

on which it paid rates because there were no buildings on the land in question. The church also had other properties in the nature of halls, and so on, which were rate free. I might mention that I was also a synodsmen over a period of years and I have some idea as to what has taken place in the last few years so far as the local autonomy of the church in Australia is concerned. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 5.32 p.m.

Legislative Assembly

Wednesday, the 10th September, 1969

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

QUESTIONS (32): ON NOTICE

1. INDUSTRIAL DEVELOPMENT

Kwinana Beach

Mr. RUSHTON asked the Minister for Industrial Development:

Will his department give consideration to assisting residents of the Kwinana Beach area, affected by industrial development, by negotiating to purchase their homes to enable them to relocate in other areas, such as aged persons' homes proposed for Rockingham?

Mr. COURT replied:

The department will give consideration to individual cases of residents in the industrially zoned area of Kwinana Beach where these residents approach the department and offer their properties for sale.

It is not the policy of the department to buy property merely because it is located in an area zoned for industry, neither are funds available to effect a wholesale purchase of all properties in the Kwinana Beach area but, as in the past, each case will be considered on its merits according to the circumstances at a particular time.

2. TOWN PLANNING

Rockingham Golf Club Reserve

Mr. RUSHTON asked the Minister representing the Minister for Town Planning:

- (1) Will early consideration be given to the request of Rockingham Golf Club Inc. and the Shire of Rockingham for redesign of the golf club reserve and compensation, due to rail and major road intrusion?
- (2) When can a decision be expected?
- (3) Is the western portion of the golf reserve severed by planned railway suitable and viable for building a homes for the aged village in terms of the Commonwealth Act?
- (4) What area of land will be available in this cut-off segment?

Mr. NALDER replied:

- (1) and (2). Consideration is currently being given to the road and rail requirements in this area, and a decision will be made as soon as possible.
- (3) Providing the siting and design of buildings is properly planned within a landscaped framework, a homes for the aged village might be an appropriate use.
- (4) At this stage in the preliminary planning for the area it appears 8.6 acres will be available for "special purpose use" from the reserve. An additional 4.3 acres north of the reserve could also be made available.

3. AGED PERSONS' HOMES

Armada-Kelmscott Shire

Mr. RUSHTON asked the Minister for Lands:

Will he indicate the reserves or Crown land within the Shire of Armada-Kelmscott which could be made available for a continuance of the Dale Cottages (Inc.) Homes for the elderly or the establishment of a similar facility for the aged elsewhere within the shire?

Mr. BOVELL replied:

There is no Crown land within the towns of Armada which could be made available for this purpose. There are reserves in the rural areas of the shire which, if suitable, could be considered for the required purpose. The organisation should furnish the Under Secretary for Lands with its detailed requirements, when this matter can be investigated.

4.

TOWN PLANNING

Local Authority Schemes

Mr. RUSHTON asked the Minister representing the Minister for Town Planning:

Would he advise—

- (a) to what stage each local authority's town planning scheme has progressed;

- (b) when the individual schemes will be finalised?

Mr. NALDER replied:

- (1) (a) and (b) Five metropolitan local authorities have completed town planning schemes which have been approved and gazetted; namely, Claremont, Nedlands, Peppermint Grove, Cottesloe, and Gosnells.

Seven local authorities have submitted schemes or amendments to comply with the Metropolitan Region Scheme which are now under examination by the Town Planning Department; namely, Armadale-Kelmscott, Canning, Kalamunda, Midland, Perth Shire, Subiaco, and Wanneroo. The Fremantle Town Planning Scheme has been on exhibition and the period allowed for making objections has expired. The City Council is now considering objections.

There are 11 local authorities whose schemes or amendments are expected before the 1st January next; namely, Bayswater, Cockburn, East Fremantle, Kwinana, Melville, Mosman Park, Mundaring, Rockingham, South Perth, Swan-Guildford, and Serpentine-Jarrahdale. Three local authorities are likely to need further extensions beyond the 1st January to submit their schemes; they are Bassendean, Belmont and Perth City.

At this stage, it is not possible to indicate when individual schemes will be finalised.

5.

DAIRYING

Milk: Competitive Tendering

Mr. TONKIN asked the Minister for Agriculture:

- (1) For how many years has it been Government policy in this State to call tenders for the supply of milk to Government institutions?
- (2) On what date were tenders called in 1968 and for what period was milk to be supplied?
- (3) Does the fact that tenders have not been invited this year mean that the Government is considering the abandonment of competitive tendering for milk supplies?
- (4) Will not the abandonment of competitive tendering result in causing higher prices to prevail?
- (5) Would not an additional \$40,000 per year be the probable cost to the State if competitive tendering were dropped.

- (6) Is a possible takeover of Peters a factor which is influencing the Government in its determination of policy?

- (7) For whose benefit is the Government contemplating incurring the increased cost which must inevitably result from the abandonment of competitive tendering for milk supplies?
- (8) In what way is the calling of tenders for the supply of milk less advantageous than the calling of tenders generally?
- (9) Is the Government considering dispensing with the Tender Board altogether?
- (10) Would not the proposal which he has in mind be similar in its effect on price to collusive tendering?
- (11) Is it wise administration which promotes collusive tendering?
- (12) Is he prepared to have competitive tenders called without further delay?

Mr. NALDER replied:

- (1) At least 20 years and probably longer.
- (2) Tenders were invited for the supply of milk to Government institutions generally on the 15th March, 1968, and closed on the 28th March, 1968. The period of supply was from the 1st June, 1968 to the 31st May, 1969.
- (3) No.
- (4) and (5). Answered by (3).
- (6) Not applicable.
- (7) and (8). See answer to (3).
- (9) No.
- (10) and (11). See answer to (3).
- (12) This matter is currently being dealt with.

6.

BRIDGES

Lyndon River, Carnarvon

Mr. DUNN asked the Minister for Works:

- (1) Can he advise the number of tenders submitted for contract bridge 1128 over the Lyndon River in the Shire of Carnarvon?
- (2) How do these tenders compare with the bridge cost as established by the Main Roads Department?
- (3) What was the value of the successful tender?

Mr. ROSS HUTCHINSON replied:

- (1) Six.
- (2) Comparable with previous tender prices for bridges in the area.
- (3) \$175,841.

7. LOCAL GOVERNMENT

Jerramungup Surveys

Mr. GRAHAM asked the Minister representing the Minister for Local Government:

Will he supply a copy of the details of any surveys made by the Department of Local Government in 1964 and 1965 in the Jerramungup locality?

Mr. NALDER replied:

No surveys were conducted in the Jerramungup locality by the Department of Local Government in 1964 and 1965.

8. FREMANTLE GAOL

Staff and Security

Mr. FLETCHER asked the Chief Secretary:

- (1) What is the ratio of gaol officers to prisoners at the Fremantle Gaol?
- (2) Is this ratio considered adequate?
- (3) If not, is there any consideration being given to improving pay and conditions to encourage the recruitment of suitable additional staff?
- (4) Would there be in excess of 80 prisoners in the metal and carpenters shop at the time the eight prisoners escaped on the 5th instant?
- (5) How many gaol officers were guarding and supervising the prisoners in the metal and carpenters shop at the time of the escape?
- (6) Were there only two gaol officers rather than four?
- (7) Would the number be adequate to ensure that every tool, including bolt cutters, was in its proper place at all times of the day?
- (8) Are hacksaws, oxy-acetylene gear, files and other equipment as accessible to prisoners as the bolt cutters used in the escape?
- (9) Since the type of tools and equipment mentioned in (7) and (8) would be ideal for forcing the metal door on the prison's eastern wall, particularly if the prisoner-gaol officer ratio was disproportionate, why did this back gate exist when the front main gate seems to be the only one used?
- (10) Why was this section of the wall not "bricked in" in conformity with the rest of the prison wall?
- (11) Was the suggestion ever made in the past; if so—
 - (a) how often;

(b) when was the most recent suggestion made that the steel gate should be removed and replaced with brickwork?

Mr. CRAIG replied:

- (1) One officer to 3.5 prisoners.
- (2) Ideally, the ratio in a maximum security institution should be better than this. However, the ratio in recent years has improved from 1 to 5 to the present 1 to 3.5 at Fremantle Prison.
- (3) The pay conditions of prison staff in Western Australia were improved by a new award No. 12 of 1968 in April of this year whereby the prison officers in this State are among the highest paid in Australia.
- (4) Yes.
- (5) Eight.
- (6) Answered by (5).
- (7) No.
- (8) Yes.
- (9) The gate in Hampton Road wall was used as access to an old water supply. This supply is being renovated for further use.
- (10) Answered by (9).
- (11) The suggestion has not been made to my knowledge. In fact, planning is proceeding to use this gate as access to a proposed motor mechanics workshop.

9.

BETTING

Investment Tax

Mr. HARMAN asked the Treasurer:

- (1) Is Western Australia the only State in the Commonwealth which imposes an investment tax on every betting ticket paid by off-course punters?
- (2) Does he intend to abolish this tax?

Sir DAVID BRAND replied:

- (1) Yes.
- (2) No.

10. WORKERS' COMPENSATION ACT

Amendment

Mr. T. D. EVANS asked the Minister for Labour:

Further to my recent question relating to the Workers' Compensation Act, is he now able to advise whether legislation to amend this Act is to be introduced this session?

Mr. O'NEIL replied:

It is anticipated that amendments to the Workers' Compensation Act will be introduced during the current parliamentary session.

11 and 12. *These questions were postponed.*

13. DUST NUISANCE AT RIVERVALE

Investigation by Air Pollution Control Council

Mr. GRAYDEN asked the Minister representing the Minister for Health:

(1) Is it a fact that the Air Pollution Control Council investigated the dust nuisance generated by the Swan Portland Cement Company at Rivervale and, having done so, set down conditions with which the company was required to comply within a specified time?

(2) If so—

(a) what were the conditions;

(b) what was the specified time?

Mr. ROSS HUTCHINSON replied:

(1) and (2). The company was required to install equipment which would ensure a dust emission not greater than 0.2 grains per cubic foot in normal running.

The company was required to do this as a matter of urgency and to report progress to the council at two-monthly intervals.

14. CREDIT TRADING

Additional Charges

Mr. HARMAN asked the Minister representing the Minister for Justice:

(1) Is he aware that at least one retailer in Perth who sells on terms is charging \$4 per visit to clients behind in term payments and that such charges are added to the outstanding debt?

(2) If not, will he cause inquiries to be made to ascertain the extent of this practice?

(3) Does the Government condone such practices?

(4) If not, will it take immediate steps to stop such action?

Mr. COURT replied:

(1) No.

(2) Yes, if the honourable member will supply specific information.

(3) No.

(4) The matter will receive consideration when specific information is received as suggested in (2).

15. DROUGHT

Relief Availability

Mr. JONES asked the Minister for Agriculture:

(1) What relief is available to individual farmers in the drought areas and what are the conditions applying?

(2) Why was the proposal to borrow wheat on a return later basis rejected?

Mr. NALDER replied:

(1) Wheat release:

The Australian Wheat Board has agreed to make redelivery of wheat to farmers who have delivered wheat in 1968-69. The cost will be \$1.10 per bushel, less freight to port from the redelivery point, plus a handling charge of 12c. This means that if the freight to port from the redelivery point is 14c per bushel, the charge for redelivered wheat will be \$1.10, plus 12c, minus 14c = \$1.08 per bushel.

Freight subsidies:

Where farmers must carry wheat long distances under the redelivery plan, the Government will pay 5c per ton mile for the miles in excess of 25 miles from the redelivery point. This concession also now applies to coarse grains. On purchases of coarse grains from the Grain Pool, the Government pays the freight either by rail or recognised road transport to the farmer's rail or road bin. This applies only to farmers who have no redelivery rights for wheat.

Sheep sent from drought-affected properties for agistment in other areas will be eligible to have the freight paid by the Government for transport back to the property after the drought. It will be rail freight or road freight where rail is not available.

Finance for purchase of wheat or coarse grains:

Where a farmer is unable to obtain finance from his own bank or other sources, loans may be made from the Government agency (the Rural and Industries Bank). Interest will be 5 per cent., but no repayment for two years will be required. The capital and interest will be repayable over the next five years.

Water exploration:

Under the control of the Farm Water Supply Committee a water exploration programme by drilling has been commenced in drought affected areas. Finance for drilling on farms is available on the same terms as have applied to the key dam plan. A farmer must contract for exploratory drilling up to 1,000 feet, providing the Government Geologist considers this amount of boring is warranted. If no water is found he will be charged 25c per foot for the amount of drilling

done. If water of suitable stock quality and quantity is found, the charge will be 75c per foot for the total amount of exploratory drilling completed.

- (2) The arrangements for the redelivery of wheat outlined in (1) above were determined by the Australian Wheat Board. The obligations of the Wheat Board made the proposal to borrow wheat and return later unacceptable.

16. TOWN PLANNING

Shire of Gosnells

Mr. BATEMAN asked the Minister representing the Minister for Town Planning:

Referring to Question 34 on Wednesday the 3rd September, why is the line of demarcation which divides urban land from rural land inconsistent where it crosses the Roe Freeway in Canning Vale?

Mr. NALDER replied:

When the Cannington-Armadale corridor amendment to the Metropolitan Region Scheme was prepared, the line of urban-rural demarcation at the Roe Freeway in Canning Vale was drawn so as to take account of long-term transportation proposals. These specifically included a recommendation by De Leuw Cather for a possible interchange at this junction for which provision was accordingly made. Pending confirmation of this suggestion it would be open to the local council to amend the boundary if it felt there was sufficient justification for doing so.

17. TRAFFIC ACCIDENTS

George Street-Murray Street Intersection

Mr. MAY asked the Minister for Police:

Since the installation of traffic lights at the George and Murray Streets intersections, Perth, how many traffic accidents have been reported at this location?

Mr. CRAIG replied:

The question refers to traffic lights, but I believe the honourable member wants it to refer to stop signs. If this is so, the answer would be as follows:—

Eleven accidents have occurred since a "Stop" sign was erected on the 23rd October, 1968.

18. TOWN PLANNING

Departmental Resignations

Mr. MAY asked the Minister representing the Minister for Town Planning:

- (1) Will he advise the number of resignations received by the Town

Planning Department and Metropolitan Region Authority for 1967, 1968 and to the present time.

- (2) To the best of his knowledge, how many of these persons have been re-employed by local authorities?
- (3) How many resignations could be designated as being senior officers?
- (4) Have these resignations occasioned concern with regard to the processing of normal town planning schemes and subdivisional applications?

Mr. NALDER replied:

- (1) 1967—39; 1968—18; 1969—23.
- (2) Eleven have been re-employed by shires and two by Perth City Council.
- (3) Six.
- (4) Yes, but not unduly.

19.

EDUCATION

Waterloo School

Mr. I. W. MANNING asked the Minister for Education:

- (1) Has consideration been given to the provision of an additional classroom at the Waterloo School?
- (2) If so, what decision has been made and what action is proposed?

Mr. NALDER (for Mr. Lewis) replied:

- (1) and (2) This matter is under consideration and a decision will be made as soon as possible.

20.

HOUSING

Building Programme

Mr. DAVIES asked the Minister for Housing:

- (1) How many—
 - (a) single unit;
 - (b) multi-unit,
 houses or flats are currently under construction by or on behalf of the commission?
- (2) For how many of each type have contracts been let but building not yet commenced?
- (3) Is it intended that increasing numbers of multi-units will be constructed and, if so, what will be the proportion to single units?

Mr. O'NEIL replied:

Before providing the answer I would like to point out that I assume the honourable member, when he refers to a single unit, means an individual house. The connotation of "single unit" at the

commission is a single applicant. The answer to the question is as follows:—

- (1) (a) 551 individual houses.
(b) 754 units other than individual houses.
- (2) (a) 234.
(b) 234.
- (3) The present intention is to have about half the total construction in multi-unit buildings, although this will depend to some extent on the availability and suitability of the commission's serviced land resources.

21. MITCHELL FREEWAY

Costs

Mr. BURKE asked the Premier:

- (1) What was the original estimate of cost of the Mitchell Freeway and associated works?
- (2) What is the present estimate of the final costs?

Sir DAVID BRAND replied:

- (1) and (2) The planned Mitchell Freeway, which includes the Narrows and Hamilton interchanges, extends northwards from the Narrows Bridge to a point in the vicinity of Sorrento, and, if the honourable member could be more specific, I will endeavour to obtain the information he requires.

22. RAILWAYS

W.A.D.C.: J. O. Clough & Son's Interest

Mr. BURKE asked the Premier:

- (1) What is the nature of J. O. Clough & Son's 50 per cent. interest in the proposed sinking of the railway?
- (2) Has that company a 50 per cent. interest in the overall project or is its interest limited to the actual sinking of the railway?

Sir DAVID BRAND replied:

- (1) and (2) The 50 per cent. interest of J. O. Clough and Son is a joint venture with W.A.D.C. for the complete project of sinking the railway and development of the area.

23. HOUSING

Single Units: Criteria

Mr. BURKE asked the Minister for Housing:

- (1) Have all applicants at present listed for single unit accommodation with the State Housing Commission been advised of the criteria for assistance at present applicable?

- (2) Is any change in the present criteria contemplated?

Mr. O'NEIL replied:

- (1) About 80 per cent. of applicants outside current criteria have been advised to date.
- (2) Now that the Commonwealth Government has proposed financial assistance for this type of accommodation, the criteria for assistance will be kept constantly under review with a view to easing conditions having regard to the commission's ability to provide accommodation.

24. STATE ELECTRICITY COMMISSION

Resignations

Mr. BURKE asked the Minister for Electricity:

Would he advise—

- (a) the number;
- (b) the classification, of persons who have resigned from the State Electricity Commission since the 1st January, 1969?

Mr. NALDER replied:

(a) and (b) Professional officers	7
Clerical (male)	36
Clerical (female)	48
Linesmen's assistants	195
Labourers	184
Tradesmen assistants	27
Plant cleaners	30
Tradesmen	124
Linesmen	14
Plant operators	10
Storemen	15
Sundry classifications	39
	<hr/> 729

25. SURF BOARDS

Safety Measures

Mr. BURKE asked the Premier:

Further to my question of the 14th August regarding the manufacture and design of surf boards—

- (1) Has he had a report from the Water Safety Division of the National Safety Council of Western Australia?
- (2) If so, what were its recommendations?
- (3) If not, will he take action in view of the approaching summer to ensure that recommendations for any action felt necessary by the council to protect both board riders

and the general public alike are obtained and implemented at the earliest possible date?

Sir DAVID BRAND replied:

- (1) No.
- (2) Answered by (1).
- (3) Action in these matters will depend upon the nature of the report received.

26. *This question was postponed until Tuesday, the 16th September.*

27. *This question was postponed.*

28. TENANCY BONDS

Redress: Financial Assistance

Mr. FLETCHER asked the Minister representing the Minister for Justice:

Referring to question 3 on the 9th September, 1969, and his answer that an aggrieved tenant has no legislative protection and that an aggrieved tenant can seek redress through a court of law, is finance available from any source to assist a tenant who finds action beyond his economic capacity?

Mr. COURT replied:

Application may be made for assistance under the legal aid scheme, but any assistance provided would be dependent on the financial circumstances of the applicant.

29. PERTH RAILWAY TERMINAL

Integration with Suburban Service

Mr. JAMIESON asked the Minister for Railways:

- (1) When is it the intention of the W.A.G.R. to bring the country terminal into the suburban railway system?
- (2) Is it the intention of the railways of Australia to continue indefinitely to take empty passenger "consists" to Newburn for servicing?
- (3) What is the mileage of this dead running for each serviced "consist"?

Mr. O'CONNOR replied:

- (1) A suburban stopping place is under construction at the Perth Terminal and this will be brought into operation in December next.
- (2) Yes.
- (3) 28 miles. However it should be explained that the "consist" is hauled to and from Forrestfield (Newburn) by a locomotive which is required to proceed to that depot for fuelling and servicing.

30. TOWN PLANNING

Hazelmere

Mr. BRADY asked the Minister representing the Minister for Town Planning:

- (1) Is there a minimum frontage for block subdivision in Hazelmere Estate?
- (2) Are blocks being permitted with less than 60-foot frontage?
- (3) Is he guided by the shire council in fixing minimum frontages at Hazelmere?
- (4) As the townsite of Hazelmere was gazetted on the 17th July, 1959, with half acre blocks, why are quarter acre blocks now permitted?
- (5) When was the new policy decided?

Mr. NALDER replied:

- (1) No; however, the board is guided *inter alia* by the provisions of regulation 213 of the Uniform General Building By-laws.
- (2) Yes, several blocks with frontages less than 60-foot have been permitted.
- (3) The Town Planning Board is the authority responsible for land subdivision, and before making determination on applications, the local council is consulted as a matter of policy.
- (4) In 1959, the Hazelmere townsite was proclaimed. However, it appears that residential subdivision existed before this date. There is nothing to prevent any owner applying for further subdivision, and, after consultation with various bodies including the council and the Department of Public Health, several quarter acre subdivisions have been given conditional approval.
- (5) Departmental records indicate that board decisions have in all cases been endorsed by the local authority. It is not considered that the determinations represent a change in policy.

31. SOIL FERTILITY RESEARCH ACT

Collections

Mr. JAMIESON asked the Minister for Agriculture:

- (1) In view of his statement on page 672 of current volume of *Hansard*, on the Soil Fertility Research Act Amendment Bill:—"Yes, I have not the figures with me but they can be made available to anyone who desires them," etc., how does

he reconcile this statement with his reply to question 2 on Thursday, the 4th September, 1969?

- (2) Will he now make available the requested information?

Mr. NALDER replied:

- (1) and (2) The information requested must be obtained from the trustees of the fund. The Chairman of Trustees, Professor E. J. Underwood, will be overseas until the 18th September.

As soon as the information is obtained, it will be made available.

32. MINING LEASES AND RESERVES

State Forests

Mr. H. D. EVANS asked the Minister representing the Minister for Mines:

- (1) How many mining leases and temporary reserves have been granted in State forests areas of the South-West Land Division in the last two years?
- (2) What is the total area of the leases granted in the above region?
- (3) What percentage of State forests of the South-West Land Division does this area represent?
- (4) On how many leases in the area referred to above are mining operations being conducted?

Mr. BOVELL replied:

These questions are answered on the understanding that the honourable member is seeking information in respect of the south-west rather than the South-West Land Division. Of course, the South-West Land Division extends from Northampton-Ajana right through to the west of Esperance, which means it covers a much larger portion of the State. The answers on this understanding are—

- (1) 6 mineral leases.
2 mineral claims.
2 temporary reserves.
- (2) Mineral leases—643 square miles.
Mineral claims—1 square mile.
Temporary reserves—561.25 square miles.
- (3) Percentage of State Forests included in mineral leases is 10.7 per cent. and if mineral claims and temporary reserves are included, 20.1 per cent.
- (4) All mineral leases and one mineral claim.

QUESTIONS (3): WITHOUT NOTICE

1.

DROUGHT

Wheat Supplies

Mr. TONKIN asked the Premier:

- (1) Has he received a reply-paid telegram from the President, United Farmers and Graziers' Association, requesting action to ensure that wheat for stock feed be made available at C.S.I.R.O. recommendations per head per month on an arrangement that the wheat required be taken now and replaced by equal quantities from next harvest at simple interest rates?
- (2) Is he prepared to act in support of the request?
- (3) If "No", what are his reasons and what action does he propose to take in lieu?

Sir DAVID BRAND replied:

The Leader of the Opposition rang the question through to my office just as I was about to leave. The answers are—

- (1) to (3) I received a reply-paid telegram and have replied this afternoon along these lines—

Decision of Australian Wheat Board to redeliver wheat is already operating.

Understand board rejected proposal for loan of wheat to be repaid next year.

It may be possible that some farmers will not have wheat harvest.

Government agrees finance available—to farmers unable to purchase grain—at 5 per cent. interest two years' holiday and repayment over five years.

2. MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) ACT

Section 99 (1)

Mr. BERTRAM asked the Minister representing the Minister for Justice:

- (1) By reason of the recent Full Court decision in respect of subsection (1) of section 99 of the Married Persons and Children (Summary Relief) Act, is it intended to take action immediately or at all and, if so, when, to exclude a defendant from the operation of that subsection?
- (2) Whether "Yea" or "Nay", why?

Mr. COURT replied:

I was able to obtain from the Minister for Justice the answer to the question asked by the member for Mt. Hawthorn. The answer is—

- (1) and (2) It will be necessary to study the judgment before considering whether amendments are desirable.

3. DAIRYING

Milk: Competitive Tendering

Mr. TONKIN asked the Minister for Agriculture:

I refer to the answer which the Minister gave this afternoon to question 5 (3) which reads as follows:—

Does the fact that tenders have not been invited this year mean that the Government is considering the abandonment of competitive tendering for milk supplies?

to which the Minister replied, "No".

I ask the Minister: If the Government is not contemplating abandoning competitive tendering, why was an offer made to the three treatment plants to arrange a meeting with them and the Milk Board in order to solve the problem with which the Government has been grappling for a period of months?

Mr. NALDER replied:

I understand the Chairman of the Milk Board—and perhaps other members of the Milk Board, as well—was meeting the treatment plants in order to iron out some difficulties that had developed. I have not heard any results of the meeting or what the decision was, and no recommendations have been made to me. That is the situation as it exists at the moment, and the answer I gave to question 5 (12) stated the position.

BILLS (2): INTRODUCTION AND FIRST READING

1. Marketing of Cyprus Barrel Medic Seed Bill.
2. Plant Diseases Act Amendment Bill (No. 2).

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

BILLS (3): THIRD READING

1. Land Act Amendment Bill (No. 2).
Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and transmitted to the Council.
2. Wood Chipping Industry Agreement Bill.
Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and transmitted to the Council.
3. Ord River Dam Catchment Area (Straying Cattle) Act Amendment Bill.
Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

PARLIAMENTARY STANDING COMMITTEES

Establishment: Motion

MR. BICKERTON (Pilbara) [4.59 p.m.]:
I move—

That in the opinion of this House steps should be taken to set up:—

- (a) A Parliamentary Public Works Standing Committee; and
- (b) A Joint Parliamentary Standing Committee on Subordinate Legislation.

In moving the motion, I would like to remind members that a similar move to this was made by me in 1967. For the benefit of members, the *Hansard* reference is Volume 1 of 1967; the motion was introduced on page 560 and the general debate on the motion begins on page 562.

The reason I make mention of that is because it is not my intention to go into the same amount of detail as I went into on that occasion; it is readily available if members care to look up that reference. The motions moved previously were similar in nature to the one I have moved on this occasion, except that two motions were moved, one calling for the appointment of a standing committee on public works and one calling for a standing committee on subordinate legislation. On this occasion, in order to save the time of the House, and to save two debates, I have combined the two proposals in the one motion.

I have decided to put forward the proposition again on this occasion because up to date no action has taken place, or at least no action that is obvious to the members of this House. Whether the Government has taken some action but has not informed us I am not in a position to say. However, so far as the members of this Parliament are concerned no apparent action has been taken.

For the benefit of those members who were not in the Chamber when the matter was dealt with previously, I will deal

briefly with an outline of the purpose of these standing committees and, a little later on, I will refer to the fate of the previous motions I moved.

I believe that the greatest value of standing committees is in their power to curtail somewhat government by regulation, and also to enable the back-bench members of Parliament to play a more important role in the running of the State and, in particular, the running of Parliament. I know that standing committees are not popular with Governments. However, I do not think a standing committee was ever formed for the benefit of the Government. The object of such committees could be said to be for the assistance of Parliament and the protection of the public. Those two points, probably, would be the most important roles of standing committees.

I suppose it is only natural that the appointment of standing committees would be opposed by Governments because many Ministers feel they are inconvenienced by the fact that a number of matters with which they have to deal have to be submitted to a committee for a recommendation to Parliament prior to their being able to get on with their job. However, I think the point we must not overlook is the importance of Parliament and the role it plays, in conjunction with the Government, in the running of a country. Indeed, without a Parliament there would not be a Government—there would be no need for one. However, over the years it has become common practice for Governments of all political colours to want to take unto themselves more and more control of affairs and they wish to deal less and less with Parliament.

The days of the party-room politics are with us, and it appears they are here to stay. Therefore, the only way that control by the Executive can at least be supervised in some manner or form seems to be through the inclusion in our Standing Orders, and in our Constitution, of provisions for the appointment of standing committees. The appointment and operation of such committees does ensure that the interests of Parliament and the public are looked after at all times by at least one body of parliamentarians—those who comprise the committee or committees. I think this is desirable.

Touching again on the party system to which I have referred, much of the legislation that goes through Parliament these days is decided primarily in the party room. Also, as I said before, this seems to be a system that is difficult to avoid, but it does go to show how much control over these matters Parliament has lost in the last 30 or 40 years. I predict, if other Parliaments are any indication, that this control by the Executive must become greater and greater with a resultant lessening effect in the running of the country by parliamentarians.

At this point I would mention that this is a non-party motion. I recall, when introducing other motions, the Premier seemed to have some doubts on that point. However, I give him an assurance that as far as the Opposition is concerned, this matter was passed through Caucus—through the State Parliamentary Labor Party—on the motion that no objection be raised. As I have pointed out previously in this House, when a member on the Opposition side introduces a Bill or a motion under those conditions it means that any member of the Opposition, as it is now constituted, is free to speak and vote as he wishes on the matter.

I do know that there are members on this side of the House who are not committee-minded to the extent that, possibly, I am. Nonetheless, I point out for the benefit of members that the motion is not binding on the Government. As members well know, a motion passed by this House still has to be activated by the Government if any good is to come from it. So all that members of this House are asked to do in connection with the motion is to make a recommendation, and a strong one I hope, for the setting up of these standing committees. I sincerely hope the House will do just that.

Public works committees operate in other State Parliaments, but it is true that that is not the case in all Parliaments of Australia. New South Wales has a standing committee on public works and I am told that although it does not operate on a full-time basis its members are called upon from time to time. On the other hand, Victoria has a public works standing committee which is very active. In fact, members of this Parliament may have met the members of that standing committee when they were over here recently making a study of certain works in this State. I am not suggesting that it is the role of a standing committee on public works to go touring all over the place; nonetheless, the Victorian committee apparently thought it should do so.

South Australia has a very active committee on public works, and although Queensland has had a similar committee it has not operated for some years.

To give the newer members some idea of the purpose of a standing committee on public works I shall deal briefly with the composition of the South Australian committee, which we could possibly call the most active of all the committees in the States at the present time—at least next to Victoria. The Premier did make mention—

Sir David Brand: If what you say is true about the other States in respect of their public works committees, why is it that the South Australian committee is active, whilst Victoria, I gather, has a less active committee, and Queensland has a

committee that has not operated for some time? That does not appear to be a very strong case for our having such a committee.

Mr. BICKERTON: I think I may be able to deal with the Premier's interjection by referring him to remarks I made a little while ago when I said that Governments generally did not appear to like standing committees. I said that this had brought about a position of control by Executive rather than control by Parliament. It could be that the States where committees have been formed but are not active are States where the Government prefers control by Executive; and I believe this to be so.

In the other States, where the committees are actively operating, I can only assume that the Governments concerned see the value of them; or at least they prefer to operate their Parliaments in a more democratic manner. However, it is up to the Government and its supporters to say whether a standing committee shall operate or not. Therefore, I would suggest that the Premier direct his question to the Premiers of South Australia and the other States where these committees operate.

Sir David Brand: You are making out the case; I am not.

Mr. BICKERTON: I am not concerned about the States in which these committees do not operate but—

Sir David Brand: You were quoting them as an example.

Mr. BICKERTON: —I am interested in the States where they are operating and are a success; and I am interested in having such committees established in Western Australia. However, the Premier will have ample opportunity to put his side of the question if he deigns to reply to me at some appropriate time.

The Commonwealth Parliament, too, has its committees and they are active and operative. The Premier, when he spoke to the previous motions I moved, made reference to the fact that I concentrated mostly on South Australia, and that is in line with the interjection he just made. As I pointed out at the time, I did this because of the activity of the standing committee in that State and also because our Parliaments are similar in size and the problems associated with legislation apply to both States.

Sir David Brand: You think the bigger the States the more need there is for these committees?

Mr. BICKERTON: It is fortunate that on this occasion I am not limited in regard to my time. However, I ask the Premier, when he does interject, to speak up a little because it is extremely difficult to hear him. I know that other members, particularly those behind me, will agree

with me, and I ask him to be kind enough to raise his voice a little more. I would not like to miss anything he said.

Sir David Brand: You keep talking all the time and we cannot hear!

Mr. BICKERTON: I did not hear that either. As I mentioned when I moved the previous motion in this matter, the South Australian public works committee is composed of five members from the House of Assembly and two members from the Legislative Council. All those committee members are appointed by the Government; but whether that is good, or whether Parliament should elect them, I will not say. I do not intend to argue that point at the moment; all I am arguing for is the appointment of certain standing committees; and by what means we get them, or how they are constituted in the initial stages, I do not mind. However, I would like a start to be made with them.

The period of appointment of committee members in South Australia is five years, but other Parliaments do not stick rigidly to this. As we elect our House Committee, and other committees, at the beginning of each session of Parliament, so some other Parliaments elect their standing committees. Naturally, as members are eligible for another term, I suppose most of them would be re-elected to the committees except in the case of defeat at the poll or where a member resigns.

The South Australian committee is composed of four members of the Liberal Party and three members of the Labor Party, there being no Country Party in South Australia. Once again, on that score, I do not know whether such a composition of members is good or bad. The Premier might be able to tell us something about that when he replies to the debate.

A study of the committees shows that they have power to sit during any adjournment and recess of Parliament and, of course, between the two sittings of the Parliament. The South Australian committee on one occasion sat twice weekly during a recess and, with the leave of the House, it has on certain occasions, when requested and when necessary, sat during a session of Parliament. Its total sittings were spread over some 10 months of the year.

Mr. O'Connor: What was the cost involved in operating the committee?

Mr. BICKERTON: I do not know, but later I might be able to tell the Minister the millions of dollars it saved by its operations, so the cost involved in operating the committee itself would hardly enter into the question. Another point in regard to the cost is that it is for the Government alone to decide what sort of standing committee it wants, how long it wants the committee to sit, and whether it wishes to pay the members of the committee for their services, and so on. As

to that aspect, I will leave it to the Premier to come up with some suggestion, if he ever gets around to implementing the motion, similar to this one, which he amended in 1967.

I think it is important to note that, after making some investigations, the committee makes only recommendations to the House. It does not, in any way, take away authority from the Government. The Government is still the Government and it has control of sufficient numbers in the House to pass its legislation and, naturally, it has sufficient numbers to reject any recommendation by the committee which does not suit the Government.

Nonetheless, the important point is that an investigation has taken place and the members required to vote on the matter would have the benefit of the investigation carried out by the committee; and possibly the most important point is that the public have access to the committee's meetings and this, I think, is one of the strongest points for the creation of such a committee.

I will deal a little later with the types of reports that would be submitted by a proposed standing committee. At present the back bencher's only method of obtaining information—or his main method as far as Parliament is concerned—is by way of question and answer, and if a huge public work is to be undertaken, a member, in order to make himself acquainted with, or knowledgeable as to, the advantages or disadvantages of such public work, has to place a question on the notice paper asking the Minister concerned for the information he desires. However, at that stage, the Minister has probably agreed to go ahead with the public undertaking. I will not say that the answer given to the private member would not be factual, but I am concerned about the information he would not receive if the Minister did not want to disclose it.

In his reply to the debate on motions similar to this one in 1967, the Premier made great play on the facilities that were available to a member of this House if he desired to obtain information. As I have pointed out, one method is by way of question and answer. Another is that he may contact the officers of the department concerned. However, it must be realised that the primary duty of those officers is to serve the Government, and it is only natural that they will be loyal to the Government, and the amount of information the average member of Parliament would obtain from them would be what the Government wanted him to obtain. I think all members would agree with me on that. This would apply regardless of what Government was in office. So, if one is to find a way to overcome this problem, in my opinion there is only one way; that is, with a properly constituted standing committee.

I would remind members that a standing committee is not composed of Ministers or of public servants, but of members of Parliament, and their reports and the information they gather are available to members of Parliament. Any member of Parliament can go before them, if necessary, in regard to a certain problem. Members of Parliament would be mixing with them in their ordinary everyday duties and, furthermore, the members of the committee handling this type of work month in and month out must become authorities in the particular field or in any particular sphere of work they are investigating, and therefore must be in a better position to advise the average member of Parliament through their reports, either made verbally or in writing, on some of the problems associated with a certain public work or works.

In regard to the operation of this committee, once again I will quote very briefly the remarks I made when speaking previously on a similar motion. These remarks appear at p. 555, Volume 1, of the 1967 *Parliamentary Debates*, when I was referring to South Australia. They are as follows:—

The Public Works Standing Committee Act defines a "public work" as "any work proposed to be constructed by the Government or any person or body on behalf of the Government out of moneys to be provided by Parliament, and includes any proposed continuation, completion, reconstruction or extension of any existing work or any addition to an existing work and the duplication, deviation, or alteration of any line of railway. The term does not include the repair or maintenance of any public work as defined in this definition, or the relaying of railway track without alteration of gauge."

It is well to bear in mind that definition as I proceed with my remarks, because it clearly defines a public work. The duties of the committee are laid down as follows:—

The Committee shall consider and report upon all public works referred to it under their Act. The usual channel of reference is from the Governor, but either House, by resolution may refer a matter to the Committee for enquiry and report.

In considering and reporting on any such work, the Committee must have regard:—

What follows now is possibly the most important part—

- (a) to the stated purpose of the public work;
- (b) to the necessity or advisability of constructing it;
- (c) where the work purports to be of a reproductive or revenue producing character, to the amount of

revenue which such work may reasonably be expected to produce; and

(d) to the present and prospective public value of such work.

Mr. W. A. Manning: What about urgency?

Mr. BICKERTON: I think that is covered there. On a particular public work the report of the committee is introduced when the Bill is introduced, or the report can be produced beforehand.

The matter of a public work is automatically referred to the public works committee under this Act if the value of the work is in excess of \$200,000, but if the Government so wishes, a project of lesser value may be referred to the committee. The reports are always completed before the tenders are called, and in those States where a standing committee operates, it is considered to be a very beneficial safeguard and, in my opinion, I think it would be.

Apart from submitting new reports on any particular public work, the committee also submits, for the information of members and the records of Parliament, an annual report. I will not enter into the details of this matter except to say that the annual report—I have a copy in front of me—sets out all the projects investigated by the committee during the year covered by the report; new matters referred to it; and matters that were finalised, etc. Further, as each particular public work is investigated, members are supplied with a report of the investigation, which is extremely comprehensive. It sets out the purpose of the public work, its cost, the design, and so on.

Bearing in mind that such a committee has the power of a Select Committee, it is in a position to call before it any expert witnesses it may require in order that it may carry out the investigation in the manner that a Select Committee would. In view of the experience gained by those members who would attend a considerable number of sittings of such a committee, I consider that in most cases the delay would be very slight indeed.

However, no doubt a project of comparatively great magnitude would occasion some delay because further investigation would be necessary. Nevertheless, I repeat that when the committee's report is brought down it is in the form of a recommendation, and not a direction, to Parliament. Without entering into all the detail which I gave when I spoke on a motion for the formation of a public works committee previously, briefly, those are the objects of a standing committee on public works.

The other portion of my motion covers a joint parliamentary standing committee on subordinate legislation. I should think that this committee would be just as important as a standing committee on public

works. Members are aware that, in parliamentary jargon, we refer to subordinate legislation as being such things as by-laws, regulations, rules, etc. Most of our legislation has regulation-making power written into it when it is passed by Parliament. This enables Ministers, and regulation-making authorities, to make regulations and by-laws under the provisions of particular Statutes.

Our Constitution provides for certain procedures to be followed in the making of regulations and by-laws. In following these procedures, the by-laws and regulations, after they have been framed, are gazetted and tabled in Parliament and, as we all know, it is competent for any member of Parliament to move for their disallowance. This is some safeguard, but in my opinion, particularly in these times, it is not a sufficient safeguard. Perhaps when Western Australia was much smaller the regulations and by-laws that were made—I have not checked this, but it would be a reasonable assumption—would have been only a quarter or even less of the regulations and by-laws that are gazetted at the present time.

It is as well for us to remember that this method of regulation-making under the provisions contained in Acts of Parliament has come much more into vogue in the last 20 or 30 years than previously. I think that today we are dealing with many more of these regulations and by-laws than previously, and I am quite convinced in my own mind that many of them are going through this Chamber without proper scrutiny, because members of Parliament do not have the time to give them close scrutiny, or because some members may not be sufficiently versed in this type of thing to be able to carry out this duty.

Sir David Brand: How will the proposed committee give members more time?

Mr. BICKERTON: If the Premier will allow me to make my case, I will show him how it will be much simpler for the ordinary back-bench member to become aware of what regulations and by-laws are going through this Chamber; because this committee by making preliminary inquiries and recommendations to Parliament will bring before the notice of members the regulations and by-laws that are tabled and gazetted.

Furthermore, in those Parliaments which go out of their way to make it easy for a member to keep an eye on these matters, provision is made for these regulations and by-laws to be brought to the notice of members by placing them on the notice paper.

Sir David Brand: At what stages does this happen?

Mr. BICKERTON: I am referring to what takes place in South Australia; and I will give the Premier more details shortly. This matter of government by regulation was probably brought to a head in 1932

when a considerable amount of opposition was raised both inside and outside the British Parliament to what was known as government by regulation. The position in Western Australia today has reached the stage where it is very similar to the position in the British Parliament in 1932. At that time a Lord Hewart wrote a publication on this matter, but I do not intend to quote it. I would, however just make mention of the three main points of his publication. Again, I incorporated those three points in the remarks which I made in 1967, and which are to be found on page 561 of *Hansard* of that year. The main points which Lord Hewart made were—

- (a) That the practice is growing up of giving power to make regulations without reference to Parliament.
- (b) That power is sometimes given to make regulations which have the effect of substantially altering the provisions of the enabling Act so that, in effect, the subordinate legislation can over-ride the superior Act.
- (c) That provision is sometimes made whereby regulations cannot be challenged in the courts.

The South Australian Government appointed a committee of investigation to inquire whether or not it should set up a subordinate legislation committee; and whilst the Parliament of that State did not consider that any of those three points were applicable, it came up with the following four points as a result of its inquiry:—

- (a) There is usually a lack of publicity associated with the framing of subordinate legislation.
- (b) Unless vigilance is exercised by Parliament, there may develop a tendency to frame legislation drafted merely from a departmental point of view.
- (c) In certain few instances—to be mentioned later—there is a lack of complete Parliamentary control over subordinate legislation.
- (d) There is no convenient method provided whereby the public at large may object to the policy of any regulations.

I think the last point is an important one, because with the existence of a standing committee the public can make requests to appear before it and put up a case against a particular regulation which they might consider to be unjust.

The committee which I propose is to be composed of members of Parliament appointed to study the subordinate legislation which comes before us, and to bring recommendations before Parliament relating to any particular type of subordinate legislation. I admit that we cannot do away with subordinate legislation,

and it would not be practical to have to bring before Parliament every mundane amendment that had, necessarily, to be made to an Act of Parliament. That could be a waste of the time of Parliament, and Parliament could utilise its time to better advantage on other important matters. So subordinate legislation is with us, and it is with us to stay. The whole point is that we must have a system to ensure that Parliament can control the subordinate legislation, and that subordinate legislation does not control Parliament. That is the essential feature.

Briefly, the South Australian committee functions in this manner: the under-secretary of the department concerned, or the regulation-making authority, forwards to the secretary of the subordinate legislation committee copies of all regulations, etc., that are made, together with explanatory notes. Such notes would explain the reason for a particular regulation. The notes are brief, admittedly, but they explain the purpose. The regulations and explanatory notes are carefully scrutinised by the committee and, where necessary, witnesses are called for the purposes of clarification.

We might ask: What does this committee consider? This covers one of the earlier interjections by the Premier. When regulations or by-laws come before Parliament—and I think this is very clear in itself, and will give members some idea of the value of the committee—the committee considers—

- (a) whether the regulations are in accord with the general objects of the Act, pursuant to which they are made;
- (b) whether the regulations unduly trespass on rights previously established by law;
- (c) whether the regulations unduly make rights dependent upon administrative and not upon judicial decisions; and
- (d) whether the regulations contain matter which, in the opinion of the committee, should properly be dealt with in an Act of Parliament.

If we bear in mind those four points which the South Australian committee takes into consideration, and ask ourselves how many regulations and by-laws which go through this Chamber are subjected to such scrutiny, I think we will agree that very few are.

To my way of thinking the appointment of a committee would ensure that the Western Australian Parliament would have at least six members—three from each House—who would keep an eye on the regulations which come before us, and those members could make recommendations to the Parliament. I do not think those six members would have a task which would be as difficult as might appear at first

sight. We have to bear in mind that those members would become experts in being able to judge regulations and by-laws. The fact that they would be, as a committee, dealing with the regulations continually would bring about a set of circumstances whereby they could readily, in most cases, see the danger of a by-law or a regulation.

The average member of Parliament, who rarely sees the regulations and by-laws, has to do a considerable amount of research to investigate any particular issue. Furthermore, the committee members would have the additional power of a Select Committee, and when they required any information they could press a button and get it—or hope to get it. That is not the case with the average member, who does not have that facility. He has to do his own research. A permanent secretary would be on the committee and he would make preliminary investigations.

Sir David Brand: He would do most of the work.

Mr. BICKERTON: I suppose the secretary of any committee does most of the work.

Sir David Brand: I am talking of this proposed committee.

Mr. BICKERTON: That could be said of any committee, and I do not know that it would matter. The committee would be responsible to us who, in turn, are responsible to Parliament; and that is what matters.

The committee, having studied the regulations and by-laws, would report—notice of this would normally be given by a member of the committee—to each House and would indicate whether, in its opinion, a regulation should be disallowed. If either House disallowed a regulation, the regulation would cease and the information would be conveyed to the under-secretary concerned or to the regulation-making authority.

This brings me back to the point that someone is responsible for at least giving an opinion. The final say, I repeat, rests with the members of Parliament. Another strong point is that this type of committee makes public servants better. It makes good regulation-making authorities better, because the very fact that the regulations will go before a committee to be scrutinised will have the salutary effect which is desired in such cases.

Sir David Brand: The regulations are tabled here and can be examined by private members.

Mr. BICKERTON: I do not think the Premier honestly believes that by just being tabled in Parliament the regulations receive the scrutiny and investigation that is necessary from an outside body.

Sir David Brand: I do.

Mr. BICKERTON: It is not good for the regulations to be examined by a committee of the same people who make the regulations. That is like Caesar appealing to Caesar. May I ask the Premier how many regulations and by-laws he read, as a private member, and how many he moved to disallow?

Sir David Brand: There were not many but it was still my responsibility, and it is your responsibility.

Mr. BICKERTON: If a committee had existed when the Premier was a back-bench member on this side of the House he might have taken much more interest in such matters because the information would have been readily available to him.

Sir David Brand: I could also have left the job to the secretary.

Mr. BICKERTON: We will see just how much scrutiny there has been of by-laws and regulations in the Western Australian Parliament. I mentioned that if either House of this Parliament agreed with the recommendations of the committee, and disallowed a by-law then that by-law would cease to operate. As a safeguard, even if the committee did not move to disallow a by-law or a regulation, any individual member of Parliament could do so. So the circumstance which prevail now, and which the Premier says are all right, would still prevail, except that there would be an added safeguard. That added safeguard would be the committee.

I would like to make another brief reference to *Hansard*. The regulations which are laid on the table in the South Australian Parliament are printed on the notice paper, and if the Premier will listen to what I have to say I think he will see the point I am getting to.

Sir David Brand: I have been listening all the time.

Mr. BICKERTON: I hope the Premier will see how members are protected, and their rights, too, by the information which is readily placed before them. At page 56 of the 1967 *Hansard* I had the following to say:—

In this notice paper are stated the regulations which are before the House. At the top of the column on the righthand side is the final day for the notice for disallowance. So members are fully acquainted as to how long they have to move for a disallowance. There is an asterisk in front of certain regulations, and this indicates that disallowance is recommended by the standing committee or subordinate legislation.

Therefore, as this information appears on the notice paper, it is not necessary to see a notice in the *Government Gazette*, which is tabled but rarely seen by people. The decision of

the committee is brought before the notice of members by its inclusion on the notice paper for both the Legislative Assembly and the Legislative Council. This list is added to as regulations are laid on the Table of the House by the Ministers concerned; and on the expiry of the period for giving notice of motion for disallowance, the relevant regulation is removed from the list.

I think that only goes to substantiate what I said in answer to the Premier's interjection a while ago: that there is much more opportunity for a member to keep his eye on subordinate legislation under a committee system than there is under the present system with which we are acquainted.

It is important to note, coming back to the Premier's remark about keeping an eye on regulations, that the committee set up in the South Australian Parliament dealt with 247 papers in one year.

Consequently, 247 papers were set before the committee on subordinate legislation. As a matter of fact, the committee met on 22 occasions in that year. It took evidence from 79 witnesses and made two inspections of areas which were affected by by-laws. It disallowed five regulations and 11 by-laws; that is, one of its members moved for the disallowance of five regulations and 11 by-laws, a total of 16 altogether. Four other by-laws were amended by consent of the under-secretaries when the by-laws were referred back to them on the ground that the committee intended to move for disallowance. Consequently, that gives a total of 20 disallowances out of 247 papers.

Let us look at the Western Australian record. The figures show that over a period of 10 years there have been 27 motions in this House for the disallowance of regulations. Over that 10-year period 1,499 regulations and by-laws have been tabled. That figure is approximate only, because the Clerks took it out for me in a hurry. The total of 1,499 which I have mentioned does not include such regulations as those which affect the University, which has its own regulation-making authority and which, I think, calls them Statutes. Further, certain other rules, which come before the House under the same conditions as those which apply to regulations and by-laws, are not included. Consequently, the figure I have mentioned is on the conservative side.

As I have said, over a 10-year period 1,499 by-laws and regulations have come before this House and there have been 27 motions for disallowance of by-laws or regulations. Over a period of one year, 247 papers came before the South Australian Parliament and there were 20 motions for disallowance.

We have to admit, I think, that our Parliament is no better or no worse than the South Australian Parliament, and I do not think our regulation-making authorities would be any better than those in South Australia. This only means that regulations and by-laws do not receive the same scrutiny in this House as they receive in the South Australian Parliament. Any broad-minded member of this House should agree with me on that statement.

I have dealt briefly with the purposes of the two committees, which are mentioned in the motion. I am not suggesting for one minute that these are the only two committees which are necessary, nor am I suggesting that they are the most important committees. However, I am trying to demonstrate the value of the committee system so far as present-day Parliament is concerned.

To digress briefly, when a matter similar to this was last debated, a public accounts committee was referred to and, at the time, the Premier agreed to have a look at the question by way of an investigation into the situation. On this occasion, I have confined my motion to the two committees with which we were dealing previously. However, as the motion appears on the notice paper, members will see that it could readily be amended to include a public accounts committee as well. Certainly I would have no objection whatever to that.

I would like to touch briefly on the Premier's comments—or his action, if I may put it that way—in connection with the two similar motions which were moved in this House in 1967 in order to bring members up to date on the matter so that they may recall what actually happened to those motions in that year. The motion which I moved at that time was—

That, in the opinion of this House, steps should be taken to set up a Parliamentary Public Works Standing Committee.

The Premier moved an amendment, as follows:—

Delete all words after the word, "House" with a view to substituting the following words:—

an examination should be made of the benefits or otherwise of Public Works Standing Committees and related matters in other Parliaments in Australia.

Since it was the Premier who moved the amendment, it should be fairly obvious to members that the amendment to the motion then became the motion. The Leader of the Opposition then moved an amendment to the amended motion, which appears on page 668 of *Hansard* of that year. His amendment was to add the words—

with a view to the establishment of such Committees.

This meant the motion then read—

That in the opinion of this House, an examination should be made of the benefits or otherwise of Public Works Standing Committees and related matters in other Parliaments of Australia with a view to the establishment of such Committees.

I will not read all the reasons which the Leader of the Opposition advanced for this further amendment. However, I would like to mention the final paragraph of his speech to indicate one of his reasons. His remarks were not exactly off the ball. He said—

We know only too well that inquiries are undertaken quite often for the purpose of shelving some proposition, and that some reports never see the light of day. An inquiry can be held in abeyance for months, or even years, until people forget about it. I hope it will not be an inquiry such as that. If it is to be a proper and genuine inquiry, I think we should indicate that our view is that if the information is such as to suggest that committees would be desirable, then they should be established. For that reason I have moved to add the words I have already read to the House.

The Leader of the Opposition was certainly gazing into the right crystal ball, because we do not seem to have gone very far with the matter. However, to keep my remarks in sequence, and to show that I am fair, I should like to refer to a few of the comments made by the Premier of the day who, of course, is also the Premier of the present day. He said—

If we were to agree to this amendment, we might as well agree to the original motion. Let me say at the outset that the motion, which has been moved by a private member, is certainly a mild one; I hope I have not indicated otherwise. Further, it is a very fair motion. But it would seem to me that, having gone so long without these committees, it would be fair enough, in regard to Parliament making a decision, for the House only to say, "Yes, we will examine the whole matter further and then report to the House, either verbally or in writing." I think I can assure the House that such was my intention, because I think I said so; namely, that as far as the Government is concerned the examination will be a thorough and impartial one.

The Premier then went on to add that therefore, he could not agree with the additional words proposed to be added by the amendment of the Leader of the Opposition. However, right at the conclusion of his remarks he did say—

Let me add that in view of the election that is just a few months away, it would seem to me the matter should

be decided by a new Government and a new Parliament based on the information we can get. Therefore, I oppose the amendment.

Then the present member for Belmont came into it. At page 674 of *Hansard* he moved to add certain words to those which had already been added to the motion by the Premier. His amendment was as follows:—

That the following words be added to the motion, as amended:—

and, such examination be completed prior to the commencement of the 1968 Session of Parliament

The Premier then had this to say—

I am a little moved by the complete faith of the Opposition in our undertaking. I have assured the House that if an investigation is to be made, it will be commenced immediately, and will be in time for the next session. However, if adding binding words of this nature is satisfying, then I am quite happy to agree to do so.

So the Premier was good enough to agree to the amendment proposed by the present member for Belmont. To clarify the position I will read out the motion as it then stood—

That, in the opinion of this House, an examination should be made of the benefits or otherwise of Public Works Standing Committees and related matters in other Parliaments in Australia and such examination be completed prior to the commencement of the 1968 Session of Parliament.

As I said, the motion, which had been amended, was carried.

The motion dealing with subordinate legislation was a separate one on that occasion, and the Premier moved a similar amendment to make the motion read as follows:—

That, in the opinion of this House, an examination should be made of the benefits or otherwise of Parliamentary Standing Committees on subordinate legislation in other Parliaments in Australia.

The present member for Belmont again moved a similar amendment to the effect that the examination should be completed prior to the 1968 session of Parliament. The amendment was accepted by the Premier, and the motion then stated, in effect, that an examination would be made and completed before the next session.

At this point I must make reference to some remarks of the member for South Perth after the Premier had accepted the amendment.

The following appears on page 679 of *Hansard*.—

I welcome the Premier's decision to accept this amended motion, and I am delighted at the indication given to

the Premier that he will have an exhaustive examination made of this question. I am particularly pleased at the Premier's attitude, because it is the policy of the Liberal Party to do all it can to ensure that we limit Government by regulation as far as possible. One of the planks of the Liberal Party platform contains the following objective:—

To legislate by Act of Parliament and not by regulation or decree.

The Leader of the Opposition then interjected and said, "What a funny story that is!" I mention that to keep the record straight in *Hansard*. The member for South Perth then went on to say—

In those circumstances it behoves all liberal members to do everything we possibly can along the line to support any move which will limit the powers conferred by regulation.

I will mention briefly here—as I mentioned on the previous occasion—that I think a subordinate legislation committee would have its greatest value in making those who are responsible for regulations ever so much more careful than they normally would be. The only other quotation I wish to make from *Hansard* is taken from my final remarks when replying to the Premier on the second motion. I said—

Finally, to save the time of the House—this may be a little out of order—I wonder if I could obtain an indication from the Premier whether the words "related matters" include a public accounts committee.

I asked that question of the Premier because it was my intention to move for such a committee, but under the circumstances I did not. The Premier replied that he had already indicated he would do so when the member for Narrogin was on his feet.

I mention that to point out that the Premier also gave an undertaking at that time that not only would an investigation be carried out in connection with the subject matter of the two motions, but also in connection with the third aspect which had been mentioned by the member for Narrogin. I think that brings us fairly well up to date with regard to what has taken place in connection with standing committees.

I have asked the Premier some questions without notice since then and the replies which he gave to the House were extremely scanty, to say the least. The Premier will recall that, by way of a motion, this House requested that an examination of the situation be carried out. Whether this has been done I do not know; and if it has been done, what the outcome of it is I know even less about. But it does not seem to me to make members any happier when they refer to "control by Executive"

if they are not acquainted with the results of an examination after the Premier has given an undertaking to do just that.

I cannot imagine—with the facilities available to those whom the Premier would get to investigate these matters—that it would be any problem for the people doing the investigations to ascertain the advantages or disadvantages that could be considered to accrue from these committees; whether they be for or whether they be against.

However, when a motion is passed and an undertaking is given that the result of the investigation will be reported to Parliament at the beginning of the 1968 session, one would think that if this were not possible some explanation by the Government would be forthcoming to members of Parliament. This must tend to confirm in the minds of members just how little notice is taken of a back-bencher in the House, and of how little use it is to have a motion passed by the Chamber.

Whilst Governments do not care to be reminded that they like to govern by regulation and to maintain Executive control at the expense of the average member of Parliament, I must still remind the Government, no matter what Government it may be, that back-bench members are essential. They make up the Parliament, and many of them support the Government. You, yourself, Mr. Speaker, will recall a recent conference of presiding officers and Clerks of all Parliaments of this country that was held in Brisbane. At that conference papers were presented dealing with the very matters we are discussing; that is, the control by the Executive and government by regulation.

I would recommend to those members of Parliament who take an interest in their job—even though they are back-bench members—to have a look at this volume entitled the *Second Conference of Presiding Officers and Clerks of the Parliaments of Australia, Papua and New Guinea, New Zealand, Fiji, Nauru and Western Samoa*. These people dealt with many matters and, to my way of thinking, there is extremely good reading in the volume to which I have made reference.

I wish only to refer to two papers in this volume. They contain a few references which bear out the fact that there are many men in parliamentary life, and outside parliamentary life, who are becoming more and more concerned about the slapdash way the average member of Parliament—or, perhaps as we affectionately refer to him, the back-bench member of Parliament—is being treated and, in my book, the decreasing role he is playing in the administration of the State.

More and more, the trend is growing that the average member of Parliament is being elected as a result of the party

system; that he is becoming a type of glorified social worker in the community and is having less and less to do with State administration and, as a result, has very little say in the Parliament. As I have said, apparently I am not the only one who is upset about this. If members go through this volume they will see that one presiding officer after another makes reference to much the same thing. The first brief reference I wish to make on this aspect is taken from page 76 of the report of this conference, and the paper was presented by The Hon. Vernon Christie, the Speaker of the Legislative Assembly in Victoria.

Mr. Brady: From what type of paper are you quoting?

Mr. BICKERTON: This refers to the relationship between the Executive and Parliament, and it reads as follows:—

With increase in discipline within the Party system many people think that the latest power or seeming tyranny comes not from the Crown but from the Executive Government or ruling Cabinet. There is increased appearance of intolerant domination of Parliament by Cabinet backed up by its control of the majority Party plus the support of a bureaucracy fast growing in size and power. The wider Government responsibility in defence pacts, external affairs, control of the economy and the extension of social services calls for more legislative time overall, and leads to the rushed passage of Bills and reduced discussion on them. This has brought a disturbing increase in delegating legislation making possible government by regulation under Acts passed by the Parliament in support of the Executive Government.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BICKERTON: You will recall, Mr. Speaker, that I was making some very brief references to a presiding officers' conference in Brisbane held from the 8th to the 10th April, 1969. I had just dealt with a reference made by Mr. Christie, the Speaker of the Legislative Assembly in Victoria, which indirectly concerned committees. I would like to quote from another portion of his speech—and I will make it as brief as I can—which also deals with the danger that is in the minds of some people when it comes to too much Executive control and not enough control being farmed out to parliamentary committees such as those I propose in my motion. I think the following reference is very appropriate as it relates to Government departments, and particularly to the Premier's Department:—

The creation of Premiers' Departments to help with the increasing administration, P.R., engagements and entertaining of the Premier can be

said to have created a new group which might tend to be interested in privilege and power exercised in the shadow of the Premier. This can extend to officers in the Premier's Department vetting and making first decision, if not final, on the travel requirements of members even to the vetting of the simple travelling needs and other expenses of select committees of Parliament. These things are no doubt done with good intention in the belief that the Premier's Department has a watching brief for the Government and knows better in terms of public service values what is "good" for Parliament and its members. But how good is this for Parliament and its members?

This is just another example of the views of people as they see the position at this point of time in connection with the method of government we have in these modern times. There is a further reference which deals with the Commonwealth Parliamentary Association's 14th Conference last year when the members, after much discussion on the committee system and on this power of the Executive, brought these matters forward. They maintained that members of Parliament have a duty to strengthen the parliamentary system. I believe this to be true; that members of Parliament do have a duty to the people to strengthen the parliamentary system. The members of the conference also felt that there should be more committees of Parliament; that there should be an ombudsman, better Press, radio, and television coverage for Parliament, the strengthening of local government as the prime school-room of democracy, and the policing by Parliament of government by regulation.

These are not my thoughts but the thoughts of the delegates at the Commonwealth Parliamentary Association Conference which was held last year. There is another brief reference which was, I think, made by Sir Alister McMullin who is known to all of us here. He has this to say concerning committees—

We have always been vigilant in our oversight of the Executive's regulation-making power. This is one of the evils we get in modern Government: regulations being made, and legislation by regulation. In our case—

He is referring to the Commonwealth, of course—

—we have a Regulations and Ordinances Committee which examines all these cases. The well-known Ipec case will be remembered. Regulations were promulgated which had the effect of rendering futile an Ipec appeal to the Privy Council against the Government's refusal of permission to import aircraft for all-freight

airlines. These regulations were condemned in the Press and were disallowed by the Senate. That shows that it can be effective in its working.

In referring to that committee he said—

This committee has been operating since 1932 and scrutinises regulations and ordinances to ascertain—

And then he goes on to state what I said earlier—and I will not repeat it—about the purpose of a standing committee on subordinate legislation.

We return now to a paper delivered by The Hon. H. V. Budd, M.L.C., President of the Legislative Council in New South Wales. His paper saw the desirability of extending the committee system, and in the early part of his speech he said—

I do not think there is any doubt that an extension of the committee system would be extremely beneficial to both the image of Parliament in the eyes of the public and individual members, especially the so-called back-benchers. I think that it is a fact, in Parliaments today, especially those in which Governments have very big majorities, that there is a great deal of frustration among members who feel that they have very little influence on Government policies. We see, in the Press, constant complaints that there is too much domination by Cabinets and that the power of individual members of the Government party or parties is declining.

Again, as I pointed out earlier, this is only what I believe myself. We even have the views of one of our own presiding officers from another place in connection with the appointment of committees. I am sure it will be interesting to members to know what The Hon. L. C. Diver had to say. He said—

The desirability of extending the committee system is an excellent subject for discussion by a conference of this nature. I found the paper prepared by Mr. Budd most interesting indeed and I have studied it. I say immediately that only good must accrue from an extension of the committee system in those Parliaments which are not making extensive use of committees.

I feel that in Western Australia we have not been sufficiently active in this region. We have no Standing Committees other than the domestic seasonal committees mentioned by Mr. Budd. Occasionally we have a Select Committee, but we would not average one per year.

There are two more parts in the report of that conference which I would like to quote. The first is from a paper by Sir Alister McMullin—

I envisage that standing committees will go further along the line followed in New Zealand, and that there will be more standing committees to which matters will be referred.

I understand, from what I have read in this report, that in New Zealand there are more than 17 standing committees, and those committees deal with many matters. According to the Speaker of the New Zealand Parliament these committees do an extremely good job.

The last part of the report I wish to quote is on page 204. I do this because I have been referring to the South Australian Standing Committee on Public Works, and the Standing Committee on Subordinate Legislation. Sir Lyell McEwin of the South Australian Parliament had this to say—

I think that sufficient has been said to indicate the importance of the committees in the working of Parliament. In South Australia committees have been used to the maximum extent. They are all joint standing committees of both Houses and are representative of all parties in those Houses.

Further on he said—

There are two important committees that deal with the normal working of Parliament. They do not in any way take away the authority of the Executive in the promotion of Legislation, but, as has been referred to so many times at this Conference, they are important to back-benchers in the making of Statutes and decisions in Parliament. The first of them is the Public Works Standing Committee which is set up under Statute and has to inquire into all expenditure on projects of the Government in excess of \$200,000.

He went on to quote the Statute, but I shall not do that. Later on he said—

In the 12 months ended 15th August, 1968, 28 projects involving educational, water and sewer (both in the country and in the metropolitan area), hospital and harbour facilities were referred for report. But it is obvious that the work done by this committee in South Australia is given more importance than in some other Parliaments. I understood from Mr. President Budd's paper that the Public Works Committee did not meet regularly in New South Wales.

Sir Lyell McEwin then referred to the other committee—the subordinate legislation committee—with which we are dealing.

For the record I shall quote what he had to say—

During its 30 years of existence, the Joint Committee has considered 3,857 papers, has examined 621 witnesses on 212 subjects, and has been responsible for Parliament disallowing 96 regulations, by-laws, etc.

That brings me back to the point I made earlier: these figures alone prove the value of a committee such as this.

When we look at our own record we find that we have had 27 disallowances of regulations over a period of 10 years; or out of 1,491 regulations and by-laws there were only 27 disallowances. I think it is reasonable to say it is time this Parliament seriously looked at the possibility of appointing these standing committees. Sir Lyell McEwin said finally—

I am sure that all other Parliaments have had good service from their committees and that there are other fields in which effective work could be done if further committees were appointed.

I mention again that those who are interested in this motion, and those who go along with my line of thinking as to the value of these committees, would do well to peruse the papers which were read at that conference.

To show that I am not the only one who agrees with the appointment of these committees I refer to another publication, from which I wish to quote a few extracts. These represent the views of the younger people of the community who take an interest in politics. Members will agree that I have nothing to do with this publication, because it is produced by the University Liberal Club.

Mr. O'Connor: Do you support everything that this publication has put forward?

Mr. BICKERTON: I think some of the articles are extremely good. One article was submitted by Fred Chaney junior, and on page 3 the following appears:—

In addition I would suggest that there is ample work for a standing Parliamentary committee to continuously review administrative procedures and to subject them to some form of cost benefit analysis. I often wonder, for example, what benefits the government gets from its 20 cent suburban orchard registrations.

On page 4 of the article the following appears:—

It is Parliament that is supposed to legislate yet most of our legislators do no more than vote as directed by the Party Whip on Bills prepared on the initiative of some public servant.

Further on the article states—

For a start, they should use more committees. In the State Parliament there has been a marked failure to develop committees to the extent they

have been developed in Canberra. Why not have a Public Accounts Committee to watch departmental expenditure? Why not have committees on various matters so that detailed work on different aspects of government will be done by back bench members? Let the committees be open to the public so that members can be seen at work and be given credit for the results of their work.

This is a typical example of how the public view the operations of Parliament, and how from time to time they must feel that members of Parliament—other than those in Cabinet—have very little say, apart from an occasional vote, in the actual operation of what we call a democratic organisation.

I say in conclusion that two years ago this House passed a motion calling on the Premier to carry out an examination of the standing committees system. The Premier gave an undertaking that the decision on such a committee of examination would be available at the commencement of the 1968 parliamentary session. It is well known to all members that since that motion was passed some two years ago we have heard nothing more about it. This gives me a good indication of the type of executive control under which Parliament is operating in these modern times, and of just how little notice is taken by the Government of the day—regardless of the Government that is in power—of the desires of members of Parliament and, indeed, of the motions they pass in this Chamber.

I would request the Premier on this occasion to give this matter a little more consideration than it has received up to date, even if it be necessary to appoint a Select Committee of this Parliament to make an examination as to the desirability of standing committees.

It strikes me that the examination which is being conducted by the Premier is an examination carried out by the officers of some of his departments and these officers would be the last people who would be desirous of having standing committees comprising members of Parliament because of the very fact that the system under which they operate now is much easier for them than the one I propose.

Again I request that the Premier give this matter more consideration than he gave the last motion that was passed. I commend the motion to the House.

Debate adjourned, on motion by Sir David Brand (Premier).

BILLS (5): RECEIPT AND FIRST READING

1. Legal Practitioners Act Amendment Bill.
2. Legal Contribution Trust Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. Court (Minister for Industrial Development), read a first time.

3. Fisheries Act Amendment Bill (No. 2). Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Minister for Works), read a first time.
4. Licensing Act Amendment Bill.
5. Methodist Church (W.A.) Property Trust Incorporation Bill.

Bills received from the Council; and, on motions by Mr. Court (Minister for Industrial Development), read a first time.

COLLIE RECREATION AND PARK LANDS ACT REPEAL BILL

Returned

Bill returned from the Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [7.57 p.m.]: I move—

That the Bill be now read a second time.

An unfortunate mistake and a grievous error was made when authority was given to the Gnowangerup Shire Council to exercise its powers of raising money and imposing rates for the purpose of a church. It was never contemplated or intended by the Parliament of Western Australia that a local authority should be permitted to act in this fashion.

If one has recourse to the Municipal Corporations Act passed in 1906 or the Roads Act passed, I think, in 1911, and subsequently the Road Districts Act passed in 1919, one will find that many powers and responsibilities were reposed in local authorities, but nowhere at all is there any suggestion that they should act in the way the Gnowangerup Shire Council was permitted to act in a small town called Jerramungup.

This has, of course, broken down concepts which are some centuries old. It violates principles in connection with which many thousands of lives were lost, and I say the decision was in violation of the decisions and enactments of Parliament.

The Local Government Act was passed by this Parliament in 1960, and in section 598 are the purposes for which local authorities can borrow moneys to undertake certain works. Under the definition of "works and undertakings" everything of importance is enumerated. Indeed, there is a great deal of detail in respect of lesser matters.

If you will permit me, Mr. Speaker, I will read some of the items to show how comprehensive they are. If it had ever been contemplated that the building of places of worship should fall within the scope of a local authority then surely it would have received mention, directly or indirectly. The items are as follows: "Works and undertakings" means—roads, footpaths, bridges, culverts, ferries, wharves, jetties, sewers, drains; construction and purchase of water works, construction and purchase of gas works and electric light plants, any other trading undertaking authorised under the Act; construction and purchase of tramways and tramcars; the construction and providing of a town hall, an agricultural hall, a civic centre, kindergartens, child welfare clinics, ambulance services, municipal offices, pounds, abattoirs, market places, market houses, fountains, and so on; the planting of forests, the construction or acquisition of hostels for school children; the providing of baths, wash-houses, and swimming pools; the improvement of endowment lands; the providing of public libraries, public museums, pleasure grounds, places of public resort and recreation, and so on; the purchase of organs and other musical instruments, and cinematograph and other projection apparatus; the production of gas and electricity, and so on; the purchase of stone quarries, etc.; the purchase of all sorts of appliances; the construction of theatres and grandstands; the purchase or acquisition of land, and so on.

At the end of the section there is what one might term the dragnet clause which covers: other plant, machinery, things, works, and undertakings approved in writing by the Governor. It is true that under that provision it is possible for the Governor to grant permission to a local authority for any purpose whatsoever.

However, surely there is a spirit of intention, and that spirit has been flouted on this occasion. As I submit my views and evidence to this House it will be appreciated that the action taken has had far-reaching consequences, and that there is an almost unanimous opinion that the wrong thing was done and that corrective action should be taken.

I am therefore pleased to have the opportunity to take that action, but I regret the necessity for having to embark on the introduction of a Bill, firstly, to ensure that there will be no repetition of this state of affairs; and, secondly, to provide some measure of relief or justice to those who are offended by the action which has been taken.

I do not want to indulge in a history lesson but, with your permission, Mr. Speaker, I will quote some words of a

Queen's Counsel recently uttered in connection with this very matter and its historical implications. The Queen's Counsel stated as follows:—

Since the Norman Conquest (1066) there had been a distinct division between non-spiritual and spiritual matters, and the exercise of the king's power (particularly regarding raising of revenue from each).

Under the Saxon kings, before the Norman Conquest, there had been very little difficulty. The sovereign was both head of the State and administrator of spiritual powers.

But at the time of the conquest, the king found it necessary to reach some compromise with Rome and secure some aid. Then the distinction between the two elements of life—material and spiritual—began to grow up.

There still remained a clear distinction.

The legislators who brought this type of law into being in the latter part of last century in W.A. were aware of the then social and political situation and the feelings of the people about such matters.

Surely, if we know, or have only a slight nodding acquaintance with, the history of Great Britain—the stock from which we are sprung—we will appreciate that what has been done is in complete violation of the principles laid down centuries ago, which have been complied with ever since.

I want to make it clear that whilst I am highly critical of the decision which was made, I nevertheless think there was, perhaps—allowing the benefit of the doubt—some justification for the Minister's action, because he was grossly misled. I suppose it is only human nature that having made a decision one hesitates to retract, but tends to dig one's toes in and seeks to defend the decision or the action taken.

In my view nobody should be compelled to patronise, support, maintain, up-hold, contribute to, or be taxed by or taxed for, a place of public worship. This has been acknowledged in the Australian Constitution—the Constitution of the Commonwealth of Australia—at section 116, which reads as follows:—

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

Surely this suggests that it would be *ultra vires* the Australian Commonwealth Constitution for a rate or a levy to be compulsorily imposed on people in the community.

Mr. Nalder: Would you be opposed to a proposition if all the ratepayers agreed?

Mr. GRAHAM: I would still be opposed to it; of course I would, and for quite a number of good reasons, too. Those who own the properties at the present moment could agree—whether it be 90 per cent. or 100 per cent.—but with the passage of time the ownership of the properties could change and after a period of five or 10 years 50 per cent. of the people could have other views but they would be committed.

I feel it is not the province of the State to interfere in matters of religion, whether it be pro or con. Members will recall my having spoken at some length when the Government sought—and succeeded—to interfere with the religious practices of a certain group. I have no affiliation with the group, and no interest in it; it is a matter of principle in exactly the same way as I regard the church at Jeramungup.

Mr. Jamieson: I hope you are not going to take as long this time.

Mr. GRAHAM: If the occasion warrants I shall. I intend to speak until I have presented my case. Let me say I did not wish this on myself, but a few weeks of association with this matter has resulted in quite a large file of papers, which will give some idea of the feeling which exists. The opposition will be appreciated as I proceed, and I will proceed all the faster with less interruption.

Mr. Jamieson: I am sorry.

Mr. O'Connor: You have had a pretty good run.

Mr. GRAHAM: The Universal Declaration of Human Rights, article 18, states—

Everyone has the right to freedom of thought, conscience, and religion: this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

I emphasise the earlier words, "Everyone has the right to freedom of conscience." There are some people who have no thoughts of Christianity; some who do not believe in a supreme being, and the rest of it. However, the Universal Declaration of Human Rights says that the attitude and viewpoint of those people is to be respected. I should say Western Australia should be a signatory to a broad-minded philosophy such as that.

There are some who desire to have a unified church. Actually, there is a great deal to be said for the idea that there should be a single structure wherein, by mutual arrangement, those who care to use it may do so. There is no gainsaying that there are considerable advantages in that arrangement.

Significantly enough, some of those who have protested from the inception with regard to the present arrangement would be quite agreeable to contributing, on a voluntary and a generous basis, to a church built by the churches themselves. Nevertheless, on the matter of high principle they will have none of this concept of the State—albeit in the third degree; namely, local government—becoming an instrument of the church, or the church becoming an instrument of local authority.

Some of these people are prepared to become martyrs, not for the sake of so doing, but because they are prepared to go to gaol rather than sacrifice their principles. Without becoming melodramatic about it, I repeat that many thousands of people suffered the loss of their lives in the struggle to separate the church from the State. I think we owe them some duty because of the principle which is involved and because of where this could lead, if it becomes an example and a precedent.

The Minister for Local Government, who was the *modus operandi*, recognised the possibility of traps and snares if sanction were given to the Gnowangerup Shire Council to proceed. On a number of occasions he rejected representations which were made to him, and he even rejected the approach made by the parliamentary member for the district, who happened to be a member of the same political party.

On the 11th October, 1963, the Gnowangerup Shire Council made its first approach to the Minister for Local Government. In that same month an approach was made by Mr. Hart, the member for the district. In November, 1963, the Minister suggested that the proposal should be given further thought, owing to the problems which could arise. Also, he suggested it might be a far wiser and better proposition for a hall to be constructed which could be let to church bodies and to others who cared to use it from time to time.

In December, 1963, Mr. Hart, M.L.A. submitted a letter from the council disagreeing with the viewpoint of the Minister for Local Government. In February, 1964, the Minister advised Mr. Hart, M.L.A., that he confirmed his earlier decision.

In September, 1964, the Jerramungup Progress Association advised support of the proposal and the Minister asked for the opinion of the churches. In December, 1964, because of fears of dissension,

the Minister refused to alter his decision, which was one of rejecting the proposition of the Gnowangerup Shire Council.

After that time the damage was done. In a letter dated the 14th December, 1965, the Gnowangerup Shire Council wrote to the Minister, and I quote from that letter—

Instructions have been given to again make application for the Governor's approval to raise a loan for the construction of an all denominational church at Jerramungup. A canvass of the area has been conducted by clergymen from differing religions and a report of 100 per cent. in favour of the proposal has been received.

That letter handled the truth very carelessly. A report was made to the Minister by the Secretary for Local Government. Amongst other things, he said in his minute dated the 17th December, 1965—

The council of the Shire of Gnowangerup has again written seeking the Governor's approval to raise a loan for the construction of an all denominational church at Jerramungup.

The council claims that a canvass of the area has been conducted by clergymen from different religions and a report of 100 per cent. in favour of the proposal has been received.

However, this does not conform with the survey which was made by this department only one year ago.

Mr. Speaker, you would be aware that on Thursday of last week I asked the Minister for details of the survey made by the Department of Local Government. I was informed that no survey was conducted by the department. Again this afternoon, I asked a question—

Will he supply a copy of the details of any surveys made by the Department of Local Government in 1964 and 1965 in the Jerramungup locality?

The Minister replied—

No surveys were conducted in the Jerramungup locality by the Department of Local Government in 1964 and 1965.

Consequently, I repeat the words which were contained in the minute written by the Secretary for Local Government. He said—

However this—

He was referring to the 100 per cent. claim. To continue—

—does not conform with the survey which was made by this department only one year ago.

Because the Minister accepted the word of the Gnowangerup Shire Council—and how wrong was he in so doing—he penned the following note to the Secretary for Local Government:—

In view of the information from the shire that the Religious Orders are

100 per cent. in favour of the one church, I am prepared to approve of the proposal for the loan.

(Signed) L. A. LOGAN,
Minister for Local Government,
31st December, 1965.

The Minister would have been better engaged in joining with his staff in a New Year's Eve celebration, I think, than to have done what he did. However, he did it because he accepted the assurance of the Gnowangerup Shire Council.

All of the approaches which have been made since that time to the Minister, the Premier, or the Governor have met with the same result. All of the replies to the objectors have contained the words—

In view of the 100 per cent. support, approval was given.

So it can be said that the decision of the Minister was based on a lie. How remarkable is it that a lie should have been the genesis of an all denominational church at Jerramungup.

Considerable apprehension was felt in many quarters and this was not confined solely to Jerramungup. There was diffidence on the part of some who wished not to offend the local padres and of others who sought to avoid being at odds with the shire council and their ward members.

However, a request was made for a poll to be held and, of a total of 439 eligible votes, 182 were cast in favour of the proposal—much less than 50 per cent.—and the number of votes cast against the proposal was only 86. I repeat: The fact is that notwithstanding the various factors, the poll was agreed to by less than 50 per cent. of those on the roll and entitled to cast votes.

The matter was then taken to the courts. First of all the case was heard in the Supreme Court, where it was dismissed. Subsequently an appeal was taken to the High Court of Australia, where it failed. As a layman, it was obvious to me that the appeal must fail because of the wording of the Act, in which there is a blank cheque in the hands of the Minister. He exercised the discretion which, I repeat, was completely at variance with the experience and with the spirit and intention of the Local Government Act and its predecessors.

I have already said that certain of those people refused to pay this amount on high principle, and there have been threats concerning the sale of their properties. Those people are not deterred. There is the prospect of their being gaoled, but they continue to stand firm by their decision. Of course, the public has contributed towards the cost of their action to the Supreme Court and the appeal to the High Court, but in the matter of the payment of rates the answer is a firm and final "No."

What is the attitude of the churches? I hold in my hand a copy of a communication from the Western Australian Council of Churches. This council comprises the Anglican Church, the Methodist Church, the Presbyterian Church, the Congregational Church, the Church of Christ, the Salvation Army, the Society of Friends, the Greek Orthodox Church, and the Serbian Orthodox Church. The council held a special meeting in June of this year at which certain resolutions were passed unanimously.

In its statement, the Council of Churches says that the present diversity of conviction about the provision of a church building by compulsory rating shows that there appears to be a case for finding some form of option under specific conditions for genuine conscientious objectors. The council further states that such an option may also need to be found in the case of rating for the erection of amenities other than churches, and that the whole matter of conscientious objection thus needs examination with care and at depth by those responsible for local government. If this happened in this instance, the minority could well consider their point taken.

The recommendation of this body, which represents so many churches, was carried unanimously in these terms—

In view of the unforeseen difficulties which have arisen in the present dispute we the Executive of the W.A.C.C., request the churches involved in the use of the Community Church building at Jerramungup to endeavour to secure the release from the Church Rate of those who for reasons of conscience object to it.

It will be seen that my Bill makes provision for that in accordance with the wishes of all of those churches.

I received a communication from the President of the Seventh Day Adventist Church. It reads as follows:—

Dear Sir,

I noticed . . . that you planned to introduce legislation designed to prevent a repetition of the Jerramungup church dispute.

As head of the Seventh-day Adventist church in West Australia, I would like you to know that we as a church body, strongly endorse the plan that you have and hope your efforts are successful.

The letter enclosed a copy of a letter addressed to the Premier earlier in the year setting out how strong is the feeling of the members of this church in this State in the matter of conscience and of rates or taxes being levied upon anybody for denominational or religious purposes.

I was interested to find that there are some members of the younger generation

who are interested in this matter. I refer to the students at Wollaston College. They sent a letter to the *Anglican Messenger*—a publication which circulates within the Anglican Church—and, amongst other things, they had this to say—

We believe that the costs imposed on the seven Jerramungup farmers should be met on their behalf by Christians and Christian bodies.

So it will be seen that there is feeling in many quarters in respect of those who find it contrary to their conscience that they should be compulsorily involved in payment for church and religious purposes. These are people who have no religious prejudice.

I have a letter from the Jacup Progress Association in the Jerramungup locality. That body says that, contrary to claims by the local authority, whilst there was a discussion held regarding the proposed Jerramungup Interdenominational Church, never at any time was a test or a vote taken in order to ascertain the feelings of the local residents.

I have a further letter from a gentleman from Jerramungup who wrote to the Minister for Local Government and stated—

On investigation I have found that there never was a canvass of this area nor was there a public meeting until 8th May, 1967, so how could we say 'yes' or 'no'?

The Minister of the Church of England conducted services in my home (I am not C. of E.) and it was never mentioned even there.

If a loan can be raised in this underhand way—where will it end and how can the ordinary citizens protect themselves.

Echo answers how? There are many, including members of the Australian Labor Party, who are asking the same question, because at the A.L.P. State executive meeting held on the 2nd July, a resolution in these terms was passed—

That in connection with the Jerramungup church affair the State Executive supports any proposal that S.P.L.P. seek an amendment to the Local Government Act directed towards preventing any similar action in the future on the part of any local authority.

This Bill, which incidentally was drawn before that resolution was passed, has been drafted to give effect to those sentiments. There is a letter from a resident of the area who avers that not more than 20 per cent. of the ratepayers were approached for their views. Yet we have the statement from the local authority that 100 per cent. of the people in the area—goodness knows what is meant by "the area"—are in favour of this unfortunate arrangement.

I wish only to make two more quotations relating to this matter, one of which is from Mr. K. Beazley, M.H.R. I quote his remarks, because I think he is universally respected, apart from his political views, and it is recognised he has a close association with a certain church in Western Australia. In his letter he states—

All Saints' Jerramungup, might be a very fine church but it should not be paid for, under compulsion, by all souls.

It is disturbing to read of people being compelled to pay rates for a church and coerced into doing so by threats of imprisonment and confiscation of property.

Further on in his letter he says—

The Local Government Act should be amended to make another Jerramungup episode impossible. Support for church schools and hospitals, in educational and medical work, is one thing; compulsory payments towards facilities for church services and rites and ceremonies is quite another and totally indefensible. It amounts to persecution.

My final quote in respect of those who object is taken from a leading article in *The West Australian* dated the 11th July of this year, which reads as follows:—

Mr Logan's dictum is unlikely to be the last word in the matter, but this is likely to be the last church financed from taxation. A safe assumption from the fuss at Jerramungup is that because of the strong feelings generated by such an issue it will be many years before the same question arises again—if ever it does.

The element of compulsion in religion is the snag. The general feeling seems to be that if community churches are to be built it should be by voluntary subscription.

I am heartily in accord with those sentiments. I have been given a host of petitions which have been signed by people in all parts of the State—the great majority of them, incidentally, do not reside in Jerramungup but in many suburbs and rural districts—who consider they have been affronted and that a definite threat and precedent has been established on this occasion.

Finally, of course, on the 20th June a packed meeting was held in the Builders Exchange not far from Parliament House, where all of those present, including a reverend gentleman, were unanimous in their protest against what had been done and expressed the wish that some corrective action should be taken. I have already stated that all the letters, no matter from whom, contained those vital words based on an untruth, and therefore I do not, in any way, criticise the authors of the letters.

I have one in my hand, dated the 17th April, 1967, over the signature of David Brand, Premier, a paragraph of which reads—

Enquiries made indicate that the approval of the Governor was sought after the Shire Council of Gnowangerup advised that a canvass of the area had been conducted by clergymen from different religions and a report of 100% in favour of the proposal was received.

The Premier used this information, and he was entitled to do so because it was given to him by the Minister for Local Government, who, together with the Secretary for Local Government, had sent out letters to many people. I will quote one that was sent out by the Minister for Local Government. In glancing through his letter I notice he has used practically the same words as the Premier so there would not be much use quoting it.

Mr. Bickerton: Collusion!

Mr. GRAHAM: In any event all the letters add up to the fact that the reason the Minister took the action he did was because of the assurances he had been given. As I said earlier, in reply to the Deputy Premier, even in these circumstances, on a matter of principle, the Minister made a mistake, but I suppose he could be pardoned to some extent because of the nature of the evidence that was given to him.

Mr. Jamieson: The Minister is misleading a Minister.

Mr. GRAHAM: I would not like to blame the Minister for collusion, but it was certainly the letter from the Gnowangerup Shire Council to the Minister for Local Government that caused the trouble.

In order to impose this special rate a prescribed area was declared. I have a large plan in my office at the moment and perhaps I should have sought your permission, Mr. Speaker, to table it in the Chamber. This is the most extraordinary situation I have ever encountered, because the prescribed area has a boundary of considerable dimensions, and somewhere within that area is the Jerramungup church site. It lies approximately five miles from the western boundary, so a person 5½ miles away will not be called upon to pay any rates, but at the other extreme, people who are 46 miles away from this church are included in the area and will be called upon to pay the rates. These people never visit Jerramungup but go to Fitzgerald, or some other small community centre.

I am wondering what sort of process was followed in order to make this extraordinary move. People within sound of the church bell are excluded from payment of rates, but others, who never come within virtually 50 miles of the centre are called upon to pay these rates.

Mr. Jamieson: Jerramungup gerrymandered!

Mr. GRAHAM: That might aptly describe it. It is a shocking state of affairs and, in my opinion, the Gnowangerup Shire Council is shown up in a pretty poor light. I have stated several times the nature of this letter which misled the Minister and the Government and, on that basis, the Governor of the State signed certain papers. I have indicated to the House—and this is from somebody in the district—that the church is 14 miles from the northern boundary—it was only proposed at this time—23 miles from the southern boundary, 46 miles from the eastern boundary, and five miles from the western boundary.

Then, to cap it all, after the Gnowangerup Shire has done this, the area surrounding Jerramungup has now been excised from the Gnowangerup Shire and comes within the jurisdiction of an entirely new local authority. The Gnowangerup Shire Council did the dirty work and has now passed the baby into someone else's arms. The area has been prescribed and all the processes have been followed. This is a grave injustice to fairness as well as to those who have a conscience and who feel so deeply in respect of this matter.

I wonder if I need say much more on this most unhappy affair, except perhaps to show the extent to which the Gnowangerup Shire Council will go, as indicated in replies to questions. Because a certain resident of the district, who happened to be a State Government employee, was active in the area in opposition to this proposal, the Gnowangerup Shire Council wrote to the Minister for Lands, in whose department this officer was employed, suggesting that he should be transferred somewhere else. This was victimisation of an individual who was exercising his democratic rights to express his thoughts on a matter that had aroused the concern of so many in the State of Western Australia.

Here I pay tribute to the fact that practically every one of the churches operating in Western Australia now acknowledges that a wrong step has been taken and that the situation calls for some form of corrective action. My Bill is designed for this purpose. Whether it does so adequately will be for the members of this Parliament to determine. I understand a letter has been sent to all members asking them to support this measure. An attempt has been made to explain, far more ably than I can hope to do, the essential difference between imposing rates for certain public purposes—to which one may object or feel that one

has no use for them—and a situation relating to a matter of conscience and religion.

Very simply, my Bill seeks to provide an interpretation so that any Minister in the future, however enthusiastic or conscientious he might be, will be forbidden by Parliament to approve any raising of moneys or loans by a local authority for places of religious worship, or for the maintenance of these places, or any of the furnishing, equipment, and installations generally.

So if this Parliament agrees with me the future will be safeguarded. In respect of the present situation, however, I do not want to be the judge of anybody, and accordingly I am making no definition. What I have endeavoured to do is to provide access to the court for those persons who have an objection to being rated for church purposes, and I have endeavoured to mould this Bill on the Commonwealth National Service Act under which persons have the right to approach a court and establish their *bona fides*.

Accordingly, with respect to the present issue any of those who have maintained their objection in one form or another and who through that objection are able to satisfy a magistrate of their *bona fides*, and to show that they are not merely seeking to escape a payment for convenience sake, shall be granted an exemption by the magistrate.

Mr. Nalder: Do you mean that this provision relates to the present setup?

Mr. GRAHAM: It relates to the people of Jerramungup—those designated by the court, following an application, as being conscientious objectors.

To provide some little safeguard in connection with those who might have only a pecuniary interest, or an interest to benefit themselves, provision is made for the imposition of a penalty on the person lodging an application if the magistrate regards that application as frivolous.

I am doing that to overcome a situation where several hundred people might come along and where many of them by word, deed, or other commitment, might indicate they have objection to the proposal. This is the best I am able to evolve. I would like to be able to take some action to wipe off completely the whole unfortunate episode, but I realise that money has been borrowed. I understand that some \$35,000 have been borrowed for this All Saints Church, as it is called, and that the building was opened by the Governor in June of this year.

Apart from the broad principle, there are a whole lot of unfair points in connection with the matter. We might well ask: How can one unscramble eggs? If

this Parliament seeks to wipe off the episode altogether then who assumes the burden of responsibility for meeting the payments in respect of this loan? And everything done in connection with the raising of the loan was, of course, done legitimately and in accordance with the law.

The whole thing stems from the erroneous advice—and that is as kindly as I can put it—conveyed to the Minister for Local Government. It will be seen that for a period of several years he resisted this proposition because he felt it could create trouble and difficulties; he felt it was wrong and should not be done. It was only because of the assurance he received from the local authority that he agreed to the proposition, no doubt with the very best of intentions but, very foolishly, in my opinion, and therefore I do not harshly criticise him. All I can say is that I disagree violently with the action he took.

But the responsibility rests with the local authority, and surely, before things had reached the stage they had and action was being taken to construct the church, it must have been known to the local authority on the scene that there was not 100 per cent. agreement with the proposition in the district.

The local authority must have been aware of that fact, and for it to have entered into these other questionable practices of trying to pillory a man because of his viewpoint and his action on a public issue, and for it to draw the boundaries it did, is sufficient in itself to create grounds for objection.

We must realise that in this area there are not lines of communication such as we have here. There are individual farmers many miles away from the little centre who will go in the opposite direction for their provisions, supplies, and so on, and in many cases they would be completely oblivious to what was occurring the best part of 50 miles away or at the headquarters of the Gnowangerup Shire Council. This shire council has now bowed out and left the new Jerramungup Shire Council to see this unfortunate thing through until the loan is finally paid off in some 20 years' time, or whatever the period might be.

So I hope and trust that members on this side of the House will not support my Bill merely because I am of their political persuasion; and I also hope that those on the Government side will not automatically oppose it because the Bill emanates from this side of the House. I hope members will give some thought to the history and the background of the fight between the church and the State and the necessity to keep them as separate entities; I hope they will realise that this is perhaps the thin end of the wedge—a return to something that was

disposed of many hundreds of years ago—and that it can cause all sorts of difficulty and reaction.

I ask members to bear that matter in mind and to acknowledge that so many of the churches have been gracious enough, even at this late hour, to recognise that a mistake was made and have written to the leader of the Government accordingly.

As I have already said, I hope there will be a fair appraisal of what I have sought to do. If the Bill is imperfect in any direction I give an assurance now that I will be as co-operative as possible to enable something to be passed which will prevent a recurrence of an episode such as this, and which will provide some sort of machinery and procedure to exempt those people who, because of their conscience, feel they should not be levied; in other words, they should not be asked to pay a tax towards the construction, maintenance, and support of a place of public worship.

Debate adjourned, on motion by Mr. Nalder (Minister for Agriculture).

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

Second Reading

MR. BURKE (Perth) [8.50 p.m.]: I move—

That the Bill be now read a second time.

Trustee companies in Western Australia are empowered by their private Acts—in similar terms—to establish common trust funds for the purpose of enabling trusts and estates to be combined or amalgamated in a common fund investment.

The relevant sections of the Perpetual Executors, Trustees and Agency Company (W.A.) Limited Act (Private) are 21A and 21B.

Section 21A authorises the company, in addition to other modes of investment permitted by law for investment of trust moneys, to invest trust moneys as part of a fund to be called a "common trust fund." The moneys constituting the common trust fund may be invested in any of the modes of investment permitted by law for the investment of trust moneys.

Section 21B authorises the company where it holds moneys belonging to more than one estate to invest such moneys as one fund in one or more investments authorised by law or by the instrument creating the trust.

Both sections authorise the company to use funds which come to its hands from a variety of sources for the purpose of investment in a common trust fund in the company's name. In addition, the company is empowered by its Act to act as

agent for investment for which purpose it operates what are loosely called "contributory mortgages," or "common mortgage funds"—simply types of contributory mortgages.

The company has recently been advised that the operation of common funds could possibly conflict with the provisions of division 5 of part IV of the Companies Act. In 1960, the Companies Act, 1943, was amended to place restrictions on the issue or offer to the public of "interests," and these provisions in substantially the same form are now contained in the Companies Act, 1961.

When these restrictive provisions were enacted in 1960 and re-enacted in 1961, no thought appears to have been given in this State to the possibility that the operation of the common funds of the trustee companies might be affected by the legislation. In Queensland, however, it is evident that the possibility was foreseen because there the trustee companies and the Public Curator are specifically exempted.

By section 76 of the Companies Act, 1961, "interest" is defined as meaning "any right to participate in any common enterprise . . . in which the holder is led to expect profits rent or interest from the efforts of the promoter or the enterprise of a third party." In addition, the definition of interest extends to "any right to participate . . . in any investment contract." The definition of "investment contract" is "any contract, scheme, or arrangement which in substance and irrespective of the form thereof involves the investment of money in or under such circumstances that the investor acquires or may acquire an interest in or right in respect of property that under or in accordance with the terms of investment will or may at the option of the investor be used or employed in common with any other interest in or right in respect of property acquired in or under like circumstances." It follows from this, that whatever a company is called in such a scheme, it will be a management company for the purposes of division 5 and must conform with the requisite statutory provisions.

Trustee companies and the Public Trustee are bound by very strict rules in respect of their investment of trust funds. They are also subject to audit and must operate strictly within the purview of their private Acts, which involve the lodgment of deposits and the giving of security to the Treasurer.

At the present time, the company has invested in its funds some \$13,000,000 which is secured by mortgages over the following:—

Flats.

Homes.

City properties and business premises.

With regard to flats, there are approximately 3,000 in number involved in the company's lendings and these are situated in many districts in the metropolitan area, and comprise blocks of various sizes. The rentals vary according to the size and locality of each flat, but the majority of the flats are available to persons of moderate means.

In this rapidly developing State, the availability of mortgage finance for homes and flats is of great importance as it assists materially in providing accommodation for so many people who are unable to finance their own homes. It seems certain the demand for finance for these purposes will continue.

It would be quite impracticable for a trustee company to operate its common fund investments within the framework of division 5, nor it is submitted was it intended that it should do so. However, the wording of the division is so wide that the possibility cannot be overlooked.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

THE WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY LIMITED ACT AMENDMENT BILL (No. 2)

Second Reading

MR. BURKE (Perth) [8.57 p.m.]: I move—

That the Bill be now read a second time.

In view of the fact that this Bill, and the one just dealt with, are identical I do not intend to labour the point by giving the reasons for its introduction.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

ONE-PARENT FAMILIES

Inquiry by Select Committee: Motion

Debate resumed, from the 3rd September, on the following motion by Mr. Harman:—

That a Select Committee be appointed to inquire into and report upon one-parent families in so far as State legislation and administrative practice is involved, or is likely to be involved, and to make recommendations for any changes apparent from such inquiry.

MR. CRAIG (Toodyay—Chief Secretary) [8.58 p.m.]: This motion of the member for Maylands seeks to have a Select Committee appointed to inquire into and report upon one-parent families in so far as State legislation and administrative practice is involved, or is likely

to be involved, and to make recommendations for any changes apparent from such inquiry.

The honourable member devoted some considerable time to, and conducted much research into, the presentation of his case. He did stress the emotions which governed his thoughts in introducing the motion. My colleague, the Minister for Child Welfare, in another place has, of course, given a lot of thought to, and carried out a great deal of research into, the claims made by the member for Maylands.

At the outset I would say, with all due respect to the member for Maylands, that the Minister for Child Welfare is opposed to the motion. His reasons for doing so are set out at length, and I trust the House will bear with me for the time which I will take in advancing the reasons in opposition to the motion. I may take a little time, because I, like the member for Maylands and other members, feel this is indeed a very important matter.

First of all, the honourable member refers to unmarried mothers in this State, and says—

It is a fact, however, that there are a good many more of these unmarried mothers in the community who are not registered in any way and who are not receiving any assistance, but who are living in some sort of accommodation with either one or two of their children while at the same time attempting to work and look after those children.

In explanation the Minister has stated that it is not a fact that these unmarried mothers are not registered in any way. The Child Welfare Department receives each month a list of all ex-nuptial births from the Registrar of Births, Deaths and Marriages. This list includes details concerning the child, its mother, the address of the mother, and the physical location of the child. These cases are followed up as necessary.

It is true that not all unmarried mothers receive assistance, because it depends on their individual circumstances and the choice that it is their right to make. If the unmarried mother elects to have her child adopted, the Child Welfare Department assists in every possible way. If she decides to keep the child and make arrangements for its care while she goes out to work, that is her right. If she wishes to care for the child herself on a full-time basis, she is given every means and encouragement to do so. If she wishes to devote most of her time to the care of the child and work part time, again provision is made enabling her to receive assistance and earn a limited amount.

I gained the impression that the honourable member did not really consider that the unmarried mother could, in the first

instance, turn to her parents for advice, guidance, and support. To my mind they would be the logical people to deal with the matter. Nonetheless, the Child Welfare Department does offer social work services to the unmarried mother on request, irrespective of whether she has her parents behind her or has no parental support. In addition, officers of the Child Welfare Department assist in such areas as pursuing legal processes in order to establish paternity, maintenance orders, and preliminary expenses.

The honourable member is concerned about the "plight of these people and how we can take steps to achieve some measure of relief and assistance for them." Let me remind members that a measure was introduced in 1961—the Welfare and Assistance Act—which not only permits relief and assistance to be given, but also allows the Minister "to make advances at his discretion to persons who apply for such assistance and satisfy the Minister that in the circumstances of the case such assistance should be given."

In addition to the normal scale payments made, there is provision to make over-scale payments, depending on the circumstances of particular cases. The intention here is to keep the mother and children together rather than see a further breakdown of the family unit. An over-scale payment may be made because of excessively high rent, to allow a child to attend kindergarten, to allow a child to receive specialised treatment, or to remove financial stress occasioned by unusual circumstances.

As the honourable member points out, concerning the Summary Relief Court, there is a difficulty in arriving at a true basis. The question arises: Should there be intrusion into the private affairs of people? Can it not be equally assumed that within the figures of cases before that court there is a large proportion of people who find the jurisdiction and the results of the court adequate?

It is known that ex-nuptial births number more than 2,000 per annum in this State, and here the honourable member stressed that he did have some difficulty in arriving at this figure. Nevertheless it is in this vicinity. It is also known that approximately 600 adoptions are granted each year. This represents approximately one-third of the total number of ex-nuptial births. Figures also disclose that approximately 200 single mothers receive financial help from the Child Welfare Department each year. This represents just over 14 per cent. of the remainder after the adoption figure is taken into account.

Of the balance, some 1,200 children would be members of families where there is no formal marriage; but, despite this, they are members of a family. Many of these are children of aboriginal families

as well and they, with others, generally represent a group of people who manage in the community.

The next question asked by the honourable member is—

whether we consider our social welfare system in Western Australia to be adequately geared to handle the plight of unmarried mothers.

The Child Welfare Department has within the current year, in addition to other expansion, increased its social worker strength in the adoption section. This particular service is geared to deal not only with adoptions, but with the unmarried mother and her problems, and it maintains close liaison with all hospitals, lying-in homes, and agencies dealing with infants. The field staff in this section comprises four social workers and three family welfare officers. In addition it has the support of other divisional officers.

Divisions have been established and are functioning at Fremantle, Victoria Park, Belmont, Midland, Coastal, and Central. Each is staffed by social workers and family welfare officers, and continuing increased use is being made of these services by the public and individual agencies involved in child care.

In addition, the Child Welfare Department has increased its representation at Kalgoorlie, Geraldton, and Collie. It has staff at Northam, Narrogin, Katanning, Albany, and Bunbury. It now also arranges for service to the north of the State and officers proceed there four to five times per annum. All these services offer aid to the unmarried mother or to the one-parent family, as well as other cases.

The honourable member asks whether—Ngal-a, the Salvation Army, the Home of the Good Shepherd, and the King Edward Memorial Hospital are sufficient to meet the urgency that exists?

In explanation, the Minister informs me that pressure exists on vital services at all times, but liaison with agencies enables action to be taken as required to maintain services at safe levels, at the same time improved techniques and services are offered. Reference to expenditure in these types of facilities will support this fact.

The honourable member's assumption that when a 17-year-old expectant mother has her condition confirmed she does in fact consult one of the agencies mentioned is correct; and, what is more, she receives advice concerning maintenance and the procedures involved.

Some doubts have been expressed by the honourable member for Maylands concerning—

the young girl who has possibly lost contact with her family or who has no family and, therefore, no-one to whom she can turn.

It is for this very reason that amendments in the legislation have been sought from time to time, and it is now possible for a

young person to receive guardianship at the direction of the Minister for Child Welfare without recourse to a court, if that person is in need of such help. Such guardianship may be extended to the age of 21 years, if need be, so as to give support to the young person concerned. Agencies such as Ngai-a, Salvation Army, Catholic, as well as all hospital clinics, do in fact perform a very valuable service for the unmarried mother. I think the honourable member appreciates the service which is given by these people.

He also pointed out the shortage of child-minding centres, and some issues concerning this need elaboration. Firstly, if we consider that many unmarried mothers decide to place their child for adoption, others elect to stay home and care for the child, still others have parents or relatives who care for the child, while others have children as a result of a relatively stable *de facto* relationship, the availability of child-minding centres bears no direct relationship to the number of children of unmarried mothers. On the other hand, if the unmarried mother does place her child in a minding centre, the cost can be deducted from any income she receives for the purpose of calculating her eligibility for assistance.

The principle of local authorities undertaking the establishment of child-minding centres throughout the State is one which would carry the support of the Minister—but this is rather a community need than one to be considered as entirely the need for an unmarried mother.

The honourable member refers to medical expenses and hospital charges, and expresses concern that a 17-year-old is burdened with a debt she cannot pay. The statement is basically true, except that there are also cases where the unmarried mother is granted a sum of money by a court to cover her expenses, and those expenses include medical and hospital charges.

Mr. Davies: Did you say they were granted by the court?

Mr. CRAIG: That is so.

Mr. Davies: But under what conditions? Will she not have to take action against the father, or the supposed father?

Mr. CRAIG: That, I could not say; but I imagine she would take action if the payment was granted by the court. To continue: Where the court order is made in this way, the putative father must pay the money into the court and the court pays it all to the girl. In some cases the girls have failed, even then, to pay the hospital accounts.

There is the further point, of course, that in public hospitals, and in particular the King Edward Memorial Hospital, which deals with probably 90 per cent. of the unmarried mothers' confinements, there is

the definite policy that people in difficult financial circumstances are not pursued rigorously for the payment of accounts.

I am not too clear on what the honourable member means by the suggestion that a Select Committee could look at the problem and come up with some scheme such as "one which allows the Hospital Benefit Fund to accept some responsibility for the payment."

I do not think the Hospital Benefit Fund needs to be allowed to accept responsibility for payment. The problem is that most unmarried mothers are not even members of a fund and in many cases they are too old to be covered by their parents' membership.

In any event, for the Hospital Benefit Fund to accept responsibility, it would require membership of the girl concerned and there is only one way for this to be achieved and that is by her becoming a member.

The honourable member has referred to the increase in cases of deserted wives listed in the Summary Relief Court. The increase is to be deplored but it must be remembered that our population increase tends to reflect on social services. Social workers do, in fact, provide a counselling service to assist people in these difficulties, and considerable use is made of such services. The Child Welfare Department is the largest employer of trained social workers in this State.

The problems arising from lack of provision for assistance in certain categories involve the Commonwealth Department of Social Services and are hardly those that can be handled adequately in terms of the suggested Select Committee.

The honourable member instances "desertion by a husband on a Friday night." If I remember correctly, the husband did not come home when he had his pay in his pocket. The honourable member reflects that "the wife would have to borrow from neighbours or friends, or approach a local clergyman as she is not able to approach the Child Welfare Department until the following Monday morning." This is not the case, because the Child Welfare Department has recognised the need for an emergency service at weekends and on public holidays and has been providing this service since May this year. A duty social worker or family welfare officer is located at 3 Walcott Street, Mount Lawley, on Saturdays, Sundays, and public holidays between the hours of 9 a.m. and 5 p.m., or may be contacted on the emergency phone, and for the information of members the phone number is 28 8610.

Mr. Davies: That is a receiving home.

Mr. CRAIG: I might also mention that the number is in the telephone directory. The duty officer is empowered to arrange whatever emergency service is necessary and, in fact, does so.

I would also point out to members that in 1962 a voluntary emergency service was arranged by the Child Welfare Department to operate throughout the State. Each shire or local authority was asked to nominate a member as an honorary agent. The agent is authorised to give aid as an emergency measure. The service is in addition to that normally offered by clerks of courts or police officers throughout the State, and was developed to provide for emergency and unusual conditions.

Mention is also made that a person is required to complete an application form. This, of course, is a necessary requirement to support any entitlement; it is completed on the spot and immediate aid is then afforded by or on behalf of the Child Welfare Department. It is obvious that if help is given without some record being made, difficulties with the Audit or Treasury Departments could result; however, it is through departmental co-operation with these departments that delays have been avoided, and these arrangements have existed for many years.

The honourable member has questioned the need for the wife to provide marriage and birth certificates, plus other documents, for scrutiny. However, no person is denied aid for failure to produce such documents. The statement that a person has to travel to the Registrar-General's Office and pay money which can be ill afforded to secure certificates, is pure supposition. In certain actions to be taken in order to secure maintenance, or for some other reason where certain proofs are required, the Child Welfare Department will always take steps to secure such proofs without cost to the applicants.

In his reference to deserted wives, the honourable member states that an applicant is required to proceed to the Police Department in East Perth to register her husband as a missing person, thence to the Registrar-General's Office to secure certificates, and finally to the Summary Relief Court. Firstly, if a man is missing from his home—or, in fact if any person is missing from his or her home—the logical requirement is to lodge a "missing friend" inquiry. This is done, not at the Police Department, East Perth, but with the local police station in the district in which one resides.

As I have previously mentioned, no relief is withheld because of failure to provide marriage and birth certificates.

In the matter of the Summary Relief Court, it is unlikely that the court would be interested until the address of the missing person is known, or he has been located, so that service can be effected; therefore, it is unlikely that any woman would have to go from the Child

Welfare Department to the Police Department at East Perth, and thence to the Summary Relief Court on one day, parading her children with her.

The honourable member has said that this situation applies also to aborigines. It may be of interest for him to know that it is intended to consolidate the granting of aid in the metropolitan area, and that as from the 1st October, 1969, the Child Welfare Department will handle all applications for relief in the metropolitan area. The criteria used in deciding rates of assistance are based on those payable by the Commonwealth.

The question of a rental subsidy was mentioned by the honourable member, and he conjectures regarding the future of a family where a breadwinner deserts a family or is imprisoned. The State Housing Commission does try to provide accommodation and, particularly in dire necessities cases, this is done under a rental rebate system. The statement that certain areas such as Maniana and Collie are selected for these cases is not correct. It may so happen that provision of housing is much easier in some localities than in others, and these factors are always taken into consideration in offering accommodation. The risk of unpaid debts to tradesmen is just as likely in one area as in another.

Considerable success can be achieved by counselling, and I agree with the honourable member in this regard. For this reason, the Child Welfare Department is pursuing its policy of decentralisation with staff skilled in the capacity to counsel. However, this is better achieved on a decentralised basis rather than through a central bureau, as suggested.

With regard to the question of legal assistance for deserted wives, the Law Society is very helpful in that it considers direct requests for legal aid to prepare and conduct proceedings in the Summary Relief Court; therefore no woman is required to conduct her own case.

The honourable member asks, "How on earth can a woman with five children who is receiving \$27.50 per week afford to pay medical and hospital expenses, assuming she is not covered by the Hospital Benefit Fund?"

I would state that any public hospital dealing with a case of a woman with five children receiving only \$27.50 per week would not be taking severe action to collect a hospital account.

In this section of his speech, the member for Maylands was dealing with deserted wives. If such a woman, or one of her children, were in hospital, she would normally give the name of her husband as being responsible for payment of the account. She would not always say that

she had been deserted. Moreover, at the time of the hospitalisation, she may not have been deserted.

Hospitals would, in such cases, automatically raise accounts, but all the women concerned need to do is to tell the hospitals of their difficult financial circumstances; and, in the circumstances described by the honourable member, I have no doubt that the accounts would be written off.

It is further pointed out that by the new Commonwealth proposals now under consideration, it may be possible for certain income groups to be assisted with regard to finance to become members of a hospital benefit fund, and it would seem therefore that this aspect could be covered and so meet the circumstances to which the honourable member refers.

It is pertinent also to mention that the write-off lists for hospitals are composed very largely of accounts for unmarried mothers and deserted wives.

The proposals made by the honourable member do not seem to affect hospitals directly. They are rather for some method to be established for the payment of expenses for these people, not for the elimination of charges in the first place.

The vexed questions of ability to pay and payment of maintenance have occupied the attention of courts and jurists for a long time; likewise, the absconding defaulter creates problems in all States and in all countries. Whilst the honourable member raises the question of zeal in the execution of processes in maintenance matters, modern communication facilities and the transport available do create a handicap in the seeking out of defaulters. However, there is the parallel that, similarly, these means of communication and transport can contribute to the expedition with which processes are effected.

Historically, large development projects, whether in mining or manufacture, tend to attract the itinerant, but we are assured that every effort is made to pursue the actions taken for maintenance.

The honourable member also questions whether the present maintenance system favours the wife and children or the defaulting husband. Neither benefit to any degree as a disturbed marriage must, of necessity, lead to all sorts of problems for all parties.

I refer to the rate struck for social service widows with three or more children. Some incentive was granted to assist the larger families in relation to social service payments.

The widower with children has a difficult task. There is a housekeeping service in Western Australia, but it tends to provide help for the incapacitated mother rather than for the widower or male with children.

In the current full-employment programme, difficulty is reported in securing stable staff in all avenues of employment, particularly in the more menial areas of employment.

The member for Maylands has queried the machinery by which the granting of school books and fees is effected. Might I say this is done by personal application. There is a limit, but both the Education Department and the Child Welfare Department provide assistance for needy families with respect to books and fees.

The honourable member refers to Government assistance to outside welfare agencies and wonders if much better work could be done if they employed trained personnel. In principle, it is very useful to secure professional people to maintain services of this sort. However, at this point of time there are so many professional gaps in this essential public service that the Government would be in open competition with itself in securing necessary professional staff and at this juncture could not resolve in favour of private agencies. Professional staff is made available whenever possible to advise and assist private agencies.

It is difficult to accept the proposition that there should be only one Minister in control, as some of the functions which are common to some are not so to others, and the extent to which the various departments develop would not be conducive to better management if placed under one control; in fact, it would contribute to eventual chaos and general breakdown in specific qualities of services offered.

Mr. Harman: That suggestion was made by the member for Mirrabooka.

Mr. CRAIG: The remark was made by way of interjection, if I remember correctly. With due respect to the member for Mirrabooka, who is not present at the moment, the interjection might not have been appropriate to what the member for Maylands was saying at that time.

The various Ministers and the permanent heads and staffs of the departments involved welcome at all times opportunities and submissions to improve the quality of their services to the public who are actually looking for individual treatment, not collective bargaining.

As I see it, the present machinery and resources are doing an excellent job in the areas referred to by the honourable member. With both statutory and voluntary agencies involved in this work, an efficient system of liaison is carried out on an amicable basis and geared to the welfare of those people involved. I believe the changing needs of the categories of people referred to by the honourable member are readily appreciated by those immediately concerned with their welfare. They, in

turn, are alert to recommend any modification or extension of existing services which will better cater for the needs of their clientele.

Accordingly, I do not think that the honourable member has established a case that warrants the appointment of a Select Committee. Further, I believe that it would be tantamount to a vote of no confidence in those people charged with the welfare of those about whom the member for Maylands is concerned, who give willingly of their time, energy, and skill. Therefore, I oppose the motion.

THE DEPUTY SPEAKER: Order! Before I call the next speaker, perhaps I should make some comments in case there are any critical minds on the subject of reading speeches. I felt the Minister's reply and the depth of detail which is contained in it could not have been presented in any other way. Therefore, I took no action to restrain the Minister from reading part of his speech.

MR. FLETCHER (Fremantle) [9.27 p.m.]: I do not need a speech to read in respect of this motion, but I consider I owe my colleague support in his very desirable motion for a Select Committee to be appointed to inquire into and report upon one-parent families in so far as State legislation and administrative practice is involved, or is likely to be involved, and to make recommendations for any changes apparent from such inquiry.

In view of the Minister's last few words, I wish to assure the House, the Child Welfare Department, and other statutory and voluntary bodies that my support to the motion moved by the member for Maylands in no way reflects upon those very fine people who care for children to the best of their ability with the finance and facilities that are available to them.

Let me say initially that I support the motion for the reason that an inquiry into one-parent families is justified. Firstly I shall deal with the disparity which exists in this State compared with the conditions which apply in the Eastern States so far as care of neglected children and the welfare of one-parent families is concerned.

The House has only my word for this. I regret I do not have the available statistics. However, I can inform the House that in Victoria a subsidy of £2—which would now be \$4—per child per week was paid to an institution for the care of such children. Such conditions do not apply in this State. In Queensland and New South Wales, the conditions that apply were investigated in relation to those in Victoria.

I do not like to mention my personal association or my family's association with this matter. However, prior to the Esme Fletcher Day Centre being established in

Fremantle, figures were obtained from the Eastern States which show that a considerable disparity exists between Western Australia and the Eastern States, as I have mentioned, in regard to the assistance that is granted by the respective Governments for the care of children.

When I asked the Premier some years ago to increase the subsidy that was being paid to the Esme Fletcher Day Centre, I produced evidence to the House of the disparity that existed between this State and the Eastern States at that time. I will admit now that the Premier does make available \$3,000 a year to that centre, which is one of only a few in this State. That centre was the first established in Western Australia. The Fremantle City Council made the land available for the site. The building was erected and a subsidy was granted by the Government. However, to conduct that centre efficiently with a trained kindergarten teacher and a qualified sister to care for the children's ailments, together with those who are trained in child welfare, requires an expenditure of hundreds of dollars a week so that extra care can be given to the children who so badly need it.

I submit that nothing but the best is good enough for our future citizens; and the member for Maylands has, by moving this motion for the appointment of a Select Committee to inquire into one-parent families, done a service to the State in reminding the Government of its responsibilities. The term "one-parent family" does not apply specifically to a single girl who is unfortunate enough to be left with the care of an illegitimate child. Such term also applies to wives who have been deserted by their husbands, and *vice versa*. Therefore I maintain that an inquiry into the position is fully justified.

There are many unfortunate fathers who are left to tend for their children by themselves after their wives have deserted them. As an example of such hardship I will mention to the House what happened to me prior to my being elected as a member of Parliament.

Mr. Davies: Your wife has not left you, has she?

Mr. FLETCHER: I would be grateful if I were left to explain the position in my own way. Unfortunately my wife had to undergo two major operations. At the time I was in receipt of only a tradesman's wage. Because my wife was in hospital I had to stay at home and care for my two young boys and as a result I was not earning any wages. I was forced into this position because at that time there was not in existence an institution such as that envisaged by the member for Maylands in his motion. As a result, the economy of my home collapsed. If this can happen to Harry Fletcher, one can realise how it can happen to many other tradesmen and

those who are placed in a similar position. Therefore, in my view, the motion is worthy of the support of the House.

Further, an experience I had at Parliament House is another good reason why the Select Committee should be appointed. Apparently because I looked more understanding than other members of Parliament, the doorkeeper came to me and said that there was a woman with a young family waiting at the door. As a result I found myself saddled with a mother and three young kiddies on the very steps of Parliament House. At first I did not know where to turn, but fortunately, after making a telephone call, a certain religious denomination in West Perth expressed its willingness to assist.

On other occasions I have placed a child's pram in the boot of my car and taken both the mother and the child to the Child Welfare Department so that they could be cared for. I admit that the officers of that department are fine people, but the facilities available to them are totally inadequate. Therefore I do not have to keep underlining my remarks that I consider the motion is well worthy of support, and I hope that members will study it and realise that more care is needed for one-parent families, which term does not embrace only a single girl with an illegitimate child.

Initially, a young unmarried mother may be enthusiastic in her desire to care for her baby rather than to hand it over to some other person who might subject it to unkind treatment. In order to maintain the child the girl is forced to go to work, and no doubt a grandparent is obliged to look after the child. Such a grandparent may not enjoy the best of health or may not be able to afford to care for the child in a proper manner. Further, the young mother may be only 17 years of age, but subsequently she could meet a young man and marry him and leave the baby in the care of the grandparent.

The member for Maylands did a splendid service when he introduced the motion that is at present before the House. He made reference to the Silver Chain home nursing service that is available to people in distress. However, that service is only for elderly people unable to care for themselves in their own homes, and who cannot afford to pay for the services of someone else to look after them. Such a service is not available to a young mother and her child. Also, if a deserted husband desires to have his children cared for, even if he were fortunate enough to be able to afford the fee charged for such a service, he would be disadvantaged economically.

I think the motion should be supported, if only to investigate primarily the disparity that exists in regard to the care of children in the category I have mentioned in this State and the care of children in

the same category not only in the Eastern States, but also in other countries overseas. Therefore I have much pleasure in supporting my colleague in the motion he has moved.

MR. DAVIES (Victoria Park) [9.39 p.m.]: I think we can be grateful to the Minister for Police for the discourse he has given and the analogy he has drawn from the speech made by the member for Maylands when he introduced this motion a week ago tonight. I think the Minister has overlooked one important aspect. No attempt has been made by the member for Maylands, or indeed by any member on this side of the House, to criticise any action taken by the Child Welfare Department. We know it has expanded its existing services and developed new services, such as appointing counsellors. We know that the department has established new offices, and we believe that within the finance that is made available to the department and the staff it is able to recruit, it is doing an excellent job. I repeat that no-one has attempted to criticise the Child Welfare Department. Indeed, we applaud the work it is doing.

However, the fact remains that we are not satisfied that the efforts of the officers of that department are being directed to the best possible advantage.

If an inquiry is set up, as suggested by the member for Maylands, we should be able to assure ourselves whether or not there are weak spots in the department's planning and policy.

I do not know whether some people more than others have come up against the problems covered by the terms of this motion, but I get them myself fairly regularly, and I should imagine that most members here are able to quote instances where one-parent families have come to them for assistance. I would even venture to say that most members have put their hands in their pockets and made a personal donation to assist some unfortunate persons who have approached them for assistance.

Although there are various types of services that have been detailed, and although theoretically they should function very well, there are many occasions where they fall down badly. On more than one occasion I have had people approach me because, for various reasons, they have been unable to make any proper contact with the Child Welfare Department so that they might receive the assistance they badly require at the time they require it.

As the Minister said, I am sure the Child Welfare Department would be pleased to accept any suggestions at any time which would help improve its service to the public. This is exactly what is

suggested in the motion. We will be able by investigation to make suggestions to the Child Welfare Department which might help it improve its service to the public.

There are many ways in which this can be done, and I do not propose to detail them here tonight, because I feel it is neither the time nor the place for it. If a committee were appointed, as is proposed in the motion, the people who would serve on such a committee would take on a mammoth task; they would have to do a tremendous amount of work in their own time and spend time they could ill afford, but I am sure they would be prepared to do this to try to improve the lot of what I think is probably the worst hit section of our community.

I said the other night that when the Governor delivered his opening Speech and forecast the legislation that was to be brought before the House he gave very little hope that the lot of the little man would be greatly improved. Indeed, I said his Speech indicated to me that the distance between the haves and the have-nots would be greatly widened. I am sure this is what is happening.

We will not deny there is much more affluence in the community today than there was, say, 10 years ago, but this does not apply only to Western Australia. I think most communities throughout the world, irrespective of where they are located, have enjoyed some degree of affluence. But whilst we are enjoying this affluence we still get back to the fact that if a family has not the earning capacity to enjoy the benefits of increased wages, then surely these are the people who will be left behind—these are the people who are going to be left behind because of their lack of earning capacity. We have those who suffer from sickness and those who suffer from some deformity, or some other incapacity, which might place them on a pension. In fact, I think we get back to the social service pensioners generally, and of these pensioners the worst hit section is perhaps those who have only one breadwinner to bring in the money to help them.

As I have said, while others are enjoying the benefits of industrialisation and the increased affluence it brings with it, there are those who have no earning capacity and who must rely on handouts from Government social services, and church bodies, and it is these people who are falling further behind. Of course, we recognise there is poverty within the community, and I am certainly not being original when I say that. For confirmation of this, one has only to look at the report of the findings of the last political science conference held in Canberra of the Australian Institute of Political Science in January of this year. I think the publication has only recently been made available. We only have

to look at some of the reports put out by the Brotherhood of St. Laurence in Melbourne—which is a fine body of social workers—to see that there is poverty in our midst. We also know the great work being done by the Society of Vincent de Paul, not only in our State but in every State of the Commonwealth. This all confirms that there is plenty of poverty in the community.

We must attack these sore spots before they become running festers. While there is poverty anywhere it constitutes a danger to peace and prosperity everywhere. I am certainly not being original when I say that. I do not know who said it, but it is as true today as it was when it was first said.

I would remind the House that in 1963 the Federal Government increased the pension for widows and social service pensioners by 10s. a week, as it was then, and the present Government reviewed the social service payments and, in fact, reduced some of the payments being made to the persons in the category referred to in the motion—the one-parent families.

Although the Commonwealth Government was saying on the one hand how generous it had been, on the other hand we find these unfortunate people were having their supplementary payments reduced and were in a worse position. That was in 1963. I think this state of affairs continued until 1967, the year before the election, when the Government, after a concerted campaign by the Civilian Widows' Association and various other bodies, once again reviewed the position of the one-parent families. It was after they became very vocal, and when an election was looming, that the Government, in 1967, reviewed their payments.

One would have thought that at that time the Government would have taken the opportunity to pay to the people they were helping the maximum amount that could be paid. I would like to remind members that the Child Welfare Department is able to make payments for the first six months of a period before the Commonwealth social service payment becomes applicable. If, as I think the member for Maylands said the other night, a husband goes to gaol or deserts his wife, the wife is not eligible for Commonwealth social service payments until six months have passed. I suppose this gives the unfortunate wife time to take some action against her husband, and if after six months the action has been unsuccessful, the Commonwealth Government recognising there is little chance of her getting help from her husband, steps in and fills the breach.

But during the intervening period of six months the State makes the necessary payments.

Mr. Cash: The Commonwealth pays 50 per cent.

Mr. DAVIES: That is the very point I was about to make, and just in case I might have forgotten to do so, I very much appreciate the interjection made by the member for Mirrabooka. However, as I have just been reminded, 50 per cent. of the payment made by the State during the first six months is paid by the Commonwealth. The Commonwealth pays 50 per cent. of the full State payment pension rate; that is, up to the full Commonwealth pension for which the woman will become eligible at the time when it steps in to fill the breach.

If members look at the schedule of payments in the Welfare and Assistance Act, 1961, and particularly at the monetary assistance scale dated the 3rd July, 1968—and I understand these are the rates that will apply—they will find that a woman with five children would receive \$26 a week from the State. Half of that is paid by the Commonwealth. This woman would be a person whose husband was in gaol, or had deserted her.

If she had been fortunate enough, perhaps, to become a widow then she could immediately go onto the widow's pension, and would receive \$30.50 per week; and if the amount of money she had in the bank was limited, and she was paying rent, she would receive a further \$2 in supplementary income. However, the woman with five children, to whom I have been referring would, for the first six months, excluding the supplementary income, obtain from the State only \$26 per week; yet the Commonwealth will subsidise the State up to \$15.25 per week, so the woman could be paid \$30.50 per week immediately—and this would be equivalent to the widow's pension or to the assistance given to a deserted wife after the six-months period.

I do not know why the Government discriminates in this respect. There is a difference of \$4.50 per week in the two pensions. It would cost the State Government only another \$2.25 per week to increase the weekly payment to \$30.50, because the Commonwealth would pay half of it. By paying the full amount the unfortunate woman would receive the full widow's pension immediately she found herself to be in financial difficulty, in which circumstances these women invariably find themselves.

The State has given no reason why it pays only \$26 per week for the first six months. I would submit that it is in the first six months that the need is greatest. Generally we find that a family in this position has been used to an income of, perhaps, \$50 per week, but suddenly there is no income at all. Where the State could be generous by paying \$30.50 a week, it pays only \$26 per week, and for the first six months the income of the family is severely restricted, before it becomes eligible for the Commonwealth assistance.

Even the Social Services Department has recognised the fact that when the income of a family is initially reduced, the greatest stress occurs. I believe it was in the 1968 Budget that the Commonwealth granted the continuance of a double pension where a married couple was on the pension and one of them died. The double pension continued for a period of three months until the family became adjusted to the new circumstances.

I say that the State is tackling the problem the wrong way around. It could be getting more from the Commonwealth; and it could be doing a greater amount of good by the payment of a small amount extra. The most important aspect is that as soon as these people become qualified for a social service pension after six months, they are able to obtain free medical and hospital treatment. During the first six months when they are in receipt of the smaller amount of \$26 per week they are responsible for all medical and hospital payments; and, although the Minister has suggested that the hospitals are not harsh in pressing for the payment of outstanding accounts in cases such as these, we find there is constant worry on the part of the persons concerned as to whether or not they will be summoned before the courts for the money they owe. If it is possible to alleviate their worry then we should do so.

It is not beyond the State to make some representations to the Commonwealth for making available free medical and hospital treatment immediately a person gets into a position such as this. She should not have to wait six months. The granting of this benefit will help the hospitals, and will reduce the worries of the deserted wives. I have only mentioned deserted wives, but there are also other categories in the community who are involved.

This is certainly not a no-confidence motion in the Child Welfare Department, because that department is not the only one which is associated with welfare cases. As the Minister mentioned, various other sections are involved, but the Child Welfare Department is the main one. We acknowledge and applaud the work which this department is doing, but I believe—as the Minister said—it will welcome any suggestions which may increase the assistance it is able to give to the needy. The appointment of a Select Committee is one way of finding out where the need lies.

The appointment of a Select Committee would bring forward a great deal of material of which none of us are aware. We have to acknowledge that poverty exists in the community, and we should do something about it. I cannot remember any attempt by this Government to deal with social service needs in the manner suggested in the motion.

I do remember the general reluctance of the Government to appoint Select Committees which have been suggested from this side of the House. I also recall its reluctance to support the appointment of Royal Commissions which were requested by members on this side. Indeed, I recall that the only Royal Commission this Government has appointed in recent years was the one to inquire into a situation where some farmers lost their money and did not look like getting it back—and they still do not look like getting it back. Here is one section of the community which is being favoured. A long inquiry was held into the activities of Wool Exporters; but when it comes to something about which we can do a great deal more good the Government announces its reluctance to support a motion which seeks the establishment of an inquiry. I regret the lack of support by the Government.

The appointment of a Select Committee would provide an opportunity for us to do something which would set the pace; indeed, it would establish a sure assessment of the needs of a very unfortunate section of the community. I join with the member for Fremantle in congratulating the member for Maylands on recognising—as I have said before—a sore spot within the community, and on trying to do something about it. I think he deserves our support, and I support the motion.

MR. CASH (Mirrabooka) [9.58 p.m.]: I want to join in this debate for a few moments, because I think the member for Maylands has been very sincere in putting this motion before the House. The motion reads—

That a Select Committee be appointed to inquire into and report upon one-parent families insofar as State legislation and administrative practice is involved, or is likely to be involved, and to make recommendations for any changes apparent from such inquiry.

As I have said, the member for Maylands displayed a keen and sincere interest in the needs of not only one-parent families but also of other persons in the community who are in need. His suggestion for the appointment of a Select Committee seems reasonable at first glance, but I would remind him that there are many community organisations which have a deep interest in this problem, and they have conducted their own surveys and prepared their own reports on this matter.

I have no doubt that the detailed information and statistical results contained in those reports are along lines similar to the information that has been put before this House by the member for Maylands. Once the facts have been ascertained, the facts become the facts, and the community groups and the Government are aware of the problems whilst, perhaps, not being aware of the total effect of many of the

statistics that could be compiled in regard to various families in the community and their needs. I am not sure that a Select Committee could discover a great deal which is not already known either by these community groups or by the Government itself.

The member for Maylands detailed to us the groups he considered were affected and who were covered by his motion. They were widows with children who, of course, had Commonwealth assistance increased from time to time; deserted wives who benefit, as we know, from the Commonwealth legislation of 1968 which made it easier for the people within the first six months of separation; and for the wives of prisoners in the first six months of imprisonment. He also spoke of widowers who have their own problems, and of deserted husbands and unmarried mothers.

In his long address to the House he did give us a great deal of detailed information on each one of these categories and I do not propose to go through it all again. I think what he said in regard to the problems of those in each group does not need any confirmation, as they are evident facts.

However, as I have said, there are many private organisations within the community which do help these people, and this led the member for Maylands to query what degree of co-operation existed amongst the community organisations.

One of the main organisations within our community in Western Australia is the Council of Social Services. The purpose of this council is to foster new ideas in social services; to stimulate community action and influence social legislation; to study the social conditions, social problems, and community facilities mentioned by the honourable member; and to promote co-operation between all social service agencies in an endeavour to achieve high standards of social services in the community. In addition, amongst its subcommittees are two special ones, one for child care and one for family welfare.

This is only one of the many organisations within the community which are constantly studying the problems to make appropriate recommendations to the authorities concerned. The member for Maylands, in discussing the various categories, particularly the one-parent families, mentioned problems which, I think, are already understood by members who come in contact with them daily. Members are also aware, as I stated earlier, that many community groups do assist from time to time when assistance is not forthcoming from a particular Government department.

The honourable member also mentioned the problems facing deserted wives when they start at the Child Welfare Department with a form and then have to go from department to department, including

both Commonwealth and State departments. I think his idea concerning the appointment of a Select Committee is that it should make some recommendation for a central bureau to which these needy people can go. I believe the Government could well look at the situation and provide some organisation so that deserted wives would need to go to only one office to complete arrangements. I cannot see why those people who have to make application for assistance—and the number is continually increasing—should not be able to do all their form-filling and information-seeking in the one office.

If the State departments and the Commonwealth Social Services Department could co-operate, a system could be established whereby these people would be saved the necessity of having to go all over the city to State and Commonwealth offices which are spread from West Perth to East Perth. I am positive a better system could be instituted than the one which exists, and I commend the member for Maylands for raising this point in the speech he made. This is a problem the Government should well look at, but without the appointment of a Select Committee.

The problems of those in the various categories have been clearly outlined to the House and the Government in the speech by the member for Maylands and in the speeches of those who followed him.

Last year I suggested to the Government that it could give consideration to creating a new portfolio—that of a Minister for community welfare—so that all the problems of social welfare in the community, from a State point of view, could be dealt with by the one Minister.

In my opinion the designations of Child Welfare Department and Minister for Child Welfare are completely outdated under today's social conditions, and I think that if a new department of community welfare were established by the Government, the necessity for a deserted wife to go to seven or eight different places within the city to obtain various pieces of information and to fill in certain forms would be obviated, because the whole situation would be dealt with by the one department situated at a central point.

Not only the problems referred to in the motion, but all other welfare problems coming under the State's jurisdiction, could be handled by a Minister for community welfare. As I suggested last year, I see no reason why such a portfolio could not be allied with that of the Minister for Housing, because those people with social problems in many cases also have housing problems which are hard to satisfy. While the Housing Commission is particularly co-operative in placing the names of many of these people on its emergent list, because their number

in the community is increasing so rapidly, the list is now of a great length, and a considerable time must elapse before those people with housing and social problems will be able to secure suitable accommodation.

If a Minister for community welfare were appointed, and his portfolio were allied with that of the Minister for Housing, some short cuts could be effected in solving the housing problems, as well as the social problems, of those concerned.

If such a portfolio were established, the first task of the Minister and officers of the newly-named department—and perhaps a freshly-designed department—would be to examine State legislation in regard to all aspects of social and community welfare, and the effect of administrative practices within Western Australia.

I am sure that such a procedure would cover many of the aspects raised by the member for Maylands. Certainly it would be a quicker and better way to deal with the problems the honourable member has mentioned. I acknowledge the sincerity behind his efforts in bringing this motion forward. He certainly gathered a wealth of material for his speech.

However, although I believe a Select Committee would not really serve the purpose he intends, I consider the Government should study the whole problem and the question of creating a new portfolio and department of community welfare, because this would be a much quicker and a more satisfactory solution to many of the problems raised by the member for Maylands.

MR. JAMIESON (Belmont) [10.8 p.m.]: We have just heard a remarkable speech. In effect, it indicates that the member for Mirrabooka agreed with every letter and word in the motion, but he keeps using the word which he chooses to use so often; that is, however. It is the "however" aspect, of course, which is very important. He then begins to ride a hobbyhorse concerning the appointment of some sort of Minister—a proposition in respect of which the Government has never expressed any sympathy. Therefore, we are just as badly off as ever we were, because we have proceeded no further towards our goal of bringing about change in undesirable social problems.

The Minister himself gave no real substantial reasons why the motion should not be carried. All he did was give reasons and explanations concerning what the department does at the present time. Having been a civil servant in one of the departments, and having been associated with these problems very intimately for a number of years, the member for Maylands would not need any information from the

Minister concerning the work done for these people through the various departments.

However, it is obvious from the honourable member's motion that he believes not enough is being done. If the whole situation is left to the department to study, the department may or may not come to light with some fresh ideas. Surely nothing would be lost by referring this matter to a Select Committee which could call evidence from anyone who believed he had ideas. We know that very often ideas which are submitted by members of the general public who have an intimate knowledge of a subject are pigeonholed at the time the information is submitted, and subsequently—five or 19 years later—those same ideas are issued as departmental policy, only under some other guise.

Now, that is not good enough. Here is an urgency which the honourable member sees and which requires some attention now. Surely the attention which should be given to it is the attention of this Chamber and the Parliament. The matter has been brought to our notice and nobody has really indicated that everything is as good as it should be with respect to one-parent families.

I know that in my electorate there is the Sister Kate's Children's Home. While the administration of the home is carried out to the best of the organisation's ability, with Government assistance, there is complaint—and rightly so—that the assistance is not nearly as great as that received by similar institutions in the Eastern States.

I recently wrote to the Minister about this matter and he informed me that something would be done in the near future. I understand there has been an increase but, notwithstanding that increase, the amount is not nearly high enough. The home I have referred to has taken over the responsibility of the parent who cannot manage, and who becomes despondent and has to leave the children.

We have seen some remarkable children come from such homes and surely those homes need the utmost support from the Government. The organisers have to skimp to be able to get along and administer and control these very desirable homes.

Unfortunately, I do not have my file with me, because I did not intend to speak to this motion tonight. However, I am speaking because of the attitude of Government members. I have in my file details of the Minister's contesting of my statement that the subsidy paid in this State to organisations such as the one I have mentioned was not nearly as high as the average of all other States. The Minister produced some figures relating to South Australia where there is only about

one organisation which is receiving some financial assistance from the State Government, and it does not readily accept Government finance.

All other similar organisations are completely State controlled so there is no need for a subsidy. The Minister based his argument on the low figure paid in South Australia and he said that Western Australia is relatively well off. However, it is not well off. Financial assistance should be found for this necessary social amenity which is provided for unfortunate people. Nothing is worse than being an unwanted child in this world. This occurs very often because of the frustration associated with a one-parent family.

When the father is left with the children, he is sometimes able to manage, and some fathers do a most remarkable job under extremely difficult circumstances. It is on occasions a more difficult job for the father to manage than for the mother, because he has to bring additional money into the home to pay for someone to look after the children, or to keep an eye on them.

When the mother is left with the children, she is often assisted by the department to some degree, but frequently she finds this assistance is not enough. She either has to take a job or she finishes up becoming frustrated, and leaves the children. The children then become wards of the State because of the mother's inability to carry on successfully with her limited finance. As a consequence, the children are sent to institutions either by the action of the court, or by the Child Welfare Department, and they then become the real responsibility of the State.

We should not leave matters at the stage where these organisations have to rely on handouts every now and again. They have to rely, in many cases, on secondhand clothes and shoes to equip the children. Those children are citizens of this State and deserve treatment equal to that received by the children with whom they go to school.

It is to the credit of places such as the home in Queens Park, to which I have referred, that they are able to keep the children at such a standard—both physically and mentally—that they can attend the nearby school along with the children of the more privileged two-parent families.

Only by going without on the part of the administrators, superintendents, and others closely associated with organisations of that sort—and only because somebody else has to skimp when the State should be helping out—are the organisations able to exist at all. As a consequence, it is time the Government

stepped in and at least conducted an inquiry to see whether those people did not have just cause for a better kind of assistance and a more humane attitude on the part of some Government departments.

We know that when we have a department, whether it is under the control of a Minister or an administrator, it is always claimed that the department is doing the best it possibly can in view of the circumstances. However, there could sometimes be, for some reason or another, short cuts or different methods not attempted or tried out by the department.

A Select Committee on this matter could well bring these short cuts and methods forward and as a consequence some of the underprivileged children could benefit immensely. I do not know why the Government adopts the dog-in-the-manger attitude. Obviously, there has been a Ministerial decision on a Cabinet basis. One gets a bit tired of this attitude and I do not know what the Parliament is coming to.

The member for Pilbara, while dealing with the matter of committees and other organisations looking after the welfare of the people, was pointing out the situation that has developed. It is most unfortunate, and I draw the Minister's attention to the fact that in the last 10 or 11 years of the present Administration only about two Select Committees have been appointed from this Chamber.

While the Labor Administration was in office for six years—and the Minister for Forests would well know this—there was possibly one Select Committee each and every year. There was at least one, and possibly two, each year because we determined that some situations existed which deserved inquiry by Parliamentary representatives. We determined that it was the right of the people to put their ideas and their sworn evidence before Parliamentary Select Committees.

The public was able to suggest to the Government of the day how a prevailing situation could be bettered in various spheres. Why the present Government cannot be big enough to grant such a concession, I do not know. I can well see that if there is a change of Government at a later date, there will be moves on the part of the present Administration for Select Committees to inquire into all sorts of matters.

The Administration only gets into a rut and says, "The others did not grant a Select Committee, so why should we?" If the Minister had put forward a cogent reason for a Select Committee not being appointed for the purposes of this matter, one might be able to understand the attitude which has been adopted. However, such a reason was not given.

The Minister gave the House some information of the situation which exists departmentally. Also, the member for Mirrabooka indulged in many airy-fairy words and mentioned organisations, some of which, I am sure, exist in his own imagination and very little practical work comes from them. At least a Select Committee would supply the Government with some sort of report and decision which the Government may, or may not, act upon.

Further, those people who are worldly-wise on problems associated with this question would have had the chance to put forward their views, doubtless with the purpose and in the hope that some good would come from the situation. I support the laudable attempt on the part of the member for Maylands, who moved with this purpose in mind when he presented his motion for the appointment of a Select Committee.

Debate adjourned, on motion by Mr. Lapham.

House adjourned at 10.22 p.m.

Legislative Council

Thursday, the 11th September, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (2): ON NOTICE

1. EDUCATION

Kinlock Primary School

The Hon. J. DOLAN asked the Minister for Mines:

- (1) Is it a fact that at Kinlock Primary School there are two permanent vacancies on the teaching staff—one from the 29th July and one from the 8th September?
- (2) Are there any permanent teachers available to fill these vacancies?
- (3) If so, will appointments be made immediately?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) Yes; but a number of teachers are still absent on sick leave recovering from influenza.
- (3) Vacancies should be filled by next Monday.

2. ARCHITECTS BOARD

Investigation of Complaint

The Hon. CLIVE GRIFFITHS asked the Minister for Mines:

- (1) Has the Architects Board of Western Australia received a complaint