At this stage it is appropriate to deal with a matter I omitted to mention during the second reading debate. A suggestion was made by Mr Townsing that there be a special provision in the Bill in respect of retired Premiers. His proposal was that there be a percentage loading on the pension which would normally be paid to a particular person if he had served a period as Premier. For reasons which older members of the House will appreciate, Mr Townsing suggested a period of 18 months. I feel I have a duty to mention that the matter had been raised and suggested by Mr Townsing as he believed there should be some recognition of those who had served in office as Premier, particularly those who had had long service.

The Government decided not to include such a provision in this Bill. However, I felt I should mention it in case at some later stage it is raised and I might be accused of not having mentioned the matter while this legislation was before the House. Members will appreciate that in dealing with such an amendment there would be some embarrassment for two people in this House: one would be the Leader of the Opposition, who is a former Premier and Treasurer, and the other would be me, as the present incumbent. I raise the matter for the information of the House, as Mr Townsing felt rather strongly about it, and perhaps it can be given some consideration at a later date. The arguments he put forward were quite strong and well meant, but the Government at this stage, acting on my advice, did not pursue it in this legislation.

Question put and passed.

Bill read a third time and transmitted to the Council.

SALARIES AND ALLOWANCES TRIBUNAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th November.

MR J. T. TONKIN (Melville—Leader of the Opposition) [9.08 p.m.]: Under the existing legislation, when adjustments to the salaries of judges are required, it is necessary to introduce legislation for that purpose. It is the fault of the judges themselves that this is so, because they desired that Parliament should from time to time fix their salaries and thought they should not be fixed by a tribunal, as was proposed in connection with the salaries of members of Parliament. A little thought will reveal that it becomes quite irksome to a Government to have to be preparing and introducing legislation from time to time for no other purpose than to bring about these periodic adjustments.

The purpose of the Bill is to eliminate the need for such periodic legislation and to provide that effect be given to the recommendations of the Salaries and Allowances Tribunal but leaving Parliament in control of the situation. It is intended that after the recommendation of the tribunal has become available, a copy of it will be tabled in the House, and unless within 15 sitting days a resolution is passed disapproving of the recommendations they will have the force of law and the increases will be paid.

There is nothing objectionable in this process. It meets the desire of the judges that Parliament be in control of the remuneration they will receive from time to time, and it does away with what could become a nuisance if a Government were obliged every three months or so to introduce another Bill in order to give effect to adjustments of salary awarded by a salaries tribunal. That is all the Bill purports to do. It will avoid the need for future amendments in order to give effect to the recommendations of the tribunal, and it has the support of the Opposition.

SIR CHARLES COURT (Nedlands—Treasurer) [9.11 p.m.]: I thank the Leader of the Opposition for his support of the Bill. I think it was by interjection that the Deputy Leader of the Opposition asked

why the Bill provided a period of 15 sitting days, which is much more than we are used to. I agree it is a long time. It means five weeks of three sitting days, and in the meantime the remuneration is being paid under the terms of the Statute we now propose.

I must admit that originally I suggested the period be six sitting days, which would be two full sitting weeks. If the Parliament wanted to react in that time by way of objection it could do so, but failure to take any action would mean it had accepted the recommendation.

I do not propose to do anything about it in this House but in the Committee stage I would like to get a reaction from the Leader of the Opposition as to whether we should reduce the period from 15 to six sitting days. I have had discussions with those concerned and they can see no objection to the shorter period. The reason for its being 15 days was that that is the period in the appropriate Commonwealth legislation.

Mr Jamieson: You do not want to follow the Commonwealth: it would be pretty dangerous, being a Premier.

Sir CHARLES COURT: I will raise the matter when we are discussing clause 3 and, if I can, get a reaction from the Opposition. If it is felt we should reduce the period to six sitting days or some other period, I will be happy to have the amendment made in another place.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 7 amended—

Sir CHARLES COURT: I refer to the matter I raised during the reply to the second reading debate; namely, the question whether the period of 15 sitting days referred to in clause 3 should be reduced.

Having considered the point raised by the Deputy Leader of the Opposition, and in the light of my own previous ideas, I believe we should reduce the period from 15 sitting days, bearing in mind that a recommendation tabled, say, this week, could have to wait until next March or April for the 15 days to start to run before the judges would finally know they are entitled to the money they have been receiving under the recommendation. It is my intention to have the period reduced from 15 to six days or such other number as we agree upon in this place. I suggest six sitting days as an alternative.

Mr J. T. TONKIN: The Premier mentioned this to me a short time ago, and I gave some thought to it then. We on this side believe there is no justification for providing for 15 sitting days; that is, five weeks. As a matter of fact, a session beginning in March might not last five weeks. I think I speak for the Opposition, generally, when I say we would favour a lesser period. It seems to me that nine sitting days would be adequate. It would cover a period of three weeks, and if anyone wishes to raise objections three weeks is ample time for him to do so.

Sir CHARLES COURT: I am quite happy to go along with a period of nine sitting days as opposed to my suggested alternative of six sitting days. Under normal circumstances a period of nine sitting days constitutes three sitting weeks and I think that is fair enough. I will have the provision adjusted accordingly in another place.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Sir Charles Court (Treasurer), and transmitted to the Council.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th November.

MR J. T. TONKIN (Melville—Leader of the Opposition) [9.18 p.m.]: Without doubt the existing pension benefits of judges and the widows of former judges do not compare favourably with the provisions of similar legislation in other States. I think it can truthfully be said that our Act is deficient in some respects.

At present a retired judge of 60 years of age or over with less than 10 years' service is entitled to 50 per cent of salary as pension, adjusted annually according to the Consumer Price Index. A judge with less than 10 years' service has an entitlement of 30 per cent of salary if he retires before he has completed six years of service.

In each case an additional 4 per cent for each additional year's service in excess of five years is granted until the pension reaches 50 per cent of the basic salary, and that is the maximum benefit. A widow receives 50 per cent of her late husband's pension entitlement, and this is low.

It is felt there should be some adjustment of this. The Bill does not propose to alter the provision with regard to a retired judge of 60 years of age or over with less than 10 years' service. It is considered that part of the legislation is quite adequate and up to date. However, there are areas in which the Act is deficient, and the Bill proposes to remedy these deficiencies.

The Bill proposes to lift the rate of benefit for a widow to five-eighths of her late husband's entitlement and this expressed

as a percentage is 62.5 per cent of her late husband's entitlement. This compares with the provision for members of Parliament.

Under the existing legislation the pension of a widow of a deceased judge terminates upon her remarriage. If she married the judge after his entitlement she receives no pension at all. These are far less generous provisions than those provided in the Superannuation and Family Benefits Act. Therefore, it is considered by the Government—and we agree —that they should be brought into line.

So provision is made that the pension will terminate only if she remarries before she is 55 years of age, and the pension will be restored on the termination of that remarriage.

Where the marriage occurred after the retirement of the judge, the widow is to receive a pension from the age of 55 years. It is also provided that the pensions will be updated similarly to the updating of pensions under the Act covering members of Parliament.

Increased allowances for dependent children are to be given to bring them into line with the Superannuation and Family Benefits Act. I think, generally, it can be conceded that these improvements are quite reasonable in all the circumstances and should be supported.

We believe it is very desirable that as far as possible we should aim at uniformity in respect of people in similar positions in the various States. As it can be established beyond doubt by comparison that our Act is deficient in a number of respects, it is quite right that legislation should be introduced for the purpose of remedying those deficiencies. That is the intention of the Bill and the Opposition is in full support of its provisions.

Sir Charles Court: Thank you.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clause 1: Short title and citation—

Mr J. T. TONKIN: I want to remind the Treasurer that the remarks I made earlier with regard to our desire that the provisions shall apply to a widower just as they apply to a widow, are intended also for application with regard to judges. Whilst I appreciate that the Interpretation Act may cover the position inasmuch as the masculine includes the feminine, I am not satisfied that where it is specifically spelt out that a widow should benefit in certain circumstances, that can be taken to apply to a widower as well. It is certain there will be women judges appointed in Western Australia in the future, and I think it is quite unreasonable that upon their decease any pension payable to them should not pass to their husbands. I would accept the Treasurer's earlier assurance that he will look into the matter so far as judges are concerned.

Sir CHARLES COURT: I will have this examined and ensure there is no misunderstanding, and seek a suitable opportunity to advise the Chamber accordingly.

Clause put and passed.

Clauses 2 to 11 put and passed.

Clause 12: Second Schedule added—

Sir CHARLES COURT: If members look at part I of the proposed second schedule they will see in column 5 under the heading "When Pension Restored" the use of the word "Board" in paragraph (b). Apparently this wording was taken straight from the Superannuation and Family Benefits Act; and as there is no board in this case the word "Treasurer" should have been used.

Although this is an obvious error I understand it cannot be corrected by the Clerks, so in order to save reprinting the Bill I propose to have an amendment made in another place. I felt I should acquaint the Chamber of the fact that this amendment will be made—that is, to substitute the word "Treasurer" for the word "Board"—otherwise the legislation would be completely inoperative as there would be no-one to make a decision.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Sir Charles Court (Treasurer), and transmitted to the Council.

BILLS (2): MESSAGES

Appropriations

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

1. Employment Agents Bill.
2. Road Traffic Act Amendment Bill (No. 2).

POLICE ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from the 26th August. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Police) in charge of the Bill.

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

Clauses 3 to 24 put and passed.

Clause 25: Section 57 amended—

Mr HARTREY: In my speech on the second reading of this measure I suggested that section 57, as it stands, should not be retained in the Act. That section reads as follows—

> 57. Every person who shall ride or drive in any street so negligently, carelessly, or furiously, that the safety of any other person might thereby be endangered, shall, on conviction, be liable to a penalty of not more than forty dollars, except where the offence is in respect of so riding or driving a vehicle that is a vehicle within the meaning of the Traffic Act, 1919, in which case like provisions shall apply to the offender as under that Act apply to a person guilty of the offence of driving a vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public.

All those matters were dealt with long ago under the old Traffic Act and under the existing Road Traffic Act. Under the present Road Traffic Act a vehicle is defined as any means of transport, excepting an aeroplane, a ship, or a train, and it also includes an animal. So we do not need to bother about people riding furiously down the street on a horse. I have not seen anyone doing that since I was about 16 years of age, and that is a long time ago. Therefore I propose to delete all words after the word "Act" with a view to substituting other words. Accordingly, I move an amendment—

> Page 4, lines 20 to 30—Delete all words after the word "Act" down to and including the word "Act".

Mr O'CONNOR: The honourable member did not give me any notice of the amendment he proposes to this clause, although he did oppose the clause during the second reading debate. I presume that what he proposes to do is insert other words in place of the words to be deleted.

I have made a thorough study of the Bill and I think clause 25, as it stands, should remain. The penalties in the Act that are to be adjusted by the Bill are reasonable, and therefore I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 26 put and passed.

Clause 27: Section 59 amended—

Mr O'CONNOR: I did indicate earlier today to members opposite that clauses 27, and 42 to 44, which refer to prostitution should, in view of the fact that a Royal Commission is currently being held into this matter, be deleted from the Bill, and I am prepared to do that.

Clause put and negatived.

Clauses 28 to 31 put and passed.

Clause 32: Section 65 amended—

Mr HARTREY: This clause seeks to delete the passage "be deemed an idle and disorderly person within the meaning of this Act, and shall on conviction be liable" in lines 2 to 4 of section 65. I entirely agree with that, but the clause then continues—

> and substituting the words "on summary conviction be liable to a fine not exceeding five hundred dollars or";

I object to the principle of a fine of $500 or a fine of any amount being imposed for an offence of this nature. If a person is guilty of having no lawful visible means of support how can he be expected to pay a fine of $500? If he can pay such a fine, prima facie he is not without visible means of support. Everything is deemed to be lawful until it is proved to the contrary.

If we are to say that a man has no lawful visible means of support and then fine him $500 for such an offence, that is perfectly stupid. My remarks apply also to the next couple of clauses, the first one referring to a fine not exceeding $1 000, and the next one referring to a fine not exceeding $1 500, which fine is to be imposed on a person who is thrice convicted of having no money at all.

How absurd can we be, in introducing such a provision to Parliament? I wish the officers in the Crown Law Department could show a little more gumption in drafting these amendments. I therefore move an amendment—

> Page 6, lines 28 and 29—Delete the words "to a fine not exceeding five hundred dollars or".

Mr O'CONNOR: I oppose the amendment.

Mr Hartrey: I thought you would.

Mr O'CONNOR: I think I indicated to the honourable member that I would. In each of these cases the penalty indicated is the maximum only. The decision as to whether a person gets fined $2 or whether no fine whatsoever is imposed, rests with the judge. Such a person has a great deal of experience in these situations. He is aware of the position, and there are some crimes that are greater than others which require a greater penalty. Today a maximum fine of $500 is rarely ever imposed on a person by the court and, quite frankly, what the honourable member desires, apparently, is that there shall be no penalty at all.

If a judge can say to a man that the fine will be $5, and he can obtain that amount from some other person, this is better than placing the convicted person in gaol to serve a sentence. As I have said, this is a maximum penalty and the clause is best left as it is. I therefore oppose the amendment.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr May
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr McIver
Mr Fletcher	*(Teller)*

Noes—22

Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr Nanovich	Mr Young
Mr O'Connor	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr Davies	Mr Ridge
Mr T. H. Jones	Mrs Craig
Mr Skidmore	Mr Mensaros
Mr Moiler	Mr Blaikie
Mr T. J. Burke	Mr McPharlin

Amendment thus negatived.

Mr HARTREY: I move an amendment—

> Page 6, line 35—Delete the word "or" with a view to substituting the word "and".

Mr O'CONNOR: As I have already pointed out, I have had no notice of these amendments from the member for Boulder-Dundas, but I certainly will not agree to this amendment. If we insert the word "and", and a person uses some article to cause injury, and later says he did not intend to do that, it could cause some legal problems. I therefore oppose the amendment.

Mr HARTREY: Paragraph (b) of clause 32 refers to paragraph (4a) of section 65. Let us put that in its proper context and study section 65 which reads in part—

> (4a) Every person who, without lawful excuse, carries or has on or about his person or in his possession any rifle, gun, pistol, sword, dagger, knife, sharpened chain, club, bludgeon or truncheon, or any other offensive or lethal weapon or instrument.

If he merely has them on his person there is no reason for him to be penalised. However, under the Bill, the provision continues as follows—

> article made or adapted for use for causing injury to the person, or intended by him for such use by him.

In other words, if an instrument is made or adapted for use for causing injury, it does not matter whether the person intended to use it for that purpose. A razor is something which is very well adapted for causing personal injury. I do not think anything could be more adapted for that purpose; but a razor is a perfectly legitimate thing for a person to carry in the street. He might buy one in a shop and have it on his person on his way home and in that case he would have on his person something adapted for causing injury. In those circumstances he would be contravening the legislation. That is the stupidity of it. No-one has bothered to read it. The Crown Law Department has said it is all right so the Minister says there is no point in wasting time on it. It is time someone pointed out the complete stupidity of the wording.

The Bill refers to an article made for use for causing injury. Such an item would be unique if it were made for that purpose only. However, a surgeon's scalpel or an ordinary blade razor is adaptable for causing injury although it is not made for that purpose. If I have one in my possession, whether or not I intend to use it for an unlawful purpose, I am guilty of an offence. If my amendment were accepted, and I had the weapon with the intention of inflicting injury, that would be a crime, and quite rightly so.

How can it be a crime for a doctor to carry a scalpel from the hospital to his surgery? It is well adapted for causing injury, as is a razor which someone could be taking from a shop to his home. I cannot think of any weapon which would be more adapted for causing injury than a razor.

Sir Charles Court: If your amendment were accepted it would mean these bikies who get around with sharpened chains could not be caught.

Mr HARTREY: We have finished with chains. We are now referring to a particular type of article.

Sir Charles Court: The same principle applies.

Mr HARTREY: It is not the same principle at all. A razor or a scalpel may have a perfectly legitimate use. It depends on the intention of the person carrying the article. There can be no crime in my carrying a razor or a scalpel for a legitimate purpose. On the other hand, if I intended to use such a weapon to stab someone, that would be a grave situation and it would be a crime. However, if I am carrying a scalpel to deliver it to a surgeon, or a razor in order that I might have a shave, it does not matter what I intend, I am guilty of an offence. That is too stupid for words.

Mr O'CONNOR: It would appear to me that the honourable member is endeavouring to fight some of his clients' battles before they get to court.

Mr Hartrey: Exactly. I do not want them in court. I want them free.

Mr O'CONNOR: I do not want them free if they can cause damage to others. Equipment has been used for this purpose in recent times. Items such as pieces of wood with chains attached can cause a terrific amount of damage. As the clause reads, if an individual were carrying such equipment he could be in trouble.

Mr Hartrey: Whether or not he intends to use it.

Mr O'CONNOR: Yes, but if a person is carrying such equipment what would be his purpose in doing so?

Mr Hartrey: He could be carrying a scalpel for a surgeon.

Mr O'CONNOR: It is difficult to get a person convicted at present because all he would have to say is that he did not intend to use the article, whether or not he really intended to do so. He might swing a chain around and just miss someone and then he could say he did not intend to hit him anyway. The amendment will protect people. The member for Boulder-Dundas is asking us to accept an amendment which would mean that a person would have to be carrying the equipment with him and intending to use it unlawfully. It would be difficult for the police to get a conviction in those circumstances.

Mr Hartrey: I do not care what the police do.

Mr O'CONNOR: I am concerned about this sort of equipment being used against the public generally. We do not want to be a State in which people wander around with this type of equipment on their persons because it can cause a tremendous amount of damage. I oppose the amendment strongly.

Mr HARTREY: It is a fundamental principle of law that, for the commission of an offence, there must be a guilty intention. I am merely asking that if a person is found in possession of one of the articles to which reference has been made, there must be some evidence of intent to use it for causing injury. I am told that the police would not like it. I do not care a damn about that. I am not so fond of them, anyway. I am concerned about the people for whom we are legislating. How many police do we have in comparison with the number of people in the State? It is the voters who put us in Parliament and not the police.

We must remember the basic principle of law for which the people have fought for hundreds of years. There must be an element of guilt in any offence. The Minister does not want to accept my amendment because the police want to pinch a person whether or not he is guilty. We know it is tough enough at the present moment, but we do not want to make laws which will make it easier for people to be punished for harmless and innocent acts. We want to make laws to protect people from guilty intentions. That is all I am asking. I want the Government to accept my amendment and make sense of the legislation instead of nonsense.

Amendment put and negatived.

Clause put and passed.

Clause 33: Section 66 amended—

Mr HARTREY: I did not ask for a division on the last point and I will not this time. A person who is for a second time convicted of having no lawful visible means is liable to a fine of $1 000. The more impoverished he proves himself to be the more he is to pay. If that is not the height of stupidity I would like to know what is. I move an amendment—

> Page 7, lines 7 and 8—Delete the words "to a fine not exceeding one thousand dollars or".

Amendment put and negatived.

Clause put and passed.

Clause 34: Section 67 amended—

Mr HARTREY: This is the acme of the stupidity about which I have been talking. For a third conviction for being broke a person is to be fined $1 500. Do I need to stress again how stupid that is? I move an amendment—

> Page 7, lines 26 and 27—Delete the words "to a fine not exceeding one thousand five hundred dollars or".

The Minister will tell me that the fine need be only $2 or 40c, because it is a maximum. In that case, why does he not provide for the sentence of death as a maximum as the punishment will be a fine of only $2? He will tell us a person would not be hanged in this instance so we need not worry. We should not include such provisions, because we are not idiots, or I hope we are not. I am beginning to doubt this now, in view of the way the Minister is reacting.

Amendment put and negatived.

Clause put and passed.

Clauses 35 and 36 put and passed.

Clause 37: Section 69 amended—

Mr HARTREY: This relates to a very important section of the Police Act known originally as one of the Jarvis Acts. It relates to section 69 dealing with unlawful possession. It is not a section which the judges favour much. Time and time again they have pointed out the injustice of this type of legislation which casts on the accused person the onus of proving himself innocent. Over 30 years ago it was condemned by the then Chief Justice of South Australia, as reported in the *Australian Law Journal*. Our Justice Northmore in the case of Tracy and O'Brien pointed out that the interpretation of this section is to be guided by the function for which it was intended. That is quoted from a Privy Council decision and relates to a ship

called *The Lion*. The purpose of this provision is to provide a penalty for something which was not previously punishable at all. Section 69 of the Act reads as follows—

> 69. Every person who shall be brought before any Justice—

That could refer to any solitary JP. To continue—

> —charged with having on his person or in any place, or conveying, in any manner any thing which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice—

Many JPs have done stupid things, and on many occasions the Supreme Court has to ask them to have another look at a matter. The person charged does not have to give an account to the satisfaction of a jury, but to the satisfaction of some tin-pot JP, in Woolloomooloo or Meekatharra. To continue—

> —how he came by the same, shall be liable to a penalty of not more than four hundred dollars, . . .

In 1893 the penalty was £10 as it was in 1954.

Mr O'Connor: When did it go up to $400?

Mr HARTREY: In 1970, and now it is to go up to $2 000. The Minister should not try to tell me that inflation has brought about an increase of 500 per cent since 1970. A sum of $400 in 1970 would not be worth $2 000 today.

This is a piece of stupid law made by stupid people for stupid people. This is supposed to be government of the people, for the people, by the people. However, this is a stupid law made by stupid people for enactment by stupid people. Why should we act like stupid people? Are we to be insulted in that manner? I admit that money does not have much value these days, but it has not been reduced to one-fifth of its value in 1970.

Of course, it will be argued that the fine of $2 000 does not have to be imposed. A JP might kindly impose a penalty of $1 800. I have seen a woman brought into a court because she could not account for some underwear which she had in her possession. The police claimed that the goods came from a certain store, but she was unable to prove she had bought them. A person in that position could have been fined £10, but she will now be fined up to $2 000. That is completely disproportionate and stupid. A fine of that size would not be imposed in a case of manslaughter—if the judge imposed a fine instead of imprisonment. As I have said previously, there are two kinds of justice: justice according to the law and justice according to the Crown Law. Let us have justice according to common-sense law. I move an amendment—

> Page 8, line 29—Delete the words "two thousand".

Mr O'CONNOR: It is all very well for the member for Boulder-Dundas to say that we should give consideration to the person who has committed a crime.

Mr Hartrey: I did not say we should give consideration to the person who has committed a crime but to the person who is accused of committing the crime.

Mr O'CONNOR: I think we have to consider those affected by the people who commit the crimes.

Mr Hartrey: Yes, the poor unfortunate merchants.

Mr O'CONNOR: I am talking about individuals, and merchants are individuals. If the member for Boulder-Dundas had his home ransacked, and we found the receiver of the goods—

Mr Hartrey: The penalty is not for the receiver of the goods.

Mr O'CONNOR: It could be. If the person responsible was found, he could also have been responsible for stealing thousands of dollars worth of goods. We are not concerned with the person who steals a pin, but we are concerned with the people who ransack premises and who steal goods. I know of a case where a storekeeper went bankrupt because his premises were broken into on a number of occasions. Had the police caught the person who committed the crime, why should he not be made to pay the penalty? I think the argument put forward by the member for Boulder-Dundas is as bad as his opinion of my proposal. I do not agree with the amendment, and I oppose it.

Amendment put and negatived.

Mr Hartrey: I will call for a division.

The CHAIRMAN: There was no call, so I will not accede to the request for a division.

Clause put and passed.

Clause 38: Section 71 amended—

Mr HARTREY: This clause relates to section 71 of the Act and, again, the amounts involved are disproportionate. I have already read section 69 of the Act which deals with a person found in possession of goods reasonably suspected of having been stolen. The penalty for that offence will now be $2 000. Section 71 of the Act reads—

> 71. When any person shall be brought before any Justice charged with having or conveying any thing stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant, to convey the same for some other person, such Justice is hereby

authorised and required to cause every such person, and also if necessary every former or pretended purchaser or other person through whose possession the same shall have passed, to be brought before him and examined,—

Just a JP! Members know what a shrewd crowd they are, especially out in the bush! To continue—

—and to examine witnesses upon oath touching the same; and if it shall appear to such Justice that any person shall have had possession of such thing and had reasonable cause to believe the same to have been stolen or unlawfully obtained every such person shall be deemed guilty of a misdemeanour;—

A misdemeanour is an indictable offence. A person who otherwise would be entitled to be tried by a jury will be tried by a JP in the bush. To continue—

—and the possession of a carrier or agent or servant shall be deemed to be the possession of the person who shall have employed him to convey the same; and every such person shall on conviction be liable to a penalty of not more than one hundred dollars, . . .

A person who employs someone to convey stolen goods is more entitled to pay a heavy fine than the person employed.

Mr O'Connor: If the justice of the peace in the bush imposes a penalty considered not to be reasonable, the individual has an opportunity to appeal.

Mr HARTREY: I know. However, in the case of a person who is sentenced to 18 months' imprisonment for manslaughter it costs him absolutely nothing to appeal to a court of criminal appeal. A person sentenced by a JP to pay a fine of $10 has to outlay at least $400 before he can bring an appeal before the court. It is not at all complicated for a person who is in gaol. Of course prisoners frequently appeal without lawyers.

Mr O'Connor: And they sometimes finish up better off.

Mr HARTREY: I am saying it will cost $400 to lodge an appeal against a fine of $10. Many years ago I charged a man $350 for an appeal against a drunken driving conviction. I believed I would make at least $150. However, because of the work involved I finished up with a profit of $50 for 2½ weeks of hard work. Why should an unfortunate person be obliged to pay $400 to appeal against an extortionate fine just because the Minister wants the provision in the legislation? We do not like it. I move an amendment—

Page 8, line 33—Delete the words "one thousand".

Amendment put and negatived.

Clause put and passed.

Clauses 39 to 41 put and passed.

Clause 42: Section 76F repealed and re-enacted—

Mr O'CONNOR: In accordance with the remarks I made earlier this evening I propose to vote against clauses 42, 43, and 44.

Clause put and negatived.

Clauses 43 and 44 put and negatived.

Clauses 45 to 58 put and passed.

Clause 59: Section 90 amended—

Mr HARTREY: This clause proposes to amend section 90 of the principal Act, and that section deals with a very great crime. It reads—

Any person who shall wilfully prevent any constable or officer authorised under the provisions of this Act to enter any house, room, or place from entering the same, or any part thereof, or who shall obstruct or delay any such constable or officer in so entering, and any person who by any bolt, bar, chain, or other contrivance shall secure any external or internal door of or means of access to any house, room, or place so authorised to be entered, or shall use any means or contrivance whatsoever, for the purposes of preventing, obstructing, or delaying the entry of any constable or officer authorised as aforesaid into any such house, room, or place or any part thereof, shall be liable on conviction to a penalty of not more than two hundred dollars—

Now it is proposed to alter the penalty to $2 000, or a gaol sentence at the discretion of the justices, and apparently there must now be two justices of the peace. To continue—

—or in the discretion of the Justices before whom he shall be convicted of the offence to be committed to the nearest gaol with or without hard labour for any term not exceeding two years.

Now laugh that off! We will say that a man has a game of baccarat—which they have in Kalgoorlie every night of the week —or the other games that are played in Subiaco or Stirling Street, and he may find, if he decides to bar the door or use some other contrivance to deny entrance to a policeman to give the people on the premises an opportunity to get out the back door, that he would be liable to a two-year gaol sentence. What sense of proportion has this Parliament or this Government? Are Government members going to walk across the floor like a flock of sheep again? I assure them that I will put this amendment to the test also.

Fifty years ago a seven-year sentence on a manslaughter charge was declared a fairly heavy sentence. Today a two-year sentence is regarded as a heavy one for such a charge; and yet, a person who stops

a policeman from gaining entrance to a gambling place is considered to have committed a more serious offence than manslaughter! For heaven's sake, have some sense of proportion; members opposite are responsible to their electors. A person who comes to me to be defended on such a charge is not asked what his politics are; I ask for his story.

The Minister for Police said this is a very grave offence, it is even graver than manslaughter, and therefore, it is right and proper that it should attract a two-year gaol sentence. I do not ask that the existing penalty of $200 or six months' gaol be reduced, but I certainly ask that it be not increased to this extent. Members opposite must be impressed to some extent by the fact that I see both sides of the picture, but no, they accept the words of the Minister for Police, who accepts the words of the Commissioner of Police, who accepts the words of the Crown Law Department. We do not really legislate in this place; we just follow along like sheep.

I move an amendment—

Page 15, lines 21 and 22—Delete the words "two years".

Mr O'CONNOR: I believe that if the honourable member were in any way sincere he would have given some notice of these amendments and the matters could have been looked at more carefully.

Mr Hartrey: Oh, of course, I am not sincere!

Mr O'CONNOR: This Bill has been before us for many weeks. If I accepted the argument he has put forward tonight, I would accept the amendment. However, I do not accept the argument. Preventing the police from obtaining entry to certain places can be a much greater crime than the member for Boulder-Dundas suggested. Recently—and this happens everywhere in the world—we had the problem of drugs coming into the State, and we want to prevent this because of the drastic effect drugs can have on the individuals who use them. In fact, in some cases drugs can give rise to far greater problems than can manslaughter. For instance, it would certainly be to the advantage of a heroin distributor for another person to delay the entry of police to a house while he got rid of the heroin. That person could then continue to distribute more heroin in the future.

The member for Boulder-Dundas does not show much faith in the judiciary. I made the point before that in all cases the penalties are the maximum. The offences referred to by the honourable member are minor ones, but this provision can relate to crimes of a much more serious nature. It is for this reason that we impose maximum and not minimum penalties; the judiciary is given an opportunity to impose penalties as its members think fit.

Amendment put and a division taken with the following result—

Ayes—15

Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr May
Mr Carr	Mr Skidmore
Mr H. D. Evans	Mr Taylor
Mr T. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr McIver
Mr Harman	*(Teller)*

Noes—22

Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Rushton
Mr Crane	Mr Shalders
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Nanovich	Mr Young
Mr O'Connor	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr Davies	Mr Ridge
Mr T. H. Jones	Mrs Craig
Mr J. T. Tonkin	Mr Menaaros
Mr Moiler	Mr Blaikie
Mr T. J. Burke	Dr Dadour

Amendment thus negatived.

Clause put and passed.

Clauses 60 to 62 put and passed.

Clause 63: Section 94BA added—

Mr HARTREY: This is a trap for young players. I am sure I will not convince any members opposite because they seem impervious to my arguments. This clause proposes to insert a new section to stand as section 94BA, and I do not think the "BA" means Bachelor of Arts.

The CHAIRMAN: The member for Boulder-Dundas will need to speak a little louder if he wants his remarks recorded in *Hansard*. The *Hansard* reporter can hardly hear him.

Mr HARTREY: I desire to move an amendment to add the word "knowingly" before the word "received" in line 21 on page 16, and then after the word "receive" to add the words "by him".

The CHAIRMAN: You will need to move two separate amendments.

Mr HARTREY: I move an amendment—

Page 16, line 21—Insert before the word "received" the word "knowingly".

I will explain my reason for this amendment. It is most improbable that I shall be accused of an offence under this provision, but it is not at all improbable that an hotelier, a merchant, or a perfectly legitimate businessman could be accused of such an offence. The subclause refers to a person who may have in his possession or at his order or disposal any money, valuable security, or thing. Now a cheque or a promissory note is a valuable security, and the people I have mentioned could very

easily have such a thing at their disposal. It says—

> If any person has in his possession or at his order or disposition any money, valuable security or thing received directly or indirectly by way of, or for the purposes of, the commission of an offence against the provisions of this Part of this Act . . .

If the man who has committed an offence against this part of the regulation—in other words, against the handling of drugs —utters a cheque for $500 as part of his remuneration and cashes that cheque in a hotel where he is staying, the hotel indirectly is in possession and control of a valuable security which was obtained as a result of an offence against the handling of drugs. These words make the person in possession of that valuable security liable, even after he has banked it in his account. It is still at his discretion to be disposed of.

If the Government adopts what I am suggesting this situation will be overcome. If the hotel owner knows this fellow is trading in drugs and knows he received a cheque for $500 as payment for the drugs, and knowingly cashes that cheque, we want him to be liable. But if he has no knowledge that this person is so involved he should not become liable.

However, under this provision, even after the money is paid into his bank, the person who cashed the cheque is still liable. The accused man when arrested could say, "I flogged the $500 to the pub keeper at the Parmelia"; the police can then inspect his bank account and the hotel keeper is liable because under this Bill he has committed an offence. This part of the clause is wrongly and stupidly worded, and I commend my amendment to the Minister.

Mr O'CONNOR: When introducing this legislation I explained the reason for this provision. When a person arrives from America after travelling, say, through Singapore and is carrying a case full of drugs and when apprehended has a large quantity of drugs and cash in his possession, that cash should be confiscated because it represents some of his ill-gotten gains. Just because the drugs have been converted to cash, the person should not be allowed to keep the cash. I certainly do not want to involve any other individual who is not affected. I am quite prepared—

Mr Hartrey: The way it is worded at the moment, he will be.

Mr O'CONNOR: —to look at this point, and if I consider it has some validity, to have an amendment moved in another place. But at this stage I should like the clause passed.

Mr HARTREY: I object. Let us have a look at it in another place, indeed! What is wrong with us in this place? Are we all slightly imbecile or ignorant?

Mr O'Connor: I take it back, then; I will not have it examined in another place.

Mr HARTREY: Well, do not. Let the Minister look at it himself. Let us report progress and return to this matter at a later stage, after giving my suggestion proper consideration. It is fantastic that we should want to refer it to another place for examination. I do not want to give a person dealing in drugs any immunity under the law. I hate drug trafficking; I do not care if the Government makes the penalty two years; I do not care if the penalty for selling heroin is 20 years.

But there is no sense in having a bad clause, badly worded by bad draftsmen, which in addition to punishing the drug pusher will punish those about whom we are not even thinking. I am thinking about them because it is my business to do so. This is where the matter should be rectified, not in another place. I ask the Minister to agree to accept my very simple explanation of the English language and insert the word "knowingly".

I repeat that it is an absolutely essential ingredient of any serious offence that one knows one is committing an offence. There is a guilty conscience associated with guilty conduct. If a cheque for $500 or even $200 is cashed over the counter of an hotel or a business the person in possession of that cheque may have committed an offence under this section. There is no need for that person to know the cheque is in his possession; it could have been cashed by his bar manager, and subsequently banked. However, under this legislation, that person is just as liable as the drug pusher. It should be considered in this place, not in another place. I can suggest a place to which it should be relegated!

Mr SKIDMORE: I believe the point raised by the member for Boulder-Dundas has some validity. If a person is found with both drugs and cash in his possession it is probably true to say the police were aware of his activities.

Let us consider such a case, where the police suspect drugs are being smuggled through customs, and the person concerned knows the police are ready to nab him as soon as he leaves the plane. He could be with a friend, or somebody else, and could ask that person to look after some cash for him. If that person accepted the money and was apprehended by the police in their search for both drugs and cash, the money would be confiscated and the person in possession of the money would be just as liable as the drug pusher.

He then would be required to explain where he acquired the cash and in all probability would be charged with being in possession of money received from the sale of drugs. I believe the honourable member's amendment is a sensible way around the problem and will prevent innocent people becoming involved in these matters.

Amendment put and a division taken with the following result—

Ayes—15

Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr May
Mr Carr	Mr Skidmore
Mr H. D. Evans	Mr Taylor
Mr T. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr McIver
Mr Harman	*(Teller)*

Noes—22

Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Rushton
Mr Crane	Mr Shalders
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Nanovich	Mr Young
Mr O'Connor	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr Davies	Mr Ridge
Mr T. H. Jones	Mrs Craig
Mr J. T. Tonkin	Mr Mensaros
Mr Moiler	Mr Blaikie
Mr T. J. Burke	Dr Dadour

Amendment thus negatived.

Clause put and passed.

Clause 64 put and passed.

Clause 65: Section 94GA added—

Mr HARTREY: I move an amendment—

Page 19, line 6—Insert before the word "received" the word "knowingly".

New section 94GA is in exactly the same terms as new section 94BA. I do not intend to repeat my arguments.

Amendment put and negatived.

Clause put and passed.

Clauses 66 to 73 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

GRAIN MARKETING BILL

Returned

Bill returned from the Council with amendments.

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [10.45 p.m.]: I move—

That the House at its rising adjourn until 10.00 a.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 10.46 p.m.

Legislative Council

Wednesday, the 12th November, 1975

The **PRESIDENT** (the Hon. A. F. Griffith) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. N. McNEILL (Lower West—Minister for Justice) [11.07 a.m.]: Mr President, I ask that the questions be taken at a later stage of the sitting.

The **PRESIDENT**: Leave is granted.

LEAVE OF ABSENCE

President

THE PRESIDENT (the Hon. A. F. Griffith): Members, I desire to inform the Council that during the recess it is my intention to proceed overseas. I will be visiting the United Kingdom and parts of Europe, and will be absent from the State for approximately three months.

As you are aware, the Standing Orders provide that whenever the President is absent owing to leave of absence being granted to him by the Council, the Chairman of Committees shall fill the office of the President as Deputy President during such absence.

In order to regularise matters, I would be grateful if I could be granted leave of absence, and the appropriate motions were moved.

THE HON. N. McNEILL (Lower West—Minister for Justice) [11.08 p.m.]: I move, without notice—

That leave of absence for approximately three months from 16th November be granted to the Hon. A. F. Griffith, President of the Legislative Council.

In so moving, I convey to you, Mr President, and your good lady, wishes for a very pleasant trip and I hope you gain much satisfaction from your visit overseas.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [11.10 a.m.]: I have much pleasure in seconding the motion and supporting the words of the Minister for Justice. May you, Mr President, and Mrs Griffith thoroughly enjoy your trip.

Question put and passed.