

made and for the amount certified in the order to be paid out of the Consolidated Revenue Fund. Clause 6 goes on to deal with the case of acquittal and, in such a case, it is specifically provided that application may still be made by the person who is aggrieved, and still be paid out of the Consolidated Revenue Fund, as set out in clause 7.

However, it is made quite clear that the amount of any compensation to be paid is to be reduced by the amount the aggrieved person has claimed, is entitled to claim, and could obtain if he took proceedings of any sort against the person who committed the offence. This means, of course, all proceedings, including civil proceedings, or any other proceedings that are open to him, and all legal remedies must be exhausted before the Crown is required to make any payment. This is reasonable enough because clearly the Crown cannot be expected to pay if the accused person is in a position to pay. Clearly it is the accused person who caused the damage, and not the State, and the State is only coming in as an underwriter, so to speak, if a claim cannot be made against the accused person.

Therefore, all steps have to be taken before there is any claim and the under-secretary, under clause 8, may defer forwarding this application for payment until such time as he is satisfied that all possible action has been taken. Finally, after he makes the payment, in accordance with the provisions in clause 9, he is subrogated to the rights which the aggrieved person had against the accused. In other words, the under-secretary—having paid the aggrieved person—is entitled to all the rights of the aggrieved person if the accused subsequently acquires property or assets and to take proceedings and refund to the Treasury the amount he has been required to pay out.

So I feel the Bill is well presented and set out in very logical form and in a way that is easy to understand. I commend the draftsman for the work he has done and the Government for introducing the measure. Finally, I would like to say that I believe we are in for a much greater defiance of the law than we have experienced in the past. Mr. Ron Thompson referred to what has happened in the United States of America and from the reports I have received from persons who have recently visited New York, that city appears to be almost in a state of civil anarchy by our Western Australian standards. I understand there are telephone boxes on almost every street corner marked "Direct line to police" and, in general, it is becoming a very unhealthy place for people to walk about in, particularly at night.

The Hon. N. E. Baxter: It is not only in New York.

The Hon. I. G. MEDCALF: That is right. In the last few years also in the United Kingdom there has been a tremendous increase in crime, and I think we have every reason to believe it is a world-wide disease and that it will spread here. Whilst expressing the same views that have already been mentioned by the Minister and Mr. Ron Thompson, I hope that under the provisions of this Bill there will not be much call made upon the Crown. Nevertheless, one cannot but feel that calls will be made upon the Crown and the time may come when it is necessary for the provisions of the legislation to be extended. I have no doubt that if and when that time does come the Government will get the message and take the matter further. However, as it stands, this is a very progressive piece of legislation and I support it.

Debate adjourned, on motion by The Hon. J. Heitman.

### BILLS (2): RECEIPT AND FIRST READING

1. National Trust of Australia (W.A.) Act Amendment Bill.
2. Betting Investment Tax Act Repeal Bill.

Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.

House adjourned at 8.01 p.m.

## Legislative Assembly

Tuesday, the 27th October, 1970

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

### QUESTIONS (23): ON NOTICE MINING

1. *Porongorups National Park*  
Mr. MITCHELL, to the Minister representing the Minister for Mines:
  - (1) What licenses to mine or prospect have been issued in regard to the Porongorups National Park area?
  - (2) If any permits have been issued, for what minerals?
  - (3) Has any mining been carried out on this reserve up to the present date?
  - (4) Has he seen a press statement saying that the Porongorups National Park had already been spoilt by mining activities?

Mr. BOVELL replied:

- (1) None.
- (2) and (3) Answered by (1).
- (4) No.

2. **HOUSING***Flat Accommodation: Percentage Declined*

Mr. BURKE, to the Minister for Housing:

- (1) What approximate percentage of those eligible for State Housing Commission rental assistance who have been offered high density (flat) accommodation have declined to accept it?
- (2) How many persons have had their applications withdrawn on declining an offer of flat accommodation?

Mr. O'NEIL replied:

- (1) The decline rates for commission medium density accommodations are:
  - (a) Flats throughout the metropolitan area approximately 50 per cent.
  - (b) High rise flats at Bentley approximately 54 per cent.
- (2) Applicants may decline to accept flat accommodation and remain on the priority list for future allocation of individual homes. The only applications withdrawn are those from applicants who do not reply to an offer or who request a withdrawal. The numbers of these are not kept separately from general withdrawals.

3. **EDUCATION ACT***Payments Under Section 9A*

Mr. JAMIESON, to the Minister for Education:

- (1) What was the total amount paid out during the last financial year as approved by section 9A of the Education Act?
- (2) Subject to the proposed amendments to section 9A of the Education Act becoming law, what is the estimated cost to the Treasury for the current financial year?
- (3) What was the total cost for subsidising purchases and improvements to Government schools during the last financial year?
- (4) What is the estimated cost for the whole of the current financial year of providing similar purchases and improvements under the amended proposals for financing Government schools and including the first half of this current financial year under the old scheme of subsidies?

Mr. LEWIS replied:

- (1) During 1969-70, subsidies under section 9A of the Education Act amounted to \$34,697. However,

school stocks also included under this section of the Act amounted to an additional \$283,297.

- (2) Corresponding figures to each of the above for 1970-71 are \$108,000 and \$291,000 respectively.
- (3) In the 1969-70 financial year subsidies for purchases and improvements in Government schools amounted to \$170,164 together with school stock of \$909,042.
- (4) Corresponding figures to those in (3) and for 1970-71 are \$612,500 and \$1,056,167 respectively.

4. **EDUCATION***Government Schools to be Opened in 1971*

Mr. JAMIESON, to the Minister for Education:

What is the estimated number of Government schools due to be opened in 1971?

Mr. LEWIS replied:

Sixteen new Government schools will be established in 1971.

5. **ROAD MAINTENANCE TAX***Collections: Costs*

Mr. GRAHAM, to the Minister for Transport:

- (1) What was the total cost of collecting the road maintenance tax during the past 12 months?
- (2) What percentage of collections does this represent?
- (3) What was the cost (actual or estimated)—
  - (a) office;
  - (b) field;
  - (c) travelling?

Mr. COURT (for Mr. O'Connor) replied:

- (1) The cost of collection during the year 1969-70 was \$206,560.
- (2) 5.70 per cent.
- (3) (a) \$150,389.  
(b) \$56,118.  
(c) \$53.

6. **MINERAL LEASES***Reserves: Peaceful Bay*

Mr. H. D. EVANS, to the Minister representing the Minister for Mines:

- (1) Is it correct that in the course of pegging mineral claims on reserves Nos. 17735 and 24510 near Peaceful Bay, considerable damage to indigenous red flowering gums and other flora was occasioned by use of a wheeled tractor with blade, and by drilling operations?

- (2) If so, does such damage constitute an infringement of any Act or regulation?
- (3) If any regulation is infringed, would he specify the particular section?

Mr. BOVELL replied:

- (1) One mineral claim has been applied for at Peaceful Bay which affects reserves numbers 17735 (Common) and A24510 (Recreation and Camping). Clearing of lines is not required by the regulations under the Mining Act, these were amended some time ago to avoid damage of the nature referred to in the question. No drilling operations should be carried out until the mineral claim is granted.
- (2) and (3) It does not appear that the damage referred to, is an infringement of any act or regulation, however, such damage is deprecated and the matter will be looked into.

## 7. EDUCATION

### *Senior High Schools: Assembly Halls*

Mr. BERTRAM, to the Minister for Education:

- (1) Adverting to his answer to paragraph (4) of question 25 of the 20th August, 1970, what facts did the experimental construction of halls at two senior high schools seek to prove and/or establish?
- (2) What facts, if any, have the said experiments proved and/or established?

Mr. LEWIS replied:

- (1) The two senior high schools were selected—
  - (a) To design a hall of lower cost than the large and expensive structure at John Curtin Senior High School.
  - (b) To establish a suitable seating capacity for a hall.
  - (c) To use existing change room and toilet facilities.
  - (d) To gain experience in the design of a stage and related facilities.
- (2) It has been established—
  - (a) Costs have been reduced but the overall cost is still equivalent to that of a six room primary school.
  - (b) A hall which can serve major sections of the school would suffice.
  - (c) A hall which will seat the whole school is rarely used to capacity.

- (d) Considerable saving in cost resulted when existing change rooms and toilets could be incorporated. No subsequent problems have been created.
- (e) Valuable experience has been gained in stage design.

## 8.

### STATE FORESTS

#### *"Pine Working Plan": Tabling*

Mr. KITNEY, to the Minister for Forests:

Will he please have tabled the papers known as the "Pine Working Plan" passed by the Governor in Executive Council in November, 1950, and the amendments thereto introduced in 1956?

Mr. BOVELL replied:

Copies of working plan No. 71 of the 23rd November, 1950 and working plan No. 80 of the 9th February, 1956 are submitted herewith for tabling for a period of one week.

*The plans were tabled for one week.*

## 9.

### ROAD MAINTENANCE TAX

#### *Persons Subject to Arrest*

Mr. GRAHAM, to the Minister for Transport:

What is the name and address of the persons who are at present subject to arrest for breaches of the Road Maintenance (Contribution) Act?

Mr. COURT (for Mr. O'Connor) replied:

As publication of the names and addresses would subject the people concerned to unwarranted embarrassment I do not propose to divulge this information.

Mr. Graham: That is a handy let-out.

Mr. COURT: Not really.

## 10.

### TOWN PLANNING

#### *Major Roads: Provision by Subdivider*

Mr. GRAHAM, to the Minister representing the Minister for Town Planning:

- (1) Is it a fact that where a major road, say three chains wide, (in contradistinction to subdivisinal roads) is designed to pass through a certain locality, those owners who have land crossed by such roads are required as a condition of subdivision to cede the required land free of charge, and meet the cost of road construction, including dual carriageway, whilst other owners of land in the same locality but not directly affected by the road are able to escape liability?

- (2) If the premises on which the above is based do not accord with the facts, then what is the true position?

Mr. LEWIS replied:

- (1) and (2) These matters come within the jurisdiction of the Town Planning Board which is an autonomous statutory body. I understand that no rigid formula is applied in the circumstances outlined by the honourable member but that the requirements for road reserves in excess of one chain wide are dealt with on merit, depending on such factors as the size of the lot to be subdivided and the use to which the proposed road will be put. Subject to this, the conditions of subdivision would normally require that the road should be constructed to the specification of the local authority for the district within which the lot is located.

## 11. BUGGING DEVICES

### *Legislative Restrictions*

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

- (1) Is the matter of imposing legislative restrictions on the use of "bugging devices" still under consideration?
- (2) If "Yes" for how much longer will this state of affairs continue?
- (3) If "No" what decision, if any, was reached, and when?

Mr. COURT replied:

- (1) to (3) The matter is still under consideration by the Minister for Justice, but due to the fact that there is no real evidence of the use in Western Australia of "bugging devices" contrary to the public interest, no legislation has been introduced. If the honourable member has any knowledge of the use of such devices contrary to the public interest, the Minister would like to be advised.

## 12. MOTOR VEHICLE SPARE PARTS

### *After-hours Permits*

Mr. BERTRAM, to the Minister for Labour:

- (1) How many permits to supply motor vehicle spare parts after hours have been issued but subsequently cancelled?
- (2) What was the reason for each cancellation?
- (3) How many of the persons currently holding permits are—
- (a) putting them to significant use;

- (b) not opening after hours at all;

- (c) using them but only occasionally?

Mr. O'NEIL replied:

- (1) Seventeen.
- (2) Three revoked or cancelled because the conditions on which the permits were issued were not complied with.
- Five cancelled because business ceased to be carried on at the premises to which the permits referred.
- Nine cancelled upon the issue of replacement permits consequent upon change of occupier or re-structure of the business firm concerned.
- (3) Records in the department do not enable an assessment to be made of the use made of emergency spare parts services by permit holders.

## 13. UNDERTAKERS

### *Rings: Return to Next-of-Kin*

Mr. BATEMAN, to the Minister for Police:

With reference to the article in *The West Australian* of Thursday, the 22nd October, concerning the alleged theft of a number of rings of deceased persons from the safe of an undertaker—

- (1) Is he satisfied it is a regular custom of undertakers to remove rings and return them to next of kin?
- (2) In view of the doubts expressed by a number of listeners on a commercial radio programme, will he give assurances that the rings in question were *bona fide* obtained for return to next of kin?

Mr. CRAIG replied:

- (1) Yes, when so requested by the next of kin.
- (2) I am not aware of the doubts expressed by radio listeners, but I am informed that the rings in question were, in good faith, removed by the undertaker for return to next of kin.

## 14. POLLUTION

### *Expenditure of \$30,000,000*

Mr. BERTRAM, to the Minister for Industrial Development:

- (1) Did he recently state that it would cost \$30,000,000 annually to effectively implement measures against pollution?
- (2) If "Yes" will he state—
- (a) precisely how he arrived at this figure;

- (b) the precise industries and areas where the said sum must be spent in the first instance, and by whom and why?

Mr. COURT replied:

- (1) Reference to \$30,000,000 annual cost to effectively implement measures against pollution was made in a paper I delivered to the Royal Perth Hospital Graduate Seminar on Saturday, the 26th September, 1970. The actual words used were—

"This means the cost to Western Australia of pollution control in the coming decade could range between \$10 million and \$30 million a year for capital equipment alone, and possibly a similar amount in extra running cost.

"This means that, during the Seventies, the added cost of pollution control in industry alone would be not less than \$100 million for capital and a similar amount in extra running expenses."

- (2) (a) The figures were arrived at by applying the estimated capital cost of pollution control measures ranging from 3 per cent. to 10 per cent of the appropriate part of the actual cost of establishment of industry or extension of existing industry to the projection of the estimated appropriate part of annual average of capital expenditure by industry during the next decade.
- (b) It is not practicable to name specific industries which will be required to spend this money. However, future industries will be required to incur this expenditure on a variety of types of pollution control from simple ventilation systems to expensive smoke and dust arresters, effluent treatment, ponding systems, etc. Areas will be wherever there is industry. The reason for the expenditure is because of the provisions of the Clean Air Act and Government and industry awareness of the need for pollution control.

land have been held by or for the Department of Lands and Surveys?

- (2) Of these, how many have been subject to conditions relating to any or all of the following respectively—
- (a) ownership of other land or more than one other lot rendering would-be purchaser ineligible;
  - (b) limitation on number of lots, which could be purchased by any person;
  - (c) requirement to erect a dwelling within a stipulated period?
- (3) What procedure and conditions apply in the event of non-compliance with (2) (c)?
- (4) In what towns or centres have sales with these conditions applied?
- (5) Will he provide papers being typical examples of such conditions?
- (6) What are considered to be—
- (a) the advantages; and
  - (b) the general result, of such conditions of sale?

Mr. BOVELL replied:

- (1) 152 sales since the 1st July, 1968.
- (2) (a) None.  
(b) 100.  
(c) 151.
- (3) Each case is considered on its merits. Where the condition cannot be complied with for some genuine and unforeseen reason, an extension of time would be considered. Where it becomes apparent that the condition will not be observed the license is forfeited.
- (4) and (5) The centres at which sales have been held, and the conditions applying at these sales, are contained in the schedule which is submitted herewith for tabling.
- (6) (a) Orderly development of the areas concerned, and more efficient use of services.  
(b) The results have justified these conditions.

*The schedule was tabled.*

## 15. BUILDING BLOCKS

*Auction Conditions: Lands and Surveys Department*

Mr. GRAHAM, to the Minister for Lands:

- (1) During the last two years, how many auction sales of residential

## 16.

## HOUSING

*Allocations from Priority List*

Mr. GRAHAM, to the Minister for Housing:

- (1) What currently is the date of housing applications lodged for which allocations are being made

from the priority list in the metropolitan areas and outer metropolitan areas in the various categories as shown in the table in which these statistics are kept?

- (2) What are the numbers of offers and rejections respectively in each of those areas in respect of rental accommodation in—

- (a) individual houses;  
(b) flats;  
(c) other (specify)?

Mr. O'NEIL replied:

(1)—

Type		Perth	Fremantle	Midland	Armadale	Kwinana
Pensioner	1 B/R	Aug., 1966	Nov., 1966	Oct., 1965	May, 1969	Dec., 1966
Multi unit	1 B/R	March, 1968	April, 1966	....	....	....
	Flats					
Individual houses	2 B/R	Nov., 1966	July, 1966	Sept., 1967	Feb., 1966	Sept., 1968
		North				
Flats and terrace houses	2 B/R	Jan., 1970	March, 1968	Aug., 1969	Sept., 1970	Jan., 1970
		South				
		June, 1970				
Individual houses	3 B/R	Nov., 1966	April, 1966	Sept., 1966	Oct., 1966	June, 1967
		North				
Flats and terrace houses	2 B/R	June, 1969	July, 1970	May, 1968	June, 1968	July, 1967
		South				
		Feb., 1968				
Individual houses	4 B/R	April, 1966	May, 1965	Jan., 1965	....	April, 1966
Purchase homes	....	Aug., 1966	Dec., 1965	Oct., 1965	Dec., 1965	July, 1966

- (2) This answer is in respect of the period from the 1st July, 1970, to date.

I think the honourable member will appreciate that to go back over all the years would be difficult and therefore if I supply the figures for the period from the 1st July, this year, to the present date perhaps this will satisfy him. The figures are as follows:—

Area	Offers	Rejections
(a) Perth	372	157
Fremantle	39	14
Midland	21	10
Armadale	1	Nil
Kwinana	24	6
(b) Perth	520	204
Fremantle	153	63
Midland	12	6
Armadale	33	15
Kwinana	82	32
(c) Perth (terrace houses)	177	43
Fremantle (terrace houses)	Nil	Nil
Midland (terrace houses)	Nil	Nil
Armadale (terrace houses)	1	Nil
Kwinana (terrace houses)	1	Nil

## 17. HOUSING

### Flats: Fremantle

Mr. TAYLOR, to the Minister for Housing:

Within the Fremantle (housing) area:—

- (1) How many—

(a) two bedroom;

(b) three bedroom,

flats have been completed and occupied since the 1st July, 1969?

- (2) How many applicants have been offered accommodation in—

(a) two bedroom;

(b) three bedroom,

flats since the 1st July, 1969?

- (3) How many applicants have declined to accept accommodation in—

(a) two bedroom;

(b) three bedroom,

flats since the 1st July, 1969?

- (4) How many occupants of flats, if any, have left such accommodation since the 1st July, 1969?

- (5) How many—

(a) two bedroom;

(b) three bedroom,

flats is it anticipated will become available for occupation from this point of time to the 30th June, 1971?

Mr. O'NEIL replied:

- (1) (a) 137.

(b) 120.

- (2) (a) 306.

(b) 286.

- (3) (a) 128.

(b) 150.

- (4) 16.

- (5) (a) 89.

(b) 146.

18.

## EXPORT ABATTOIR

Establishment: Metropolitan Area

Mr. GAYFER, to the Minister for Agriculture:

- (1) Has he received any definite proposals from any company to establish an export abattoir in or adjacent to the metropolitan area?

- (2) If so, could the nature of these proposals be disclosed?

Mr. NALDER replied:

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

19.

## ROADS

### *South Dandalup Dam site*

Mr. RUNCIMAN, to the Minister for Works:

- (1) What has been the expenditure to date on roadworks to the South Dandalup dam site?
- (2) Is it intended to build a bitumen road to the North Dandalup pipe head dam and, if so, when?
- (3) What department bears the cost of providing roads to the dams?

Mr. ROSS HUTCHINSON replied:

- (1) Expenditure to the 18th October, 1970, was \$281,370.
- (2) There is no present proposal.
- (3) Where the road is required purely for the purpose of constructing and maintaining the dam, the Water Board meets the cost. If the road is required for other than Water Board purposes, the board may, if appropriate, contribute to the cost.

20.

## EXPORT ABATTOIR

### *Establishment: Metropolitan Area*

Mr. GAYFER, to the Minister for Industrial Development:

- (1) Has the Department of Industrial Development been approached regarding the establishment of large export abattoirs in or adjacent to the metropolitan area?
- (2) If so, for what assistance?

Mr. COURT replied:

- (1) Yes.
- (2) Nothing other than assistance in locating a suitable plant site.

21.

## RAILWAYS

### *Kalgoorlie Express*

Mr. MOIR, to the Minister for Railways:

- (1) On how many occasions has the Kalgoorlie express been late in arriving at its destination since the inauguration of the service via Wyalkatchem?
- (2) What has been the extent of late arrival on each occasion?
- (3) What has been the reason for the delay in each instance?
- (4) What action is being taken to remedy this unsatisfactory position?

Mr. COURT (for Mr. O'Connor) replied:

- (1) (a) Arrival at Kalgoorlie—7 occasions.  
Arrival at City—9 occasions.
- (2) and (3)—
  - (a) October.
    - 6th—183 minutes—  
Locomotive failure.
    - 10th—75 minutes—  
Changing locomotives at West Merredin and further delay at Booraan crossing Perth-bound passenger train.
    - 12th—272 minutes—  
Partial locomotive failure at Merredin and subsequent total failure at Gilgai of one unit and reducing to single unit load.
    - 13th—58 minutes—  
Slow running enroute.
    - 14th—70 minutes—  
Attention to brakes on a vehicle and slow running enroute.
    - 18th—22 minutes—  
Detaching a defective wagon at Wyalkatchem.
    - 20th—15 minutes—  
17 minutes late departure from city due late arrival of perishables, etc., from Kewdale.
  - (b) October.
    - 6th—186 minutes—  
Faulty unit/slow running enroute.
    - 10th—56 minutes—  
Faulty unit/slow running enroute.
    - 12th—48 minutes—  
Slow running enroute and attaching unit at Merredin.
    - 13th—48 minutes—  
25 minutes late departure, waiting livestock from Parkerton. Units changed at Avon Yard due defective axle.
    - 14th—63 minutes—  
Crossing Kalgoorlie - bound passenger at Booraan, and detaching livestock Midland.
    - 16th—23 minutes—  
Crossing passenger train Booraan.
    - 17th—23 minutes—  
Slow running enroute and detaching livestock at Midland.

18th—63 minutes—

Slow running enroute and crossing passenger train at Carrabin and detaching livestock Midland.

20th—41 minutes—

Detaching livestock Midland and waiting on suburban passenger service.

- (4) "X" class locomotives have been replaced by "A" class, resulting in improved performances.

## 22. HOUSING

### *Rental Accommodation: Bentley Complex*

Mr. MAY, to the Minister for Housing:

In connection with question 24, dated the 20th October, 1970, will he detail the number of offers and/or allocations of State Housing Commission rental accommodation at the new Bentley complex with regard to—

- (a) conventional houses;
- (b) town or terrace houses;
- (c) high rise flats,

for the months of July, August, and September, 1970?

Mr. O'NEIL replied:

	July	August	September
(a) Offers	8	4	Nil
Allocations	6	3	Nil
(b) Offers	45	41	23
Allocations	30	30	16
(c) The allocations of the high rise flats which are as yet not completed, commenced on the 21st September, 1970, and the figures relating to offers and allocations as at the 30th September, 1970, are, therefore, not complete.			

## 23. LICENSED RESTAURANTS

### *Meals: Time Limits*

Mr. GRAHAM, to the Minister representing the Minister for Justice:

- (1) In connection with dining at a restaurant licensed under the Liquor Act, is there any time limit, expressed or implied, in which a diner and his guests are expected or can be compelled to complete their meal?
- (2) If so—
  - (a) where does such authority appear;
  - (b) has a time limit been imposed;
  - (c) what period has been stipulated;
  - (d) who made such decision;
  - (e) how did he arrive at the stipulated duration of a meal?

(3) If not—

- (a) will he inquire as to whether in fact any officer associated with the administration of the Act has stipulated a maximum period;
- (b) will he take steps to ensure that neither he nor I, nor any other person taking a meal in good faith will be put on a time limit;
- (c) will he ensure that the holder of a restaurant license is not subject to harassment by any authority for attending to customers mentioned above?

Mr. COURT replied:

- (1) This question is inadmissible as it seeks an expression of opinion on a question of law. See May's *Parliamentary Practice*, 17th Edition, page 353.
- (2) and (3) Answered by (1).

## QUESTIONS (2): WITHOUT NOTICE

### 1. CHARITABLE ORGANISATIONS

#### *Government Assistance*

Mr. BURKE, to the Treasurer:

With reference to the request contained in my speech on the Address-in-Reply on the 27th August—

- (1) Has the Government given consideration to the need for increasing its contribution to establishments such as St. Bartholomew's, Camillus House, and the Salvation Army?
- (2) If "Yes" would he give the House an outline of the Government's proposals?

Sir DAVID BRAND replied:

- (1) and (2) The Government has received a letter from St. Bartholomew's and is at present making a decision which I am sure will be satisfactory to the honourable member. I will give him the information tomorrow.

The SPEAKER: There was also a question in relation to the Salvation Army, was there not? I understood that questions were asked about St. Bartholomew's and the Salvation Army.

Mr. BURKE: In my speech on the Address-in-Reply I made reference to the services provided by the three. The Treasurer has given some indication in respect of St. Bartholomew's. I hope this will extend to the services provided by the other organisations.



Sir DAVID BRAND: I should like to be allowed to clarify the position. I do not want the member for Perth to place an interpretation on my answer. When I replied I was dealing only with St. Bartholomew's.

## 2. LICENSED RESTAURANTS

### *Meals: Time Limits*

Mr. GRAHAM, to the Speaker:

Do you, Sir, concur with the action of the Minister for Industrial Development in decreeing whether a question of mine is permissible under Standing Orders or are you, Sir, still in charge of the proceedings of this House?

The SPEAKER replied:

I must point out that the Minister for Industrial Development did not decree anything; it was the Minister for Justice in another place. Such answers have been given in the past by the Minister and have passed unnoticed. I will give some thought to the question.

Mr. Graham: Thank you. I thought we had another speaker sitting opposite us, that is all.

## PHYSICAL ENVIRONMENT PROTECTION BILL

### *Second Reading*

SIR DAVID BRAND (Greenough—Premier) [4.55 p.m.]: I move—

That the Bill be now read a second time.

In moving this motion, I will take the opportunity to make a few remarks on the general overall situation in respect of environment. At the close of my speech I hope to say who the Minister will be who will take on this onerous duty.

In recent years mankind has experienced a growing fear that unless it acts to ensure the protection of its environment it will bring about its own ultimate destruction. During the last decade more and more people in more and more nations have been giving serious thought to the dangers of pollution of the earth's natural resources brought about by increasing population and expanding industrial technology.

The task of assessing just how serious is this threat to our existence is concerning the minds of many of the world's leading public figures. Individual opinion ranges between two extremes of thought—on the one hand are the pessimists who even forecast the collapse of our total system within a few decades, and, on the other, are the optimists who claim there

is no need to worry and that gloomy predictions have no real basis in fact. I think there was evidence of these two opinions in this morning's Press.

The weight of evidence confirms that there is a rapid deterioration in our environment, which must be checked and rectified without delay. The Secretary General of the United Nations, U Thant, is reported to have said that the deterioration taking place in the environment probably represents the greatest threat that mankind as a whole has ever faced. Certainly Governments throughout the world are treating the matter as one of the most serious concern. I quote just a few examples to demonstrate this point—

The recent establishment (December, 1969) of a Standing Royal Commission in the United Kingdom to report to the Government on problems relating to the deteriorating environment.

The establishment by President Nixon of the Environmental Quality Council and the Citizens Advisory Committee on Environmental Quality.

The proposal by the Swedish Government that the United Nations Declaration of Human Rights should be extended to include a declaration of human environmental rights.

The planning of the United Nations Inter-governmental Conference to be held in 1972 on "The Human Environment."

In Australia, awareness of the danger is reflected in the keen interest of public bodies and individuals, and in the action already taken or contemplated by the various Governments.

The Commonwealth Parliament has appointed Select Committees dealing with air pollution and water pollution, which have already presented reports, and another on wild life conservation, which is still in progress. Commonwealth involvement is highly desirable to place this matter on a national basis and to ensure the availability of Commonwealth scientific and financial resources.

The respective State Governments are tackling the problem in various ways to suit their own circumstances and policies. Their programmes have been carefully studied prior to the preparation of this Bill, but the course of action we propose for Western Australia is unique and is the one we believe best suited to our requirements.

Because its problems of pollution are not as critical as some other parts of the world, Australia is in a strong position to deal with the environmental problem in a methodical way which could set a pattern for other countries. This applies even more particularly to Western Australia.

It is, I think, accepted that the environmental crisis is less acute in this State than in most parts of the world experiencing rapid development.

For this we have to thank, firstly, our natural advantages. Population and industry are spread comparatively thinly over a large area giving less concentrations of pollution and greater opportunity for regeneration. But also we have to thank those who have displayed foresight in planning the State's development. Action for the prevention of pollution and the protection of the environment has been taken in many fields over a period of years.

Air pollution; water conservation and purity; soil conservation; forest regeneration; the development of national parks and other natural recreation facilities; the protection of beaches, rivers, and lakes; the rehabilitation of mined areas; the landscaping of main highways and the regeneration of road verges; the fight against litter; fauna, flora, and marine life protection: these are all examples where the need for protective action has been recognised and acted upon. They are all matters which have received constant care and consideration by Governments and in particular by the present Government.

There has been no breakdown in the various spheres concerned and no failure to recognise responsibility. There is still, however, a great deal to be done, and that is why this measure is being introduced today.

Changes have taken place in Western Australia which have focused greater public attention on the problem. These changes include an increase in population, a rapid technological development, greater introduction of secondary industry, and vast extension of mining activity. Moreover, modern living requires greater recreational areas. The public, rightly concerned over these matters and not fully informed of the measures taken or of progress, need reassurance that the present and future welfare of the people of this State will be adequately safeguarded.

Such developments as the deterioration of agricultural lands, inadequate planning of urban areas, the reduction in—and in some instances virtual extinction of—various forms of plant and animal life have been taking place throughout the world and people everywhere are applying their minds and efforts in an attempt to devise a solution.

It was with these considerations in mind that I announced in March of this year my intention to appoint a minister for conservation. I stated that any legislation required would be introduced during the August session of Parliament. I indicated that the initial step would be the preparation of a preliminary survey and report

by the Public Service Commissioner so that Cabinet could give consideration to the type of organisation appropriate to our particular needs.

I extended to any interested public organisation an invitation "to submit in writing its views on the constitution, functions, scope and authority of the proposed conservation organisation." A large number of organisations and individuals responded to this invitation and their submissions were all closely studied by the Public Service Commissioner before presenting his report.

In his survey the commissioner produced a comprehensive picture of existing legislation and departmental functions concerned with conservation and environmental protection. This disclosed that there are few, if any, Government departments whose operations do not affect the quality of the environment. It was emphasised that all Ministers and all departments are involved in this consideration, although naturally some more deeply than others.

One of the propositions which had to be considered was that there should be one department vested with the full responsibility for all activities related to conservation and environmental control and that the Minister should exercise final responsibility in these matters, overriding decisions of other Ministers.

I must make it clear that not at any time has the Government contemplated the possibility of creating an organisation, not finally responsible to Parliament, having the power to make vital decisions which would bind the democratically elected Government. It is fundamental in matters of such importance that the Government must accept final responsibility and be answerable to the people for the decisions it makes.

The basic conflict in conservation problems is usually between the exploitation of the earth's natural resources for man's economic use and the preservation of the environment for future generations. It is possible for people to hold differing points of view with the best of honest intentions and sincerity. It is a matter for judgment in any particular situation which viewpoint should prevail. Cabinet has been the final authority to determine such issues and there can be no departure from this principle. What Cabinet must have is the best possible information on which to exercise its judgment.

The proposal for one omnipotent ministry would be unacceptable in principle and unworkable in practice. A power for one Minister to override others in matters within their portfolios would negate the basis of Cabinet government. Such a system would involve creating a huge organisation with final authority over a wide range of major Government functions. By

its very size and complexity it would be exposed to charges of bureaucratic methods, and delays, which would sap public confidence—so essential to the purposes we have in mind—would be inevitable. Moreover, other Ministers and departments would be frustrated in the exercise of their normal, legitimate functions.

It is very significant that no State in Australia contemplates action of this nature and most of the public organisations which made submissions did not favour it. One of the objections advanced against this monolithic structure was that there would be a tendency for other Government departments to regard themselves as absolved from conservational responsibilities, which would be centred in and discharged by the new department.

This touches on what the Government regards as the heart of the matter. The real need is for all Ministers and all departments to be imbued with the necessity for a positive conservational policy, and to see that their efforts are guided and assisted by an appropriate organisation with the required staff and facilities. The Government has therefore come to the conclusion that the basic function of the ministry should be to examine and report upon all matters relevant to pollution and the protection of the physical environment. Its role will be to provide advice, guidance, and leadership.

The obvious problem with an organisation of this nature is to ensure that the ministry becomes an effective instrument for the execution of its purpose and that its lack of final authority does not mean its recommendations are discarded without proper consideration. This becomes the responsibility not of the department but of the Government of the day.

It is for the Government to make the decisions and it will be for the Government to utilise to the full the services of the new department in order to ensure that the information on which it makes its decisions is more complete and that environmental factors are fully and expertly explored and considered before the decision is made.

Mr. Graham: Isn't it proposed anywhere along the line that Parliament shall have the ultimate decision in respect of any aspect whatsoever?

Sir DAVID BRAND: I should not think so, except to the extent that Parliament has that right in any matter with which the Government deals.

Mr. Graham: Parliament has certain rights in respect of reserves, State forests, and so on; yet it appears that Parliament is not to be consulted in any way in respect of decisions, however far-reaching they might be.

Sir DAVID BRAND: I think the honourable member should hear me out. I think there is no intention of bringing a particular issue before Parliament for a decision. Matters will come before Parliament through various members, through the Government, and through amendments made to the legislation. Let me assure the honourable member that we are anxious to have the co-operation of Parliament, above everything else. I would imagine any Government which follows would feel the same way in respect of these very difficult matters.

Mr. Graham: Parliament will be able to complain only after action has been taken.

Sir DAVID BRAND: Unless all questions are brought to Parliament, it is difficult to decide which matters should, and which should not, be brought to Parliament. After all is said and done, that is what the Executive is for. The Government makes very important decisions from day to day. I think that if we carried out the suggestion of the Deputy Leader of the Opposition the whole thing would be unworkable from the beginning.

I now come to the provisions of the Bill. It was first intended that the new ministry should be known as the ministry of conservation. This term, however, is ambiguous. There are ministries of conservation in other States which function in a far more restricted area than we have in mind. The legislation will therefore be known as the Physical Environment Protection Act. The Bill proposes to establish a department of the Public Service to be known as the department of environmental protection.

The administration of the Act and the control of the department are to be vested in the Minister. Subject to the direction of the Minister and to any relevant provisions of the Public Service Act, the general administration of the department will be in the hands of a director of environmental protection, who will be the permanent head of the department. The director may be appointed under a contract of service for a term not exceeding seven years or he may receive permanent appointment under the Public Service Act. It has been thought desirable to keep this option open in order to assist us in getting the best possible person for this extremely important office.

Consideration was given to prescribing specific qualifications for the director. However, the problem is to secure a person combining an appropriate professional qualification with the necessary administrative capacity. We thought it better not to lay down any particular qualifications which might prevent us from making the best appointment.

The staff of the department will be appointed under the Public Service Act, but the Minister may engage under contract

such professional, technical, or other assistance as he considers necessary to enable the department to carry out its functions.

The Bill proposes to appoint a physical environment council with a membership of 12 in addition to the director of environmental protection who is to be chairman and chief executive officer. The composition of the council has given rise to a great deal of thought. We have left it as flexible as possible within the limitations of certain essential representation. We consider it far more important to have the right people on the council rather than too rigid a prescription for representation of particular interests.

It is proposed that there shall be six members representative of Government departments and instrumentalities, one representative of local authorities, one representative of primary industry, and one representative of secondary industry. In addition, there are to be three members not employed by the State, who will be representative of individuals and bodies of persons having special interests in the control of pollution and the protection of the environment. It is prescribed that not less than two of these representatives shall have knowledge or experience of conservation. Provision is made for deputy members.

In regard to the departmental representatives, it is intended these will be selected at the highest level. Representation could be on the following lines:—

- the Commissioner of Public Health;
- the Commissioner of Town Planning;
- one member to represent Lands, Agriculture, and Forests;
- one member to represent Fisheries, Fauna, Flora, and Tourism;
- one member to represent Public Works, Water Supplies, and Public Utilities; and
- one member to represent Industrial Development and Mines.

However, in order not to restrict our choice of the best available men, no such limitations have been imposed by the Bill.

The functions of the council are set out in clause 21. Stated briefly, they are, as directed by the Minister, to examine and report on all activities for the prevention of pollution and the protection of the environment. The council will have the power to set up committees, membership of which will not be restricted to members of the council. It is intended to utilise the services of experts to deal with particular subjects in much greater depth than would be possible by the council as a whole. Standing committees could, if thought desirable, operate in such fields as water, air, or land pollution or noise, and *ad hoc* committees could be appointed for particular inquiries.

Clause 23 imposes an obligation on all Ministers of the Crown to refer to the Minister in charge of the Act departmental proposals likely to affect the protection of the environment. These include the planning stages for constructional, developmental, or industrial projects, applications for mining tenements under certain conditions, and any request for the creation or alteration of reserves under the Land Act.

Where such matters are referred to him the Minister in charge of the Act may require the council to submit a report and recommendation. The reports and recommendations of the council must be transmitted both to the originating Minister and to the Premier, together with any comments or recommendations the Minister may wish to make.

In regard to applications for mining tenements as provided in subclause (1) (c), it is appreciated that some of these matters are the subject of submissions to, and examination by, the Mining Act inquiry committee. It is not intended that the provisions of the Bill shall in any way prejudice or restrict the committee in its investigations. Any recommendations made by the committee will be considered in due course, and, if it is found to be desirable, this legislation can be appropriately amended.

Under section 25 any individual or organisation may refer to the Minister matters requiring investigation for the purpose of preventing environmental pollution or injury to the physical environment. On any such matter referred to him, the Minister may require the council to furnish him with a report and recommendation.

The Government warmly approves the decision of Western Mining Corporation to endow a chair of environmental studies at the Murdoch University and to set aside a sum of \$20,000 per annum for a special study of environmental problems until the University commences to operate.

We hope that this example may be followed by others. We have therefore made a provision in clause 26 that the Minister may accept any gifts for purposes associated with environmental protection which may be provided by industry, public, or private subscription and, subject to any conditions which may be imposed by the donor, to apply the funds in such a manner as he thinks fit.

A matter not covered in the Bill is the extent to which existing departments or particular functions of existing departments will be placed under the control and administration of the new ministry. There are certain activities directly related to conservation which must obviously be considered for such transfer. They are only considered for transfer at present, because it may be found that it is better for the

administration, and indeed for the implementation, of the Act itself to continue the department as a separate entity. These activities include—

1. Native Flora Protection Act:  
Flora protection and conservation.  
Roadside verges committee.
2. Parks and Reserves Act:  
The following boards appointed under the Act—  
National Parks Board.  
Kings Park Board.  
Rottnest Island Board.  
Emu Point (Albany) Reserves Board.  
Pemberton National Park Board.  
Zoological Gardens Board.
3. Committee of investigation re illegal occupation of Crown Land ("Squatters").
4. Fauna Conservation Act:  
Wildlife Authority.
5. Seashore and estuaries conservation:  
Swan River Conservation Board.  
Leschenault Conservation Committee.  
Peel Inlet Conservation Committee (proposed).
6. Litter prevention.
7. Control of noise.

This is not an exhaustive list but is an indication of the type of activity I have in mind. Indeed, the activities of all these committees strike one as being very closely associated with the objectives of this Bill.

It is deemed desirable not to determine this matter by Statute but to leave it for the Premier of the day to decide in the normal course of allotting departments to his Ministers. This gives the situation the necessary flexibility as the list can be added to or subtracted from according to circumstances and the policy of the head of the Government. It would be logical to expect that as the ministry becomes better equipped with qualified staff, acquires experience, and gains the confidence of the Government and the community it may well be entrusted with wider functions.

Two special principles have guided us in our approach to the drafting of this Bill. The first is that as the legislation must of necessity be of an experimental nature the machinery to deal with environmental problems should be kept flexible and capable of adaptation to changing circumstances and the results of experience. The second principle is that to achieve success the ministry must rely heavily on

the goodwill and co-operation of the community and of existing Government departments and instrumentalities.

In order to achieve this, community education would be an essential feature of the ministry's activity so as to ensure that its functions and policies are understood and generally accepted by the public. Such education could commence in the schools, but should certainly continue by maintaining a constant flow of information to the public.

It is the Government's belief that a ministry equipped to provide thorough research and examination of problems enabling it to come up with sound recommendations is preferable to one which would effect a revolutionary change in the whole structure of government with the risk of administrative chaos.

There is nothing new in the acceptance of this principle. All major Government projects require and receive a high level of interdepartmental co-operation. As an example it has been the practice with proposed industrial projects for the Co-ordinator of Development to initiate in the early stages consultation with the Government departments affected. The Bill will make no difference to this practice and the director of environmental protection will automatically be included in such consultations quite regardless of any statutory obligations which may be imposed.

One other matter on which I should touch is the problem of acquiring professional staff. Scientists with the ability and experience needed by the department are in very short supply and inevitably it will be some time before suitable people can be adequately trained. In the meantime the department of environmental protection will require to lean heavily on staff resources of other departments which have built up a store of knowledge. It will need to rely also upon assistance from Commonwealth sources, universities, and private enterprise.

I have already referred to the power in the Bill to enter into contracts for special investigations. In addition, the Bill provides that the Minister may enter into arrangements with other Governments, with universities, and with other organisations or people concerned to engage upon investigation or research. I think this is a vital matter. It also provides that the council must confer and co-operate with Government departments and public authorities concerned for the protection of the environment and these authorities are required to give all practicable assistance.

There will be a vital need for the new ministry to keep in touch with progress and developments in other parts of Australia and throughout the world; not that the world, at this stage, seems to be able to show us anything more than wholesale

investigation on its part, and the fact that it has set up many powerful organisations to examine and report on these matters. It may well be that before long an appropriate Australian council will be established with Commonwealth leadership and all-State representation. Such a body could serve a most useful purpose. I think that already it has been indicated that there will be Federal growth in this direction. I must admit that we look forward to the day when such development is established, because what we need most of all is the authority, money, and the know-how such as a national Government could provide to help us in one of the difficulties facing mankind at present.

A tremendous amount of thought has gone into the preparation of this Bill. I recognise that many people will have different ideas as to how best the problems of pollution and environmental protection should be tackled. The intention of the Government has been to introduce a measure which will promote and develop a conservation outlook both in the community and in official circles. We believe the best results can be achieved by relying on co-operation and goodwill rather than on compulsion and penalties.

I do not for one moment claim this Bill will prove to be in every way the ideal answer. I feel sure, however, that it will be a sound beginning, and that these proposals will exercise a wide and beneficial influence on the future planned development of Western Australia and the welfare of its people.

In repeating those last words, we are very conscious that these problems can be tackled in many ways. Perhaps we could effect results by taking some compulsory action immediately, but we do not want to resolve only a little of the problems. The overall issue of prevention of the pollution of the environment is one that is common in every direction in one way or another. I hope the community as a whole will rally to the idea of moving very slowly and gradually into the field whereby we may find that we need compulsion; that we need penalties; but not until such time as we prove these facts should we bring such a Bill to Parliament.

Mr. Graham: Is it intended that the Act shall be in charge of a full-time Minister, or is it to be shared by several Ministers?

Sir DAVID BRAND: I am coming to that. As I said at the beginning, I will name the Minister, and, seeing we are close to a State election, it is not my intention to appoint another Minister, or bring a Bill before this House to increase the number of Ministers. I am appointing the Minister for Health (The Hon. G. C. MacKinnon), as Minister for environment protection. I think he has had quite a deal of experience in the department he

is at present administering which deals with wildlife, fauna, and flora, and in the few months that lie ahead before the election we can take advantage of his valuable experience.

Mr. Jamieson: He had better do a better job than he has done with the Clean Air Act.

Sir DAVID BRAND: I might say that the Clean Air Act was the first passed in Australia. I do not think there is similar legislation anywhere else in the country, and it is a most difficult matter to police. However, as a result of the action we took—and we took it very early—marked improvements have been shown, as tests and analyses taken of the air will prove.

Mr. Jamieson: You want to tell the people of Kewdale that.

Sir DAVID BRAND: Of course, the people of Kewdale and of other areas, as a result of industrial development and other action, have found themselves faced with the problem of the air not being clean; but we are taking every possible action in regard to fumes being emitted from the chimneys of industry and from other places to ensure that the air will be as clean as science can make it at this point of time. I commend the Bill to the House.

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

#### *Message: Appropriations*

Message from the Lieutenant-Governor received and read recommending appropriations for the purposes of the Bill.

### **NATIONAL TRUST OF AUSTRALIA (W.A.) ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 22nd October.

MR. TAYLOR (Cockburn) [5.31 p.m.]: This Bill to amend the National Trust of Australia (W.A.) Act of 1964 is a very short piece of legislation, and appears to be without complications. Briefly, it merely seeks to add a new provision to the parent Act; that is, to add a new section, 21A. As far as the Act is concerned, the amendment does not confer any new powers; it merely tidies up a situation which already exists. Therefore, the Bill seeks to alter the Act in a very small way.

From what I have been able to find out, this amending Bill has been introduced as a result of a meeting of the legal advisers to the various National Trusts in Australia, at a conference which, I believe, was held in Melbourne in 1968. While all States will adopt this piece of legislation, Western Australia appears to be the first State to introduce the relevant Bill. Because there is no pressure on the

National Trust to put through this amending legislation, and because of the other reasons mentioned, I intend to support the measure.

As the Minister pointed out when he introduced the second reading of the Bill, it will enable private persons who own land to arrange covenants in favour of the National Trust to be recorded against their titles, if they so wish; that is, to restrict the use of the land in various ways for purposes which the National Trust may decide. In the main this will enable persons who have particularly interesting aspects of the coast, or particularly interesting aspects of inland lakes or rivers, to arrange covenants in respect of the land so that the trust may utilise the land for the time being for its own purposes. I understand this could also apply to areas of flora, wildflowers, and stands of timber, and to any land in which the trust finds an interest.

The present legal position is that such covenants can be validly established only if the grantee holds the adjacent land. This is a provision which comes to Western Australia from the common law of the United Kingdom, and it is not written into our Statutes. This common law enactment points out that a person cannot make a covenant with regard to the land he owns, except to a person who owns the adjacent property. As has been mentioned, anyone who wishes to vest his land in the trust for some purpose or another is not, at the present time, able to do so, unless the trust owns the adjoining land. The Transfer of Land Act will not suffice in this situation. With the enactment of the provision in the Bill the National Trust will be able to overcome this difficulty, with the inclusion of a provision in its own Act.

Before concluding my remarks on this very small Bill, I think it is worth while to mention one or two points with regard to the National Trust, especially as we have just listened to the Premier's introduction of a Bill which complements the trust's activities very substantially.

The National Trust is one of those bodies to which all members of Parliament and all members of the community lend great support. It has had a very short history, but a very worth-while history to this point of time. The trust was formed in the 1950s, and it had its first opportunity to be governed by a Statute of this Parliament in 1962. When one reads the debate which took place in 1962, when the Bill was introduced, one finds that a number of members participated. The most interesting point raised at the time was the question of the retention of the Barracks Arch. The comments which were then made by the Premier and by other members were accurate in antici-

pating what was likely to occur some five years later. Incidentally, the trust has classified the Barracks Arch, though it is not vested in the trust.

The Bill which was introduced in 1962 was withdrawn, but a similar measure was introduced in 1964, after some difficulties relating to the composition of the trust had been ironed out. On the occasion in 1964 only the then Leader of the Opposition spoke to the Bill, and he gave it full support.

In the ensuing years since 1964 the trust has prospered, and it is doing very worth-while work. One or two points will emphasise this. One of the properties which is vested in the trust is the old Strawberry Hill farm at Albany, and it was visited by over 9,500 people in the year 1968-69. This brings the total number of visitors since it was opened in March, 1966, to about 33,000. That indicates the interest that is taken in the activities of the trust. The old Strawberry Hill farm is more than self-supporting, because a small admission fee is charged and donations have been received. These moneys cover the cost of upkeep, and they have also been the means of contributing some finance towards the conduct of the affairs of the trust.

Another point is that the Government does assist the trust, and over the last few years I think it has assisted to the tune of \$4,500 a year. Whilst at the moment the trust appears to be financially secure, no doubt the opportunity will arise when more money will need to be allocated to it to enable it to continue the worth-while work it is carrying out.

The type of activity undertaken by the trust is revealed in its reports; and I think it is worth while to bring to the attention of the House that in one particular year 13 buildings were suggested as being worthy of preservation. They included Lockville at Busselton, Wallcliffe at Margaret River, Chiverton at Northampton, Faversham at York, and others throughout the State. This indicates the work which has been done by a very dedicated group of people in preserving something for the posterity of the State.

Since its inception the trust has been working very amicably though, I understand, it is thinking in terms of modifying the representation of the bodies. This may come later. Certainly the trust seems to be working very efficiently, indeed.

The principal point I wish to emphasise—and I referred to it earlier—is that the trust is a worth-while body. It is one of those instrumentalities that all sections of the community can support. For those reasons I endorse the Bill.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [5.38 p.m.]: I would like to thank the member for Cockburn for his support of this piece of amending legislation. From his remarks it is obvious that he has undertaken some research into the work of the National Trust; and it is good to know that he, apparently on behalf of the Opposition, supports the aims and objectives of the trust.

This body was brought into being in 1964 by the Government, as the Government felt it would be a good thing to create a National Trust in order to safeguard objects and places of historic interest; and places which have some claim to aesthetics, to charm and to beauty throughout the length and breadth of the State.

A small error was made by the honourable member who has just spoken in the debate. He said that the trust has been assisted by the Government to the tune of \$4,500 a year.

Mr. Taylor: That was the amount shown in the 1969 report, which was the latest available.

Mr. ROSS HUTCHINSON: I think it used to be \$4,000 annually. Very recently I made an approach to the Treasurer, as a result of which the figure has been increased to \$10,000 annually. The National Trust is particularly pleased with this increase in the grant. It was beginning to feel some of the effects of the burden that the Administration had foisted on it, and it is very grateful to receive the increased annual grant.

Mr. Cash: Is that shown in this year's Estimates?

Mr. ROSS HUTCHINSON: I think the increase is shown in the Estimates. I would also like to point out that the Government materially assists the trust in a variety of ways in respect of representations that are made to the Government. Very frequently the Government, through the Public Works Department, assists in the restoration and renovation of old historic buildings. This department also does some work for the trust in a consultant capacity in a number of instances, and the Government also provides substantial financial support to restore buildings. I refer to buildings like the Toodyay Gaol and the old Fremantle Women's Lunatic Asylum.

Mr. Brady: Do not forget Woodbridge.

Mr. ROSS HUTCHINSON: Yes, also Woodbridge in the Swan Electorate, and other buildings. Of course, we should not forget the Barracks Arch.

Much remains to be done by the National Trust, but I agree with the member for Cockburn that it is in good hands. This amending Bill does what it proposes

to do; that is, it authorises the arranging of covenants on land titles in favour of the National Trust by the owners of land, if they so desire. The Bill makes provision for that in a single clause.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## **WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL**

*Returned*

Bill returned from the Council without amendment.

## **CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL**

*Second Reading*

**MR. CRAIG** (Toodyay—Minister for Traffic) [5.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the City of Perth Parking Facilities Act to provide power to enable the Council to—

- (1) Borrow money by means of overdraft.
- (2) Control Parking of vehicles on private property and within private streets or rights-of-way.

In 1969 it was agreed to amend the City of Perth Parking Facilities Act to enable the council to use the powers of part XXVI of the Local Government Act, which provided power to borrow money other than on overdraft, for the purposes of the City of Perth Parking Facilities Act.

The Perth City Council has advised me that it is prepared to spend considerable sums on development of multi-storied car parking structures but this development is being restricted by the limitation of loan funds. Although the Under-Treasurer and the Loan Council have made available additional funds for borrowing, there is insufficient to meet the increasing requirements of the municipal and parking needs of the council.

The council's need to improve its borrowing powers is illustrated by the amount of \$630,000 which was required to finance the purchase of a very desirable parking site between Hay and Murray Streets, near King Street. Incidentally, I am informed by the council that the cost of constructing the first stage will be \$595,000, of which \$550,000 has been provided from



loan funds. Other works are also listed which are in hand, and it would probably be advisable to refer to them. This information was supplied to me only today. Another project is the construction of a car park under the new concert hall with a capacity of 550 spaces, which is estimated to cost \$700,000.

The council is also investigating three other car-parking sites, and it is anticipated that finality will be reached on at least one before the end of the year. So, it can be seen that the council has a considerable commitment in this regard.

It is understood that the council's parking fund bankers may be able to make available funds on overdraft, but the Parking Facilities Act does not allow borrowing by this method, therefore an amendment is desirable to enable the council to avail itself of these moneys if and when they become available.

The other item is also causing council considerable concern due to the number of complaints it is receiving of persons illegally parking their vehicles on private property or in private streets, laneways, or rights-of-way throughout its district. The City Council's Vehicle Parking Committee has requested that the Act be amended to give council power by by-law to take action against illegal parking on private property following a complaint being received from the owner of the property.

It is considered that if the Act is amended, the council's by-law 60, which is for the care, control, and management of parking facilities, could be made to provide that where a person parked his vehicle on any land within the parking region, without the consent of the owner of that land, officers of the council could issue an infringement notice which could provide for payment of a modified penalty.

Mr. Graham: There are many rights-of-way owned by nobody in particular because they are the residue of larger blocks. The land is still in the name of the person who originally owned it, and he could have been dead for some time.

Mr. CRAIG: I can understand that problem, but this measure is more or less to overcome the existing problem of illegal parking in private rights-of-way or laneways.

Mr. Graham: I am wondering whether the Bill goes far enough. The Bill will cover illegal parking where the land is owned, but what about illegal parking on land which abuts rights-of-way?

Mr. CRAIG: We will go into that matter at a later stage. All that I am concerned with at the moment is the case of the privately-owned land or right-of-way. It is felt that the method of issuing an infringement notice, and the publicity it would receive, would act as a deterrent to

the continuation of illegal parking on private property. The suggested penalty is \$10 for parking on private property, and \$2 for parking in lanes or private streets. The private streets might come under the classification referred to by the Deputy Leader of the Opposition.

The need for control of parking in private streets, laneways, or rights-of-way is more in the nature of prevention of obstruction of free movement of traffic, particularly in the central area, although similar complaints have arisen from outside this area. The complaints generally are from persons who have right of carriage-way over a private street, lane-way, or right-of-way, but because of indiscriminate or uncontrolled parking by others, they are denied their right of access or carriage-way over the land.

As these private streets, laneways, or rights-of-way are not deemed to be "roads" within the meaning of the Traffic Act, vehicles parked therein are not subject to the control provided by part XI of the Road Traffic Code. It is considered that the matter could be resolved by amending the parking facilities Act to give the council power by by-law to control parking in these private laneways in its district.

The proposed powers given the Perth City Council under this Bill in regard to control of parking are also contemplated for local authorities under the Local Government Act. This would allow a modified penalty to be applied for a breach of the by-law and should soon bring about a measure of control of what is developing into a serious problem. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Graham (Deputy Leader of the Opposition).

## **POLICE ACT AMENDMENT BILL (No. 2)**

### *Second Reading*

**MR. CRAIG** (Toodyay—Minister for Police) [5.54 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains amendments to four sections of the Police Act. The first amendment deals with antisocial conduct; namely, group involvement in emotional and disorderly situations. The second deals with vandalism; the third with the growing evil of drugs; and the final amendment concerns the crime of unlawful possession.

At the outset, I feel I should mention that the second clause of the Bill allows the Act to be brought into operation "piecemeal" in order to give the courts and public ample notice of the new offences and penalties and allow the dosages that are *prima facie* evidence of drug trafficking to be prescribed by regulations.

Dealing with the first amendment—antisocial conduct—it could be considered that throughout the democratic world to-day there appears to be great tension in the community between the claimed rights of the individual and public order.

I mention throughout the democratic world because in countries of other ideology, public order is never disturbed simply because there is no freedom whatsoever of the written word or of speech, and certainly demonstrations of any type are forbidden.

Because of the existing tension, any attempt to legislate against assemblies becomes contentious and all sorts of non-existing restrictions to freedom are read into the amendments by certain people and organisations.

In order that I might give some reason for its introduction, allow me to remind members that in recent times, group incidents in strength and violence have occurred at the Scarborough beach front, and in a number of other places in the metropolitan area, and we learnt of two other incidents only this last weekend. It is reasonable to assume such incidents will mount in number and intensity unless some restrictive measure is applied.

At the present time, we are not fully equipped legislatively to meet this situation. Section 54 of the Police Act deals with disorderly conduct on the part of an individual or individuals, but where the police are confronted with overwhelming numbers of milling, disorderly people, independent arrests for a "specified" form of disorderly conduct, the very nature of which must be strictly proven against such offending party, is practically impossible, except on isolated occasions when an arrest may be made from the fringe of the assembled crowd. However, the hard core offenders customarily seek sanctuary in the hub of the gathering.

Section 62 of the Criminal Code caters for the problem of "unlawful assemblies" but this legislation is designed to meet requirements of an assembly of a far more serious nature than the circumstances under review; namely, where there is reasonable apprehension that the unlawful assembly may next begin to act in so tumultuous a manner as to riot. In this case, the offenders stand trial before a jury.

It is evident, therefore, that the police need power to deal with antisocial conduct estimated as lying about midway between disorderly conduct—section 54 of the Police Act—and unlawful assembly—section 62 of the Criminal Code.

The new clause is not harsh or unreasonable as the police, to sustain a successful prosecution, have to prove firstly that the people assembled have been acting in such a manner as to give persons in

the neighbourhood of the assembly reasonable ground to apprehend that the persons so assembled—

- (a) will disturb the peace, or
- (b) will by the assembly needlessly provoke others to disturb the peace.

And how often do we see this happening?

Secondly, the police have to obtain evidence of the criteria of a disorderly assembly; and, thirdly, the persons so liable for the offence must have ignored a warning by the police to disperse immediately and go peacefully to their homes or about their lawful business, before such persons are guilty of the offence.

The necessity for a warning to be given before arrests, ensures that a person not involved in the assembly cannot be wrongly arrested; that is, unless he ignores the warning.

Referring now to the second amendment, I do feel it would be unreasonable to assert that vandalism is a product of modern society, and I consider that one would be on fairly safe ground if one claimed that the incidence of this has increased out of all proportion in the last decade.

Not only does vandalism cause millions of dollars worth of wanton damage and destroy forever things of beauty and historical importance, but it has now reached the stage where it causes loss of life. This may seem a very bold accusation but there have been incidents where persons have been drowned when people trying to effect a rescue have found life lines cut, and only last week there was a report from Brisbane where the police claim that a two-year-old girl was killed near Townsville because of an act by vandals.

Some might say that such things do not happen here, but although there are perhaps no cases of incidents causing death there have been many incidents where vandals have created a position that might have led to death or serious injury.

Last year, in an attempt to do something to combat this, I agreed to the formation of a vandalism research committee under the chairmanship of the Deputy Commissioner of Police, Mr. A. L. M. Wedd. This step was taken following on a deputation to me from the Federated Chamber of Commerce urging the appointment of such a committee comprising both Government and public organisations.

The committee heard evidence both from organisations and private citizens and as a result much valuable material was gained from these sources. Subsequently, it made a series of recommendations which included the suggestion that the penalties be drastically increased and that magistrates be given the power to inflict both fines and imprisonment on offenders, and this is attended to in this Bill. Other

recommendations included the introduction of weekend detention centres and the sharing by vandals in the work of reparation of damage caused by vandalism.

Mr. Cash: Did the committee recommend "work" penalties?

Mr. CRAIG: I am coming to that. Investigations are at present being undertaken for these measures to be introduced, whilst another suggestion, the provision of all-night street lighting, is also under consideration.

I fully agree with the point made by the member for Mirrabooka, which, I presume, refers to periodic detention for certain types of vandals, and physical restoration of the damage. One of the difficulties posed in this matter is the supervision of the work of restoration. This could be covered to a certain extent if such types of vandals were sentenced to periodic detention, which need not necessarily be at weekends but could be over a period of one or two days when the work could be performed.

Mr. Cash: Vandalism is increasing, is it not?

Mr. CRAIG: I am expressing my personal opinion when I say that since this matter has been highlighted the incidence of vandalism has possibly been reduced, although one can read about a case of vandalism reported in tonight's paper.

Mr. Cash: Would the incidence of vandalism be greater in summer than in winter?

Mr. CRAIG: I think that is so, because of the longer hours, particularly at the beaches, where it is more apparent.

Regarding the next proposed amendment, I feel sure that members have become well aware of the frightening effects of illegal use of drugs. No longer is it possible for people to say, "It can't happen here." That it can is very evident in the increase of offence figures which are as follows:—

Year	Offences of Possession and Usage	Smoking Cannabis
1968-69	52	15
1969-70	49	21
July to October 1970	16	30

It will be seen that in 1969-70 there was a total of 70 offences in the year, yet in a matter of four months from July to October of this year, there have been 66 offences.

We, in Western Australia, have a highly efficient group of trained C.I.B. men operating as the Drug Squad, and in conjunction with the Customs Department and the Public Health Department they have already made a number of arrests and have uncovered a number

of highly dangerous situations where drugs have been the cause of trouble. However, this squad will be handicapped in their effort to stop the spread of the evil unless they are given additional power.

This request does not come from Western Australia alone, and neither are we the only State with a drug problem—far from it—but I feel members will agree that the best way to stop it assuming alarming proportions is to crack down on it in its early stages.

Over the past year there have been several Commonwealth and State ministerial conferences dealing with the problem, and at the most recent gathering Ministers agreed to proposals from the National Standing Committee on Drugs of Dependence that drug trafficking should be a separate offence to be dealt with more severely than offences involving drug usage or possession, and that the penalties for drug offences should be uniform throughout the Commonwealth. Additionally, it was agreed that possession of specific quantities—approximately 50 times the normal dosage or more—was to be *prima facie* evidence of trafficking.

The present penalties for offences are up to a maximum of \$1,500 or imprisonment for three years. This covers all offences. The Bill accordingly provides for a fine of \$2,000 or three years, or both, for simple possession, and a fine of \$4,000 or 10 years, or both, for trafficking.

In view of the high penalty for trafficking the Bill directs that the Court of Summary Jurisdiction convicting the person for the offence shall commit him for sentence before the District Court of Western Australia, which may pass sentence for the offence and deal with the convicted person as though the person has been convicted of an offence by a Court of Summary Jurisdiction. In the interim the court convicting the offender is empowered to commit him to gaol or admit to bail pending sentence.

Additionally, the Bill directs that the court convicting the person shall be constituted by a stipendiary magistrate sitting alone. This is necessary because of the seriousness of the offence.

In regard to the proposition, agreed to by State and Commonwealth Ministers, that the possession of prescribed quantities or more of drugs is *prima facie* evidence of intent to supply or sell them to another, the actual quantities have not been enumerated in this legislation, but the Bill envisages that the regulations will so prescribe. Clause 13 of the Bill empowers the making of regulations under the Act. This is the more flexible

manner of dealing with the proposal and obviates amending legislation each time new dosages or new drugs are added or existing dosages are varied.

Finally, we deal with an amendment to section 69 which deals with the offence of unlawful possession.

For some considerable time, the Master Builders' Association and other kindred organisations have been gravely concerned by large-scale thefts of materials from building sites and have made several requests for a review of the penalties imposed on offenders for offences of stealing from these sites.

This matter was referred to the Crown Law Department for consideration and the Chief Crown Prosecutor reported as follows:—

I do not consider any amendment to the definition of "building" under the Criminal Code would be warranted because to extend such a definition to cover a building site or even a partly constructed building would seem to present very grave problems in drafting an amendment.

The basic problem, however, is a purely practical one, namely that unless a person is actually caught stealing from a building site or building, the identification of the stolen property would present tremendous difficulties as in most cases it is quite impossible for the owner of material stolen ever to be able to say with confidence that any particular article belongs to him. In other words, they are usually unidentifiable objects and this is true whether the property stolen is copper piping or bricks.

Accordingly, I would suggest, rather than try and amend the Code, the better practical suggestion is to amend the provisions of the Police Act so that more substantial penalties can be imposed in cases of unlawful possession. To make this quite clear, in a case of unlawful possession proof of ownership is not required and this overcomes the difficulty which presents itself in cases of stealing where the property must be identified positively. Accordingly, I would recommend this course of action to be followed with, as I have said previously, an increase in the maximum penalty.

The matter has been thoroughly considered by the Commissioner of Police, who agrees with the submission, and, in order to provide a more realistic deterrent to people who steal from building sites causing a tremendous loss of material, which in turn has an effect on increasing building costs, has suggested that the penalty be a \$400

fine or two years' imprisonment in lieu of the present penalties of a fine of \$100 or six months' imprisonment.

Debate adjourned, on motion by Mr. Brady.

*Sitting suspended from 6.13 to 7.30 p.m.*

## BETTING INVESTMENT TAX ACT REPEAL BILL

### *Second Reading*

MR. CRAIG (Toodyay—Minister for Police) [7.30 p.m.]: I move—

That the Bill be now read a second time.

Firstly, I would like to thank you, Mr. Speaker, for the consideration shown to me in not asking me—

Mr. Graham: Where is the Liberal Party?

Mr. CRAIG: —to proceed with the second reading immediately before the tea suspension. Also I wish to thank members of the Opposition for their support by their attendance this evening.

Mr. Jamieson: It is the first time you have been Acting Premier.

Mr. CRAIG: We have a Cabinet meeting at the present time.

Mr. Graham: And a few others, too, by the look of it.

Mr. CRAIG: I am glad to see the Country Party well represented, anyhow.

To proceed with the explanation of the Bill. As the title indicates, this measure is introduced for the purpose of repealing the Betting Investment Tax Act, 1959, and the three amendments thereto. Other complementary amendments are proposed to the Bookmakers Betting Tax Act, 1954-1959; the Totalisator Agency Board Betting Tax Act, 1960-1966; and the Betting Control Act, 1954-1970. Those amending Bills are listed on the notice paper. Under these changes it is expected that the overall revenue position of the Government will more or less remain unchanged.

The betting investment tax payable on each bet made off course commenced as from the 21st December, 1959, some 12 months before the Totalisator Agency Board was first established, and about 15 months prior to the board actively commencing operations. At that time, as the off-course backer in not attending the race track was not required to pay an entrance fee, including the then entertainment tax, it was deemed fair that he should make some contribution to the revenue of the racing and trotting clubs, and also to the revenue of the State.

The rates of tax imposed in December, 1959, were—

- (a) on a bet up to and including one pound, the sum of threepence; and
- (b) on a bet of over one pound, the sum of sixpence.

These rates remained unchanged until decimal currency was introduced in February, 1966.

Under the provisions of section 16 of the Betting Control Act, 1954, the investment tax was first distributed—

- (a) to the racing clubs—the investment tax derived from betting on galloping races held inside the State;
- (b) to the trotting clubs—the investment tax derived from betting on trotting races held within the State; and
- (c) to the Government—the betting investment tax derived from betting on galloping and trotting races held outside of the State.

This remained the basis of allocation between the racing and trotting clubs and the Government until the 31st December, 1960, by which time the Totalisator Agency Board had been set up.

By reason of the increased benefits expected to be derived by the racing and trotting clubs from the operations of the T.A.B., section 16 of the Betting Control Act was amended so that as from the 1st January, 1961, the whole of the betting investment tax was retained by the Treasury without any distribution being made therefrom to the racing and trotting clubs.

To meet the introduction of decimal currency in February, 1966, the Betting Investment Tax Act was further amended in December, 1965, and as a result, a flat tax rate of 3c per bet became payable as from the 14th February, 1966, and this rate still remains. By reason of the amount now being contributed by the off-course backers to the revenue of the racing and trotting clubs, and the Government, it is considered that the time is now ripe to abolish the investment tax and to transfer part of the burden now carried by the off-course backers onto the on-course bookmaking system and to the racing and trotting clubs. It is proposed to do this by increasing the turnover tax rates of both the on-course bookmakers and the Totalisator Agency Board.

For the year ended the 31st July, 1970, the Totalisator Agency Board collected and paid over to the Treasury a total of \$739,858 by way of betting investment tax. This amount was derived on a betting turnover of \$50,089,906, and, as a percentage of turnover, amounted to about 1.48 per cent.

It is expected that the turnover of the Totalisator Agency Board for the calendar year ending the 31st December, 1971, will approximate \$54,000,000. Thus, as the betting investment tax represents about 1.48 per cent. of turnover, the dropping of this tax as from the 1st January, 1971, means that unless other adjustments are made, Consolidated Revenue will suffer to the extent of almost \$800,000 for the 1971 calendar year.

The other measures being introduced will show how this amount will be made good without any loss to the Government.

Although the dropping of the betting investment tax will not be of much concern to the off-course backer who bets in a substantial manner, it does represent an appreciable saving to the small investor and on an investment of 50c, represents 6 per cent. I have in mind the fact that further explanation will follow with the introduction of the other Bills.

**MR. TONKIN** (Melville—Leader of the Opposition) [7.37 p.m.]: I do not propose to exercise my right to ask for the adjournment of the debate on this Bill. I intend to deal with it immediately. It is straightforward enough and involves only one principle—that is, the abolition of the investment tax, as we know it.

The Government is not entitled to any credit for this, because it is not going to cost the Government a cent. It is simply a shifting of the impost from one section of the community onto another section, and that is the section which, of course, is better able to bear it.

We on this side of the House have for a number of years advocated the abolition of this tax because it has been most unfair in its incidence. As the Minister himself said, it has represented an impost of some 6 per cent. on a large number of investments made by people who put in their Saturday afternoons in this form of amusement, and whose investments are more or less limited to 50c. Those people who have wagered in large amounts have been paying, if they have been paying at all, only a fractional percentage of tax on the investments they make. Many of them have not even paid this fraction because it has been paid for them by the agents who have been anxious to get their business. Many of the agents operating for the T.A.B., because of the commission they earn on the business they obtain, have made arrangements with the big bettors that they, the agents, would pay the tax; and that has made it more inequitable than it would otherwise have been.

We on this side of the House have pointed this out to the Government repeatedly, but to no avail. The Government has continued to levy this tax, most unfairly, on a large section of the bettors, knowing full well that the more affluent bettor has not in many cases been paying the tax. However, at long last the message has got through to the Government; maybe it is because an election is pending and the Government is hard put to it for support and is now hoping to win support from this section of the community hitherto completely disregarded by the Government in the direction to which I have referred.

One could perhaps give some credit to the Government if at long last it had decided to do this at some cost to itself. However, when it is appreciated that it will not cost the Government a cent to do what it is doing by the introduction of this Bill—it is just a transference of liability—then I repeat that in my opinion the Government is not entitled to any credit at all. On the contrary, it should be blamed for not having taken similar action years ago, knowing full well how unfair the tax has been in its incidence.

Anybody who observes the figures of the turnover of the T.A.B. would realise how foolish bettors are as a body. They continue to wager their money Saturday after Saturday, and on Tuesdays and Wednesdays, because the T.A.B. has extended opportunities for investment.

Mr. Jamieson: And sometimes on Mondays.

Mr. TONKIN: These people have continued to wager and I suppose if some people who have not sufficient funds to go to more expensive entertainment derive some pleasure from having a flutter on Saturday afternoons to the extent of a dollar or so that they may have available, that is entirely their own business. They should be allowed to continue to engage in this form of entertainment if they gain some satisfaction from it, however foolish it may appear to be financially.

However, to impose upon that section whose only enjoyment is derived in this way a tax out of all proportion to the investment they make has never been a satisfactory situation. It has never been to the credit of the Government which imposed the tax, and so we welcome what is now being done to remove the investment tax. It is completely in line with what we have advocated for years and at long last it is a recognition of the inequality which has existed so far as this tax is concerned.

It will probably not mean any more money to those who are betting in the smaller amounts; they will simply be able to have one or two extra wagers, but in the long run they will still lose their money. The only thing is they will get a little extra enjoyment which they derive from making an investment and hoping for the best. However, the big bettor—the bettor who has been accustomed to wager \$50, \$100, or, in some cases, much larger amounts—will not feel any difference at all; because, as I have said, in most cases such bettors never paid the tax. They had it paid for them by the bookmakers.

The ultimate result of the legislation will be that instead of some bookmakers—those who are agents of the T.A.B.—paying the tax on behalf of bettors, all bookmakers will be required to pay it; and, in the final analysis, they are better able to pay it than those small bettors

whose wagers are limited to 50c. So as there is nothing to give consideration to in the Government's proposal, I felt it desirable to go on with the debate this evening to expedite the business of the House.

MR. CRAIG (Toodyay—Minister for Police) [7.45 p.m.]: This is rather an unusual procedure brought about by the arguments advanced by the Leader of the Opposition, and, of course, by the amount of business that faces us before the close of the session. It is rather unusual, because I think it is, in my experience, the first occasion during my years as Minister in charge of the Totallisator Agency Board that the Leader of the Opposition and I have agreed on any matter associated with the T.A.B.

I thank the honourable member for his co-operation, but I could not let the occasion pass without some reference to it. I admit the betting investment tax has been an unnecessary burden over the years, but I recall that when a flat rate was introduced in 1966 similar opposition was expressed not only by the present Leader of the Opposition, but also by the previous leader.

I do not want to delay the proceedings, and I thank the Leader of the Opposition for his support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

## BOOKMAKERS BETTING TAX ACT AMENDMENT BILL

*Second Reading*

MR. CRAIG (Toodyay—Minister for Police) [7.50 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Bookmakers Betting Tax Act. This Act was first introduced in 1954 and the rate of tax payable by bookmakers, both on-course and off-course, was then fixed at 1½ per cent. on turnover.

The principal Act was amended by No. 49 of 1956 and thereafter on-course bookmakers were required to pay 1½ per cent. on the first \$100,000 per annum, and 1½ per cent. on the excess over \$100,000. These percentages are fixed under section 2 of the Bookmakers Betting Tax Act and the amounts of turnover on which such

percentages are payable are set down in subsection (2) of section 14 of the Betting Control Act. It will be seen, therefore, that there has been no increase in the rates of turnover tax payable by on-course bookmakers since 1956.

For the year ended the 31st July, 1970, the turnover of on-course bookmakers amounted to \$39,433,986, on which they paid turnover tax amounting to \$563,020. Of this amount, in accordance with the provisions of paragraph (a) of subsection (5) of section 15 of the Betting Control Act, the Government received 40 per cent. and the racing and trotting clubs 60 per cent., the respective amounts being \$225,208 and \$337,812.

This Bill, together with a Bill being introduced to amend paragraph (a) of subsection (5) of section 15 of the Betting Control Act, will result in changes being made in the rates of turnover tax payable by on-course bookmakers and the distribution thereof.

Firstly, under this Bill, on turnovers up to \$100,000 per annum, there will be an increase in the rate of turnover tax from 1½ per cent. to 2 per cent., and beyond that amount from 1½ per cent. to 2½ per cent. Secondly, under the amendment to section 15 of the Betting Control Act, it is proposed to vary the distribution of the turnover tax between the Government and the clubs so that in future the split will be on a fifty-fifty basis.

Over a two-year period the turnover of on-course bookmakers has increased by roughly 45 per cent. Thus it would not be unreasonable to assume that if no changes were to take place for the calendar year 1971, the turnover of on-course bookmakers would amount to \$45,000,000, representing an increase of just under 13 per cent. Based on the average rate of 1.41 per cent. on turnover, this would mean that bookmakers, for the calendar year 1971, on a turnover of \$45,000,000, would pay tax amounting to \$634,500. Of this amount, \$253,800, representing 40 per cent. of the total, would be received by the Government.

Whilst the gross profit made by on-course bookmakers is not known, it has been assessed at about 7 per cent. on turnover. By reason of the increased turnover tax that will be payable by on-course bookmakers should these measures be passed, in order to enjoy the same net profit margin, bookmakers will be required to return about 92c in the dollar to their clients as compared with the 93c now being returned.

This, of course, may have some effect upon turnover and it is believed that for the calendar year 1971 under the new taxing arrangements instead of turning over \$45,000,000 the turnover will only reach \$44,000,000.

The average turnover tax paid thereon will be about 2½ per cent., which will yield a total of about \$1,026,660. Of this amount the Government will receive \$513,330, representing an increase of \$259,530 over what will be received should these changes not be adopted.

As totalisator backers, whether on course or off course, contribute on an average of 15 per cent., plus fractions, there does not seem to be any good reason why those who patronise on-course bookmakers should not make a better contribution than they are now doing. When the gain of \$259,530 is applied to the revenue loss of \$800,000 envisaged by the dropping of the off-course betting investment tax, the balance to be recovered on behalf of the Consolidated Revenue Fund is \$540,470. Other measures now being put forward will show how this gap is to be bridged.

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

### **TOTALISATOR AGENCY BOARD BETTING TAX ACT AMENDMENT BILL**

#### *Second Reading*

**MR. CRAIG** (Toodyay—Minister for Police) [7.57 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Totalisator Agency Board Betting Tax Act, 1960-1966. The Totalisator Agency Board commenced active operations on the 18th March, 1961. At that time it was required to pay a tax of 5 per cent. on turnover. This rate was increased to 5½ per cent. on the 1st December, 1966.

The amendment contained in this Bill now proposes to further increase the rate to 6 per cent. as from the 1st January, 1971. The board's turnover for the year ended on the 31st July, 1970, amounted to \$50,089,906. For the calendar year, 1971, with all things remaining as they are now, it is expected that the board will have a turnover of \$54,000,000. Thus at 5½ per cent. the yield to the Treasury by way of turnover tax would amount to \$2,970,000. With the dropping of the investment tax of 3c per bet, on a turnover of \$54,000,000, the saving to the off-course betting public is calculated at \$800,000.

Without increasing the total cost of betting to the off-course betting public, this saving in investment tax, if invested at an average loss rate of 16 per cent.—15 per cent. plus fractions—would result in an additional increase in turnover of \$5,000,000.

Whilst it is not submitted that all of the saving on the investment tax will be put back into betting, it is nevertheless estimated that with the lifting of the investment tax, the board's turnover for the

calendar year 1971 will increase to about \$58,000,000, being \$4,000,000 more than would otherwise be the case.

If this proves to be so, the turnover tax payable by the board, should this amendment be adopted, will amount to \$3,480,000 for the calendar year 1971, representing an increase of \$510,000 over what is expected should the change proposed not take place. After allowing for a loss rate of 16 per cent. on the additional turnover of \$4,000,000—\$640,000—the relative saving to the off-course investing public will be \$160,000.

At this stage, after allowing for the additional \$259,530 by way of bookmakers' turnover tax, the Consolidated Revenue Fund is down \$30,470 for the calendar year 1971. It is necessary, however, to have a look at the situation in regard to the on-course totalisator.

For the year ended the 31st July, 1970, the totalisator duty received into revenue amounted to 5.89 per cent. of the on-course totalisator turnover. The present rates of totalisator duty paid into revenue are—

Metropolitan area—

Win and place  $7\frac{1}{2}$  per cent.

Doubles and quinella  $3\frac{1}{2}$  per cent.

Other areas—

All types of betting  $3\frac{1}{2}$  per cent.

As bookmakers, in order to meet the additional turnover tax of roughly 1 per cent., will have to reduce slightly the prices offered, this will make the on-course totalisator, relative to the bookmakers, a little more competitive than it is at present.

If, from the anticipated drop of \$1,000,000 in the turnover of bookmakers due to the reduction in the prices offered, an amount of \$600,000 is transferred to the totalisator based on an average totalisator duty rate of 5.89 per cent., the Consolidated Revenue Fund will gain about a further \$35,000, which is more than sufficient to bridge the gap.

Thus, if the proposed amendments to the several Acts become effective as from the 1st January, 1971, the \$800,000 loss to the Treasury arising from the dropping of the off-course betting investment tax of 3c per bet, will be made good by gains in—

On-course bookmakers' turnover taxes	259,530
Totalisator Agency Board turnover tax	510,000
On-course totalisator duty	35,000
	<hr/>
	\$804,530

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

## BETTING CONTROL ACT AMENDMENT BILL (No. 2)

### Second Reading

Mr. CRAIG (Toodyay—Minister for Police) (8.03 p.m.): I move—

That the Bill be now read a second time.

This is the final Bill concerning the proposals associated with the change in the taxing methods employed in racing, trotting, and betting, generally, in this State, and it proposes to make two changes to the Betting Control Act, 1954-70.

The first amendment is to paragraph (a) of subsection (5) of section 15. Under this section at the present time racing and trotting clubs retain, for their own use, 60 per cent. of the turnover tax paid by bookmakers on course. This measure proposes to reduce this percentage to 50 per cent. The full effect of this change on governmental revenue has been fully dealt with in connection with the proposed changes to the Bookmakers' Betting Tax Act, 1954-1959.

The second amendment is by way of the deletion in full of section 16A of the Betting Control Act. This is a necessary step in order to make the dropping of the betting investment tax complete. Section 16A of the Betting Control Act is what might be termed a machinery clause and provides for the Totalisator Agency Board and off-course bookmakers to submit turnover returns and to collect and pay the investment tax imposed under the Betting Investment Tax Act. I commend the Bill to members.

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

## LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

### Second Reading

MR. NALDER (Katanning—Minister for Agriculture) (8.06 p.m.): I move—

That the Bill be now read a second time.

This Bill is designed to introduce amendments which have become necessary because of changing conditions and developments. The first two amendments provide for necessary amendments to the title of the Act and the date of operation to be fixed by proclamation.

Subsection 6 of section 12 is amended to provide for the appointment of deputy members of the Boundaries Commission to act when the regular representatives are unable to do so. The Local Government Association recently suggested that where it had a representative of any board, commission, or committee, provision should be made for deputies. The Boundaries Commission is likely to be fairly active in future years and, to ensure that there is no interruption in the



operations, the appointment of a deputy for each member is considered desirable. It is essential that a deputy be appointed for each member because of the constitution of the commission.

It is intended to make it quite clear that eligibility for membership of a council includes an owner, irrespective of whether or not his name appears on the roll. This has been the case hitherto, but the phraseology which at present reads as follows:—

A person who—

- (c) is either an owner of rateable land within the district of the municipality or occupier of rateable land within the district whose name appears on the Electoral roll thereof.

tends to cause confusion and it is proposed to clarify this point.

Section 111(2) currently provides that an elector is entitled to vote in absence at an election if at a district election he resides more than five miles from the nearest polling place, or has reason to believe that on election day he will be absent from the district, or in a ward election, he resides more than five miles from the nearest polling place, or has reason to believe that he will be absent from the ward. No provision, however, is made for a situation such as can exist in the district of the Shire of West Kimberley where there are no wards and a person, although within the district, intends to be more than five miles from any polling place on election day.

At present a person who will be visiting a station over 183 miles from the Town of Derby is unable to exercise an absent vote because he is still within the district. It is desired to rectify this situation. At present absent vote applications must be delivered to the returning officer so that—

- (i) if posted to the returning officer, it is delivered to him in the ordinary course of post not later than 12 o'clock of the first of the two days last preceding that appointed for the holding of the election; or
- (ii) if delivered otherwise than by post, it is received by the returning officer before the close of the poll on the day appointed for the holding of the election.

It has been claimed that applications received on the day of election would not enable voting papers to be despatched and returned by the close of the poll. Under the Electoral Act, 1907, application for postal ballot papers can be made until the day immediately preceding the polling day and the amendment to paragraph (d) of subsection (3) is designed to require applications for absent voting papers to

be received not later than four o'clock in the afternoon of the day immediately preceding the poll.

An amendment to subsection (1) of section 112 is to a degree necessitated by the previous amendment. This amendment merely provides for the receipt by the returning officer of an application within the prescribed time.

An amendment has been designed to provide three categories of witnesses similar to the provisions at present in section 94 of the Electoral Act, 1907.

The Town Clerk, City of Perth, has expressed the view that the list of authorised witnesses at present contained in the Local Government Act is too wide. Although there can be no objection to the range of occupation of witnesses being wide, it should be possible for their eligibility to be readily checked if necessary. It is also considered that the professions and occupations listed should be in respect of persons within the State.

The provision still excludes a candidate for an election acting as a witness. There has been some doubt experienced concerning the requirement of the present provisions of paragraph (c) of subsection (1) of section 114 in respect of the means by which an authorised witness should write his qualification. An amendment is designed to clarify the procedure and specifies that the witness must sign his name and add his address and qualification to act as an authorised witness.

The present provisions of paragraph (e) of subsection (1) of section 114 which provides for an applicant "to cause balloting material to be posted or delivered to the Returning Officer" could enable candidates to become the custodians of this material. Amendments are designed to prevent a candidate for an election carrying out any of the duties prescribed in paragraphs (e) and (f) of that subsection on behalf of an elector.

The Divisional-Secretary of the Institute of Municipal Administration has drawn attention to the fact that the application of section 174, which prohibits members of a council with a pecuniary interest in the matter before a council from discussion or voting on the question, does not apply to the committee meetings of the councils. Amendments have been designed to make the prohibition at present applicable to members at meetings of a council also applicable to committee meetings.

The Fremantle Cemetery is at present conducted by the City of Fremantle with the assistance of an advisory committee composed of representatives of five municipal councils in the area, together with members of religious organisations. The

present situation has been found to be unsatisfactory in practice and the councils concerned have requested that section 181 be amended to enable a cemetery committee to be a committee of management. At present this section permits the appointment of management committees to control halls, libraries, and reading rooms, and the amendment merely provides for the inclusion of cemeteries.

There is at present no provision in the Act for determining the result of an election of the chairman of a committee where the mayor or president does not occupy this position and there is an equality of votes. The Bill provides for the clerk to report the failure to the mayor or president, who will cause a special meeting to be held to elect a member, failing which an appointment will be made by the mayor or president.

The council of the City of Fremantle wishes to apply the principle of "owner-onus" to offences committed against the parking by-laws of the council. The Local Government Act has recently been amended to provide for "owner-onus" in respect of offences committed against the by-laws made under section 234 and also in respect of offences against the by-laws relating to street lawns. The City of Perth Parking Facilities Act, in section 19, provides for "owner-onus" in respect of offences against that Act and it is considered desirable for the sake of uniformity to extend the provisions of this Act to by-laws made under section 231 of the Local Government Act.

Section 297A was enacted in 1964 to facilitate the closure of rights-of-way which were private streets, and to allot the land contained therein to the owners of adjoining land. In some instances, it is expedient to allot the whole of the land to the owner of one adjoining site and not to divide the land. The term "divide" is used in the Act, and an amendment is designed to enable the whole of the land without division to be allotted to one adjoining owner. When seeking the approval of the Governor the council is required to forward to the Minister all objections received.

An amendment inserted by the Minister for Local Government in another place requires the council to furnish reasons for its decision in regard to the allocation of the land contained within the closed road.

Section 610 provides that a council must advertise its proposal to borrow money by the issue of debentures, firstly in a newspaper circulating in the district, and then in the *Government Gazette*. The advertising must include the amount proposed to be raised and the maximum rate of interest proposed to be paid on

the debentures. Inclusion of the requirement for the maximum rate of interest to be advertised has resulted in a number of problems when interest rates have been varied, and recently these rates were increased by 1 per cent.

On this occasion many councils which had not completed their arrangements with lenders were obliged to readvertise the loans because of the requirements of section 610. This resulted in undue delay and also placed the loans in jeopardy, being again subject to veto by the rate-payers. In view of the fact that local government interest rates are fixed, there appears to be no good reason why the maximum rate should be included in the advertising and a proposal to delete this requirement is included in the Bill. I commend the Bill.

Debate adjourned, on motion by Mr. Toms.

## EDUCATION ACT AMENDMENT BILL (No. 2)

### *Second Reading*

Debate resumed from the 15th October.

**MR. JAMIESON** (Belmont) [8.18 p.m.] : As the Minister indicated when introducing this Bill, two principles are involved. The first will do away with the time-honoured procedure of appointing staff to teachers' training colleges from service personnel only, and will allow for positions to be advertised generally as they become vacant, or as they are created. As the Minister has already said, this change has been agreed to by those connected with the teaching staff, and it will overcome what is generally referred to as "inbreeding." No doubt, the situation in relation to lecturers and the instruction staff in teachers' training colleges will be improved. I understand that other States have already adopted this procedure, some with slight variations.

The present system of appeal against an appointment by a person who considers he has better qualifications, or seniority in service—qualifications being equal—will be superseded by the provisions contained in this amending legislation. I understand the instructors engaged at the teachers' training colleges are quite happy with this principle.

I have certain misgivings associated with the legislation and one of them is that the Bill virtually sets up the Director-General of Education as a teachers' college service commissioner because, for the moment at any rate, appointments will be on his say-so alone. I do not consider this is a desirable feature. The Director-General of Education has already run into some problems so far as departmental appointments are concerned because of similar circumstances.

It frequently happens that relatives or children of people who are associated with a certain department also become associated with the same department. Consequently the position can arise with an appointment where a choice has to be made between a relative of the person in charge of a department and another person. No matter how high the qualifications of the relative may be in comparison with those of another person, if the relative is appointed there is always a feeling on the part of other staff members that the appointment was not quite fair and above board. This has already occurred within the department and I would hate to think it could occur in respect of instructors to teachers' training colleges.

When the Minister brought forward the legislation he should have made provision for some form of tribunal to determine appointments. Such a tribunal could comprise the chairman of the proposed Tertiary Education Commission, a representative of the department, and a representative elected by salaried instructors from the various teachers' colleges. In this way varied interests would be represented when an appointment was made.

I consider that the legislation has associated problems with which the Minister has not come to grips at this stage. Also, from what the Minister said in his introductory remarks, he does not appear to have any intention of coming to grips with them at this juncture. The Minister talked about the progress towards autonomy for teachers' training colleges. If this is to be achieved, the first thing to be done is to take away from the Director-General of Education the authority to appoint staff.

Mr. Lewis: This will be done.

Mr. JAMIESON: I hope it will be done.

Mr. Lewis: It is not in the Bill, but it will be done.

Mr. JAMIESON: I hope it will be done very quickly, because this step must be taken to satisfy all those associated with the training of school teachers in this State.

Losing the right of appeal is a very great right for people already in the department to surrender. They are entitled to expect something in return. I am glad to hear the Minister say that the right to make these appointments will be taken out of the hands of the Director-General of Education. If this is done, I am sure that some form of appointment tribunal would not be out of place. I suggest that the Minister should give consideration to a tribunal comprising representatives of all fields of teacher training.

The provision to allow appointments from outside the service is attractive to many of our teachers who have gone overseas to further their experience and gain

additional knowledge. At present they are at a disadvantage when they return so far as appointments are concerned because they cannot withstand appeals from people who have been associated with the department on a full-time basis in this State. In consequence, their ideas, experience, and additional knowledge have been denied training colleges in this State up to date.

The Bill is concerned with several other matters, one of which is the leaving age for children who intend to attend specialised courses. We are well aware that the Minister has no power at present to allow a child to leave high school to attend a specialised course unless the child has completed three years of secondary education.

Experience has proved to the Minister, and doubtless to other members in this Chamber, that a number of children in the community come within this category. I refer particularly to girls who desire to undergo some form of business training in the third year of secondary education. At the moment they find that they are unable to obtain permission to undergo this form of training.

I consider that if a child is bent on a certain career he should be put into the field he intends to follow as soon as possible after the basic education is completed. As I say, this usually applies to girls who want to go to business colleges. However, it can also apply to boys who want to undertake training in a certain trade. A boy may seek further education in one of the many specialist apprenticeship fields. I know that the department itself now runs certain specialised courses. If a child wants to be apprenticed to a certain trade he should be encouraged to attend a specialised course outside the department, if one is available, for the final year of his secondary education.

The Bill makes provision for problems which might be associated with this. For instance, should a child who is excused from attending the third year of secondary education desist from the specialised training he must return to a Government or an efficient school. This provision is justified and it affords the Minister the protection of ensuring that the application for exemption has not been merely an excuse for leaving school.

Over the years we have seen matters associated with teacher training and recommendations made in this regard investigated by a number of committees. The most recent committee was probably the Tertiary Education Committee under Sir Lawrence Jackson and in a Federal sphere there was the Martin report. These investigations were geared mainly towards the autonomy of the various authorities which control teachers' training colleges. It appears to me that the Bill before us goes a long way in this direction.

I imagine that as a result of this situation we might find that, instead of a branch of the Teachers' Union looking after the interests of those instructing at teachers' training colleges, some form of staff association is set up by the people concerned to look after their own interests and welfare. This might be necessary, in fact, if the same line is followed here as was followed in the Eastern States; namely, the rates of salary which apply to people in certain categories in the Education Department will not necessarily apply to certain categories of instructors in teachers' training colleges. I should imagine that those who are associated with these interests would move fairly rapidly to achieve that end after legislation such as this is passed.

I shall now deal with the third and last matter contained in the proposed amendments to this Act, and that is the proposed grants by the Government to efficient schools, in lieu of the subsidies that have been provided up to this stage. It is difficult to follow the exact degree to which these grants will be available and in what way they will differ. Answers to questions received as late as today indicate that there would be quite a large increase in the actual amount to be spent in all categories in the next year, which is the first year under the different scheme. However, that remains to be seen.

I must have a little latitude in dealing with this matter because, while the amendment to the Act makes an allowance for these grants by the department, it certainly does not set out any grants, and we have to rely upon the Premier's Budget speech for an indication of the Government's intentions. It appears to me that in certain circumstances private schools—or efficient schools, as they are called in the Act—and new schools being established will be somewhat worse off than they have been up to the present time because there is a limit, depending on numbers, to the amount of the grant for providing equipment for schools. Assuming that some organisation set up a new college and, in the first year, became entitled to the maximum grant of \$700, it is quite conceivable that under the old scheme the subsidy for the provision of equipment and facilities would have exceeded that amount.

**Mr. Lewis:** Are you speaking of non-Government schools?

**Mr. JAMIESON:** Yes. As a consequence, to that extent a school could be worse off than it is at the present time.

On the other hand, non-Government schools—the efficient schools—that are well established are probably not as much in need of the financial assistance as are the newly-established non-Government schools, but they would get grants on the basis of school population. In some cases the grant will probably be in excess of requirements, particularly in the case of a school in an

area where the school population is diminishing and where, over a number of years, various items of equipment have been accumulated.

So it does not look as though the situation for certain schools will be as rosy as it might appear on the surface. Some schools may have difficulties. All in all, it will possibly be a better system. As the Minister indicates, it will certainly be a far simpler method for disbursement of this finance, from the department's point of view, and will involve far less paper work.

I now compare the proposals for non-Government schools with the proposals for Government schools, which are clearly covered in section 9 of the Act, under which the Minister is obliged to do all that is necessary to run the schools in the way that the administration from time to time determines. At this juncture it has determined, as far as State schools are concerned, that many things that have previously been subsidised will now be provided. That might be all right if we had some assurance from the Minister that when equipment became "u.s." there would not be a lot of red tape about replacement, and that duplicators, public address systems, and other equipment would be made available to the schools when replacements were necessary.

Experience has shown that when public address systems and other electronic equipment has been sent to the department for repair, it has sometimes been 10 weeks before the equipment has been returned. This seems to leave a lot to be desired, and perhaps the department could recognise that such equipment has a limited life and should be replaced after a certain time. At the present time, if a parents and citizens' association which has some finance determines that an amplifying system, a projector, or any other teaching aid needs to be replaced, it goes ahead and procures the item, and receives the subsidy for it. A headmaster should not be placed in the position of having to beg the department to provide a new machine when the old one has passed its prime and is not doing the job it is expected to do. These provisions must be well administered and controlled by the department.

The newly-established State schools—of which there will be 16 in the next financial year, according to an answer given by the Minister tonight—are at the opposite end of the scale. All this equipment will be provided *gratis* to them. That is a satisfactory state of affairs. Many of the new schools will not obtain the benefit of the activities of the P. & C. associations, which are usually the driving force in providing equipment for schools. I think the department should provide this equipment, because far too many rely on the too few

who work in P. & C. associations to raise money to provide equipment in schools. There might be some tapering-off of the activities of P. & C. associations, particularly in the newly-established areas.

The provision of all this equipment will no doubt assist headmasters of schools in new areas, where some time must elapse before the necessities can be provided to enable the staff to teach the students in the best possible way. However, the new provisions might lessen the interest of some of the parents in the school activities.

The grants for libraries for Government schools, which are now subsidised, may create difficulties because the grants will be made according to the size of the school. At some schools, because of their situation, the population is falling and the library requirements are probably up to the maximum. They would probably get a few new books each year, but those schools would virtually be drawing a maximum grant, which they would not need, because of their numbers.

No doubt they will expend it because it is available to them. So this might not be a good idea, and it would appear to me that many teething troubles will be associated with this situation.

Having made those comments, I think there is not very much else to say. Generally, it is a matter of supporting the proposition before us. We could associate various attitudes of mind with the various proposals that have come forward from the budgetary changes so far as both State and non-State schools are concerned.

Finally, I wish to draw the attention of the Minister to one feature. It always irks me that we employ so many draftsmen and legislative review officers who have put up to us a number of propositions over the years for the repeal of a number of Acts deemed to be of no further use on our Statute book. Yet we find the Education Act, which was reprinted as late as this year, still contains the following wording in section 9A:—

Notwithstanding anything to the contrary in The Assisted Schools Abolition Act, 1895, the Treasurer of the State shall in every year place at the disposal of the Minister such moneys as may be provided by Parliament, to be applied wholly or partly in or towards—

and then it goes on. I object to the employment of those officers if we are to have included in an Act which has been reprinted this year something that was taken out by Act No. 61 of 1964. That provision was repealed. I do not know why we have to put up with this

sort of procedure. Surely the draftsmen should have altered that when the Act was reprinted.

A person could pick up this Act, refer to section 9A, and find the words, "Notwithstanding anything to the contrary in The Assisted Schools Abolition Act, 1895." He would then hunt up that Act and, after making himself aware of its provisions, somewhere along the line he would finally find out that it was repealed some years ago. If that is a reasonable provision to have in legislation, I do not know what is unreasonable. I feel somebody should receive a prod and be told that he owes the Government better service than to allow such a provision to remain in a recent reprint. I would hope that this can be avoided at a later stage.

I wish to make another point regarding the verbiage of the proposal concerning the advertising of a vacancy, and I notice the Minister proposes to amend that provision in the Committee stage. I do not like the provision as it stands, nor do I like it as it is proposed to be amended. I feel that if we are to open up the situation so that people outside the department may apply for positions, then we should know where we are going. Proposed new section 10A (1) states—

Where a vacancy occurs in an office on the staff of any teachers' college to which section ten of this Act refers, or a new office is created on the staff thereof, applications for appointment to any such office may be advertised throughout such places in or outside the Commonwealth and at such times, as the Director General may direct.

I do not like the use of the word "may." It is true that the Minister's proposed amendment will virtually make it mandatory to advertise in the Commonwealth of Australia, but the director-general only "may" advertise. Evidently certain appointments are to be left solely in the hands of the director-general at the present time. The Minister might say such appointments would be of lesser importance and would not warrant advertising. However, if we take away the right of appeal surely people should not be sneaked in under the counter to fill those positions.

When the Bill is in the Committee stage I shall attempt to replace the word "may" with the word "shall" so that we will know where we are going. Then every vacancy will have to be advertised. The advertising may not necessarily be flamboyant, but at least the positions will be open to all, and it is my belief the intention of the legislation is just that. Maybe the position involved could be a lesser position in a particular training college; but irrespective of that there may be somebody outside the department who

desired to be considered for it. If we make legislation with the intention of advertising positions outside the department, then I think we should carry that principle through to an instruction that all positions "shall" be advertised, and not "may" be advertised.

I acknowledge that the Minister has given an indication that he will probably move to amend the proposed new section, but as it stands at present positions may be advertised throughout such places in or outside the Commonwealth as the director-general may direct. Under the present proposition they could be advertised in Timbuktu, although I give the Minister credit for the fact that he proposes to amend the Bill so that if a position is to be advertised it will be at least advertised within the Commonwealth. However, I do not think that goes far enough; I think we should say that the vacancies which occur, or the positions which are created, shall be advertised. As far as I am concerned that is fair enough and I certainly hope that Parliament would want to see that provision included if this body is to be autonomous. If people are to be appointed from outside the service, then each and every position should be advertised. I support the Bill.

**MR. HARMAN** (Maylands) [8.48 p.m.] : I approach the two main provisions of this Bill with mixed feelings. Firstly, I have mixed feelings about the provision which provides for the appointment of staff for teachers' training colleges from outside the Education Department system. I agree with the argument that to appoint officers or lecturers from outside the education system will no doubt provide teachers' training colleges with staff experienced in systems outside Western Australia. I agree that this will break down the inbreeding mentioned in the Jackson report and commented upon by the Minister.

However, on the other hand, I wonder how we are to protect or look after that person in the Western Australian education system who obtained his degree at our University, has taught in our schools for a number of years, has been an energetic, progressive teacher, and who is looking for a position in a teachers' training college as the ultimate in his career.

**Mr. Rushton**: He would have nothing to fear.

**Mr. HARMAN**: Such a person might have been loyal to the service and done everything expected of him—no doubt more—yet there is a possibility of a teacher who resigned from the service in Western Australia and who went to, say, Canada, for 10 years and then returned to this State, applying for a position at a teachers' training college. He would have an opportunity actually to be selected for that position.

Under the provisions of this Bill the person who has remained loyal to the service in Western Australia has no right of appeal. Whilst the member for Belmont was speaking the Minister interjected that a different system could be applied—that is, different from the system of the Director-General of Education appointing these officers—but whatever system is proposed by the Minister it remains to be seen whether provision would be made for a loyal teacher in Western Australia to have his rights protected to some extent. I know the Minister is aware, too, that under the Public Service Act it is provided that where a position is advertised outside the Public Service, the Public Service Commissioner should satisfy himself there are no officers within the Public Service who have the ability or qualifications to fill the position which is being advertised outside the Public Service.

I do not know whether, on this tribunal, there may be representatives of the Teachers' Union or staff officers of the teachers' training colleges who would, perhaps, bear in mind the teachers within the State teaching service who are applicants for a position, but, basically, those are my feelings on this point.

I would hope, too, that this alteration to the teachers' training colleges could be the beginning of further changes to the teachers' training college system which would result in increasing the number and the calibre of teacher trainees who are coming forward to the teachers' training colleges. On several occasions during the past two years we have pointed out to the Minister how the quality of the trainees entering the teachers' training colleges has dropped over the past 10 years.

**Mr. Lewis**: It has not; I have told you that that is not true.

**Mr. HARMAN**: I think it was seen, in 1963, that the educational level of trainees was five Leaving subjects. In 1969, it was pointed out that 173 trainees were entering the teachers' training college with only four Leaving subjects. On that occasion we also pointed out to the Minister that there was a reduction in the number of males entering the teaching service and an increase in the number of females. At that time the Minister very correctly pointed out that this was the result of inducements being made to our young men and women who were coming through our secondary education system to enter other avenues of employment which paid higher salaries. This is quite true.

At present a young man can enter the Public Service and at 21 receive a far higher salary than he could expect to get at the same age after passing through the teachers' training college. The only way to overcome this is to upgrade the salaries

and the allowances so that the teaching profession is placed on an equal footing with other professional services.

In 1969 we heard of a young school teacher who had been teaching at Mundijong for some years. He was a member of the East Perth Football Club and he had the opportunity to go to India with that club for two or three weeks. He applied to the Education Department for permission to go but this was refused. I think he was told that if he went he would be dismissed. He was a young school teacher who had a responsible job at Mundijong. He had the opportunity to go to India to broaden his education; to improve his knowledge of that country; to obtain a greater appreciation of how people in another country live. He was even supplied with photographic material by the Education Department for his use when he went to India, but he was refused three weeks' leave of absence from his school to go to that country.

He went to India and when he returned he re-entered the education system and went back to Mundijong. As a result of his trip he was able to impart to his students all the experience and knowledge he had gained during his trip to India. If this is the way we are to treat our young teachers—

Mr. Lewis: What do you think that class would do while the teacher was gone?

Mr. HARMAN: If we are to get better teachers this is one way by which they can increase their knowledge.

Mr. Lewis: Oh yes! Let them all go!

Mr. HARMAN: I agree that the Minister has problems; I know of some of them, but I think this is a case that should have been placed in the category of being sufficiently important to let the teacher go.

Mr. Rushton: How far would you go with this system? It is all very well to say it without any responsibility.

Mr. HARMAN: I am just making my point. Some other teachers, associated with the Subiaco Football Club, resigned from the Education Department to make the trip to India. The young teacher from Mundijong was dismissed because he made the trip, but on his return to the State he went back into the system and at present he is on probation. The same argument applies to the loyal school teachers to whom I referred previously. I was wondering whether we could have some sort of system whereby the department, being aware of the able and progressive teachers coming through the system, and knowing that they have some potential for higher appointments in the teachers' training colleges could, at some stage in their career, somehow arrange that they be given a kind of sabbatical leave.

Mr. Lewis: They get that now, but not after a few months in the service.

Mr. HARMAN: I know that; they have to be there for some time.

Mr. Lewis: You would grant them leave, willy-nilly, at the drop of a hat.

Mr. HARMAN: Oh, no. I think certain restrictions should be placed upon them, but whether people take advantage of this leave I do not know. If such leave is already provided, that covers that particular point.

I now wish to raise the question of the waiving of school subsidies on particular items and their replacement by the payment of an annual grant to a particular school. I view this action with mixed feelings, because personally I have not the opportunity to examine in detail how this would affect all the schools and, in particular, those in my electorate. However, the cursory examination I have made of this matter suggests to me that the amount of money that is allocated to library grants reduces the balance of the funds and the expenditure on other items.

Mr. Lewis: It does not; it increases them, despite the extra money for libraries.

Mr. HARMAN: It is all right for the Minister to say that.

Mr. Lewis: The Estimates have been made out very carefully.

Mr. HARMAN: I agree, but has a survey ever been made by the Education Department to ascertain what is required in these particular schools?

Mr. Lewis: Of course, it has. That is why we made the extra money available.

Mr. HARMAN: Who carried out this survey?

Mr. Lewis: The department; who else would carry it out?

Mr. HARMAN: Is a visit made to the schools?

Mr. Lewis: The district superintendents always visit the schools.

Mr. HARMAN: The only people I saw going around the schools were the superintendents of education.

I am not aware that any inquiries have been made about school subsidies, because the replacement of subsidies by annual grants was completely unknown to the schools; they did not know this was to be introduced.

Mr. Lewis: Schools are writing in almost every day for a subsidy for something or other.

Mr. HARMAN: That is known, but did the Education Department appoint three or four men to look into this matter?

Mr. Lewis: It did not need to. There is a Teachers' Union which could consider it.

Mr. HARMAN: I was told that because no inquiry was made, and because this has come out of the blue, the schools were

not prepared for it. Had they been prepared they would have reassessed the situation to see how best the money could be used in the following year. One of the things suggested to me was that, because of the sophisticated equipment coming into the schools, it was easy for the Education Department to say that it had finished with individual subsidies; that it knew that around the corner a number of sophisticated teaching aids would be introduced into the schools and that it would be far better for the department to give the schools so many hundred dollars a year and allow the schools to decide the items they would purchase.

Mr. Lewis: Father Christmas has visited them.

Mr. HARMAN: The Minister knows that these items are expensive and because of the commitments that most of the schools have it will be very difficult for them to use these grants on sophisticated aids. I would like to explain what happened in South Australia. The Minister has approached the matter on the basis of a Liberal-Country Party Government.

Mr. Lewis: You will be able to do that when you become a Minister.

Mr. Rushton: It will be many years before that happens.

Mr. Bertram: It will happen in the next six months.

Mr. HARMAN: I would like to explain what happened in South Australia. The Labor Government there paid its subsidies, which are similar to those paid here, on a *per capita* basis. In addition, that Government announced it will provide \$250,000 to be placed at the disposal of the efficient non-Government schools; the expenditure of those particular schools, however, would be decided by a committee appointed by the Government and that expenditure would be based on the needs of the schools. So a school that was suffering from all sorts of disadvantages would get more than a school which had all the advantages available to it.

Mr. Rushton: Is there to be no incentive for those who work hard?

Mr. HARMAN: There are some schools in certain areas of this State which, because of circumstances, have not the funds or the room to develop and grow as do some other schools. The Government proposes to give the smaller schools a grant of \$300, but in South Australia the Labor Government says, "This is not good enough; we will examine the needs of the particular school and place the money at its disposal so that it might be upgraded."

Mr. Lewis: If your party becomes the Government in Western Australia would you do this? Would you adopt the South Australian principle?

Mr. HARMAN: This is the principle adopted by the South Australian Government, and what we would do in this State is something that would have to be decided. I am merely saying this is what happens in that State and it seems a good system to me.

Mr. Lewis: I am asking you whether you would adopt it here?

Mr. HARMAN: We are not the Government; I am merely suggesting this to the Minister.

Mr. Rushton: Have you any policy at all over there?

Mr. HARMAN: Of course we have.

Mr. Graham: And one you can read. Yours is in the secret chest.

Mr. HARMAN: I have mixed feelings about the teachers' training college system as I have about the changeover to annual grants.

Mr. Lewis: You are mixed up all round.

Mr. Graham: That describes you.

Mr. HARMAN: I think the Minister will agree that some representations might be made to him shortly in an endeavour, perhaps, to expand the system so that the smaller schools which may suffer by the grant of \$300 can in some way be assisted by additional grants.

MR. LEWIS (Moore—Minister for Education) [9.06 p.m.]: I want to thank the member for Belmont and the member for Maylands for their contributions to the debate on this fairly short Bill which, as I pointed out in my second reading speech, embraces only three principles—the first enables open advertisements for positions in the teachers' training colleges; the second deals with an amendment to the compulsory leaving age, and the third with the change in the principle of subsidies for non-Government schools. There will now be grants instead of subsidies.

It is quite obvious that the member for Belmont gave a great deal of thought to the Bill and he was concerned regarding the selection of applicants by the director-general. There is no intention to give the director-general sole responsibility for the selection of candidates. A selection committee will be set up which will be representative of the department and the Teachers' Union. The exact constitution of the selection committee has not yet been determined, though several propositions have been discussed with the Teachers' Union.

No final determination has yet been made, however, but, broadly, there will be a selection committee on which the Teachers' Union will be adequately represented. The members of the Teachers' Union are quite happy with the alternatives which have so far been propounded.



The member for Belmont went on to object to the use of the word "may" in clause 6 of the Bill. This provision states that where a vacancy occurs on the staff of the teachers' college such position may be advertised overseas. It does not say that the director-general "shall" advertise such a position.

The Teachers' Union is also concerned about the use of the word "may" in the Bill and its members came to see me about the matter. When the reason for the use of the word "may" instead of the word "shall" was explained to the members of the Teachers' Union they were quite happy about the position.

The word "may" has been deliberately inserted, because there could be less important positions—and the member for Maylands referred to instances where a loyal servant of the Education Department may wish to apply for such position—for which the director-general would have the right to restrict advertisements to within the service in Western Australia. Were we to use the word "shall," we would throw the whole position wide open.

Mr. Jamieson: But you would not have to appoint anybody other than the person you first thought of.

Mr. LEWIS: If we use the word "may" it would then be restricted to within the present department; but if we inserted the word "shall" it would virtually make it obligatory to advertise throughout such places within or outside the Commonwealth. The purpose of the amendment of which I have given notice is to clarify a point about which the Teachers' Union was concerned which relates to the wording of the Bill as printed.

The union said that this could mean that when the Director-General of Education decided to advertise outside the State he would be restricted to advertising not only outside the State but also outside the Commonwealth of Australia; and when that happened teachers from elsewhere within the Commonwealth of Australia would be debarred from applying for the positions. It was pointed out that that was not intended; the intention was either to advertise in Australia and not overseas, or to advertise both in Australia and overseas. The union was satisfied that this was the intention, but it expressed a desire for the provision to be made quite clear.

We therefore called in the Parliamentary Draftsman, and he proposed the words which appear in the amendment in my name on the notice paper. They will make quite clear where these positions are to be advertised.

The member for Belmont had some misgivings about the exemptions that are granted to children from attending school; he referred to the children who left school

to further their education at business colleges. I can assure the honourable member that these exemptions are not given lightly.

Mr. Jamieson: I did not have any misgivings. I suggested the exemptions could be extended to children, other than those suggested by the Minister.

Mr. LEWIS: In this field it is not a bad idea to move one step at a time. While I appreciate that it is a fairly simple matter for a girl to obtain exemption from attending school on the ground of her intention to enter a teachers' college, once the exemption is given it is impossible to cancel it.

Mr. Jamieson: You refer to a teachers' college. Surely you mean a commercial college.

Mr. LEWIS: I meant a commercial college. Of course, the children I have mentioned would not be eligible to attend teachers' colleges, and therefore they could not leave these colleges to engage in some form of employment. By and large such applications are very genuine. The position in regard to the granting of exemptions will be watched very carefully by the department.

As to the grants to non-Government schools, it has been claimed that some new non-Government schools in the future will be disadvantaged by the proposal in the Bill. I do not know of any instance where they could be. However, in this connection we will be watching the position, as is done in the case of all new legislation. If from our experience we find it is desirable to amend the Act, it can be done subsequently. I have not been informed of any pitfalls or anomalies that are likely to arise. Certainly we can find something here and something there wrong, and we will never reach the stage of perfection. Today we find some schools which are eligible for subsidies do not require them as much as other schools. Anomalies such as these always arise, and it is impossible to iron out all the imperfections. Nevertheless, broadly a fair measure of equality is dispensed among the schools, whether they be Government or non-Government schools.

The member for Belmont also mentioned the delay, of up to 10 weeks, which sometimes occurs in the repair of electrical equipment used by the schools. It is possible for such delays to occur, and I am surprised that the delay in some instances is not longer than 10 weeks. The Education Department is a fairly large one. Unless more employees are engaged to do this work, so that in some periods of the year they are sitting around with little to do and at other times are fully occupied, we will find that delays are unavoidable. Some makes of machines—I have in mind projectors in particular—are preferred by the

department, which takes into consideration reliability, the availability of parts, and other factors. As a result of its experience the department declares a preference for a particular machine, which it recommends to the schools.

It is part of the policy of the department and part of the regulations that before a school purchases a piece of equipment it must seek the approval of the department as to the make; otherwise we would find schools applying for a subsidy to purchase all makes of machines, and when the department is called upon subsequently to service them it will have difficulty because of the unusual make or because of the scarcity of parts. All these things have to be watched. As we know from our own experience in using electrical equipment in our homes, it is subject to breakdowns from time to time. Undoubtedly there are periods of delay in repairing this equipment, but I do not see how the department can overcome the difficulty without enlarging the staff considerably.

The member for Belmont made his final point about the obsolescence of the drafting language in the Bill. Of course, the department does not draft its Bills; the work is done by the Parliamentary Draftsman. I suppose he has some very good reason for using the words which appear in the Bill before us.

This is the first time that my attention has been drawn to this question. I give an undertaking to the member for Belmont that when the Education Act is next amended the attention of the Parliamentary Draftsman will be drawn to his comments. I do not imagine that the Parliamentary Draftsman will persistently preface the clauses of a Bill with obsolete verbiage without good reason.

Mr. Jamieson: The Act was repealed completely in 1964, so the verbiage must be obsolete.

Mr. LEWIS: That is right, yet the wording is still included in the Bill. In my view the Parliamentary Draftsman must have some very good reason for using it.

The member for Maylands took advantage of the opportunity which this Bill presents to make some comments about the proposed subsidy arrangements. We cannot say exactly how they will work out, but we will learn from our experience. If as time goes on some modifications are required—as we often find with the introduction of new features—consideration can be given to them. In the meantime it will be much easier administratively, and it will be of much greater benefit to schools collectively, than the existing arrangement. It will cost a great deal more money under the more liberal subsidies that are to be granted to the State schools, and also

under the new system of grants to non-Government schools. As the subsidies will cost more one can assume that the schools will benefit therefrom. Nevertheless, within the circles of the non-Government schools and Government schools, some particular schools might be disadvantaged; but we have to hear about them. If a case can be made out we will rectify any anomalies that might arise. Up to date all this is so much conjecture and, of course, we cannot amend clauses in a Bill on supposition. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 10A added—

Mr. JAMIESON: I want to insist on the deletion of the word "may" in line 15. I listened intently to the Minister's reply, but it did not help me. Both the deputation from the school teachers and the Minister himself missed the point if his explanation is the one which was paramount in the decision concerning the final words in the amendment. Even if the department desires to appoint someone from the department to a position, there would be no harm at all in advertising it whether the position be that of a floor sweeper, or whether it be some senior position. However, there would be a great deal of harm if the right to decide whether or not to advertise is given. The department could hand pick someone from outside the department unbeknown to anyone else. If the provision stated that the position "shall" be advertised, then everyone would be aware of the situation.

Mr. Lewis: Shall be advertised where?

Mr. JAMIESON: That is covered by the remainder of the provision. With regard to a lesser job, I imagine that all that would be required would be a formal advertisement in the local Press and this would be quite sufficient to protect everyone, otherwise the Minister himself could be accused of having placed a person in a position when no-one else knew that the position was vacant.

Mr. Graham: What is the practice as the Act now stands?

Mr. JAMIESON: Under the Act the appointments are made from those in the Education Department, so it is not necessary to advertise the positions.

Mr. Lewis: The positions are advertised in the education circular.

Mr. JAMIESON: Yes, but this provision concerns vacancies which are outside the norm. Therefore I believe that the word "shall" should be substituted. I therefore move an amendment—

Page 3, line 15—Delete the word "may" with a view to substituting the word "shall".

Mr. LEWIS: I cannot accept this amendment. The member for Belmont made great play of the fact that the position under discussion may not be advertised and therefore someone could be appointed without anyone else knowing about it. However, these positions would be advertised, even if only in the education circular. Therefore teachers within the service in Western Australia would have an opportunity to apply. The director-general might consider that a position should be restricted to the teachers in Western Australia. We have the material here and the teachers should be given an opportunity to apply. It is only in regard to the more senior positions that the director-general would advertise outside this State. Those advertisements would be made not only in the Commonwealth of Australia but also overseas. Some, on the other hand, may be restricted to the Commonwealth.

I repeat that we should give the Director-General of Education the discretion to decide whether or not he will advertise, and we should have sufficient confidence in him to do so. I oppose the amendment.

Mr. JAMIESON: I again insist that this is a desirable amendment, not only to protect the Minister, but also the director-general. I gave an instance of where the director-general was involved in some trouble recently. If everyone knows what is going on, the persons involved are protected. My amendment will not alter the provisions of the Act in any material way. It is probably just cussedness on the Minister's part that he wants to retain this provision as it is drafted.

It is very important to me that positions should be advertised, irrespective of their nature. If we are to have an autonomous body, let us advertise positions and make them public. It will be extremely dangerous if we allow these positions to be filled by someone in the department—in this case the director-general—or the committee without the knowledge of the general public that the positions are vacant. I therefore hope the Committee will accept my amendment.

Mr. LEWIS: I wish to quote as follows from a minute by the director-general himself, because it is relevant to the point under discussion:—

I am in agreement with the Commission's recommendation for the open advertisements of career positions

in the Teachers' Colleges. Most positions in the Lecturer Grade 1 Category and above would be considered career positions but there would always be a certain number of positions, such as Practice Supervisors, which would be seconded positions and not open to advertisement.

I repeat that the director-general needs no protection and we should give him the authority to exercise his discretion in the best interests of the staffing of the Education Department.

Amendment put and negatived.

Mr. LEWIS: I now move an amendment—

Page 3, line 16—Delete the word "or" and substitute the words "the Commonwealth or in the Commonwealth and".

Mr. JAMIESON: The only comment I have is that this, again, seems to be clumsy drafting. The draftsman should have made sure the position would be advertised in the Commonwealth or, if necessary, outside the Commonwealth. The present verbiage does not make sense. It certainly does not sound grammatical. I have objected previously to this type of drafting. A new section is to be added to the Act, and the whole clause of the Bill should have been rephrased instead of amending it in this way.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 and 8 put and passed.

Title put and passed.

### *Report*

Bill reported, with an amendment, and the report adopted.

## UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 20th October.

MR. MAY (Clontarf) [9.33 p.m.]: The Bill before us is to amend the University of Western Australia Act and, as indicated by the Premier during his second reading speech, three main objectives are proposed in the measure.

The composition of the University Senate will be varied by increasing the academic representation from two persons to four, and also by increasing the student representation by two, having in mind that last year the President of the Guild of Undergraduates was appointed to the Senate in an *ex officio* capacity. Also, the Under-Treasurer will be removed from the Senate. Provision is made for a more satisfactory procedure for the conduct of Convocation elections, and there will also be a revision and consolidation of the principal Act.

Regarding the first provision members may recall that last year I endeavoured to have the University of Western Australia Act amended to provide for the inclusion of three additional members to the Senate. Those three persons were to be the President of the Guild in an *ex officio* capacity; a representative of the Western Australian Institute of Technology; and also a member of the Salaried Officers Association of the University. Whilst we were not successful in obtaining the full representation requested, we were successful in obtaining the appointment of the President of the Guild as an *ex officio* member of the Senate. I might add that after 38 years acting as an observer—during the lifetime of various Governments—a representative from the Guild of Undergraduates was subsequently appointed in full capacity.

His appointment has proved satisfactory, and this is borne out by the fact that the Government has now seen fit to provide for the appointment of two further students to the Senate. The student representation on the Senate will be three persons.

When this matter was before the House last year the Minister for Industrial Development, who was handling the Bill in the absence of the Premier overseas, at page 3712 of *Hansard* had the following to say:—

The constitution of the Senate has been under review recently by that body and it was only five weeks ago that the conclusion was reached that there should be no change at this stage except for the addition of the President of the Guild of Undergraduates.

When the Treasurer introduced the present Bill he had the following to say:—

... the Senate has recently undertaken a lengthy and searching self-examination of its constitution.

Last year the Minister for Industrial Development said the Senate had had a good look at the situation and felt it did not require any alteration apart from the fact that the President of the Guild was to be granted an appointment on an *ex officio* basis. Only a matter of months later the Treasurer said that the Senate had undertaken a lengthy and searching inquiry into the situation.

To me that seems rather odd. The Minister for Industrial Development, when speaking, mentioned a tertiary education commission, and that legislation is foreshadowed at the present time. As I said, it seems rather strange that the Government, after only a matter of months, has decided to extend the composition of the Senate, which we have been trying to do for some considerable time.

We on this side of the Chamber are favourably disposed to the extension of the Senate, but we feel that the Bill should go further and provide more adequate representation for the students and academic staff. Convocation has six elected representatives on the Senate, and the proposed amendment to the Act will mean that the student and staff representation will be only seven out of 25. It seems strange because, obviously, Convocation is only there to elect members to the Senate. While there is a definite need for graduate members to be on the Senate, I feel it is rather strange that they should have nearly as many representatives as the students and staff combined. There is no provision whatsoever for the technical staff. This is something which should be considered by the Government. Obviously student representation and academic representation should receive far greater consideration because of the amount of information which the representatives can make available to the Senate.

I would like to refer to the situation in connection with salaried officers. Their organisation is one which should receive a great deal more consideration than it has received in recent times. It comprises many diversified employees at the University. To name some of them I shall mention accountants, technicians, administrative staff, technologists, and architectural draftsmen. These are the types of people who comprise the Salaried Officers Association. In a democratic country people of such standing employed at a University should be represented on a body like the Senate which makes decisions affecting the organisation.

There is a definite affinity between students at the University, the academic staff, and the Salaried Officers Association. Undergraduates—that is, the students—have no opposition whatsoever to salaried officers being provided with representation on the Senate. I can see the wisdom in this. If these people have representation on the Senate there will not be unrest similar to that which caused the Government concern and brought about an increase in the number of student representatives on the Senate.

Members of the Salaried Officers Association work closely with others at the University. They are liaising with one another all the time and, consequently, the Opposition feels that they should be given adequate representation on the Senate.

During the debate last year the Minister for Industrial Development put forward several points and said that the members of the Salaried Officers Association wanted representation on the Senate only to further their industrial aims. This is not a fact. These people are vitally interested in the workings of the University and would be only too happy to be able to impart any knowledge they may have for the general benefit of the University.

In April of this year I asked the Premier a number of questions about the University. One of these questions was—

- (3) Would he agree that the salaried officers employed at the University are a very important and integral facet of the University operations?

The Premier replied—

- (3) As support staff, salaried officers employed at the University are an important and integral facet of the University operations.

If the Premier is convinced that the association and its members form an integral part of the University, surely some recognition should be given to the members of the association.

During his speech the Premier said that it is a good idea to have round-table conferences of all persons concerned. I would like to read part of that speech. The Premier said—

The good reputation of the University is a very important matter. It would seem to me that so long as people are prepared to sit around the table—be it in the Senate or in other places—and argue out their problems, that is a much better course of action than for those concerned to take the law into their own hands...

Obviously the Premier was not talking about the Salaried Officers Association at that point, but his comments lend support to the argument that these people should be represented on the Senate. I hope the Premier will give favourable consideration to the amendments which appear in my name on the notice paper when the Bill reaches the Committee stage.

For the edification of members it might be a good idea to indicate the present composition of the Senate. This will make known to members the type of people who are represented on the Senate and they will be able to make a comparison with the type of people who are not represented on the Senate. In the light of this comparison I am sure members will agree that there is quite a case and certainly sufficient justification for the inclusion of a member of the Salaried Officers Association on the University Senate. The present composition of the Senate is—

- six persons appointed by the Governor;
- six persons elected by Convocation;
- two persons elected by the academic staff of the University;
- four *ex officio* members; namely the Under-Treasurer of the State, the Director-General of Education, the Vice-Chancellor, and the President of the Guild of Undergraduates; and finally
- four persons selected and co-opted to membership by the other members of the Senate.

I found out from the University the professions of people who are on the Senate. In looking through the details I am amazed to see such people as businessmen and women, the Commissioner of Main Roads, medical practitioners, lawyers, judges, and various other eminent people of high standing in the community. Surely these people would not be able to advise the Senate on subjects closely connected with the University in the same way as members of the Salaried Officers Association. Let us take the case of a pastoralist. What contribution would a pastoralist be able to make at the Senate table apart from talking about matters which he felt would be of benefit to the University? His contributions would not have the same substance as those made by a representative of the Salaried Officers Association.

Even if the Premier will not agree to a member of the Salaried Officers Association being appointed as an *ex officio* member on the Senate, surely he could give some consideration to allowing a member from that association to be on the Senate as an observer, as was the case with students for approximately 38 years. In my own mind I consider they should be given representation but if the Premier feels he cannot go along with this suggestion surely it would do no harm for a member of the association to observe what is going on in the Senate. He could then report to the association and in this way he would be able to allay any apprehensions which association members have because of the lack of information emanating from the Senate itself.

The Senate meets only once a month and I am quite sure that adequate provisions can be made by members of the association to provide a member to sit in at the Senate meetings without causing any inconvenience to normal work. It would be a step in the right direction to lend assistance in this way.

The Under-Treasurer is to be taken off the Senate and I do not think this is a step in the right direction. The reasons for the Under-Treasurer being taken off the Senate are covered by legislation which has been foreshadowed but I still consider there should be Treasury representation on the University Senate. A new university is to be established shortly and I consider that there should be the closest possible liaison between the existing University and the board set up to inquire into the establishment of the new Murdoch University. I know the Premier will probably say that a Treasury official will be on the board responsible for the establishment of the Murdoch University. Against this, we must realise that approximately \$9,750,000 of taxpayers' money was put into the University last year. Surely this is sufficient reason for a Treasury official to be kept on the University Senate. Of all the senators of the

University I consider the Under-Treasurer, or his representative, would be the one best able to discuss financial matters and tell the Senate what action can be taken on financial matters. I am equally sure that such a representative would be extremely useful when discussions take place in connection with the amount of revenue which can be allocated to the University.

Too many of the other so-called community representatives are on the Senate because of their successful efforts in business. I feel that if the Under-Treasurer is taken off the Senate there will be no close liaison between the Senate and the Government. If it is necessary for the Under-Treasurer to step down, because of pressure of work or because he has been seconded to the board of the new university, I sincerely trust that another member of the Treasury will be appointed in his place.

Mr. Davies: Does he have to sit there, or can he appoint a deputy?

Mr. MAY: He can appoint a representative to act in his place; he does not have to attend each meeting. As Under-Treasurer, he would have to play a role in respect of most of the boards and senates which will be formed in the near future, and if he is unable to attend he can send representatives to act in his stead. That is good, because those representatives can report back and discuss what has gone on at the Senate meetings, and they can then advise all concerned.

There has been considerable criticism in the Press of the closed doors of the Senate and the fact that the discussions that take place in the Senate are not made known to the public. I feel that if the Under-Treasurer is taken off the Senate there will be further comments by the Press and the public about the closing of the ranks of the Senate. While the Under-Treasurer is there, he can advise on the financial matters concerning the University.

Sir David Brand: Are not the Senate meetings open to the Press?

Mr. MAY: No. I have here a cutting in which the Press is most critical of the fact that a good deal of the proceedings of the Senate take place behind closed doors.

Sir David Brand: I think that is when the Senate goes into committee.

Mr. MAY: With the permission of the Speaker, I would like to quote a brief paragraph, which reads—

The decision of the University Senate to discuss in secret a complaint about the undergraduate newspaper raises two questions of principle.

Perhaps the Press has been admitted to Senate meetings, but in this particular instance when the Senate did not want to discuss openly a matter which might cause some concern, it went behind closed doors. I do not think that is desirable when so much public money is being expended.

Sir David Brand: I think this issue was a domestic matter in the first place.

Mr. MAY: That may be so, but the salaried officers, in their endeavour to be recognised, sent correspondence to the Vice-Chancellor some time ago in the hope that it would be forwarded to the Senate, and up to this point of time they have not received a reply, although approximately 12 months have elapsed. The salaried officers do not know whether the matter has been discussed by the Senate. If they had been able to send an observer to the Senate meetings, he would have been able to advise them accordingly.

The Premier said that the Senate had been instrumental in assisting the salaried officers in some way. That is not true; they have had no consideration at all. I have in my possession letters that they wrote to the Vice-Chancellor 12 months ago asking for recognition on the Senate. They received a reply that consideration would be given to the matter, but no further information has been received from the Vice-Chancellor. I think their request for permission to send an observer to the Senate meetings is a just one. They cannot possibly cause any harm to the workings of the Senate. The students have not caused any harm; as a matter of fact, the Government has now seen fit to extend the student representation by two.

I would like the Premier to give close consideration to the amendments on the notice paper. They are intended to provide all the people who work at the University with a means of ascertaining what is going on in the University. I point out that the University comprises between 7,000 and 8,000 students, between 400 and 450 academics, and between 700 and 800 non-academics. It is provided in this Bill that the representation of the academics will be extended from two to four, but there is no representation for the non-academics. The Minister for Industrial Development said last year that it is not possible to put everybody on the Senate. That is quite true, but we must not give rise to sectional discrimination by omitting the salaried officers from the University Senate. If the Premier feels that representation of the salaried officers is not warranted, perhaps he will consider allowing them to appoint an observer, as applied in the case of the student body for 38 years.

I think I have covered most of the aspects of the Bill. The clause dealing with Convocation relates to electoral rolls, and

so on, and is fairly routine. Convocation considers that this new method will facilitate the election of representatives and it is very keen that this provision should be passed as quickly as possible. The students at the University apparently anticipated that the student representation would be increased, because in a journal which was printed some time ago it is stated that the students have already appointed the two representatives who will be on the Senate as soon as the legislation is proclaimed.

Once again I ask the Premier to give consideration to this matter. We are in agreement with the extension of the Senate. The principle of the Bill is good. However, I am a little disappointed that the Bill has not gone far enough and has not provided for representation on the Senate of a body which forms a major part of the University at the present time and which, in my opinion, is justly entitled to representation.

**SIR DAVID BRAND** (Greenough—Treasurer) [9.59 p.m.]: I would like to thank the honourable member for his support. The amendment which he proposes to move is the same amendment as he has placed on the notice paper. However, I do not think the reasons for the rejection of the amendment have changed in any way. It is true that for many years—30-odd years, I think he said—the students have had representation by way of an observer.

The changes that have taken place in recent years are not typical only of this city and this University but are typical of the world. The changed attitude to student representation, whether it be in America, England, or Australia, has indeed been marked. So it is nothing peculiar to the University of Western Australia, or its governing body, that there has been no student representation, other than in an observatory capacity, earlier than this. However, the Senate has decided—and I presume the students would be aware of what was intended, hence their prior knowledge of the intention of the Senate—to put to the Government an amendment for inclusion in this Bill. I think that is an indication of the acceptance of the changing times. Further, the Senate included two of the academic staff.

**Mr. May:** In a period of about eight or 10 months.

**Sir DAVID BRAND:** Yes, in that short time. However, the Senate's decision in respect of increased representation is a matter for itself. It made these decisions; I do not know why they were made in the short time of 12 months. I am saying that in other universities where this situation arose a decision was made in a much shorter time. They changed from a firm

attitude of rejection to a decision to take students and give them actual representation in a very short time.

**Mr. May:** There is a move in the Eastern States for non-academics to be included.

**Sir DAVID BRAND:** I do not know about that, but I feel that we will learn of action taken in the Eastern States in due course and, no doubt, the Senate may decide to recommend representation of the Salaried Officers Association.

I did say that the Senate encouraged the move for the registration as a trade union of the Salaried Officers Association. However, that is all I said in respect of encouragement given to that body by the Senate.

**Mr. May:** The reason why they moved in this direction was a lack of understanding at the University. They are not recognised at the University.

**Sir DAVID BRAND:** The honourable member said that I stated the association had been given some encouragement. The words I used were that the registration of the Salaried Officers Association as a trade union was encouraged by the Senate. That is all. The Senate encouraged the formation of the union for reasons best known to itself. It has again rejected the request of the association for representation on the Senate, stating that although there is to be an increased representation from the academic staff, the academic staff is represented because of the contribution and expertise of that staff in respect of academic matters. The broad problems of the governing body of the University—the Senate—are such that I believe it is necessary to have that advice.

However, on the other hand, the Senate does not consider that discussions regarding the salaries and conditions of an association of officers should take place at its meetings. The Senate believes those matters should be discussed elsewhere, and that there must be appropriate avenues where the association can obtain a hearing—and I am sure there are.

If by any chance the Salaried Officers Association is granted representation on the Senate, I presume there would be a claim for representation from all the other people concerned, whether they be gardeners or whatever. If the association can justify a claim for representation then all the others who work at the University could also justify a claim.

**Mr. May:** Would there be anything wrong with that?

**Sir DAVID BRAND:** I do not know; but the Senate has decided that the representatives on the Senate have a special role; that is, in the Government of the University, particularly in relation to academic matters for which, of course,

the University was established in the first place. The Senate is concerned with the standard of education, training, and the whole up-to-date system of tertiary education. Therefore I can give no undertaking to accept the proposed amendment of the member for Clontarf when we are in Committee.

Question put and passed.

Bill read a second time.

### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Sir David Brand (Treasurer) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Amendment to section 8—

Mr. MAY: I would like to deal briefly with my proposed amendment. I feel that whilst the Treasurer has made up his mind that he will not accept the extension of the composition of the Senate by a further member to provide for representation of the Salaried Officers Association, he should give quite a deal of consideration to the matter. He mentioned that the Senate decided it would not countenance this further addition, but he also mentioned the Senate agreed to an extra two representatives from the academic staff and two from the students.

There is no mention of who was responsible for the Under-Treasurer being removed from the Senate. I am sure the Senate was not responsible, because it would be only too pleased to have him remain. If the Treasurer is adamant that he will not accept the amendment, I sincerely trust that he will consider the point I made in regard to allowing a member of the Salaried Officers Association to sit on the Senate in an observatory capacity, even if only for a trial period. As I pointed out, after a trial period of 38 years the Senate decided to allow the President of the Guild of Undergraduates to be a representative in an *ex officio* capacity, and after a trial period of only eight or 10 months the Senate decided to allow another two representatives from the students.

So if a member of the Salaried Officers Association is allowed to sit on the Senate for a trial period, perhaps in another eight months he may be elected in a full capacity or an *ex officio* capacity. I move an amendment—

Page 2, line 19—Delete the word "twenty-five" with a view to substituting the word "twenty-six".

Mr. DAVIES: I support this amendment because, so far as the Australian Labor Party is concerned, it is a matter of principle that wherever possible workers be given representation on their governing body.

Over the years there has been a tremendous increase in staff numbers at the University. I understand there is something like 700 members of the staff dealing with administration; that is, quite apart from the academic side of the University. Perhaps the Premier can tell us how they make representations to the Senate, the governing body of the University. At present I should imagine their lines of communication are fairly well blocked, and even when the matter did reach the Senate they would not have anybody present to argue the case for them.

I do not think this is fair or just, no matter which way one looks at it. When it is considered that the successful administration of the University depends more than anything on the goodwill of the administrative staff, which now numbers about 700, and they do not have a voice on the governing body, it is time we adopted a more reasonable attitude. For this reason I support the amendment, because I know that if it is passed there will not be any chance to debate the matter further.

Although I am sorry I was unable to follow all the Premier's reasons when he was replying to the debate, from those I was able to follow there did not seem to be any sound reason why the suggested move by the member for Clontarf should not be agreed to, and because of the lack of reason in the Premier's remarks, I support the amendment. I feel the University staff is entitled to a voice.

Sir DAVID BRAND: I am not convinced, because I know it will be a matter of opinion as to whether I have advanced sound reasons. I do not think it is a question of whether or not 700 or 200 people work under the Salaried Officers Association. The principle is the same, and that is, as yet, the Senate has not accepted representation from this organisation for the simple reason that the association does not deal with academic or graduate matters, and the only other group which forms the Senate consists of those who may be called lay members. Therefore, for this reason only, I reject the amendment.

Until such time as the Senate makes up its mind that it will make an amendment of this kind to have the Salaried Officers Association represented, I must reject the amendment. If the member for Clontarf so agrees, I will pass on to the Senate his request in regard to an observer, but I can go no further than that. I gather that the student who had representation as an observer for so many years ultimately made it, but for other reasons, of course. It was because of the completely changed attitude to the whole situation; the completely changed attitude of the governing



body of the University towards the students. It had nothing to do with the question of time.

Mr. May: That argument is reasonable, because after 18 months another two were appointed.

Sir DAVID BRAND: I believe it was because of the change in attitude. In other universities throughout the world there has been a marked change in the attitude of governing bodies of universities in regard to permitting greater representation by students. It has been recognised that the lack of representation may be the reason that so much misunderstanding and unrest has developed among the student bodies. I do not know whether this is correct or not, but there has been a case put forward for greater representation by students, regardless of the question of time. The member for Clontarf has put his case forward in a courteous way, but I must reject the amendment.

Mr. DAVIES: I think the reason or the lack of reason that has been given by the Premier for the attitude he is adopting on this occasion bolsters the argument of the member for Clontarf. He has indicated, and I agree with him, that unrest on university campuses throughout the world has probably motivated the Senate in this State, in trying to prevent any campus unrest, to grant this line of communication between the Senate and the students.

Sir David Brand: It is the general reaction throughout the world.

Mr. DAVIES: I agree with the Premier that this is fairly sound reasoning. The University staff is very upset about this lack of recognition, but I do not know how it will get recognition on the Senate if it has to wait for the Senate itself to make a decision, because I think it is a little cocoon and it is not very anxious to expand the representation on this governing body. I believe the Premier has given the staff association the nod, because if students are to be given representation on the governing body for fear of unrest, the staff association has only to generate some unrest and it will get the same representation on the Senate.

Could we not anticipate there will be some unrest? Could we not believe that, up until this time, whilst the staff members have been loyal and faithful servants of the University, the time is approaching when, through lack of recognition, they will precipitate some form of industrial trouble? Also at this time we will have the Minister for Industrial Development saying that the new messiah of the trade union movement has called these people out on strike, or some such rubbish as that. However, does the Government realise that there are movements within organisations which create flames that do

not need fanning and that industrial unrest comes automatically? And this, I fear, is what will happen with the staff association at the University unless it can get some recognition.

Mr. Rushton: Do you advocate employers being on unions?

Mr. DAVIES: They have their spies.

Mr. Rushton: I am not talking of spies. I am asking whether you advocate that employers have the right to be there.

Mr. DAVIES: I will listen to the honourable member's argument. If employers want to join trade unions they are entitled to take out full membership in any union. The Premier is telling the honourable member to keep quiet, so I hope he will not interrupt my train of thought.

Mr. Rushton: The Premier is helping me.

Mr. DAVIES: He is helping the honourable member to interject, perhaps.

Mr. T. D. Evans: You certainly need some help.

Mr. DAVIES: The fact remains that a member of any union, because its rules have to be passed by a solicitor, is entitled to take full part in the running of the union's affairs, and I do not begrudge any unionist that right. I object only to the people who are prepared to accept the benefits of the union but are not prepared to pay their dues towards running it, and I know there are many members of the Government who feel that this is a very good attitude to adopt. However, I will not go into that.

I will return to the point I was trying to make. The lack of reason advanced by the Premier in not agreeing to appointing members of the staff association on the Senate is based on the fact that such right was only granted to the students because it was considered it would prevent any campus unrest. So, as I said before, I think the nod has been given to the staff association that if it can foment any industrial unrest it will be noticed by the Senate.

Mr. MAY: I confirm and support what the member for Victoria Park said in regard to the extension of student representation. I am fully in accord with the decision to extend student representation on the Senate. It is an essential need of the University to provide close co-operation between those at the University, and I would like it placed on record that we on this side of the House are very much in accord with the extension of student representation.

It was not my intention to read out two letters I have, because I thought the Premier would accept the amendment. I

felt it was justified. I would now like to read a letter written to the Vice-Chancellor on the 23rd April, 1969, which states—

Dear Sir Stanley,

On the 17th December, 1968, I wrote to the Secretary of the Administrative Review Committee, stating that it was the view of the Committee of Management that a member of this Association should serve on any committee or body whose decisions affected the welfare of our members.

As there will no doubt be moves made in the near future in parliament to amend the act for membership of the Senate, I have been directed by the committee to make formal representations for a member of this Association to be given the opportunity of serving as a member of the Senate of The University of Western Australia.

On the 29th April, 1969, the following letter was written to the Secretary of the Salaried Officers Association:—

The Vice-Chancellor has asked me to acknowledge and thank you for your letter of 23rd April requesting that a member of your Association be given the opportunity to serve as a member on the Senate of this University.

We are expecting other submissions relating to membership of the Senate and your request, together with others received, will be submitted to the Senate for consideration in due course.

No reply has yet been received by the association on this matter. The association wants to know what is going on and this is not possible unless it has an observer on the Senate. All it asks for is either representation, or an observer, on the Senate. The Premier has promised to see whether this can be arranged and, if it can, I am sure it will be of benefit to the University generally.

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

#### Ayes—19

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Burke	Mr. May
Mr. Cook	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. Toms
Mr. Fletcher	Mr. Tonkin
Mr. Graham	Mr. Davies
Mr. Harman	

(Teller)

#### Noes—22

Mr. Bovell	Mr. Lewis
Sir David Brand	Mr. McPharlin
Mr. Burt	Mr. Mitchell
Mr. Cash	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Ridge
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Williams
Dr. Henn	Mr. Young
Mr. Kitney	Mr. I. W. Manning

(Teller)

#### Pairs

Ayes	Noes
Mr. Norton	Mr. Hutchinson
Mr. Bickerton	Mr. O'Neill
Mr. Moir	Mr. Mensaros
Mr. McIver	Mr. Stewart

Amendment thus negatived.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Amendment to section 10—

Mr. MAY: In view of the defeat of the amendment to clause 5 I would ask what the position is in connection with this clause.

The CHAIRMAN: I understand that these are consequential amendments, so there will be no purpose in moving them.

Clause put and passed.

Clauses 8 to 14 put and passed.

Schedule put and passed.

Title put and passed.

#### Report

Bill reported, without amendment, and the report adopted.

#### Third Reading

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

### MURDOCH UNIVERSITY PLANNING BOARD BILL

#### Second Reading

Debate resumed from the 20th October.

MR. MAY (Clontarf) [10.30 p.m.]: This Bill is for an Act to establish the Murdoch University planning board and for incidental purposes. The purpose of the Bill is to establish the Murdoch University planning board under an Act of Parliament with a view to developing a new university at the Somerville pine plantation in close proximity to Melville.

The board, the establishment of which has been announced by the Premier, will include—

Professor N. S. Bayliss—Chairman.

Mr. F. R. Adams, Q. C.

Mr. J. J. Ahern—Company Director.

Mr. W. A. Anderson—Director of Research Unit in University Education.

Professor G. C. Bolton—Professor of Modern History.

Mr. S. B. Cann—Principal Architect, Public Works Department.

Dr. E. J. Edwards—Reader, Faculty of Law.

Dr. M. R. Gardiner—Chief Veterinary Surgeon, Department of Agriculture.

Mr. R. M. Hillman—Chief Engineer, Metropolitan Water Board.

Professor R. J. Moir—Professor of Agriculture.

Professor W. J. Simmonds—Professor of Physiology.

Dr. K. Tregonning—Headmaster Hale School and Member Tertiary Education Commission.

Whilst I do not disagree with the membership of the board, in my view no provision has been made for either student representation or non-academic staff representation. Further, there is no mention in the Bill of Treasury representation. I have dealt with these matters very fully in speaking to other legislation.

When boards of this type are established with a view to creating new institutions, representation on the boards should be provided for persons who have an understanding of the institutions. It is obvious that matters relating to student welfare will arise in the planning of the new university, but I fail to see that any of the members who have been nominated will have sufficient knowledge to give adequate representation to matters affecting the students. These remarks apply also to the non-academic employees of the university, such as those employed in the laboratories and other sections; and they should also be given representation on the board so that they can give advice on matters affecting their facet of the work.

In my view the Minister has been given too much power. If it is the intention of the Government to appoint persons of standing to the board, then I fail to see why the Minister should be given so much power. It could happen that when the board is making decisions it will have to refer them continually to the Minister; and when that eventuates it will have a retarding effect on getting the new university into motion. Obviously such a course of action will have an effect on the time which the Minister can give to these matters.

The important point is that attention should be given to student representation on the board. No doubt the board will be in operation for three or four years, before it is taken over by the senate of the new university. That being the case, there should be representation of the students to advise the board on matters affecting the students.

In these days the campuses of universities are altering from time to time, and as the Premier indicated only tonight, radical changes in the concept of universities are taking place. That being the position, the students and the non-academic staff should be represented on the board to give advice on the planning of the new Murdoch University.

In its wisdom the Government has named the new university the Murdoch University after the late Sir Walter Murdoch. It is interesting to note that he was the person who was responsible for appointing the first student representation on the Senate of the University of Western Australia. The first student representative was Mr. H. C. Coombes, of whose identity members are fully aware. Anything that can be done to make available to the board information and knowhow should be done, so that the board can investigate all aspects in the setting up of the university, and so that Western Australia will finish up with having one of the best universities in the southern hemisphere.

I would like to refer briefly to clause 13 (a) which relates to the establishment of a school of veterinary science. Looking at the composition of the board it is very difficult to appreciate that any of its members has knowledge of veterinary science. Some of them may have, but I do not know of any. With the advent of the veterinary science section it is obvious that someone with knowledge in this field should be appointed to the board to advise on the setting up of it.

Clause 13 (b) deals with the non-academic structure of the new university. Whether or not a university is conducive to concentrated study is dependent largely on its environment and its facilities. To bring about this environment students should have an effective voice on the board, but once again it is noted that they are not given any consideration in having a voice.

Clause 13 (c) refers to the co-ordination of this new university with other tertiary institutions with respect to academic planning. Obviously other legislation which has been foreshadowed will deal with this aspect.

It is the view of members on this side of the Chamber that the Bill is a good one. We agree that the University of Western Australia has been extended considerably, and with the advent of the Tertiary Education Commission I am sure education in Western Australia will in time be improved to such a degree that we will all be proud of the result. I have much pleasure in supporting the Bill and I trust the Premier will give some thought to having additional representation on the board, because the measure provides for the appointment of two additional members to the board with the approval of the Minister.

When this matter is under consideration I hope and trust that the Premier will take into account the inclusion of representation of the student body and of the non-academic staff.

**MR. TAYLOR (Cockburn)** [10.39 p.m.]: I agree with the previous speaker that this is quite a momentous occasion, in that, in due course we will see the establishment of another university in Western Australia. The name is well chosen. The description of it as the Murdoch University will identify it with the people of Western Australia. I would like to make one slight correction to the contribution by the previous speaker. He said that the Murdoch University will be established in close proximity to Melville, but I must point out that it will be more in the Cockburn electorate than in Melville. It is to be sited very appropriately alongside major lakes on the coastal plain, and in very good surroundings. The setting will go a long way towards helping to give the university an identity right from the start. I would like to make a brief comment later with regard to the siting of the new university.

The important point which emerges from this legislation is that this university is not to be a university college under the guidance of the University of Western Australia, but is to be an independent university in its own right; and this is most fortunate. I also hope that this will always be considered as a "new" university as distinct from a "second" university. Nothing could perhaps hold back its development as much as calling it a second university, as though it was carrying on in some way the traditions of the old university. What it must be is a completely new university, and in this regard I would like to quote very briefly some comments in the Prospectus of the University of Warwick, as follows:—

The establishment of a new university creates a unique opportunity for a completely fresh approach to the idea of a university, both academically and socially.

It is in this vein I would like to make a few remarks.

The universities of the world have developed in roughly three phases, the first being in the Middle Ages and during the period of the Reformation. These include the Oxford and Cambridge type of university. The next was the red brick universities of the 19th century in regard to which the London School of Economics is a worthy example. We now appear to be entering a third phase with a new type of university with new thinking which could lend itself to the establishment, as I mentioned, of a completely new type of university here and not just a mirror of the one we already have in this State.

Three main features should be connected with this university, the first being the quality of the staff and buildings and, ultimately, of course, the students. The second I would suggest is academic novelty. In

other words, this university should not necessarily follow the disciplines of the older universities which were more in line with the classical or even the red brick universities. This university should cater for new topics or a new orientation of older topics so that they are more socially relevant to the age in which we live.

Following academic novelty, the third feature is that these topics should be socially relevant; that is, relevant to the type of community in which we live. I would hope that this university's courses would be more in line with our present-day thinking. I will give only one example of this type of thing by referring to the old School of History at the University of Western Australia which, for far too long—and I was once a member of it—concentrated on the history of Great Britain, the Empire, and Europe, leaving Australian history a poor second, and not dealing at all with Asian history. This is a prime example of what should not be in a State and nation such as ours.

What, then, should be the orientation of this new university? As I mentioned, it should be something fairly practical and something which makes it a State university. The provision in the Bill to establish a school of veterinary science points this way. Obviously this sort of faculty is one which would have quite considerable relevance in a State such as ours. Others come quickly to mind. Geology, for instance, would be another. We have always had a School of Geology at our present University, but over the last few years we have broken new ground here with the discovery of some of the basic minerals, and this would be a field in regard to which a very strong school could be established with, perhaps, world relevance. After all, if we are to become a world leader in producing certain types of minerals, we should be a world leader in the study of these minerals.

Certainly our School of Mines in Kalgoorlie has the distinction in that graduate engineers in the goldmining industry are acknowledged as experts in their field wherever they go. We could develop the same reputation in other fields through the establishment of the new university. Other areas with which we could deal I covered last Thursday evening when I spoke of social engineering. At the time I spoke of the new mining towns in Western Australia and the new type of suburban development. I made reference to work already begun in other parts of the world, and here again I believe there is opportunity to prepare classes and establish courses which would be academically suited to this State.

At the time I was speaking, the Minister for Housing interjected and mentioned urban studies taking place in Melbourne. I acknowledged I was aware of these, and

I would like to quote briefly from a newspaper cutting concerning the type of studies which are just being initiated in the Eastern States and overseas, and we could apply them here. The article reads—

A three-year study of urban development in Melbourne will be made by an urban research unit at the Australian National University.

It is important to note that the money is being provided by the Melbourne Board of Works, the Melbourne City Council, the Victorian Railways, the Melbourne Tramways Board, the Australian Road Research Board, the Angliss Trust, and the Municipal Association of Victoria.

Sir David Brand: You are referring to urban studies.

Mr. TAYLOR: Yes. Of course it is most relevant in Victoria where there is a conglomeration of people in greater Melbourne. However, it is also becoming increasingly important in Western Australia because of the particular type of development taking place here. The studies being undertaken in Melbourne are classed as the first of their kind in Australia and, possibly, in the world. Each area to be studied will have a population of about 10,000. The Victorian Minister for Local Government (Mr. Hamer) apparently gives his endorsement because he said—

Each major city has an inner ring of inherited problems of various kinds, including jumbled development, narrow streets and shortage of parkland and recreation space.

Our houses look resolutely out onto a strip of bitumen, traversed by noisy cars and trucks emitting noxious and poisonous vapors and festooned with wires on solidly uncompromising poles.

The prospect before government bristles with unresolved or only partly resolved problems.

My own apprehensions are readily summarised—trained manpower, information, and money.

That is the comment of the Minister for Local Government in Victoria with regard to urban studies. "Trained manpower" and "information" are two things a university such as the one under discussion could provide.

Let us consider the type of studies this university could set up. First of all it is particularly important that the university is to be established in a newly established district community. It will be within the community of Coolbellup, a place of which I have spoken on several occasions. The staff will be housed in Coolbellup adjacent to State Housing Commission homes. The children of the staff will attend schools in Coolbellup, and the families will shop in Coolbellup. These facts indicate that

the university will be closely associated with the Coolbellup community. It will also be close to the ocean at Cockburn Sound. There must be a number of schools of learning which could be established. I am now referring specifically to problems discussed in this House and about which the Government and various departments would be aware. I am referring to the nearby opportunities available to the students for study and research which will have relevance elsewhere.

In this regard it is interesting to note that the small School of Sociology at the present university is attempting to arrange for four or five post-graduate students to undertake some work on the social and cultural aspects of industrialisation in the Pinjarra area. They are to make a study right from the beginning and continue on when the population doubles and redoubles. They are going to try to document this information. Obviously such research, when it is carried out under the guidance of well qualified people, must have great relevance to other communities in Western Australia.

My second reason for suggesting that this is becoming increasingly important, although it is not yet generally accepted by many of the public, is as was outlined in an advertisement which I also mentioned last Thursday. The advertisement was by the Western Mining Corporation Ltd., and was for personnel to set up a human relations unit. When I last mentioned this matter I pointed out that the Western Mining Corporation Ltd. was seeking research associates to guide the company in the setting-up of one-industry towns. This is an instance of a private company taking the initiative.

One might ask: Where does this fit in as far as the university is concerned? The answer is set out in the advertisement. The advertisement states that salaries depend on qualifications and experience, and lie in the range of lecturer-reader at Australian universities. The research associates are required to help set up towns such as Tom Price and Kambalda, and the applicants need to have an honours degree in psychology or sociology, with substantial training and experience in one or more of the fields of organisation theory, industrial psychology and sociology, social survey and interviewing techniques, and attitude measurement and change. Some formal training in descriptive and inferential statistics is essential.

That advertisement indicates the degree of education which a company such as the Western Mining Corporation Ltd. requires of its research associates in order that the company will be able to do the right thing by the people who will occupy its towns and work in its projects.

There will thus be opportunity for the Murdoch University to undertake work in urban studies, not only of State relevance, but of Australian and world-wide relevance. The new university will have a unique opportunity, and, as previously stated, it should not necessarily follow the old established principles.

I should have mentioned, earlier, the effect of the displacement of rural populations as a result of industrial economic change. The Commonwealth Marginal Dairy Farms Reconstruction Scheme is one measure which is likely to result in a change in rural populations. The young, the middle-aged, and the old from the rural areas will need to be retrained.

I agree with many of the comments made by the member for Clontarf. If one clause of the Bill is more interesting than the others, it is clause 13. That clause sets out the functions of the board, and the first function will be to formulate plans for the first phase of the development of the university. Secondly, the board will have regard to the future needs of the community; and, thirdly, it will have regard to the academic interrelations of the university with the University of Western Australia. Although the Western Australian Institute of Technology is not mentioned in the Bill, I presume it will be taken into account.

I hope the Murdoch University will be completely independent, and will not be a mirror of the University of Western Australia. I hope it will tend to lead, rather than to follow. The new university should cater for the future needs of the people of Western Australia, and should concentrate on Western Australian requirements.

Finally, there might well be need for considerable adjustment between the Murdoch University and the University of Western Australia. It may be necessary, in certain circumstances, for students to be able to transfer from one university to the other. Obviously, each university will have courses which, in many respects, will be similar. It could well be that the Murdoch University will cater for African and Indian Ocean studies which would be relevant to the university, and there should be provision for students to be able to transfer units from one university to the other. The present University of Western Australia has a school of psychology and a school of sociology, and it should be possible for students to be able to transfer to similar courses at the Murdoch University.

There will be a need to see that the two universities do not duplicate certain courses, and this will require some soul-searching.

Mr. Davies: The Tertiary Education Commission will look after that matter.

Mr. TAYLOR: As the member for Victoria Park has pointed out, the Tertiary Education Commission will look after that matter. The particular legislation is not before us at the moment, but it certainly could include that provision. Even so, I think my point is relevant and it would be most desirable for the universities to make adjustments voluntarily rather than under direction.

As I mentioned earlier, the new university will be established south of the river. It has an excellent site and it should have the support of the people of this State. The new university should be able to function even more successfully than the existing university and I hope it will be able to make an even greater contribution to the welfare of the State.

MR. DAVIES (Victoria Park) [10.56 p.m.]: The member for Clontarf has covered the Bill in general terms, and the member for Cockburn has put forward the thoughts of members on this side of the House regarding the benefits to be derived from the establishment of the new university.

From what has been said, the Government will realise that we give this measure our full support. I have been critical of the formation of boards by the Government on many occasions, but I heartily endorse the formation of the Murdoch University Planning Board. My only concern has been in regard to the method of functioning of the board.

I hope the new university will be modern, and that it will embrace the modern concepts of university life which exist throughout the world today. I should imagine that a modern approach will be one of the aims of the board.

It will be seen that most of the people who will be appointed are not directly associated with the university. Whilst not many of them are directly associated most of the members are academic inasmuch as their training would have taken them through the university for four or five years of their lives. For that reason they will have a good knowledge of university practice.

Whilst I can appreciate that there are many traditions associated with the running of universities, and those traditions have been handed down over the years, and no doubt come from the established universities in Britain and Europe, I think it is time we had a look at some of those traditions. We should examine some of the costuming and some of the functions which do not seem to have any great bearing on learning. I can remember the embarrassment associated with the presentation of an honorary degree to the Emperor of Ethiopia, Haile Selassie. I was embarrassed by the whole performance on that occasion and I felt that not only did

the Lion of Judah not know what was going on, but neither did most of those who were present. I felt the performance was a lot of pomposity which did not mean very much, and it was time some of the traditions were examined. As I said, some of the bowing and performing left me a little embarrassed.

I hope the members of the board have a more modern outlook and appreciate that it is time to abandon some of these traditions and to take a more practical approach to the running of a university. I have also been critical of some of the trappings of Parliament and other establishments in Western Australia. I consider we could well do away with such trappings and I hope the board will agree with the opinion I express in this respect, in so far as the Murdoch University is concerned.

I do not know how the board will function. For the time being it looks as though it might be a one-man band, in that the chairman will be doing most of the work. I do not know where he will operate from but I hope it will not be from the present university. I consider this is the first need. If a new university is to be established let us take the experience of the existing university but operate away from its atmosphere. To my mind this is of paramount importance.

A tremendous amount of work will need to be done and I am sure that few members in this House would be able to encompass the many investigations and the amount of research which will need to be undertaken. I am afraid I cannot, and I do not envy the board its task.

The composition of the board will be fairly representative and board members will be given fairly wide powers. I notice that one item is missing from the measure and I do not know whether there is any reason for this omission. I refer to payment for attendance at meetings. Other measures usually incorporate a standard clause to the effect that payments shall be decided by the Governor. I think the Government has a standard payment for attendance at board meetings. I am sure most people will feel honoured to be appointed to the initial board and will not be looking for payment. However, it is also part of my policy that proper payment should be given for a good job done. I do not know whether this was overlooked or whether it is not intended that board members should receive remuneration for their services.

The Premier has said that an amount of \$150,000 has been agreed to between the Commonwealth and State Governments for recurring costs and that \$50,000 has been put aside for the 1970-72 triennium to deal with the initial cost of establishment. Despite this, I could find no allocation for this university in the Revenue

or Loan Estimates when I glanced through them. I suppose money is being paid out at the present time, but I cannot find any entry for such payments. Perhaps the Premier could give some details of costs when he replies.

My one plea is that the board should try to make this a distinctly Australian university by perhaps abandoning some of the older traditions which do not appear to mean very much these days. Indeed, the board may establish some innovations which will become traditions and perhaps, over the years, the university will build up to be distinctly Australian and something of which we are proud. After all, we all like to say that we are Australians and that we have something of which we can be proud.

I congratulate the Government on the move it has taken in this regard. As I have said, I am sure the people appointed will apply themselves faithfully to their task. It will probably never be known whether they take any notice of what I have said, but if they are interested in what Parliament thinks of the university and its future perhaps they will try to make it the most modern university and even break away completely from the existing university except for the necessary liaison which is provided for in the Bill through the proposed tertiary education commission.

**MR. JAMIESON (Belmont)** [11.04 p.m.]: To some degree I find myself at variance with some of the thoughts expressed by the member for Victoria Park in connection with what the new university will ultimately be like.

**Mr. Davies:** Is the member for Belmont a traditionalist?

**Mr. JAMIESON:** Universities set up in Australia are somewhat of a cross between the campus of universities in America and the campus of those in England. The traditional associations of those universities seem to be inculcated into our universities. I have another suggestion. Western Australia is closely associated with Asia. We should set up a university which would be peculiarly different from other universities. We should think more in terms of what is required in that sphere of the world in academic knowledge rather than tying the university in with the old world or with the new world, as America was once called.

**Mr. Davies:** This touches more upon subjects and academic courses than on tradition.

**Mr. JAMIESON:** Not necessarily. I shall expand a little on what I have said. I see that the Minister may terminate the appointment of a member of the board. The board will function only in an advisory capacity and members will, it seems,

give their time honorarily. I consider the Government should have looked around for a suitable Asian academic to be among the 12 board members and to assist in advising the board.

Mr. Davies: The next you know you will have the red arrows down here.

Mr. JAMIESON: They always finish up over the Nedlands Golf Course, so I am not worried about them.

I appreciate that Dr. Tregonning, who is rather an authority on Asian affairs, will be on the advisory board. However, he is a Caucasian authority on Asian affairs and not an Asian authority on Asian affairs, which is somewhat different. I think what I am suggesting is quite important because we will see a continuing flow of Asian students to our universities in the future. I think this is desirable and should be encouraged. To that end we should formulate a university to suit these circumstances.

I have looked at the list of provisional board members and see the names of Professor Bayliss, Mr. P. R. Adams, Q.C., and Mr. J. J. Ahern, company director. I do not see the name of Mrs. Robin Clarke who does not get a mention on this occasion. I am not suggesting that this lady in particular should have been appointed to the board but I draw the Premier's attention to the fact that there are a considerable number of women academics these days. Surely it would not be too much to expect of the Government in the planning of a new university to include at least one or two women on the board to be appointed. I think the Government has missed out badly in this respect. Possibly two-fifths of university students these days would be female. They are entitled to express a view. There are capable women in the community who could give advice and could be of undoubted value on a board such as this. For some reason or other the Government has disregarded their very existence in the community. It has appointed 12 good men and true to plan the new university.

It is perhaps fortunate that the Premier has indicated he sees no objection to the clause which provides that the Minister may terminate the appointment of a board member. Perhaps in the not-too-distant future some of the appointments could be terminated and other people appointed in their stead. I am not saying that this is altogether a good idea. When the Government asks people to become members of a committee to formulate an ideal, which is what the new university is, the Government should have sufficient faith in them to occupy the position for the full term of appointment, unless they are completely unsuitable. Doubtless other provisions would allow membership to be terminated under such circumstances.

Governments have a habit of changing every so often, and it could be the desire of another Government that other people be on the board. I think probably the Government has not given enough thought to the variety of people who should be on the board. I have no particular objection to any of these people—I think they are all reasonably expert in their own spheres—but the scope does not seem to me to be wide enough. In particular, the interests of academic women should have been considered in appointing the board, and possibly at least two of the members should have been from the fair sex.

Otherwise, there is nothing much that anyone could complain of in this Bill. A second university is needed to meet the requirements of this State. That is abundantly obvious when one visits the present university and sees how congested it is becoming. It is most undesirable that we should finish up with something like the University of Adelaide, where there is nothing but buildings, buildings, and more buildings. The more pleasant the campus site can be made, the more pleasant the conditions for studying at the university will be and the more the students will be encouraged to do their best, which all contributes to the peace of mind which, no doubt, one needs in order to concentrate on a higher form of study.

If we move into this sphere of creating another university, and to that end we create this expert board, we have taken the most necessary step at a most important time. I would have preferred that the Premier had not named the members of the board at this stage, but that he had obtained the opinion of the Legislature on what was thought to be desirable. Having named the members, it would be very difficult for the present Government to eliminate any of them for the purpose of giving representation to the other people I have suggested. However, it is a thought that I throw to the Premier. It is unfortunate that those people have been named at this early juncture, when possibly, on reflection, the scope could have been somewhat widened. With those comments, I support the Bill.

**SIR DAVID BRAND** (Greenough—Premier) [11.13 p.m.]: I thank members for their support of the Bill. At this late hour, I do not think there is any need for me to add a great deal more. I must say that each of the members who have spoken has given special and new thoughts to the new university, whether it be a second or a third university.

Generally, I think the comments indicated that whatever system is used in establishing a board, or whoever is appointed to it, it does not meet with everyone's approval. This applies in practically every case. I think the suggestion



that some women should have been appointed to the board is as good as any suggestion that could be made, but we have looked around and given a great deal of thought to the composition of this planning board—and it is a planning board—and provision has been made that when the university has reached the stage where we shall set up a senate as a governing body, some of the members of the board can apply, if they so desire, to be considered for the senate.

As far as the people who have been appointed are concerned, I refer to the fact that Dr. Gardiner, the Chief Veterinary Surgeon of the Department of Agriculture, surely has some knowledge of veterinary science, and he is the most senior man we have in this field in the Government; Mr. Anderson, the Director of the Research Unit in University Education, the Professor of Agriculture, and the Professor of Physiology, are people who would not be without some knowledge. All of those people were chosen for their special knowledge and experience.

It is a long time since we established a university; therefore, no-one is available to us here. Nevertheless, there are many people who have a great deal of experience in matters concerning university and tertiary education. We were very fortunate in having available to us Professor Bayliss who, over the years, has accumulated a vast amount of knowledge as a result of his membership of the Universities Commission and other positions which he has held from time to time. Whilst I do not deny that we could have had other people and that we could have had women representatives, I think that by and large we have a group of people who are knowledgeable and practical, and who will set about the planning and establishment of the university in the quickest possible time.

I, too, would like to see a new look to the university. The member for Belmont made the point that, at this stage of the history of this side of the continent, we should not forget that we have to look more and more to Asia; that we will be more and more associated with Asia; and that we will, no doubt, provide many of the educational facilities for Asia. That will not necessitate giving the university an Asian look or atmosphere, but I think we should have regard to that fact, and the point is well taken.

I thank members once again, and trust, with them, that when the Murdoch University is fully established it will prove to be one of the outstanding universities of Australia.

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 Sir David Brand (Premier), and transmitted to the Council.

*House adjourned at 11.20 p.m.*

## Legislative Council

Wednesday, the 28th October, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

### QUESTION ON NOTICE

#### NAVAL BASE

##### *Establishment*

The Hon. R. THOMPSON, to the Minister for Mines:

- (1) Has the State Government been given any assurance by the Federal Government that a Naval Base will be established on Garden Island after the causeway has been constructed?
- (2) If so, when will the Naval Base be established?
- (3) If not, will the State Government seek an assurance from the Federal Government before acquisition of mainland properties is proceeded with, and the leases of established holiday camps are terminated?
- (4) Will an expert survey be carried out prior to the construction of the causeway to ensure that ocean currents will not be affected by the structure, and that no further pollution of Cockburn Sound will occur?
- (5) Is it the intention of the State Government to establish industry, wharves, etc., on Garden Island if the Federal Government is willing to excise portion to the State?

The Hon. A. F. GRIFFITH replied:

- (1) to (3) I do not know if any written assurance has been given by the Federal Government but it is most unlikely that the Federal Government would be prepared to spend \$9 million on a causeway if it had no intention of proceeding with the naval facilities on the Island.
- (4) Surveys and studies are being carried out by competent consultants.