

Report

Resolution reported, and the report adopted.

Assembly's Request for Conference

Mr. J. T. TONKIN: I move—

That the Council be requested to grant a conference on the amendments insisted on by the Council, and that the managers for the Assembly be the Deputy Leader of the Opposition (Mr. Court), the member for Boulder-Dundas (Mr. Hartrey), and the mover.

Question put and passed and a message accordingly returned to the Council.

House adjourned at 11.06 p.m.

Legislative Council

Thursday, the 9th December, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [11.05 a.m.]: Mr. President, I ask that questions on notice be postponed to a later stage of the sitting.

The PRESIDENT: Leave granted.

POTATO INDUSTRY

Inquiry by Select Committee: Statement by Chairman

THE HON. V. J. FERRY (South-West) [11.06 a.m.]: As Chairman of the Select Committee appointed to inquire into the potato industry I wish to make a statement to the House. I wish to advise that the committee made application to the Premier to have the Select Committee converted into an honorary Royal Commission in the knowledge that this session of Parliament may terminate fairly soon and Parliament will be prorogued accordingly. However, I have since been advised by the Premier's Department that the actual prorogation of this session of Parliament will not be made until late in February.

This being so, the Select Committee intends to carry on taking evidence and continue its work.

PARLIAMENTARY COMMISSIONER BILL

Assembly's Request for Conference

Message from the Assembly received and read requesting a conference on amendments Nos. 1, 10, 11, 19, and 23 insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [11.07 a.m.]: I move—

That the Assembly's request for a conference be agreed to; that the managers for the Council be The Hon. L. A. Logan, The Hon. I. G. Medcalf, and the mover; and that the conference take place in the Select Committee room at 2.30 p.m. on Thursday, the 9th December, 1971.

Question put and passed and a message accordingly returned to the Assembly.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 1st December.

THE HON. R. J. L. WILLIAMS (Metropolitan) [11.08 a.m.]: This is a simple machinery Bill. It has a very unglamorous title—Industrial Arbitration Act Amendment Bill (No. 2)—for what I consider to be a very important subject. My party does not intend to oppose the Bill in any way. It does bring into focus the changing circumstances in which we live. I suppose one could almost call the measure the emancipation of the fairer sex, and I am only too pleased that I am not a misogynist when seconding the Bill.

I do not think there are any brave members in this House who would say "No" to the second reading of the Bill, or indeed to any other stage of it. Some honourable member did comment on the war between the sexes, but you, Mr. President, and I know that there could never be war between the sexes; there would be far too much collaboration with the enemy.

The Hon. G. C. MacKinnon: You are in good form so early in the morning, Mr. Williams.

The Hon. R. Thompson: Have you joined the women's liberation movement?

The Hon. R. J. L. WILLIAMS: Not on your life! I have passed my sputum test. The whole point in this measure is to introduce a new concept in regard to the continuation of the Government's work.

This presents a completely new concept concerning women at work. The cry has always been that women are underpaid and that they are second-class citizens; but that is merely a catch phrase. I for one have never regarded the female of the species as a second-class citizen. Someone far more sage than I once said that the hand that rocks the cradle rules the world; and this, of course, is true.

The Hon. L. A. Logan: Don't forget that a lot of men have rocked the cradle!

The Hon. R. J. L. WILLIAMS: Yes indeed, but when men do that they find themselves tipped out!

At first glance the deletion of section 146 (2) appears to have desirable features, but I would be wrong if I did not point out just one or two things which could occur when this legislation becomes law. We hear a lot about equal pay for women, but let us understand what that phrase means. It means equal remuneration for work of equal value. What this Bill seeks by deleting this subsection is to ensure that those industries or professions which have a preponderance of ladies working in them shall have the right to approach the Industrial Commission with the request that their salary or wage be raised.

Whenever we talk of equal pay for work of equal value two professions come to mind immediately. One is not the oldest profession in the world—it is, nursing—and the other is teaching. Both these have equal pay which they secured under the last Government. I have been told by members of the Government that the I.L.O.—that is, the International Labour Organisation—with its concept of equal remuneration for work of equal value involves a different philosophy; and the community will have to adjust to this different philosophy.

Certain dangers will be experienced under this Bill, and before we go any further and before the Government chides me about the I.L.O. and things it has said and done, let me say the I.L.O. concept did not take Australia into account in Geneva, and because of the differences in our sophisticated system of wage adjustment, and in our industrial commissions and conciliation systems, we were different from the I.L.O. Therefore I will not let anyone quote the I.L.O. convention to me because Australia did not ratify it and it does not agree with it. Nevertheless, we carry out some of its broad principles.

I do not think it requires a genius of a mathematician to realise that the concept of equal pay for work of equal value does not necessarily mean equal pay. The value of the work done must be measured scientifically. It does not mean "value" in terms of dollar for dollar to the employer. It means a measurement of value done by job evaluation in terms of the job's requirement of effort, responsibility, training, education, manual dexterity, work conditions, and so on. These criteria are assessed as units, and the results that occur when the work is done by a male, and when done by a female, determine the amount of pay.

If the answer proves to be 100 in both cases, then there is work of equal value and the pay becomes equal. If there is a difference between the two—say 100 to 95 for example—then the pay between the male and female varies in that proportion.

This is a method of evaluation which can be used here, but in Australia the general system of wage payment has advanced beyond the system in many other

countries for which the I.L.O. designed its convention. There are several other attendant dangers which will become apparent to the community as we go on.

The almost hereditary title of "breadwinner" will disappear. A man must work for economic reasons. Any opponent of that statement will say, "So must women work." I am not denying that, but they do not always have to work in industry, commerce, or the professions. They can and do get married and, of course, we then become the paymasters.

No-one here would deny we underpay them. The Lord help us if ever a team were sent to evaluate the work they do in the home. All men would be bankrupt and would require a third job because we can never pay our wives what they are worth. It could never be assessed.

The Hon. G. C. MacKinnon: You'll get on!

The Hon. R. J. L. WILLIAMS: If we rise in time! I do not wish to detain the House any further. The economic impact of this amendment on the wage structure will certainly add to the cost of living. However, this is something we must pay for progress.

The Hon. G. C. MacKinnon: Have you thought of the possibility of a need to restructure the tax arrangements?

The Hon. R. J. L. WILLIAMS: That is one of the most sensible suggestions I have heard for a long time. I have thought about it and read about it. It could well be that a single and married tax structure should be devised in order to restore to the hereditary breadwinner his right to earn the margin, because he will have to do this.

The Hon. G. C. MacKinnon: It would be a marked increase for the single wage earner whether married or not.

The Hon. R. J. L. WILLIAMS: Yes. I think it is a very good concept.

With those few brief remarks I will conclude. I know the Bill will not have a difficult passage through this House. I congratulate the female of the species for having secured what is termed another piece of emancipation.

The Hon. L. A. Logan: You belong to the Liberal organisation?

The Hon. R. J. L. WILLIAMS: No, to the Adam generation. I commend the Bill to the House.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [11.17 a.m.]: I thank Mr. Williams for his support of this very short Bill, and I also wish to commend him on his authority. I, like Mr. Williams, love women. I am not a woman-hater. I think the female creature is wonderful from the cradle to the grave.

The Hon. G. C. MacKinnon: Cut it out. You will force us all to rise and speak in self-defence.

The Hon. R. H. C. STUBBS: I hope Mr. Williams, with his persuasive eloquence, does get on! I am grateful to him for his support of the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

MARKETING OF LAMB BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

TRAFFIC ACT AMENDMENT BILL (No. 3)

Second Reading: Defeated

Debate resumed from the 8th December.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [11.21 a.m.]: In commencing I ask members to have second thoughts on the measure while I am speaking. Yesterday members were outspoken and said they would reject the whole Bill. Instead of taking this attitude, I ask them to have second thoughts.

Many members referred to a number of clauses in the Bill as being noncontroversial and acceptable. Perhaps I should explain to the House how they came to be included in the measure. Yesterday the opinion was expressed that room could have been found for them in one of the other traffic Bills or, alternatively, a further Bill brought in. That was not possible. One of the Bills which has been brought down this year to amend the Traffic Act dealt entirely with seat belts in motorcars and helmets for motor cyclists.

The Hon. A. F. Griffith: Why couldn't the three clauses in question have been included in that legislation?

The Hon. J. DOLAN: The people who made recommendations to me suggested they should not be included in the seat belt legislation. They could have been included in the budgetary measures associated with traffic which were introduced but, as the provisions are of a nonbudgetary nature, it was thought better to ex-

clude them from those Bills. Although we had another traffic Bill in mind, there would have been no place for these provisions in that Bill either.

The Hon. G. C. MacKinnon: I cannot see the logic of your statement. I cannot see why it is better for the provisions to be included in this measure than the measure which dealt with seat belts.

The Hon. J. DOLAN: The other subject was felt to be so vital that it would be better not to detract from it in any way.

The Hon. G. C. MacKinnon: I assume you do not regard these fees as being vital.

The Hon. J. DOLAN: I certainly do, and I do not wish to be misunderstood on this point. The subject which attracted so much attention yesterday is tied in with another measure and we thought it best to take advantage of the opportunity to introduce the provisions in the measure which is under discussion.

The Hon. A. F. Griffith: Before you continue, I would like to say that some members thought there was such value in those three items that it was a great pity to jeopardise their passage. They could have been included in another Bill, the passage of which would not be in jeopardy. The seat belt legislation would have been an obvious choice.

The Hon. J. DOLAN: Members have the opportunity, of course, to do what they think best. If they wish, they may do what they like with the other clauses. This is always the prerogative that can be exercised by members.

The Hon. G. C. MacKinnon: That would not upset you?

The Hon. J. DOLAN: There is always this opportunity when a Bill is in Committee. I shall present my case in the hope that members may have second thoughts.

I do not intend to mention individual members by name, although I am fully aware that many referred to definite matters. I will include all members by commenting in a general way. If any member feels my comments are relevant to a point he has made and wishes to query me as I go along, I am quite willing to answer any queries. Through my own research and that of departmental officers I have secured answers to many of the queries raised. I hope members will know exactly where they stand.

So far as the three noncontroversial clauses, Nos. 7, 8, and 9, are concerned I would like to refer to the one which deals with crosswalk attendants. One member in particular referred to this provision and I would like him to know exactly what the position is. This information may help him in his future discussions with people on this subject.

A provision to man crosswalks was brought in some years ago as it was considered a desirable safety measure. I commend the honourable member for saying crosswalk attendants are desirable and I supplement his comment by saying that I, too, think this is a most desirable innovation. The people in question have done a wonderful job. I take some pleasure in the thought that it was through my approach to Mr. Craig, when he was Minister for Police, that a decision was taken to appoint women as crosswalk attendants. The first one he appointed worked in my own district, but this practice has continued and extended. There is one big difference between the male attendants and female attendants.

The Hon. W. R. Withers: There is a big difference.

The Hon. J. DOLAN: I refer to age. Most of the male attendants are pensioners who are in a good physical condition but the ladies are younger. Sometimes the ladies have no home commitments or they may be widows. In any event, they do an excellent job and I wish to commend them for it.

The Hon. A. F. Griffith: I commend to the Minister that he read *Hansard* volumes wherein it will be found that a previous Labor Government knocked the idea of female attendants cold.

The Hon. J. DOLAN: That is all right.

The Hon. A. F. Griffith: It is not all right.

The Hon. J. DOLAN: Later on in my speech I shall refer to volumes of *Hansard* which probably will not make acceptable reading to the Leader of the Opposition. These kinds of things catch up with an individual sooner or later.

The Hon. A. F. Griffith: Indeed they do.

The Hon. J. DOLAN: When they do, I hope the Leader of the Opposition will take them in his stride in the same way as I do.

The Hon. Clive Griffiths: With some members it only takes the next day.

The Hon. J. DOLAN: Reference has been made to the fact that sometimes we see traffic policemen on duty at crosswalks. More often than not the circumstances warrant this. It is nothing unusual for the Traffic Department to receive a phone call in the evening to the effect that a certain crosswalk attendant is down with influenza, or something else, and will not be able to attend to his obligations. In those circumstances, the Traffic Department makes arrangements for one of the traffic policemen on duty in the area to take over the manning of the crosswalk, usually between 8 a.m. and 9 a.m. This is done in the interests of safety.

I consider this most desirable. A policeman is doing an excellent job whether he is working on the road or manning a crosswalk and ensuring the safety of school children and other pedestrians.

The same honourable member said there should be a pool of old people. Perhaps "old people" is not the right expression because, as I have said, these people are in good physical condition.

The Hon. R. F. Claughton: Retired people.

The Hon. J. DOLAN: Yes, retired. The problem is we do not have enough crosswalk attendants to do all the work we want them to do. In the event of one not being available there would be the problem of obtaining the services of one of these people in an area where an attendant is needed. The person may not have transport or may live too far away to man the crosswalk. That is the explanation and I think the honourable member will probably appreciate the difficulty. Now he knows, he will be able to explain to others the reason for this.

The Hon. Clive Griffiths: Thank you very much.

The Hon. J. DOLAN: Perhaps I should take some of the questions asked by members in order and enunciate general principles. It was said, generally, the proposed new license fees would benefit big operators as against smaller operators. I commend two points to the attention of members who raised this objection. Big operators are the ones who take goods to the outback regions of our State. If we reduce license fees for big operators, because of the reduced transport charges, automatically prices are reduced to people in the far-flung areas of the State. They would be paying less for their goods. I have heard it said many times that a rise of any kind immediately causes an impost on people who can ill afford to pay it. I say that conversely the same principle applies. If we reduce charges to operators, conversely the charges of commodities to people in outback areas should be correspondingly lower. I also heard remarks that the license fees would hit a number of other people much harder. I can appreciate this apprehension, but I can supply figures which will reassure members.

There are something like 47,000 commercial vehicle license holders in the State who will have to pay increased charges. There were about 4,000 operators who were liable to pay road maintenance tax. It will be seen that many more vehicle owners will be brought into the scheme. Nobody seemed to mention the point that in nearly all cases where extra fees will be paid they will be passed on. The fees will not be an imposition directly on the operator. If the user of a commercial vehicle pays an extra \$10 or \$20 a year it will be passed on. The operators did this in the past and they will continue to do so.

The Hon. V. J. Ferry: They will pass on the new charges too.

The Hon. A. F. Griffith: Before you go any further, will you tell me how a farmer will pass on the increase in his license fees?

The Hon. J. DOLAN: I will deal with the farmers' position in a moment.

The Hon. A. F. Griffith: Even the professional man will pass on the extra \$10 or \$20. Bless my heart and soul, it has gone up 400 or 500 per cent.

The Hon. J. DOLAN: It is always amazing to find what figures can be quoted in individual instances. One cannot use a particular instance to generalise. Several members who spoke yesterday gave examples and did not take concessional and periodic licenses into account. A farmer could take out a license for three months.

The Hon. J. Heitman: Has that Bill been proclaimed?

The Hon. J. DOLAN: No, but it will be.

The Hon. J. Heitman: We have to look into the future.

The Hon. G. C. MacKinnon: You cannot obtain a three-month license now.

The Hon. J. DOLAN: A farmer can.

The Hon. G. C. MacKinnon: No.

The Hon. J. DOLAN: He will be able to.

The Hon. G. C. MacKinnon: Can I get a license today?

The Hon. J. DOLAN: I think some of the farmers can get a periodic license.

The Hon. L. A. Logan: You can get a periodic license after the first license. A new license now is for six or 12 months.

The Hon. J. DOLAN: The answer to the question is, "Some can and some cannot."

The Hon. G. C. MacKinnon: The answer to the question is, "No, you cannot."

The Hon. J. Heitman: I think that is about right.

The Hon. J. DOLAN: Speakers in the debate referred to the possibility that much of the money that was gathered from increased license fees might not be used for road maintenance. This seems to be a common complaint, but at this stage I can assure members that every cent collected from these license fees will be used in connection with road maintenance.

There is always much debate about new taxes, and many people will not agree that this Government is really doing something. I have given the assurance that road maintenance will not suffer, but I would like to answer the remarks that we are the only Government attempting to increase license fees. In 1965-66 the fees were increased as follows:—

Motor vehicle license fees increased by an estimated 8 per cent. in the case of cars and 20 per cent. for commercial vehicles.

Drivers' licenses increased from \$2 to \$3.

Primary producers license concession was limited to one commercial vehicle of 30 cwt. tare and above.

Road maintenance charge—this charge was introduced at a rate of $\frac{1}{4}$ d. per ton mile on the tare weight plus 40 per cent. of load capacity on all vehicles in excess of 8 tons capacity.

Members are probably aware that owners of vehicles in excess of four tons are liable to pay road maintenance tax in the other States. There are further concessions given for the cartage of various products. During the last session of Parliament a Bill was passed prescribing that a vehicle carrying livestock would be exempt from road maintenance tax.

The Hon. A. F. Griffith: I thought South Australia's exemption covered vehicles of more than four tons.

The Hon. J. Heitman: Eight tons.

The Hon. A. F. Griffith: I said this, but I may be wrong.

The Hon. J. DOLAN: I was given the information that owners of vehicles in excess of four tons were liable to tax in the other States.

The Hon. A. F. Griffith: They are all 4-ton axle loading.

The Hon. J. DOLAN: I am talking about the increased charges in the year 1965-66. The primary producers' license concession was limited to one commercial vehicle of 30 cwt. tare and above. Our new proposals cover two vehicles for the primary producer. In the case of the first vehicle the concession is $66\frac{2}{3}$ per cent., and for the second vehicle $33\frac{1}{3}$ per cent. Legislation concerning drivers' licenses was amended in 1965-66 to provide for one-half of the revenue from drivers' license fees being taken into the Consolidated Revenue Fund instead of into the Central Road Trust Fund. We are inclined to wax a little maudlin but road maintenance must get the same consideration from this Government as it has in the past.

The Hon. G. C. MacKinnon: The key is: On the previous occasion did we say we would do what we wanted to do without increasing taxes?

The Hon. J. DOLAN: I would not know.

The Hon. G. C. MacKinnon: But your party did.

The Hon. J. DOLAN: I would have to accept the honourable member's word for that because to be quite truthful I have never read the Liberal Party's policy speech.

The Hon. G. C. MacKinnon: You should read it.

The Hon. J. DOLAN: I may have read some of the points in the Press but I certainly did not have a copy of the policy

speech. The Liberal Party obviously has a copy of our policy speech and it dissects the speech word by word and line by line. I have never done that.

The Hon. G. C. MacKinnon: Will you accept that that is so?

The Hon. J. DOLAN: I am telling the member quite truthfully this is what will happen.

The Hon. A. F. Griffith: Of course, you were reading the Minister's answer to a question, were you not?

The Hon. J. DOLAN: That is right, it is in *Hansard* No. 11, at page 1749. Any member can look at this answer.

The Hon. A. F. Griffith: You know as well as I do that questions are asked about increased taxes and charges every year Parliament sits.

The Hon. J. DOLAN: I would like to refer to another interesting point whilst we are talking of increased charges, and so on. An example was given in another place and there was no dissension—nobody suggested it could possibly be wrong. This appears in *Hansard* No. 8 on page 1241. The example given was of a particular type of truck used extensively on the Perth-Carnarvon run. It is a semi-trailer which carries a payload of 20 tons, and it has a tare weight of 16 tons. This would equal approximately 24 units of road maintenance tax. On a 1,200-mile trip the operator would have to pay \$80 in road maintenance tax. At an average of a trip a week—that is, 50 trips a year—the tax would amount to \$4,000. Half the normal license rate would apply and this would amount to \$210, and the total tax payable would be \$4,210 a year. Using our system of an aggregate weight of 36 tons, the license fee today would be \$1,660.

The example given was for a man with one vehicle—not this small operator of 18 vehicles the member referred to. I just cannot see that an operator with 18 vehicles engaged in transport can be called a small operator. The amount he pays in ordinary license fees and road maintenance tax would be very acceptable as an annual salary to anyone.

The Hon. V. J. Ferry: He would be a much smaller operator than a firm like Bell Bros. or Mayne Nickless.

The Hon. J. DOLAN: He might be small when you compare him with Bell Bros., but he still could not be classed as a small operator. Why not compare him with the one-vehicle man, instead of drawing a comparison with Bell Bros. I daresay that if one travelled the world one would not find more than half a dozen people operating on the scale on which Bell Bros. operate.

It is a very poor illustration and a poor analogy. If the truck did only 22,000 miles in one year it would break even, but any mileage above that figure would mean the

operator is starting to make a profit. I gave the minimum of one trip a week, but if he were operating a bit faster the extra profit would of course accrue after 22,000 miles.

The Hon. A. F. Griffith: In one breath you say members were tending to give isolated instances as examples and in the next you do exactly the same thing.

The Hon. J. DOLAN: I did so to show the fallacy of the argument presented; that the honourable member could not pick out an isolated case and arrive at a generality in his conclusions.

The Hon. A. F. Griffith: The argument you gave was just as fallacious.

The Hon. J. DOLAN: It is an actual fact. I could examine the case of other operators throughout the State and could probably reach the same conclusion. Some members have picked out examples which suit their argument and as they have done this I feel I am entitled to pick out the case that suits my argument, to illustrate a particular case. There are thousands of other cases that could be quoted. The people of Carnarvon would benefit considerably from the activities of the operator to whom I have referred.

Certain questions were asked and I promised to obtain the answers. I will conclude on this note because I think the matter has been widely debated. The first question asked was—

(1) If a transport operator leaves any part of the Eastern States and comes across the Nullabor (perhaps by rail for some of the journey) thence to Port Hedland—

(a) what license fees will he pay?

(b) how will clause 5 operate against him?

The answer given is—

(1) (a) and (b) A transport operator using a vehicle on a road in the course of trade, commerce, or intercourse among the States is, under section 92 of the Constitution and subsection (3a) of section 11 of the Traffic Act, not required to pay a license fee.

If the transport operator commenced his journey in the Eastern States, carrying goods from say, Adelaide to Port Hedland, he is not required to pay a license fee. However, if he commenced his journey in Adelaide and after entering Western Australia loaded goods for transport to Port Hedland, he would be caught by clause 5 and would be required to pay a license fee in Western Australia.

This is nothing new; it has probably been in force ever since Federation although there has never been the density of road

traffic previously as there is in recent years. If the transport operator commenced his journey in the Eastern States carrying goods from Adelaide to, say, Port Hedland, he is not required to pay a license fee. However if he commenced his journey in Adelaide, unladen, and after entering Western Australia he loaded goods for transport to Port Hedland he would be caught by clause 5.

The Hon. A. F. Griffith: Then and only then.

The Hon. J. DOLAN: In this case he would be required to pay a license fee. The answers I have are quite factual. The second question asked was—

- (2) (a) What amount of license fees was paid on commercial vehicles registered in W.A. for the year ended 30/6/71?
- (b) What license fees were paid for year ended 30/6/71 on all vehicles which paid road maintenance tax?
- (c) What license fee total is anticipated in a full year under the new basis of the schedule?

The answer is as follows:—

- (2) (a) About \$4.7 million.
- (b) About \$440,000.
- (c) The license fee total for a full year for commercial vehicles under the new basis of the schedule would be about \$8.7 million.

The Hon. A. F. Griffith: That means the amount raised will be about double what it is now.

The Hon. J. DOLAN: Based on road maintenance tax which also carries matching moneys it looks as though we might break about even.

The Hon. A. F. Griffith: If it is going to break about even how do you make up the \$8,700,000?

The Hon. J. DOLAN: I think the figure given yesterday was about \$4,000,000 odd; this covered by road maintenance tax and the matching money would bring it to about that figure. If there is any variation or difference in the figures I apologise if I have unintentionally misled the House.

The Hon. J. Heitman: The \$4,000,000 would not attract much matching money; not all of it.

The Hon. J. DOLAN: No, not all of it; only a certain percentage. I think Mr. Logan gave the answer yesterday in reply to an interjection.

The Hon. L. A. Logan: I said we raised almost \$4,000,000 from road maintenance tax plus \$1,500,000 for matching moneys.

The Hon. J. DOLAN: If the comparison I have drawn is not satisfactory, it is just too bad.

The Hon. A. F. Griffith: I am trying to get at the point as to what the State will get under the new order and what it got under the old order. That is the important thing.

The Hon. J. DOLAN: It is estimated, of course, that the total license fee for commercial vehicles under the new basis of the schedule would be about \$8,700,000.

The Hon. A. F. Griffith: So you are getting about twice as much.

The Hon. J. DOLAN: Not twice as much.

The Hon. A. F. Griffith: Almost a 100 per cent. increase.

The Hon. J. DOLAN: Not a 100 per cent. increase.

The Hon. A. F. Griffith: It is \$4,700,000 against \$8,700,000. Let us be precise and say a 92 per cent. increase.

The Hon. J. DOLAN: There is the question of \$4,700,000 in matching moneys which must be taken into consideration.

The Hon. A. F. Griffith: Will not there be any matching money on your license fees?

The Hon. J. DOLAN: I cannot answer that.

The Hon. L. A. Logan: You can only use your income from the road maintenance tax not from the matching money. That is not income until the other is raised. You must compare exactly what you get from road maintenance tax.

The Hon. J. DOLAN: So it looks as though we will be much better off so far as revenue is concerned.

The Hon. J. Heitman: And you are trying to tell us that the commercial user will not notice this.

The Hon. J. DOLAN: I did not say that at all; I said he would pass it on.

The Hon. A. F. Griffith: Is not this what we tried to tell you? Does it not sound peculiar that we had to extract this information from you like a bad tooth.

The Hon. J. DOLAN: Not one bit. The honourable member has not had to extract this information from me at all; he has not had to pull it out of me.

The Hon. A. F. Griffith: We have.

The Hon. J. DOLAN: This matter was raised yesterday afternoon and I was at work at eight o'clock this morning getting the answers for the honourable member. Surely there is no question of his having to extract the information from me.

The Hon. A. F. Griffith: In revenue-raising Bills you should tell the people what you are going to extract when you introduce the Bill.

The Hon. J. DOLAN: I did not know the information otherwise I would have supplied it to the House yesterday; I would have given it immediately if it were in my

possession. I do not want to hide anything. The questions were asked yesterday and I have endeavoured to supply the answers as quickly as possible. The next question that was asked was as follows:—

- (3) (a) What matching money is now available and on what basis is it paid?
- (b) It is said that 30 per cent. are not paying the tax—why does not the Government prosecute these defaulters?

The answer given is—

- (3) (a) The additional Commonwealth grant (matching money) is estimated at \$3,996,000 for 1971-72. The additional Commonwealth funds are based on a formula related to expenditure from State resources calculated on increase in motor vehicle registrations.

That is the answer given to me and it might answer the interjector who thought I did not know anything about the matter. An amount of \$4,000,000 will come from tax.

The Hon. A. F. Griffith: You did not know.

The Hon. J. DOLAN: No, but what the honourable member who interjected knew was not correct; he was trying to put me on the spot. Strangely enough the grant of matching money was estimated at \$3,996,000 in 1971-72 and the additional Commonwealth funds are based on a formula related to an increase in motor vehicle registrations.

The query was raised by one honourable member in this debate that 30 per cent. of the operators were not paying the tax. He asked why did not the Government prosecute these defaulters. I would point out that these defaulters were not confined entirely to the period when this Government has been in office; there were many defaulters in the term of the previous Government. I could therefore throw back the question to the honourable member who raised this point: Why did not the previous Government prosecute the defaulters?

The Hon. Clive Griffiths: We did prosecute and some of them were imprisoned; but you people went crook about it.

The Hon. J. DOLAN: They did not have the money to pay, and by imprisoning them the previous Government was going back to the days of Charles Dickens when people were thrown into gaol because they were unable to pay their debts. These people had no chance of paying, and all that would result from their imprisonment was a further responsibility on the State—the payment of \$6 to \$7 a day while an offender was in gaol.

In addition to that, the Commonwealth Government was also faced with the payment of social service benefits to the wives and children of those in prison. What is the purpose of imprisonment? Surely in this enlightened age we should not send men to gaol because they cannot pay; and surely this Government has adopted a humanitarian attitude. This could, perhaps, reorient our thinking in the future.

In respect of the question asked by the honourable member the answer is—

It is not possible to say with any certainty just what percentage of hauliers are avoiding paying the road maintenance tax. Unless these defaulters are intercepted by Transport Commissioner inspectors, proceedings cannot be instituted against them.

They must be caught first, before proceedings can be instituted. Every State faces this problem, and in New South Wales there is a bigger percentage of the people who have fallen foul of the Transport Commissions in the various States.

The Hon. J. Heitman: It was not we on this side who said the collection was only 20 per cent. It was your Government which said that.

The Hon. J. DOLAN: A query was raised by one honourable member who said that 30 per cent. of those concerned were not paying the tax.

The Hon. L. A. Logan: That was the figure given by your Government.

The Hon. J. DOLAN: The honourable member told it to me, and it was his query. He asked why did not the Government prosecute the defaulters; and I have given what I consider to be a satisfactory explanation.

The Hon. A. F. Griffith: I thought the figure of 25 per cent. arose from an interjection by Mr. Hunt.

The Hon. J. DOLAN: So the figure is not one that came authoritatively from the Government.

The Hon. A. F. Griffith: It is, because it was mentioned in your second reading speech.

The Hon. J. DOLAN: Why then did the Leader of the Opposition pass the responsibility on to Mr. Hunt?

The Hon. A. F. Griffith: Because he interjected and said about 25 per cent. were not paying.

The Hon. J. DOLAN: That is not far from 30 per cent. I would ask the Leader of the Opposition to pay particular attention to this query which he raised. He asked—

Under the new proposal—

- (a) what percentage will be spent on roads;
- (b) what percentage will go into Consolidated Revenue?

I have pointed out that we gave no guarantee that any percentage would be spent on the roads. The honourable member then asked what percentage would be paid into Consolidated Revenue. I contrast this question with the one that was asked in the 1965-66 period as to what a previous Government did with its license fees, when only 50 per cent. went into Consolidated Revenue.

The answer I have obtained to the query as to what percentage will be spent on roads is—

- (a) the whole of the additional commercial license fees will be expended on roads.

In regard to the query as to what percentage will go into Consolidated Revenue the answer is—

- (b) None.

I now turn to a reference made by a couple of the speakers from the opposite side of the House in relation to the cartage of ilmenite. The query has been summarised as follows:—

Mr. McNeill and Mr. MacKinnon referred to ilmenite carting and the advantage to railway vehicles which will pay no license fees or no road maintenance tax.

Under the new proposals there will be no road maintenance tax, but under the old system there were no license fees either. In that regard the position has not really changed; they did not pay license fees. I am wondering what sort of a reception the Government would get if it permitted the railway trucks to cart ilmenite to Bunbury side by side with the road hauliers. If this were insisted upon I could imagine what a hue and cry there would be.

The Hon. G. C. MacKinnon: That is not the answer; that is an evasion of the question.

The Hon. J. DOLAN: That was the query by the two honourable members. The answer to that query is—

As motor trucks operated by the Government Railways do not pay license fees, these trucks will not be subject to the increased scale of fees.

Of course, the two honourable members said it was unfair competition. There is a railway line running alongside a road over which private transport operators are allowed to cart this commodity from point A to point B in direct competition with the railways. In those circumstances the private operators and those who have low expenses can be considered to be reasonably fortunate. In my capacity as Minister for Transport I have not had any complaints as yet that they have been unjustly treated. When I do receive such complaints it will be time for me to give consideration to them.

The Hon. A. F. Griffith: I found the debate in the Legislative Assembly on this

question to be rather difficult to understand. The question was asked of the Government as to whether, if this Bill were not passed, the Government would continue to impose the road maintenance tax. Will it continue to impose that tax?

The Hon. J. DOLAN: The road maintenance tax is being imposed under an Act which is still in force. While it is in force these charges will be maintained. The Leader of the Opposition has asked a fair question, and I have given a fair answer.

The Hon. A. F. Griffith: If this Bill is defeated will the Government go on with the Road Maintenance (Contribution) Act Repeal Bill?

The Hon. J. DOLAN: I do not know. I have to take directions from the Leader of the House, and my leader in another place.

The Hon. A. F. Griffith: That is not a fair answer.

The Hon. J. DOLAN: That is the only answer I can give. Does the honourable member want me to pluck an answer out of the air and throw it over to him? I feel enough has been said on the subject.

Question put and a division taken with the following result:—

Ayes—9

Hon. R. F. Claughton	Hon. J. L. Hunt
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. W. F. Willesee
Hon. J. Dolan	Hon. R. T. Leeson
Hon. Lyla Elliott	(Teller)

Noes—18

Hon. C. R. Abbey	Hon. N. McNeill
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. T. O. Perry
Hon. V. J. Ferry	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thompson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. Heitman	Hon. W. R. Withers
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
	(Teller)

Pair

Aye

No

Hon. R. Thompson	Hon. F. D. Willmott
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Question thus negatived.

Bill defeated.

PARLIAMENTARY COMMISSIONER BILL

Assembly's Further Message

Message from the Assembly received and read notifying that it had agreed to the time and place fixed for a conference on the Parliamentary Commissioner Bill.

STATE FORESTS

Revocation of Dedication:

Assembly's Resolution—Motion to Concur

Debate resumed from the 7th December, on the following motion by The Hon. W. F. Willesee (Leader of the House):—

That this House concurs with the resolution contained in Message No. 50 from the Legislative Assembly regarding the partial revocation of State Forests Nos. 21, 27, 49, 58 and 65.

THE HON. V. J. FERRY (South-West) [12.02 p.m.]: I am grateful for the explanation of the measures contained in this motion as enunciated by the Leader of the House. I have examined the proposed excisions from the State Forests and I am satisfied that each proposal can be approved by the House to enable the land to be used for other purposes, as explained by the Minister.

Under the provisions of the Forests Act, 1919, it is necessary for a measure of this nature to come before Parliament before approval can be given for areas of State Forests to be excised for any other purpose. I think there is ample description in the preamble to the Act which states that it is an Act to provide for the better management and protection of forests.

The forests industry in this State is very important and by world standards we do not have large areas of indigenous forests. The area of indigenous forests in Western Australia is approximately 4,500,000 acres and it is jealously guarded for a good reason. I believe any proposal to convert State Forests to be used for other purposes should come before Parliament for approval.

There are times when there could be a little more flexibility in the release of small blocks of forest land for other purposes, but it has probably been proved that we should have fairly stringent conditions imposed on the exchange of land.

It is not necessary for me to go through each proposal. I can assure members I have looked at each proposal and I have compared them with the maps provided. I hope the House will agree to the motion.

Question put and passed, and a message accordingly returned to the Assembly.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd December.

THE HON. R. J. L. WILLIAMS (Metropolitan) [12.05 p.m.]: I thank the Minister for Local Government for his courtesy in allowing me to get to my feet this morning to speak on this Bill. There are one or two points which should be clarified for the general public.

The Bill seeks to provide an alternative method of protecting swimming pools. It is not, as some people think, that both types of protection will have to be installed. We know that it is extremely expensive and costly—if not impossible—in some regions like Kalamunda and the hills generally to build brick fences around swimming pools because of the physical difficulties involved. Subsequently, when this Bill was introduced in another place it was a move to increase safety, and at the same time provide for the use of suitable devices other than brick fences.

A mistaken idea is that the erecting of safety devices is compulsory. It is only compulsory if the provision is contained in a council by-law. However, the Minister for Local Government has taken a very responsible attitude in this matter and I foreshadow that I will move an amendment in the Committee stage. I will speak further on the amendment at that stage and I now commend the Bill to the House.

THE HON. F. R. WHITE (West) [12.07 p.m.]: I rise to support the Bill introduced by Mr. Abbey. I think the matter should be clarified, to a degree, for the information of the public. Apart from the fact that the measure is to provide an alternative protection device for swimming pools, the general public is not aware of the areas to which the existing regulations apply.

The existing regulations apply to built-up areas; to urban-zoned land. They do not apply to rural-zoned land. Within the metropolitan region there are many rural properties which have swimming pools. The owners of those pools do not have to build 4-foot fences or walls around the pools. It will be found that the uniform by-laws do not contain such a provision. The uniform by-laws were published in the *Government Gazette* on the 6th February, 1970. Subsequently, on the 20th February, 1970, a schedule was published in the *Government Gazette* which stated—

1. The whole of each of the following municipal districts, with the exception of any land included therein which is classified as zoned for rural use under the Metropolitan Region Scheme—

- (a) the Cities of Fremantle, Melville, Nedlands, Perth, South Perth and Subiaco;
- (b) the Towns of Claremont, Cottesloe, East Fremantle, Midland and Mosman Park;
- (c) the Shires of Armadale-Kelmscott, Bassendean, Bayswater, Belmont, Canning, Cockburn, Gosnells, Kalamunda, Kwinana, Mundaring, Peppermint Grove, Perth, Rockingham, Serpentine-Jarrahdale Swan-Guildford and Wanneroo.

2. The whole of the municipal districts of the Towns of Albany, Bunbury, Geraldton, Kalgoorlie, Narrogin and Northam.

3. Such parts of every municipal district within the State, except the municipal districts specified in paragraphs 1 and 2 of this schedule, as are comprised by townsites.

The uniform by-laws state that a private swimming pool in a built-up area must be surrounded by a 4-foot fence or wall, which cannot be scaled or climbed by a child. However, I think that definition

tends to be misleading. A 4-foot fence or wall would only keep toddlers within an enclosed area.

Children are those up to the age of 16, but I have seen eight-year-olds vault a 4-foot fence quite easily. Therefore, a child who could not swim could quite easily enter this compound which is supposed to be protected by a 4-foot wall. The child could enter the swimming-pool area and could subsequently drown as a result of not being able to swim.

Many people in the metropolitan area place covers, in the form of a net or some other covering, over the tops of pools because they realise a wall is not necessarily a good safeguard. The purpose of Mr. Abbey's Bill is to allow local authorities to accept a suitable alternative protective measure to prevent children who cannot swim from drowning.

In many local authority areas there are situations where even a wall is not sufficient to keep out toddlers. In some situations, such as in Kalamunda, a wall cannot readily be built. I know of one instance where a pool is built at the base of a very steep incline. If a wall were placed around that pool a child could slip down the hill, fall on to the wall, and topple into the pool. In that instance, a wall would be of no use. If the local authority could allow an alternative such as a net or a cover over the pool, such an accident would not result in the child drowning. I support the Bill.

THE HON. R. F. CLAUGHTON (North Metropolitan) [12.12 p.m.]: I hope members will reject this Bill at the second reading. I cannot see that any advantage will be derived from the proposal. From a reading of the debate that ensued when Mr. Stubbs introduced his private member's Bill, it will be seen that it was not the eight-year-olds about whom members were concerned. Those most at hazard were the two to four-year-olds. I will quote from the speech of Mr. Stubbs at that time. It is contained in *Hansard* No. 1 of 1969-70 at page 690. He said in part—

As I have said, six children of four years of age or under have been drowned in Western Australia since last October;

Further on he said—

The research which I have undertaken has revealed that no children of four years of age and under have been drowned in our rivers or at our beaches. No children have been killed by electrocution. These examples indicate the terrific hazard which unprotected swimming pools constitute compared with other comparable hazards to children.

We are not really so much concerned about the older child who, if he got into a pool, would be able to place his feet on the

bottom and save himself. The smaller toddler is unable to do this, and he is therefore placed at considerable risk.

The Hon. N. E. Baxter: It would depend whether he got in at the deep end or the shallow end.

The Hon. R. F. CLAUGHTON: The remarks of Mr. Stubbs which I quoted indicate that not one of the older children was involved. I have no doubt older children who could not swim did get into pools, but they did not drown. I think this is our main concern in this piece of legislation.

If this provision is placed in the Act it will apply not only to the localities where there is some difficulty in placing an adequate wall or fence around a pool but it will also apply in all the areas which Mr. White mentioned—in the built-up areas of the metropolitan region.

The Hon. F. R. White: At the discretion of the local authority which knows the local conditions.

The Hon. R. F. CLAUGHTON: That may well be so. Mistakes do occur. If these devices are thought to be safe in one locality, why should they be thought not to be safe somewhere else? On this reasoning, it does not work out as Mr. White is suggesting; that is, they could be placed on pools in built-up suburban areas.

I am not sure what kind of device the member who proposed this legislation has in mind. If he is thinking of a net device, there is nothing to prevent a child coming down onto the net and being drowned.

The Hon. R. J. L. Williams: Do you not agree, however, that it is not up to the member who proposed the amendment; it is up to the Minister to decide whether or not the device is satisfactory?

The Hon. R. F. CLAUGHTON: So the honourable member wants to place the responsibility on the Minister and not on the local authority?

The Hon. R. J. L. Williams: On the Minister's department, to decide whether a device is a proper device. That is the purpose of the amendment.

The PRESIDENT: Order, please!

The Hon. R. F. CLAUGHTON: Mr. Stubbs made his attitude towards this matter quite clear when he introduced his Bill. Following investigations over the whole world, he found it was agreed that a fence was the only adequate protection for children. If after using a pool people leave the area for a short period, there is nothing to prevent a child from somewhere else coming in. Children move very quickly. One has only to turn one's head and one finds a child has gone. Anyone who has brought up a family will know just how quickly a young child can escape from one's care. Considering the

size of children, the speed at which they move is quite phenomenal. It takes only a few minutes for a child to drown.

I insist that the only way in which we can protect these children is by the placing of obstructions of the types already laid down in the law. There is no purpose in erecting a device that will protect only the top of the pool.

Frankly, I cannot see how any device other than a fence could keep a child away. Water has an attraction for children. A fence is a complete mask for a pool. The child cannot see the pool and he cannot get to it. If there is no fence around the pool and nothing to prevent him from seeing it and going right up to it, he is placed at hazard.

I again quote from Mr. Stubb's speech on page 619 of the 1969-70 *Hansard*. Mr. Stubbs quoted an article entitled, "Can Home Swimming Pools be Really Safe?" written by Daniel P. Webster. That gentleman said—

A toddler, and a home swimming pool . . . an active curious youngster, seduced by the magnetism of water . . . temporarily unattended, and unprotected . . .

I think those are the pertinent points. Water is attractive to a child. The child need be unattended only temporarily and the water unprotected only temporarily, and we have a situation in which a child can be drowned. If we accept this measure we will once again create the situation which was overcome by the legislation introduced in 1969. I would again urge members not to accept this Bill. We should maintain the protection for toddlers we have provided within the last few years.

THE HON. N. E. BAXTER (Central) [12.21 p.m.]: I am rather surprised at the objections raised by Mr. Claughton to this piece of legislation. As members have explained, the Bill merely provides an alternative to the provision of a fence around a swimming pool. The alternative must be approved by the shire or perhaps by the department, I should imagine, before consent for its use is granted.

Mr. Claughton said he could not imagine anything that could replace a fence. I think he has not very much imagination, and he has not much confidence in people who could, if given the opportunity, devise a structure to completely cover a pool and provide for children more safety than a fence.

The Hon. R. F. Claughton: But the pool will not be covered all the time. The cover must be taken off when the pool is used, and then replaced.

The Hon. N. E. BAXTER: Such a device would be even more safe than a four-foot fence. I think all members will agree that children even under the age of four years

are quite capable of climbing a four-foot fence. I have seen many children under the age of four climb structures higher than four feet.

The Hon. R. F. Claughton: The fence or structure must not have hand holds and foot holds.

The Hon. N. E. BAXTER: Let us consider the provisions of the regulations and by-laws. Do they contain any incentive for a person to plan and eventually build a structure to make a pool safe for children? Of course they do not. There is absolutely no incentive; the regulations simply say that a fence shall be provided. A person with constructive genius is given no incentive to plan and construct a device of the type referred to which would completely cover a pool and provide effective safety. I know of one gentleman who has drawn up a plan, and he has even priced the materials, for a cover of this nature. He is quite prepared to install a cover on a pool on a demonstration basis. If the cover is not satisfactory he will take it away, with no cost to the pool owner.

This is what we need; a person with imagination who is prepared to do something like this. Why should we confine ourselves to the provision of a four-foot fence?

The Hon. R. F. Claughton: Can you imagine that every time a person uses the pool he will immediately replace the cover?

The Hon. N. E. BAXTER: Yes, I can.

The Hon. R. F. Claughton: Oh, come on!

The Hon. N. E. BAXTER: People who are concerned about the safety of children will certainly replace the cover.

The Hon. R. F. Claughton: Your imagination is much greater than mine; I will admit that.

The Hon. N. E. BAXTER: I will say this to the honourable member: he does not speak for all of us. Many people are willing to ensure that their pools are covered not only from the point of view of safety, but also for other reasons. If it were a simple task to lift and replace the cover, many people would be happy to do so. There are many who might prefer that rather than have a fence around the pool. That is not beyond the realms of the imagination by any means. This measure creates an opportunity for someone to construct a device which would effectively cover pools. I support the Bill.

THE HON. D. J. WORDSWORTH (South) [12.25 p.m.]: It seems that Mr. Claughton has added his support to the Bill by speaking against it. I would like to point out that in America today it is quite common to see plastic domes constructed over swimming pools, particularly in areas where the climate is not favourable from the point of view of swimming.

In those places swimming pools may be used all the year round if covered. It is not necessary to remove this device every time one wishes to use the pool. This is not simply a matter of imagination. The device is already available, and it is fairly cheap. It is most effective in cool climates because the dome stops the heat escaping. It is a most successful device.

The effect of the Bill is to allow the Minister to decide whether or not an invention to cover pools is effective. He will not be confined to a provision which sets out the height of a fence and the materials which must be used in its construction. It is ridiculous that the Act should so confine the Minister; he should be permitted to use his common sense.

When I was a member of a local authority we had great difficulty in interpreting the provisions of the Act, particularly as it related to the construction of a fence around a pool in a motel. It was quite obvious that the fence could not be built around the edge of the pool. The shire had to decide whether a fence built around a motel would suffice. The law does not state how close to the swimming pool the fence must be built. Of course, one could not drive into a motel which had a fence across the front doorstep. The matter has become so complicated that I think it is sensible that the Minister should have power to permit the use of other devices to keep children out of swimming pools.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [12.27 p.m.]: Firstly, let me say I am very happy about the amendment suggested by Mr. Williams. As members know, I have been concerned about the safety of children for some years. I think all but about six members of this House were present when I introduced a private member's Bill in 1969. That Bill was subsequently discharged from the notice paper after the Government of the day introduced a Bill to do precisely what I suggested. I am forever grateful to Mr. Logan for doing that. I think he did a fine job in introducing the Bill at the time because, after all, it did break new ground.

The only evidence we had was that which we gained from other places throughout the world, and this seemed to favour the construction of a four-foot fence with no hand holds or foot holds. At the time we were concerned about two to four-year-old children as I think we had had six instances of children drowning. Mr. Logan must take great satisfaction in the knowledge that in the following year only one child drowned in a swimming pool.

The remarks of Mr. Abbey are substantially correct. The member for Darling Range in another place did contact me, and I inspected various places. I inspected not only Kalamunda but also Spearwood and many other places. The point that worries me is that there are so many

different types of pools. I think Mr. Williams has come up with the right suggestion, and I am grateful to him. I would like to be able to inspect these devices, and I want to find something which in my mind and conscience is safe so far as children are concerned. That is my only interest. Therefore, I am grateful to Mr. Williams for suggesting the amendment.

THE HON. C. R. ABBEY (West) [12.30 p.m.]: I express my thanks to all members who have spoken on the measure for their obvious interest in, and support of it. I particularly thank the Minister for accepting the principle of the Bill and for saying he is happy with the further amendment to be moved by Mr. Williams to clarify the measure. That amendment is also acceptable to me.

The general discussion on the Bill has followed a pattern that I would expect. Although the measure is only a small one, it is a matter of considerable interest, because it concerns safety in the home and, in particular, the safety of young children in the community. Several speakers have stated that young children can so easily drown in a swimming pool after having wandered out of their parents' sight. When such a tragedy occurs it is a time of great anxiety for the parents concerned. It must indeed be a sad event. I have not had the occasion to witness such an event and I hope I never will.

When he introduced this Bill in another place, the intention of Mr. Thompson was to provide a further safeguard for swimming pools, and I must stress it was to be only an alternative that would be approved by the Minister for Local Government in any by-law that was put forward by a shire that was faced with the difficulties that have been described both by myself when introducing the second reading of the Bill and by other members.

Moves such as this are nearly always misunderstood. This is obvious from some of the letters that have been published in the "Opinion" column in the Press. I sincerely hope their fears will be allayed by the reports that might be published on the discussion that has taken place on this Bill. I believe that no member in either House of Parliament would wish to do anything that might cause people to feel they are being put to any excessive expense to provide something that is wrong, and perhaps stupid.

As I have said, the only intention is to provide an alternative safety measure with the approval of local government. In general, I thank all members for their support of the Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. C. R. Abbey in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 245A—

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 2, line 3—Insert before the word "by" the paragraph designation "(a)".

The Hon. C. R. ABBEY: This proposal by Mr. Williams is one which will further clarify the meaning of a device. It will set out very clearly what the Minister for Local Government could require in a regulation or a by-law. I think this amendment is a good one and I accept it.

The Hon. R. H. C. STUBBS: I also agree with the amendment. The reason for it is that the word "device" in the Bill is too loose. A device could be anything and it is incumbent upon us to describe something that people will use as a safety measure. I give the Chamber an undertaking that during the recess I will inspect other devices or structures that will safeguard children and try to come up with something suitable. The important factor is that we must describe a safety device adequately so that people will know what the standard shall be.

Amendment put and passed.

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 2—Add after line 4 the following passage—

(b) by adding after the word "land" in line 9 the words:—

but no structure or device shall be deemed to be a compliance with this requirement unless the structure or device is of a sort approved and described by the Minister.

This amendment is to ensure that the Minister has full control over the devices.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. C. R. Abbey, and returned to the Assembly with amendments.

MARKETING OF LINSEED ACT AMENDMENT BILL

In Committee

Resumed from the 8th December. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 4: Addition of Section 3A—

The CHAIRMAN: Progress was reported on the clause after The Hon. I. G. Medcalf had moved the following amendment:—

Page 3, line 18—Add after the proposed new section 3A a new section to stand as section 3B as follows—

3B. (1) The Governor may by Order in Council published in the *Gazette* declare that any seed grown or to be grown for local refining or processing in Western Australia may be exempted on a year to year basis from the provisions of this Act provided that such seed is the subject of a contract with a local processor.

(2) A local processor for the purpose of this section shall be a person whose sole or principal refining or processing works is situated in Western Australia.

The Hon. I. G. MEDCALF: The Leader of the House was good enough to report progress last night so that I would have the opportunity to confer with Mr. Norwood, the Managing Director of RefinOil Pty. Ltd. concerning the discussions that took place and which were reported by the Leader of the House during the Committee stage last night.

I have had the opportunity to discuss in detail with Mr. Norwood the text of the discussions that took place, and he has informed me that before the Bill came to the Legislative Council—I think it was whilst it was in another place—he had written to the Minister for Agriculture (The Hon. H. D. Evans) and asked him for advice so that he could put his company's case before the Minister.

He said he had received no reply and in desperation he approached some members of Parliament. Although the matter had been before the Legislative Council, he had still received no reply and so he phoned the Minister's secretary whereupon he was informed the Minister was not available. Mr. Norwood did not suggest the Minister should have been available because he was aware the Minister was very busy. Nevertheless, this was very frustrating to him, so he said if he could not see the Minister he would like to see someone else. The secretary replied to the effect that the Director of Agriculture (Mr. Fitzpatrick) would be available to discuss his case with him and asked him to make an appointment.

Mr. Norwood tried on several occasions to make an appointment, but was unsuccessful and finally, again in desperation, he rang the Minister's secretary and said that unless he could have an appointment he would approach the members of Parliament again. The secretary then made an appointment for him to see the Minister the following day.

I am told the Minister asked Mr. Norwood whether he had any objection to meeting members of the industry and he said he would be delighted. So a conference was arranged between Mr. Norwood and Mr. Thomas of Refinoli; Mr. Lane, the representative of Co-operative Bulk Handling; Mr. O'Neill of the Grain Pool; Mr. Elliott, Chairman of the Linseed Marketing Board; and Mr. Fitzpatrick, Director of Agriculture. It was to take place on Friday, the 3rd December, and that is the conference to which reference was made last night.

The matter was fully discussed, but Mr. Norwood states that although he had submitted his case, he did not receive any assurances whatever from any member present that his company would, in fact, be able to carry on. They all agreed that they did not want his company to go out of business, but he did not receive any assurances he regarded as being sufficient to justify his acceptance of the Bill in its present form.

It is reported that C.B.H. indicated the handling costs did not exceed \$5.20 a ton, but Mr. Norwood states the costs were \$8 a ton. Mr. Norwood was quoting what the costs have actually been. The reference to \$5.20 a ton is the estimated charge for the 1971-72 crop. It is natural to assume the costs must come down if a greater amount of the commodity is handled. In addition the costs of the Grain Pool must be taken into consideration, and therefore, in round figures, the estimated cost is something under \$6 a ton for the current year as against \$8 paid last year.

The Hon. C. R. Abbey: It would be bulk handled.

The Hon. I. G. MEDCALF: I suppose because of the greater amount of grain expected this year.

The Hon. C. R. Abbey: Therefore handling should be cheaper.

The Hon. I. G. MEDCALF: The pool handled it last year, but it is due to the fact that with a greater quantity the overheads must be reduced, and it is anticipated that more rapeseed will be handled this year than last year, and a lot more is anticipated in future years. In fact, the estimates run into hundreds of thousands of tons, so it is anticipated the industry will develop into a major one. Whether the result will be a further reduction in charges, remains to be seen.

My amendment is an attempt to keep this child of primary industry—that is, the processing works—alive on a year-to-year basis. We do not know what the situation will be in five to 10 years, but we hope the industry will succeed and that a large increase in the amount of seed will be experienced with a consequent benefit to the farming community.

From the reply the Minister gave—and I presume it emanated from the Director of Agriculture—I think a slight misunderstanding has occurred on a number of matters I raised during the second reading debate; and some of the questions have not been answered. I am not really complaining because I may not have expressed myself as well as I should have on a technical matter on which I am not really qualified to speak in technical terms. The Minister said—

It is difficult to see why the pool will have any effect on access of Western Australian growers on Eastern States markets which is precluded normally where Eastern States growers can supply their own market because of the high interstate freight rates.

I have not said that growers were trying to sell seed on the Eastern States' market. I made it quite clear there has been a large increase in the number of growers in the Eastern States, particularly in New South Wales and Victoria. The reference I made was to the oil and not the seed. If on a perusal of *Hansard* I find that I referred to seed and not oil, I will be the first to apologise to the director. However, I think he has misinterpreted what I said in this instance and in one or two others.

The company is satisfied from the discussion that other members of the industry want the company to carry on, but that the company has received no assurances. In the circumstances it is appropriate we should give an indication that we, too, want the right climate in which this company might carry on. I have on the notice paper on page 3 an amendment along the lines suggested by Mr. Logan. I move—

That the amendment be amended by inserting after the word "may" in line 1 of the proposed new section 3B the words "on the advice of the Board".

The CHAIRMAN: I should like to make the situation quite clear to members. If they look at Order of the Day No. 5 they will see the amendment moved by Mr. Medcalf before progress was reported. Mr. Medcalf has now moved an amendment on the amendment.

Amendment on the amendment put and passed.

The Hon. W. F. WILLESEE: I thought it would serve no good purpose to deal with the amendment in two parts. The explanation given by Mr. Medcalf in furtherance of the document which I read last night is a little disappointing to me. I had hoped he would have seen fit not to proceed with the amendment today.

I do not think the board could give assurance to a company in the situation which exists under the measure. However, it has exhibited goodwill and consciousness of the problem which exists for the company concerned. This was obvious, as a

result of the meeting held last Friday. To that extent I think the efforts of Mr. Medcalf have had some immediate effect.

The position has been well explained now and, whilst I oppose the amendment as it stands, I am prepared to leave it to the Committee.

The Hon. I. G. MEDCALF: I think I have made it crystal clear that Mr. Norwood is pleased with the attitude. Those who were present at the meeting indicated to him that they want the local industry to continue. I think they could have given him some assurance. I admit they do not make the law; that is our responsibility. Nevertheless, I believe they could have given him some assurance. He is still in the position of not knowing whether he will be able to carry on with his industry which has been making a loss and is subject to a Government guarantee of \$50,000. I think the members of the industry must keep it going.

All the amendment does is to give an indication of the desire of Parliament that, if it is possible within the compulsory pool, the board on a yearly basis may allow this industry to keep going in some reasonable way. It is quite apparent from discussions which have taken place and which were referred to by the Minister last evening that facts were brought to the attention of those present of which apparently they were not previously aware.

It was virtually admitted there might have been some penalties on RefinOil. I think we ought to make our beliefs quite clear by accepting this rather harmless amendment, because that is what it is. It is simply a gesture whereby Parliament indicates to the board that it should strongly consider this question and ensure we do not lose this industry. That is the reason I ask the Committee to support my amendment.

Amendment, as amended, put and a division taken with the following result:—

Ayes—17

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffiths	Hon. F. R. White
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. L. A. Logan	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. J. Heltman
Hon. I. G. Medcalf	(Teller)

Noes—9

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. W. F. Willesee
Hon. J. Dolan	Hon. Lyla Elliott
Hon. J. L. Hunt	(Teller)

Pair

Aye	No
Hon. F. D. Willmott	Hon. R. Thompson

Amendment, as amended, thus passed.

Clause, as amended, put and passed.

Clauses 5 to 9 put and passed.

Schedule put and passed.

The CHAIRMAN: Before I put the title I point out that a printing error occurs in the word "notwithstanding" on page 5 at line 10 of the Bill. The Clerks will adjust this.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and returned to the Assembly with amendments.

Sitting suspended from 1.00 to 2.00 p.m.

ROAD MAINTENANCE (CONTRIBUTION) ACT REPEAL BILL

Second Reading: Defeated

Debate resumed from the 18th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.00 p.m.]: Mr. President, when we were debating the Traffic Act Amendment Bill (No. 3) a short time ago, I endeavoured to obtain from the Minister for Police information concerning the Government's intention in respect of the Bill that is now under discussion in the event of the Chamber not passing the Traffic Act Amendment Bill (No. 3). For reasons I can understand, the Minister was not able to indicate the Government's intention to me across the Chamber, but of course it has now become obvious because debate is to ensue on this particular Bill.

It might be recollected that when we were debating the other Bill I prefaced my remarks by saying I was in some confusion about what might happen in respect of road maintenance tax because of the situation which occurred in another place when questions were asked of the Premier about the Government's intention. I realise I cannot quote from the current *Hansard* and I do not want to infringe Standing Orders. I will however try to impart to the House what took place in another place when certain questions were posed.

The same sort of question was posed to the Premier as I posed to the Minister for Police shortly before the luncheon adjournment. The Premier said he understood he was being asked this question: What will happen to road maintenance tax if the Traffic Act Amendment Bill (No. 3) is not passed? The Premier's answer to that question was that it would stay.

The matter was pursued a little further and in order to make the matter clearer, the Premier said—

We need not wait for that—he was referring to the official record—

... because if there is any doubt in your mind I will clear it up now. If this Bill ...

that is, the Traffic Act Amendment Bill (No. 3)—

... does not pass the Road Maintenance (Contribution) Act will not be abolished and that tax will stay.

A little further on the Premier said—

I take it you are now asking whether we will proclaim the Bill if Parliament passes the Bill for the abolition of road maintenance tax and does not pass this one.

On that occasion he was again referring to the Traffic Act Amendment Bill (No. 3). His further comment was—

We will.

It will be appreciated that there was some confusion in my mind as to what the Government's intention was. The way I have read and interpreted the *Hansard* report of the debate in another place is that if the Traffic Act Amendment Bill (No. 3) did not pass through Parliament the Government would continue to impose road maintenance tax, but if the Road Maintenance (Contribution) Act Repeal Bill passed through Parliament the Government would proclaim the second Bill. That is how I understand it. Does the Minister for Police think I have understood it correctly?

The Hon. J. Dolan: I could not ...

The Hon. A. F. GRIFFITH: Perhaps that is not a fair question.

The Hon. J. Dolan: You have suggested a number of alternatives.

The Hon. A. F. GRIFFITH: The fact of the matter is that the Traffic Act Amendment Bill (No. 3), which contained the licensing provision, did not pass through Parliament. As far as this Chamber is concerned, we therefore must now make a decision in relation to road maintenance tax.

The Government of which I was a member imposed road maintenance tax. We imposed it because we, in common with all the other States, felt it was a fair and equitable tax. It was a tax that would be paid by those people who were using the roads, gaining the most benefit from using the roads, and using the types of vehicles which, as a result of carting heavy loads, would do the most damage to the roads. We felt it was fair to impose a tax on such people—which tax would go towards maintaining those roads.

I think the title of the legislation—Road Maintenance (Contribution) Act—tells us in four words what the legislation is in-

tended to do, and what in fact it did. We also know it attracted certain matching money from the Commonwealth, and we knew, as did the other States, that if we did not impose that tax we would not earn that matching money.

I think it was stated in a speech on the other Bill that three States—Queensland, New South Wales, and Victoria—imposed their road maintenance tax on a slightly different basis from that applying in Western Australia and, I think, South Australia.

The Hon. J. Dolan: I think so.

The Hon. A. F. GRIFFITH: I think in South Australia the axle load is eight tons, as it is here. Be that as it may, each State except Tasmania followed this principle. Tasmania did not follow it for very obvious reasons which I need not elaborate.

It is also true that the other States, including South Australia, have continued to impose this tax and have continued to collect road maintenance tax. It is also a fact of life that the Government is now in the position where it must do one of two things: It must either impose road maintenance tax or, if this particular Bill passes both Houses of Parliament, proclaim this short Bill with its three clauses. In the circumstances I can do nothing but vote against the Bill for the reasons I enumerated a few months ago. I was a member of the Government which imposed the tax. I believe it is a fair and equitable way to reimburse the State for the expenses incurred as a result of vehicular use of the roads.

It is true that the Labor Party said it would abolish road maintenance tax in its policy speech prior to the last election. It is equally true, however, that the Labor Party gave no indication it would impose another tax in its place. Surely it is crystal clear that the tax intended to be imposed under the Traffic Act Amendment Bill (No. 3) was a replacement for road maintenance tax. However, the Government said nothing about this prior to the election.

During the debate on the previous Bill I said that the Government should have advised the people of the alternative it would seek in the event of Parliament agreeing to the abolition of the Road Maintenance (Contribution) Act. The Government should not be left in the situation where it cannot continue to collect the tax and as a corollary does not receive matching money from the Commonwealth.

I would like to be fair to the Minister for Transport, who is under pressure trying to answer our questions and interjections. I think we finally agreed, by way of disorderly interjection and speech, that the Government would receive a considerably larger sum of money under the Traffic Act Amendment Bill (No. 3) than it was receiving from road maintenance tax. My

quick calculation on the figures I received across the House was that the increase could be as much as 100 per cent. The Minister's quick retort was that it would not be as much as that. Between us we settled on a figure of approximately 90 per cent. However, I think it is probable we were both wrong.

Possibly I am to blame for the mix-up in the way I posed my question. I wanted to know what the State was receiving by way of license fees on commercial vehicles and what it was receiving from road maintenance tax payable by the owners of those vehicles. I then wanted to know the amount of money the Government anticipated receiving from the Traffic Act Amendment Bill (No. 3). The Minister told me there was \$4,700,000 received from license fees for commercial vehicles, and \$400,000-odd from the owners of vehicles liable to pay road maintenance tax. This gave a total of something in excess of \$5,000,000. However, evidently the department did not consider that a proper question because it did not tell us the amount collected to 30th June, 1971, from those people who were paying road maintenance tax. Between us the Minister and I worked out that this figure was much greater than the answer led us to believe.

It now appears, according to my calculations—and again I could be wrong—the Government would receive a greater sum had the Traffic Act Amendment Bill (No. 3) been passed and the Road Maintenance (Contribution) Act repealed than the total of the collective sums of vehicular license fees, commercial vehicle fees, and road maintenance tax.

I am told that the Premier disagrees with this point of view—please correct me if I am wrong, Mr. Dolan. The Premier is of the opinion that the difference between what would have been collected under the Traffic Act Amendment Bill (No. 3) and what is being collected under the road maintenance tax legislation plus license fees on commercial vehicles would be less than the figure we arrived at.

The Hon. J. Dolan: A little bit less, yes.

The Hon. A. F. GRIFFITH: I am not going to attempt to argue against this because I am not in possession of the full facts. I am prepared to accept that one of the two situations must prevail.

If we accept the fact that the amount of money to be collected under the Traffic Act Amendment Bill (No. 3) is nearly the same as the amount of money already being collected, I believe the Legislative Council should put the Government in the position of being able to collect road maintenance tax. As this House has not passed the Traffic Act Amendment Bill (No. 3) it should not vote to repeal the Road Maintenance (Contribution) Act.

The issue was rather confused in the Legislative Assembly with so many questions and answers. However, the fact remains that with the defeat of the earlier Bill and the defeat of this Bill the Government will be left in exactly the same position as it was formerly. Therefore, I am obliged to oppose the second reading of the Bill.

THE HON. L. A. LOGAN (Upper West) [2.18 p.m.]: What would be the position of the Premier of Western Australia if the repeal of the road maintenance tax legislation came into effect? I can imagine the situation at the next Premiers' conference when there was a cut-up of road taxes to the States of Australia. The Premier would have gone to this meeting and said, "Western Australia has seen fit to throw away \$4,000,000 revenue." The other Premiers would have said, "Western Australia does not need money for roads; we want our extra cut." Fancy putting any Premier in a situation like that.

We have already been cut back three times over the last few years despite the fact we have brought our charges into line with the other States. We did this so that Western Australia might receive its share of the Commonwealth money. I can just imagine what Mr. Bolte, Mr. Askin, and the Prime Minister would have said had this legislation been passed. The Western Australian figures dropped from 18.6 per cent. to 17.7 per cent and then down to 14.7 per cent. It must be borne in mind that the Federal Aids Grant for Roads recommended a little over 7.6 per cent. I can imagine the reception Western Australia would have received when it attempted to renew its grant without any road maintenance tax being collected. However, better sense prevailed and an alternative was suggested.

It was up to us to study the two methods to determine which one was the better. After considering both methods, I came to the conclusion that the present road maintenance tax system was the fairer of the two. That is the reason I opposed the schedule to the Traffic Act Amendment Bill (No. 3). In my opinion it would now be entirely wrong for me to vote for the repeal of road tax. The State would then be left without any revenue for the purpose of road maintenance.

I realise the Bill states that its provisions shall come into force on a date to be proclaimed; but I think we should not take much notice of that. We should study the measure as a whole. That is not the intention of the Bill.

I think we would be misleading ourselves and the public—and to a certain extent we would be dishonest—if we vote for this Bill to repeal road maintenance tax. I will not put myself in the position of having no revenue coming in for expenditure on roads throughout Western

Australia. Should the Premier produce an alternative during the next session of Parliament which is not suitable I would then be on the spot because local authorities would have no money for roads. I do not intend to place myself in that position. I have some sense of responsibility and so far as I am concerned I will not vote for the repeal of the Road Maintenance (Contribution) Act.

It has always been a source of wonder to me that so many people originally objected to this tax, bearing in mind, as has been stated many times, that every other State apart from Tasmania has road maintenance tax legislation. We were having difficulties in trying to match the Commonwealth money when this measure was introduced. The Commonwealth insisted that we had to raise certain sums of money before it would match them. The increases then proposed for license fees would not have provided anywhere near sufficient funds. The increases would have covered the first year, but after that we would have been down the drain.

We had to find a tax which would ensure that we were able to match the Commonwealth money. This was a growth tax which applied in every other State, and it provided us with the answer. That is the reason for the introduction of road maintenance tax.

I suppose it is a matter of opinion which tax is the fairer. To me road tax is much fairer than the proposed tax contained in the measure defeated this morning. I will act responsibly to ensure that we retain on our Statute book a taxing measure which can be used and which is in use in other States. If we do that I am satisfied we will make the right decision. Therefore, I oppose the Bill.

Sitting suspended from 2.25 to 5.27 p.m.

THE HON. T. O. PERRY (Lower Central) [5.27 p.m.]: I wish to make my position quite clear on this Bill. I am utterly opposed to the principle of road maintenance tax. The burden of this tax falls heavily on those living in the isolated areas of the State. In saying that I do not mean those who operate a motor truck that carries a load in excess of eight tons. I am referring to the lowest-paid working person in those isolated areas, whether he be a bankrupt station owner, a bankrupt farmer, or anybody else.

I repeat: I am opposed to the road maintenance tax. It is a sectional tax; apart from which it is also evaded by many road hauliers. That is evident from the answers given to questions asked in this House in the last few days.

The Hon. J. Heitman: Have you proof of that?

The Hon. T. O. PERRY: I think so. I think it is most desirable that we find an acceptable alternative to this tax. As the

present alternative suggested by the Government will be more vicious than the road maintenance tax on the farming community and the country people in the area I represent, it is unacceptable to me.

So I make my position clear. I do not intend to vote for the repeal of the road maintenance tax, but I sincerely hope that the time is not far distant when a Bill is introduced to replace this extremely unpalatable legislation.

THE HON. W. R. WITHERS (North) [5.30 p.m.]: I do not like this tax for much the same reasons mentioned by the previous speaker. However, I do not like income tax or sales tax; nor, do I think, does any other member; but we must realise that some form of tax must be imposed to enable us to keep our roads in a good state of repair and to establish new ones. I also agree with the previous speaker concerning the increase in the cost of living to people in the country and other isolated areas as a result of the road maintenance tax.

We must be sensible and realise some form of tax is necessary, and at present we have the road maintenance tax. The Government has submitted a Bill suggesting some other form of financing, but to me it is not a fair one and I therefore voted against the Bill. I cannot vote for the repeal of this legislation. I would like some other form of finance to be devised other than the road maintenance tax. However, as we do have the road maintenance tax the Minister could help those who must pay it by trying to find some way to make it easier for those concerned to keep their records. The Minister should also endeavour to find some way to tax interstate hauliers because, let us face it, if an interstate haulier picks up goods from the south and takes them to the north, or *vice versa*, he pays tax, but if he brings the goods in from outside the State, he pays no tax.

The suppliers in the State are behind the eight ball. They must supply goods to the isolated areas and pay the extra freight rate in the form of the road maintenance tax, but the suppliers in the Eastern States do not pay the road maintenance tax when they are operating within the State but from outside it.

If this legislation is not repealed—and I hope it is not at this stage—I suggest the Minister should consider (1) a simple way for the transport operator to keep his records; and, (2) the collection of some form of tax from the interstate hauliers as they come into the State. That is all I have to say.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [5.33 p.m.]: I wish the problem could be solved as easily as suggested by the previous speaker. He has asked for an easy way to do this, that, and something else. Every

Government in every State and every official associated with this particular tax has been trying to find an easy way out.

I do not intend to take up much of the time of the House, but I wish to refer to the comments of the leader of each political party concerning this tax. Not one of them finds it palatable, and neither does any other State. If we find a satisfactory alternative, all States will have their running shoes on in an attempt to adopt a similar method.

The Hon. A. F. Griffith: Is any tax palatable?

The Hon. J. DOLAN: This one is particularly unpalatable. Those concerned get indigestion by just looking at it, let alone paying it.

The Hon. G. C. MacKinnon: You reckon this is the castor oil on the medicine shelf?

The Hon. J. DOLAN: One leader said—

I think all of us would agree that if a satisfactory alternative could be found to this rather difficult tax we would be very happy indeed.

He said everyone would be satisfied with an acceptable alternative. That means that no-one is happy about this one. Another leader said—

However, we did not derive the satisfaction we hoped for as a result of the work which had been carried out. We believe there must be a better method of collecting a road maintenance tax, and we also believe that the proposal which I will mention in a moment would be accepted generally.

The proposal he mentioned has been carefully examined by all our officers, and it is just not acceptable. This particular leader goes a little further as follows:—

I cannot help but be reminded of a comment made by a great English statesman who said that the action of Parliament should be to help and encourage people to do the right thing, and discourage them from doing the wrong thing.

He was talking about those who dodge the tax. One member said it was not a good tax and that there had been 1,343 prosecutions in Western Australia during 1970-71. I stated that if the honourable member did not have the figures, I could supply them. In New South Wales the number was 11,461 while the figure for Victoria was 5,992. Whether or not they were individual cases is beside the point. They were all brought before the court. The third leader had this to say—

There is a general agreement in the House that road maintenance tax is a bad and inequitable tax. I do not think a more unfair tax has ever been introduced or a tax so widely evaded.

The Leader of the Opposition referred to an answer to a question he asked today. Evidently he did not ask the right ques-

tion. This is quite interesting, more particularly as one member wanted to know why those who dodged the tax were not prosecuted. Let us see what occurred.

From the 1st January to the end of October last year the collections amounted to \$3,177,910.04, while in the same period this year the amount collected was \$3,191,341.63. In view of the fact that there is not at present the same amount of transport into the north because of a certain recession, it is obvious that a lot of fellows must have skipped their tax last year. I ask: Why did not the previous Government pick them up and prosecute them?

The Hon. A. F. Griffith: We did.

The Hon. J. DOLAN: I know a number were prosecuted.

The Hon. A. F. Griffith: On the other hand, to what do you attribute the fact that you have been able to collect more than previously? Have you any reason?

The Hon. J. DOLAN: Only one reason; that the returns coming in indicating what had to be paid revealed that more had to be paid than last year; consequently they paid it. That is the simple explanation.

I would like to refresh the memories of members and relate what occurred when this taxing measure was introduced into this House on the 2nd November, 1965, by the present Leader of the Opposition. It was not a very long second reading speech by the then Minister, but those who followed had quite a lot to say about the matter.

The two members from the north in particular had a great deal to say about how unjust the tax was and how it would result in an increased cost of commodities in the north; and they did not let up. The farmers also had a lot to say about it. I will quote what one member said, and then I made a comment. I would not say it was an interjection! The following was quoted from information from the Acting General President of the Farmers Union (Mr. Forrest):—

Recent rises . . .

Note that. Continuing—

. . . in fuel tax, freight, motor vehicle insurance, traffic licenses, drivers' licenses and the limiting of the concession licenses under the Traffic Act are now being added to by the proposed road maintenance tax.

I thought that the only taxes in this State were imposed since we became the Government last March!

The Hon. J. Heitman: You are having a fresh go at them.

The Hon. J. DOLAN: Mr. Sullivan was very unhappy about the tax and was asking members to oppose the legislation. Every member, from every electorate, was opposed to the legislation.

The Hon. S. T. J. Thompson: It is amazing how he has changed his mind in six years.

The Hon. J. DOLAN: Yes, but the circumstances are different. Many vehicles were exempt because they were under eight tons, but it is a different story when they are not exempt. It does not matter what Government is in office, whether it be the Government in office at the moment or the Government in office in 20 years' time, it will be told it is upping the taxes again. The Government must have money. When the Leader of the Opposition was introducing the Bill he said that even though taxes were unpopular the Government had to have money.

The Hon. A. F. Griffith: I have never changed my mind.

The Hon. J. DOLAN: I know.

The Hon. A. F. Griffith: But when we were going to abolish a tax we always let the people know if there would be any substitute, and what it would be.

The Hon. J. DOLAN: When the Leader of the Opposition said he would abolish a tax, he abolished it.

The Hon. A. F. Griffith: I did not say that at all.

The Hon. J. DOLAN: This is a Bill to repeal a tax which the present Government promised it would repeal. We must not lose sight of that. The onus is on the Government to find an alternative which everyone wants. The officers concerned have suggested one alternative but we did not get anywhere with it. They have examined other propositions and they will continue to do so. When they find one which is acceptable and equitable—more so than this one ever was or is likely to be—then it will be the Government's obligation to bring it to Parliament for ratification.

The Hon. A. F. Griffith: Your Premier said that if the Bill—the one which was just lost—was not passed, the Road Maintenance (Contribution) Act would not be repealed. That appears on page 453 of *Hansard*.

The Hon. J. DOLAN: In another place, which decides the fate of Governments, this Bill was voted on and the Government decided the tax should be repealed, and so the Bill has been sent to us.

The Hon. A. F. Griffith: Which Bill did they deal with first? Was it not the road maintenance tax Bill?

The Hon. J. DOLAN: That is the Bill we are discussing now.

The Hon. F. D. Willmott: That is why we made the decision.

The PRESIDENT: Order!

The Hon. J. DOLAN: This Bill was passed in another place and it was passed to honour a promise the Premier made in his policy speech.

The Hon. A. F. Griffith: He also said if the other Bill were not passed this tax would not be abolished.

The Hon. J. DOLAN: I am not concerned with the other Bill. We are dealing with the road maintenance tax Bill. This Bill is designed to repeal the legislation and then the obligation is thrown back on the Government to find an alternative measure which will be acceptable. Those responsible have been examining alternatives and a special committee has been appointed comprising men associated with every aspect of this tax. They have been given the task of finding a suitable alternative and they will keep searching and examining until they find one. The Government is quite determined to honour its promise and therefore this tax must be repealed.

The Hon. S. T. J. Thompson: Will the shires be deprived of money in the meantime?

The Hon. J. DOLAN: Of course not. This tax must first of all be repealed and when repealed the legislation must be proclaimed.

The Hon. A. F. Griffith: Your Premier said it would not be repealed if the other Bill did not pass.

The Hon. J. DOLAN: I am not concerned one bit at present about the other Bill.

The Hon. A. F. Griffith: Goodness gracious me!

The Hon. J. DOLAN: This is the legislation we have promised to repeal and, having been passed in another place, it is now before us. Some members would have been here when Mr. Wise spoke on this Bill and he scotched this matter of matching moneys. I thought members would never forget this. He maintained the Commonwealth only gave dollar for dollar of money which really belongs to the State. If matching moneys of \$5,000,000 are involved, the Commonwealth merely gives the State \$5,000,000 of its own money. He was well supported by Sir Keith Watson who also maintained that this is what matching moneys are. In other words, the State's own money was coming back to the State and the Commonwealth was relieving itself of an obligation through the amount of money the State raised. If Western Australia raises \$5,000,000 towards road maintenance and the Commonwealth matches that amount, the Commonwealth is saved the task of giving us the first \$5,000,000 which we raised.

The Hon. V. J. Ferry: It is better for our State to have it than somewhere else.

The Hon. J. DOLAN: There is little difference when we talk of interstate hauliers and it is quite pointless to say the position

is different in other States. No State is happy with road maintenance tax; in fact the Premiers are up to their eyes in trouble over the tax. The only State which is in the fortunate position of not imposing road maintenance tax in Tasmania.

In South Australia a peculiar situation exists which does not exist here or in the other States. It is open go for road and railway transport in South Australia. Either form of transport can be used at any time. The position in Western Australia is that if road transport is competing against an established form of transport, such as the railways, it is necessary to obtain permission to use road transport. This is not the position in South Australia where a person may send his goods by road or rail as he wishes because no restrictions exist.

If a system such as that were operating in Western Australia I know there would be many happy people. However the Railway Department would soon be out of business.

I do not wish to weary the House but I thought I should refer to a few matters. From the day road maintenance tax came into operation it has been an inequitable, unjust tax with which no-one is satisfied.

The Hon. T. O. Perry: Hear, Hear!

The Hon. J. DOLAN: The Labor Government was determined to get rid of the tax. The repeal Bill is now before the House. No Bill could be simpler because the operative clause is only one line. For this reason it should not take long to deal with, no matter how members decide. It is proper the Government's wish should be granted and its promise should be honoured. The measure has passed through another place and I consider members in this Chamber should allow it to pass.

Question put and a division taken with the following result:—

Ayes—11

Hon. R. F. Claughton	Hon. J. L. Hunt
Hon. D. K. Dans	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. W. F. Willesee
Hon. Lyla Elliott	Hon. R. Thompson
Hon. Olive Griffiths	(Teller)

Noes—18

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. J. Heltman	Hon. R. J. L. Williams
Hon. L. A. Logan	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. F. D. Willmott
	(Teller)

Question thus negatived.

Bill defeated.

PARLIAMENTARY COMMISSIONER BILL

Conference Managers' Report

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.50 p.m.]: I desire to present the report of the managers' conference, as follows:—

No. 1.

Legislative Council amendment is deleted.

No. 10.

Substitute for Legislative Council amendment the following:—

Clause 19, subclause (3), lines 27, 28 and 29, delete all the words after the word "fit" down to and including the word "investigation" and insert in lieu the passage "Any person who is concerned or involved in the investigation may be represented by counsel or otherwise."

No. 11.

Substitute for the Legislative Council amendment the following:—

Clause 25, page 21, line 2, to insert after the word "comment" the words "defamatory of or".

No. 19.

Legislative Council amendment agreed to.

No. 23.

Legislative Council amendment agreed to.

I move—

That the report be adopted.

Question put and passed and a message accordingly returned to the Assembly.

Assembly's Further Message

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

QUESTIONS (5): ON NOTICE

1. WATER SUPPLIES

Gascoyne River Dam

The Hon. G. W. BERRY, to the Leader of the House:

Further to my question on Thursday, 25th November, 1971, regarding the feasibility study of damming the Gascoyne River, will the Minister give reasons for the delay in preparation of the report?

The Hon. W. F. WILLESEE replied:

The feasibility study for a dam at Rocky Pool is being carried out by consultants. Field investigations were delayed for some three months during 1971 because of riverflows which prevented drilling in the river bed. Hydrological studies which have proved to be more complex than originally anticipated have also caused some delays.

2. ROAD BUILDING MACHINERY

Purchase by Public Works Department

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

- (1) What road building machinery, such as graders, front end loaders and bulldozers, have been purchased by the Public Works Department during the last nine months?
- (2) What is the total value of such equipment purchased during this period?
- (3) Was this equipment purchased to replace existing Public Works Department machines, or was it purchased to take the place of machines previously hired from private owners or operators?

The Hon. W. F. WILLESEE replied:

- (1) Six front end loaders have been purchased by the Public Works Department.
- (2) \$48,379.
- (3) The equipment was purchased to replace obsolete departmentally owned equipment engaged on water supply, sewerage and irrigation works.

3. TAXES AND CHARGES

Increases Since February, 1971

The Hon. A. F. GRIFFITH, to the Leader of the House:

What per cent. increases of taxes and charges have been made by the Government since the 20th February, 1971, to date?

The Hon. W. F. WILLESEE replied:

Details of increases in taxes and charges can be obtained from the Treasurer's Budget Speech.

4.

EDUCATION

Slow Learning Children

The Hon. G. C. MacKINNON, to the Leader of the House:

- (1) Does the Education Department plan to refuse re-admittance to school to some 20 moderate slow learning children who have been attending school for up to five years?
- (2) Is there any truth in the rumour that some of these children are being refused re-admittance because they suffer from epilepsy?
- (3) If not for the above reason, why have parents been advised that the children are no longer educable when some at least have been regarded as educable for several years?
- (4) Is it appreciated that this decision adds tremendously to the burdens of parents and families of such children?
- (5) Is it admitted that this is discrimination against children and their families less able than many to cope with such discrimination?

The Hon. W. F. WILLESEE replied:

- (1) No. A few children are being considered for transfer to Day Activity Centres or other institutions.
- (2) No.
- (3) Some children have been given extended trials in junior or intermediate classes but they have not developed sufficiently to be promoted to intermediate or senior classes respectively. Such children have been transferred to Day Activity Centres or other institutions.
- (4) No.
- (5) No.

5. THIRD PARTY INSURANCE

Costs

The Hon. L. A. LOGAN, to the Minister for Local Government:

Of the last ten cases heard by the Third Party Insurance Tribunal, what were the charges in each case for—

- (a) legal fees to—
 - (i) the appellant;
 - (ii) the Trust;
- (b) medical fees; and
- (c) hospital charges?

The Hon. R. H. C. STUBBS replied:

Claim No.	Appellant's Costs	Trusts' Costs	Medical Fees*	Hospital Charges
58482/23.D	Bill of Costs not yet submitted	Bill of Costs not yet submitted	Nil	Nil
44032/3.D	\$798.70 claimed not yet taxed	Bill of Costs not yet submitted	\$101.50	\$711.00
51453/30.A	\$700.00	\$403.80	\$429.20	\$284.50
46119/28.B	Bill of Costs not yet submitted	\$275.00 but further costs to come	\$673.10	\$3,861.62
48298/7.D	\$639.28 claimed not yet taxed	\$423.20	\$300.50	\$361.27
37069/18.B	Nil	\$558.20	Nil	Nil
52347/21.B	\$507.25	\$392.20	\$172.50	\$489.75
47804/29.E	\$1,061.50	\$611.00	\$824.20	\$2,902.50
53833/16.A	\$400.00	\$190.00	\$86.00	\$187.00
54965/22.A	\$849.70	\$491.00	Nil	Nil

* Medical Fees—Include doctors only.

QUESTIONS (3): WITHOUT NOTICE

1. NORTH-WEST DEVELOPMENT

Isolated Communities

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

- (1) With reference to the statement made by the Acting Minister for the North-West on the 2nd November, 1971, concerning the Office of the North-West Administrator, would the Leader of the House ascertain from the Minister for Industrial Development if northern activity is against a background of small and isolated communities?
- (2) If the answer is "No", then what is his definition of small and isolated communities in the parameters of population, distance from centre of government, and public services?

The Hon. W. F. WILLESEE replied: Some time ago I informed Mr. Withers that I would not reply to two of his questions until the return of the Deputy Premier from overseas. I now have the reply to these two questions.

- (1) Northern activity in the early 1960s was against a background of small and isolated communities. The honourable member should be aware of the vast improvement in communication of all types since then, together with the developments both completed and in progress, and which have transformed the area.
- (2) Answered by (1).

2.

NORTH-WEST ADMINISTRATOR

Creation of Office

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

- (1) Would the Leader of the House ascertain from the Minister for Development and Decentralisation

his agreement with the press statement made in *The West Australian* on the 2nd November, 1971, by the Acting Minister for the North-West concerning the reason for the creation of the North-West Administrator's Office?

- (2) If the Minister agrees with the reasons given, would he agree that the stated problems have been corrected?
- (3) If the Minister does not agree that the problems have been corrected, will he endeavour to reinstate the Administrator so that an office of decentralisation may work for the people of the north in the interests of the State?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) Substantially except in the remote inland areas.
- (3) No. The situation has changed since the appointment of the Administrator in 1962 and the new organisation is expected to meet requirements.

In addition, it is proposed that the Minister, and officers in a position of authority, will deal more directly with the people of the area and matters requiring attention, instead of by indirect means, in much the same manner as applies to all other people and areas of the State.

It is considered this will ensure greater attention by those in a position to make decisions, with consequent benefit to northern communities.

3.

BOARDS AND TRUSTS

Details of Personnel

The Hon. W. F. WILLESEE: There is a question on the notice paper for the 14th October standing in the

name of Mr. R. Thompson. I informed Mr. Thompson that the information would be sought as quickly as possible and forwarded to him as soon as a report was prepared. I now have a document here which consists of 52 pages and I would ask permission to table it.

The document was tabled.

ADDRESS-IN-REPLY: SECOND DAY

Motion

Debate resumed, from the 16th November, on the following motion by The Hon. R. T. Leeson:—

That the following Address be presented to His Excellency:—

May it please Your Excellency: We the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [6.03 p.m.]: This is a little surprising.

The Hon. W. F. Willesee: It is not often we surprise the Leader of the Opposition.

The Hon. A. F. GRIFFITH: It is unusual that members of this House and members in another place find themselves in the position of speaking to an Address-in-Reply on two occasions in a matter of weeks. I am not suggesting it has not happened before; it has happened in the history of the Parliament of Western Australia for one reason or another.

I will not spend much time speaking to this particular motion, but there are one or two matters with which I would like to deal. In view of the approach by the Government to the road maintenance legislation, I would like to make one point abundantly clear. I believe it was the Government's view, led by the Premier, that if the Traffic Act Amendment Bill (No. 3) did not pass through Parliament the Government did not intend to abolish road maintenance tax. That is plainly recorded in volume No. 2 of this current session of *Hansard* at page 453. It should be very plainly understood by the Press that in calling for a division on this Bill the Government had in mind that members of this Chamber other than Government members would defeat the Bill. The result will be that the Government will continue to do what the Premier said it would not do—collect road maintenance tax.

I intend to employ some of the time available to me to speak on the motion to the Address-in-Reply to talk about the pro-

roguing of Parliament. You will remember, Sir, we left here on Thursday, the 7th October, and we thought we would be back the following Tuesday at 4.30 p.m. I would like to say at this point the comments I make in connection with the proroguing of Parliament are in no way intended to be disrespectful to the late Speaker, Mr. Mervin Toms. I do not wish my remarks to be taken that way, but in order to speak of the order of events it will be necessary for me to refer to the passing of the Speaker. I hope these comments will be taken in the way they are intended.

The proroguing of Parliament during the period from the 7th October to the 16th November made dramatic news. The Press paid marked attention to it, and the first article appeared on the 8th October with a headline which said, "Government thrown into crisis after death of Speaker." I do not intend to read the article as we are all aware of the events which occurred.

On the morning of Saturday, the 9th October, *The West Australian* carried the headline, "Speaker dies; Government in danger of being beaten." Of course, by the 9th October the drama was developing and the headline that night was, "Governor key in Government crisis." The heading in *The Sunday Times* on the 10th October was, "Thursday D-Day for Government." The article stated that Thursday would be D-Day for deciding the fate of the Labor Government's future in office.

Sitting suspended from 6.12 to 7.30 p.m.

The Hon. A. F. GRIFFITH: Before the tea suspension I had reached the point where I was about to read a report in *The West Australian* of the 11th October under the headline of "Tonkin may seek recess to avert defeat." The report states—

The Premier, Mr. Tonkin, is almost certainly seeking an early end to the present session of Parliament to avert the threat of a general election.

All the available evidence indicates that Mr. Tonkin has decided on this course.

We know that Parliament did not meet on the Tuesday afternoon at 4.30 p.m. as was anticipated. In the meantime Parliament had been prorogued by His Excellency the Governor, and it was not called together again for a period of five weeks.

I do not question the decision of His Excellency the Governor and it would be impolite of me to do so, but the decision was controversial to say the least. The Government had lost its majority in the Legislative Assembly, and it sought to protect itself from what might have been the will of the people by going to the Governor and advising him that he should prorogue Parliament.

The particular section in our Constitution which deals with that matter states that the Governor may prorogue Parliament. I refer to the booklet which is provided to us entitled *Acts, etc., Relating to Parliament*. On page 201 relating to instructions to the Governor, section VI states—

In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

The other night I made an interjection arising from a statement made by the Leader of the House when he was speaking to another Bill. He said the Governor shall be advised by the Executive Council. I think I said at the time that I understood why Parliament had been prorogued. I could see the strong recommendation which His Excellency would obtain from his Ministers to prorogue Parliament in the circumstances in which he did.

I felt a little strongly about the procedure adopted. I was not one of the angry Liberals, as was headlined in the Press; in fact, it was erroneous of the Press to say there were angry Liberals.

The Hon. W. F. Willesee: One thing I like about you is that you are mellowing with age.

The Hon. A. F. GRIFFITH: Who knows, the Leader of the House might do the same one day. However, I was not angry, and I repeat I do not think there were any angry Liberals. Perhaps the term "disappointment" was the right expression to use, because when the Government loses its majority in the Legislative Assembly it has a responsibility to go to the people.

When Parliament was resumed I asked some questions of the Leader of the House. On the 17th November I asked this question—

Will the Minister advise the House whether the Parliament of Western Australia has previously been prorogued under circumstances in any way similar to the prorogation which occurred in October this year?

The answer was a very polite "Yes." That meant there were similar circumstances, or circumstances similar to the prorogation which took place in October last. I did not go on to ask for any further information; therefore I could not have expected to get any other answer than the one I got. The next day, the 18th November, I asked this question of the Leader of the House—

With reference to the reply to my question on Wednesday, the 17th

November, 1971, relating to the prorogation of Parliament, will the Minister enumerate the occasions and circumstances under which the Parliament of Western Australia has been previously prorogued as indicated?

Once again the reply was polite. It was—

The information relating to the various occasions when Parliament has been specially prorogued can be obtained from the Clerk of Parliament by enquiry. As this is the source from which such information is available to the Government it is not considered unreasonable to suggest that the Hon. Member make the necessary enquiry personally.

Whilst the answer to the first question was "Yes", the Government was unable to indicate to me one single instance which was, in fact, in any way similar. It was left to me to make inquiries of the Clerk of Parliament as to whether there had been a previous occasion which was in any way similar to the prorogation which took place in October last. As a result of that reply I made inquiries of the Clerk of Parliament (Mr. Roberts), and he was good enough to acquaint me of any information that was available on the subject. A search of the records indicates there has been no other prorogation in circumstances in any way similar to the prorogation of October last. I think in 1965 I introduced some legislation in this House which had the effect of very substantially altering the constitution of the Legislative Council. It provided for adult franchise and did away with the old franchise. So far as the Legislative Assembly was concerned, it increased the number of seats from 50 to 51, or an increase of one. This was the first increase in the number of seats in the Legislative Assembly for years and years.

One of the objects in mind was the endeavour to avoid a deadlock in the Assembly by creating an odd number of seats, so that the Government of the day would have a better chance of sustaining a situation where it had an absolute majority in the House, and so avoid a deadlock.

Accordingly I cannot see how there could have been circumstances which were in any way similar to those which arose in October. The Press in tracing the history of this State and, in fact, of the British Commonwealth was unable to find circumstances similar to those of October last, where the Speaker of the Assembly died and left the numbers on the floor of the House evenly divided.

I searched a little deeper and found that in 1951 the Legislative Council had dismissed a Bill which dealt with rents and tenancies. Neither you, Mr. President, nor I was a member of this House in 1951, but I was a member of another place.

The Hon. W. F. Willesee: I noticed your name on it.

The Hon. A. F. GRIFFITH: Not only did the Leader of the House notice my name, but what his Government said was this: The Leader of the Opposition in the Legislative Council on behalf of the Government of which he was a private member moved this rather short motion for the adoption of the Address-in-Reply, and if the previous Government could do it there is no reason why we should not follow.

The Hon. W. F. Willesee: Of all the speeches I heard you make, I think that was the best.

The Hon. A. F. GRIFFITH: That is not very complimentary to me.

The Hon. W. F. Willesee: That speech was completely to the point.

The Hon. A. F. GRIFFITH: The immediate thought that comes to my mind is not one which I will repeat at this point of time, but I could say something to rebut what the honourable member has just said.

I thought it might be worth while to look at what took place on that occasion. Because the Legislative Council had voted the particular Bill out, the Government of the day found that it did not have the required control over rents and tenancies. It thought it ought to have something on the Statute book which would give effect to its proposals.

In exactly the same sort of circumstances as those which I related earlier, the House adjourned one afternoon expecting to meet again the next afternoon, but when it came back it found that Parliament had been prorogued. The purpose then was entirely the same as the present Government had in mind in October last. The purpose of proroguing Parliament was merely to overcome a difficulty arising from the Standing Orders that two Bills dealing with the same subject cannot be introduced in the same session. In order that two Bills dealing with the same subject could be dealt with, the Government of the day prorogued Parliament; and then called Parliament together again immediately to start a new session to deal with the Bill.

It was on that occasion that I moved the motion which I heard repeated in this House a month or two ago. In this House the motion was moved by our good friend, Mr. Murray; and in the Legislative Assembly I moved a motion on exactly the same lines. I moved—

May it please Your Excellency: We, the members of the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express our loyalty to our most gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

On that occasion the Speech which the Governor delivered to us was just as limited as the one which he delivered to us not very many days ago. Perhaps I should refer to what was moved by Mr. Leeson on this occasion.

The Hon. W. F. Willesee: We accept the fact that the wording is the same.

The Hon. A. F. GRIFFITH: Having just been shown the motion I find it is exactly the same as the formal motion that was moved. But when His Excellency made his Speech in 1951 he explained to the assembled gathering—the honourable members of the Legislative Council and the members of the Legislative Assembly—that Parliament was called together to consider the rents and tenancies legislation, or words to that effect.

On this occasion, however, His Excellency said—

The Second Session of the Twenty-seventh Parliament has been summoned for the transaction of public business in order that consideration may be given to matters not finalised during the First Session of this Parliament and to other measures that may be brought forward for your consideration.

I had to smile when I heard that. Of course we were being called together to give consideration to matters that had not been completed. The reason they had not been completed was that His Excellency was strongly advised to prorogue Parliament.

I do not know what the Premier said to His Excellency, but I do know that according to the reports the Premier was called to Government House on three occasions. Sir David Brand was also called to Government House. We must bear in mind that His Excellency shall take the advice of his Ministers. He did just this and prorogued Parliament. After this the Ascot by-election was held and the Liberal Party put a terrific dent into the result of that by-election so far as the Labor vote was concerned. I thought of the Leader of the House at the time and I imagined his extreme discomfiture when he saw the figures coming through. However the end result was that Mr. Bryce was elected as the member for Ascot.

The Hon. Clive Griffiths: We gave them a terrible fright.

The Hon. R. Thompson: That is only your opinion.

The Hon. A. F. GRIFFITH: I thought Mr. Clive Griffiths used some other word.

The Hon. W. F. Willesee: I admit I have been frightened on a number of occasions in my life. As long as I live I am happy to live from day to day.

The Hon. A. F. GRIFFITH: As I have said, the by-election was held and the Government was back in its original position,

safe and sound. I would, however, commend you, Mr. President, to read volume 1 of *Hansard* for the year 1951-52 at page 5.

The Hon. W. F. Willesee: 20 years ago.

The Hon. A. F. GRIFFITH: Yes. Does the Leader of the House want to make something of that?

The Hon. W. F. Willesee: I think you should have been carrying out research rather than be here in Parliament.

The Hon. G. C. MacKinnon: You are getting pretty smart.

The Hon. A. F. GRIFFITH: If the Leader of the House proposes to continue with that type of interjection—

The Hon. W. F. Willesee: I am only trying to help you; I was praising you.

The Hon. A. F. GRIFFITH: If the Leader of the House proposes to continue with that type of interjection I will take him on once or twice; perhaps even three or four times!

When I moved the motion that the Address-in-Reply be presented to His Excellency, I was the member for Canning. I would refer members to what Mr. Hawke had to say at the time on page 5 of volume 1 of *Hansard* for 1951-52. He complained bitterly about the fact that Parliament had been prorogued and said—

Last Wednesday, Mr. Speaker, as you will remember, this House was adjourned by motion carried unanimously, until 4.30 p.m. today. From the time we adjourned last Wednesday up till 4.30 p.m. today, a remarkable procedure has been adopted, and the decision of the Legislative Assembly on the question of the adjournment of the proceedings was wiped out, in effect, by Executive action. In other words, the decision of the House, as then constituted, to meet at 4.30 p.m. today for the purpose of continuing the then existing session has gone by the board. The session that we were then participating in has, by Executive act, been brought to an end, and this House was in no way consulted with regard to the proceedings.

Instead of the Assembly meeting normally today at 4.30 p.m. to continue the session, as it was determined last Wednesday, we find ourselves meeting today for the purpose of taking part in the opening of a new session of Parliament. Everyone will agree that the circumstances are somewhat unusual. Because it was anxious concerning the rent legislation, the Government doubtless felt that it had some right and justification for closing down the then existing session without coming back to Parliament to ascertain the will of Parliament as to what the Government had in mind. If the procedure adopt-

ed by the Government has been within the Constitution in every respect, it seems to me to expose Parliament to the danger of being ignored at any time by a Government which might find itself in some difficulty with either House of Parliament, or might find itself in a ticklish spot in regard to being able to carry on in Parliament.

I was not aware previously that the Government could, in the situation which existed last Wednesday, close down Parliament without any reference back to Parliament and then set moving a new session. If what has been done has taken place absolutely within the Constitution and within the law, it poses some very serious questions for our consideration. Most important of all is the fact that the Government could have the adjournment of the House moved this afternoon until 4.30 p.m. tomorrow and, because of some trouble or difficulty it happened to find itself in with the House, could have Parliament prorogued without coming back to Parliament again and could leave it prorogued for some considerable time. That appears to be a very dangerous situation and one which should not exist.

In other words, in my opinion, the Government should be under compulsion again to consult the House before the session is actually closed and should, in fact, obtain the approval of the House for such closure. I know that what the Government has done on this occasion has been done on the grounds of urgency, the Government being anxious—it would appear on the surface at any rate—for a new session of Parliament to commence as early as possible in order that a new rent Bill might be brought before members for consideration and decision. We find today, however, that there is no very great urgency in regard to that measure.

We then find reported in *Hansard* all the speeches that were made, mostly by Labor members of Parliament, who complained bitterly and pointed out the danger that existed in a situation of this nature.

I do not cavil at that, nor do I cavil at the fact that the Governor acted quite constitutionally when he prorogued Parliament for the purpose he did. I do say, however, that it is a dangerous situation when a Government can in the exercise of its right to advise the Governor save itself from having to face the people when it has lost its majority in the Legislative Assembly.

The situation in which we found ourselves was certainly a tragic one, because Mr. Toms had passed away. I repeat that I do not want to say anything disrespectful in regard to the late Mervin Toms but

I do pose the question: What would have happened had two members passed away; had two members been involved in an accident which resulted in two vacancies on the Government side? Would the Premier of the day have gone to the Governor and said "We have lost our majority by two and in order that we might conduct a by-election you must prorogue Parliament to help us in this direction."

What would have happened had the seat occupied by the late member been a seat which the Opposition might have had a chance of winning—a greater chance than it had of winning Ascot? No doubt the advice to the Governor would have been the same.

If one wants to use one's imagination and stretch it far enough it could be said that there are circumstances similar to those that occurred in the October prorogation of Parliament. It would be necessary, however, to stretch one's imagination a fair way to be able to say that.

It was a very dangerous situation in which we found ourselves. There have been other occasions on which Parliament has been prorogued and the *Hansard* through the years shows that to be a fact. One such occasion which the Premier quickly thought of at the time was when the McLarty-Watts Government finished the session in September, 1949. The Premier grasped on this as being a similar occasion. It was not a similar occasion at all.

If members will read the reports relating to the particular debate on the motion moved by the Government of the day they will see that the Government wanted to finish its business and that protestations were made by members who now form the Government of Western Australia.

On that occasion two members of the Legislative Assembly wanted to resign their seats to contest seats in the Federal Parliament. This being so the Government of the day naturally wanted to complete its business before those two members resigned. Had it not been able to do that the weight and the onslaught of the Opposition of the day would have brought the Government down.

It is an accepted fact that if a Government happens to lose its numbers while Parliament is not in session then it is not in any danger; but if it loses its numbers while Parliament is sitting it is in real danger and should face the consequences. It should not approach the Governor and advise him to prorogue Parliament in order to avoid it suffering its ultimate fate, which would have been defeat had a general election been held.

In *Hansard* for 1916-17 we find that with a view to testing the feeling of the House the Leader of the Opposition moved the adjournment of the House. The Government lost the vote by 24 votes to 20 and

the next day it resigned, because it did not have a majority on the floor of the House.

That Government, however, apparently did not go to the Governor and say, "In order to save us from this situation we strongly recommend that you prorogue Parliament."

On the recent occasion when Parliament was prorogued suggestions were also made that the Opposition should have offered the Government a Speaker in order to help it out of its predicament. The Government said it was not conceivable that the taxpayers should be put to the expense of having another general election so soon after the one that had just been concluded.

I can understand the Government's feeling on this, because, if the figures in the Ascot by-election were any indication of the feelings of the people in the State, had the Government held a general election in October instead of doing what it did, the situation might quite easily be the reverse of what it is today.

On the point of the Opposition providing a Speaker I would like to indicate that it is just not feasible to expect the Opposition to provide a Speaker in a House of 51 members. It is not the Opposition's role or function to provide a Speaker. This should be done by the party which has the greatest number on the floor of the Legislative Assembly—that party should provide a Speaker. Accordingly it is unbelievable that the Government should have expected the Opposition to provide a Speaker.

According to a constitutional lawyer, Mr. Sawyer, there might have been reason for the Government not doing this had it been in office for two years rather than eight months. I cannot understand that reasoning at all.

I do not, however, wish to be misunderstood, because I am sure His Excellency acted quite constitutionally and properly; though I think Parliament should have a look at section 3 of the Constitution which states that the Governor may prorogue Parliament from time to time. I have not got this section with me at the moment, but I do not think that the power given to the Governor in that section of the Constitution was intended to save the Government of the day from what might have been its ultimate fate in a general election.

I repeat: If the situation arises in the future we will find a very awkward precedent has been set. A most undesirable precedent has been set and there is no question in my mind that if the Government happens to lose another one of its members, from some cause, it will not hesitate to go to the Governor and say, "Your Excellency, we find ourselves in the same trouble as we did in October, 1971, and the way to get us out of this is to

accept from us a very strong recommendation that you prorogue Parliament once more." I think that situation is undesirable.

For that reason I think we ought to have a look at the particular section of the Constitution. It could be that there are other sections of the Constitution which also need looking into. I conclude on that subject by saying this is not a bleat so far as I am concerned. It is not a matter of "sour grapes." I would like to be clearly understood: It is a matter of not putting the Governor in the position in which he was placed in October of this year. It would have been very difficult for the Governor to have done other than take the advice given to him by his Ministers. That is what he did, constitutionally. I felt I ought to register my feelings on this matter, and the Address-in-Reply, in these particular circumstances, gives me that opportunity.

I would like to say to some of the newer members, if you will permit me, Mr. President, it is quite unusual that we should get two opportunities to speak on the Address-in-Reply in a matter of two or three months. Three other Bills—the Appropriation Bill (Consolidated Revenue Fund), the Appropriation Bill (General Loan Fund), and the Loan Bill—have yet to come down to this House, and each one will give members an opportunity to address themselves to any subject at all should they feel so disposed.

I simply mention that fact in the knowledge which has been imparted to us that the Government desires to finish the Parliamentary session in the fairly near future. We have had a record number of Bills since Parliament resumed. I think between 40 and 50 Bills have been discussed and we have given fairly good attention to them. There is not a great deal really left on our notice paper.

From what the Leader of the House has said to me he does not propose to keep us here late at night. Sittings which last from eleven o'clock in the morning until after ten o'clock at night are strenuous. I am sure we are anxious to co-operate in dealing with the legislation.

I am glad of the opportunity to voice my opinion. However, the proroguing of Parliament is now history and I repeat: I am not complaining about it. I merely say that this particular situation ought to be looked at in the near future because it was used, in my humble opinion, in a manner not intended.

THE HON. T. O. PERRY (Lower Central) [8.05 p.m.]: During the life of the previous Government the member for Collie moved a motion for an inquiry into the greater utilisation of coal for power generation in this State. As one who represents Collie I am interested in any project which involves the greater use of

coal because coal is the life blood of Collie. Coal affects every person who lives in Collie. I would like to quote the exact words of the motion, which was moved on the 9th October, 1968. It was as follows:—

In the opinion of this House the Government should institute an inquiry into the possibilities of the greater utilisation of coal in the various sections of the energy market for the purpose of giving improved stability to the town of Collie and advantage to the State's economy.

That appears on page 1596 of *Hansard*, 1968-69. Since that time several statements have been made and published which I also intend to quote. I will now refer to page 3764 of *Hansard*, 1968-69 where the then Leader of the Opposition stated as follows:—

So it would indicate that we are blessed with quite a substantial amount of coal—a fuel which has served us so well—and it would appear we ought to do all we can to use this coal and not keep kicking the town of Collie so that it is going backwards and further backwards. We should encourage it to thrive and prosper, because the people who reside there are the citizens of this State, and just as we subsidise a number of other industries from time to time to keep people employed in them, we should do our utmost to ensure that our coal town is a thriving town.

In view of the fact that the Government of the day was taking a ratio of deep-mined coal and open-cut coal which virtually subsidised the industry to the value of \$1,500,000, I do not think the Government was kicking the town of Collie. I would like to see greater use made of Collie coal.

I will now refer to a statement which appeared in the *Collie Mail* on the 11th February, 1971. That was nine days prior to the last State election. Under the heading "Labor's Policy" the following appeared:—

Mr. Tom Jones, the sitting Labor Party member for Collie in the Legislative Assembly, has written to outline his party's policy.

The article continued—

The State Electricity Commission was established to give service at the lowest cost and not to make large profits.

The present government has allowed the Commission to operate as a taxing machine with the result that costs of connection and supply are higher than they need be, particularly on farmers and other country people.

From its inception in 1945 up to 1966, a period of 21 years, the Commission made an accumulated profit on its metropolitan system of \$11

million, an average of a little more than half a million a year. Since then it has had an average yearly profit of \$4½ million with a profit of \$6,279,945 last year.

Then, in black letters, the article continues—

It is clear that uniform charges for electricity can be adopted throughout the Commission's supply system without having to raise charges in the metropolitan area and we propose to have uniform charges adopted.

In the same issue of the *Collie Mail* a reporter from the paper questioned the candidate who is now the sitting member for Collie in the Legislative Assembly. The question was as follows:—

Can you confidently say your party would be firmly behind Collie and its coal if it came into power?

The candidate, the present member for Collie, answered—

Yes. My leader has stated this. The Liberal Government has had 12 years to do something for Collie. . . .

Collie already has two Government members representing the district—what have they done for coal?

The insinuation there, of course, is that the sitting members had done nothing for coal. I will refer back to April, 1965. I was the elected member at that time although I did not take my seat until the 26th May, 1965. During the month of April the Hebe mine was flooded and the Secretary of the Miners' Union—who is now the member for Collie—the President of the Miners' Union, and two other members of the Mining Union Board of Management came to me at Darkan. They asked me if I could bring pressure to bear on those Ministers whom I knew in the Cabinet to see whether something could be done to transfer the coal quota from the Hebe mine to the Western mine, which was the only other deep mine operating in Collie.

I visited Perth and spoke to four Ministers who I thought might be sympathetic towards this proposal. If the Government had continued with its plan to transfer the quota from the Hebe mine to the open-cut mine a number of people in Collie would have been dismissed. Many people who lived in Collie still owed money on their homes, and on hire-purchase commitments, and many of them would have been without employment.

The Government of the day would not listen to the proposal at first, so I again visited Perth and called on Mr. Nalder and the present Leader of the Opposition in this House, Mr. Griffith. Eventually the Government reversed its decision and nobody was retrenched at that time. For that reason I do not think it is entirely fair to imply that the two members in the Upper House had done nothing for coal or for Collie.

In 1967 the State Electricity Commission was taking special orders for coal from the Western No. 4 mine for the East Perth power station. It was then decided to convert the East Perth power station to oil burning. If that 30,000 ton order had been transferred to the open-cut mine a number of people in Collie would have been retrenched. The Secretary of the Miners' Union, who is now the member for Collie, rang me and asked me to arrange for an interview between himself and the Minister for Electricity in an attempt to avert the dismissal of men from the mining industry.

We went to Wagin and met Mr. Nalder, and put the proposal to him. When I say, "we" I mean the Secretary of the Miners' Union, myself, and Mr. Laurie Gooding. We put a proposition to the Minister pointing out that if the allocation of coal remained with the deep mine in Collie nobody would be retrenched from the coal industry. Eventually, after quite a deal of negotiation, an arrangement was arrived at whereby the allocation was to be transferred to the other deep mine in Collie on the basis that as men retired from the industry the order of 30,000 tons would be reduced. This had the effect that no young men were employed in the industry, but on the other hand no men were retrenched.

I feel that if I do not put these matters straight at this time I would be disloyal to myself, disloyal to my party, and disloyal to members of the Government of that day. I think the Government of the day supported the coal industry when it subsidised the town to the extent of \$1,500,000. I am not complaining; I think it was right and just as many primary producers and many other industries received financial assistance and subsidies.

When I have worked for an industry and the people engaged in an industry. I do not like it to be insinuated that I have done nothing to assist those people. On a number of occasions I have attended meetings of the Miners' Union and the board of management in Collie, and those people know I am not of their political persuasion but that I represent all sections of people. Whether they be Jew or Christian, Liberal or Labor, or anything else, I represent those people and endeavour to get the best possible deal for them. The Leader of the Opposition at that time spoke about our kicking the town of Collie and wishing to see it go further down hill, and the member for Collie insinuated we were not doing anything to help the coal industry. I would like to put these matters straight. There has never been a time that I have not taken up the cause of the Miners' Union when asked to do so.

A couple of years ago I arranged for an official of Western Collieries to meet Mr. Nalder in his office, and in order that the

member for Collie would know what was going on he was asked to be present at that meeting. The official from Western Collieries was invited to discuss the problem with the General Manager of the State Electricity Commission in Western Australia, which he did. He put a proposition to the general manager in the hope that more deep-mine coal could be used by the commission. After examining the proposition that was put before him, the general manager said it could not be carried out without increasing the cost of generating power in Western Australia. The member for Collie is well aware that I arranged that meeting with Mr. Nalder and the officer from Western Collieries, and I think it is quite unfair to come at these tactics just before an election.

I think if one is playing a game one should play it fairly. I will work with anybody, regardless of his political persuasion, but I do not like being accused of not doing the right thing by that industry. In order to put the record straight, I have taken the opportunity to bring these facts before the House.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [8.18 p.m.]: I want to take the opportunity to speak on the Address-in-Reply which has been afforded me by the unusual state of affairs that recently occurred in Parliament. I was overseas during the first session of this Parliament and was unable to speak on the Address-in-Reply to the previous Speech made by His Excellency the Governor.

As I was not here at that time, I have not had an opportunity to welcome to the House those members who were elected to it in February. I now take the opportunity to congratulate them. I have congratulated them outside but I wish to place it on record that I am delighted to have the opportunity to work with them, irrespective of their political persuasions.

I also want to place on record my congratulations to those who are now Ministers in this House and who occupy the Government benches. I hope their stay will be short but pleasant.

I now desire to draw to the attention of the Government a situation that has presented itself to some people in my electorate. I understand this situation is becoming evident in the metropolitan area, to the extent that yesterday Mr. MacKinnon asked some questions in connection with it. He had also discussed the matter with me. This question of the Strata Titles Act has been brought to my attention by several of my constituents. I draw this to the attention of the Government and suggest that it look into the matter in more detail than the answer given yesterday to Mr. MacKinnon's question indicates it is prepared to do.

The situation is one that currently exists in some blocks of home units where, through some circumstance or another—and it could well be that in this economic climate the developers are unable to sell all the units—investors, for the want of something in which to invest their money, have bought more than one unit in a block.

I was here when the Strata Titles Act was first introduced into Parliament and made law in Western Australia. I understood we brought this Act into being for several reasons, one of which was to enable an owner to obtain a strata title that would allow him to own the unit he purchased and at the same time give him a title which would enable him to mortgage the unit, borrow money on it, or sell it. That was one of the main purposes of the Act. We gave the right for a company to be formed and we gave to individuals the right to vote.

In my electorate, for whatever reason, one or two individuals have come into possession of more than 50 per cent. of the units in some blocks. Let us take the position of a man and his wife who have decided they want to live in a home unit. They have put all their savings into buying the unit, believing they possess the right to have a say in the upkeep of the block and the standard at which the group of units will be kept, in order that they may live out their lives in comparative ease and without any worries and troubles.

However, it has been found that when one or two individuals own more than 50 per cent. of the units and are not interested in selling them but wish to let them as flats, their interest in those units is somewhat different from the interest of the person who actually lives in the unit he owns.

Part (3) of Mr. MacKinnon's question to the Attorney-General yesterday reads—

Is he further aware that such investment companies are actually securing more than fifty per cent. of control, thus negating the rights of individual owners to maintain a standard according to their desires?

What Mr. MacKinnon means by that question is that because these people are renting the units as flats, and because they do not want to invoke the wrath of the tenants in those flats, they are prepared to allow the tenants to take liberties that a genuine owner would not be allowed to take, such as hanging clothes out on balconies, doing things to disfigure the front of the building, hanging things up on the verandahs and windows, and so on. These investors are not prepared to chastise the tenants because the tenants would say, "I will go down to the next block of flats." There happens to be an abundance of flats in the metropolitan area at the moment.

Therefore, some investors are not insisting that their tenants observe any standards. In addition, the general upkeep of the grounds and the maintenance of the buildings are being neglected to the detriment of the genuine owners of units, who find themselves powerless. Although they have voting rights, they can do nothing because the other people have more than 50 per cent. of the votes.

The Hon. R. Thompson: Do you think section 80 should be amended?

The Hon. CLIVE GRIFFITHS: Whatever section it is, it must be amended to prevent a minority group of people gaining control over the genuine home owners who actually live in the units they own.

This is a situation that nobody foresaw at the time the Act was passed. I did not foresee it. When we passed this legislation it never occurred to me that people would purchase home units and let them as flats. I do not think it occurred to anybody. I do not think anybody is to blame. I just want to take the opportunity to bring the matter to the attention of the Government so that it can at least consider taking action to protect the people who bought units in good faith, with titles approved and suggested by this Parliament, with a view to living in them. I ask the Ministers to bring this matter to the attention of the Attorney-General.

The Hon. R. Thompson: What is the position at the present time? Do they still have purple titles?

The Hon. CLIVE GRIFFITHS: No. If there are 16 flats and one man owns nine of them, he has all the voting rights. At every vote that is taken on whether the lawns should be mown, the plumbing fixed up, or the front of the building painted, nothing can be done unless the individual who owns the nine units agrees. The other people cannot sway the vote; they cannot amend the rules; they cannot do anything at all.

I think this situation has just grown up because of the prevailing economic situation. Perhaps people who have built units have been unable to sell them. It is better to let them as flats and receive some sort of return than to leave them empty and receive no return at all. I do not want to make it any stronger than that at his stage. I just make the suggestion.

Another section of the Act that I think somebody should look at is section 17 which deals with insurance.

It has been brought to my attention that when a person intends to purchase a home unit which has a strata title, and he desires to take out a mortgage, the mortgagee not only can but does insist that the mortgagor take out an insurance policy on that unit, notwithstanding the fact that the home unit company takes out

an insurance policy. In effect, the proprietor is paying two insurance premiums on the same unit.

Section 17 of the Strata Titles Act provides for this, whether purposely or inadvertently, I am not sure. I have read the debates that took place when that Act was introduced and I find that for some reason or other section 17 was not mentioned in either House of Parliament. That section permits the situation in which the management committee of a home unit company may take out insurance to the full replacement value of the building, or to any extent at all; and yet the mortgagee may demand that the proprietor also take out a separate policy for his particular unit. Therefore the proprietor has in fact two insurance policies—and this is something I think which is not permitted.

The Hon. G. C. MacKinnon: You can take out as many as you like, but you may only receive a pay-out on one.

The Hon. CLIVE GRIFFITHS: All right. Section 17 (8) states—

This section applies notwithstanding the provisions of The Life Insurance Act, 1974 (14 Geo. III C.48) or any other law relating to insurance.

I do not know exactly what that means, but I surmise that it ties in with the situation that one may not collect on two insurance policies. When the Government considers the point I made about the owners of multiple units—if it does consider it—it might also consider the fact that people, because of the fact that they have borrowed money to pay for their unit, are being asked to pay two insurance premiums. Bear in mind that one of the major reasons for the introduction of the Strata Titles Act is to enable people to obtain a title so that they may borrow money. I think we have created an anomaly.

The Hon. R. Thompson: Are you aware that under the War Service Homes Act cheaper insurance is available; but if you are purchasing a home unit you must take out private insurance? You cannot avail yourself of the war service insurance.

The Hon. CLIVE GRIFFITHS: I have no doubt that is correct. Perhaps that matter could also be investigated. I simply wish to convey these points to the attention of the Government because I think something should be done about them.

I intended to speak on several other items, but I will not mention all of them on this occasion because other members also wish to speak. However, I will mention one point quickly. I mentioned earlier that I was absent at the beginning of the previous session of Parliament. I was overseas, and I travelled fairly extensively, visiting Malaya, Hong Kong, Japan, and parts of Canada and the United States of America. I visited some very densely populated cities and communities.

I have always been one of those who believe that Western Australia must populate or perish. I have always believed that we need many more people in order to progress. However, I have changed my mind after visiting some highly populated cities and countries and seeing the extent to which society in those places has degenerated—for want of a better word. After seeing the extent of the crime in those cities, and the extent to which people are lacking in consideration for each other and certainly for the laws of the land, I have formed this view: populate and perish. I am a loyal Australian and Western Australian and I would be loath to see the people of Western Australia adopt the attitude of people in some of the places I visited.

I am prepared to go as far as this: If, as a result of our small population, we must go without some of the so-called benefits that exist in densely populated places, I think we will be better off for it. I think we are better off belonging to a society such as that which exists in a city like Perth, Western Australia, where people have an appreciation for law and order and respect the rights of their fellow citizens.

I repeat that I have always been an advocate of the philosophy of "populate or perish." However, I now say that we should cease all immigration immediately and reconsider the situation. I suggest that the Commonwealth cease spending money on immigration and use that money not to bring people out to Australia, but to send Australians to look at what is occurring in other places so that they will return home more contented Australians. I think we should forget about the so-called benefits that are found in cities which have a multitude of people and, therefore, can afford those benefits, and be content with what we have in Australia. We live in a place in which we can still walk down the streets without being molested or frightened, or without witnessing the things I witnessed in some places. I am horrified to think that communities can degenerate to the extent of some of those I visited. I make the plea that we should have another look at the immigration situation. I think we would do well to stop and take account of what is happening. We will be better off for it.

The hour is getting late, and obviously other members wish to speak. I will have an opportunity to raise the other points I have in mind on another occasion. So with those few remarks I support the motion.

THE HON. G. W. BERRY (Lower North) [8.40 p.m.]: I rise to support the motion.

THE DEPUTY PRESIDENT: Order! Too many members are conducting audible conversations. Would they please be a little quieter.

The Hon. G. W. BERRY: I wish to make reference to the problem which exists in the Lower North Province, and more particularly in the North Province. It concerns the education of Aboriginal children and it highlights the difficulties confronting the members of the teaching profession in those areas. Those teachers are required to teach both Aboriginal and white children.

I have with me a letter written by the headmaster of the Carnarvon Primary School. This letter was written to the Press. Unfortunately the Press did not see fit to publish it, and decided it would need to be greatly condensed. It would lose much of its impact if it were reduced to the proportions required by the Press. I do not think the letter has yet been published. I propose to read it so that members may gain some appreciation of the problems confronting teachers in the schools in the areas represented by myself and other members from the Lower North and North Provinces. The letter is headed "Teaching Native Children" and it was written by Mr. John Hodgkins, the headmaster of the Carnarvon Primary School. It reads as follows:—

Much has been written on the teaching of native children in the past but one wonders just how much is theory, how much is wishful thinking and how much is a lot of damned rot. Before I continue let me underline one important point. I'm writing about children. I do not claim to know anything about adolescents or adults. Let me further point out that some of the teachers on this staff are well experienced in the handling of native children. One of the teachers is an aboriginal.

Where do we start when we attempt to teach Aboriginal children? It is of little use to run a standard western type I.Q. test over these children. Their culture is so vastly different from ours. I.Q. tests only give an indication of any child's potential—there are scores of examples to prove this. They give no indication at all where native children are concerned.

In a normal school we start Grade 1 off on a pre-reading course and a pre-number course commonly called "readiness". Where reading is concerned all the favourite stories that we use, all the gimmicks teachers devise are based on a western culture—they are useless.

The Hon. R. Thompson: Is not that the letter which was sent to all members of Parliament?

The Hon. G. W. BERRY: To my knowledge the headmaster and I have the only copies of the letter, apart from the one sent to the Press. To my knowledge this letter has not been sent to anyone else.

The Hon. R. Thompson: I thought I could recall receiving that letter.

The Hon. G. W. BERRY: To continue—

These children know nothing of these things and they sit there, their big brown eyes shining, in a state of wonder—what is it all about. Your small children have had six years of solid teaching at home—stories, ways of life, travel, T.V., pictures and so on.

The native child knows only the bush and its million secrets. If they were to swap homes, the white child would quickly perish. The native child, even at the age of 6 and 7 can exist. The little devils often clear off for a week or so. They live off the land "where have you been Brian?". "We went to Brick 'house up the river'". Where do you start when you attempt to build up a mathematical background. They have no number concept, nor do they see any reason for developing one. Beyond three (3) there's "plenty fella" or "big mobs".

There is no tomorrow, nor is there any ambition. For centuries they have lived for today. Tomorrow doesn't matter because there is no time concept hence why worry about learning other than learning how to catch food. The ambition that pervades the white child isn't, as far as western ambitions are concerned there. It has to be "built in" at school. So in many respects native children are already four (4) to six (6) years behind.

What may be a normal pattern of social behaviour in their sense isn't in ours. Some months ago I suggested to one teacher that to help develop a wider interest in the room she should start a menagerie. The teacher was keen, the children enthusiastic. We were going to start with a few birds, etc. Next morning the native children brought in a number of birds—all with a wing torn off, "That fella no fly away!" This is the way they keep birds for a few days. To them normal. To us abhorrent. So then we have to build a sense of values to suit western culture. But where do we start?

Where too do we gain help? When Grade 1 come to me to read I say who hears you read? and they answer "Mummy and Daddy" but when it comes to the little native child who hears them read?

A very bright young lady in Grade 6 takes her project home to do. Her father is an engineer at the Tracking Station. When she goes home she has everything—books, encyclopedias, a room to herself, security in every sense. A bright young native goes home—to what! How does he keep up. The girl is encouraged in every way. The chances are that the boy

will just mess around, nothing attempted, nothing done. How does he compete? How do we get the message across?

I asked the Aboriginal teacher on the staff how to answer these questions of home life and background. She and a few other natives who have reached western standards agree, that basically drink is one of the major causes. Lacking and all as home background may be in the abstainers home, the home background of those who drink is shocking. The natives, for the sake of political expediencies, were given the right to drink without the social education to go with it. This is an opinion and when we look around there's an awful lot of evidence right on the surface to vindicate such an opinion.

The native child is inherently shy of white people and many mistake this shyness for sulking or an arrogant form of behaviour. Nothing could be further from the truth. When you get to know them—if you ever really can—you'll find that they are a happy, friendly bunch. They will laugh and they will talk and they possess a wonderful sense of humour. They have a generosity, that puts to shame some of the white man's meanness. I've seen a twelve year boy walk across a class room and borrow a native girl's pencils or books. Most white children are not allowed to lend a rubber to the child sitting next to them. But this willingness to share causes major problems. They will share everything with everyone but when no one will share back trouble develops, resentment becomes evident. White man might rightly say, "I worked hard to buy these things for my son." True—but please don't be too hasty in knocking the native child. It's not entirely his fault. If you look beyond the brown skin you will find a warmth, a generosity, a personality, a willingness that is almost unbelievable and a very wonderful desire to please. You might say "So what?" Perhaps in answer we could say that it is about time the Government really did something for these children. One excellent idea would be to drop class sizes to no more than 25 children. I do not mean just native children but white and native. The native child never likes to be singled out but likes the group situation. Any class that has a number of native children should not possess more than twenty five children because of the enormity of background problems with which a teacher has to cope.

Could one hope that out of the sickening state of Australian politics one far sighted Government might come to

the fore and provide the funds necessary. Perhaps too the Education Department should train those people who really care for the native. I mean train in a special course, tutored by people who really know something about the native child and not by theorists entirely. The course should be extended well over twelve (12) months over and above the normal teaching course. It should not be situated in Perth but out where the problem lies. Perhaps too a fully trained nursing sister could be attached to the school so all their health worries are handled properly. (The local health sisters are attached in a sort of way. They cover an area from Shark Bay to Onslow—a 1,000 sq. miles and almost 80 stations—ridiculous.)

Furthermore, we might ask that a teacher trained social welfare officer be appointed. This person being fully trained could appreciate any problem within the school and the home and then act accordingly.

Perhaps too the theorist might pack up his books for a while and move out for some firsthand experience and perhaps too the do-gooder might stop pouring out the usual amount of suburban crap and continue growing roses.

There are a lot of people protesting one way or another about the politics of another country. Their principles might be right, I don't know, but I do know that charity begins at home—could we ask that they divert their energy to the home front and do something for the Australian native child.

Finally, how can you judge a child—any child, without knowing its background. Every fault in every child is only a reflection of the culture from which it grows. I repeat, please look beyond the brown skin. The native child is just as good as those with whom he has to compete. We can't send them back to where they were. We can't leave them as they are. We have to do something.

That letter clearly illustrates the problems we face in these remote areas, and I am afraid we are not coming to grips with them. We do not seem to be doing enough in the areas in which these problems exist.

At some of the schools I have visited the teacher never knows from one day to the next how many children will be in attendance. Often it is found that after a week some of the children have disappeared and gone walkabout, and the teacher never knows when they will return. As a result he finds it extremely difficult to teach and get results from his

teaching. To the teacher it seems so futile to teach them the western standards that we demand they should accept.

The letter which I quoted to the House, written by a primary-school headmaster is one that we should take notice of. It was written with feeling by a man who is closely associated with the problem and he considers that a start should be made somewhere to educate these native people who encounter many problems in trying to absorb the western way of life.

The Hon. R. Thompson: Did you take this matter up with the previous Government?

The Hon. G. W. BERRY: This problem has existed for as long as governments have been in this State. If the previous Government did not attend to the matter that is no excuse. I am making a start now by bringing the matter before this House and by quoting the views of a primary-school headmaster. The Press apparently did not see fit to publish this letter, but I have brought it forward to give members some idea of the problems that are faced by many of these teachers. I support the motion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.55 p.m.]: If possible I intend to speak briefly in order that I may give some considered thought to the replies I wish to make to those members who have spoken to the debate. I am deeply conscious of the points raised by the last speaker. He has placed his faith in a single epistle from a school teacher. I am not prepared to say that the previous Government shirked its responsibilities in any way in trying to solve the problem he has just outlined to the House.

The position is that we have tried to grapple with the problem too late and there is no point in turning back now. It is all very well for a teacher to go into an area and then write a few pages on what he has seen happen in that area. It is true he has many problems, and it is also true that many other people are faced with difficulties in trying to solve this great problem.

We made the Aboriginal people what they are today. Do not let us overlook that point; and do not let us squib the issue by reading something that is said to come from an academic person who has been residing in an area for about five minutes. I grew up alongside these people. I sat alongside one of them at school and I am proud to say that I still know him today by his christian name. I am sick and tired of those who say they know so much and hide behind the shelter of a piece of paper. Let them come to grips with this issue.

Do not tell me that within the last three years much has not been done for Aboriginal development. As Mr. MacKinnon said earlier this session there is no

turning back. We will not achieve anything by bleating and saying, "This is wrong, and that is wrong." We will come to grips with this problem only by each and every person associated with it doing something to find a solution. The Government of which I am a member is not doing enough and the Commonwealth Government is not doing enough, but the day will come when we will have to face up to the problem and make up our mind that we will have to do more and let us be the first people to admit it.

I am amazed when I find this sort of thinking expressed by people who do nothing but shelter behind what somebody else says. If we are dinkum about trying to find a solution to this problem let us face it here and now. The Federal Government, and the State Government in particular, should do something more than they have done in the past, and they should do it quickly. But do not let anyone try to tell me that a school teacher can walk into an area and within a short time prepare an epistle and say, "This is my plaint; this is what I suffer from."

Question put and passed; the Address-in-Reply thus adopted.

Presentation to Governor

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.58 p.m.]: I move—

That the Address be presented to His Excellency the Governor by the President and such members as may desire to accompany him.

Question put and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.59 p.m.]: I move—

That the House at its rising adjourn until 11.30 a.m. tomorrow (Friday).

Question put and passed.

House adjourned at 9.00 p.m.

Legislative Assembly

Thursday, the 9th December, 1971

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

MARKETING OF LAMB BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 10, page 6, line 28—Insert before the word "constitute" the words "entitled to vote".

No. 2.

Clause 10, page 6, line 36—Add after the word "thereat" the passage "but the manager or his deputy is not entitled to vote on any question".

No. 3.

Clause 20, page 12, lines 22 and 23—Delete the passage "person who slaughtered the lamb, or by his family" and substitute the passage "owner, his family or employees".

Mr. H. D. EVANS: When this Bill was last before the Chamber we agreed that of the total number to constitute the board, only the manager would not have voting powers. This was acceptable to the Government, and on that basis the Bill was transmitted to the Council. The amendment is acceptable and is in keeping with the spirit of the legislation. I move—

That amendment No. 1 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. H. D. EVANS: Regarding the second amendment made by the Council, it means the manager will be required to be in attendance at each meeting of the board; and although he can enter into the deliberations and discussions and give the benefit of his expert knowledge, he is not entitled to vote on any decisions taken. This was an agreement that we made with the Country Party in particular. The amendment is acceptable. I move—

That amendment No. 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. H. D. EVANS: Regarding the third amendment, it arose because of the ambiguity that could crop up in clause 20 of the Bill which deals with the exemptions from the provisions of the legislation relating to the killing of lamb and mutton by particular individuals. These provisions were not clear. To rectify the possibility of a drafting ambiguity the amendment proposes that the passage "person who slaughtered the lamb, or by his family" be deleted and the passage "owner, his family or employees" be substituted.

This will clarify beyond any doubt in the eyes of the draftsman that a situation could not arise where the owner would