compulsory scheme and this is almost an affront to the architectural profession. What will be the point in employing an architect if we are to say that even under his supervision we can expect shoddy work to be done and, therefore, the owner should insure against the possibility of shoddy work? I understand the West Australian Chapter of the Royal Australian Institute of Architects is quite offended by this provision but, of course, the members of that institute were not consulted. The Minister said he was not keen to consult people in the industry.

Finally, we maintain that the present Act can be amended if need be, and after proper consultation with all those interested in the industry, collectively, and not one at a time.

The SPEAKER: Order!

Mr. MENSAROS: Any justifiable complaint within the building industry could be remedied with the present board and through the provisions—with amendments if necessary—of the present Act. Therefore, we oppose the third reading of the Bill.

MR. JAMIESON (Belmont—Minister for Works) [10.52 p.m.]: There are only two points worth commenting on. The first point is merely repetition. The member for Floreat has continually stated that the board will not have a majority of members interested in the industry. Of course, it will. The only member not associated with the building industry is the proposed chairman. The other five members are tied in with the building industry completely and there is no use in the member for Floreat making the statement, *ad infinitum*, in this House when the situation is very clearly set out in the Bill. There has been a deliberate attempt on the part of the member for Floreat to mislead those people who have not read the Bill. Unfortunately, this sort of thing gets into the Press more often than do the realities associated with it. The member for Floreat knows he is quite wrong.

The other aspect, advocated by both members who have spoken, was in regard to the expenses of the board. I again say they are guessing and jumping at shadows. They are imagining many things which might happen but which need not necessarily happen. It was pointed out by the member for Floreat that the Builders' Registration Board operated very cheaply. By its very nature the proposed board will be run on a similar basis. Nobody can determine the number of inspectors to be employed. Inspectors will not be rushing madly around the State. Complaints will be received as is the case now, and the complaints will be examined by the building inspectors. There will be a definite need for additional inspectors, but there will be more members to provide the funds in the first place.

There should be no worry about the formation of a gigantic octopus set-up, as envisaged by the member for Cottesloe. I see the new board as a very economically-run project which will be of worth-while benefit to the community. It will operate in the interests of the consumer whom we intend to endeavour to protect with this amending legislation. I commend the Bill to the House.

Question put and a division taken with the following result—

Ayes—20	
Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. Sewell
Mr. B. T. Burke	Mr. Taylor
Mr. Cook	Mr. A. R. Tonkin
Mr. Davies	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Moller *(Teller)*

Noes—20	
Sir David Brand	Mr. O'Neil
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Dr. Dadour	Mr. Rushton
Mr. Hutchinson	Mr. Sibson
Mr. A. A. Lewis	Mr. Stephens
Mr. W. A. Manning	Mr. Thompson
Mr. McPharlin	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. O'Connor	Mr. I. W. Manning *(Teller)*

Pairs	
Ayes	Noes
Mr. Harman	Mr. Gayfer
Mr. Jones	Mr. E. H. M. Lewis
Mr. H. D. Evans	Mr. Nalder
Mr. McIver	Mr. Blaikie
Mr. T. J. Burke	Mr. Grayden

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

Question thus passed.

Bill read a third time and transmitted to the Council.

House adjourned at 10.59 p.m.

Legislative Council

Thursday, the 8th November, 1973

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

BUILDING CONTRACTORS LICENSING BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

COMMONWEALTH CONSTITUTION CONVENTION

Appointment of Delegate: Assembly's Message

Message from the Assembly received and read, notifying it had agreed to the following motion—

WHEREAS by resolution passed on the 15th August, 1972, the Legislative Assembly resolved and declared its readiness to participate in a Convention comprising delegates appointed respectively by each Parliament within the Commonwealth of Australia, constituted to review the operation of the Constitution of the Commonwealth of Australia and to propose such amendments to that Constitution as the Convention thinks fit, and further resolved, *inter alia:*

1. That for the purposes of the Convention—

(a) a delegation consisting of twelve members of the Parliament of Western Australia should be appointed of whom seven should be appointed by the Legislative Assembly; and

(b) the seven members appointed by the Legislative Assembly should comprise four members from the Australian Labor Party, two members from the Liberal Party and one member from the Country Party;

and

2. That each appointed member of the delegation should continue as an appointed member while a member of the Parliament of Western Australia or until the House of Parliament by which he was appointed otherwise determined;

AND WHEREAS Mr. W. A. Manning one of the members so appointed by the Legislative Assembly wishes to retire from his position as an appointed member of the delegation to the Convention: NOW THEREFORE the Legislative Assembly resolves to appoint Mr. W. R. McPharlin to be a member of the delegation to the Convention in place of Mr. W. A. Manning.

AUCTION SALES BILL

Second Reading

Debate resumed from the 30th October.

THE HON. I. G. MEDCALF (Metropolitan) [2.40 p.m.]: Today we are speaking to the resumption of the second reading debate on the Auction Sales Bill, 1973. This House is not unfamiliar with the subject of auction sales. We have, over the past few years, heard a great deal about auction sales in this House. In fact, I venture to suggest that we have heard this over the last four years, because I have looked up the records. Not only present members of the House but also former members in previous sessions have heard a great deal on this subject from various members, including myself, I regret to say. However, the debate was led by Mr. Jack Thomson, who introduced the original Bill into the House in 1969, which is four years ago.

I venture to suggest that most of the arguments have already been put up in one form or another. The arguments which will be advanced in the debate on this new Bill have already been discussed in this House *ad nauseum*—which means that we become nauseated from having heard so much about them. I hope I will not trespass on the good nature of members today and that I will not nauseate them in anything I have to say on the subject.

The fact is that we have heard all the arguments on the Auction Sales Bill. We have been through them time and time again. In fact we went through them at least three or four times when the original legislation was before this House in a previous session. We heard every possible argument. By the time Mr. Jack Thomson's Bill left this Chamber, I venture to suggest that members of this House were pretty well experts on the sale of stock by auction. In referring to stock, I am, of course, referring to livestock, such as cattle, sheep, and pigs—we excluded horses.

We have before us now another measure which the Government has introduced. The Government has dropped the original legislation which was initiated by Mr. Jack Thomson. I might add that Mr. Jack Thomson displayed a considerable degree of perseverance in putting his measure before this House and, finally, having it transmitted to the Legislative Assembly. However, the Government has dropped that piece of legislation and has brought in a new measure which not only refers to auction sales of stock but to auctioneers generally. In other words, the legislation under discussion today goes a little further than Mr. Jack Thomson's Bill in that it incorporates the Auctioneers Act. In fact, it repeals the Auctioneers Act of 1921, which was not the case with Mr. Jack Thomson's measure. The present legislation also repeals the Sales by Auction Act of 1937, which was originally introduced in the Legislative Assembly by The Hon. Arthur Watts.

We now have a new piece of legislation in place of both those measures. The legislation is the Auction Sales Bill, 1973

and it is intended to become a new Act. It is to be substituted for all previous pieces of legislation which have dealt with this subject.

One of the features of the new measure is that it will apply to all auction sales throughout the State, including Midland. Sales of stock at Midland will be included under this measure and it will be necessary for all persons holding an auctioneer's license to complete a register at the conclusion of each sale, wherever it takes place in the State. In this register will be set out certain information regarding stock which has been sold—not regarding stock which has not been sold. The details in the register are to apply only to stock that has been sold at auction and not to stock which is passed in or is subject to a reserve price. Consequently, if stock is sent in for sale but is not sold, it would not be included under this legislation.

Members of the House have already heard me speak about the great number of records which are at present required to be kept by persons who sell stock at auction. On the last occasion I spoke on this subject I mentioned 13 different forms, which I had counted. These forms must be filled in between the time the stock is consigned by the producer to the time it is actually knocked down, sold, and accounted for to the producer. There are, for example, stock waybills, railway truck receipts, railway consignment notes, trucking cards, carriers' road delivery cards, receival cards, vendors' instructions, buyers' instructions, carriers' accounts, etc.—to name but a few.

There are several others which I have not mentioned; for example, sheep clerking sheets, cattle clerking sheets, and a number of other forms. All these forms are at present kept and maintained by stock agents in connection with stock sales. This has been the case for a long time.

In addition to these, under the present measure any auctioneer selling stock in the future will be required to keep a register in a prescribed form. Members will note the words "in a prescribed form". Of course, members know very well that this means the form must be prescribed by regulation and will contain whatever the Minister decides to include in it.

We knew what the register would contain in the case of Mr. Jack Thomson's Bill. Clearly set out before us were certain items which we debated in the House. For example, we debated whether or not it was proper for brands and earmarks to be included on a form. We also debated whether it was proper that the price at which the stock was passed in should be included, and so on.

We amended the form quite considerably and when it went to the Legislative Assembly it was reasonably sensible and I am sure it would have met the situation. We do not know what the form, under the present measure, will contain because the form is to be prescribed.

When a sale takes place the auctioneer will be required to fill in whatever details are prescribed. Of course, if the sale does not take place he will not be required to fill them in. I do not know whether that would be satisfactory to the person whose stock is not sold.

The Hon. S. T. J. Thompson: If they are not sold they should go back to the owner.

The Hon. I. G. MEDCALF: The legislation under discussion states that an auctioneer does not need to fill in the prescribed form unless the stock is sold. Mr. Jack Thomson's Bill made reference to the price at which stock were passed in when they were not sold. This cannot appear in this instance, because the present legislation deals only with stock which is sold. However, perhaps that is incidental.

Despite the fact that 13 or more forms are at present kept by stock agents the police have said that they require another register. I am sorry that Mr. Dolan, who was formerly Minister for Police, has left the Chamber and that Mr. Ron Thompson, who is now Minister for Police, is unable to be present today due to illness. Doubtless he will read what I have said in *Hansard*.

As I have said, the police have stated that they require another register. I will quote from the Minister's speech, as follows—

> The Police Department which is responsible for investigating the theft of stock throughout the State, considers it imperative that the Midland saleyards, which is the largest stock-clearing outlet in the State, be included in the provisions of the Bill relating to records.

Members will notice the words "relating to records". By implication—and, in fact, it is mentioned in the Bill—the register is required to be retained for sales at Midland. As I have already said, 13 other forms must be kept. Nobody has yet been able to satisfy me that all the evidence which is required cannot be extracted from those 13 forms.

May I say that if they need a new register, why do they need to retain the 13 forms? Why is there a provision in the Bill that all existing records, accounts, vouchers, receipts, and documents must be kept for a period of three years and, in addition to this, another register imposed? The only reason I can see for this is that the police say they need all the records already kept plus the new one to investigate the theft of stock. I would have thought the police were familiar with the records kept at the present time. I am sure if the police look at the records, they

will come to the conclusion that they already have all the information they need in any number of forms, and that they do not need any more. Again I regret that the Minister for Police is unable to be present due to illness, because I wonder whether the police really know just what forms are kept at the Midland saleyard. I wonder whether the police know how many forms are kept at the present time. I know we cannot ask a member of the Police Force to attend here so that we may ask him these questions, but if we could set up this hypothetical situation, would he be able to tell us how many forms are kept at the present time? Would he know that about three forms as well as a penning card are filled in before stock enter the saleyard?

The stock is drafted and separated into various categories. The cards are checked and they are then transformed into clerking sheets, and so on. I wonder whether the police are aware that already they have all the information necessary at the Midland saleyard, because far more forms have to be filled in at this saleyard than anywhere else. There are so many of these forms that maybe there is room for improvement—some of them could be cut out rather than added to as prescribed in this Bill. Instead of cutting out some of these, we propose to add another one.

Who is to pay for the extra work entailed to fill out these forms? Who always pays for anything to do with primary production? Let us not kid ourselves; the Commissioner of Taxation will not bear this extra charge—in the long run it will be borne by the primary producer. He pays for everything that is added into the system. We are asking the farmer to pay for this, and do not let us forget it.

Before we lightly agree to the proposal that we have another register in a form we know nothing about, let us just think about what it will achieve. I am very sympathetic to the police in regard to stock thefts—in fact, I am very sympathetic to the police generally. I agree that they must be given every assistance to investigate the theft of stock which I believe is rife today. In 1970 did we not pass an Act—the Stock (Brands and Movement) Act—which provided that a waybill was to accompany every load of sheep anywhere in the State? Did we not do this for the specific purpose of enabling police to investigate stock thefts? Of course we did. One only has to refer to the Minister's second reading speech and the other speeches made at the time the Bill was before the House to see this. Those of us who were members here in 1970 know very well that we passed that Bill specifically to assist the police to investigate stock thefts.

The Hon. C. R. Abbey: The forms are too easily acquired by anyone.

The Hon. I. G. MEDCALF: Does that not mean that we should do something about the Stock (Brands and Movement) Act if that form is no good? I thought it was serving a useful purpose.

The Hon. C. R. Abbey: It serves a useful purpose, but it is too easily available to anyone. A stock carrier can pick up the form.

The Hon. I. G. MEDCALF: I appreciate the comments made by Mr. Abbey, because he knows what he is talking about in this regard. However, we are proposing to widen this provision because this measure provides that a waybill shall accompany sheep also.

We now see that the Minister for Police has an amendment on the notice paper to ensure that the provision is extended. I can only assume there must be some usefulness in it, although, as I say, I do not for one moment disagree with the comments made by Mr. Abbey. He has a great deal more knowledge of this subject than I have.

The Hon. C. R. Abbey: I think the intention in regard to the forms is good.

The Hon. I. G. MEDCALF: We are now in the position that we propose to greatly extend the requirements in regard to stock auctioneers. In spite of decisions made in this House on an earlier occasion, the new requirements are to apply at the Midland saleyards. I would just like to say again that we know who will pay for this.

I will pass now to another topic. The police will be given a statutory authority—in fact they already have this—to enter and remain on auction premises and to inspect all the records. This measure will now give a stock inspector a similar authority. It is a ridiculous proposition that we should give to a stock inspector the rights as set out in subclause (3) of clause 30 of the Bill. I turn very briefly to this clause to amplify my comments. Clause 30 (3) says—

> (3) The provisions of section 28 apply, subject to this section, to any records relating to a sale of stock by auction, and any member of the Police Force of the State or person appointed as an inspector for the purposes of the Stock Diseases (Regulations) Act, 1968, shall be deemed to be a person duly authorized in writing for the purposes of subsection (1) of that section in relation to the records of any sale of stock by auction.

We now turn to subclause (1) of clause 28 which reads as follows—

> 28. (1) All books, accounts, documents, and other records that are required to be kept under this Act by a licensee, shall at all reasonable times be open to inspection by any person duly authorized in writing in that behalf by the Minister either generally or in any particular case.

This will include not only a police inspector but also a stock inspector by Act of Parliament. Of course, in addition, the Minister can at any time authorise any other person to do this, and I do not quarrel with that provision. I believe the Minister should have the right to authorise any other person for this purpose. However, I do suggest that it is rather ridiculous to give authority by Act of Parliament to any stock inspector to enter premises and to inspect the books at any time.

I am pleased to see that Mr. Jack Thomson has an amendment on the notice paper to restrict the operation of this excessive power. I commend this amendment to the House, and no doubt we will hear more about it during the Committee debate on the Bill. Therefore, I will say nothing further about it now.

I want to refer briefly to the subject of mock auctions. Subclause (1) of clause 25 says—

> 25. (1) A person shall not promote or conduct or assist in the promotion or conduct of a mock auction.

I think members will agree it is a good idea not to encourage mock auctions, although I suppose few of us know what a mock auction is. Some of us might be surprised to learn that the annual bull sale conducted at Esperance is a mock auction. Would we be surprised, or would we not?

This is an authentic sale in all normal respects. It attracts a great deal of attention from people all around the State. The "Orleans" bull sale is very popular and many people attend it. I was privileged to be at the last one. A number of other members of Parliament were there, including Sir David Brand. No doubt, Mr. President, you will appreciate that it is a mock auction when I say that free lunches are provided. Under the definition in the Bill, this sale is then classified as a mock auction.

I regret to have to say that this is my view, and I refer to clause 25 of the Bill on page 23 which says that an auction shall be a mock auction if—

> (c) any money or article is given away or offered as a gift or in addition to the lot bought;

If anyone has any doubt that this provision applies, he may say, "What has a free lunch got to do with a lot bought?" I would point out that paragraph (d) on page 24 of the Bill states—

> (d) anything done in or about the place where a sale by way of mock auction is held, if done in connection with the sale, shall be taken to be done during the course of the sale whether it is done at the time when any lot is being sold or offered for sale or before or after that time.

As I have said, a free lunch is provided at this place to which I have referred.

The Hon. L. A. Logan: You will have to pay for it next year.

The Hon. I. G. MEDCALF: Free refreshments are also provided.

The Hon. J. Dolan: What is the difference?

The Hon. I. G. MEDCALF: It may be said that this is a bad thing; that it may induce people to bid too high. I must say that the lunch and the refreshments are very good indeed, and they must cost the people concerned a good deal of money.

I am sure, however, that the promoters do not make a great profit out of the auction; I think it is a public relations exercise; but according to my reading of the Bill this would be considered a mock auction which is one of the things we are seeking to ban.

The words "mock auction" may strike an inharmonious chord. None of us likes the sound of anything like that. But we should not be led astray by words; I am afraid we can be too easily led astray by words, particularly when they have the sound and connotation of a mock auction. We are inclined to look at such words and feel they include things which are bad; things to which we might object.

Perhaps the Minister could have another look at the point I have raised. I do not propose to amend the provision; I merely draw attention to it. We should not prevent people from attending these sales and getting free lunches, etc.

The Hon. J. Dolan: I will refer it to Mr. Thompson specifically.

The Hon. I. G. MEDCALF: I thank the Leader of the House and I appreciate his comments.

I notice that certain groups are exempted from the provisions of the Bill; they do not have to comply with the law in regard to auctioneers.

The parties who are exempted and who do not have to comply with the provisions in the Bill whenever they hold an auction sale include the Commissioners of the Rural and Industries Bank. We know the commissioners of that bank hold auction sales; every month or so, the bank in question auctions land. But the Commissioners of the R. & I. Bank are not to be bound by the Act at all. It will not be necessary for them to comply with its provisions or engage a licensed auctioneer; they will not have to subscribe to the quite stringent conditions of the Act in regard to auctioneers.

I do not know why the Commissioners of the R. & I. Bank should not have to comply. I have nothing against the R. & I. Bank. Indeed, I am a great admirer of that bank; but why should it not comply? Why do we not exempt the Bank of New South Wales? I hold no brief for the Bank

of New South Wales; but why should we exempt the R. & I. Bank and not the Bank of New South Wales?

As I have said, there is nothing personal in my attitude; I think they are both good banks. But we have exempted the R. & I. Bank and I think we are entitled to an explanation as to why it has been exempted.

I repeat, the Commissioners of the R. & I. Bank hold public auctions of land for people who want to build homes; so why should they be exempted?

The Public Trustee is also exempted from the provisions of the Bill. Any sale that is conducted by or under the authority of the Public Trustee is exempted from the provisions of the Bill; the Public Trustee will not have to comply with the Act.

This surprises me, because the Public Trustee is constantly having auction sales, clearing sales of stock, houses, furniture, and so on; but it is not necessary for him to comply with these provisions. What is wrong with the Act that he has to be exempted from it? I would like to hear the answer.

I might add poundkeepers also will not have to comply with the provisions of the Bill, which says in effect that any animal impounded can be sold and that the sale will not be governed by the Act. Does this mean that an animal which is impounded can be sold without any proper records being kept? This is quite serious, particularly for a person who has lost his stock. The stock may have been stolen, or they may have strayed, and have eventually turned up in the pound. Why should not the poundkeeper have to comply with the Auction Sales Act? We should have an explanation.

There are a number of anomalies in the Bill to which I should draw attention. The Minister may not agree with me. This is slightly more difficult because I am dealing with definitions in the Bill. It seems to me, however, that there are some peculiarities such as when an auctioneer is an auctioneer and when he is not an auctioneer. We have the old riddle of when is an auctioneer not an auctioneer? It is interesting to look at the interpretation of auctioneer on page 2. It says—

> "auctioneer" means any person who sells or attempts to sell or offer for sale or resale any property whether the property of the auctioneer or of any other person by way of auction;

In other words an auctioneer is any person; and a person, as we know, includes a company. It is specifically stated on page 3 that a person includes any firm or corporation.

Clause 8 (5) of the Bill which appears on page 8 says—

> (5) A firm or corporation for the benefit of which a licence has been granted under this section shall not by virtue thereof be entitled to act as an auctioneer,

It states that a firm or corporation cannot act as an auctioneer; even though earlier the Bill provides that an auctioneer is any person who conducts a sale; and a person is any firm or corporation; and then, later, in clause 8, the Bill states that a firm or corporation for the benefit of which a license has been granted under this section shall not by virtue thereof be entitled to act as an auctioneer.

I am a little puzzled at this stage and accordingly I refer to clause 6 (3) of the Bill on page 5 which states—

> (3) The holder of a licence, and any firm or corporation specified in a licence as that for the benefit of which it is to be used, shall carry on the business of an auctioneer—

In subclause (4) of clause 6 we find the following—

> (4) Subject to this Act no person shall act as an auctioneer and no person, firm or corporation shall carry on or advertise, notify or state that he or it acts as or carries on the business of, an auctioneer,

unless he does certain things; which clearly implies that a firm or corporation can act as an auctioneer. Yet clause 8 (5) says that a firm or corporation shall not be entitled to act as an auctioneer.

I suggest that perhaps the Minister might give a little attention to these apparent anomalies. I do not doubt there is an explanation which may be forthcoming. In one case the provision seems to be talking about a company which is, say, a stock company, and in another case it talks about a licensee or a person who holds a license. The matter should be clarified if this is what is intended; as I think it probably is. There is ambiguity in this clause and I draw attention to it.

There is one matter which concerns me very greatly; that is, this legislation contains no provision granting a right of appeal. Clause 20 makes it clear that there shall be no appeal against the decision of any magistrate granting a license or refusing any application under the Act. This is the person who hears the case for the first time, and he is the one to decide whether or not an applicant is granted a license; whether or not a license is renewed; whether or not an individual or company is refused a license; and whether or not a firm or company is of good repute. In other words, the magistrate is to be the judge, and the one to decide the fate of an application. Clause 20 states—

> (a) there shall be no appeal against the decision of any magistrate granting a licence or refusing any application under this Act;

I do not think that is fair, because the obtaining of an auctioneer's license involves a great deal of expense. It necessitates the setting up of a number of installations, the engagement of staff, the hiring of facilities, the training of employees, the compilation of registers, and the printing of innumerable forms. I do not think it is fair that the magistrate should determine the fate of applications once and for all, and the House should not go along with this provision in the Bill.

It is not fair for us to imperil the livelihood of a person, a company, or a firm that is engaged in the auctioneers' business simply on the fallible say-so of one magistrate. I would point out that magistrates, like members of Parliament and other people, can make mistakes. That is why normally a safeguard has been included in legislation to allow for the right of appeal. This is a safeguard to the citizens. I consider clause 20 should be looked at by the Minister.

I hope the House will pardon me for dealing with what may appear to be Committee points. I mention these in order to alert the Minister to the matters I shall be raising, so that he will have an opportunity to study them in advance.

Clause 22 contains a curious provision. This deals with the suspension, cancellation and disqualification of persons holding licenses. This clause provides that if an offence is committed by the licensee or by the company holding the license, then both parties are liable. For example, if the licensee bought some stock which he should not have bought, then not only is he, but the company for which he works is also liable. If the company does something wrong then similarly not only the company but also the licensee is liable. I do not think that is fair. Whichever party commits the offence should be the one to whom we sheet home the liability, but not both.

Clause 22 also provides that where it is alleged that a licensee has been guilty of improper conduct in relation to the carrying on of the business, or has been guilty of any offence involving dishonest or fraudulent conduct, or of an offence against the Act, then the Commissioner of Police may call upon him to show cause why the license should not be suspended or cancelled, and why the licensee should not be disqualified either temporarily or permanently from holding a license.

The clause also prescribes that for the purposes of proposed section 22 of the Act the expression "licensee" includes any person, firm or corporation who or which is, or was during the period of 12 months immediately preceding, the holder of a license or named in a license. Both are rendered liable, and neither the licensee nor the company may be eligible in the future to hold a license under the Act. That is a pretty severe penalty. Under this provision both may be permanently disqualified. Furthermore, a company may be permanently disqualified as a result of an offence committed by the licensee who happens to be one of the officers of the company.

This is heavy-handed legislation; and this is heavy-handed government. I do not believe this community really needs such a heavy hand over it. We are not a police State. I believe that most of our auctioneers and licensees are law abiding. We do not need to be so stringent.

To give another illustration; I refer to clause 27 which provides that both the holder of a license and the firm or corporation must render accounts of sales if demanded in writing by the persons concerned; and such accounts must be rendered within 14 days. I am sure that was not intended by the Minister. If he looks at clause 27 no doubt he will agree with me that it requires amendment. I do not propose to move an amendment; I think that is a matter for the Minister to determine.

There is no need for two lots of accounts to be rendered—one by the holder of the license, and another by the firm or corporation for whom the licensee is working. I suggest the Minister look at the clause again, because it appears the clause provides for double accounting. I am sure members will agree that double accounting is unnecessary, and if it is intended then I suggest the provision is a ridiculous one. However, I do not believe it is intended.

Under this clause a person may demand an account to be rendered within 14 days of the demand being made. He may make such a demand at any time within three years of the sale taking place. I venture to say that if he does not demand an account well before the three years have elapsed he does not deserve to be supplied with the accounts within 14 days of the demand. The average person who has not received a proper account of the sale of his stock would demand an account promptly. I think the period of three years stipulated in the clause is too long.

If the clause is agreed to then auctioneers will have to keep all their records for at least three years, in case someone should ask for his account. The average producer does not wait until three years have elapsed to find out what was the amount for which his stock was sold. If any producer does that I would be very surprised. I have not heard of any such case, but in respect of the estates of deceased persons and similar cases a demand for the rendering of accounts might not be made so promptly but certainly before three years have elapsed. I suggest that the clause needs careful scrutiny.

On the subject of accounts which have to be kept—and here I am referring to clause 30 of the Bill—it is necessary for an auctioneer and the licensee to keep all invoices, account sales, and other records

of the sales conducted, for a period of three years. From my reading of the clause that means all those 13 forms to which I have referred—trucking cards, waybills, penning cards, purchasing instructions, and so on—will have to be kept together with other records of sales.

The term "records" is an all-embracing word, and it seems to me that it would be impractical to keep all those things for a period of three years. They will not be able to be kept for three years because of the enormous number of stock sold in the State each year. Each separate pen has to have its record, as will each separate truck and each separate draft. Those records are kept, but only long enough to answer immediate inquiries which are normally made in the course of business. It is physically impossible to keep the records for a period of three years and I suggest it would be asking too much to implement that provision. If there is to be a register in a prescribed form, maybe that should be kept for three years but I do not believe that all the other invoices and records should be kept for that period of time.

The Hon. W. F. Willesee: Perhaps the records could be photographed and stored.

The Hon. I. G. MEDCALF: Well, library services do this sort of thing. Newspapers are reduced into very small records by means of photographs, but that is because they are records of events. I do not think it is necessary to photograph all these records of accounts.

The Hon. R. F. Claughton: How long are they kept now?

The Hon. I. G. MEDCALF: They are kept for a period of six to nine months, until they cannot be kept any longer. There is so much paper work involved that it has to be got rid of.

I believe this provision is going too far, and is attempting to be too strict about the records. If the police really look into this matter they will find that they do not need all those records to be kept for so long. We should have as strict a control of stock sales as possible but I do not believe we need to overdo it. There is a limit which is related to common sense.

The Hon. R. F. Claughton: Do they keep all the records for the same length of time?

The Hon. I. G. MEDCALF: No, most records are kept for a period of years but all the small details for every lot of stock cannot be kept for that length of time. The saleyards handle 40,000 or 50,000 sheep each day and all those records cannot be kept. I believe a period of 12 months would be ample and would probably be a reasonable thing to ask the auctioneers to do.

I now turn to a matter which caused this House considerable concern when we discussed the previous Bill. I refer to the requirement that a vendor must give his consent to any purchase by an auctioneer. When we discussed the previous Bill, introduced by Mr. Jack Thomson, that measure provided an auctioneer could not buy on his own behalf unless he had the consent of the vendor; which was a very good rule and which we all supported. However, we got into difficulties because it appeared that not only could the licensee not buy without the vendor's consent, but the company which might be buying the stock could not buy without the vendor's consent either. This meant that a stock company representative could be present at an auction with half a dozen orders in his pocket but he could not operate unless in each specific case he had the consent of the vendor. That is an impossibility.

On that ocassion The Hon. R. Thompson came to the rescue and pointed out that the provision did not apply to stock auctioneers, but only applied to the actual licensee who held the license, and that the company for whom he held the license was not bound. For that reason the company did not have to obtain the consent of the vendor, but the licensee did. That proposition was accepted because we had no desire to reduce the price at which the stock could be sold. In fact, the object of the Bill was to see that the vendor received an appropriate price.

Members will be familiar with the situation which prevails at a stock auction. The auctioneer stands on the rails and auctions the stock, and there are usually two or three agents standing around, representing various stock companies, and with orders in their pockets. Very often those agents are from the same company as the auctioneer. Under this proposed rule such agents will not be able to buy because they will be, in fact, from the same company as the auctioneer. They are really poles apart and they keep their intentions secret from each other.

Technically, those agents will not be able to bid for the stock because they will not have received the consent of the vendor. We went into this matter and I venture to say that members will recall the discussions which took place. We decided it was a bad policy. We did not want to depress the price which a farmer might get for his stock. We are in danger of committing the same error all over again and, therefore, we should be very careful not to insist on this provision. During the Committee stage I will have more to say on this subject but I hope my remarks will commend themselves to the Minister in the meantime.

It would be a bad thing to judge auction conditions on the present situation where high prices are being paid. Many people in Australia today are apt to say that the farmer is receiving a good price and that the present situation could be treated as normal. However, that is not the normal situation from the primary production

point of view. We have had a good season and prices for stock and primary production, generally, are better than normal. Anyone with any experience in Australian rural life knows very well that we have many bad, dry, and difficult seasons. On many occasions stock is sold for what the farmer can get for it, and he quite often does not get anywhere near the price which he should receive.

On some occasions sheep are sold for a dollar a head, a far cry from the price being paid at the present time. Do not let us judge the situation on present conditions; let us take a sensible and long-term view and appreciate that the farmers —the producers—will face bad times ahead. We should not do anything to depress the price of livestock which will be the case if we bar an auctioneer from buying without the consent of a vendor. An auctioneer will not know until the sale which cattle or sheep he will buy. I think Mr. Abbey will agree with that point of view, and I know that a number of members opposite would agree because of the views they have expressed previously.

I would like to wind up by saying I do not think we should be too harsh in judging stock auctioneers. Some bad cases occurred a few years ago, about which we in this House know because we have discussed them many times. Not all of them involved the auctioneers. In fact, in the main they involved certain employees of a meat company. There have been and still are cases where producers do not get their just reward.

However, there are many ways of dealing with an auction firm which does not do the right thing. After all, a license must be renewed every year and an auctioneer —whether an individual, a company, or a firm—must be of good repute in the community. Anyone can go along and object to the granting or renewing of a license and say an auctioneer did something he should not have done. In fact, we have a good record in this State, generally speaking, and we should not act too harshly in this matter.

There is a lot of good in this Bill. I have not mentioned the good things because the Minister has dealt with them. I have singled out only the points which occurred to me as being a little harsh. I will propose some amendments but they are not of a major nature. I have drawn attention to a number of matters which I think it would pay the Minster to have a good look at, and I would be grateful if they could be conveyed to him in due course.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 30th October.

THE HON. R. H. C. STUBBS (South East—Minister for Local Government) [3.32 p.m.]: I thank Mr. Logan, Mr. Heitman, and Mr. Clive Griffiths for their contributions to the debate and their implied support of the Bill.

Mr. Logan indicated that he is generally in favour of the measure but he sought some advice concerning a couple of the provisions. The first query is in respect of the deletion from section 373 of the existing subsection (3) which provides that where all or any of the provisions of this part apply in a district or part thereof the municipality shall appoint a building surveyor.

This provision was considered to be redundant because of the existence in section 157 of a similar provision, namely—

> A council . . . shall where Part XV, which relates to buildings applies to the district or portion of the district, and may where that part does not apply, appoint a person to the office of building surveyor.

The second question raised by Mr. Logan is related to the fact that in the Bill no reference is made to a council being required to suspend the operation of all or any of the provisions of this part.

The existing Act enables the Governor to apply all or any of the provisions and no reference is made in this respect to the council having to make the request. It is therefore inappropriate that for the suspension of the application of part XV the request of the council should be required. The new provision in part XV applies to every part of the State but enables the Governor to declare that all or any of the provisions do not apply to the whole or any part or parts of any district or districts.

It will be seen that the proposed new section 373 is not materially different from the section it replaces but it is much easier to understand. It is, of course, necessary for uniform building by-laws to be in fact uniform for their application to be mandatory, and this has always been the case. The new provision does not take away any of the existing rights of municipal councils.

Mr. Logan has suggested that in respect of emergency building operations, the clerk should be contacted by telephone, if possible. While this would often be desirable, I do not think it would be practicable in all circumstances, and that it should not therefore be specifically included in the Act. Nevertheless, I can see a great deal of merit in it.

Mr. Logan referred to clause 9 and stated that he had always believed variations in the by-laws automatically applied to all councils. Unfortunately, this has not been the case, and in every instance of variation of the by-laws a separate order has been

necessary in order to apply the new provisions. The amendment seeks to avoid this necessity.

I have tabled in both Houses of Parliament a copy of the proposed uniform by-laws which have been prepared. These have been submitted to Parliamentary Counsel for preparation in legal form and it is hoped they will be promulgated by the 1st January, 1974, and come into effect about the middle of the year.

Mr. Clive Griffiths' first concern is that the proposal of the Federal Minister for Housing (Mr. Johnson) for a national building code will nullify the provisions of the Australian Model Uniform Building Code and will conflict with the work which has been undertaken by the Interstate Standing Committee on Uniform Building Regulations. There is no justification for this apprehension because I have been assured that the proposals of Mr. Johnson are for a code to supplement rather than supplant the work of the Interstate Standing Committee on Uniform Building Regulations.

The proposal of the Australian Department of Housing is to examine economic and social aspects of buildings, particularly dwellings, with a view to effecting savings. It will also investigate special requirements arising from climatic and technological differences that are relevant only in certain parts of the continent. Research will be conducted into design and siting of housing, to provide simple advice on good building practice, etc. The adaptation of the Australian Model Uniform Building Code will not necessarily be affected.

Mr. Clive Griffiths stated that it is essential for designers and builders to know the requirements of fire zones and that it is not feasible to design a building under the new by-laws without having a knowledge of those by-laws. The code merely provides for the establishment of fire zones and at this stage none has been created. The purpose of part 5, Establishment of Fire Zones, is to provide for primary and secondary fire zones, for which relevant provisions are set out in part 18, Construction Required in Fire Zones.

Part 17 relates to construction required in areas not included in fire zones. Part 5 requires that a map and a register of all established fire zones be maintained in the council's offices and be available for inspection by any person when fire zones are introduced. Therefore, designers and builders should have no difficulties in respect of these provisions.

Mr. Clive Griffiths stated that from his inquiries he found that, generally speaking, architects do not agree with the provisions in the document concerning fire zones, etc. This statement is difficult to understand because the building advisory committee, which has examined all items in the Australian Model Uniform Building Code and its proposed adoption and adaptation, includes three architects among its members, and a nominee of the Royal Australian Institute of Architects is represented on the committee.

Mr. Clive Griffiths on the one hand appeared to be criticising the departures from uniformity in the adaptation of the code, but on the other hand he has also stated that we should be looking for a code based on local conditions, etc.

The reasons for nonuniformity in some areas as between the various States is merely a result of recognition of this point. Mr. Clive Griffiths' statement that the architectural profession is dissatisfied with the provisions of the code is again difficult to comprehend because the Institute of Architects was given the opportunity to examine every document put forward during the preparation of the code.

As with the building advisory committee, the interstate standing committee on uniform building regulations has several architects amongst its members.

The reference by Mr. Clive Griffiths to door frames and doorways is not specific and it is suggested that he be more precise in explaining the problem associated with these items and in what manner they relate to the building code.

Representatives of all States of Australia have agreed on ceiling heights of 2100 mm and 2400 mm. Concessions in respect of reductions of height for non-usable floor areas are desirable and such concessions are contained in the Western Australian adaptation of the Australian Model Uniform Building Code.

The building advisory committee in Western Australia decided to retain existing standards in respect of the height of ceilings in office buildings and shops.

Mr. Clive Griffiths has referred to the nonuniformity between States in respect of fees. It was agreed at the outset at meetings of the interstate standing committee on uniform building regulations that complete uniformity was impractical and undesirable and each State provides its own standards in respect of administrative procedures, prescription of fees, etc.

The Australian Model Uniform Building Code differs from existing regulations in that it provides for performance standards rather than rigid specifications and their inhibiting effect on the introduction of new materials and forms of construction.

It is believed that the work of the interstate standing committee on uniform building regulations in achieving a great degree of uniformity between States has involved a task of great magnitude. It is emphasised that the committee will

continue to operate with a view to progressing further towards the goal of the greatest possible uniformity.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Sitting suspended from 3.44 to 4.02 p.m.

Clauses 2 to 6 put and passed.

The Hon. R. J. L. Williams drew attention to the state of the House.

Bells rung and a quorum formed.

Clause 7 put and passed.

Clause 8: Section 433 repealed and reenacted—

The Hon. CLIVE GRIFFITHS: This clause permits a council to make by-laws to regulate the plans and levels of sites for buildings. When the Minister for Local Government is speaking, we in this part of the Chamber are handicapped because often we cannot hear what he is saying and our lip-reading expertise cannot be used to any effect, but from the remarks he made I take it he was somewhat amazed that I said, during my second reading speech, that architects have stated they have been given no opportunity to look at the by-laws. The point I want to make is that the Minister referred to the uniform building code, but I did not comment on the Australian uniform building code; I commented on the Uniform Building By-laws. I said they were adapted from the uniform building code.

My criticism was that the Uniform Building By-laws which were proposed to be introduced into Western Australia were far from being uniform with the building by-laws that were being adapted by the other States—namely, New South Wales and South Australia—from the uniform building code. I did not say that architects or anybody else were dissatisfied with the uniform building code; I merely commented on the uniform building by-laws that were tabled in this Chamber and that the people concerned did not have any opportunity to study them.

I will go a little further and say that subsequently, through the offices of Mr. Paust, a copy of those by-laws has been made available to representatives of the industry who are currently studying them. Up until the time I spoke no such opportunity had been given to interested people to study those by-laws. All I am doing now is correcting the Minister in that he constantly referred to the uniform building code that was to be adopted on an Australia-wide basis, whereas I was speaking about the Uniform Building By-laws adapted from that code. Irrespective of what the Minister or anybody else may believe the architects in Western Australia are concerned. They are not concerned about the uniform building code, because I agree with the Minister that we have representation on the committees that helped to formulate that code.

I merely sought to put the record straight by explaining that my criticism was of the Uniform Building By-laws which are far from being uniform.

The Hon. R. H. C. STUBBS: To the best of my knowledge the people concerned have given their co-operation all the way through, and as the different phases of this exercise were enunciated, those people were consulted. I can only say there seems to be a lack of communication between the honourable member and myself.

The Hon. A. F. GRIFFITH: I understood the Minister to say, when he was replying to the second reading debate, that he expected the Uniform Building By-laws to be adopted in January. Is that correct?

The Hon. R. H. C. Stubbs: They will be promulgated in January and probably adopted in the middle of the year.

The Hon. A. F. GRIFFITH: When does the Minister expect they will become effective?

The Hon. R. H. C. Stubbs: In the middle of the year, I should imagine.

The Hon. A. F. GRIFFITH: So they will be adopted in January—in three months' time?

The DEPUTY CHAIRMAN (The Hon. R. F. Claughton): Promulgated.

The Hon. A. F. GRIFFITH: Thank you, Mr. Deputy Chairman. Promulgation means putting into effect Executive Council approval to make them by-laws.

The Hon. R. H. C. Stubbs: That was agreed to between all States; to try to do this by January.

The Hon. A. F. GRIFFITH: We can see the difference between adopted and promulgated, but whatever word we use the by-laws will become effective in the middle of the year.

The Hon. R. H. C. Stubbs: All the States have agreed upon that.

The Hon. A. F. GRIFFITH: I take it, then, that the Uniform Building By-laws will not apply until the middle of the year.

The Hon. R. H. C. Stubbs: My understanding is that it will be possible to use either the by-laws we have now, or the new ones. If people so desire they can use the new by-laws, in the knowledge that they are to be brought in.

The Hon. A. F. GRIFFITH: I cannot follow this, and I would like some clarification of the situation. When this Parliament concludes its business—some time

between now and December, 1973—I would suggest it is unlikely that the next Parliament will meet until July, 1974. So I want to know whether these Uniform Building By-laws will become law in the middle of January or in the middle of June. If they are to become law in January they could be operative for six months before anyone has a chance to make a real study of them and move to disallow them. I thought the better course to follow, to ensure that everybody is satisfied, would be to bring the by-laws into effect at a time when Parliament can deliberate upon them instead of allowing them to become operative and be in force for a long time before any move can be made to question them.

The Hon. R. H. C. STUBBS: This is the subject of discussion between the States. In fact, right now when an appeal is made to me and there is a variation in the existing by-law I allow the appeal knowing that the new by-laws will be brought into effect. So, in fact, part of the by-laws are being used now.

The Hon. A. F. Griffith: What sort of an appeal would you hear that has relation to the operation of these by-laws being effective now, as you have said?

The Hon. R. H. C. STUBBS: There can be all kinds of appeals; appeals on setbacks or the size of rooms, or the size of a staircase. All these matters are the subject of appeals under the building by-laws.

The Hon. Clive Griffiths: There is no difference in setbacks.

The Hon. R. H. C. STUBBS: Well, let me cite as an example a staircase which is to be of a certain width. If there is any difference in the width, we allow the staircase to be built according to the width laid down in the new by-laws. There may be a difference of an inch or two. There are 600 or 700 appeals a year made in regard to building. If an appeal has any relationship to the new building by-laws we allow it although it is contravening the present by-laws.

The Hon. A. F. Griffith: You are granting to the person making the appeal the benefit of the doubt all the time.

The Hon. R. H. C. STUBBS: That is if it has merit, naturally.

The Hon. CLIVE GRIFFITHS: In regard to the point raised by the Leader of the Opposition, the situation in the other two States is that the by-laws are being promulgated—I use that word for want of a better one—in January, 1974, but they will not become effective until the 1st July, 1974.

Anyone who commences building prior to the 31st July, 1974, will abide by the by-laws currently in operation, while anyone designing a building to be commenced or completed after the 1st July will abide by the new by-laws. That is the idea of six months' delay.

The Minister said there has been co-operation all the way along the line. I ask him whether he can tell me if an opportunity was given to interested organisations to study the by-laws before he tabled them. For instance, was this opportunity given to the Master Builders' Association, the Royal Australian Institute of Architects, and similar organisations in Western Australia?

The Hon. A. F. Griffith: The engineers' organisation and the surveyors' organisation, too.

The Hon. CLIVE GRIFFITHS: The lot.

The Hon. R. H. C. STUBBS: Representatives of all those organisations are on the committee.

The Hon. Clive Griffiths: Which committee?

The Hon. R. H. C. STUBBS: The committee which has studied the by-laws which have been under investigation for about eight or nine years. As each by-law was agreed on it was forwarded for comment. So, to the best of my knowledge, all those organisations knew what was occurring.

The Hon. CLIVE GRIFFITHS: To be more precise, will the Minister indicate whether the Western Australian section of the Royal Australian Institute of Architects was given an opportunity to study the by-laws and had some say in them before he presented them to the Chamber?

The Hon. R. H. C. STUBBS: To the best of my knowledge a nominee of that institute is on the committee.

The Hon. A. F. GRIFFITH: I take it that the explanation given by Mr. Clive Griffiths in regard to the operative date was the correct one?

The Hon. R. H. C. Stubbs: To the best of my knowledge, yes.

The Hon. A. F. GRIFFITH: That is contrary to the explanation the Minister gave.

The Hon. R. H. C. Stubbs: There is a buffer period, but they can be used. That is the point I am trying to make.

The Hon. A. F. GRIFFITH: As plans and specifications must be passed by the local authority and various departments before a building can be erected, it is obvious that a buffer period would be necessary because plans and specifications cannot be altered in midstream, as it were.

The Hon. R. H. C. Stubbs: The point is that the building surveyor receives the plans and specifications. He may knock them back because they do not conform with the present by-laws, but only with

the new ones. An appeal is made to me and I uphold it because the new by-laws will come into force.

The Hon. A. F. GRIFFITH: I thank the Minister for his explanation which was very helpful.

Clause put and passed.

Clause 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

QUESTIONS (9): ON NOTICE

1. HOUSING

Port Hedland: Architect and C.S.I.R.O. Officer

The Hon. W. R. WITHERS, to the Leader of the House:

(1) In view of the answer given to question 7 on the 25th October, 1973, concerning the State Housing Commission's building in South Hedland, will the Minister please advise if the architect planner and the C.S.I.R.O. officer will be asked to reside in a State house which is—

(a) conventionally designed;

(b) a Moroccan unit; or

(c) a Radburn unit?

(2) Will they reside in these units for a minimum of two months between mid-December and mid-March?

(3) If the answers to (1) (a), (b) or (c), or (2) are "No", how will the officers determine the livability of any unit in extreme conditions?

(4) Will they be supplied with air-conditioning whilst living in the units?

(5) Will they be required to do their own laundering and cooking?

(6) Will one of the officers be a woman?

(7) If the answer to (6) is "No", will the officers be asked to bring their wives and families so that an unbiased woman may present her views?

(8) If the answer to (7) is "No", how will the Department receive constructive criticism from the woman's angle?

The Hon. J. DOLAN replied:

(1) to (8) After much discussion with local people and authorities it was decided to have one or two State Housing Commission Architects spend some time resident in South Hedland with the object of obtaining information which could be of value to building generally in the North-West.

It is interesting to note that the previous Government in twelve years never endeavoured to introduce a similar system.

I can assure the Hon. Member that the report of the Architects will be made available to him and others who are interested at the earliest possible time.

As for the point made regarding constructive criticism from a woman's angle, I feel that the people, men, women and children, already living in the area would have the ability and plain commonsense to present their problems to the officers and others concerned with the housing needs and requirements.

2. DEPARTMENT OF THE NORTH-WEST

Appointment of Mrs. Nowers

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Has Mrs. R. Nowers of Port Hedland been appointed to the North West Department?

(2) If so, what position does Mrs. Nowers hold?

(3) Has her valuable experience as a homemaker and adviser been replaced in Port Hedland if she has been appointed to the staff of the North West Department?

The Hon. J. DOLAN replied:

(1) No.

(2) Answered by (1).

(3) Answered by (1).

3. BUILDING BLOCKS

Cooke Point

The Hon. W. R. WITHERS, to the Leader of the House:

(1) With regard to the 21 undeveloped vacant blocks reserved for future Government officers at Cooke Point, and in view of the shortage of land for private building in that area, why is it necessary to retain such a large number of blocks when the Government is in control of so much land at South Hedland?

(2) If it is important to place Government officers on these blocks, why did the State Electricity Commission and the Port Authority recently purchase two private homes in Port Hedland?

(3) Because private homes in the area are generally superior to Government-owned fibro homes, why does not the Minister allow private persons to buy and build on the land, and for departments to buy

private homes by negotiation if and when they require a home in Cooke Point?

(4) What specific posts will each officer fill for each of the 21 reserved blocks?

The Hon. J. DOLAN replied:

(1) The vacant blocks at Cooke Point are not reserved for Government Officers but are held for the housing of key personnel employed in the operational and port facility areas at Port Hedland and whose duties would require them to be available in times of emergency and at short call.

(2) I am not aware of the reasons for the purchase of homes by the State Electricity Commission and the Port Authority.

(3) A private person could purchase a block provided he is eligible under the criteria as referred to in the answer to question (1), and provided he is also prepared to meet the other conditions applicable to the allocation of residential land and which are directed to assisting only bona fide home builders.

(4) As there has been no allocation of these blocks this information is unavailable.

4. HOUSING

North-West: Fans

The Hon. W. R. WITHERS, to the Leader of the House:

(1) How many ceiling fans are initially installed in State Housing Commission homes in tropical and sub-tropical areas?

(2) What was the maximum number of fans allowed under an increased rental scheme on—

(a) the 3rd November, 1970; and

(b) the 3rd November, 1973?

The Hon. J. DOLAN replied:

(1) As from the 26th July, 1973 two (2) ceiling fans will be initially installed in each newly constructed Commission house in the North-West.

(2) (a) One (1) ceiling fan was installed initially and up to three (3) additional fans were allowed for which the tenant was required to pay an increased rental.

(b) Any ceiling fans required in addition to the two (2) initially installed will only be provided by the Commission if the tenant has a substantiated medical need and is prepared to pay the increased rental.

5. POST OFFICES

Country Towns: Downgrading

The Hon. R. J. L. Williams for the Hon. G. W. BERRY, to the Leader of the House:

Further to the reply to question 1 on the 6th November, 1973, regarding unofficial post offices, the Director of Posts and Telegraphs report states that 38 small official post offices are being considered for review, but only 36 names are listed—which figure is correct?

The Hon. J. DOLAN replied:

A check has been made, and it has been ascertained that the correct figure is 36.

6. HOUSING

Cost Increases

The Hon. R. F. CLAUGHTON, to the Leader of the House:

(1) Is it a fact a marked increase in building approvals and commencements during July, August and September, 1973, was threatening a serious shortage of manpower and materials?

(2) Is it expected that the present cutback in finance for housing will prevent sharp increases in the cost of manpower and materials?

(3) What has been the average increase in housing costs in the first quarter of this financial year?

The Hon. J. DOLAN replied:

(1) Yes. In fact, shortages were apparent in the September quarter, 1973.

(2) Yes.

(3) The average increase in tender price for a standard State Housing Commission three-bedroom brick-veneer single detached house in the Metropolitan Area was $559 (or 6.6 per cent in the September quarter, 1973).

7. TRANSPORT

Taxi Drivers' Demonstration

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Although it was announced on the A.B.C. news on the morning of the 7th November, 1973, that over 100 unionists attended a meeting of a Taxi Drivers' Union on Tuesday night, is it a fact that the number of people in attendance numbered only 25 to 30, and that many in attendance were not in the so-called union?

(2) (a) Is there a registered union in Western Australia by the name of the Taxi Drivers' Union;

(b) if so, how many members are registered in the Taxi Drivers' Union?

(3) If 60 Taxi Drivers' Union members supposedly voted unanimously to back a protest, was their Union membership checked?

(4) Will the Government agree to, or allow a protest which is designed to disrupt city traffic flow when there is no check on the legitimacy of the union members taking part?

(5) If taxis are not going to be used for the purpose of their license and instead deliberately participate in a disruptive demonstration, will the Minister suspend the license of a driver in view of the shortage of services to the public?

(6) How many so called union members of the Taxi Drivers' Union elected Mr. Michael King to be their president?

The Hon. J. DOLAN replied:

(1) This is not known.

(2) (a) and (b) Such a Union is not registered as an Industrial union under the Industrial Arbitration Act.

(3) This is not known.

(4) The Minister for Police has advised that the necessary steps will be taken to deal with any situation that may arise.

(5) I do not have power to suspend a taxi car driver's license.

(6) This is not known.

8. WATER SUPPLIES

Coral Bay

The Hon. R. J. L. Williams for The Hon. G. W. BERRY, to the Leader of the House:

Where are the water supplies for Coral Bay hotel and caravan park drawn from for—

(a) potable water; and

(b) water for other use?

The Hon. J. DOLAN replied:

In the last twelve months water has been obtained in the following manner—

(a) Potable water from roof catchment and by carting from Exmouth when necessary;

(b) water for other uses from a bore within the Coral Bay complex site.

9. ABORIGINES

Vocational Training Allowances

The Hon. W. R. WITHERS, to the Minister for Community Welfare:

(1) Do any Aborigines in Western Australia receive Commonwealth training allowances?

(2) Does your Department of Community Welfare anticipate any phasing out of training allowances in favour of award payments or unemployment benefits?

(3) Would the Pundamulla vocational centre students be affected by any Federal policy to phase out training allowances?

(4) If the answer to (3) is "Yes", what changes would take place?

The Hon. J. Dolan, for the Hon. R. THOMPSON, replied:

(1) Not in the way training allowances have been applied in the Northern Territory. The only training allowance scheme applying to Aborigines in Western Australia is that administered by the Commonwealth Department of Labour and this applies in all States.

(2) See answer to (1).

(3) Only if the Commonwealth Department of Labour phased out its training allowance scheme and I have heard no suggestion of this.

(4) See answer to (3).

House adjourned at 4.30 p.m.

Legislative Assembly

Thursday, the 8th November, 1973

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

COMMONWEALTH CONSTITUTION CONVENTION

Appointment of Delegate: Motion

MR. J. T. TONKIN (Melville—Premier) [11.02 a.m.]: I seek leave to move a motion for the replacement of the member for Narrogin on the Commonwealth Constitution Convention Committee, and for the appointment of the member for Mt. Marshall in his place.

The SPEAKER: As the suspension of Standing Orders does not cover motions, leave to introduce this motion will need to be passed by an absolute majority. The question is that leave be granted to the Premier to move the motion. Is there a dissentient voice? There being no dissentient voice leave is granted.

Mr. J. T. TONKIN: I move—

WHEREAS by resolution passed on the 15th August, 1972, the Legislative Assembly resolved and declared its readiness to participate in a Convention comprising delegates appointed