

ADJOURNMENT OF THE HOUSE: SPECIAL

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

That the House at its rising adjourn until 2.30 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 10.21 p.m.

Legislative Assembly

Tuesday, the 30th November, 1971

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

GARDEN ISLAND

Public Access: Reply of Prime Minister

THE SPEAKER: I have for tabling a letter from the Premier's Department referring to a resolution passed by this House during last session in relation to a joint study by Commonwealth and State officials on public access to Garden Island. Attached to the letter is the reply of the Rt. Hon. the Prime Minister.

The letter was tabled.

QUESTIONS ON NOTICE

Tabling of Long Answers: Statement by the Speaker

THE SPEAKER: Before calling for questions on notice, I would advise members that due to the very extensive answers to some questions—and, in particular, I draw the attention of members to question 16 of last Friday, the reply to which involved two full pages of print in the *Votes and Proceedings*—I will direct that long answers be tabled and not included in the *Votes and Proceedings*.

QUESTIONS (31): ON NOTICE

1. DAY LABOUR FORCE

Public Works Department

Mr. **HUTCHINSON**, to the Minister for Works:

How many day labour employees (construction) were employed by the Public Works Department on—

- (a) 1st March, 1971;
- (b) 1st July, 1971;
- (c) 1st November, 1971?

Mr. **T. D. EVANS** (for Mr. Jamieson) replied:

- (a) March, 1971—1,342.
- (b) July, 1971—1,355.
- (c) November, 1971—1,354.

2.

TRANSPORT

P.R.T.S. Report: Cabinet Subcommittee

Mr. **O'CONNOR**, to the Minister representing the Minister for Transport:

- (1) When did a Cabinet subcommittee start work on the PERTS report?
- (2) When is it likely their findings will be published?

Mr. **T. D. EVANS** replied:

- (1) 16th March, 1971.
- (2) The report is at present under consideration by the PERTS steering committee which expects to make its recommendations to the Cabinet subcommittee about the end of February, 1972.

Upon receipt of the steering committee's report, the Cabinet subcommittee will consider the recommendations and report to Cabinet.

3.

ROAD MAINTENANCE TAX

Breaches: Non-prosecution

Mr. **O'CONNOR**, to the Minister representing the Minister for Transport:

- (1) How many cases have occurred since the Government took office where it has been decided not to proceed with warrants against persons for breaches of road maintenance tax legislation?
- (2) Do these cases include a candidate at the last general election?
- (3) Without naming persons will the Minister advise the number of offences recorded against each person in question?
- (4) Does the Minister know of other cases where actual breaches have been recorded but not proceeded against?
- (5) If so—
 - (a) how many;
 - (b) for how many offences?
- (6) Does the Minister agree that this preferential treatment is unfair to the person abiding by the law?

Mr. **MAY** replied:

- (1) This information is not available and would require considerable research.
- (2) This is not known. If the member can specifically name a person the information can be checked.
- (3) Answered by (1).
- (4) There are many instances where legal action cannot be taken due to lack of evidence or in some cases where the defendant is bankrupt.
- (5) (a) Two.
- (b) One person—12 complaints sworn and four in course of preparation.

The other—38 complaints 5.
sworn and 10 in course of pre-
paration.

- (6) Each case is considered on its merits and any leniency extended in one particular case is not considered unfair to others.

4. TRADE UNIONS

Government Funds for Training

Mr. O'NEIL, to the Minister for Labour:

Would he explain details of the scheme under which the Government is making funds available to the trade union movement for training purposes?

Mr. TAYLOR replied:

Briefly, the scheme is intended to complement work already being done in the area of trade union education by the technical education division of the Education Department, and other such bodies, and the Trades and Labor Council and unions themselves.

Its aim is to assist trade unionists—both at the membership and leadership levels—to better equip themselves in an educational sense. The Government hopes, by this scheme, to assist in industrial relations.

On July 26, 1971, Cabinet decided to provide the sum of \$5,000 in the budget to be used at the discretion of the Minister for Labour for this purpose.

Only one payment has been made so far, that being the airfares of two trade union officials to attend the national convention on industrial safety held in Canberra on September 17 and 18, 1971. Payment totalled \$586.80. The safety conference was widely represented by the tripartite groups.

A further application for assistance for a number of educational activities has now been received, wherein union officials have had the opportunity of receiving training.

The Trades and Labor Council which assumes responsibility for planning the education programmes has referred to the excellent support in the industrial sphere by the employers, the Industrial Commission and the Western Australian Institute of Technology.

The Trades and Labor Council considers the education scheme to be a significant success in contributing to harmonious industrial relations throughout industry and expresses the hope that the future programme continues to receive the support from the particular groups mentioned above.

RAILWAYS

Land at Midland

Mr. BRADY, to the Minister representing the Minister for Railways:

- (1) Has any decision been made in regard to the area of land available for purchase out of the property formerly controlled and used by Midland Railway Company in Midland and West Midland?
- (2) Will the Minister state the current position in regard to the area referred to?

Mr. MAY replied:

- (1) No.
- (2) The matter is under active discussion with the Shire of Swan, Main Roads Department, Town Planning Department, Woolworths Properties Limited and the Railways Commission. Finality in regard to the area available for commercial use is expected shortly.

6.

PUBLIC WORKS

Programme

Mr. RUSHTON, to the Minister for Works:

Reverting to part (2) of question 24 on 24th November, 1971, will he advise each item of public works programmed for this financial year, including their value for items in excess of \$20,000?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

The preparation of the information requested would involve considerable time and effort and is considered not to be warranted.

However, a list of new works on which expenditure in excess of \$100,000 has been programmed this year has been prepared which, with permission, I table.

The list was tabled.

7.

LAND

South Perth: Sale to Perth Waters Pty. Ltd.

Mr. GRAYDEN, to the Minister for Lands:

Will he lay on the table of the House the documents relating to the sale of special zone A, South Perth, to Perth Waters Pty. Ltd., on or about 26th September, 1960?

Mr. H. D. EVANS replied:

The file will be made available for the personal perusal of the member.

8. HEALTH

Polychlorinated-biphenyls: Testing and Control

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

- (1) Because of the global distribution of fish containing polychlorinated biphenyls, will he consider the advisability of testing locally caught and imported canned fish for the substance?
- (2) What plastic commodities on sale in Western Australia have been treated with these compounds?
- (3) Is it true that the compounds are used in paper and cardboard?
- (4) Will he consider the desirability of controlling the uses of this toxic substance?

Mr. DAVIES replied:

- (1) This is already under consideration.
- (2) Unknown.
- (3) May be used on paper for specific purposes.
- (4) Action will be in conformity with that taken by other States.

9. TRAFFIC

Metropolitan Parking

Mr. O'CONNOR, to the Minister representing the Minister for Police:

- (1) Have discussions been held with the Perth City Council regarding the Government taking over or participating in metropolitan parking?
- (2) If so, is this on the basis of increased fees?
- (3) If so, to what extent?

Mr. BICKERTON replied:

- (1) No.
- (2) Answered by (1).
- (3) Answered by (1).

10. HIGH SCHOOLS

Subjects and Enrolments

Mr. A. R. TONKIN, to the Minister for Education:

- (1) How many periods per week were being taught in each subject in each Government secondary school, including junior high schools, at 1st August, 1971 (or any other date during 1971, if more convenient)?
- (2) How many students were enrolled in Government secondary schools at 1st August, 1970 and 1st August, 1971 in 1st 2nd, 3rd, 4th and 5th years?

Mr. T. D. EVANS replied:

- (1) A complete statement of the number of periods being taught in each subject in each Government school would involve analysis of approximately 100 school timetables and the resulting information would be voluminous.

While there is a general similarity in the period allocations for the various subjects, there is no uniformity. The details depend on such factors as the type of school, the level of teaching, the degree to which the achievement certificate has proceeded through the school and the policy of the principal.

Broadly speaking, the core subjects under the achievement certificate are allotted six periods per week each and the other subjects vary from one period to four.

	1970	1971
(2)		
Year 1	15,804	15,954
Year 2	15,056	15,623
Year 3	12,564	13,309
Year 4	4,087	4,872
Year 5	2,885	3,058

11. TEACHERS

Trainees: Number and Courses

Mr. A. R. TONKIN, to the Minister for Education:

- (1) How many student teachers, male and female separately, entered each teachers' college in the years 1969, 1970 and 1971?
- (2) How many of these students were not still undertaking a course of training at 1st August of the year in which they entered their college?

Mr. T. D. EVANS replied:

- (1) Number of Students Entering Teachers' College—

	1969		1970		1971	
	M.	F.	M.	F.	M.	F.
Claremont	81	260	43	165	41	172
Graylands	66	209	46	139	32	119
Mt. Lawley	51	141	46	214
Secondary	194	243	211	322	198	313
Total	341	709	351	767	317	823
Total M. and F.	1,050		1,118		1,140	

- (2) Number of Students Resigned as at 1st August—

	1969		1970		1971	
	M.	F.	M.	F.	M.	F.
Claremont	0	1	4	3	1	5
Graylands	4	0	1	3	0	2
Mt. Lawley	2	3	1	4
Secondary	5	9	10	12	7	18
Total	9	10	17	21	9	29
Total M. and F.	19		33		38	

12. **TEACHERS***Overseas and Interstate Recruitment*

Mr. A. R. TONKIN, to the Minister for Education:

- (1) How many teachers have been recruited from overseas and interstate (separately) in each of the years 1967 to 1971 to each of the Education Department primary, secondary and technical divisions?
- (2) How many of these teachers have since resigned?

Mr. T. D. EVANS replied:

- (1) The only recruitment actively undertaken by the Education Department is in the United Kingdom. Figures are not available for 1967 and 1968. The numbers of teachers arriving in Western Australia from the United Kingdom in succeeding years has been—
1969—21 (as from 1st July).
1970—79.
1971—46 (as to 31st October).
- (2) This information is not readily available but an estimated number would be possibly less than 10.

13. **TEACHERS***Absence and Relief*

Mr. A. R. TONKIN, to the Minister for Education:

- (1) How many total days of staff absences have there been from Government schools for the year ended 1st August, 1971 for reasons other than long service leave—
(a) in primary schools;
(b) in secondary schools;
(c) in technical schools?
- (2) For what number of the absences in (a) have relief teachers been provided?

Mr. T. D. EVANS replied:

- (1) and (2) Statistics concerning such staff absences are not maintained.

14. **TEACHERS***Schools and Technical Division: Number*

Mr. A. R. TONKIN, to the Minister for Education:

- (1) How many full-time teachers, including part-time equivalent, were there at 1st August, 1971—
(a) in Government primary schools;
(b) in Government secondary schools?
- (2) How many full-time teachers, including part-time equivalent, were there in the Technical Division

of the Education Department at 1st August, 1971 in each of the following categories—

- (a) lecturer C;
- (b) trade instructor;
- (c) lecturer B;
- (d) lecturer A;
- (e) senior lecturer B;
- (f) senior trade instructor;
- (g) head of department B;
- (h) head of department A?

Mr. T. D. EVANS replied:

- (1) Number of full-time teachers and full-time equivalents of part-time teachers at 1st August, 1971, were:—
(a) Primary schools (excluding special schools)—3,954.
(b) Secondary schools—3,171.
- (2) Statistics specifically concerning the categories mentioned are not available but there were 651 full-time teachers and 2,100 part-time teachers in the Technical Division.

15. **HIGH SCHOOLS***Manual Arts, Home Economics, Science Laboratory, and Workshop Classes*

Mr. A. R. TONKIN, to the Minister for Education:

How many manual arts, home economics, science laboratory and workshop classes in each category were there in Government secondary schools at 1st August, 1971?

Mr. T. D. EVANS replied:

Statistics on the above are not readily available. The number of classes in each category would involve an analysis of the timetable of each of the 55 secondary schools in the State. However, the Member for Mirrabooka is invited to enquire of the Director of Secondary Education at the Education Department concerning any individual school.

16. **TEACHERS***Senior Masters: Promotions*

Mr. A. R. TONKIN, to the Minister for Education:

- (1) How many senior masters were employed by the Education Department at 1st August, 1971?
- (2) How many teachers are qualified for promotion in Government schools as follows—
(a) to headmaster class II primary;
to headmaster class II junior high school;

to headmaster class I junior high school;
to deputy headmaster class IA primary;
to first mistress class IA primary;

- (b) to senior master;
to senior mistress;
to deputy principal;
to principal mistress?

Mr. T. D. EVANS replied:

- (1) 350 senior masters and 48 senior mistresses.
- (2) Statistics on the number of teachers qualified for promotion in each of the categories specified are not maintained. The names of qualified teachers who apply for inclusion in promotion lists are published annually in the *Education Circular*.

17.

EDUCATION

School Buildings: Use for Meetings and Functions

Mr. WILLIAMS, to the Minister for Education:

- (1) In general terms, what organisations are permitted the use of school buildings and/or facilities for meetings and other functions?
- (2) What conditions, payments, etc., are required to be met?
- (3) Is he aware that a meeting of the Morley-Embleton branch of the Australian Labor Party was advertised in *The Leader*, 24th November, 1971, as to be held at the John Forrest Senior High School on the night of 25th November, 1971?
- (4) What room or rooms were being used for this purpose, what conditions and/or charges were required to be met?
- (5) Who gave permission for this meeting to be held?

Mr. T. D. EVANS replied:

- (1) Any recognised organisation working for the welfare of the school, district youth or the common welfare of the State.

In addition and where there are no suitable alternative buildings available, the use of school facilities may be granted to religious bodies and other recognised organisations.

- (2) The buildings must be left clean and tidy after use and no intoxicating liquor shall be brought into the buildings or grounds. No fee is required.

- (3) No. The use of facilities had previously been approved on a monthly basis for 1971.
- (4) One classroom, under the conditions referred to in (2) above.
- (5) The Principal, under authority of the Director-General of Education.

18.

PARLIAMENT

Hours of Sitting: First Session

Mr. A. R. TONKIN, to the Speaker:
How many hours did—

- (a) the Legislative Assembly;
 - (b) the Legislative Council,
- sit in the First Session of the 27th Parliament?

The SPEAKER replied:

The actual sitting times, excluding lunch and dinner periods, are as follows:—

- (a) 157 hours two minutes;
- (b) 84 hours 46 minutes.

If the member requires further information of a like nature I suggest he extracts the times from *Hansard* which shows the starting and finishing times of each sitting. I would add this: It should be noted that in this particular session a much smaller number of Bills were introduced in the Legislative Council, by comparison with other sessions, because of the limited nature of the portfolios held by that House.

Consequently, up to the time of prorogation of the first session, the majority of Bills were still being debated in the Legislative Assembly.

19.

EDUCATION

Transport Subsidy: Country School Children

Mr. REID, to the Minister for Education:

Will the Government consider raising the maximum subsidy of \$100 per school per year towards bus travel to enable country school children, disadvantaged by distance, to take part in more sporting and cultural functions than at present?

Mr. T. D. EVANS replied:

The Government has given consideration to this matter. It is not possible within the limits of finances available to increase the present maximum subsidy of \$100 per school a year.

20. HOUSING

Natives: Murray District

Mr. RUNCIMAN, to the Minister representing the Minister for Community Welfare:

- (1) How many homes for Aborigines will be built during this current financial year?
- (2) How many Aborigines in the Murray region are in need of housing?
- (3) What is the programme for this district?
- (4) Has the Commonwealth given any indication that it will increase its funds for homes for Aborigines?

Mr. T. D. EVANS replied:

- (1) 123.
- (2) Seven families in Pinjarra. Six families in Mandurah.
- (3) Two building lots are currently being purchased for 1972-73 building.
- (4) No. However, funds for housing from the Commonwealth have progressively increased each year as follows:—

	\$
1968-69	546,639
1969-70	999,000
1970-71	1,080,000
1971-72	1,245,000

It is presumed that funds for 1972-73 will also show an increase.

21. ROCKINGHAM-KWINANA HOSPITAL

Priority of Construction

Mr. RUSHTON, to the Minister for Health:

- (1) Have the design plans been completed for the Rockingham-Kwinana Hospital; if not, when will they be finished?
- (2) Have the contract documents been completed; if not, when is finality estimated?
- (3) Has a firm decision been made to build this hospital?
- (4) If so, when is construction expected to commence, and, if not, when is the project expected to go to tender?
- (5) Is there another district in Western Australia without a general hospital and with a greater population and expected growth of population than Rockingham-Kwinana?
- (6) After the Government's advised higher priority hospitals than Rockingham-Kwinana contained in question 38 of 26th August, that is—
 - (a) Perth medical centre southern block, public health laboratories;

(b) Royal Perth Hospital—emergency care;

- (c) Fremantle hospital additions;
- (d) Carnarvon hospital additions;
- (e) Pinjarra hospital additions, does Rockingham-Kwinana hospital stand at the top of the priorities?
- (7) If "No" to (6) which hospitals have now been given a higher priority?
- (8) What would be the cost of the first stage of the Rockingham-Kwinana hospital?
- (9) What facilities will be provided?
- (10) How many people would be employed?

Mr. DAVIES replied:

- (1) No. Some amendments are still being considered but it is expected that the sketch plans should be completed early in the New Year.
- (2) No. These cannot be commenced until the sketch plans are approved. No date for completion of contract documents can be given at present.
- (3) and (4) Yes. No dates can be given for calling of tenders or commencement of construction as these will depend upon the availability of funds.
- (5) It is difficult to define districts. The Shire of Rockingham has not been able to supply population increases over the past three years, but the number of dwelling units erected dropped considerably each year since 1968-69 and there were 1,717 houses unoccupied at 30th June, 1971.
There are other rapidly growing populations in the metropolitan area without a general hospital in the immediate vicinity.
- (6) No.
- (7) Other projects involving major sums having a higher priority are those relating to the Perth medical centre.
- (8) In the region of \$2,000,000.
- (9) Accommodation for 75 inpatients, with appropriate services, including casualty, X-ray and pathological laboratory.
- (10) Up to 60 nursing staff and probably 60 other staff when operating to capacity.

22. ALBANY SENIOR HIGH SCHOOL

Stage 2

Mr. STEPHENS, to the Minister for Education:

- (1) How much has been spent on stage 2 of the Albany Senior High School oval redevelopment?

- (2) When did the work on the present stage cease?
- (3) Is he aware that stage two has not been completed and that as a consequence the oval cannot be used and work already done is deteriorating?
- (4) When will the work be re-commenced and completed?

Mr. T. D. EVANS replied:

- (1) \$18,902.80.
- (2) A major item in stage 2 is the water supply. Whilst no work would appear to be proceeding, action is continuing to develop a suitable source of water.
- (3) Yes.
- (4) Plans for the provision of a water supply have been approved and the Public Works Department has been requested to arrange a contract. The date of completion will depend on the acceptance of tenders.

23. ROBB JETTY AND MIDLAND JUNCTION ABATTOIRS

Throughput of Sheep and Lambs

Mr. STEPHENS, to the Minister for Agriculture:

- (1) Further to question 21 on 25th November, how many lambs were killed on behalf of the various consignees and what percentage of the total kill does this represent at each abattoir?
- (2) Is it true that Patton Exports have approximately 70% of the killing throughput at Robb Jetty and approximately 25% to 28% of the throughput at Midland?

Mr. H. D. EVANS replied:

- (1) and (2) As indicated in my previous reply, it is regretted that this information cannot be provided since it would disclose details of the activities of the private companies involved.

24. KINDERGARTENS

Government Financial Assistance

Mr. RUSHTON, to the Minister for Education:

Since an earlier refusal by the Government to increase its financial assistance to the kindergarten association to enable the cost to parents to be held, reduced or minimised—

- (1) Has another application been made to the Government?
- (2) What are the details of the association's new request?
- (3) What is the Government's decision?

- (4) What has been provided for the association this financial year under the Brand Government formula?
- (5) What has been the increase in this financial year?
- (6) How much has been granted by the Government above the formula?
- (7) If no decision has been made, when can this be expected?

Mr. T. D. EVANS replied:

- (1) to (3) and (7) No further application for assistance has been received from the Kindergarten Association since the previous application on 26th March, 1971.
- (4) \$525,000 which includes provision for needy kindergartens and new centres.
- (5) \$40,717.
- (6) Nil. The provision is based on the revised formula.

25. SCHOOL CANTEENS

Cluster Type: Design

Mr. RUSHTON, to the Minister for Works:

- (1) Has the design for the cluster type primary school canteens been completed?
- (2) If so, will he let me have a copy of the plan?
- (3) If "No" to (1) when is the plan now expected?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

- (1) Yes.
- (2) Copy of the plan is, with permission, hereby tabled.
- (3) Answered by (2).

The plan was tabled.

26. SEWERAGE

North Swanbourne

Mr. MENSAROS, to the Minister for Water Supplies:

- (1) Could Iolanthe Street in Swanbourne, which with a small section of Sayer Street, is the only unsewered part of the North Swanbourne area, be included in the proposed sewerage extension for Mount Claremont, works for which are anticipated in 1971-72 and 1972-73 respectively?

- (2) If not, why not?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

- (1) Iolanthe and Sayer Streets are not included in work programmed for 1971-72 and 1972-73.

- (2) The land referred to is mainly in a low pocket which will require to be pumped, although some lots may be capable of being connected by minor extensions to existing sewers when finance is available. Funds for the programmed work in the Mount Claremont area are being provided by the City of Nedlands, but the provision does not allow for the sewerage of the subject areas. Funds made available directly to the board are required for areas where sewerage problems are more pressing.

27. ELECTRICITY SUPPLIES

Poles: Positioning

Mr. MENSAROS, to the Minister for Electricity:

As I have received many complaints in the Floreat electorate regarding the arbitrary placing of S.E.C. power line posts in front of people's property, would he kindly intervene with the Commission with the aim that before new aerial power lines are installed or existing posts are replaced, local residents should be asked as to the preferred position of the posts, as such a comparatively trouble free inquiry would prevent cases where posts are placed right in front of future drive-ways for planned carports, or some other inconvenient positions?

Mr. MAY replied:

In over 50 years' experience, it has been found best to avoid placing poles in front of blocks because of lack of agreement between neighbours. Wherever possible poles are placed opposite the common boundary line between adjacent properties. This location is neutral with respect to neighbours, avoids having one person's service leads crossing his neighbour's property, and is usually more acceptable for the location of a street light. When poles cannot be placed opposite the boundary line, the commission avoids any obvious inconvenience, but if a local resident complains immediately the pole is erected (before the wires are attached) because of a future drive-way, then the pole will be re-erected clear of that future drive-way by the commission free of charge.

I might add that I have requested the State Electricity Commission to interview the residents concerned where there is any area of conflict.

28. YUNDURUP CANALS DEVELOPMENT

Dredging

Mr. MENSAROS, to the Premier:

How does he reconcile his replies regarding the word "winter" as it applies in Western Australia, to questions 26 and 45 on 24th November, 1971 referring to—

- (a) the assurance given by his Government that dredging will not be allowed except during winter months; and
- (b) "the authorised commencing date for dredging is 1st March and dredging may continue until the next following 31st October"?

Mr. J. T. TONKIN replied:

The assurance referred to in answer to question 26 of 24th November, 1971, was given by telegram from the Minister for Fisheries and Fauna to the secretary of the Mandurah licensed Fishermen's association on 23rd November, 1971, which read—

"Dredging conditions unaltered stop dredging not permitted during summer months. Davies"

As the months of November, December, January, February, which are generally regarded as summer months, have been excluded from the period during which dredging will be permitted no reconciliation of replies is required.

29. YUNDURUP CANALS DEVELOPMENT

Lease: Original Terms

Mr. MENSAROS, to the Premier:

In reference to his reply to part (7) (b) of question 44 on 24th November, 1971, regarding the Yundurup canals project, would he state—

- (1) What were the original terms and conditions of the channel lease and dredging license?
- (2) When were these issued, by whom and to whom?
- (3) What were the restrictions imposed later which were not specified in the original terms mentioned in (1)?
- (4) When were these restrictions imposed, by whom and to whom?

Mr. J. T. TONKIN replied:

- (1) A copy of the original offer to Miss Watters is tabled—"A". No reference is made therein to any restrictive period for dredging.

- (2) On 4th September, 1970, by the Under Secretary for Lands to Miss J. Watters.
- (3) Clause 3 (b) of the tabled copy of letter—"B" imposes a restrictive period for dredging.
- (4) These were contained in this letter from the Under Secretary for Lands to Miss J. Watters under date 9th December, 1970. Subsequently at a meeting of Cabinet on 26th January, 1971, Cabinet varied the dredging period to 1st March-31st October, with an extension to 30th November at the discretion of the Minister for Lands.

The letters were tabled.

30.

EDUCATION

Free School Books

Mr. RUSHTON, to the Minister for Education:

- (1) When will the Government's free books scheme for primary schools be fully implemented?
- (2) What books and materials will be supplied at each phase?
- (3) What freedom of choice of text books will remain with the teachers under this scheme?
- (4) Have there been representations from headmasters and teachers personally or in writing asking for an amendment to the Government's scheme; if so, what is the change sought?
- (5) How many qualified teachers are already involved in promoting and producing the Government's free books and materials scheme, and what are the numbers in each section involved?
- (6) How many other personnel are involved in promoting and producing the scheme, and how are these persons employed?

Mr. T. D. EVANS replied:

- (1) The beginning of 1974.
- (2) 1972—(a) Free reading books and materials for all grades.
(b) An atlas and dictionary for each grade 4 child in 1971 and for every grade 4 child in subsequent years.
- 1973—(a) All school requisites such as exercise books, glue, paints etc. but not items such as rulers, rubbers, pencils.
(b) Text material on the following basis:—
(i) Maths and science —grades 1 to 4

- (ii) English, social studies, health—grades 5 to 7.

1974—(a) Text material on the following basis:—

- (i) Maths and science —grades 5 to 7.
 - (ii) English, social studies and health —grades 1 to 4.
- (3) Teachers will be given complete freedom of choice with respect to all reading materials. Teacher representatives will be on all committees concerned with the production of other text material which will be provided to allow choices to be made concerning units of work teachers may use in the various subject areas.

- (4) Following the initial announcement of the scheme, a number of points were raised by teachers concerning the implementation of a free text scheme for primary schools. Lately, however, following a number of announcements concerning the implementation of the scheme, there have not been any official requests for major amendments.
- (5) To date most surveys, administrative procedures and planning, have been done within the existing research and curriculum organisation. Preliminary planning of outlines of materials has been undertaken by teachers already in the curriculum branch for work related to syllabus committees. For 1972, however, it is possible that approximately 5 additional teachers will be required.
- (6) There are no other officers specifically appointed for promotion and production of the scheme.

Naturally, there will be varying degrees of involvement by existing officers of the clerical division and accounts section of the Education Department, education supplies branch and the Government Printer.

It would be extremely difficult to estimate the degree to which these officers would be affected.

31. *This question was postponed.*

QUESTIONS (7): WITHOUT NOTICE 1. CLOSE OF SESSION

Target Date

Sir DAVID BRAND, to the Premier:
Is the Premier able to give any indication of his plans for the next fortnight or three weeks regarding the sittings of this

House? Could he give some indication of when he hopes to conclude the session?

Mr. J. T. TONKIN replied:

In reply to the Leader of the Opposition, it will be seen that the notice paper contains some five Bills above the Appropriation Bill (General Loan Fund) and the Appropriation Bill (Consolidated Revenue Fund).

With one or two exceptions the Bills appearing below those two items will not be proceeded with during this session but will be carried through to the March sitting of Parliament.

I anticipate that, according to the length or brevity of the speeches which are to be made and the number of such speeches on the Estimates, it will be possible to conclude the sitting of Parliament by the end of next week.

It must be appreciated, however, that there is a lot of business on the Legislative Council notice paper. Those gentlemen appear to have become more voluble than usual in recent times so it is extremely difficult to predict just when Parliament will end.

I hope that with reasonable co-operation the session will conclude at the end of next week.

2. ABATTOIRS

Trades and Labor Council and Farmers: Project

Mr. COURT, to the Minister for Development and Decentralisation:

With reference to the several questions that have been asked and answers given this year on the subject of the T.L.C.-U.F.G.A. abattoirs proposals, would he please clarify the latest advice to Parliament—

- (a) no formal proposals have been received for financial and other assistance; and
- (b) no studies are being undertaken by the Department of Development and Decentralisation and/or by the Department of Agriculture;

when previous answers said investigations had not yet been completed—the 17th November, 1971—and the Press report—*The West Australian*, of the 21st October, 1971, under the heading, “\$8m. guarantee sought”—stated the State Government had been asked to consider guaranteeing up to \$8,000,000 to finance two abattoirs following talks with the

Minister for Development and Decentralisation and the Minister for Agriculture who, according to Mr. D. W. Cooley of the T.L.C., “appeared to favour the projects but Cabinet would have to decide on giving the guarantee”? Also could the Deputy Premier clarify the statement which appeared in this morning's paper under the heading, “Government asked to guarantee \$9m. loan to abattoirs,” which seems to have a rather significant ring when referred back to the statement on the 21st October, 1971, under the heading, “\$8m. guarantee sought”?

Because of the lateness of the information I omitted to refer to the final part of my question when I was in communication with the Minister's office today.

Mr. GRAHAM replied:

There have been a number of contacts between the United Farmers and Graziers Association, the T.L.C., myself, and officers of my department, regarding the abattoir proposal. Details of these are as follows:—

- (a) On the 20th October, 1971, I met a deputation representing the United Farmers and Graziers Association and the T.L.C., and the establishment of an abattoir was discussed in broad terms. This meeting was reported in *The West Australian* on the 21st October.
- (b) On the 28th October the United Farmers and Graziers Association left with me a brochure prepared by Civil & Civic Pty. Ltd. This contained an offer by Civil & Civic to design, construct, and commission the proposed abattoir and included information on capacity, indicated costs, etc.
- (c) On the 12th November, 1971, the department wrote to the United Farmers and Graziers Association referring to the brochure submitted and enclosing two application forms for financial assistance.

The Deputy Leader of the Opposition would be aware that the department's financial assistance application form sets out the basic information required to enable an application for financial assistance to be processed.

- (d) On the 29th November (yes-terday) I received a letter from the United Farmers and

Graziers Association. This contained some, but not all, of the information required to enable an application for financial assistance to be processed in the normal way.

Referring now to the answers given on the 17th November in reply to a question regarding the stage which had been reached in the Government's consideration of the T.L.C. and United Farmers and Graziers Association abattoir proposals, the reply was given that the department had not completed its investigations into the project. This was correct. At that time an informal approach had been made and the department had responded but investigations had not been commenced because basic information had not been supplied.

On the 24th November, 1971, in reply to a question regarding the nature of the studies being done by the department, an answer was given that no studies were being undertaken by the department. This answer is also correct as at that time there had been no response to the department's letter of the 12th November, and study of the proposals had been deferred pending receipt of the required information.

In reply to the latter portion of the question, I am unaware of any details other than those outlined at the meeting previously mentioned and contained in the communication received yesterday. After the meeting between the two organisations and myself which will be held next Thursday afternoon, I will be in a better position to know what sum is involved and under what circumstances.

3. GARDEN ISLAND

Public Access: Reply of Prime Minister

Mr. RUSHTON, to the Premier:

I have already given the Premier some notice of my intention to ask a question in relation to the motion passed in this House regarding Garden Island. He was kind enough to table the correspondence today. Having regard for the Commonwealth Government's opinion, contained in correspondence tabled today, relating to a motion passed in this House as to access to Garden Island after establishment of the

naval facilities, is he prepared and intending to take any further action on the issue? If "Yes," what action does he contemplate?

Mr. J. T. TONKIN replied:

I ask that the question be placed on the notice paper.

4. GOLD SUBSIDY

Effect of Wage Claims on Production

Mr. COURT, to the Premier:

- (1) Has he made an estimate of how much of the additional gold subsidy being sought from the Commonwealth Government would, if granted, be lost in additional wage claims with the result that no extra overall gold production or longer life for the mines would be achieved from the subsidy to the extent that additional wage claims were granted?
- (2) Have there been discussions with the appropriate unions to determine how far reasonable restraint can be practised as part of assurance to the Commonwealth to make certain that at least a substantial part of the additional subsidy will enable additional overall gold production and thus longer life during the industry transition from gold to other minerals?

I make the observation that it is not intended by the above questions that there be a wage freeze or pegging, but rather restraint to make any additional subsidy meaningful in terms of longer mine production life.

Mr. J. T. TONKIN replied:

- (1) No. It is not possible to make such an estimate as the nature and extent of future wage claims, if any, are not known.
- (2) No; not specifically for giving assurance to the Commonwealth. Discussions have been held concerning the proposed pay severance scheme.

5.

RAILWAYS

Wool: Albany to Fremantle

Mr. COOK, to the Minister representing the Minister for Railways:

- (1) What was the total number of bales of wool railed from Albany to Fremantle in the years—
 1967-68
 1968-69
 1969-70
 1970-71?

- (2) What was the total revenue received by the railways for wool railed from Albany to Fremantle in the years—

1967-68
1968-69
1969-70
1970-71?

Mr. MAY replied:

- (1) On the basis of seven bales to the ton, wool railed from Albany to the Fremantle area including private sale wool was as follows:—

Year	Bales
1967-68	51,415
1968-69	58,640
1969-70	75,910
1970-71	94,795

(2)	\$
1967-68	133,147
1968-69	150,186
1969-70	202,206
1970-71	255,864

6. YUNDURUP CANALS DEVELOPMENT

Government Guarantee

Mr. MENSAROS, to the Premier:

- (1) Does the approximately \$640,000 stated in his reply to part 3 (a) of question 44 by the Leader of the Opposition on the 24th November, 1971, include—

(a) value of land as estimated and taken into account by the developers as unimproved land before earthworks commenced; and

(b) the amount, if any, already expended for earthwork, other development, advertising, etc. which was not an outstanding debt but already paid for by the developers at the time of the guarantee?

- (2) How much is the unimproved land being valued at by the developers as cost component within the whole developmental project?

Mr. J. T. TONKIN replied:

- (1) (a) and (b) The sum of \$640,000 is expected to settle outstanding debts which were incurred by Miss Watters in getting the project to its present stage. Because these include secured debts incurred to provide funds generally for the project it is not feasible to relate them to specific areas of development.

- (2) \$164,000.

7. STATE SHIPPING SERVICE

Service to Darwin: Commonwealth Assistance

Mr. BLAIKIE, to the Premier:

Has the Premier received any advice from the Prime Minister requesting a deputation to present a case for Commonwealth assistance to retain the State Shipping Service to Darwin? If so, has the Prime Minister agreed to meet the delegation, and when?

Mr. J. T. TONKIN replied:

I thank the member for Vasse for ample notice of this question. I wish to advise that at 9.00 o'clock this morning, our time, I telephoned the Prime Minister's office and, when I expected to be able to speak to him, I was informed he had just taken another call and I would be called back. I waited for the return call and when I had not received it within three-quarters of an hour I made a further call. Just as I commenced to speak to the Prime Minister he received a message that question time in Parliament was about to begin and he told me he would have to ring me back. Up to the present time he has not done so, to my knowledge.

Mr. Court: He is probably still answering questions.

ABATTOIRS ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 23rd November.

MR. NALDER (Katanning) [5.10 p.m.]: When introducing this Bill a week ago today, the Minister outlined the personnel of the Midland Junction Abattoir Board. He went on to indicate that the Government intended to provide for the addition of another person to the board. In the second paragraph of his second reading speech the Minister said—

The proposal contained in this Bill provides for an additional member to be added to the board to represent the interests of workers engaged in the industry.

I now refer to the last paragraph of his speech, where he said—

Whilst the Bill does not specify that the proposed additional member should be a member of any particular union, or indeed of any union, it is intended that this matter will be dealt with administratively.

First of all, I want to indicate that this is a rather strange piece of legislation. In every other instance where a board has

been constituted in this State under legislation passed by this Parliament, the composition of the board is indicated in the legislation as well as the method by which the members will be appointed—whether by the Minister, by a referendum, by recommendation of different organisations, or from a panel of names. It strikes me as being very strange that this Parliament should be asked to agree to the appointment to a board of a person who will "represent the interests," which suggests that this person may not be a representative of the group of people whom the Government thinks should be represented. However, that is by the way.

The most important point is the information the Minister gave the House about the need for this person to be on the board. He gave a few reasons why he thought it was necessary for such a person to be on the board. He said—

The existing line of approach between the workers and the board has not always produced the degree of liaison which is desirable.

He gave some other information which, in my view, is not important at this stage. He indicated that—

Relationship in past years between the board and the union has, to say the least, been far from good...

Within a breath of making that statement, he then went on to say—

At present the industrial harmony of the abattoirs is quite satisfactory. I repeat—"quite satisfactory." He then said—

The management has established a routine of monthly meetings with union representatives which has contributed greatly to communications between the two segments of the industry. Both management and union have adopted a code of behaviour for industrial settlement. This is a far-reaching and progressive procedural code to be adopted in matters in dispute. I feel the *bona fides* of both parties to establish harmony have been demonstrated in past months.

In my view, the proposition for a further representative on the board was discounted by the fact that it was put forward within a breath of making the comment that everything in the garden was lovely.

Mr. Brady: He wants to keep it that way.

Mr. NALDER: The Minister said, "the industrial harmony is quite satisfactory."

Mr. Brady: He wants to keep it that way.

Mr. NALDER: Listen to the member for Swan! He wants to get up early in the morning.

Mr. Brady: You would not need to get up too early in the morning to know the reasons there has not been harmony there.

Mr. NALDER: This legislation has been on the Statute book for about 20 years.

Mr. Brady: Your Government just about sent the farmers bankrupt, the way it carried on at the abattoirs for 10 years.

Mr. NALDER: Listen to that!

The SPEAKER: Order!

Mr. NALDER: An article appeared in *The West Australian* on the 28th October. It was headed, "10-point code for disputes at abattoirs," and was written by Mr. Alan Thornhill. It reads as follows:—

A unique code of procedures to be followed when disputes arise at the State's abattoirs received final ratification yesterday.

The agreement was signed 12 months after the start of a strike that reduced the State's meat industry to chaos for six weeks.

The ten-point plan emphasises that as many disputes as possible should be settled at works floor level.

It also emphasises speed in reaching settlements.

The first point of the plan is to have the Meat Industry Employees' Union notify the abattoirs in writing of accredited union delegates and the areas they represent.

The Minister makes no provision for accredited union representatives on this board. The article continues—

These delegates will be the only workers able to raise problems with the person nominated by the employer for the particular work area.

OTHER WORKERS

However, provision is made to allow other workers to get in touch with their representative quickly in urgent cases.

In any case of a problem not settled satisfactorily at floor level, the foreman and the delegate will notify the abattoir management in writing.

The delegate will also inform the union's head office.

The delegate, if he seeks it, will be given reasonable opportunity to discuss the problem with the management.

In such cases, the management will be required to give a written decision on the dispute within 48 hours—unless a longer time is agreed to be necessary.

CONFERENCE

In any dispute not settled in this way, the delegate will notify his

union, the employer will notify his representatives and a conference will be arranged.

If no agreement is reached at the conference, the dispute will then be referred to the State Industrial Commission.

Unless a *bona fide* safety issue is involved, work will continue while the discussions are held.

I would like to mention that these points have been agreed to by the parties concerned. Continuing with the article—

The parties have agreed that employees—including delegates and employers' staff representatives—may be disciplined by the employer after consultation with the union if the procedures are breached.

Where the union does not agree that there has been a breach of procedures the case can be referred to the Industrial Commission.

I do not think it is necessary for me to refer to the rest of the article. There is a comment by the Secretary of the Trades and Labor Council (Mr. J. W. Coleman); and a comment by the Chairman of the Meat Works Association (Mr. C. C. Bennett). The Minister for Labour, Mr. Taylor, congratulated the parties on reaching agreement.

It is an important step in the history of abattoirs in this State that an agreement of this type has been reached. On the basis of this agreement I cannot see that the Minister advanced a valid reason for the inclusion of a workers' representative on the board.

The Minister referred to the fact that apart from Western Australia, Tasmania is the only other State which does not include a union or worker representative on the policy-making bodies of Government-owned abattoirs; that is, two authorities in two States. However, he mentioned that there are two abattoirs which do include worker-representation on their policy-making bodies.

I wish to make this point: During my term as Minister for Agriculture, I had a visit from a representative of the Gepps Cross Abattoirs Board. This gentleman visited Western Australia to look at the operations of the meatworks here. He was a man of very wide experience and had been on the Gepps Cross Abattoirs Board for many years. He had travelled overseas representing the Gepps Cross Abattoirs Board and investigated procedures in other countries. This man was highly regarded in every State of the Commonwealth as being a person who had a great deal of experience in the conduct of abattoirs. He spent some days looking at the operations of the various abattoirs and

he also checked on the legislation governing the control of abattoirs. The day before he left to go to South Australia, he visited my office and stated that in his opinion the board which operated the abattoir at Midland Junction was the best in Australia. He believed that the constitution of the board was very good and in his opinion it would be unwise to alter it. This seemed to me to be very sound advice from a person of his experience. He told me of the problems in South Australia where the operation of a big board was very time-absorbing.

I was rather staggered to hear the Minister suggesting altering the board in view of his statement that the present management of the Midland Junction Abattoir Board is doing a superb job. He stated they were doing a superb job now and had done so in the past.

The Minister in his second reading speech said—

The recent expansion with its attendant problems has placed a heavy burden of pressure on the administration and staff. The industry is fortunate to have men of the present calibre at this time.

If that is the case, Mr. Speaker, surely this would add weight to the view that the board should be left as it is. To alter the board after this period of time is quite unnecessary. I am sure the membership of the board will not stay as it is proposed. If the Minister has not already received applications for further representatives on the board, he will do so because many others argue that they should be represented also.

It is unnecessary to alter the composition of the board at the present time. The Minister indicated the representatives he hoped to include, but he did not say there would be a union representative. The person appointed may not be affiliated with a union at all. It may have been another story had the Minister clearly indicated what the position was. However, because the board has worked efficiently over the years and has carried out its responsibilities, I see no good reason for altering it at this stage. Therefore, I oppose the Bill.

MR. STEPHENS (Stirling) [5.25 p.m.]: I support the remarks of the Leader of the Country Party. I have mixed feelings about the provisions of this Bill, but I was still able to arrive at a definite decision.

First of all, I would like to point out that some 12 to 18 months ago, as a result of industrial unrest at Midland Junction Abattoir, which resulted in a considerable loss to farmers, the Albany zone council of the Farmers' Union carried a motion requesting the appointment of an employees' representative on the Midland Junction Abattoir Board. As a delegate from the

council to the meat executive, it was my task to put forward this proposition, and I did it in all sincerity feeling it would help to overcome the disharmony apparent at the abattoir. My case was not very successful; there was only one person who voted for it, and that was me. However, I still feel the principle behind the idea is sound. It recognises the interdependence of employees and management. It is recognised, at least theoretically, that participation by the workers should foster harmonious relations to the mutual benefit of employee and employer. Unfortunately, in practice this is not the case and results throughout the world are largely negative.

Mr. H. D. Evans: In Western Germany?

Mr. STEPHENS: Yes, in Western Germany.

Mr. H. D. Evans: Rubbish!

Mr. STEPHENS: If the honourable member is speaking about co-determination, this was brought about in 1951 largely because management wanted to avoid the breakup of industrial empires, as seemed possible under the allied occupation forces. The industrialists attempted to obtain the support of the unions by bringing in co-determination to avoid the breakup of their industrial empires.

My conclusion that the results of attempts at worker-participation in organisations throughout the world were negative was based on a series of papers at a symposium, "Participation in Management," which was held in February, 1970. These papers are included in a publication issued by the University of California (Berkely), entitled *Industrial Relations*, volume 9.

With your indulgence, Mr. Speaker, I would like to read some quotations from the summing-up of this symposium. Six or more papers were delivered by people prominent in the industrial relations field, and the summary was carried out by Professor George Strauss, Professor of Business Administration, University of California (Berkely), with Eliezer Rosenstein, Lecturer, Faculty of Industrial and Management Engineering, the Technico, Haifa, Israel. The summary speaks about the difficulties which union representatives face on management boards and says—

On one hand he represents workers, on the other he assists in making managerial decisions. As a partner in management he may assent to actions which as representative of the worker he should oppose. In addition the more familiar he becomes with management's problems and the more involved he becomes in deciding them the more likely it is that he will become alienated from his constituents.

"His constituents" refers to the members of the union so represented.

So, Mr. Speaker, it is apparent that union representatives find it extremely difficult to wear two hats. The summing-up continues—

Early experience in the U.S.A. shows that union management co-operation turned out to be a process by which the leaders—

and that is the union—

—gained such a thorough appreciation of the problems of the company that proposals which seemed unreasonable to the rank and file seemed reasonable to the leaders.

It is apparent from this that the leaders could be convinced, but they could not convince the rank and file.

Further on in the summing up it is stated—

Most observers agree that participation has been a success, by very limited standards, in Yugoslavia, Sweden, and the German iron and steel industry.

At this point they mentioned the iron and steel industry as being the post-war German iron and steel industry generally. Continuing—

In terms of broader objectivity, participation even at best, has had limited success. It has involved top leaderships far more than rank and file and it has almost ignored lower and middle level of management. It has not brought power and influence to the ordinary worker, nor has it unleashed workers' creativity or even actively involved the leaderships in making production decisions. The division of labour between decision makers and those who carry out decisions has not been abolished. There is little evidence that participation has resulted in workers working harder or even smarter.

My final quote from this summing up reads as follows:—

Participation schemes may well increase discontent by preventing it from being brought out in the open. Indeed participation may lead workers to become alienated from their union as well as from management.

From that brief statement it is apparent that although the idea of co-determination and worker-participation has been thought of for many years, at this stage it has been far from successful.

In view of this apparent failure in participation, I suggest that perhaps we have attacked the problem from the wrong end; that is, instead of the workers being represented on management boards, perhaps it would be preferable to have the management represented on union management committees. We could find that harmony would be easier to achieve by this method. I oppose the Bill.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [5.32 p.m.]: We, on this side of the House, also oppose the Bill. The Minister based his case on the desirability of consultation and co-operation between management and the employees. Of course this is a basic principle and if the manager is not doing this in the ordinary course of his duties he should not be holding his position. The Minister then went on to explain that the manager is doing this and with success, but the fact that he is holding a series of conferences, either at regular or irregular intervals, is not the point. They should be held as and when required.

It is a function of modern management to hold more of these conferences, particularly when we have a union movement which is not always co-operative these days at least so far as the left-wing movements are concerned—a representative of which may well be on the board if this Bill is passed. I think the management is to be commended on the steps it has taken and I hope—

Mr. H. D. Evans: Have you any observations to make on the previous management?

Mr. COURT: I will come to that if the Minister so wishes, but I believe that because these conferences have been implemented is not in itself a reason for the introduction of this type of Bill. I sincerely hope the present management continues to achieve greater harmony than was achieved in the past.

The Minister himself said there was a lack of affinity between the management and the work force over recent years.

Mr. H. D. Evans: And this is not the way to break down its aloofness?

Mr. COURT: It became a running sore in this place which built up a bad reputation. In fact, when the Brand Government decided to extend the Midland Junction Abattoir the union criticised the decision because we were concentrating the industrial problem in one place. I agree with the union, but the Brand Government only made the decision to extend the Midland Junction Abattoir because our experts told us it was the only way to provide the additional capacity in time.

Mr. Moiler: You should have taken action before then.

Mr. COURT: The Brand Government did take action before then. It selected the site, so if this Government gets some action at least it will attract the abattoir to an ideal site; in fact, it is one of the best I have seen for an abattoir.

In theory, the presence of a workers' representative on the board should bring about some benefit so far as harmony between the management, the board, and the workers are concerned, but in point

of fact it could be quite the reverse. It could be a tremendous embarrassment to the workers' representative and certainly could be a very great embarrassment to the management, because there comes a time when there is a conflict of interests.

In his speech the Minister said something which I regard as being pertinent and significant; namely, that a member or representative of any particular union need not necessarily be appointed to this board. In other words, the Government would select somebody whom it felt represented the workers' interests. My guess is—and it is only a guess—that it would go immediately to the T.L.C. and say, "Who do you want to put on this board? Give us a list of names, or a name," and it could be a person far removed from the abattoir work force.

Mr. Nalder: It would probably be the other way around; the T.L.C. would probably approach the Minister.

Mr. COURT: I was being a little conciliatory in not saying that the State A.L.P. executive would telephone the Premier and tell him who they wanted. However I am assuming the normal procedure would be followed and the Minister would ask the T.L.C. whom it wanted to put on the board.

Mr. H. D. Evans: With the same courtesy I have extended to other bodies in the past and I will also extend in the future.

Mr. J. T. Tonkin: It would not be the first time the Employers Federation had made a suggestion to a Liberal Party Government.

Mr. COURT: In some Statutes it is certainly provided that organisations shall nominate certain people to act as representatives on boards, and I have not criticised that, but I am trying to deal with this particular Bill which is not explicit on the point.

The Minister went to some pains to say—

Whilst the Bill does not specify that the proposed additional member should be a member of any particular union, or indeed of any union, it is intended that this matter will be dealt with administratively.

No doubt he would get in touch with the T.L.C. My guess is that that organisation would nominate somebody like Mr. Coleman, or someone in that class, and not someone from the rank and file of the union.

However that is not the matter under discussion today. In this particular Bill the principle is the matter under discussion; that is, whether there will be a person nominated to represent the interests of the workers on this particular board. I return to the point I made earlier that, in theory, some people will say that this should bring about greater understanding

and harmony between the board, the management, and the workers. In point of fact, however, the conflict of interests is evident in all areas of operation and so such a set-up would just not be compatible. Embarrassment will not only be felt by the workers' representative, but also by the representative of management which has to run its works successfully. The manager is responsible for the efficiency of the abattoir under the direction of the board; and, of course, he is also responsible to ensure that productivity is achieved and its continuity is maintained and that, generally, the works are efficient and have a reputation for reliability.

All members know that when a business of this kind is being conducted a number of discussions have to be held among the board members themselves to arrive at a certain policy. One has to be free to discuss the ins and outs of these matters with the utmost frankness. The union representative may wish to join in these discussions and make some contribution. On the other hand he could be restrained because, like the representative of the management, he could be giving away some of his trump cards so far as the union's interests are concerned.

It would be expecting too much to assume that this man could sit as a member of the board divorced from the interests of the two parties. In other words, the moment he is appointed under the terms of the Bill he immediately becomes a sectional or vested interest on the board and his approach would be firstly, to put forward the interests he represented, and secondly, to consider the overall affairs of the board.

I return to the point made by the Minister; namely, that a code of procedure has been worked out. If I remember rightly a great deal of publicity in the Press and on television was given to the signing of an arrangement. I felt it was desirable. The Minister gave an excellent interview on television—as he usually does—and explained his side. He was also wise in making it clear that this was not the magic word so far as this situation was concerned.

Mr. Taylor: It is a very good step forward.

Mr. COURT: The Minister commended the step, and rightly so. I thought, however, that he spoke with desirable restraint and Mr. Coleman, in particular, was trying to make it clear to the public that he had not signed away the rights of the union in any way and I sensed from what he was saying that it was hoped the arrangement would work out all right, but if not they would go back to the old order.

Mr. Taylor: You are a little unfair there. There has not been any trouble at the Midland Junction Abattoir lately.

Mr. COURT: I am not saying there has been. The Minister is only underlining my point. As long as the arrangement suits everybody they will go along with it with "love and kisses" and it is very easy. However, when things do not work out this way it is like trying to mix oil with water. I believe that more will be achieved under this code of procedure by allowing it to operate in a quiet, effective way with a minimum of legislative interference. This will bring about a better understanding because, in a final analysis in this country of ours, it is the rank and file of the workers who lose most as a result of the industrial disruptions that we have. The union boss's pay is usually not greatly affected, and I suppose the management get their pay, but it is the members of the rank and file who are the ones who really suffer when industrial disruption occurs.

This is a crucial industry; one that is vital to the farmers and to our economy and I hope the changes that are made in the procedures of the board will bring about greater harmony in the industrial relations between the management and the work force. I also hope that the support given to the present management will be continued.

Mr. H. D. Evans: The manager is being supported in every way and will be supported in this matter if we get the Bill through.

Mr. COURT: I can only hope that the Government will continue to support him, but it does not need a measure of this kind. If by some mischance this Bill went through Parliament it would be a sorry day for the management. It is much better for the present arrangement to continue.

There is one final aspect I want to comment on; that is, for some extraordinary reason the Government has brought in some provision relating to the voting power of the chairman.

Mr. Brady: Will the Deputy Leader of the Opposition elaborate on his statement that if the Bill went through it would be a sorry day for the management? Is that a threat to the unions or not?

Mr. COURT: It is not a threat, but a statement of fact.

Mr. Brady: Does it mean that the management will walk out if the union people are appointed?

Mr. COURT: If the honourable member will listen for a moment I will explain. At the present time a code of procedure has been worked out by arrangement between the management, the unions, and the Minister for Labour. Everyone seems anxious to give this a fair trial and I hope they will. If in the middle of all this when something is settling down nicely as an experiment—and an overdue experiment—we then, by Statute, say, "Into the board's affairs we will inject somebody who will be

there to represent the interests of the workers as such" I think we could be looking for trouble.

I say that because that is the object of his appointment; not the good conduct of the board and of the abattoir. Immediately this gravel is put amongst the works when in point of fact it needs oil, there is bound to be conflict. I believe the present method, through this code of procedure, is the oil that is long overdue under this particular arrangement and I would like to see it settle down for a period and, what is more, we may then find that this code of procedure could be applied in other places.

If I may I will now return to the other point I was making in connection with the voting power of the chairman. The particular provision in the Bill states—

but in the event of an equality in the voting the Chairman shall be entitled to a casting vote as well as a deliberative vote.

I do not propose to labour this point, but it rather amazes me to know that it is the Government's policy to insert these words, especially when I recall the words of the Premier the other evening when he said, in effect, that almost over his dead body would he give a man two votes. Yet, apparently, the printer was printing these words in the Bill when the Premier was making his impassioned speech about one man, one vote, one value.

Mr. T. D. Evans: What do you think of that principle; one man, one vote, one value?

Mr. COURT: That is the objective of most people.

Mr. T. D. Evans: Is it your objective?

Mr. COURT: The member for Mirrabooka should laugh! Who was responsible for the present franchise of the Legislative Council being on the same adult franchise basis as this Chamber? Who was responsible? We were!

Several members interjected.

Mr. T. D. Evans: Brought about by a private member's Bill.

Mr. COURT: We can easily tell that the member for Mirrabooka is a brand newcomer and therefore is as brash and raw as he could possibly be.

Mr. A. R. Tonkin: Thank goodness!

Mr. COURT: Look at the history of this Parliament and how the Labor Party survived for years on the special statutory provision for seats in our north!

Mr. T. D. Evans: What has this to do with the Bill?

Mr. O'Neill: It is answering an interjection.

Mr. COURT: If the honourable member would read some of the history of seats in the north he would blush at some of the remarks he has made.

I think it was the Premier who asked me whether there may be occasions when I supported this principle of one man having more than one vote and I would say definitely "Yes." Special circumstances do arise whereby the voting within a board has to be organised for that particular situation. However, I did not want to miss the occasion to refer to the fact that the words are here in such clear terms after such an impassioned oration by the Premier when he said he would not allow a board member to have a deliberative vote and then a casting vote. I oppose the Bill.

MR. W. A. MANNING (Narrogin) [5.46 p.m.]: No doubt this Bill has been introduced with a desire to create harmony at Midland. Until recently a great need existed for something to be done to promote harmony in that area; but this is not the way to achieve it.

Let us look at what is proposed. A member is to be appointed to represent the workers at the abattoir. The Minister has said that it is often difficult for a person in one vocation to appreciate the full implications of problems in another industry. He has not indicated who the appointee will be, but obviously it would have to be someone who at least at some time worked, or perhaps at the present time works, at Midland. He could not be a representative of a union if he had not had the experience there, because the Minister stated that the appointee must be someone in the vocation. Obviously, therefore, he must be someone working in the industry, perhaps even a slaughterman.

Let us consider the situation if this is to be the case, and it certainly must be something like the position. The manager at Midland is not on the board, but the proposal is to place one of the workers on the board to control the management of the works. Imagine the situation of a manager with one of his staff on the board which controls the works, and he, the manager, is submissive to the board!

Very little thought has been put into this legislation. A good deal of harmony exists at the present time, and to ensure this harmony continues, the management must have control of the situation. This is the manager's job. It is certainly not the task of the board. Under this amendment the board will have an overall controlling power over the manager. The manager should not have a member of his staff sitting on the board making decisions as to what he, the manager, should do. This situation would be entirely wrong, and if the Minister would reconsider the matter in the light of what has been said, I am sure he would agree it would be an impossible situation in which to place a manager. How could he carry out his responsibilities with one of his staff telling him what to do?

I had a similar experience, although not quite the same. A local authority with which I was associated managed the power house and supplied the electricity. Of course a manager was in charge, but at a council election an electrical engineer was elected. As all members know, local authorities appoint committees, and it was thought appropriate and right to appoint the electrical engineer to the electricity committee. However, never was a bigger mistake made! The person in charge knows his job and then so, too, perhaps, does another member who is appointed to a committee; but they do not always agree and it destroys the work of the committee. This is what occurred in the local authority to which I have referred.

The situation under this Bill is similar, but, perhaps, far worse because the proposed board member would most likely be a member of the staff over which the manager has control. Therefore I must oppose the Bill.

MR. TAYLOR (Cockburn—Minister for Labour) [5.51 p.m.]: I do not propose to speak for very long on this matter. I merely wish to add one or two comments to the remarks made by those on the other side.

The Government does believe this is a worth-while measure, and that to appoint a worker's representative—a representative of the bulk of the people associated directly with that industry—is an important move towards good industrial relations, which, of course, is the whole purpose of this Bill. The whole trend throughout the world is towards worker-representation, and one of the major reasons I rose to speak is to make some comment in regard to a remark made concerning worker-participation in West Germany.

I suggest to the honourable member that he study a speech made by the member for Cockburn on the 27th August, 1970, in which reference was made to this very point.

Mr. Gayfer: Who is the member for Cockburn?

Mr. TAYLOR: If the member for Avon will read the speech, he will find out.

I made reference to this subject and quoted from *The West Australian* of the 25th July, 1968, and from subsequent publications to indicate what had been done in West Germany. Part of the quotation from the paper reads—

West Germany's two main political parties, the Socialists and the Christian Democrats, are both evolving plans to give the country's working population a much greater say in industrial management.

The article gave details of the ratio of workers to management on the various boards, and of the way the West German

economy is assisted by worker-participation. The following sentence, referring to various boards, is worth repeating:—

There were periods of tensions, mainly due to these mergers, but not one hour of production had been lost due to strikes since the plant began operating after the war.

This is the trend of worker-participation.

As far as conditions at the abattoir are concerned, I am unable to quote many factual instances which members could easily check, but one is worthy of comment. At approximately the time of the troubles last year lunch room facilities at the abattoir were available for 200 workers, but 800 workers were employed on the site. The locker accommodation catered for only 200 workers as did the toilet facilities.

How does one get a message like that across to the management? If the management receives the message, how does the management pass it on to the board? The member for Narrogin stated that the manager is the person who should try to improve industrial relations, but the manager reports only to the board. Surely the board should have on it a person to give details of the situation, instead of leaving this only to the manager. It is this additional voice on the board which is being requested.

The Deputy Leader of the Opposition has suggested that disharmony will be the result. I suggest that the amendment is certainly worth a try because harmony could be the result. In the main workers are fair minded, and if they are given a fair hearing more often than not they will accept conditions which are not the best if they can see the reason for them. However, they must be given a chance and the management must show confidence in them.

Mr. Nalder: That didn't happen in regard to the recent electricity strike.

Mr. TAYLOR: There is a worker's representative on the commission.

Mr. Nalder: Yes.

Mr. TAYLOR: Nevertheless, just because industrial trouble occurred, it does not mean the system did not work. I understand that that worker while putting the workers point of view was loyal to the commissioners, as one would expect. This is one counter to the argument raised by the Deputy Leader of the Opposition. The State Electricity Commission does have a worker representative, but industrial disruption has occurred. However, the worker representative has played the game by the commission.

This legislation is worth a try. The Deputy Leader of the Opposition stated that the various groups involved at the

Midland Abattoir are giving it a go. Good relations do exist at the moment. The new manager is doing an excellent job.

For one thing he starts first thing in the morning and is available to talk to the men there and then as problems arise. This is not a bad start for any sort of working day.

This legislation is worth while and should be given every opportunity to work, and if it is, it may be the start of something to advantage in other areas.

Mr. Stephens: Before you sit down, I suggest you read an article entitled, "Co-determination in West Germany," by Heinz Hartmann, Professor of Sociology, University of Munster. You may change your mind on co-determination as the article is no doubt more reliable than the article in the *The West Australian* referred to in your speech.

Mr. TAYLOR: Perhaps we can call it all square if the honourable member has some information I have not seen. I might add that I have some information that he may care to study, and that information is available in *Hansard* and is the speech of mine to which I referred earlier.

MR. H. D. EVANS (Warren—Minister for Agriculture) [5.57 p.m.]: I appreciate the interest shown by members of the Opposition in this measure, although admittedly I cannot appreciate their viewpoint. I would like to reply to several matters.

The Deputy Leader of the Opposition and the Leader of the Country Party referred to the non-specifying of the representation suggested. This has been done for a purpose. It is designed to allow proper consultation with the unions involved, remembering that quite a number of unions are included in the work force on the site. It is only fair and reasonable that there should be proper consultation. I draw attention to the fact that the question of consultation is a consideration with most boards and bodies which are involved in other spheres of agriculture within my jurisdiction. This is no great departure.

The other point generally referred to was the need for a deliberative vote as well as a casting vote by the chairman. In a board of four this is desirable, despite what the Deputy Leader of the Opposition said. With a board consisting of four members and dealing with a business venture requiring management decisions at very short notice, it seems quite a reasonable and sensible proposition.

The member for Stirling is convinced union representation will not work anyhow, and referred to the fact that divided loyalties could arise. Certainly some pressure will be placed on the representative, but this already occurs on the State Electricity Commission in a hundred situations in its everyday life.

Surely the quality of integrity is not absent in union representatives. These men have the quality in full enough measure to enable them to handle the situation.

Mr. Taylor: We have a member of the Employers Federation and a representative of the unions on the Industrial Commission.

Mr. H. D. EVANS: I have no fears on this point. The member for Narrogin was fearful that the manager would find himself in an invidious position, being dictated to, I think was his term, by one of the work force. This hardly applies because he will not be acting in an administrative capacity. He will merely take his place on the board. Therefore the member for Narrogin has overstated the case.

The Government has been most concerned with the abattoir situation, and still is. This is one of the reasons for our every endeavour to ensure that industrial harmony will continue to exist in the State Meatworks. I make reference to an essential point: aloofness and the feeling of lack of affinity between management and unions does spring up and has sprung up in this case. There must be benefit if the work force can feel part of the overall structure, a part of the corporate operation whole of an abattoir.

Let me make reference to the spheres in which the expert knowledge of union representation could have been of advantage in the past. Specialist knowledge could have thrown light on many situations which have occurred in recent years. I will make reference to only a few.

In 1967 there was a need for union action on the beef floor to ensure that the rollers and chains were of sufficient strength to allow a reasonable margin of safety to follow. A number of narrow escapes resulted from beef carcasses which had been placed on hooks and rollers of insufficient strength. Union action was necessary to resolve this problem.

In November, 1967, there was an occurrence connected with an automatic hide stripper and straightaway the management took the attitude, "Get on with the job in five minutes or else." It was a week before a representative from the Eastern States arrived to repair the mechanical difficulties, but in the meantime the lack of appreciation on the part of management resulted, once again, in friction.

I draw attention to Mr. Commissioner O'Sullivan who, in 1968, spoke of a worker who had been trapped up a broken steam-pipe on the up-and-down platform. He made several comments to the effect that he would offer no direction in such an instance and I think the level of safety was the point in question in his mind.

Indeed, on the beef floor the union on a number of occasions has had to take up the question of maintenance of various

parts of the equipment. This is something that should never occur but unfortunately it does. The mutton floor has been a source of even greater concern. The new method of the chain system was introduced in 1954. This, I suppose, could be termed as mass production in the abattoir situation. In 1968 two S chains were introduced. There were 53 men on each which allowed insufficient room; the space was crowded to say the least. The very nature of the innovations caused structural difficulties and inconvenience of operation. Eventually the number of men was brought back to 43. The new chains have been straight, but a considerable amount of friction between management and work force resulted before this problem was resolved. Right throughout, the work force was opposed to something with which the management seemed to be obsessed. This is merely another illustration.

The ventilation of the mutton floor should be mentioned as it was a source of contention and a rankling sore for many months. As a matter of fact it extends back into the 1950s and was only overcome in 1970. The viscera steam table problem was one of the main points made by Mr. Commissioner O'Sullivan in 1969. He made reference to it on the 21st January. He instructed the management to do something about the viscera table problem. However, in October, 1969, the whole issue still remained and it was only as a result of a stoppage at that time that ultimate action was taken. Even then it was resolved by union advice when management efforts had failed.

I will not try to pass judgment on anyone in this issue. The point I am making is that had there been expertise and a full appreciation of the problems at floor level I am sure many of these stoppages would never have occurred.

Mr. Stephens: What about the strike in August last year when farmers suffered and lambs were held? The Minister has gone into detail in respect of 1969, but what about the strike in 1970?

Mr. H. D. EVANS: Would the member for Stirling like a report on this? I am not condoning strikes. Do not think for one moment that I am, but I am not whitewashing anyone either. Do not try to tell me the management has not had some responsibility over the years in connection with the 24 stoppages which have occurred since 1964. These are only the major ones. If members look at the history of each of them they will find that all blame cannot be laid on the work force as has been suggested.

Mr. Williams: Not at all?

Mr. H. D. EVANS: I did not say that.

Mr. Stephens: The Minister said we cannot blame the work force, as I suggested. I did not suggest anything of the sort but asked for details of the 1970 strike.

Mr. H. D. EVANS: I certainly would not whitewash the work force or the management. The point I am making is that friction would not have occurred in many areas had there been proper consultation. When we consider an industry, such as the abattoir industry, working conditions at the best of times are, to say the least, uncomfortable and odious. In that situation if a man has a grievance it will rankle, develop, and fester. Naturally a degree of unreasonableness will creep in. At the same time I draw attention to the 24 major strikes since 1964, which I have listed. If one were to apportion the blame correctly it would become a less objective judgment than I would care to make. I come back to the point that many of these strikes would not have occurred had there been proper knowledge, expertise, and information around the board table. Consequently, I cannot for the life of me see what grounds for objection members on the other side can raise with any logic or validity.

My colleague made reference to the nature of the facilities which existed until last year. Only over the last two years has any sizeable amount of money been spent at the Midland Junction Abattoir on capital works. I come back to the spending in the years from 1963-64 to 1966-67. In three years nothing was spent at all. It was only last year that the toilets, lockers, and meal facilities were brought up to anything approaching a standard.

Mr. Gayfer: How much will the Government spend there next year?

Mr. H. D. EVANS: We will spend sufficient to ensure that the works will meet full requirements and will be brought up to the level we expect.

Mr. Gayfer: Is it the work commenced by the previous Government?

Mr. H. D. EVANS: Yes, in contradistinction to the Towns and Austen report. That is quite correct.

Mr. Gayfer: Right.

Mr. H. D. EVANS: I have made those points and each one of them is valid. I refute the objection of the member for Stirling in the light of the points raised by the Minister for Labour. I agree with the Minister for Labour that this is a very worth-while experiment. Up to this point we have made every endeavour to foster harmony at the Midland Junction Abattoir. We would like to continue with this object in mind and we feel we can make a further contribution of a kind desired by everybody in this House and by every producer in the State of Western Australia. Industrial disharmony in this area is something that strikes back not only at the producer but at everybody else involved. Anything we can do to obviate industrial trouble and friction will be undertaken and we shall do

our utmost in this respect. It is on that note that I most strongly commend the Bill to the House.

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

Ayes—21

Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Brady	Mr. May
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Moller
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Harman
Mr. Hartrey	

(Teller)

Noes—21

Mr. Blakie	Mr. O'Connor
Sir David Brand	Mr. O'Neill
Mr. Court	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
Mr. Nalder	

(Teller)

Pairs

Ayes	Noes
Mr. Burke	Mr. Lewis
Mr. Jamieson	Mr. Runciman
Mr. Graham	Mr. Coyne
Mr. Bickerton	Mr. Thompson

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

Question thus passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

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. H. D. Evans (Minister for Agriculture), and transmitted to the Council.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th November.

MR. O'CONNOR (Mt. Lawley) [7.34 p.m.]: I was a little surprised to see this Bill placed so high on the notice paper today because it was only introduced into this House on Thursday. The provisions in the legislation before us have been a topic of discussion for many years—reference has been made to these provisions by the news media, in Parliament, and by various other sources.

For a very long time people have discussed whether or not the use of seat belts should be made compulsory. As we all know the recent road toll has caused a great deal of concern to people not only in Australia but also in other parts of the world. We have been given the reasons that have been instrumental in causing the innumerable accidents and fatalities.

Among the foremost of these reasons drink is regarded as one of the principal causes of accidents. We know that accidents are also caused by speed, impatience, and the use of faulty vehicles.

Mr. Lapham: What about alcohol?

Mr. O'CONNOR: I mentioned that as the first cause—I referred to it as drink.

Mr. Graham: That is not necessarily so.

Mr. O'CONNOR: I think most people would know what is referred to. The purpose of the Bill is to achieve two objectives, the first of which is to realign the legislation dealing with protective helmets worn by the riders and passengers of motorcycles; and the second is to provide, by way of regulations, for the compulsory wearing of seat belts.

The regulation in connection with the wearing of safety helmets has been in force for some time and, as the Bill suggests, I think it is worth while to fit the provision into the present Act by means of the legislation before us. I am sure the compulsory wearing of safety helmets has done a great deal to prevent injury and save lives.

When referring to seat belts the Minister, when introducing the Bill, said, "requiring drivers and passengers of motor vehicles to wear prescribed items of equipment." I think this matter should be discussed more thoroughly, because when we talk about prescribed items of equipment it could mean anything; although I believe in this case it refers specifically and only to seat belts.

The legislation before us, however, could extend the provision to cover other items in motor vehicles; items of which we have no knowledge, and of which perhaps the Minister might also have no knowledge at this time.

By drawing up the necessary regulations under this provision the Government would if it wished to do so be able to place further impositions on drivers. Because of this I think it is most desirable for us to be fairly vigilant and ensure that when the regulations are drawn up they apply to what is required and no more.

Members will be alarmed to know that throughout Australia there are something like 3,000 deaths a year on the road. Apart from this the figures show that 9,000 people a year are very seriously injured and 80,000-odd are hospitalised as a result of accidents.

These figures surely indicate the tremendous burden that the community must bear; and we can well imagine the large number of beds that are occupied in the hospitals because of these serious accidents.

In Western Australia there are something like 365,000 vehicles on the road, 264,000 of which are pre-1969 models

which will not come within the scope of the legislation. That represents 71 per cent. of the total number of vehicles in this State to which the legislation will not apply.

Of the total number of vehicles in this State, 101,000—or 29 per cent.—were manufactured after 1969. When we say that the legislation applies to this 29 per cent. of vehicles, it does not necessarily mean that it applies to that percentage of people who ride in those vehicles.

As we all know provision is made to exempt certain classes of people. For example, children under the age of eight will be exempted as will those over the age of 70. The legislation also exempts those who are sick and those who, because of a particular disability, might find it difficult, or impossible to use seat belts. I do not argue that point at all, because we must have exemptions in such cases.

However, this will mean that the number of people affected by the legislation will be about 15 to 20 per cent. of our population. If this legislation will save 20 lives in its application to 20 per cent. of the population I do feel that something must be done to provide for the other 80 per cent. in the hope of saving a further 80 lives. I appreciate that the legislation is a first step in this direction, but I do think we should endeavour to protect the majority rather than the minority, as is being done by this Bill.

I cannot help but feel that a great deal of difficulty will be experienced in trying to police the legislation before us, because, as I have said, it will not apply to pre-1969 vehicles. It is very difficult to tell the year in which certain types of vehicles were manufactured. As an example of this, I would point to the Volkswagen which has looked the same for the past 15 to 20 years.

It will be most difficult for a policeman or a traffic inspector to know the year of manufacture of a Volkswagen; he would not know whether it is a 1965 model, a 1966 model, or a 1970 model. It would be necessary, therefore, for him to sight the documents, or some other evidence, to see whether the vehicle was one that came within the scope of the Bill.

Apart from this if lap belts are used it would not be possible for the police to ensure when passing such vehicles whether or not belts were being used. I am sure considerable difficulty will be experienced in the overall policing of this legislation.

The legislation is to apply to vehicles manufactured after 1969, and in most cases these vehicles are fitted with seat belts. I think the fitting of such seat belts was first made compulsory in this State in 1971; but when I was a Minister in the previous Government we did have a meeting with the Australian Transport Advisory Council to try to ensure that safety

devices on the various vehicles would apply throughout Australia; we endeavoured to standardise this aspect.

One of the reasons for the delay in bringing this legislation before the Parliaments in the various States is that it was necessary to set certain standards; it was necessary to obtain equipment that was considered by the authorities concerned to be standard equipment and was safe enough for the people to use.

I think, however, we would all agree that it is far more necessary to have safety devices fitted to the older vehicles; because vehicles which are 10 or 15 years old are likely to have more malfunctions than newer vehicles and, accordingly, safety devices would be more necessary in those older vehicles.

I appreciate that there must be a starting point and although this legislation is a start in this direction I do not think we can leave the matter there; we should try to encourage the owners of the remaining 80 per cent. of vehicles perhaps to come forward voluntarily with a view to adopting these safety devices.

Mr. Gayfer: Where did you get the figure of 20 per cent.?

Mr. O'CONNOR: The legislation applies to only 20 per cent. of the vehicles in this State, after considering the exemptions that are mentioned in the Bill.

Mr. Gayfer: Forty per cent. was the figure quoted in Adelaide when the Bill was introduced there.

Mr. O'CONNOR: The figures given to this Parliament reveal that of the total number of 365,000 vehicles in Western Australia, 264,000 are pre-1969 vehicles. This leaves 101,000 vehicles which were manufactured after 1969; which means that the legislation will not apply to 71 per cent. of the total number, thus leaving 29 per cent. to which it will apply. After taking the exemptions into consideration it will apply to only about 20 per cent.

I can only refer to the figures that have been quoted and I presume these are accurate. It is the older vehicles with which we are likely to have the most trouble; not only from the point of view of the malfunction of the vehicles themselves, but from the fact that it is these older vehicles which are used by the young people—for the most part they cannot afford the newer models. If we can rely on statistics it is these older vehicles which are most prone to accident.

So here we have older vehicles which are used by young people, who are more prone to accident, not being covered by this legislation; because it is not necessary for the drivers of such vehicles to fit or use seat belts. The legislation does not apply to such vehicles, and surely it is these vehicles which need to have seat belts fitted.

I know it is possible to do anything with figures, but when we consider those quoted by the Minister—and I do not query them in any way—it will be clearly seen from the conclusive evidence available that the legislation is vital so far as we are concerned. The Minister said—

Only one person wearing a seat belt was killed in a metropolitan road accident for the first 10 months of this year, 1971. The death toll among the nonbelt wearers climbed to 135 in the same period. A significant drop in the injury rate was also evidenced.

Mr. Lapham: How many were fitted with seat belts, and how many were not?

Mr. O'CONNOR: I do not know.

Mr. Lapham: Then there is no comparison of statistics at all.

Mr. O'CONNOR: As I said, statistics can lie.

Mr. Lapham: They are lying in this case, are they not?

Mr. O'CONNOR: They may be; but this is the information supplied by a Minister of the honourable member's party. I, for one, am not very keen on compulsion of any sort. I think we have too much compulsion in many fields. However, if the statistics are correct, I do not think anyone in this House would want to do anything but promote the compulsory use of seat belts.

I was most interested to read a report of a Victorian Joint Select Committee which inquired into seat belt legislation in 1969. The committee made several reports, and the one I have is the third report in connection with the compulsory use of seat belts in that State. I would like to read four of the major recommendations of that committee because I think they are significant and worth while. The first is as follows:—

All passenger-type motor vehicles of less than 10,000 pounds should be compulsorily fitted immediately with seat belts equivalent in number to the stated passenger capacity of each vehicle.

Members will notice that there is no differentiation between old and new vehicles. The committee recommended that all vehicles should be fitted with seat belts. The second recommendation is—

An intensive educational campaign should be undertaken for a minimum period of twelve months and a maximum period of two years aimed at educating the public in the value of seat belts.

I believe that is necessary and should be brought into being. I think it applies more so in this State where, as I pointed out, the legislation possibly will not apply to 80 per cent. of the people. Therefore,

if we want to help the public in some small way I think we should make an all-out drive in an effort to educate them to use their seat belts. I would prefer that approach to one of compulsion. The third recommendation is as follows:—

Learner and probationary drivers and occupants in motor vehicles under the control of Government Departments and Instrumentalities should be immediately required to wear seat belts while in motor vehicles.

I think that is a good recommendation, and the Government should set an example in regard to it. Irrespective of the age of the cars involved, I think the Government should endeavour to encourage its employees to work on that basis. The fourth recommendation is—

All occupants of motor vehicles should be required to wear seat belts within a maximum period of two years.

I believe that many of the statistics available—as the member for Karrinyup pointed out—are quite false. As I pointed out previously, it is easy to juggle figures one way or another. I saw a set of figures in relation to Sweden—I think that was the country—which stated that out of a total of 28,000 accidents which occurred at speeds below 60 miles per hour in one particular year, 9,000 of the vehicles involved were occupied by people wearing seat belts. It was claimed that not one of those people was killed. The figures did not state how many deaths occurred in the other group, nor did they state the type of people travelling in the vehicles. From the point of view of this State, I think we would probably find that normally the people who drive at below 60 miles per hour on open roads would be more mature persons with good vehicles who are cautious enough to wear seat belts. I repeat: I believe that statistics can be greatly misconstrued.

The Minister also referred to the significant drop in the road toll in Victoria following the introduction of the compulsory wearing of seat belts. Once again, if these figures are correct—and I have no doubt they are—one should certainly give serious consideration to the introduction of the same principle in this State. Between the 1st January, 1970, and the 2nd September, 1970, there were 775 fatalities in Victoria; whereas in the corresponding period in 1971 there were only 627 fatalities, a fall of 148.

Let us refer back to the introduction of the breathalyser legislation in this State. It was introduced in England 12 months prior to its introduction here, and we saw large write-ups of how during that period a great fall in the death toll occurred in England. However, the figures were back to normal in the following 12 months' period.

Mr. Lapham: Wasn't a .05 limit introduced in Victoria.

Mr. O'CONNOR: I am fairly sure the honourable member is right. Here again, I merely point this out because I think it is a matter which could be misconstrued, and some of the statistics could be a little offbeat. However, I think it is important to consider that the other States have seen fit to introduce legislation similar to this. Whilst I am definitely opposed to compulsion in any form, I will certainly give consideration to supporting any measure which will save lives on the road and also help to standardise the traffic codes in the various States of Australia.

South Australia has introduced legislation similar to this. I think Tasmania was the first State to introduce it, and it has also been introduced in Victoria. It was introduced in New South Wales in about October of this year, and apparently Queensland is in the process of following suit. We are now debating legislation to provide for the compulsory wearing of seat belts, and I have no doubt it will be passed. If we do not pass the legislation we will be the only State in Australia without it.

When discussions on seat belts took place at the Australian Transport Advisory Council meeting, all States had some reservations about their compulsory use. I think all State Ministers would have preferred to encourage their voluntary use, but statistics have shown that few people use seat belts even though the car is fitted with them. Therefore, unless we make it compulsory people still will not use seat belts.

Mr. Williams: Don't you think we could adopt some sort of system in connection with third party insurance rates?

Mr. O'CONNOR: Various methods are available. We could even alter the points system so that a person who was involved in an accident and who was wearing a seat belt would lose fewer points. We could organise it so that the owners of vehicles fitted with seat belts would pay a few dollars less in license fees. There are many methods available to us in that regard. Obviously the other States all looked at this and all came up with the same answer; they believe that the compulsory method is the best way to go about it.

Mr. Lapham: Have you any figures at all to indicate whether the same people are involved in accidents?

Mr. O'CONNOR: I have studied this matter, and I think the honourable member will find that the same people are involved in accidents over and over again.

Mr. Lapham: So there is a group in the community which is responsible?

Mr. O'CONNOR: That is so; and that is why I quoted the figures and said that they can be misconstrued.

Mr. Lapham: Are you going to be dictated to by a minority?

Mr. O'CONNOR: I am not keen about the compulsory wearing of seat belts; but if we wish to save lives I feel we must give consideration to it. However, the point made by the honourable member is relevant. He will find from statistics that those regularly involved in motor accidents are, unfortunately, in many instances also involved in strife in many other ways. This has been proved throughout the world.

Probably I should not quote figures as I have said statistics can be juggled. Nevertheless, in relation to the figures quoted for Sweden, we find that 28,000 vehicles were involved in accidents at under 60 miles per hour. I do not know why the figures are restricted to those under 60 miles per hour. However, of that number 9,000 of the drivers wore seat belts and not one fatality occurred. I also pointed out that no statistics were given in relation to the number of drivers not wearing seat belts who were killed. I have already pointed out that those people who are involved in accidents whilst driving at under 60 miles per hour are probably the types of persons who are less likely to be involved in serious accidents.

A few people are conscientious objectors. I have letters from a couple who have asked me to put before the Minister the possibility of their being exempted from the wearing of seat belts on conscientious grounds. They wish to make application on that basis.

Mr. Davies: What are their conscientious grounds?

Mr. O'CONNOR: They object to being compelled to wear seat belts. I do not see that is a real reason for exemption, but there are many people who object to many things.

Mr. Davies: I'll say!

Mr. O'CONNOR: It is my duty to bring the matter forward and to point out to the Government the point of view of those people.

I see that New South Wales has relieved taxi drivers from the necessity to wear seat belts. Taxis are involved in many short trips, and the wearing of seat belts creates some difficulty for both the drivers and the passengers. However, probably there is no greater reason for taxis to be exempted than for any other vehicles which are driven around the town.

Mr. Gayfer: I think Victoria also exempts taxi drivers and passengers.

Mr. O'CONNOR: I have not noticed that, although I know New South Wales has. Bear in mind that this legislation was introduced only last Friday night and

I have not had time to check on the legislation of each State. Western Australia, not having testing facilities, must abide by the standards set down by A.T.A.C.

Three types of seat belts are available in this State. Firstly there is the lap belt, which quite frankly I believe is useless. People have suffered more injuries from the lap belt than from any other type of belt. Secondly, there is the lap and sash type of belt. This belt is safer and, from a policing point of view, it is easier to ascertain whether or not a person is wearing a belt.

Sir David Brand: Don't you think that seat belts should be more conveniently and tidily fitted so that they roll away instead of lying in all sorts of uncomfortable positions?

Mr. O'CONNOR: Yes, that is the third type. I have already mentioned the lap and the lap and sash belts. Then we have the inertia belt which rolls away into a housing. This belt is of the lap and sash type and it permits the wearer to move around and to reach down and pick up things off the floor whilst driving; but when a sudden jolt occurs the belt locks and prevents the wearer from moving. I believe this is the best type of belt.

Mr. Davies: There was a new type advertised on AM this morning. It sounded very interesting.

Mr. O'CONNOR: Is it similar to the inertia type?

Mr. Davies: I think it is a fourth type.

Mr. O'CONNOR: The inertia belt is the best type. If a person is going to a ball and his wife gets dirt over her ball gown from a dirty conventional seat belt—and seat belts can get quite dirty whilst lying on the floor—he is likely to finish up in trouble before he gets to the ball instead of when he gets home. This sort of thing can cause difficulty. If we are to adopt the compulsory wearing of seat belts I think we should eventually endeavour to enforce the use of inertia type belts because obviously they are a much better belt. When a lap belt is used a person's head may be jolted forward or down, and I think such a belt should be discarded and replaced by the lap and sash belt.

Another point in connection with seat belts is: When should they be replaced? If a person is involved in an accident, he might think his seat belt is all right whereas it is not. I believe eventually we should have some method of testing seat belts locally so that people will know whether or not their belts are sound. If a person is involved in an accident his seat belt might be damaged sufficiently to allow it to break in the event of his being involved in another accident, which would undo all we are trying to do in connection with this legislation.

The Transport Workers' Union is concerned about the application of workers' compensation to a person who is involved in an accident whilst not wearing his seat belt. He would be virtually breaching the law, contrary to an instruction of his employer. The T.W.U. is concerned about this matter, and maybe the Minister will be able to comment when he replies to the debate. If not, maybe he will give me some information later on.

I think the exemptions are quite reasonable, whether they are to be granted on medical grounds or on the ground of age.

Mr. Lapham: Don't you think that children of a young age should be provided with some protective device?

Mr. O'CONNOR: The honourable member has made a good point. If the wearing of seat belts saves lives, then everyone in vehicles should be compelled to wear them.

Mr. I. W. Manning: There is nothing to prevent them from wearing seat belts.

Mr. O'CONNOR: No, but this gives some people the opportunity not to wear seat belts. Probably children between two and four years of age benefit most from the wearing of seat belts, because they are more prone to be thrown forward when the brakes are applied. Children between 10 and 12 years of age have a much better chance of stopping their bodies from being thrown forward, because their reactions are much quicker.

Some of these points can be ironed out when the legislation is in force. At least this measure is a step forward, and in the future wherever the legislation should be altered I am sure we will agree to so doing.

Exemptions are to be granted to the drivers of vehicles that stop frequently. I refer to the drivers of milk vans. Clearly they do not travel at great speeds, but if they do travel over 15 miles per hour then the drivers should be compelled to wear seat belts.

The report of the Victorian Joint Select Committee which inquired into the wearing of seat belts indicated that 10.9 per cent. of the occupants of vehicles, which were fitted with seat belts, actually wore them. I believe that percentage to be correct; and if we took the statistics applying to members of this House I am sure the same percentage would be arrived at.

Mr. T. D. Evans: Do you wear a seat belt?

Mr. O'CONNOR: Normally I do not, but maybe I should set an example by wearing my seat belt. I have seat belts fitted to my car but rarely do I wear one on city running. On country trips I do.

Mr. Lapham: Your contention is that seat belts should be worn when one is travelling in the country, but not on city roads.

Mr. O'CONNOR: The need for driver education is very necessary, and I think the Government should do something in this regard. It should set an example by requiring departmental employees to install seat belts in their vehicles. That would be a start.

I am sure the Press, the unions, and the vehicle manufacturers are prepared to work as a committee to induce the 80 per cent. of the motorists whose cars are not fitted with seat belts to install them. By bringing into force legislation which affects only 20 per cent. of vehicle owners in an endeavour to save lives on our roads, we are only doing one-fifth of the job we should be doing. If we assume that our legislation will have the same effect as the legislation passed in Victoria where the road fatalities have been reduced by something like 15 per cent., then on that basis 30 to 35 lives per year will be saved in Western Australia. If that is the position then we should take some action in this field to obtain the co-operation of the organisations concerned, in order to improve the position on our roads.

I believe many difficulties will arise in the policing of this legislation, and as time passes more difficulties will crop up. We would find some people trying to evade this law by indicating that they were wearing seat belts when they were not.

We on this side of the House are prepared to support the legislation, although we believe it will bring about many anomalies. We think some of these anomalies should and can be sorted out. If the Government does not make an attempt to do that at this juncture, it should keep a close watch on the position and make the necessary amendments as soon as possible.

If this legislation is to have the effects as indicated by the Minister, then everything possible should be done to embrace the other 80 per cent. of motor vehicle owners. If on this basis it will save 20 lives on our roads, then by applying it to all motorists 100 lives will be saved in Western Australia. I make an appeal to the Government to give consideration to embracing within this legislation the owners of vehicles to whom it will not apply at present.

MR. McPHARLIN (Mt. Marshall) [8.05 p.m.]: We have before us a small Bill, but in importance I think it ranks with any of the measures we will see during the entire session. As we are all aware, road safety, which affects all of us, is an important aspect of our society. One of the key problems facing this or any other Government is the need to do something to reduce the road toll.

I think the proposal before us now does make some progress towards continuing the war against the existing road toll in Western Australia. I must confess that I have some personal reservations in that I feel this legislation erodes a little of the freedom of the individual—a subject on which I have some deep-seated convictions.

It is interesting to note that in the South Australian newspaper, *The Advertiser*, of yesterday, the 29th November, a report on the seat belt legislation appeared. It seems that the legislation of that State is a little different from ours. The following appears in that report—

Passenger cars and derivatives made on and after January 1, 1967 are required to have seat belts fitted for the driver and one seating position beside the driver.

Mr. O'Connor: The year should be 1969 and not 1967.

Mr. McPHARLIN: Apparently that is a misprint. The report further states—

From January 1, 1970, this is extended to include all front-seat positions to cater for the third position on bench-type seats.

From January 1, 1970, this is further extended to include all rear-seat positions.

The Government has agreed to a "breathing space" of three weeks before police will begin prosecutions under the new law.

The member for Mt. Lawley has just told us that the year should be 1969 and not 1967; and in introducing the second reading the Minister told us that the date in our legislation affects vehicles made on and after the 1st January, 1969.

The member for Mt. Lawley has referred to the various exemptions. I do not wish to recount them, as I do not intend to take up a great deal of the time of the House in my contribution. However, I am bound to say that on occasions action should be taken in the public interest. As the member for Mt. Lawley has pointed out, the figures relating to the wearing of seat belts in Victoria suggest that we in Australia should adopt similar legislation in the public interest, in an effort to reduce the appalling road toll. It is very difficult for one to argue against the Victorian figures. I have no reason to doubt them, and I presume neither does the member for Mt. Lawley. If by the introduction of legislation to compel the wearing of seat belts we will save lives, then it is a very good move and one which I intend to support.

I think the high road toll in Western Australia is a regrettable indictment of our motorists. Consistent efforts have been made by previous Governments to take action to remedy the situation, but

irrespective of the measures adopted it remains a cold, hard fact that many drivers are too blasé in their approach to the issue of driving, and they seem to ignore road safety measures. Many drivers seem to adopt the attitude that the rules of the road are made for other people and not for themselves.

I do not think that any one of us in this Chamber has failed to see on every day of the week breaches of the traffic law. Some of these breaches are flagrant, while others are not so serious. The Minister for Police is quoted as having said that one out of every two drivers in Western Australia is not competent. I query that ratio, but if it is correct then I think I am justified in asking what action the Government and the Minister propose to take to rectify the position.

In the course of the next few minutes I hope to offer a few suggestions which might not be novel, and probably they have been proposed before by other authorities in the world. However, steps should be taken in a road safety campaign to make our roads safer.

We hear the phrase "carnage on the roads" often repeated, but this does not seem to have any effect on many drivers. It seems to be a hackneyed term and does not have the desired result. It appears that the bad driving habits of some people do not improve; and despite the introduction of preventive measures with the best of intentions, the wealth of publicity, and the consistent efforts by the traffic control authorities and the police, the situation has not improved. Therefore some action needs to be taken to compel drivers to drive more carefully, in an effort to safeguard their own welfare and reduce the road toll. Few would argue against the need for action to be taken; so, the question arises as to what action is required.

It would not be breaking any new ground to say that most accidents can be avoided if drivers obey the basic rules of the road, but we do see the never-ending trail of broken and maimed bodies in the casualty sections of our hospitals. They serve as reminders that some people somewhere have been rather careless. It does not always apply that the victim is the culprit, and this was illustrated the other day in the case where a man who, while working in his garden, was struck by a motorcar and killed.

There is no reason for the road deaths and their upward trend to be regarded with an air of inevitability, although this does seem to be the view of many motorists. One would think that the starkness of tragedy and the misery it brings would make many people realise that they could be injured in accidents. However, on a broad analysis it seems that we are in a class of slow learners.

There are a few measures which I suggest could be worthy of consideration by the Government in this war against the road toll. One is the reduction of the blood alcohol level in respect of drunken driving from .08 to .05 per cent. I understand that the lower figure is applicable in Victoria, and its introduction in Western Australia should be considered.

Another suggestion I put forward is that more consideration should be given to an examination of possible courses of driver education. My third proposal is that the Government should institute a system to require checks to be made of drivers at certain age levels; may be at 45, 50, 65, and after 70 years of age.

There is no doubt in my mind of the linkage between alcohol and accidents. Despite the severe penalties which are imposed for drunken driving, this offence still continues. In this respect a possible course of action is open to the Government. I think we need to institute some form of control to prevent the drinking public from driving after they become incapable of handling vehicles.

The SPEAKER: There is too much audible conversation in the Chamber.

Mr. McPHARLIN: Apart from this there seems to be scope for increased police traffic patrols outside hotels. I believe in this regard this is the source of all our troubles. The member for Karrinyup has remarked that a certain group seems to continue to cause road accidents. One could probably link them to those people who frequently drink in hotels into the late hours of the evening and drive away in their vehicles while they are not capable of controlling them.

Perhaps a third string would be the provision of more patrols on the roads. I believe at the present time the Police Department is using plain clothes officers on the roads. I think that move is worth some consideration. The previous Government took action to toughen up on the issuing of drivers' licenses. A probationary system and a demerit system were introduced and I think both measures were commendable. However, statistics show quite clearly that more needs to be done.

I suggest that perhaps, we need to re-appraise the whole basis on which licenses are issued and there should be a formal type of education as distinct from the do-it-yourself method now operating. I do not pretend to be a road safety expert, but right through our lives our society is built on regular classes of one form or another. If drivers receive instruction from careful teachers surely that would reduce the road toll. Such a system might not be popular, and might not be acceptable. However, even though such a measure might appear to be harsh surely the appalling death rate is a logical reason for us to accept harsher measures.

According to statistics the value of wearing seat belts cannot be questioned. If the Victorian figures are authentic—and there is no reason to believe they are not—that is proof enough. The evidence has been overwhelming, so much so that in this State the Government has introduced the measure we are now discussing earlier than was expected.

I understand the Victorian motorists were allowed a breaking-in period, and during that time there was a 23 per cent. drop in road deaths. Since the end of the breaking-in period the reduction in the number of road deaths has been even more pronounced. If we apply the same yardstick to Western Australia—and last year there were 362 road deaths—seat belts will save seven lives every month in Western Australia. It is very difficult to argue against that sort of evidence.

Other measures have already been introduced. Motor vehicle manufacturers are required to install certain types of equipment in cars, such as collapsible steering columns and padded dashboards. A few years ago the fitting of seat belts was optional, but now they are a standard fitting in all new cars. If the Bill which is now before us is agreed to, then, of course, seat belts will have to be worn.

It was recently reported that in America, by 1974, motorists will not be able to start their motorcars unless they are wearing their seat belts. It appears that the American Government has given the matter very serious consideration when it is prepared to impose regulations to that extent.

We will see more congestion on our highways in the future which will increase the demand on driving skill. I do not think one could argue against the fact that the driver of the future will have to be more efficient, especially in the metropolitan area—the region which is car prone. That would support my contention that more thought needs to be given to tackling the problem at its base; that is, a system of education and formal training.

Other aspects also come into the matter. The Australian Medical Association is already on record as having stated that all drivers should supply information about their susceptibility to fits, epilepsy, diabetes, and any form of drug-taking or heart disorder.

According to the Minister—and I assume he has been quoted correctly—it is up to every driver to overcome his bad driving habits. I am rather sceptical as to whether that can be achieved. Western Australian motorists seem to be oblivious to the encouragement they are receiving to drive safely. It appears that a tougher line will have to be taken. In that regard I think seat belt legislation is a move in the right direction.

Having indicated that I support the measure now before us I would like to take this opportunity to make a plea to the Minister for some tolerance in the application of the seat belt law in country areas. The Bill does contain specific exemptions, which have been referred to by the member for Mt. Lawley. However, there are circumstances prevailing in country areas which call for more flexibility than that which will apply in the metropolitan area, which has the biggest concentration of traffic.

One problem associated with the wearing of seat belts in some country areas is that the vehicles tend to fill with dust. Members can imagine the annoyance of a farmer who will be forced to lash himself into his car for a short drive to visit a neighbour, or to go to the nearest town, only to find that his clothes become covered with dust.

Mr. W. A. Manning: Get some bitumen roads.

Mr. McPHARLIN: That would improve the situation. One can imagine that a husband would not be very popular if his wife was to get into a car wearing a lovely new dress, only to get it covered with dust. As I have said, there is a need for more flexibility in the application of the seat belt law in those circumstances. This would apply especially in the case of a farmer driving only a few miles on a road where there would probably be no other traffic.

Mr. Gayfer: Don't forget the bride who has to be dressed up before she goes to the church.

Mr. McPHARLIN: There are many instances where country people drive only a few miles along deserted roads so there should be some degree of leniency in the application of the measure.

Another point I would like to raise is that I hope this law will not be used as a source of revenue for the department. We are aware that it is already claimed that the speeding law is a lucrative money-spinner. I would not like to see overzealousness on the part of the traffic authorities in an effort to swell the Treasury coffers.

The introduction of legislation such as that now before us is based on the policy of prevention being better than cure. It is preferable that we do our utmost to ensure that accidents are avoided, instead of having to catch offenders and punish them. I do not doubt there are many people in the community who will not agree with the new law. Those people regard the aspect of compulsion as an infringement on their personal freedom. As I have indicated, I also have some feelings in that direction.

However, the evidence which has been placed before us does not leave a great deal of room to argue against the proposition. Safety experts everywhere are endeavouring to provide and recommend all forms of safety factors which can be applied in the campaign for greater safety. Of course, there will be those who haggle about who should and who should not be exempted. Others will haggle about the ability of the Police Department to enforce the law, and I suppose it will not be an easy law to enforce. There will be others, of course, who will take a risk and face the penalties for not wearing their seat belts.

Those are matters of detail. In broad principle the arguments which have been put forward weigh heavily in favour of the legislation. I again stress the point that there should be a degree of flexibility in country areas, bearing in mind that many farmers will be making short trips along roads which are quite often deserted.

I am not suggesting other exemptions should be written into the legislation but I think it should be interpreted in the way I have mentioned. The use of seat belts can only be regarded as part of the campaign to improve road safety. If the Government is serious about tackling the problem it should give some consideration to the suggestions I have made: Reduce the blood alcohol level; regular license checks; and more police patrols. If my proposals were thoroughly examined we could have the best integrated system of driver safety anywhere in Australia. I support the measure.

MR. FLETCHER (Fremantle) [8.28 p.m.]: It would seem unnecessary for me to speak in support of this Bill in view of the fact that it is receiving support from the Opposition. However, I wish to speak on behalf of a section of the community which has been excluded from the provisions of this Bill. I refer to the children of this State; the little children as distinct from the teenagers and others who are covered.

I will refer to an article which appeared in *The West Australian* on the 31st July, 1971, and it reads as follows:—

A senior surgeon at the Princess Margaret Hospital yesterday criticised the proposal that children under six should be exempt when legislation was introduced for the compulsory wearing of seat belts.

The surgeon mentioned the age of six years, but I believe the age is eight years. To continue—

He said statistics showed that children under six were particularly vulnerable to serious injury in car accidents.

There had been many accidents in which only the child passengers in a car had been killed because they were not adequately restrained.

There were several seat belts designed for children.

It was the responsibility of parents and the community to see that children received the same protection as adults when they were travelling in cars.

I appeal to those parents and grandparents in this State who are in doubt as to what to give their children or their grandchildren for Christmas presents. I suggest that children should be given seat belts which can be installed in the parents' cars.

I feel strongly for those parents who have lost children in traffic accidents. A person I know—a Mr. Cattalini—lost his two children in a traffic accident on the Jurien Bay Road. The mother of the children was driving the car when it overturned. The two children were trapped beneath the car but had they been wearing seat belts they would have remained in the car and not have been killed.

I say to the community at large that if anyone has the finance to buy a toy pram or a trike for a child that money could be better spent in purchasing a seat belt to protect the life of the child.

The figures in relation to accidents involving adults have been quoted. Some reservation in regard to those statistics was expressed on this side of the House. I will not quote them again but they are conclusive. There has been a reduction in the number of accidents despite the increase in the number of licensed vehicles. As some members have said, it is only a section of the community that is prone to accidents, but it is a declining percentage when related to seat belts and the number of fatal accidents. The statistics are absolutely conclusive.

I know a doctor who works in the intensive care section of a hospital. He watches those patients for 12 hours a night. Do not ask people, like ourselves, who are unqualified; ask such people as that doctor about those people who do not wear seat belts and who have invariably gone through the windscreen, crushed their chests, and or broken their necks, and finished up as paraplegics or quadriplegics in Shenton Park hospital. That is conclusive evidence.

I say to parents and grandparents: Ensure that there is a tiny seat belt for a tiny child in every car that carries a tiny child. The proposed paragraph (ba) of section 47 of the Act requires drivers and passengers of motor vehicles to wear or use the prescribed items of equipment. Put equipment on those children and save their lives. They are our future citizens and therefore very important people. I support the Bill.

MR. R. L. YOUNG (Wembley) [8.32 p.m.]: The Bill has been covered in considerable detail by the member for Mt. Lawley and the member for Mt. Marshall. I subscribe to the thoughts of the member for Fremantle, who has just resumed his seat. I think everybody who has spoken on the Bill to this stage has shown a good deal of responsibility in regard to the reduction of the road toll.

Tragically, the Bill deals with another form of compulsion. I am sure all members will be aware that, day after day, society is becoming more and more regulated. In an age when young people throughout the world are calling on Governments to free them and ease some of the compulsion so they can have a little more freedom, more laws are being passed throughout the Commonwealth, year in and year out, compelling people to do certain things. I am sure everyone will agree that compulsion in matters such as the wearing of seat belts is really the antithesis of responsible government. No responsible Government wants to continue to say to the people it governs, "You must do this and you must do that."

Mr. Fletcher: We have to drive on the left-hand side of the road.

Mr. R. L. YOUNG: I will make that point later on. Although compulsion is becoming more and more a part of daily life, this Bill has at its root a very important human issue; that is, to save the lives and the health of the people of this State. It is certainly on our shoulders to ensure that this Bill is supported. But what a great indictment it is on the human race that this legislation is necessary! What a tragedy it is that people are being compelled to use seat belts to save their own lives!

The legislation provides that cars manufactured in 1969 and thereafter must be fitted with seat belts, and that people travelling in those cars must wear the seat belts. People who own cars manufactured in 1969 and later must surely be in responsible positions to be able to earn enough money to buy them or to pay them off, which indicates that they must be sufficiently responsible to care about their own lives and the lives of their families or the passengers in their cars. Apparently that is not so.

The question is: How far do we go towards saving people from themselves? Obviously we have to go at least this far. The road toll in Western Australia in relation to the population is ridiculous. It is incredible that people continue to cry out to the Government, "What are you going to do to save us from ourselves?" Year after year we hear people asking the Government—whether it be the present Government or any other Government—"What are you going to do about the road toll?" How often do those people look at

themselves and ask, "What am I going to do about it?" They cry out for protection against themselves.

The statistics indicate that lives are certainly being saved through the wearing of seat belts. Where they are fitted and used properly, lives will be saved in crashes. People must accept the fact that they can no longer be independent bodies to be thrown around inside motorcars. If they become part of the travelling vehicle they have a greater chance of survival in a crash and much less chance of injury.

Mr. May: Do you think we have an obligation to ease the already heavily taxed medical and hospital services?

Mr. R. L. YOUNG: I will come to that point. It is also possible that the person who is sufficiently responsible to fit a seat belt to his car and do it up is the sort of person who is sufficiently responsible to ensure that when he is driving his car he is not a hazard on the road. The statistics might therefore fib a little inasmuch as the person who is so responsible may very well be the careful driver who will not get into scrapes anyway.

What about the other people? What about the careless "I'm all right, Jack" type of fellow who could not care less what he does on the road, the hooligans who drive around corners at 60 or 70 miles an hour and wake everyone up in the middle of the night and smash themselves up in the weekends, and the drunk driver who was mentioned by the member for Mt. Marshall? These are the people who contribute to the carnage on the roads.

The problem will be to police this Act because the people I have just mentioned are the ones who will not have the responsibility to obey the law. They will take their chances and refuse to do up the seat belts even if they are fitted. Many of them drive cars that will not come under this legislation.

However, the figures quoted by the member for Mt. Lawley and the member for Mt. Marshall show that the number of deaths on the roads in Victoria has been considerably reduced. I therefore support the Bill, along with members on this side of the House who have already spoken, and I am sure others who follow me will also support it. I support the Bill for one reason in particular; that is, the point that has just been made by the Minister for Mines—that the stage has been reached where the number of people involved in accidents and the amount of money involved in accidents have become astronomical. When there is an accident, someone is usually killed or severely injured. An ambulance must go to the scene; policemen and the people at the casualty section of the hospitals must be involved in it. Then there is after-care medical attention. If the person involved in the accident is fortunate enough to survive,

he might spend only a month or so in the hospital. If he is killed, the medical profession remains involved. If he happens to become a paraplegic, tremendous after-care must be given to that person for the rest of his life.

For those reasons, and because I think it would be too much of a shame if the legislators of this State tolerated the death rate that has prevailed for so many years, I support the Bill. I do so saying, as I said when I began, that I do not believe in compulsion and I think it is a great indictment on the human race that it is necessary to introduce legislation to save a man from himself.

MR. W. A. MANNING (Narrogin) [8.41 p.m.]: I believe in the use of seat belts. I usually wear one myself.

Mr. Jamieson: It is a pity they didn't install them in the Chamber.

Mr. W. A. MANNING: Although I support this Bill, I do so reluctantly because I believe we are tackling the problem from the wrong end.

Mr. Jamieson: You do not want to put them around the neck, surely!

Mr. W. A. MANNING: Not so long ago we dealt with legislation enforcing the construction of fences around swimming pools in order to save lives. We did not make it compulsory that resuscitation equipment be installed alongside pools. In this Bill we are trying to do something like that. We are assuming people will have accidents.

Mr. Graham: Safety equipment in both places.

Mr. W. A. MANNING: I agree there is much to be said for it, but it is not quite the right idea. We should be preventing accidents from occurring. Most accidents occur because of carelessness or inexperience on the road. Some years ago another car hit my car, and in giving his decision on the case the magistrate said it was lack of experience rather than carelessness on the part of the person responsible but there was a great deal of carelessness involved in that case.

I think more detailed records should be kept of the circumstances at the time of every accident, not only regarding the breaches of the regulations but also regarding the persons in the car. We should know what has happened in the last few hours before the accident occurred. There may have been trouble at work or at home, or some feeling of animosity. Perhaps liquor may have been responsible for the accident. All this information should be collated and used in an endeavour to learn from the statistics the background of accidents. We might then be able to bring in legislation which would overcome some of the difficulties. We need to know what

types of people have accidents. No doubt a pattern will be seen. Perhaps the information will reveal something we do not know about the passengers.

Mr. Williams: Something might be revealed about the cars themselves.

Mr. W. A. MANNING: That is what I am trying to get at. We should have as much information as possible in regard to the circumstances surrounding all accidents. It would be easy to collect this information through the use of computers. Tests are made in other spheres of activity. Some members have expressed objections to compulsion, spot tests, and so on, but in the stone fruit season one may be stopped by an inspector who wants to see whether one has any stone fruit in one's car, and if so he will confiscate it because of the fruit fly. If another inspector thinks one is carrying potatoes that have been bought illegally, one must stop to have one's car inspected. These checks are intrusions into our freedom.

An inspector can stop a vehicle if he suspects it is carrying too heavy a load. He tests the vehicle and the load. We have to tolerate these intrusions into our lives.

We have to face up to the position and find out what particular type of person is always having accidents. My point is that a large number of accidents are caused by a comparative few. I am not sure how we can control this. Penalties by way of increased insurance premiums have been imposed but these do not stop accidents. We have to stop people taking the risks they do. Often innocent people are involved—obviously if they are still having accidents these few reckless drivers are not killing themselves.

Although I support the Bill, I am very firmly against having to use this means to try to reduce the road toll. I suggest a positive attitude would be to implement a more stringent driver's test. Most new drivers are teenagers and they pass the present test fairly easily. However, I believe there should be another test, say, after three years' driving, where the driver's skills can be tested under more difficult circumstances. His reactions can be tested in situations such as busy city streets. Let him drive in traffic where other drivers are doing foolish things and his reactions can be thoroughly tested. If he does not come through this test with honours, he must suffer some penalties.

It should be possible accurately to test a person's psychological reaction to dangers on the road three years after he obtains his license. This test would not be a test of his driving alone—no doubt he can reverse his car and park properly—this would be a test of his reaction to circumstances around him. The main cause of accidents is a lack of ability to cope with different circumstances and a test should be made of his skill.

MR. WILLIAMS (Bunbury) [8.48 p.m.]: I wish to give my lukewarm support to the Bill. As the previous two speakers have said, this legislation is necessary under the circumstances.

I would like to make it clear at the outset that I always wear a safety belt. I can say quite truthfully I wear a safety belt even to drive 200 yards from my home to the shop. I have made a habit of putting it on. I feel the public must be educated to make a habit of this, but it is not easy to educate a whole community. I had the experience of being in an accident myself as a passenger in 1950. My neck was broken and I was fortunate not be left a quadriplegic. We cannot expect everyone to learn from experience because, as we have learnt, many people do not survive.

When the Minister introduced the Bill he said this at page 449 of *Hansard*—

The statistics also revealed that less than half of the seat belts fitted in cars are being worn, hence the need for compulsion. Too many car occupants are sitting on the life-savers which are now compulsorily fitted in many vehicles.

My own personal opinion is that even if the belts are compulsorily fitted motorists should not be compelled to wear them. The responsibility should be upon the people concerned. They are the ones who run the risk of being killed or very seriously injured.

Clause 4 of the Bill before us requires drivers and passengers of motor vehicles to wear and use the prescribed items of equipment. In the second part of that clause a duty is imposed upon the driver of any motorcycle, including a motorcycle with a sidecar attached, to ensure that any passenger wears these items of equipment. I realise why the onus is upon the driver of a motorcycle, as he has the responsibility of supplying crash helmets. However, I feel that the driver of a motorcar should be similarly responsible for his passenger, as he is the person in control of the machine. He has, or should have, control over the vehicle, and it is his responsibility to make sure that his passengers put on safety belts.

If we take the case of a private pilot who is in charge of an aircraft, it is his responsibility to see that his passengers wear their safety harness or seat belts. If the passengers refuse, the pilot can choose not to take the plane up. It is as simple as that. The same principle should be applied to the motor vehicle. In this way the driver of the vehicle would be responsible for the whole vehicle once he leaves his parking position. If he is involved in an accident and he or his passengers are not strapped up, even though there are belts fitted to the car, he is responsible to a certain degree for his own injuries. We would see the monetary result of this

in a third party claim. To some degree he would also be responsible for the injuries to his passengers and they, too, would be partly responsible for not having taken the necessary care for their own safety in the circumstances. The prime responsibility is upon the driver.

Mr. W. G. Young: What happens when a back-seat passenger, the man sitting immediately behind the driver, releases his belt as soon as he moves off? The driver cannot see what is happening.

Mr. WILLIAMS: That is right. The same thing can happen in an aircraft. If the passenger behind the pilot in a four-seater aircraft undoes his seat belt the pilot does not know.

Mr. W. G. Young: The pilot in an aircraft does not check seat belts.

Mr. WILLIAMS: I was talking about private pilots. A private pilot must check the three aitches—hatches, harness, and handbrake. Of course, once the pilot gets into the air he does not have to worry.

Mr. Graham: Do you want the car driver to drive his car with his head turned over his shoulder?

Mr. WILLIAMS: A reasonable driver could expect his passengers to be fairly responsible. If someone did not wear a seat belt on one occasion, I would not take him out on another.

Mr. Graham: Most of the private pilots say, "Is everybody right?"

Mr. WILLIAMS: A private pilot can lose his license if he himself does not check the harness of his passengers.

Mr. Graham: Thirty seconds later, when he is running up the runway or taking off, perhaps going through a dangerous period, everybody could unbuckle their seat belts.

Mr. WILLIAMS: That is right, and it is a little late to do anything about it. However, the driver of a motor vehicle can pull into the kerb.

Mr. Graham: The responsibility is on the person concerned.

Mr. WILLIAMS: I believe the responsibility is on the driver. However, that is something we can agree to disagree upon.

Mr. Graham: All right.

Mr. WILLIAMS: The Minister gave some figures in relation to the Snowy Mountains authority. Of course, the penalty for not wearing seat belts there was instant dismissal. I read this report myself and as the Minister stated the injury and death rates were reduced to a considerable degree. Of course, drivers were faced with the threat of instant dismissal—a man could lose his job and any accrued benefits.

Mr. Lapham: People employed to drive vehicles in the Snowy Mountains would be people who drove many miles. They would be experienced drivers.

Mr. WILLIAMS: What the member for Karrinyup says is right. To some extent these people would be chosen for their driving ability in that particular terrain.

Mr. Lapham: It is not a fair comparison.

Mr. WILLIAMS: No, it is not a fair comparison.

Mr. Lapham: Like most statistics, they are not much good.

Mr. WILLIAMS: The Minister quoted the statistics; I was just using the example he gave. I wanted to point out that there was a severe penalty if drivers did not conform. They lost their job and any other accrued benefits.

We have been told, and I have no doubt it is true, that the cost of motor vehicle accidents to the community generally and to the health service is a very worrying factor to the State. By making the wearing of seat belts compulsory it is hoped to reduce the figures. I sincerely hope it does.

The member for Mt. Lawley suggested that over the first period of 12 months or so people will conform and then they will begin to take things a little easy and the death rate and injury rate will gradually begin to rise again. Time will tell whether this is correct. The Press has quoted figures, and I am sure they are correct, that the cost of accidents to the State is very high. Therefore, after a period of time with this legislation in force I would like to see some figures to prove or disprove these opinions. If it can be proved that the cost to the State through the health service has been reduced, some of the money saved should be put into better training and education of drivers. Some simple type of closed-circuit training could be made available in as many areas as possible. This would be of more benefit in the more densely populated areas and the country drivers could probably visit such circuits when they come to the city.

Mr. Lapham: Do you think five minutes after he gets a license a driver can drive?

Mr. WILLIAMS: No. However, if closed-circuit courses were provided the new drivers could learn on these as well as on the open road.

I would like to quote a recent example relating to my own family—a young driver who recently obtained his license. This boy had two hours instruction with an instructor. It took two weeks from the time he applied for his learner's permit for him to get his license. This lad went along and received his license one Monday morning. The instructor knew the two courses usually used for the test. During the

lessons the instructor put the lad over both the courses. When he went to get his license the policeman took him over one of the courses on which he had practised during the last 10 days. The whole test took precisely eight minutes. The lad was not required to drive over 35 miles an hour, the test being in a built-up area. I do not blame the constable for this—no doubt he had many other duties. However, the constable would have no idea of how the lad handled the car under speed or in any difficult conditions. Nor would he know that this lad had not one second's night driving experience. Perhaps the lad's parents can be blamed for this but I was interested to see whether a check would be made.

I can vividly remember my first reaction to driving a car at night—I immediately went to drive straight at the oncoming headlights. Fortunately I had someone sitting alongside me who was able to tell me what to do.

Mr. W. A. Manning: Look how pious we are getting about this!

Mr. WILLIAMS: I am only quoting my own experiences.

Mr. W. A. Manning: You would save a lot of accidents if seat belts were made compulsory while parking.

Mr. WILLIAMS: Maybe that is true.

Mr. T. D. Evans: You are thinking of other types of accidents.

Mr. WILLIAMS: If money is saved because the wearing of seat belts is made compulsory, this could be applied towards the better training of drivers and would do a lot towards avoiding accidents because even with seat belts accidents happen. We can only hope it will lessen the severity of the injuries that are suffered by those within the vehicle itself.

Walking along Harvest Terrace this evening I counted 40 cars parked alongside the kerb and only two of them were parked correctly. I consider this would be a good example of where driver education is needed in regard to vehicles at rest. It exemplifies the casual way that vehicles are parked, and the correct parking of vehicles is included in driver education.

Mr. Lapham: Did you check to see how many vehicles would be relying on handbrakes?

Mr. WILLIAMS: No, I did not. A number of them may not have required the handbrake to be applied because they could have had automatic transmissions in "park" position. On the other hand, other cars may have had the gears in "reverse" without the handbrake being applied. I did not poke my nose into the cars. I was just walking along Harvest Terrace and happened to notice how many vehicles were incorrectly parked.

No doubt many fines will be collected as a result of people not wearing seat belts and it is to be hoped that some of this money will be channelled into more driver education to make sure that fewer accidents will occur on the roads in future. With those few words I give my lukewarm support to the Bill.

Debate adjourned, on motion by Mr. Jones.

RESERVES BILL

Second Reading

Debate resumed from the 25th November.

MR. HUTCHINSON (Cottesloe) [9.02 p.m.]: This Reserves Bill is one that is similar to the legislation that is introduced annually by all Government's and it deals with a number of areas enumerated by the Minister which are subject to excisions, modifications, and other changes to facilitate the public interest.

This measure has only seven clauses dealing with sundry matters in seven different parts of the State. The reasons given for the excisions and modifications sought range from a desire by one group to build a kindergarten, a request to extend a club in a country centre, and to construct a compensating basin in another. There is nothing in the Bill to which I take exception, and I support it.

MR. H. D. EVANS (Warren—Minister for Lands) [9.04 p.m.]: I thank the member for Cottesloe for his perusal of the reasons underlying the excisions set out in this Bill. As he says, each one of them is for a specific purpose in the public interest. I agree with him that it would be very difficult to take exception to any one of them.

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. H. D. Evans (Minister for Lands), and transmitted to the Council.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [9.07 p.m.]: The Minister for Works introduced this Bill some time ago and explained the situation that exists in respect of radio telephony equipment, qualified operators, etc., as required

by the parent Act. He also explained the significance of the situation when vessels "go to sea." The problem arises when some of the harbours are, in fact, the open sea for all practical purposes, but they are still defined as harbours by Statute and regulations.

The Minister quoted examples such as the Ports of Esperance and Port Hedland, where limits extend 10 miles to sea; Port Walcott, 40 miles of coastline and 7 miles to sea; and Carnarvon, approximately 100 miles of coastline, and extending 20 miles seaward of Carnarvon, and including all of the waters of Shark Bay. I can appreciate the significance of this amendment. It is one of a type that is proposed from time to time, in the light of experience, to tighten up the safety precautions that are taken. Unfortunately, accidents do occur from time to time and usually many people—in addition to those directly involved—are imperilled because of the searches that have to take place.

We, on this side of the House, accept the significance of the Minister's argument in regard to the dangers in some of these harbour areas where people are literally out in the open sea although they are—according to the statutory definition—still within a harbour. We raise no objection to the Bill and accordingly I give my support to it on behalf of the Opposition.

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. Jamieson (Minister for Works), and transmitted to the Council.

CONSUMER PROTECTION BILL

Second Reading

Debate resumed from the 26th November.

MR. O'NEIL (East Melville) [9.11 p.m.]: We, on this side of the House, will, of course, give our support to the principles contained in this piece of legislation. It will be recalled—and I think the Minister mentioned it in his second reading speech—that this Bill was the subject of election policy speeches by both The Hon. J. T. Tonkin, as Leader of the Opposition, and Sir David Brand, as Premier of the State, prior to the last general election.

It is quite evident from what the Minister said, and from our knowledge of the progress of consumer legislation throughout Australia and the rest of the world that the time has come to introduce similar legislation to this State.

The SPEAKER: There is too much audible conversation.

Mr. O'NEIL: Not including me, Mr. Speaker, I hope.

Mr. Davies: No, you are inaudible.

Mr. O'NEIL: It is rather refreshing to find a Bill that is so important to be introduced in such concise terms. In fact, I think it expresses the basic difference between the basic political philosophies of the socialists and we who support private enterprise.

Mr. Jamieson: Cut it out!

Mr. O'NEIL: I am supporting the Bill. However, if one compares this piece of legislation with a measure that was introduced to create the position of parliamentary commissioner, one can realise what I mean. The position of parliamentary commissioner is to examine the administrative action of the Government, Government departments, and other bodies, whereas this piece of legislation is designed to serve the interests of consumers in regard to matters that are not of a Government nature.

In the Bill introduced to establish a parliamentary commissioner the desire of the Government was to cross every "t" and dot every "i" and lay down all the procedures, conditions, offences, and the like with meticulous thoroughness, and of course those of us who have been in this Legislature for any length of time know full well that the more one tries to achieve that objective the more loopholes are left open for members of the legal profession to make good in their practices.

This measure is quite different. It leaves the matter of consumer protection to the Statutes already in existence, and the measure makes particular note of the fact that it does not seek to override or abrogate any other Statute in this State which, over the years, has served the interests of the consumer. Whilst sitting on the other side of the House I have pointed out that there is a great deal of legislation on the Statute book which already protects the consumer from many problems that may arise from time to time. Among these I would mention the Trade Descriptions and False Advertisements Act, the Weights and Measures Act, and the Factories and Shops Act. This Bill recognises their existence and leaves them intact. The measure simply seeks to set up a lay council—if one can call it that—to advise the Government on matters related to consumer affairs and also seeks to set up a bureau which in fact is a secretariat to that council and will be the Government part of it.

The only penalties contained in the Bill are for breaches of this Act and not of other Acts. Any penalties relating to matters concerning consumer protection remain inviolate under the provisions of the Acts which have been drafted expressly for these penalties.

Mr. Davies: When matters are considered under this legislation amendments to other Acts might be required in due course.

Mr. O'NEIL: That will ever be.

Mr. Davies: Yes.

Mr. O'NEIL: I suggest that whatever objection I have to this legislation would be precisely the same objection the present Government would raise if it were in Opposition. I am safe in saying this Bill is in much the same form it would have been had we been returned to office. Therefore the Minister will not be surprised when I tell him we propose to place some amendments on the notice paper in respect of this Bill. They are not drastic, but are designed merely to improve the machinery provisions. As I understand it, we will hear a little more of them later.

The Bill is divided into a number of parts. Part I is "Preliminary," which is common to most Bills and includes definitions, date of proclamation and the like. Part II establishes the consumer affairs council which is the lay body to which I have previously referred. Although I noted in this morning's paper some criticism of the size of the council—namely, 12—I personally have no objection to its size. As a matter of fact, I think it is a fair and wide representation relating to matters of consumer affairs.

I have only one query to make regarding the council. It contains no representative of the Government, and the person to whom I will refer a little later—the commissioner for consumer protection—is not represented. The Minister might give consideration at some time to ensuring that a Government representative is at least entitled to be present at council deliberations. Quite frequently this would obviate arguments which might arise between the bureau, which is the secretariat, and the council which, in fact, represents the interests of the lay people or consumers in general. This is a matter which requires consideration.

I can see no real objection to the constitution of the council itself, but I would like an assurance from the Minister that manufacturing industries will be represented. Clause 6(2)(d) reads—

(d) three shall be appointed from persons experienced in any of the fields of manufacture, retailing, distribution, advertising or other aspects of trade or commerce;

Six aspects of trade or commerce are mentioned, but only three people will be appointed to represent those sections of industry. The Minister will no doubt be careful in making his selection and he should remember that both manufacturers and retailers are equally entitled to some form of representation on the council.

Although the Minister mentioned it is his intention to appoint two women to represent consumer interests, the Bill makes no specific reference to sex. However, "Women's Lib" will probably appreciate the fact that women have not been specifically designated on the council.

Mr. Taylor: It is provided in subclause (3).

Mr. O'NEIL: Yes, I am sorry. It states that at least two of the members shall be women. Perhaps "Women's Lib" will not be quite as happy with the Minister as he has made special reference to them.

In general terms I am not perturbed at the constitution of the council. However I would like an assurance from the Minister that both retailers and manufacturers will be represented.

Other matters under this part simply relate to the appointment of the various members and make provision for remuneration and the circumstances under which a member can be removed from the council. Subclauses (1) and (2) of clause 13 read—

13. (1) The Council shall hold meetings at such times and places as the Council determines.

(2) The Minister may at any time convene a meeting of the Council.

I wonder about the difference in respect of the calling of meetings of this council and the calling of meetings of other councils. It appears some difficulty would arise if a limited number of members of the council desired to hold a meeting for a specific purpose. Quite frequently we pass legislation which provides that a stated number of members of a council may call a meeting. I do not consider the point is worthy of amendment, but I would like the Minister to assure us, particularly in the early stage of the development of this council, that meetings will be held quite regularly.

The Bill goes on to refer to the functions of the council and I believe the Minister should give consideration to the inclusion of matters other than those listed as being the concern of the council. The list is culled from provisions which exist mainly in New South Wales and Queensland and were contained in a report prepared by the Department of Labour prior to the change of Government when we were considering the introduction of such legislation.

The function of this council should extend beyond the normal matters of consumer affairs which have been discussed so far. Under the Factories and Shops Act a Retail Trades Advisory and Control Committee has been established which is required to advise the Minister and the Government on matters concerning retail

trade; that is, trading hours, what kinds of goods are to be sold in various classes of shop, and the like. This committee has done a job as well as it can under its rather restricted franchise.

Some Ministers have regarded the recommendations of that committee as being the be-all and end-all and have simply ratified them. Others have regarded them as recommendations only, and have seen fit at times to disregard them. The actual structure of the committee has become inadequate to deal with the many and vexatious problems which confront it. It consists of the Secretary of Labour, as chairman, a consumers' representative, and a representative of various trading organisations associated with the topic before the committee at the time.

Quite frankly I believe the recommendations of that committee are sometimes rather narrowly confined. It does not contain a broad enough provision for public opinion, and I would like the Minister to give consideration to vesting in the consumer affairs council much greater power to examine not only specific matters of consumer complaints against individual stores or about individual articles, but also related matters which are generally in the consumers' interests, such as trading hours generally, trading hours specifically for certain classes of goods and services, and trading hours specifically in certain areas. We all know that trading hours are extended in holiday resorts during specific periods.

Mr. Davies: Would that not be interfering with other Acts, though?

Mr. O'NEIL: This legislation actually uses the powers of other Acts to implement penalties against breaches of consumer legislation.

Mr. Davies: Earlier on you were lauding this legislation because it did not interfere with other Acts, but now you are suggesting they should be doing what should be done under the Factories and Shops Act.

Mr. O'NEIL: I indicated initially that I appreciated this Bill in its present form because it is not the be-all and end-all of consumer legislation, despite the fact that the Minister said it was the best in Australia. Probably it is because it does not try to cross every "t" and dot every "i." However, consideration should be given to vesting in this widely representative lay organisation, the power to consider other matters relating to consumer affairs in order that it might if necessary, recommend to the Government legislative action to improve the situation of consumers generally.

Mr. Davies: It would have to refer it back to, say, the Retail Trades Advisory and Control Committee in the first place. It could not interfere with that committee.

Mr. O'NEIL: Perhaps it would not be beyond the realms of possibility to delete from the Factories and Shops Act all matters relating to trading hours. I wish any Minister for Labour the very best if he tries to do this.

Mr. May: I bet!

Mr. O'NEIL: It is beside the point, but I believe trading hours under the Factories and Shops Act are a relic of the 1920s when they were first included. The provisions were retained when the Act was substantially amended in 1963 and they have served no useful purpose as most of the interests of the employers and employees are adequately protected and covered by industrial agreements and the like.

With regard to extended trading hours, as I have said on many occasions, no trading hours' control exists in Tasmania with the exception of the sale of motor spirits, but no further service is available to the public. If we were to repeal the trading hours' control in Western Australia it would be really interesting to see whether management and labour got together and decided upon something reasonable from both points of view at least to give some added service to the consumer.

I know you will not permit me to continue along these lines, Sir, because the subject has nothing to do with the Bill.

Mr. May: You are doing pretty well.

Mr. O'NEIL: I have stated that we should extend the functions of the council which are clearly defined except for clause 14(1)(b) which reads—

(b) to advise the Minister on such matters affecting the interests of consumers as he may refer to it;

When the Minister has trouble with regard to late trading and extended trading hours, he will at least be able to refer it to the council for its views and opinions, and I would be very interested to see some of them.

Part III of the Bill sets out provisions for what I would call the secretariat, which will be the permanent part of the organisation doing the pencilwork, if we can call it that, for the council. This is the Government sub-department, so to speak, which will receive the complaints from consumers and process them in whatever way it deems fit.

I would like the Minister to consider substituting the word "affairs" for the word "protection" in the name of the bureau because it will deal with a lot more than simply the protection of the consumer. It will be an organisation of Government officers headed by a commissioner who will, in fact, give much wider advice on the problems of the consumer

instead of simply listening to grizzles and complaints and channelling them into the right direction.

Mr. May: The idea is to protect the consumers.

Mr. O'NEIL: Yes. However, once the word "protection" is written into the legislation people look on the Government as their Big Brother either protecting them or oppressing them, depending upon whether they win or lose. Therefore I believe the word "affairs" should be used. I think in Queensland the bureau is the Consumer Affairs Bureau and the Minister is the Minister for Consumer Affairs.

Mr. Taylor: You are spot on.

Mr. O'NEIL: We have for some reason called the council the consumer affairs council and the secretariat the consumer protection bureau.

Before I proceed further it might be wise to give the Minister some indication of the amendments we propose. It is anticipated we will proceed with the Committee stage tomorrow, and the amendments will appear on the notice paper. However, perhaps we could short-circuit the procedure in Committee if I give an indication of the amendments. Some of these deal with the functions of the council. Clause 14 (2) makes provision for the council to affiliate, co-operate, or consult with any organisation or body which is concerned with matters related to consumer affairs.

We would seek to confine this power of affiliation somewhat substantially; namely, within the Commonwealth to affiliate only with like organisations and, outside the Commonwealth, with reputable international organisations, otherwise there would be a tendency to affiliate with all sorts of odd bodies which, in fact, could bring influence to bear upon this peculiarly lay council which may divert the council from its principal aims. This will be one of our proposals.

Mr. Davles: It is only for an exchange of information rather than concerted action.

Mr. O'NEIL: We would not deny the council the right to affiliate with like bodies set up under Commonwealth or State Statutes or with international bodies which are reputable or recognised as being concerned with matters of consumer affairs, otherwise we may find included such bodies as the local parents and friends' association, the Trades and Labor Council—heaven forbid—and a few others which members on the Government side may like to mention. However, we will see what fate that proposal suffers when we move into Committee.

Other than to make a general comment relative to the name of the commissioner—we feel it should not be commissioner for consumer protection but commissioner for

consumer affairs—we cannot criticise to any extent the machinery provisions to set up the bureau.

To come to the powers of the commissioner to institute proceedings on behalf of consumers a rather strange provision reads—

The Commissioner shall not institute or defend any proceedings pursuant to subsection (1) of this section without first—

- (a) obtaining the written consent of the consumer which once given is irrevocable except with the consent of the Commissioner;

I must point out this refers to the commissioner being given power to undertake legal action on behalf of an aggrieved consumer. Once an aggrieved consumer has authorised the commissioner in writing to undertake legal action—and this is limited to actions involving sums of \$2,500 or less—the aggrieved consumer cannot ask the commissioner to cease the action.

We would like some explanation of this because the normal relationship between a lawyer and his client is that if the client determines that the action should be stopped the lawyer, who acts as his agent, ceases the action. The provision under discussion states that once consent is given in writing by the consumer and the action is started the consent is irrevocable except with the consent of the commissioner. If the commissioner decides to proceed despite the fact that the client does not want him to, he can proceed merrily on his way and occasion a charge to the Crown in an action which may have no valid effect from that point onwards.

Mr. Davies: I think some of the people who complain are somewhat subjected to pressure. Having once made up their minds on a course of action it would be necessary to go on.

Mr. O'NEIL: Let us see whether the Minister in charge of the Bill has an adequate explanation.

Mr. Taylor: The Minister for Health has me worried.

Mr. O'NEIL: Comments so far have come from the ex-Minister for Consumer Protection. I wish to refer to one other aspect in connection with the powers of investigation which are given. I refer to page 12 of the Bill, clause 19 (1) (d) and others around it. The provision states that an inspector or duly authorised representative of the commissioner, or the commissioner himself may—

enter at all reasonable times and search any premises and inspect any documents that he finds thereon and take samples of any stocks of goods and inspect any service carried on therein;

It is acknowledged that the position of Government officers who are given inspectorial rights is a privileged one. We believe that to some extent there is a warrant for controlling the powers of some inspectors. As I understand the law, it is perfectly true to say that if a policeman wants to enter my home to carry out certain inquiries and investigations, he is required to obtain a warrant if I do not give my consent. It is more than reasonable to suggest that an inspector in pursuit of information connected with his duties should likewise be required to obtain a warrant or authority of some sort to enter premises.

Mr. Davies: Would the honourable member amend all other Acts which give power to inspect?

Mr. O'NEIL: The Minister is in Government. We have no power to amend the Act.

Mr. Davies: You can do it.

Mr. O'NEIL: Would the Minister support amendments to other Acts?

Mr. Davies: I do not think so.

Mr. Taylor: The Minister has not had much chance at all to comment.

Mr. O'NEIL: I should have said "the ex-Minister for Consumer Protection." I think this matter is worth examining. It is a breach of civil liberties to clothe certain people with these powers. In general terms we do not give such powers to the Police Force and I think a person who does not have the same sort of training as a policeman should at least have some restriction placed upon him.

Mr. Gayfer: I agree.

Mr. O'NEIL: Admittedly the commissioner must carry an identity certificate signed by the Minister and any other authorised person will carry an identification signed by the commissioner. This does not mean that any inspector should have unlimited rights to enter and search premises to obtain information.

I think that covers the points I wish to make. The Bill has the general support of members on this side of the House although I have given limited intimation of the types of amendments we propose to move in Committee. I support the Bill.

MR. W. A. MANNING (Narrogin) (9.37 p.m.): This is the kind of legislation which members on this side of the House have contemplated and to implement it doubtless we would have referred to the very same Acts as the Government has done. This legislation is based mostly on Acts which exist in Queensland and New South Wales, but particularly on the Queensland legislation.

I should like to comment upon one or two features of the measure. I would mention a number of which I approve but

I see no purpose in doing so at this stage; instead I shall confine my remarks to points in connection with which I have some doubts or which are worthy of comment. I shall not dwell on the others because, as I have said, I approve of the legislation and it would serve no useful purpose to do so.

The first point I wish to make is in regard to the number of members on the council. I notice this has been set at 12, which is exactly the same as the number in Queensland. In Tasmania there are eight; in Victoria, eight; and in New South Wales from six to 10. I do not favour large committees or boards because I think they become cumbersome and do not achieve the best result. However, the council appears to be well constituted and I do not have any complaint about that. The Minister gave us no indication as to what the 12 members would cost. I presume they would be paid on the basis of meetings attended and if this is so perhaps the cost will not be out of the way.

My next point comes under the heading of "functions of the council." In this regard I have circulated two amendments and, for that reason, I have no intention of going into detail at this stage except to state that they relate to clause 14(1)(c) and clause 14(2). I commend these to the attention of members. In regard to the second amendment, the member for East Melville has given notice of an amendment which he will move. We have both pinpointed roughly the same subject. Doubtless we will be able to come to some arrangement on the amendments which are somewhat related.

One strange feature of the measure concerns the commissioner. There will be two bodies; namely, a council and a bureau. Let us look at some of the points which I find hard to reconcile. Clause 16 (3) says—

The Bureau shall perform its functions under the direction and control of the Commissioner.

This means that the commissioner will have a staff and will be responsible for the bureau. However, listed amongst the bureau's functions are—

to arrange for investigations on behalf of the Council;

to arrange for the collection, collation and furnishing to the Council of data to assist the Council in the performance of its functions under this Act;

Consequently the bureau will have some responsibility to the council to gather that information. There appears to be no link between the council and bureau in regard to its administration. Under legislation which exists elsewhere the commissioner has the right to sit on the council as an observer. However, there is no provision for this in the measure

under discussion, although the chairman of the council will have the responsibility of reporting on behalf of both, because clause 26 (1) says—

The Chairman shall on behalf of the Council submit to the Minister on or before each first day of September, a report on the activities of the Council and of the Bureau for the year ending on the thirtieth day of June last preceding.

Clause 26 (2) states that the report shall be laid upon the Table of each House.

This means that the chairman of the council will submit reports on behalf of both the council and the bureau. However, the commissioner will be commissioner of the bureau only. He appears to have no connection with the council except that he will be required to provide some of the information which the council requires.

I would like to have some explanation as to how this will be organised in practice. I notice the Queensland Act has a heading, "Special powers and duties of bureau officers." It says—

The commissioner is entitled to attend at meetings of the council.

This provision is not included in the measure before us. The Queensland Act also says—

The commissioner shall as the occasion requires it assign an officer of the bureau to perform the duties of secretary to the Council.

This seems to be a natural consequence. However the provision has been omitted from our legislation although the Minister stated the Queensland measure was a model for ours. There must be some good reason for the gap in the administrative side.

I should like to comment on the complaints to be dealt with by the bureau. One of the bureau's functions is to receive complaints from consumers. I wonder whether any kind of complaint will be received. How many will be received when there is no justification for them? I am a little concerned about this aspect. I think I read somewhere, although I cannot find any evidence for it, that any complaint from a consumer to the bureau had to be accompanied by a statement setting out what the consumer had done to try to unravel his own problems. I am not sure where I read this.

Mr. Taylor: It was an addendum to my second reading speech. I made some comments at the end.

Mr. W. A. MANNING: It may be in *Hansard* but not in the Minister's speech notes?

Mr. Taylor: That is right.

Mr. W. A. MANNING: I knew I had read it somewhere but I could not remember where.

Mr. Bertram: The member for Narrogin is not the first to fall for that.

Mr W. A. MANNING: This is an important point if it was an addendum to the Minister's speech. I hope it becomes more than an addendum to something else. I hope it becomes actual fact because people should be compelled to justify their complaints. There are too many people today prepared to criticise without taking the trouble to find out whether they are dealing with facts. Members will often have read letters to newspapers and if the subject matter happens to be known we realise how little the writer knows. This goes on because people are totally irresponsible in this regard. However, if the complainant had first to take steps to solve the complaint himself a lot of time could be saved, otherwise we will have a great deal of time wasted with staff handling complaints for which there is no basis. I hope the Minister does something in this respect, otherwise we may have a lot of expense for nothing.

I would like to deal with the matter of the commissioner taking legal action on behalf of consumers. I myself have a doubt about this, and yet I can see justification for it. This is another aspect not included in the Queensland Act. The Minister did not point out that it was not contained in the Queensland Act.

Mr. Taylor: We looked at all the Acts, but we paid a lot of attention to the Queensland Act.

Mr. W. A. MANNING: I am going along with this provision, although I have doubts about it.

I notice that there is a limit of \$2,500 for a possible claim. How is this to be assessed beforehand? It is very difficult to assess the amount to which a claim will be justified. A litigant might go to court not knowing precisely how much a claim was worth. Surely a claim has no relationship to the assets of the litigant. Some people can finance themselves and some cannot. A person may have no money but a claim in an action of \$10,000. He receives no help and yet the person with a claim of \$2,500 or less does.

I would like some explanation of how this limit will work. I would like the Minister to explain this to us.

I wish to make these comments as I feel they may be constructive. I support the Bill because I feel it is a move in the right direction.

MR. MENSAROS (Floreat) [9.45 p.m.] : It has been indicated from this side of the House that we do not raise any objection to the passage of the Bill. However, there are

a few clauses which perhaps would merit, if not objection, at least some comments and some querrying.

First of all I refer to the title itself. As the member for East Melville pointed out, he would have liked to see the commissioner called the commissioner for consumer affairs. In line with this, it would be almost more logical and more embracing if the whole legislation was called consumer affairs and not consumer protection.

Turning now to clause 4, and the inclusion of professional services, it should be noted that almost all professions or associations have statutory boards. Obviously any complaint from a client or patient would be dealt with by the statutory board. To my mind it is questionable whether another authority, in this case the council or the commissioner, should interfere with professional practices, such as a medical practice, a legal practice, or even an architect's practice. One could very well imagine a client who is rightly or wrongly aggrieved about the fees charged could ask for an investigation in this field. I do not think any professional man or professional body would like this. If any publicity results the public usually read only the headlines and a mark could be left on a professional man, whether his profession is that of doctor, lawyer, architect, or accountant.

Has the Minister consulted any of these professional associations or statutory boards to determine their views on the matter? I would be quite happy if the commissioner or the council referred the cases to the statutory body without taking the matter in its own hands. Unless it is a case of a serious defalcation these boards are established to deal with such questions; if it is, justice takes its course.

I would like to go now to clause 7. I suggest to the Minister that although he probably had in mind to introduce overlapping terms of office, it is not expressed in the proposed legislation. In so many other Acts where a new body is created, instead of appointing, say, 12 members for three years, there could be some staggering of the terms of office so that when the old council finishes its term the new council does not come in completely inexperienced. The Minister may already have this in mind.

As the member for East Melville remarked, under the provisions of clause 13 the calling of a meeting would be decided by the majority of the council. Recently in the environmental protection legislation we accepted an amendment that two members could call a meeting. I do not press this view but I feel the Minister might consider it.

The Opposition raises a much more important point in regard to clause 14, and indeed there are some amendments on the

notice paper. Other members have mentioned this aspect, but I would like to know that it was not the Minister's intention that the council would be able to affiliate with any Tom, Dick, or Harry, who says he is concerned with the interests of the consumer. I do not suggest this would happen, nor do I suggest this was the intention. The Bill allows for the council to co-operate or consult with anyone else. In regard to affiliation, I feel it is the Minister's intention to affiliate with reputable overseas bodies. To clear up any misunderstanding, we wish to make an amendment which would allow the council to co-operate and consult with anyone but to affiliate only with bodies like the council or statutory bodies within Australia, and only reputable bodies overseas. This affiliation should then be gazetted in the *Government Gazette* and should be subject to section 36 of the Interpretation Act, which means: subject to disallowance by Parliament. The Minister may feel that this suggestion is far-fetched.

Mr. Taylor: One of your problems is the word "reputable." After all, I am introducing the Bill and in some circumstances to you I am not reputable.

Mr. MENSAROS: I realise this and I would welcome any other suggestions. This word "reputable" was chosen in a hurry, but there should be some limit on the affiliation, without there being one on the co-operation or consultation.

We should look at this matter with the consumer in mind, if we accept the provisions emphasised in the title of the Bill. We should give thought to the proposition of some redress where the commissioner does not consider it warranted to deal with the matter. Again I do not wish to press this matter but there may be cases where redress would be warranted.

One of the most important points, and one of the points mentioned by the member for East Melville, was the right or rather lack of right to the consumer to withdraw his instructions from the commissioner. I feel the commissioner is in the place of a lawyer, and if the commissioner does not act on the consumer's instructions, it is not right that the consumer cannot change his instruction because he has given written consent. The objection the Minister for Health made to this was that some people change their minds and may wish to withdraw. This would stop the commissioner dealing with the matter.

I agree with this contention, but one has to consider the position of the commissioner wishing to settle a case for less than what the consumer claims. The consumer may say his claim is worth \$1,000, whereas the commissioner might say, "I will settle for \$100. I have won the case in principle from the point of view of all

the other consumers, but not in his particular case. However, I will settle out of court for \$100." Surely the consumer in a case of this type should have the right, as he has with other legal counsel, to revoke his instructions or to say, "You should not settle under a certain amount." In other words, if the commissioner cannot settle for the claimant's figure it should go to the court to decide. If this provision is left as it is, we feel it is a little hard from the consumer's point of view. Once a person has given his written consent, he cannot withdraw without the Minister's agreement.

The last point I wish to make is the commissioner's access to premises. This provision occurs in many Acts. However, I do not like it in any one of them. As the member for East Melville said, if the police are unable to enter premises without a warrant, why should the commissioner be able to do so? Further, in relation to written explanations, there is a provision under section 19C, I think it is, that upon notice in writing any document relating to a particular inquiry must be produced. Surely if the commissioner has to give notice in writing for the production of a document, he should give notice in writing before entering any premises; and he should also have a warrant from at least a justice of the peace. There is another reason for this suggestion, and that is that the consumer, even if represented by the commissioner, should have the right to be represented by counsel.

If he receives at least one day's notice he can then instruct his counsel to represent him. I do not wish to make a great case out of it, but we must realise that these cases will, of course, receive publicity. Any businessman or manufacturer who is investigated will receive very adverse publicity which can harm his business to a greater extent than is the intention of the Bill or of the commissioner. For this reason I think he should not only be entitled, because I realise the comment does not exclude this right, but he should also have the opportunity to engage and to instruct counsel to represent him when not only the matter of his single case is in question, but also possibly his reputation and the goodwill of his business.

As I said, we have placed amendments to this extent on the notice paper. I appreciate the information of the Minister that he will deal with his own amendments and with ours at a later stage. I support the Bill.

MR. R. L. YOUNG (Wembley) [10.01 p.m.]: The machinery in this Bill has been dealt with at length and I do not intend to labour the House with any further discussions of it. The only comment I have to offer with regard to the machinery is in respect of clause 18 which states that after

a complaint or matter has been referred to the commissioner and he is satisfied that the consumer has a cause of action, he will take certain proceedings on behalf of the consumer. Subclause (2) then goes on to state that the commissioner shall not institute or defend any proceedings without first having obtained the written consent of the consumer which, once given, is irrevocable except with the consent of the commissioner. My only complaint is that I believe that once the consumer has given consent, it should not be irrevocable.

In my opinion this is a good measure inasmuch as we might now provide a situation in this State in which there may never be any need for a person like Ralph Nader, who has done so much for the consumer in the United States of America. I do not think it is a good thing that it is necessary for a man to take up a personal crusade, such as Mr. Nader has done, and I hope there will never be any necessity for such action in this country. I think it is good that the consumer will have an opportunity to refer matters which he feels are pertinent in respect of the administration of consumer protection to a bureau which might give him some consideration and some representation without that type of crusade having to take place.

We are entering an age of great production in which the industries of this State and of the nation must keep pace with a tremendous amount of demand by consumers at all levels for all sorts of products, whether luxury products or necessities. It has been suggested, of course, that in this day and age people are pursuing more and more the sorts of things which are not entirely necessities and perhaps fall into the category of luxuries.

These sorts of items invariably come under the scrutiny of protection legislation such as this—motorcars, washing machines, and what-have-you—because, unfortunately, in many instances owing to greed producers and manufacturers have over the years tended to bring about some form of inbuilt obsolescence in their product. I refer to shoddy workmanship and the like, which I am sure any society would wish to be guarded against. In this respect the Bill serves a very useful social purpose.

It has been suggested to me that there are people in this State who have been caught by a certain selling technique which they feel might be overcome by this legislation. I wish to make it clear to those people and to make it public that persons who have been caught up by what is known as pyramid selling will not be covered by this legislation. People who have in fact committed themselves to terrific amounts of money—and lost that money—under the pyramid selling system

of such companies as Holiday Magic, Golden Products, and the like will not be protected, because “consumer” under this legislation specifically excludes people who have undertaken the purchase of goods for the purposes of resale.

All those who have invested money in organisations such as Holiday Magic, Golden Products, and the like have in fact as their main purpose the resale and not the consumption of the goods. I think it is pertinent that one should comment on this aspect because it is becoming a nation-wide issue. I would like to make a couple of comments on the issue of pyramid selling.

The pyramid selling system, in my opinion, is no different from the chain letter system. Under that system a person who receives the chain letter passes it on. He either sells it and makes a profit immediately, or he sells it and receives his money back in the hope that eventually he will get a great deal of money when the chain letter finally reaches its destination. The system is designed so that as many chain letters as possible may be sold before the people wake up to the fact that they will never get their money back because the market has been saturated.

Quite frankly, I feel there is no difference between the chain letter situation and the pyramid selling situation in which people have built organisations based on one man at the top, three beneath him, five beneath those, and 10 beneath those five. None of those people is selling to a consumer; they are all selling to each other and making a profit down the line. Eventually, we get to the base of the pyramid—which is the mass of the population—which will not consume the product; so the people at the end of the line get caught. I want to make clear the point that this legislation does not cover people who have lost their money under the pyramid selling system. I think it is timely to mention that.

I support the Bill, and I do not wish to labour the House by speaking for much longer. I think this a worth-while social measure which, perhaps, will eventually protect the more unsophisticated consumer against what might be described as an extremely sophisticated producer and seller system which is being built up in our society.

I have no objection, nor do I think any other member in this House would have an objection, to a person making a profit by selling to a consumer in good faith. This legislation is designed to ensure that those to whom goods have been sold otherwise than in good faith may have some form of protection, someone to whom they can take their complaint, and someone who will seek protection on their behalf.

MR. TAYLOR (Cockburn—Minister for Consumer Protection) (10.08 p.m.): I rise briefly to thank those members on the other side for their very welcome and appreciated support of this measure in general, and also those on my side of the House who had the patience to sit without speaking in support although I know they would have liked to speak lauding the measure. Obviously, from the comments which have been made in the debate, this legislation will work very well. It is something the community wants and I feel we will receive full value from it.

I wish to mention one or two comments, particularly those made by the member for East Melville. He asked for an assurance that manufacturing industries and retail industries will be represented on the council. I give him that assurance. The council is set up in such a way—and this is our intention—that it will provide a balanced representation, and this will certainly be guaranteed. The honourable member also asked for an assurance that the council will meet regularly. I can assure all members that the council will have a great deal of work in front of it, particularly in the initial stages—if on only one matter, pyramid selling. The Minister may refer to the council any matter he wishes, and the council may take up any matter it wishes. I am sure the experience in this State will be as in other States; that the council will meet regularly and often at least for some time.

I appreciate the comments made by the member for East Melville in relation to vesting greater powers in the council in connection with other matters generally related to consumer affairs. He specifically mentioned trading hours and the sale of particular goods. I can see some merit in this, and it could certainly be considered in the future once the council has established itself and achieved the respect of the community. Once it is functioning well we may consider an extension of its powers.

The honourable member also commented on the use of the term "consumer affairs" rather than "consumer protection," and I think his comments have some merit. As he pointed out, Queensland has a Consumer Affairs Council and a Consumer Protection Bureau—which we now propose to establish in this State. However, the word "protection" does connote a situation with regard to consumer affairs; and I think consumer protection is what the public is looking for at this particular time. We have used the term "consumer protection" with regard to the commissioner and the bureau and I think the word "protection" will mean something to most people.

The member for East Melville spoke about three amendments; but as these will come up for discussion in the Committee stage I do not propose to comment

on them at the moment. The amendments were also referred to by the member for Narrogin and the member for Floreat. I think it will be appropriate to deal with them when we are in Committee.

The member for Narrogin was a little concerned about how the commissioner would operate in conjunction with the council. I mention that in New South Wales the chairman of the council is in fact a civil servant, and the commissioner sits in as an ancillary. He is able to sit on the council and assist it, but he has no vote. However, the council certainly has a civil servant on it.

The Queensland council is made up of independent members, and the Government has chosen that latter type of council for Western Australia. We believe it is wise to divorce completely the Government and all its instrumentalities from the functions of the council; but, nonetheless, there is a requirement for the commissioner to work with the council. He will certainly attend all council meetings and he will carry out such functions as are necessary. However, at the same time, because he is not a member and has no vote, the council will have full discretion in discussing the affairs of the bureau and reporting to the Minister on how the commissioner and the bureau are operating.

Mr. W. A. Manning: It is much better that the commissioner sit in on the council rather than be a member of it.

Mr. TAYLOR: So the honourable member agrees with the Bill?

Mr. W. A. Manning: Yes.

Mr. TAYLOR: The honourable member also made a reference to the number of complaints and as to whether they were likely to be justified. I would refer him to some extra comments I made, which are reported in *Hansard*, wherein I pointed out that in all States—and we will do the same—a considerable number of complaints are received. Something like only one-third to two-fifths of those complaints get past first base, because in every instance the consumer must first take his complaint to the person who has allegedly aggrieved him. He is required to do that before the bureau will look at his complaint; then he is required to make his complaint in writing. So the great bulk of complaints are dissipated before that stage is reached.

Mr. W. A. Manning: This will be included in the regulations?

Mr. TAYLOR: Yes. The member for Floreat made what I think is quite a good suggestion relating to clause 7. He suggested staggering the appointments to the council so that there is a turnover of members and the bulk of members do not necessarily finish their terms at the end of three years. I will be happy to consider

that suggestion. The honourable member also asked whether there was some guarantee that the council would meet regularly. I have already made the point that I am sure there will be many meetings; and, in any case, the Minister has the right to suggest matters for consideration and this is likely to mean many meetings, at least initially. Once again, I think the only other point made by the honourable member was in regard to the various amendments.

The member for Wembley also mentioned the proposed amendments and referred to pyramid selling. He was quite right in saying that pyramid selling is not included in the legislation as it is. I can assure him that is one matter which will be referred very early to the council. I expect it to come up with some sort of recommendation to the Government in respect of special legislation.

I have attempted to cover the matters which have been raised, but if there are other matters which require elaboration I will be only too pleased to explain them in the Committee stage.

Question put and passed.

Bill read a second time.

BILLS (3): RETURNED

1. Alumina Refinery (Upper Swan) Agreement Bill.

Bill returned from the Council with an amendment.

2. Companies Act Amendment Bill.

3. Bills of Sale Act Amendment Bill.

Bills returned from the Council without amendment.

House adjourned at 10.17 p.m.

Legislative Council

Wednesday, the 1st December, 1971

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

BILLS (13): ASSENT

Messages from the Governor received and read notifying assent to the following Bills:—

1. Administration Act Amendment Bill.
2. Property Law Act Amendment Bill.
3. Wills Act Amendment Bill.
4. Government Railways Act Amendment Bill.
5. Parliamentary Superannuation Act Amendment Bill.

6. Censorship of Films Act Amendment Bill.
7. Adoption of Children Act Amendment Bill.
8. Property Law Act Amendment Bill (No. 2).
9. Natives (Citizenship Rights) Act Repeal Bill.
10. Fire Brigades Act Amendment Bill.
11. Abattoirs Act Amendment Bill.
12. Stamp Act Amendment Bill (No. 2).
13. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.35 p.m.]: I was wondering if I could obtain permission to postpone the replies to questions this afternoon because no replies are yet to hand. As no doubt they will be arriving one at a time, I think it will be preferable for me to wait until I have all the replies to questions and then present them to the House later in the sitting.

The PRESIDENT: If the House is agreeable to the request made by the Leader of the House we will pass on to the Orders of the Day.

SEAT BELTS

Ministerial Statement

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [2.36 p.m.]: With your permission, Mr. President, I would like to make a ministerial statement concerning the regulations which will be made on the compulsory wearing of seat belts. I gave an assurance to the House that I would table the regulations. A meeting of the Executive Council was held today, but unfortunately the Bill which seeks to provide for the compulsory wearing of seat belts is still being debated in another place and there is a possibility that the next Executive Council meeting will not be held until the 15th December, by which time this House, in all probability, will not be sitting and it would be quite impossible for me to honour that obligation.

However, all the regulations are ready. I have had copies made of them so that they may be distributed among members. Each member would then be able to peruse the regulations and perhaps let me know if there is something in them to which my attention should be drawn before they are eventually proclaimed. I think this would be desirable from all angles, because members would then have an opportunity to peruse the regulations in advance.