going to come as a result of the Premier's popularity among the people of this State. So, he realised he had to drag something out of the bag to try to drag the Premier down.

One would have thought he would discuss this matter with his leader, possibly at a Caucus meeting. However, we on this side know that the ruthless little clique in Caucus—the Caucus within a Caucus which operates quite independently of the general run of Caucus members—decided it did not matter whether or not they had the approval of Caucus, because this was the action they were going to take to save their own seats. They took that action without any reference to Caucus.

Mr T. H. Jones: You do not know what you are talking about!

Mr SHALDERS: Do I not? I would be very interested to see each member of the Opposition permitted to walk down the aisle of the Chamber on his own and answer a simple question as follows, "Were you aware of the actions the member for Ascot was going to take when he made the allegations?" I can assure the honourable member there would be a lot more "No" votes than "Yes" votes.

Mr T. H. Jones: We do not operate our party on the shabby lines you operate your party.

Mr SHALDERS: I have news for the member for Collie: There would be more "No" votes than there were at the last referendum!

This clique took this action and brought this matter forward. The member for Ascot made his allegations with the obvious intention of trying to drag down the Premier because he realised if he did not do something of that nature he was about to lose his seat, and he was worried about it. One wonders why he did not go to his leader, or to the other members of Caucus. The answer is that he did not need to. The other members of Caucus are loyal enough to support their leader, although in my opinion a number of them did not vote for him.

This particular clique in Caucus has the Leader of the Opposition like a puppet on a string, and does not need to refer to him because it knows that at one stroke it can dismantle him from power. The Leader of the Opposition knows that; he knows from where the threat to his leadership will come. It will not come from the larger, outer ring of Caucus, but from this inner, ruthless clique. I am sorry if the truth hurts members opposite; that is their problem, not mine.

Several members interjected.

The SPEAKER: Order! The member will resume his seat. There are far too many interjections. I call the member for Murray.

Mr SHALDERS: It is perfectly obvious to all members on this side of the House why these allegations have transpired and have been brought forward and why the members who are involved in bringing them forward and in the muck-raking are doing so. They are doing so not out of any altruistic motive, because they have had three years to do it, but right at the last moment to give them a last-ditch stand—not Custer's last stand but the member for Ascot's last stand—which it could well be. I conclude my remarks on that point and I suggest that the Labor Party put its own house in order before it attempts to put this side of the House in order.

Question put and passed.

Bill read a second time.

BILLS (4): RETURNED

1. Local Government Act Amendment Bill (No. 6).
2. Parliamentary Superannuation Act Amendment Bill.
3. Acts Amendment (Judicial Salaries and Pensions) Bill.
4. Industrial Arbitration Act Amendment Bill (No. 3).

Bills returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR O'NEIL (East Melville—(Deputy Premier) [4.52 a.m.]: I move—

That the House at its rising adjourn until 7. p.m. today.

Question put and passed.

House adjourned at 4.53 a.m. (Wednesday).

Legislative Council

Wednesday, the 24th November, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 7.00 p.m., and read prayers.

QUESTIONS (4): ON NOTICE

1. ELECTRICITY SUPPLIES AND GAS

Fixed Charges

The Hon. R. F. CLAUGHTON, to the Minister for Education, representing the Minister for Fuel and Energy:

In respect of the quarterly fixed charges levied on domestic electricity and gas accounts—

(a) when were these charges first levied;

(b) what are the estimated total collections from these charges for the current financial year; and

(c) what is the purpose of the levy?

The Hon. G. C. MacKINNON replied:

(a) Fixed charges were first introduced into the metropolitan area—

for Electricity—1st October, 1963,

for Gas—1st June, 1965;

(b) $3 300 000.

(c) The fixed charge is intended to cover the cost of those items provided by the Commission to make an electricity or gas supply available to the customer.

These costs are the same irrespective of the amount of energy used.

In practice a fixed charge to cover all these costs would be unacceptably high, so that the fixed charges currently used cover only a portion of the total with the remainder being included in the unit energy charge.

2. TECHNICAL EDUCATION

North-west

The Hon. J. C. TOZER, to the Minister for Education:

(1) Is it a fact that the Partridge Report, presented in January, 1976, recommended the establishment, in the near future, of technical schools at Karratha and Port Hedland, to be planned in such a way as to make possible early development into community colleges?

(2) Is it a fact that the Technical and Further Education Commission in its proposal for the triennium, 1977 to 1979, makes no provision for technical schools in the Pilbara other than a small planning allocation in the third year if the top limit of funding is provided?

(3) Will the Minister, in a general comment, reconcile these two apparently conflicting conclusions?

(4) Is the Education Department obliged to marry its capital works programme to the recommendations of TAFE Commission for 1977 and/or the triennium?

(5) Are State funds—over and above those which come from the Commonwealth through TAFEC—utilised for capital works associated with technical education?

(6) In general terms, in what manner does the Minister see the development of technical education in the Pilbara taking form during the next five years?

The Hon. G. C. MacKINNON replied:

(1) and (2) Yes.

(3) The Partridge Report was made to the State Government and the Technical and Further Education Commission report was made to the Commonwealth Government.

(4) No, but discussions are undertaken with TAFEC in order to achieve a mutually agreed programme.

(5) Yes.

(6) At present people undertake TAFE studies by attending a variety of part-time classes conducted in the high schools at Karratha and Hedland, or by external studies offered by the Technical Extension Service of the Technical Education Division. Full-time officers-in-charge have been appointed in both towns and tutors visit the area to assist students in co-ordinating studies.

In view of the current and projected developments in the Pilbara there is an increasing need to extend the educational opportunity for the people in the region by building technical colleges at Hedland and Karratha. To this end a site has been acquired at Karratha and negotiations are in hand for a site in Hedland.

3. ROADS

Southern Cross By-pass

The Hon. R. T. LEESON, to the Minister for Health, representing the Minister for Transport:

(1) Has the Main Roads Department allocated money for the construction of the Orion Street by-pass at Southern Cross?

(2) If so, when is it likely the work will commence?

The Hon. N. E. BAXTER replied:

(1) No. Some investigations and preliminary engineering have been carried out but the construction has a low priority compared with other more urgent works.

(2) Answered by (1).

4. RAILWAYS

Karalee Dam

The Hon. R. T. LEESON, to the Minister for Justice, representing the Minister for Works:

(1) Does the Government intend to repair the flume at the Karalee railway dam?

(2) Does the Government concede that the dam should be repaired either to supplement water supplies or for its historic significance?

The Hon. N. McNEILL replied:

(1) Yes.

(2) Yes, for water supply purposes.

ALUMINA REFINERY (PINJARRA) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 18th November.

THE HON. S. J. DELLAR (Lower North) [7.15 p.m.]: There are two significant points in the variation agreement which should be related to the House. As members are aware the refinery at Pinjarra was established there for various reasons.

I think the original agreement stipulated that within a certain time the company was required to submit proposals for the construction of pipelines to carry oil and/or liquid caustic soda to the company's refineries wherever they were established. Of course the construction proposals were subject to the Minister's approval at the time. It is understood the company has not yet submitted concrete proposals for the construction of the pipelines, but in the meantime it has acquired certain easements over land which belongs to various people and a difficulty regarding the registration of the agreement has arisen.

In some instances the land has changed hands during the process of the easement then negotiated and registered, and to overcome this a new clause 16 of the agreement provides that section 33A of the Public Works Act will be embodied in the agreement. This will enable the easements to be registered as required from time to time. There is also a proviso that the Minister shall issue a certificate with any easements so required to enable them to be registered. This will overcome the problem which has arisen when the company has taken out easements and properties have changed hands and, in some cases, the dominant owner has not been a party to the agreement. For this and other reasons section 33A of the Public Works Act is to be included in the agreement. I think that is perhaps the major amendment in the Bill.

One of the most significant aspects of the alumina refinery at Pinjarra is the utilisation of the Bunbury harbour. Members, particularly those from that area, will realise that certain works have had to be carried out at the Port of Bunbury, involving the Bunbury Port Authority—either as an authority or as a State Government instrumentality—in significant capital expenditure for the dredging of the turning basin and other harbour works.

I am sure most members would be aware that the company has taken a significant interest in this project—and naturally so, because it is part of its programme. The Minister said in his second reading speech that up to this stage the advances made by the company had increased from something like $1.5 million to a total of $6.3 million, and the Minister explained the reasons why the company has been prepared to contribute to the upgrading and deepening of the Bunbury harbour as part of its future planning programme.

There is provision in the amended agreement for increased harbour rates so that the Bunbury Port Authority will not be lacking finance to carry on, and I think the company itself should be complimented on the proposals it has outlined. The Government, of course, has not played a small part in this. It has been what we might call a combined effort by the company and the Government to enable the Pinjarra alumina refinery to continue. We all know the programme at Pinjarra is expanding and with these amendments to the agreement, which will only facilitate the efforts of the company in conjunction with the Government, I hope we will see future expansion of the industry which will be of benefit to all Western Australians and the State as a whole. The Opposition has no objection to the amended agreement.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

IRON ORE (TALLERING PEAK) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 18th November.

THE HON. S. J. DELLAR (Lower North) [7.25 p.m.]: This is the second of a trio of Bills to ratify amendments to agreements between the State and certain companies. In the previous Bill we were talking about caustic soda, fuel oil, and harbour facilities. In this one we are talking about loading facilities, and I think the next one deals with blankets. I do not know whether there is any connection between them.

This Bill is designed to ensure the continued use of the loading facilities at the Port of Geraldton, which were constructed under the Iron Ore (Tallering Peak) Agreement, 1964. As I well know, the Tallering Peak iron ore reserves have

faded out and the facility located at the Port of Geraldton is no longer being used to the maximum, mainly because it is not being used for the export of iron ore. The Bill now before the House to ratify an agreement the Government has already entered into facilitates the use of these facilities by the joint venturers who comprise the Western Mining Corporation Ltd., Australian Hanna Ltd., and Homestake Australia Ltd.

There is provision for the modification of the iron-ore loading facility at the Port of Geraldton for the export and loading of mineral sands, which members would be aware are now being transported from Eneabba and surrounding areas. The Bill also provides for amendment of the agreement relating to the stockpile area at Geraldton. I believe this is a very sensible amendment, where the companies have got together and joined with the Government to agree to a situation where a facility which had been provided under a previous agreement could be utilised by other companies in order to load ships with other commodities.

I do not believe there is any point in labouring the matter. While the iron-ore loading facility at Geraldton was operating at full strength it provided a certain amount of employment in that town for people who would not otherwise have been employed. Some of these people—including an uncle of mine—are no longer employed on that project.

In view of the increase in the export of mineral sands from the Eneabba area, the availability of the loading facility at the Port of Geraldton, and the ready co-operation between the companies concerned and the Government, I might even be inclined to compliment the Government, but I feel this was a natural sequence of events in that the companies concerned got together and the Government agreed to their proposals. They may now use the joint loading facility at Geraldton.

The stockpile area has been modified and in the future, if the need arises, there is no reason why the loading facility cannot be converted back to the purpose for which it was designed; that is, the loading of iron ore.

However, in the meantime I think this is a very sensible agreement and one that I support in the interests of the people who live in the areas to the north and east of Geraldton; and, more particularly, in the interests of the State. With those remarks, we do not oppose the Bill.

The Hon. G. C. MacKinnon: Thank you, Mr Dellar.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

ALBANY WOOLLEN MILLS LTD. AGREEMENT BILL

Second Reading

Debate resumed from the 18th November.

THE HON. S. J. DELLAR (Lower North) [7.33 p.m.]: As distinct from the two previous Bills we have just passed, the Bill before us now seeks to make an Act of Parliament, whereas the other two sought to ratify amendments to agreements.

This is the first time an Act of Parliament has been proposed to ratify an agreement between the State of Western Australia and Albany Woollen Mills Ltd.; and as the title of the Bill indicates, it is for the purpose of further development of the company in a decentralised location, and cognate purposes. I wholeheartedly support the Bill, and I am sure the Hon. Tom Knight will do the same.

First of all, the measure recognises the importance of decentralisation within this State. The conditions imposed in the Bill and the agreement thereto will provide a boost to a small but historic town in Western Australia: Albany.

The Hon. T. Knight: It was the first settlement in Western Australia.

The Hon. S. J. DELLAR: Well, even if it was not the first settlement, it is certainly historic. I was under the impression that someone landed at North-West Cape before people landed at Albany.

The Hon. J. C. Tozer: You are thinking of Dirk Hartog.

The Hon. S. J. DELLAR: I am not thinking of him or of Mr Tozer.

The Hon. G. C. MacKinnon: They certainly landed on the Abrolhos Islands.

The Hon. S. J. DELLAR: Yes, but certainly not with the resounding success of the landing at Albany. I am sure everyone in the Chamber recognises the historic importance of Albany, and the importance to the State of its development. I know that all members who can see beyond their noses will recognise the important role the Albany Woollen Mills have played in the maintenance of employment in the Albany townsite and surrounding areas, and also in the production of a product which Western Australia can be proud of.

Perhaps I could reminisce a little at this stage. I have noticed in this place in the last couple of days that members talk about anything, and I see no reason that I should not do the same.

The Hon. G. C. MacKinnon: Would you like me to give you a few good reasons?

The Hon. S. J. DELLAR: If the Minister gives me one or two interjections, it may spur me on. However, I do not think that is necessary because I am not being provocative.

The Hon. G. C. MacKinnon: You are doing very well.

The Hon. S. J. DELLAR: I am merely supporting Government legislation; and I hope it will not take long for these measures to be passed, because I believe they do not require a great deal of debate as obviously they are the result of negotiations that have already been carried out and decisions that have already been taken. However, I am sick and tired of sitting here all night listening to someone talking about something that does not really matter. Members may say that about what I have to say.

The Hon. G. E. Masters: Of course you should say what you want; that is what you are here for.

The Hon. S. J. DELLAR: Thank you, Mr Masters. I agree with Mr Knight that Albany is an historic part of our State and was the first settlement.

I have changed my mind about digressing. Instead I will again point out that the Albany Woollen Mills have done a great deal to provide employment in the Albany region. I am not aware of the reason the mills were established in Albany in the first place, but I am sure Mr Tom Knight will inform us.

As I understand the situation, the mills rely mostly on raw materials imported from New Zealand, which are processed into carpet yarn and the finished work is then sent to the Eastern States.

The Hon. G. C. MacKinnon: I am looking forward to hearing Mr Wordsworth tell us why we cannot produce the appropriate sort of wool here.

The Hon. S. J. DELLAR: Perhaps the combs are not wide enough.

The Hon. G. C. MacKinnon: I think the sheep are not of the right type.

The Hon. S. J. DELLAR: Without provoking a discussion on the size of shearing combs, I point out this is the first time since the establishment of the Albany Woollen Mills that it has been necessary for a Government to introduce legislation to provide assistance to the firm.

The main reason for this is the factor to which I have already referred; that is, that most of the raw material has to be imported from New Zealand, and then the finished product is sent to the Eastern States. The company has had reservations regarding whether it should carry on its operations at Albany. It decided that if it could not make a profit at Albany it should close the operation and remove it to the Eastern States.

I do not know whether it is the result of initiative on the part of the Government or of the company, but we now have an agreement before us which allows the company to secure borrowings to enable it to extend its Albany installation so that it may continue on a profitable basis.

I would be the first to say that I do not know a great deal about the production of yarn which, incidentally, ends up as carpet. Rather than end up on the carpet myself, I say that I wholeheartedly support the Bill because it is a step any sensible Government should take to ensure a very important decentralised industry in a very important decentralised location is able to continue. I am sure my few remarks have the support of Government members connected with the Albany region.

THE HON. T. KNIGHT (South) [7.42 p.m.]: I sincerely thank the Hon. S. J. Dellar for his support of the Albany Woollen Mills and, indeed, for what he had to say on behalf of the Albany region in general. With respect to his question why the company was set up in Albany, to my knowledge there were several reasons. Firstly, the climatic conditions are suitable for the production of yarn. To enable the wool to be worked properly there must be a certain percentage of moisture in the air, and Albany's climate, which is supposed to be the most temperate in the southern hemisphere, suits this type of industry quite well. Then there is the fact that Albany has a regular work force, and a first-class port and shipping facilities. Albany also is the rail head for the great southern, and that area is the greatest wool-producing area in the State. It produces one of the finest types of wool in Western Australia.

I would say the interest shown by the Government in the promotion of the Albany Woollen Mills at this time is significant with the sesquicentennial celebrations coming up next year.

Mr Dellar said Albany is an historic town. Indeed, it was the first settlement in Western Australia, and there is an old farm in Albany which was the first farm in Western Australia. It is still maintained in its original condition by the National Trust, and is of significant appeal to tourists.

I believe by this move the Government is supporting a successful decentralisation programme. The Albany Woollen Mills have been in Albany for some time.

The Hon. G. C. MacKinnon: How long?

The Hon. I. G. Medcalf: Since 1923.

The Hon. T. KNIGHT: I thank Mr Medcalf. The mills have always been a regular employer of people in the area. I believe at one stage the mills were the major employers in the Albany region.

The situation is such now that when we consider Albany as a regional centre we feel we must pursue our decentralisation policy to such a degree as will give support to the other regional centres. Albany is the first to have this type of support, and the woollen mills are proving the support is worth while.

I believe Government support to the extent of $650 000 in this instance will be well spent in the interests of Albany and the rest of the State. At the moment a survey is being conducted in Albany to consider the establishment of a wool scouring, blending, and yarn spinning works. I hope this eventuates, and I trust the people interested in the survey will take advantage of it and set up the works. This will give us a fully integrated wool-scouring, blending and yarn-spinning complex and provide Albany with a wool exporting centre.

During his address Mr Dellar suggested that perhaps Mr Wordsworth could tell us why we had to get from New Zealand the wool for use in yarn-spinning. This has been a cause of concern to me and I wonder why it has not been investigated and why the farmers have not looked into the possibility of having the sheep that produce this type of wool so as to enable us to have another fully integrated programme with wool produced there and have it blended and yarn-spun for the textile industry we have in the Albany Woollen Mills.

The Hon. G. C. MacKinnon: What is the answer?

The Hon. T. KNIGHT: I think the answer lies in the Department of Agriculture looking into the situation to find out whether it is a better proposition for the farmer to use the type of wool we want rather than concentrate on the fine wool which is no longer being used in the Albany Woollen Mills to the degree it was. If the department can come up with something the farmers will be convinced and will breed and run these types of sheep which I believe will lead to an expansion of the woollen mills and, hopefuily, the setting up of a wool-scouring, blending and yarn-spinning works at Albany. Albany has the wool sales, the port facilities, and the railhead and this will create greater development in the Albany region which is growing at a tremendous rate.

During my lifetime in Albany I can honestly say I have not seen greater productivity than there is in the Albany region at the moment. I believe this is necessary to keep young people in the region, and I believe the establishment and expansion of woollen mills is a step in the right direction. I compliment the Government for the foresight it has shown in supporting this industry, and I have great pleasure in supporting the Bill.

THE HON. D. J. WORDSWORTH (South) [7.51 p.m.]: I rise to support this legislation because it indicates the State Government is willing to put its money where its mouth is.

The Hon. R. F. Claughton: You mean put its foot in its mouth.

The Hon. D. J. WORDSWORTH: No. Here we have a Government which is willing to do something about the matter and not merely talk about it. We have heard people talk about decentralisation from time to time, but they have done little else; but here we see the Government willing to step in and give aid to a company so that it can develop its processing of wool to the further stage of yarn manufacture after which we hope it will reach yet the next stage, which is the weaving of the carpet.

The Government has been strong in its aim to develop Albany as a wool centre; it has been part of its explicit policy for a long time. Albany as a wool centre goes back not only to the time of the woollen mills but during the war the joint wool-selling organisation built a wool store in Albany and after the war it was recommended that it be no longer used for that purpose.

The Australian Wool Board considered there were too many wool-selling centres in Australia and recommended that those at Albany and Portland should be closed down. Mr Alf Buttrose of Elder Smith's was the driving force in maintaining Albany as a wool-selling centre. It has been a great battle but these sales have expanded, and despite the fact that wool is sold by samples at auctions held in Perth, Albany has survived and remained a wool-selling centre. As Mr Knight has said it does lack the next stage which is the actual scouring and wool-top manufacture. The stage after that is making the wool into yarn. The Albany Woollen Mills dyes and makes yarn and weaves certain types of cloth. The company is noted for its blankets, and at one stage it manufactured a lot of serge for uniforms.

During one difficult stage the Government—and I am now talking about the previous Government—made Government orders available to the Albany Woollen Mills for the provision of policemen's uniforms and for uniforms for tram drivers, etc., and it got through the difficult stage as a result of this. The interesting thing is that the company is finding the lucrative side of its business is the manufacture of yarn for carpets. The manufacturing of carpets is a process in itself, and most carpet makers do not manufacture their own yarn. They prefer to purchase the yarn and it has become a good business for the Albany Woollen Mills to buy wool to make into yarn so that it can be sent across to the various carpet-manufacturing companies.

There is one such company in Tasmania and others in the Eastern States. This is a relatively new trade, and I have been interested to see the type of wool that is used; because not only is Albany a wool-selling centre but it is famous for its wool: but it is a fine or blue wool. It is the finest and the best which this State produces. It is not this type of wool with which carpets are made; this type of wool goes into the fine clothing trade. The carpet wool is a coarse wool and the most suitable is that containing black coarse fibres. The woolgrower thinks it is a disgrace to have this type of wool in his flock. Some of the British breeds have these fibres on the breach of the sheep and they are called hairy breached sheep. We do not grow carpet wool in Australia.

The Tasmanian Department of Agriculture, however, did quite a lot of research into the growing of carpet wools in Australia, because there was a factory making carpets in that State and it seemed possible it would become the centre for this industry. So sheep were imported from New Zealand and they were also brought in from various flocks in Tasmania where there are a number of British breeds, one of which is the Romney which has a count of 35 microns, and which occasionally has a sport of 40 microns. These sports are collected for breeding purposes. There are a small number of sheep in Tasmania which produce carpet wools, but unfortunately these sheep produce only half the wool the merino does and accordingly Tasmanians and obviously Western Australians are hesitant to move into this new trade.

The Hon. G. C. MacKinnon: Do they have good lambs?

The Hon. D. J. WORDSWORTH: Yes they are excellent prime lambs.

The Hon. D. K. Dans: How much wool would they use every year for spinning the fibre?

The Hon. D. J. WORDSWORTH: I had difficulty in ascertaining the amounts they use; they seem to keep it a secret. I made inquiries to see why they did not use some of our coarser wools for blending purposes. Wool is bought from New Zealand and England and by the time it gets to Albany they are of course paying more for it than our best wools realise. So I hope the department here will do something which will encourage the growers in Western Australia to develop a carpet wool industry. The sheep in question are easy to keep; they are not struck by blow-flies and they do not have to be cared for as much as the merinos. Perhaps we could see a carpet wool-growing industry develop in the Albany region, and I certainly hope this will be the case.

I wish the company well and I am glad to see it is willing to investigate the possibility of manufacturing carpets in Albany. I hope the Government will do everything in its power to attract a wool-scouring works to Albany. At various times we have received inquiries from overseas in regard to building here. I feel the Department of Development and Decentralisation has been a little weak in its recommendations to the companies which have inquired when providing them with information as to how they can build a wool-scour plant at Northam or in half a dozen other towns in Western Australia. I believe the department should come out strong and say, "Albany is the place in which this Government wants you to build the wool scour; we will find you the industrial land you want and supply you with water to help you in the process." If this is done we will see Albany with a fully integrated wool industry.

I think it is wrong that companies should come here and look around and see there are certain towns in Western Australia connected to the water supply from which they get their water at no capital cost. They then go to Albany and find there is no pipeline and realise the Government has to charge them to connect the pipeline to the particular site.

This has also been the case at the Esperance abattoir. The Government finds the site for the abattoir and then says, "We will charge you an extra third of a million dollars for water connections"; and then it wonders why they will not start. I think the Government in this case should set aside a site at Albany for a wool-scour.

I am happy to see the Albany Development Committee allocated $2 000 for research into the requirements of a wool-scour in Albany. Certain people are being sent to look at the wool-scour in the Eastern States and hopefully they can come back and tell us why Albany has not been able to establish such a works. I wholeheartedly support the Bill.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [8.00 p.m.]: I thank Mr Dellar for pledging the support of the Opposition to the last three industrial development Bills, and for his analysis of them. The Bill before us relates to Albany Woollen Mills Ltd. I was interested in the detailed discussion of the Bill by Mr Wordsworth. I sincerely hope that this will lead to a further development in Albany.

On one occasion I inspected some sheep that were being raised, and the wool that was used in carpet manufacture. At first sight one would be excused for thinking that something which appeared to be the size of an elephant originated in a rope factory; the wool was about that coarse. Anyone who has been brought up to believe that the only good wool produced is from the merino could be excused for giving

the carpet wool scant regard. Nevertheless, if money can be made from the production of this wool the industry should be encouraged to produce it.

The Hon. S. J. Dellar: Mr Wordsworth has said that the producers should be given a guarantee.

The Hon. G. C. MacKINNON: He knows a great deal about this subject. I am pleased that he and other members have supported the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 8A added—

The Hon. CLIVE GRIFFITHS: This is the clause to which I referred in my second reading speech. It seeks to validate certain actions by the Industrial Lands Development Authority and other parties. I have suggested that such actions were invalid, and therefore I am asking members—for the reasons I gave last night—to vote against the clause.

It will be recalled that last night I pointed out, among other things, the peculiar state of affairs that existed. Notwithstanding the fact that we had been advised time and time again that some of the land was already owned by the Government, we saw a notification in the *Government Gazette* of the 21st September, 1973, that that land was being resumed.

I pose these questions: Why was it necessary to resume land which the Government already owned? If the land was to be resumed, from whom was it to be resumed? What was the compensation paid, and to whom was it paid? I would like the Minister to advise us of the circumstances surrounding that action.

The Hon. G. C. MacKINNON: At this stage I would prefer, firstly, to find out what the Opposition intends to do in respect of this clause. I should point out to the Labor Party that with regard to the problems which confronted Mr A. R. G. Hawke when he was Premier of the State, with regard to the Canterbury Court carpark, and with regard to certain mining leases in respect of which there was some mix-up with Hancock, the Labor Party asked the Liberal Party to validate the actions that had been taken; and we did so.

At the time we might have presented a little trouble for a while, but the fact is we did validate the actions that had been taken. On this occasion I am asking the ALP to accept the validating provisions in the Bill which apply to actions taken at the time when the previous Labor Premier (Mr J. T. Tonkin) was in office.

The Hon. S. J. Dellar: Are you asking the Labor Party or the Legislative Council?

The Hon. G. C. MacKINNON: I am asking the Labor Party in the Council and Mr Dellar personally to vote for this clause.

The Hon. S. J. Dellar: This is the first time in five years that you have singled me out.

The Hon. G. C. MacKINNON: I would ask the honourable member to vote for the clause, as I did on two occasions to validate some actions after a mistake had been discovered. I am asking the honourable member to say in effect that his erstwhile leader (Mr J. T. Tonkin) was honest, as everyone is aware—

The Hon. S. J. Dellar: He is.

The Hon. G. C. MacKINNON: —and that he did not commit an offence in doing what he did when he was in government. I am asking the honourable member to say that the two Labor Ministers in charge of the portfolio—I refer to Mr H. E. Graham and Mr A. D. Taylor—did not commit any offence in the actions they took, either morally or legally. I am asking the honourable member on this occasion to do what we in the Liberal Party did on the other two occasions; that is, validate certain actions.

The Hon. R. F. CLAUGHTON: There is little point in the Minister bringing up past events affecting situations which are quite different from the situation with which we are now faced.

The Hon. G. C. MacKinnon: There is no difference. This is also validating legislation.

The Hon. R. F. CLAUGHTON: Of course, the Minister would like to indicate that idea prevails. We have already pointed out that we are opposed to what has been done. In his reply to the second reading debate the Minister did not ask for any assurance.

The Hon. G. C. MacKinnon: We are dealing with the provision now, and I am asking for an assurance.

The Hon. R. F. CLAUGHTON: The Minister had the opportunity to speak in these terms when he replied to the second reading debate. I do not know what has happened in the interim to change the line adopted by the Minister.

When Mrs Vaughan spoke in the second reading debate she stated it was our belief that an inquiry should be held into what had taken place. In his reply to the debate the Minister did not make reference to that aspect. I think it is reasonable to expect him to give some indication along these lines.

Quite clearly, from the information that has been presented to this Chamber, there is cause for serious concern about the manner in which the deals took place. I think I am reasonable in assuming the people concerned were not treated fairly.

At this stage I do not feel I can give the assurance sought by the Minister. We are all aware that the actions in question took place under three different Governments, but we also know that the report of the Honorary Royal Commission on the Perth corridor plan drew attention to the actions that were then being taken by the bureaucracy. I refer to dealings of which Parliament was not made aware, and which the Honorary Royal Commission criticised in the strongest terms.

We believed that ILDA was, in fact, acting illegally; and by so doing it prevented the people concerned from receiving fair compensation for their land and placed them in an extremely difficult situation. That has been illustrated in the cases brought forward by Mr Clive Griffiths, where the people concerned were not able to obtain replacement land on the compensation they received.

We will be much happier in giving the assurance sought by the Minister if he is prepared to agree to these transactions being reviewed, and where injustices have been inflicted on people to recompense them. That is not an unreasonable stand to take, and I hope the Minister will give an assurance along those lines.

The Hon. G. C. MacKINNON: I am shocked and horrified at the response of the Hon. R. F. Claughton. I can understand the Hon. Grace Vaughan, and I can understand the Hon. Clive Griffiths because of the areas they represent. However, I find the situation of the Hon. Roy Claughton to be incomprehensible.

The Hon. Ron Leeson, who represents a mining area, has been here long enough to recall how we validated mining legislation. The Hon. Claude Stubbs has been here long enough to remember validating legislation which was passed at the request of the Hon. J. T. Tonkin. The Hon. Lyla Elliott would know about that legislation, and although the Hon. Don Cooley was not here at the time, surely the Hon. Des Dans has told him about it. Surely the Hon. Stan Dellar knows about it.

The Hon. N. E. Baxter: It was in his area of the Pilbara.

The Hon. S. J. Dellar: That shows just how much the Government Minister knows. He does not know anything; it was not in my area.

The Hon. G. C. MacKINNON: That is right. Last night I said I was prepared to accept an inquiry because of the imputations of dishonesty. On that occasion the Hon. R. F. Claughton said, "Nonsense", but tonight he is talking about dishonesty and implies that the former Ministers, the Hon. H. E. Graham and the Hon. Don Taylor were party to it. I do not believe that; there has been nothing dishonest about it. Nobody was robbed.

It is all very well for the Hon. Grace Vaughan and the Hon. Clive Griffiths to do research in their areas while wearing blinkers. I accept that they had a preconceived idea before they did their research. For instance, one of the so-called "comfortable houses" which was described to us last night was condemned by the local authority and an order put on it the day after the Government acquired it. That is how comfortable it was.

The Hon. S. J. Dellar: It depends on how comfortable one wants to be.

The Hon. G. C. MacKINNON: That is right. What horrifies me about the whole set-up is not what has been said by the Hon. Clive Griffiths or the Hon. Grace Vaughan—I understand their attitude; but what does horrify me is the attitude of the Labor Party with regard to this deal. On several occasions since I have been in this place, with a blatant majority, we have received requests from two revered leaders of the Labor Party in the Hon. A. R. G. Hawke and the Hon. J. T. Tonkin asking us to validate certain acts, and we agreed to those requests.

I will give an example. When the multistoried car park was constructed at Canterbury Court, the first major construction was carried out by a contractor named Doust—I think it was. That was during approximately 1960-61. In order to get out of some financial difficulty—and it was some time ago and I have not done any research on this matter—the builder approached the Prudential Insurance Company for finance. The finance was to be guaranteed under the Industries Assistance Act. The lawyers of the insurance company would not accept the proposal unless Parliament validated what had been done to make sure there was no illegality. The insurance company wanted the situation to be absolutely crystal clear before it would lend the money. All companies—including the Swan Brewery—borrow money for major contractual arrangements.

On that occasion the Hon. A. R. G. Hawke asked the present Premier—at that time Mr Charles Court—if he would move to validate the actions taken when Mr Hawke was the Premier. The present Premier agreed, but when the measure

reached this place, the Hon. Keith Watson and I said, "No, we will not agree." Who pleaded the case for Mr Hawke? It was the then Mr Charles Court. If members want any verification of what I have said they need only ask the present President in this Chamber and I have no doubt he will back up what I have said.

The Hon. S. J. Dellar: Did he plead the case in this Chamber; that is what I want to clarify?

The Hon. G. C. MacKINNON: No, of course not. He pleaded the case with the Hon. Keith Watson and me. We agreed to go along with the request, and the situation was validated. That was the fair and honest thing to do, but it now seems that members opposite want to welch on this deal.

It has to be borne in mind that the Swan Brewery thought it had a clear title to the area of land on which it is now constructing its new premises. I have no doubt whatsoever that company has borrowed money, and if that deal is not validated what will happen to those people who lent money to the Swan Brewery in the belief that it had a clear title? They will have every right to ring up Mr Lloyd Zampatti and complain. The reputation of Mr Zampatti and the future of his shareholders is at stake, and if the Opposition is not prepared to validate what has occurred in the purchase of that land, and the project does not go ahead, the jobs which will be lost will be on the heads of members opposite.

There has been no illegal or immoral action on the part of Sir Charles Court, the Hon. H. E. Graham, the Hon. Don Taylor, or the Hon. Andrew Mensaros in their roles as Ministers.

I can quote the Hon. H. E. Graham who stated in the Press, when asked whether there was anything wrong, that nothing wrong had been done. He said it was the responsibility of the authority to buy land as cheaply as it could on behalf of the taxpayers of this State.

Mr Wordsworth tonight spoke about the possibility of land being purchased for the establishment of a business in Albany.

The Hon. D. J. Wordsworth: There is no land available on which to start an industry.

The Hon. G. C. MacKINNON: That is right, so the land will have to be purchased.

There is nothing sinister in the resumptions which have occurred. The position was quite simple. The Rural and Industries Bank did not disclose its interests in the land acquistions because it preferred not to. It was decided the resumptions would not make any difference to anybody. It was decided at the same time to include other land in their resumption, again in order to simplify the transactions.

There was nothing sinister and nothing improper in the transactions which makes it all the more a mystery to me why the ALP should turn its back on the Hon. H. E. Graham and the Hon. Don Taylor, and not assist in the ratification of the actions which have occurred.

The Hon. GRACE VAUGHAN: We have heard a very extraordinary change of tone from the Minister this evening when compared with what he said during his second reading speech. What he said in his second reading speech was almost lighthearted. His speech was full of euphemisms whereas I was talking about principles. His only concern is pragmatics. The Minister wants to bring up old history and cast aspersions.

In my second reading speech I said it was acceptable that certain things should be done, with respect to validation. Because of practicalities, it might be necessary to validate actions at a later date. We have had that situation previously in this Chamber, with regard to a child welfare Bill which amended the Act to validate interpretations not set out in the legislation.

Fair enough. We are all quite happy to validate things we are satisfied with as we do not then feel we are letting down the people of Western Australia. The accusation made by the Minister for Education that the Hon. Clive Griffiths and I are concerned only with votes in our electorate was a pretty mean one, and it is unworthy of the Minister. The greatest insult which anyone can make about members of this place is to say that their integrity and sincerity are in doubt. Certainly members are interested in a particular area if it lies within their electorate.

The Hon. G. C. MacKinnon: Of course they are expected to go to bat for their electorate.

The Hon. GRACE VAUGHAN: We did not put our heads together about this matter. There was an understanding; Mr Griffiths had certain documentation and I was to talk about the principle. The Minister as usual is not interested in principle; he is interested only in the pragmatics of the matter. It is pretty poor when he stands up here to tell us that we must do something because it happened in the past, and he then brings up certain information and he casts aspersions by innuendo on certain members of the Australian Labor Party when that party was in Government.

I can only repeat what I said in my second reading speech: There is so much doubt and suspicion about this matter that we should most certainly consider it seriously, and perhaps we should not immediately validate the actions of the Industrial Lands Development Authority.

This is an extremely serious matter and I cannot place too much emphasis on the fact that there needs to be a clearing of the air. There is plenty of documented evidence to show that things are not as they should have been, and certainly there is a great deal of suspicion and doubt.

The Hon. G. C. MacKinnon: Only in your mind.

The Hon. GRACE VAUGHAN: If the Minister thinks this is only in my mind, he has not only got tunnel vision, but he also has tunnel thinking.

The Hon. G. C. MacKinnon: Predominantly in your mind.

The Hon. GRACE VAUGHAN: What is more, the tunnel has a dead end.

I ask the Minister again to withdraw the Bill and to set up an investigation, but not an obvious white-wash investigation. The terms of reference must be satisfactory to all parties. The matter should then be brought back here for validation.

If the matter were not so serious, if there were only a vague doubt about some illegality, and if the Swan Brewery were so concerned that they are waiting with trepidation to know what will happen about the Bill—and I doubt very much indeed that the brewery is concerned—there may be some reason to agree to it. However, why do we have this rush? Why was the legislation brought here in the last days of the session when the pressure is upon us?

I inform the Minister that we will vote against this clause and we will certainly not drop our principles in this regard. The Minister was satisfied on previous occasions when there had been a mistake made and legislation was implemented in a way which could be queried but nevertheless should be pardoned, but we are not satisfied about it this time. As responsible members of this Chamber, we could not possibly vote for the clause.

The Hon. G. C. MacKINNON: I was not the least bit satisfied about the deal that A. R. G. Hawke made with Doust; it was a terrible thing to do. I thought that Mr Hawke used an Act and used it knowingly and incorrectly at the time. However, it was a matter of principle. He was an ex-Premier and people were on a hook. Doust would have been broke and it would have been the end of that company for all time. If members do not believe me, they should ask Doust.

The Hon. D. K. Dans: I'll bet the insurance companies that put the money up were sorry that they had put it up.

The Hon. G. C. MacKINNON: I thought we were silly to give way. I love all this talk about principles. I was not convinced that A. R. G. Hawke had done the right thing, not nearly as convinced as I am about the matter before us.

Mrs Vaughan referred to a whitewash job and I want to say a word in defence of Mr Ken Townsing.

The Hon. Grace Vaughan: It was not in reference to Mr Townsing but rather to the terms of reference.

The Hon. G. C. MacKINNON: He conducted the inquiry—if this was a whitewash job it was carried out by him.

The Hon. Grace Vaughan: Oh no.

The Hon. G. C. MacKINNON: It is a great pity that Mr Thompson is not here at the moment, as he was a Minister in the Tonkin Government. He could tell members the type of man Mr Townsing is, and certainly he would tell us that he would not carry out a whitewash job.

The Hon. C. R. ABBEY: I am concerned about the attitude of the Minister in regard to this clause. The Hon. Clive Griffiths asked a reasonably simple question.

The Hon. G. C. MacKinnon: Which I answered.

The Hon. C. R. ABBEY: The Minister answered this question at the end of a discussion on the deficiencies of the Labor Party—a discussion we did not want to hear. I am sorry the Minister has adopted this attitude because he puts himself at some risk of losing the Bill for that exact reason.

I have listened to this debate very carefully because I feel concerned about the matter. In his last remarks about Mr Clive Griffiths' comments the Minister just about satisfied me, but I wish he would stick to the subject matter of the clause and clear that up, so that we may all be clear in our own minds about the situation. The Minister has made me hostile in regard to the whole question. I feel that perhaps there is good reason for the question. So I ask the Minister to clarify the situation. Let us have a discussion on the question raised by Mr Clive Griffiths and then we can reach a fair and just decision.

The Hon. CLIVE GRIFFITHS: I intended to say that during the brief moments of his 10-minute speech during which the Minister actually spoke to the clause he indicated the reason that the Government resumed land that it already owned. Unfortunately the Minister had this written down and I do not. I want him to listen to this.

The Hon. G. C. MacKinnon: I will repeat it for you.

The Hon. CLIVE GRIFFITHS: I will tell him later what I want him to repeat. As I understand it, the R. & I. Bank land—that is, the land purchased by nominees—was resumed because at that stage the bank did not want it known that it was involved in the transaction. I understand that is fundamentally what the Minister said. He then went on to say that as far as the land owned by Canning Land and Minerals was concerned, it was felt this

was a tidy way to do business because the rest of the land in a particular deal had been purchased already.

The Hon. G. C. MacKinnon: The last of the nominee purchases.

The Hon. CLIVE GRIFFITHS: I did not hear the Minister say that this was the last of the nominee purchases. There were only two lots—one owned by the R & I Bank and the other owned by Canning Land and Minerals.

The Hon. G. C. MacKinnon: These were the last of them.

The Hon. CLIVE GRIFFITHS: These were the last two on the land acquisition notice published in the *Government Gazette*.

The Hon. G. C. MacKinnon: I suppose that is it.

The Hon. CLIVE GRIFFITHS: Well, it was all of them; it was certainly the last of them as I understand it. I cannot follow why the R. & I. Bank, at that stage, would be particularly disturbed one way or the other about it. This was the end of the deal. We know about it now. Why did the bank not want it known on the 1st September, 1973? I find it difficult to understand why the bank was so sensitive in September, 1973, because at that stage notices to resume all the private land had been published and no-one was left out. No-one would feel that someone other than the Government was buying the land because the notices to resume all the private land were published in the *Government Gazette*, a copy of which I had here last night.

The Hon. G. C. MacKinnon: But there were other deals going on subsequent to that.

The Hon. CLIVE GRIFFITHS: I do not know that there were, because this land was the total land shown in the plan that I had here last night. The explanation is a most unsatisfactory one. I want to make it perfectly clear that I do not have any desire to stop the Canning Vale industrial plan proceeding. It is not my desire to stop the development planned by the brewery. I have no argument about that; indeed, in the circumstances, I think it is a pretty good scheme. However, none of that is involved in my particular argument. The scheme would have been applauded by everyone including the landowners, if the landowners had been treated justly. I do not want to jeopardise the scheme.

I find another statement made by the Minister fairly extraordinary. He told us that there were no actual illegal carryings-on, and that the validating clause is really just to tidy things up and to put the transactions beyond all doubt. He said that on the one hand, but on the other hand tonight he said that the project is in jeopardy because the Swan Brewery cannot get a clear title to the land. Why is this so?

The Hon. G. C. MacKinnon: Did I say that?

The Hon. CLIVE GRIFFITHS: Words to that effect.

The Hon. G. C. MacKinnon: No, I didn't.

The Hon. CLIVE GRIFFITHS: I am suggesting the Minister said something along those lines.

The Hon. G. C. MacKinnon: Read it tomorrow.

The Hon. R. F. Claughton: That was the impression we got.

The Hon. CLIVE GRIFFITHS: The Minister said something to the effect that the Swan Brewery is not in a situation to obtain clear title at the moment.

The Hon. A. A. Lewis: Would you build on land if there was any doubt that you could obtain clear title to it?

The Hon. CLIVE GRIFFITHS: Not on your life, and that is why I find it extraordinary that the brewery did so.

The Hon. G. C. MacKinnon: Because the brewery people have had clear title to the land.

The Hon. Grace Vaughan: They do have clear title.

The Hon. CLIVE GRIFFITHS: The brewery would not be a party to the situation, if it did not believe it had a title. That is why I find it difficult to understand what the Minister said a while ago. Surely the brewery would not be making that sort of blunder.

The Hon. A. A. Lewis: Blunders have been made before.

The Hon. CLIVE GRIFFITHS: Why is this Canning Vale improvement plan No. 7? Where are the other six improvement plans? I have represented the area for a long time, and I have never heard of the other six plans. Perhaps this is an exercise on which somebody could embark.

The Hon. G. C. MacKinnon: What is the number of the current plan for West Perth?

The Hon. CLIVE GRIFFITHS: I do not have the slightest idea. The Minister gave an unsatisfactory answer in regard to the reason the Government had to resume land it allegedly already owned. On the document to which I referred, relating to land acquisition or land compulsorily taken from those remaining landholders—apart from the nominees—as was gazetted on the 20th December, 1974, and certified on one of the documents, the Governor's signature is missing. Has the Minister discovered that?

The Hon. G. C. MacKinnon: Let us deal with one thing at a time.

The Hon. CLIVE GRIFFITHS: Last night when I raised this matter, I mentioned the document had been signed by the Minister for Town Planning (Mr Rushton); this is recorded in *Hansard*. In addition, somebody had printed in the initials of J. M. Ramsay on one of the two documents and on the other document Mr Rushton's signature appears as the actual signature, and the signature of the Lieutenant-Governor (J. M. Ramsay) appeared. I was staggered to read in *The West Australian* this morning the report that I had said the signature of Mr Mensaros was on the document. The newspaper report also mixed up the land belonging to Mr Baile with every other case I mentioned. Any resemblance to what I said last night and the story which appeared in the newspaper this morning was purely coincidental.

The Hon. G. C. MacKinnon: Do you want me to answer for *The West Australian* as well?

The Hon. CLIVE GRIFFITHS: No, I do not; I merely wish to place on record once again that it was Mr Rushton's name on the document. However, the Lieutenant-Governor's signature was absent. Why would it be considered his signature was not necessary, when the law says that it is?

The Hon. G. C. MacKINNON: I do not know whether the law says that it is necessary. However, the following explanation may be of value—

Canning Vale Land

> One of the alleged irregularities in connection with the acquisition of the above was that the Lieut.-Governor failed to sign one of the plans accompanying the Executive Council Minute for the compulsory acquisition of the land under the Canning Vale Improvement Plan No. 7.
>
> In fact, the Lieut.-Governor signed one of the plans attached to the Minute, but did not sign the other.
>
> Public Works Department obtained Crown Law advice last week that it was not necessary for the Governor or Lieut.-Governor to sign either of the plans. This advice was confirmed again today.
>
> The Governor needs to sign only the Minute—not the attachments.
>
> In view of the statements made in Parliament about this point, I felt you should be aware of the true position.

This is a minute from the person who is normally secretary to Executive Council. Does that satisfy Mr Clive Griffiths?

The Hon. Clive Griffiths: I will tell you in a minute.

The Hon. G. C. MacKINNON: The other matter to which I wish to refer relates to the other query raised by Mr Clive Griffiths. All I can say is that on the information I have been given—and I can vouch for the integrity of the person who supplied me with the information—that is the situation as it stands. I have never had my word doubted before, and I do not think Mr Clive Griffiths is really serious about it now.

The Hon. Clive Griffiths: In regard to what?

The Hon. G. C. MacKINNON: In regard to the previous information I gave the honourable member. Quite simply the R & I Bank at that time preferred not to disclose its interests in the land acquisition.

The Hon. Clive Griffiths: I did not doubt your integrity; I did not say I doubted you.

The Hon. G. C. MacKINNON: In the other matter, I used the example of what happened in the construction of the multi-storied carpark by Dousts. The building went up and suddenly this hard-headed businessman found when it came to the crunch he could not pay his creditors. Yet the honourable member asks, "Would the brewery be in such a situation?" I do not know. It did not think it was, and that is when we moved to validate the matter.

The Hon. CLIVE GRIFFITHS: I take exception to the Minister reading into what I said that I was doubting his integrity.

The Hon. G. C. MacKinnon: I am sorry, I thought you were.

The Hon. CLIVE GRIFFITHS: He is one person in this Parliament whose integrity I would not doubt, even though he is prepared to insult me with reckless abandon.

The Hon. G. C. MacKinnon: Never!

The Hon. CLIVE GRIFFITHS: The Minister insulted me a while ago when he said the only reason I raised this matter was that I found it necessary to make some noise because the area happened to be in my electorate. That is an absolutely insulting comment; the Minister knows it is untrue, and I expect him to apologise when he next stands.

If there is one thing which should be beyond doubt in the Minister's mind and in the minds of other members it is that I do not derive a lot of joy and satisfaction from standing in the Parliament and having a fight with my colleagues in the Government. I have not had an easy couple of weeks in preparing the case I have put before this Chamber in an endeavour to protect the interests of the people I represent. I take the Minister's comment as a personal insult and I expect him tc apologise.

The Minister has the advantage over me in that he has had a ruling suggesting the Governor's signature is not required on those documents. I am not a

lawyer and therefore am not in a position to argue the point with him. My study of the matter indicated quite clearly to me that his signature was required.

However, what the Minister did say was that the Governor's signature would be required only on a minute. It so happens I have a photocopy of a minute paper for the Executive Council, which reads as follows—

> I recommend His Excellency the Governor in Council be advised under the provisions of subsection (2) of Section 37A of the Metropolitan Region Town Planning Scheme Act, 1959 to accept the recommendation of the Metropolitan Region Planning Authority (which recommendation has been accepted by the Minister for Town Planning under subsection (1) of the above section) for the acquisition of the land described in the Certificate signed and sealed by the Chairman of the Metropolitan Region Planning Authority on the 6th day of December, 1972, and order that the land be dealt with and used in accordance with Improvement Plan No. 7 so signed and sealed on that date, which accompanies the recommendation.
>
> This is the Exhibit marked with the letter "E" and referred to in the Affidavit of HEDLEY RICHARD PHILIP DAVID Sworn the 16th day of June 1976. Before me:

It then has a signature. The minute continues—

> R. DAVIES,
> Minister for Town Planning.
>
> Approved by His Excellency in Council and entered on the Minutes of the Executive Council accordingly.

I take that to be one of the minutes of the Executive Council about which the Minister was talking. I find it strange there is no signature of the Governor on that document.

The Hon. G. C. MacKinnon: That would not be expected to have a signature.

The Hon. CLIVE GRIFFITHS: Perhaps the Minister can advise me as to whether or not that is the document he was referring to when he said that the Executive Council minute for the compulsory acquisition of land under the Canning Vale improvement plan No. 7 was the only document on which the Governor's signature needed to be placed.

The Hon. G. C. MacKINNON: Let us deal with one matter at a time. If the honourable member is very upset at what I said, of course I apologise to him. I did not really see my remark as anything like an insult. I expect any member to go in to bat for his electors.

The Hon. Grace Vaughan: I hope you are including me.

The Hon. G. C. MacKINNON: Yes, I am. The minute referred to by Mr Clive Griffiths is signed by the Clerk of the Executive Council. A number of copies are made, one of which goes into the Executive Council. The Minister actually signs one copy and initials another in the column. Mr Stubbs would have done this on numerous occasions. The copy which is initialled is signed by the Premier and that copy is initialled by the Governor, or whoever presides at the Executive Council meeting. There are a number of other copies. If the honourable member photocopied such a document which was on my file, he would find it contained neither my signature nor the signature of the Premier or the Governor. It would have the initial of the officer who had sent it forward for ratification.

There are other items which go forward which are in fact signed in full by the Governor. That particular document would have a copy somewhere which would be signed by the Minister. Another copy would be initialled by the Minister and signed by the Premier, and also initialled by the Governor. It is quite a long and tedious job. The Premier must check them all.

The Hon. CLIVE GRIFFITHS: I am not in a position to know about that which the Minister has mentioned in regard to that document but I presume it is the document that he said it was necessary for the Governor to sign.

The Hon. G. C. MacKinnon: He would have signed one of those.

The Hon. CLIVE GRIFFITHS: This happens to be the one he did not sign?

The Hon. G. C. MacKinnon: If you want to check it I can do so.

The Hon. CLIVE GRIFFITHS: It does not matter. Last night I said that there was a Land Titles Office plan No. 11448 on which there is a stamp saying that it was in order for dealing on the 5th February, 1976, subject to the issue of a Crown grant. I indicated that because it wanted to protect its interests in the land the Swan Brewery had taken out a caveat which indicated that a contract of sale dated the 20th January, 1976, had been made between the Industrial Lands Development Authority, as the vendors, and the caveator, as the purchaser on the other part. Last night I asked the Minister whether he could explain to me and to the Chamber how ILDA was able to enter into a contract on the 20th January for a piece of land which the Land Titles Office said was not in order for dealing until the 5th February, 1976, and was subject to the issue of the Crown grant—of which I have a copy—which on the 16th May, 1976, still indicated the land was owned by the Metropolitan Region Planning Authority and was not owned b'

ILDA. Surely it is unlawful for ILDA to enter into a contract with regard to land which in fact it did not own.

The Hon. G. C. MacKINNON: I am advised that ILDA sold the land under contract of sale dated the 20th January, 1976, described in the recital to the contract as land to which the authority is registered or entitled to be registered as the proprietor in fee simple. The land not in the authority's name at that stage had all been resumed and had to be transferred under improvement plan procedures. The Town Planning Board had, on the 6th January, 1976, approved the plan of survey of the area and the contract was made subject to a condition that there be due registration of the plan in the Land Titles Office on the 1st February, 1976, or such later date agreed, the term "due registration" to mean that the plan be endorsed as in order for dealing.

This is a perfectly normal practice in selling land under contract of sale. I see nothing wrong with it. From my limited knowledge of land dealings it is commonplace, when people buy things and have to sell something else to buy them, for there to be all sorts of terms and conditions.

The Hon. R. F. CLAUGHTON: It is at least some reward for our efforts in this debate that we are at last getting some clarification—

The Hon. G. C. MacKinnon: You have not got any clarification because you have not asked for any. Mr Clive Griffiths is getting it. Your getting it is purely accidental.

The Hon. R. F. CLAUGHTON: We also sit in this Chamber.

The Hon. G. C. MacKinnon: Jolly good. It is purely accidental because you have not asked for any.

The Hon. R. F. CLAUGHTON: We also asked for clarification and I have listened very carefully to the debate which has taken place up to this stage. If the Minister had listened carefully, which I am not always sure he does, he would have heard the manner in which Mrs Vaughan and Mr Clive Griffiths agreed to deal with the debate. So the Minister's remark is quite unwarranted and mischievous and I think it is rather unfortunate that the Minister has been demanding assurances from the Opposition about this matter.

The Hon. G. C. MacKinnon: We are entitled to them.

The Hon. R. F. CLAUGHTON: The Minister is not entitled to that at all.

The Hon. G. C. MacKinnon: Of course we are.

The Hon. R. F. CLAUGHTON: The Minister is no more entitled to that than the Parliament is entitled to an explanation of the allegations that have been raised about the manner in which these dealings took place.

The Hon. G. C. MacKinnon: I thought you would be grateful for the help you got in the past.

The Hon. R. F. CLAUGHTON: I would think that the people of Western Australia are entitled to more of the sort of explanations that the Minister is slowly giving about the allegations and no-one should feel obliged in any way to be grateful for them. It is not a question of feeling grateful; it is a question of seeing that the business of the State is conducted in a reasonable and sensible way.

We have asked that an inquiry into these matters be undertaken. This is the first time in the debate in both Chambers that the public have even begun to get a reasonable sort of explanation about the way the dealings have been undertaken, and I think this explanation is rather belated.

The Hon. G. C. MacKinnon: It could be that Mr Clive Griffiths is the first one to ask the right question.

The Hon. R. F. CLAUGHTON: Questions were asked, nonetheless. If we had all asked the same questions we would have been accused of tedious repetition. It should not be necessary to ask questions more than once. When the Minister was speaking earlier I thought he was rehearsing the performance he was putting on prior to retirement to the stage. He would know that if all the members of the Labor Party in this Chamber voted against this clause the clause would not be defeated because we are outnumbered two to one.

The Hon. G. C. MacKinnon: If you voted for it, it would be helpful.

The Hon. R. F. CLAUGHTON: But if we voted against it we could not defeat it. That seems to indicate to me the Government has not been able to convince its own members about this legislation because otherwise the Minister would not request those assurances from the Opposition.

Mrs Vaughan has already said twice that we are not opposed to the principle of validation. We are aware of what has happened in the past and for good reason it is necessary that these things should be done. But in this case, because of all the questions that have been raised about the procedures adopted and in the interests of obtaining justice for those concerned, we believe there should be an inquiry in an effort to ensure that the people concerned receive justice if they had not done so previously. That remains our position and I cannot guarantee what other members on this side would do if the matter went to a vote. I hope it is not necessary for that to be done.

At the drop of a hat the Government held an inquiry about some mythical allegations about profiteering but there

was nothing in the Press reports about those allegations. But the Government appears to be reluctant to undertake an inquiry into the further evidence that appeared in the Press and which was dealt with in this Parliament and in which there appears to be real substance. All we have asked is that the Government give that sort of undertaking. I think we are perfectly entitled to do that. It is the sort of debating method that has been adopted by Mr MacKinnon and his colleagues when in Opposition. I well remember the trials we went through in this Chamber in the period of the Tonkin Government when members opposite demanded that certain things be done before legislation went through. We do not have the numbers to test the Government in that way. We are not asking for this for ourselves but for the individuals who believe they have suffered considerable injustice in the recompense they have received for their land. I do not think it is unreasonable for us to ask for that and I would have appreciated the Minister saying, "Yes, we believe in the case that has been presented that sort of inquiry should be undertaken."

The Hon. GRACE VAUGHAN: I advised the Minister by way of interjection that I have been informed that the brewery does have clear title to this land. I think the Minister has drawn a red herring over the path of the requests for another inquiry and I am sorry that he chooses to turn any criticism that I have of this whitewash on to the person who conducted the investigation. I did not do that. I believe the terms of reference given to Mr Townsing precluded him from examining the sorts of documents which were to be presented.

The Hon. G. C. MacKinnon: I thought it was advisable to make it absolutely clear that you were not accusing Mr Townsing.

The Hon. GRACE VAUGHAN: The Minister is saying now that it must be Mr Townsing's fault that he could not examine certain documents that were put before him. The Minister said it was Mr Townsing's idea to deny certain people who came before him.

The Hon. G. C. MacKinnon: I did not say that at all.

The Hon. GRACE VAUGHAN: I do not think the Minister knows what he is saying. We are asking for an inquiry which will clear the air. This validation should not be passed, in all conscience, by members of this Chamber until we have such clarification.

Another matter which the Minister brought up as an argument as to why people out there were not badly done by was to say that at least one of the cottages had been condemned the next day. My information—I do not know whether Mr Clive Griffiths also has this information —is that the reason for this is that as it is a semi-rural area with no nearby neighbours to watch property, there was a likelihood of people squatting in these places and, therefore, the council, on request, put an order on the houses.

The Hon. G. C. MacKinnon: Tell me under what section of the Local Government Act they can do that?

The Hon. GRACE VAUGHAN: This is what we are talking about. Under certain conditions things are done which are practical.

The Hon. G. C. MacKinnon: The Government would not take any notice if it were not done legally.

The Hon. GRACE VAUGHAN: The condition of the house to which he is referring may not have been as bad as is indicated by his statement that it was condemned the next day. In any case whether or not is was condemned does not matter. Not everyone lives under the same conditions and standards and possesses a palace. However, a person's home is his palace and it is a matter of principle. To raise a matter like that and make it sound as though it does not matter what happens to them because the houses were to be condemned the next day, is a poor argument.

The Hon. G. C. MacKINNON: Because there was such a twisting of what I said I simply must comment. What has been said bears little or no relationship to what I stated. I am aware that people live in different sorts of houses and that Mr Bond is building a $1 million house and mine does not cost that much. I am not quite sure what it is members are trying to prove. The house was condemned the next day on the basis that it was unfit for human habitation according to the health authority. The Government could have moved it, but it had a demolition order placed on it. Surely the Government knows the Act and knows whether or not the action is correct. The Government accepted that it was a proper thing to be done. There is no way in which I am suggesting it does not matter what happens to these people. Nothing could be further from the truth and I thought I ought to make that clear.

The Hon. CLIVE GRIFFITHS: The explanations that the Minister is giving clearly indicate that what he is suggesting is that there have been no invalid acts.

The Hon. G. C. MacKinnon: I don't know that, do I?

The Hon. CLIVE GRIFFITHS: He has certainly explained that these acts were not invalid; that they were perfectly normal. It was quite normal to sell the land on the 20th January when the Land Titles Office said it could not be dealt with until the 5th February. The Minister said that the fact that the Government resumed its own land was purely a machinery measure because the R & I Bank was

a little sensitive about it being known that it was involved at the time, and therefore that was a perfectly valid act.

I am wondering what we are validating. Why do we have the clause? There must have been something which was invalid or the clause would not have been included.

The Hon. G. C. MacKINNON: What I am saying is there were no invalid acts by intent. I thought I made that perfectly clear last night. I said that for an act to be illegal there had to be intent and that to the best of anyone's knowledge the Act allowed people to do what was done and that therefore nothing improper was done.

A moment ago Mr Clive Griffiths said that I said nothing invalid had been done. I said I was not absolutely sure about that because no-one is sure until a decision has been made in a court of law. Everyone who was a party to all these transactions believed that everything was perfectly legal, or it would have reached a court of law.

The Hon. Clive Griffiths: Someone did take it to a court of law.

The Hon. G. C. MacKINNON: He did not. He issued writs.

The Hon. Clive Griffiths: He was going to.

The Hon. G. C. MacKINNON: The writs were settled out of court so a determination was not made in a court.

This is not the first time this action has been taken and I was growled at because I took the Opposition to task because we supported it twice and it has been asked to support us only once in exactly the same situation.

A doubt has been cast upon the piece of legislation and the validation clause is to remove that doubt. It is possible that if action were taken before a court the judge would rule the Act would stand up and that everything which can be done has been done legally and properly. The people acted in the belief that what they were doing was legal and proper and therefore I submit nothing illegal or improper was done.

Some lawyers have expressed the opinion that the actions may not have been legal. Consequently this Bill has been introduced to validate the actions and make it absolutely clear that what everyone believed to be proper and legal was in fact proper and legal.

The Hon. CLIVE GRIFFITHS: The whole basis of my discussion last night was that there is reason to believe that illegal acts were performed. The Minister has said that because there was no intent to defraud the particular activities were not illegal. I can tell him that many people have paid the penalty for an offence they have committed when they were ignorant of the fact that they were committing an offence. Many people, convicted under those circumstances, would like to believe that the particular philosophy the Minister just espoused was the correct one; that is, that ignorance of the law is a defence. We all know that is not so. However, that is only by the way.

The Hon. G. C. MacKinnon: I think you ought to let me answer that.

The Hon. CLIVE GRIFFITHS: Very well.

The Hon. G. C. MacKINNON: We should talk about the particular situation involved and not bounce off on to something else. What is being said is that because someone has now claimed that it is not possible to purchase land but only to repossess or resume it, then all the things which were done previously are illegal. I am saying that at the time they were done everyone believed it was possible to purchase as well as to resume.

The Hon. Clive Griffiths: Who is everyone?

The Hon. G. C. MacKINNON: All those who had dealings in this regard.

The Hon. J. C. Tozer: Members of the authority, and me.

The Hon. G. C. MacKINNON: That is so. All those who sold their land believed it could be done. Under those circumstances, whether a judge says so or not, no-one can say anything was done illegally. That was the sense in which I made the statement.

The Hon. C. R. ABBEY: The Minister has given what I now consider to be a reasonable answer to the question quite properly asked by Mr Clive Griffiths. On a number of occasions, because of administrative carelessness or misconception, things which have been done have had to be corrected and always the Government of the day has had to make the correction. The Minister has quite reasonably answered the question. He has explained the intention of the clause and I believe we can now support it.

The Hon. G. C. MacKINNON: I thank Mr Abbey, and I am sorry I upset him when I attacked the Labor Party. I was upset because on several occasions I had helped its leader, but I was being deserted by the same party.

It should be known that to the best of my knowledge ILDA comprises Mr Bob Mickle and a couple of typists. Maybe I have a very high regard for him because he is a Bunbury boy.

The Hon. D. K. Dans: That is a pretty flimsy ground.

The Hon. J. C. Tozer: That is the staff, not the membership.

The Hon. G. C. MacKINNON: That is quite right. Yesterday there was some comment about bureaucrats and so on. It

was only this morning that I found out that the staff comprised that little group and Mr Mickle has made all the arrangements. I think it possible that Mr Ferry and Mr Tozer would know the Mickle family.

I wanted to mention this because of the talk of bureaucrats. My understanding is that Mr Mickle did all the negotiations. Thank you, Mr Abbey.

The Hon. D. K. DANS: I want to make one or two comments. First of all I want to assure the Committee that the Opposition under no circumstances is suggesting that Mr Ken Townsing did a whitewash.

The Hon. G. C. MacKinnon: Thank you very much.

The Hon. D. K. DANS: I want to place that on the record.

The Hon. G. C. MacKinnon: I am glad you did because I was not sure that was your meaning.

The Hon. S. J. Dellar: We might say the Government did, but not him.

The Hon. D. K. DANS: Mr Townsing carried out an inquiry within the terms of reference given to him and that is all he had to do. The Opposition is not saying it will not support the validation; it is merely indicating that it believes the validation should be conditional on another inquiry being carried out with wider terms of reference.

I do not intend to labour the point because I have not followed the Canning Vale situation closely enough. However, it does appear to me there is some public disquiet.

The Hon. R. F. Claughton: To say the least.

The Hon. D. K. DANS: A newspaper called the *Southern Focus* made some allegations and printed certain stories which were followed up by other newspapers. Not only in the interests of the present Government, but also in the interests of sound and sensible government, I suggest that some consideration should be given to a wider inquiry. I have read what Mr H. E. Graham has said. It is possible that a wider inquiry would provide the answer the Minister has given tonight, but such an inquiry would reassure the people that nothing shoofty had taken place.

Let me repeat, we are not saying we do not support the validation but we are suggesting what we should be doing is making it conditional upon a further inquiry with wider terms of reference. I have already spoken about Mr Townsing and I hope I have made it clear that we have said nothing which would impinge on his character or integrity.

The Hon. G. C. MacKinnon: I appreciate that.

The Hon. R. H. C. STUBBS: I am going to support the Government on this. If a division is taken I will vote with the Government. I have listened to the arguments and I think the Government has put up the best argument. I also think there is ample precedent. This has happened previously and it happened under the Labor Government. Mr Graham, Mr Taylor, and I did this very thing. In view of that, I am going to vote with the Government.

The Hon. CLIVE GRIFFITHS: I made it perfectly clear in my opening comments during my second reading speech last night that I was completely dissociating myself from any suggestion of impropriety on the part of any person.

The Hon. V. J. Ferry: You made it quite clear.

The Hon. CLIVE GRIFFITHS: Absolutely clear. My comment included Mr Mickle whom I have met and with whom I have had some dealings over this matter. Never did it occur to me to suggest Mr Mickle had performed any acts which were questionable in any way whatsoever, so if the Minister had any inclination to think I intended to suggest that, I want to put the record straight.

I go on to say all these matters we have talked about tonight and last night were based upon one very important principle. The reason it took me so long to explain it last night was that I took the case of one particular landowner as an illustration to members that one of the people who believed he was being treated unfairly took the course which was open to him of issuing writs out of the Supreme Court in an attempt to protect his interests and ensure that he would receive justice. That particular person received the treatment I mentioned.

He did not pursue the court case. He withdrew the writs and the caveat he had over the land because the Government had decided to settle with him out of court and increase his compensation by something like 300 per cent. I suggested that must have occurred for one of two reasons; firstly, that the valuing officers had made a mistake in the three previous offers they made to him and had finally come to the conclusion that those offers were unfair and inadequate, and they increased the offer by 300 per cent in order to make it a reasonable offer; or, secondly, it was considered by the Government or the department that perhaps the writs would have succeeded and therefore on the claim he had submitted—which was considerably more than the $65 000 he subsequently accepted—the Government could have been up for this higher amount had he succeeded.

This particular individual accepted the offer of $65 000 because at about the same time his credit at the bank was cut off. I

do not know why. As I have already explained, he had difficulty convincing his bank in the two or three years during which his title was taken away because he had no security to continue with the overdraft facilities. It happened that at the time the bank said, "That is the end of the line", the Government increased its offer by 300 per cent and settled out of court.

The point I make is he took out the writs and his justification for doing so was that the resumptions and the plan were invalid. Of course, we will never know until there is a court case what the court would have ruled. I am saying if we validate the actions and put the situation beyond all doubt those other people who are aggrieved will have taken away from them the basis for taking out similar writs which would give them an opportunity to seek a better deal through the courts. They might not succeed—I do not know—but if we validate the actions there are no grounds on which they can take court proceedings. There will be nothing left for them.

That is the point of it all, and all these particular actions I have pointed to as being perhaps illegal are only some of the things that occurred. A multitude of similar things happened which it would take too long to detail. I submit there were sufficient grounds for the Supreme Court writs to be taken out and for this Bill to contain a validating clause to ensure absolutely that the actions were legal. There was no other basis for what I said.

I am a realist. I can see the way the situation is going now and there is nothing further I can do. I have appealed to members of the Committee in the interests of leaving open to other people an avenue which could well have been the avenue by which Mr Baile had his compensation increased to a far more justifiable figure than he would have got had he not taken out the writs.

The Hon. G. C. MacKINNON: I think two or three things need to be said before the debate concludes. One of these points arose last night when I mentioned the matter had been aired in the House. Mr Clive Griffiths said he had aired it and I suggested he had not said it very loudly. I think it should be clarified, in case it is brought up in any way, that I know Mr Clive Griffiths aired the matter with Mr Mensaros and Mr Mickle, but in fact it had not been brought up in this Chamber.

The Hon. Clive Griffiths: I mentioned the fact that the people in Canning Vale were dissatisfied, but not the detail.

The Hon. G. C. MacKINNON: I would like also to express my appreciation to Mr Dans for clarifying what I believe had not been clarified, and to Mr Stubbs. It is the second time I have had reason to admire him. He knows about the other occasion and this occasion, and perhaps that is as much as I should say about that.

I would like to comment on Mr Baile's case. Mr Baile issued writs and he was advised the action would be defended. Crown Law thought there was a very good chance of winning the case, but said nevertheless it would be a long, complicated, and expensive exercise. Mr Baile originally sought over $300 000 and at that figure it was worth doing something about it. Crown Law thought the prospects of success were good enough to pursue it under those circumstances. Mr Baile subsequently authorised a settlement at $116 500. The final settlement at $65 000 was negotiated with Mr Baile by Mr Beeson, I understand, and Mr Baile has expressed himself as being perfectly content.

The Hon. Clive Griffiths: I did not say he wasn't.

The Hon. G. C. MacKINNON: When Mr Baile came back to that figure, in the light of advice by Crown Law as to the probable costs of defending the action even though it might have been a winning situation, the strong recommendation was that the matter be settled out of court. I think that is a perfectly reasonable and valid situation under all the circumstances.

Clause put and a division called for.

The DEPUTY CHAIRMAN (the Hon. Lyla Elliott): Before the tellers tell, I give my vote with the Noes.

Division taken with the following result—

Ayes—19

Hon. C. R. Abbey	Hon. M. McAleer
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. H. W. Gayfer	Hon. J. C. Tozer
Hon. J. Heitman	Hon. R. J. L. Williams
Hon. T. Knight	Hon. W. R. Withers
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Ferry
Hon. G. E. Masters	*(Teller)*

Noes—7

Hon. R. F. Claughton	Hon. Clive Griffiths
Hon. D. W. Cooley	Hon. Grace Vaughan
Hon. D. K. Dans	Hon. R. T. Leeson
Hon. Lyla Elliott	*(Teller)*

Pair

Aye	No
Hon. T. O. Perry	Hon. R. Thompson

Clause thus passed.

Title—

The Hon. R. F. CLAUGHTON: In view of what has taken place, I must comment that it was with a great deal of reluctance that we voted against the clause. Our action must be judged in the light of the Minister's refusal to give an assurance that an inquiry such as has been asked for would be undertaken. We are not opposed to the validation clause, but we voted against it reluctantly because we would prefer to see justice accorded to the property owners concerned.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

COAL MINES REGULATION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.51 p.m.]: I move—

That the Bill be now read a second time.

Approximately 66 per cent of the total coal production at Collie is won by open-cut methods but, as the Coal Mines Regulation Act is oriented to underground mining, it has become necessary to give consideration to officials employed on open-cut operations, and to the board of examiners constituted under this Act.

The proposals contained in this Bill have been discussed with management and the unions, and general agreement has been reached, the exception being on the question of practical experience in open-cut coalmining not being required of an applicant for the issue in reciprocity of the open-cut mine manager's certificate of competency.

The amendments therefore relate primarily to certificates of competency and the board of examiners, while consequential and minor amendments are also included.

Three certificates of competency are provided under the Act these being—

(i) the first-class certificate of competency;

(ii) the second-class certificate of competency; and

(iii) the third-class certificate of competency.

These certificates are for managers, undermanagers and deputies, respectively, and so it is proposed that the names of the certificates be amended as follows to make them more indicative of their respective purposes—

(i) the first-class mine manager's certificate of competency;

(ii) the second-class mine manager's certificate of competency; and

(iii) the third-class or deputy's certificate of competency.

To qualify for the issue of any one of these certificates, an applicant must have had previous experience in underground coalmining.

However, there are men in the industry well experienced in open-cut mining, but who are unable to progress to supervisory and managerial positions because they have little or no underground experience, and therefore cannot qualify for the necessary certificates of competency.

To accommodate such personnel, it is proposed in the Bill to introduce the following two new certificates—

(i) the open-cut mine manager's certificate of competency; and

(ii) the deputy's (open cut) certificate of competency.

The two new certificates will be issued on a lesser standard than the corresponding existing certificates but, whereas the existing certificates have application to both underground and open-cut operations, the application of the new certificates will be restricted to open cutting.

The Bill provides for the qualifications and practical experience on which the respective certificates will be issued, and also the duties and responsibilities of persons being appointed to positions appropriate to the respective certificates.

With the question of safety in mind, the Bill also provides that senior officials shall be relieved during their absence, on leave or due to sickness, by persons holding a certificate that is appropriate to the position involved.

Currently, a superintendent of a group of mines may be appointed only if he is the holder of the first-class certificate. It is proposed that this provision be extended to include the holder of the new open-cut mine manager's certificate, if the mines to which he is being appointed are restricted to open-cut operations.

While on the subject of certificates, it is necessary to consider the issue of certificates in reciprocity to applicants holding certificates issued by other authorities.

The Act empowers the board of examiners to issue certificates in reciprocity when it is satisfied that the certificate on which reciprocity is claimed is equivalent in all respects to the certificate applied for.

This implies that, *inter alia*, the applicant must have had practical experience appropriate for the issue of the particular certificate under ordinary circumstances, but one exception is proposed.

The exception is in respect of the new open-cut mine manager's certificate of competency. It is to be provided that under the normal issue of the certificate an applicant will be required to have had at least three years' practical experience in open-cut coalmines, or at least two years if he is the holder of a degree or diploma in engineering; but when the certificate is being issued in reciprocity, this is not to be required.

The reason for this is that open cutting involves much the same engineering principles, irrespective of whether it be on a coalmine or any other type of operation, and, therefore, it is considered that if an applicant is sufficiently experienced in open cutting generally, it is not essential for him to have had the three years' experience in an open-cut coalmine and so it is being provided that it will suffice if the applicant has had at least 12 months' experience in such mining operations.

Turning now to the board of examiners, at present the Act provides that the board shall be constituted by three members appointed by the Governor.

It has been almost traditional that the three persons appointed are those for the time being occupying the positions of Chief Coal Mining Engineer, Senior Departmental Inspector, and Director, Geological Survey.

However, it is considered industry should be represented on the board and so, in the Bill, it is being proposed that the board shall comprise—

(i) the State Coal Mining Engineer (Chairman);

(ii) the Senior Departmental Inspector; and

(iii) a person holding a first-class mine manager's certificate of competency appointed by the Minister on the nomination of the association of colliery management;

and when the board is assessing the experience qualification of a candidate—

(iv) a person appointed by the Minister on the joint nomination of the Collie Combined Mining Unions' Council and the Australian Collieries Staff Association, Western Australian Branch.

The proposals include particulars relating to the board; for example, that it may approve or refuse the issue of a certificate that members may appoint deputies, what will constitute a quorum, the chairman to have a casting vote, etc., and also rules for the conduct of examinations.

Consequential to the proposals I have mentioned, it has been necessary to include new definitions and amend others.

Several other matters are dealt with in the Bill. It is proposed to clarify the position with regard to first-aid requirements, and to this end the Bill provides that it shall be a condition precedent to the issue of any certificate of competency that the applicant shall have an appropriate certificate in first aid.

The right to vote at an election of a workmen's inspector is to be extended to all workers, by removing the present bar which prevents unnaturalised workers from participating.

General penalties are to be increased to be more in keeping with present-day money values.

The Bill also provides for an increase in contributions by mineworkers to the Coal Mines Accident Relief Fund.

These increases are from 15c to 30c per fortnight for adult workers and from 8c to 15c for junior workers.

The Collie Combined Mining Unions' Council has agreed to the increases at the suggestion of the Coal Mines Accident Relief Fund Trust to help meet the increasing number of claims on the fund.

An additional amendment to this particular section of the Act is to enable the audit of the accident relief fund to be made on a 12-monthly, rather than a six-monthly, basis; the reason being that the State Audit Department is to take over this work and its officers visit Collie only on an annual basis and the audit does not warrant special visits being made.

Advantage is also being taken of this opportunity to include other minor amendments to the Act; and I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

LIQUOR ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos. 1 to 5 made by the Council and had disagreed to amendment No. 6 now considered.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

The CHAIRMAN: Amendment No. 6 made by the Council, to which the Assembly has disagreed is as follows—

No. 6.

New Clause.

Page 4, line 4—To insert after clause 6 a new clause to stand as clause 7 as follows—

Section 24 amended.

7. Section 24 of the principal Act is amended by deleting the passage "beer, in sealed containers, in quantities not exceeding 1.5 litres to any one person" in lines 6 to 8 of paragraph (a) of subsection (2) and substituting the words "liquor in sealed containers".

The Assembly's reasons for disagreeing to the Council's amendment are as follows—

(1) That the proposal to allow unlimited sales of liquor in containers on Sundays formed no part of the Bill as introduced.

(2) That amendments to extend the sale of liquor in containers on Sunday had been moved, debated

and defeated in the Legislative Assembly prior to the Bill having proceeded to the Legislative Council.

(3) That Legislative Council's amendment No. 6 under consideration was introduced as a new clause rather than as an amendment to the Bill as transmitted from the Legislative Assembly to the Legislative Council.

The Hon. N. McNEILL: Perhaps I should explain the procedures with which this Chamber may be involved. This is probably the first occasion in this Parliament on which a situation like this has arisen; therefore it may be of benefit to members to be given an explanation of the procedures so that they may have a proper understanding of the circumstances and consequences that may result from our consideration of the Assembly's message.

The message from the Assembly indicates that it is not prepared to agree to amendment No. 6 made by the Council which seeks to insert new clause 7. I need not remind members about the circumstances, because it would involve a discussion on the clause which has already occupied a considerable time.

I refer to the reasons given by the Assembly for disagreeing with Council's amendment No. 6. The first reason of the Assembly is that the proposal to allow unlimited sales of liquor in containers on Sundays formed no part of the Bill as introduced.

The Hon. S. J. Dellar: In 1976.

The Hon. N. McNEILL: That is an unnecessary interjection. The second reason given by the Assembly is also correct, and it is not for us to reflect upon the decision of the Assembly. It did have the opportunity to debate this matter, and with a certain result.

The third reason of the Assembly implies that it is not appropriate that the new clause should be considered, and that has been advanced as a reason for rejecting the Council's amendment.

It will be recalled that when the Leader of the Opposition moved his amendment he indicated that he felt there was some doubt as to whether the amendment was in order. I accepted his observation, and replied that I did not intend to challenge it by seeking a ruling. However, there is a view that amendment No. 6 might have been ruled out of order.

I indicated I was prepared to see that amendment debated, despite the fact that it sought to insert a new clause and was therefore additional to the provision in this Bill. Likewise, it dealt with a matter which had been the subject of decision by the Assembly.

I now come to the procedures that can be adopted. Under Standing Order 290 when the Assembly disagrees with an amendment made by the Council, irrespective of whether or not the amendment is in order, certain options are available to us.

The Council may make a decision not to insist on its amendment in the light of further consideration and the reasons advanced by the Assembly. By the same token we can take the other courses and insist on our amendment. In the event of that happening a message would be sent to the Assembly indicating that the amendment be insisted upon. Without doubt the consequence would be a request for a conference of managers. In the term of this Parliament we have not been faced with such a situation, or of experiencing the holding of a conference of managers.

The Hon. S. J. Dellar: It happened before that. I remember a conference of managers taking place after I became a member.

The Hon. N. McNEILL: I have taken part in no less than three conferences of managers, and the results of such conferences were varied.

It is important that we take into account the accepted view that in a managers' conference the decision arrived at is binding after it has been reported to both Chambers. However, in making a decision the conference managers could agree or disagree to the subject matter, or they could amend it and so provide some other compromise solution to the matter of conflict between the two Chambers.

It has always been our understanding that when a conference of managers fails to agree, the Bill may be lost; and we should take this into account. I am putting forward these comments for no other reason than to give members the opportunity of understanding the circumstances and the consequences of their consideration of the Assembly's message.

In view of the situation that arose in this Chamber and in the Assembly during the initial consideration of the Bill, and more particularly during the most recent consideration of the Council's amendment last night by the Assembly this Committee should not insist upon Council's amendment No. 6.

The merits or otherwise of this amendment have been well and truly canvassed. I do not think there is any need for more to be said either for or against the proposition. It is true to say that the matter appears to be of such little consequence that we should seriously consider whether we should place the Bill at risk.

Sometimes conference managers remain set in their views and no determination is reached We are all aware that some members hold very strong opinions on the extension of the trading in liquor on Sundays. In view of the fact that consideration

of the Liquor Act Amendment Bill has been before this Parliament since the first week of the session, and a great deal of time has been devoted to its consideration, the Committee might not be inclined to discuss the merits of the legislation, but might be prepared to address themselves to the proposition before us. For the reasons I have stated, I move—

> That amendment No. 6 made by the Council be not insisted on.

The Hon. D. K. DANS: I agree with some of the comments of the Minister for Justice, that it would serve no useful purpose to debate all the merits of how we arrived at our decisions with regard to this amendment. However, it does bring up certain matters which are very important with regard to the role of this Chamber. This is one of those situations on which we stand or fall.

I would like to know where the pressure comes from to make this amendment illegal. I am opposing the proposition that the amendment be not insisted on. I am aware that the Minister for Justice suggested that perhaps my amendment might not be in order. In actual fact, it was a new clause and I suppose that one could get a dozen different legal opinions on the matter. However, I have been informed that the move in this place was quite in order. The new clause was accepted by this Committee, and it went through all the normal and correct processes.

What the other place is really saying is that this Chamber, being a House of Review, is not carrying out its work in a correct and proper manner, and that it did something illegal. In other words, it seems we have no standing at all in a situation such as that now before us. At page 3456 of *Hansard* the Minister for Justice had the following to say—

> In moving his amendment Mr Dans raised a query as to whether the new clause was in order. I do not contest the point, because I think it is quite appropriate for the matter to be discussed. It will be recalled that the Bill for which I was responsible, and which was introduced in another place, included a provision in clause 7 which was not agreed to.

I am grateful to the Minister for Justice for raising that matter. There is no argument with what he said. The Minister continued—

> I am far more interested in the substance of the argument that has been advanced. I say clearly and categorically that I am opposed to the new clause. I agree with the comments of Mr Clive Griffiths, . . .

One could not be more explicit than that, and the Minister has not changed his stand tonight. However, if we are to accept the reasons given by the other place, then surely let us assume they may not be correct. The reasons provided by the other place for its refusal to accept the new clause were as follows—

(1) That the proposal to allow unlimited sales of liquor in containers on Sundays formed no part of the Bill as introduced.

(2) That amendments to extend the sale of liquor in containers on Sunday had been moved, debated and defeated in the Legislative Assembly prior to the Bill having proceeded to the Legislative Council.

(3) That Legislative Council's amendment No. 6 under consideration was introduced as a new clause rather than as an amendment to the Bill as transmitted from the Legislative Assembly to the Legislative Council.

If that opinion is right, all the debate we carried out was in vain and, in fact, a waste of time.

I will insist that our amendment stand. We know the powers of the Legislative Council. I am sure that if there had been something wrong, in the form of a technicality, it would have been picked up in this place by people with legal backgrounds —eminent legal backgrounds—and objections certainly would have been raised.

The new clause was moved by way of amendment, which appeared on the notice paper. If we accept the reasons given by the Legislative Assembly we should never really have debated the matter in this place.

I have noted the remarks of the Minister for Justice that we may lose the Bill, and I accept those remarks in the spirit, in which they were spoken. I realise the danger, and I realise there was no threat in what the Minister said. However, the only provision of any substance was the new clause added in this place.

The Hon. N. McNeill: I could not agree with that.

The Hon. D. K. DANS: Perhaps not. If this Bill is lost we will also lose the provision to extend the term of the chairman, and perhaps that is of some substance. However, as far as the public is concerned the new clause is a substantial part of the Bill.

I ask those members who gave very careful consideration to the insertion of the new clause to support my move to insist on the amendment.

The Hon. G. E. MASTERS: I am extremely disappointed to see this Bill back in our laps once again. A long debate occurred in this place 12 months ago, and the Bill, on that occasion, disappeared. We now have another Bill before us very similar to the last one, with some additional alterations to the Act included. The

new clause added in this place is commendable, but I do not necessarily agree with Mr Dans that the new clause was the most important part of the Bill.

The Hon. D. K. Dans: It is a matter of opinion.

The Hon. G. E. MASTERS: The clause to increase penalties was also commendable. The new clause added in this place was to permit the unlimited sale of beer, wine, and spirits in containers on Sundays during trading hours. The Minister did not challenge whether or not the insertion of the new clause was in order, but we did support the new clause and it went to the other place.

It is unfortunate that we must recognise that this Bill, which supposedly is not a political Bill, has been subject to political pressures from both sides. It is also unfortunate that when this amendment was debated in another place last night the people who were expected to be there to support it were not present.

The Hon. S. J. Dellar: You cannot reflect on that vote.

The Hon. R. F. Claughton: You are talking about members of your party; Liberal Party members.

The Hon. G. E. MASTERS: The honourable member knows perfectly well whom I am talking about; I do not need to explain. The opposition to this proposal in the other place was quite strong, and I think the vote was 20:11.

I have the impression that we are treated like a rubber stamp in this place, which I resent. I am very sorry that members in another place did not do their job last night.

The Hon. R. F. Claughton: You choose to reflect on your own members.

The Hon. G. E. MASTERS: If the honourable member wants to be more specific, a number of members were not present in the other House last night.

The Hon. S. J. Dellar: This Chamber is not full either tonight.

The Hon. G. E. MASTERS: It seems to me that a compromise will not be acceptable. The amendment involves a simple question of whether or not unlimited sales of liquor in containers are to be permitted during trading hours on Sundays. As far as I am concerned, there will not be a compromise. Rather than risk losing the Bill, and some of the very good provisions in it, I do not think there is very much point in opposing the proposal put forward by the Minister.

At times I wonder why we are here when something like this happens. We are supporting a law which has become a farce—nothing more nor less. It is making an ass of the law. The public are abusing the law as it stands. Anyone can buy unlimited quantities of beer on a Sunday. It is unbelievable in this day and age people can show such a biased and old-fashioned attitude to this issue. The wine industry—including the section in the area I represent—deserves better consideration than it has received at the hands of the Legislative Assembly and some members of the Committee.

As I said, I propose to support the Minister, reluctantly, and with some bitterness. I do so because I do not see any point in holding up the business of the Chamber. I do not believe there can be a compromise and the best course to follow is to pass the Bill now and then next year or next session perhaps I may introduce a private member's Bill to try to achieve what the majority of this Committee desires. I do not want a half-way measure. If we attempt to reach a compromise we will not succeed in achieving anything. I say with a great deal of sorrow that I will have to support our Minister.

The Hon. D. W. COOLEY: I am sorry that Mr Masters has caved in so easily after having been a strong advocate for this amendment. I feel sorry for him in regard to his concern about the sale of liquor other than beer. If we go along with our leader's suggestion, what he is really saying—

The Hon. A. A Lewis: I thought that your leader put his case pretty well.

The Hon. D. W. COOLEY: What is the point of that?

The Hon. A. A. Lewis: You were just going to explain it to us.

The Hon. D. W. COOLEY: I did not intend to explain it, I said I would go along with what our leader said. I do not believe we should drop the Bill altogether but my leader suggested we should endeavour to reach a compromise and we should at least call a Conference of Managers in accordance with Standing Orders. At least out of such a conference we may inject a little sanity into the present arrangement.

The Hon. G. E. Masters: Do you think there is any point in reaching a compromise?

The Hon. D. W. COOLEY: If we agree to a conference we may be able to provide that beer may be sold in unlimited quantities on a Sunday but not other liquor.

The Hon. G. E. Masters: I would not go along with that for one second. That is just the point I made; it is either all or nothing.

The Hon. D. W. COOLEY: I am not worried about what the honourable member will go along with, I am talking to the Committee now.

When we passed the amendment moved by Mr Dans, this Chamber was lauded in the Press, and in particular, the six so-called rebels who crossed the floor to vote with the Opposition. A leading article in

The West Australian said that these members showed good sense. However, the article did not mention the good sense of Opposition members.

We all know now that anyone can buy any quantity of bottled beer on a Sunday and that the law is being broken. Surely we should correct that situation. It may be that other liquor also is sold on Sundays, although I doubt that licensees would be prepared to put their licences at risk in this way. Surely through a Conference of Managers we could talk to Assembly members. We could reach a compromise, and those of us who come back next year may be able to bring about the reform that Mr Masters is so anxious to see. For goodness sake do not let us go away tonight letting such a stupid arrangement continue. If we do not endeavour to press the amendment, we will become a laughing stock to the general public.

The Hon. D. J. Wordsworth: Were you always in favour of the sale of bottles?

The Hon. D. W. COOLEY: Yes, I voted with the Government last year on this very question. I was not always in favour of other liquor being readily available on Sundays, but I changed my mind at the time that the Government changed its policy. My stand was well known—it should be all or nothing. I said I thought it would be better if no liquor were available at all on Sundays, but we ought at least to bring some degree of sanity into the present law so that it can be enforced properly.

At the present time the law is being broken in many ways. We are shutting our eyes to gambling, prostitution, and other crimes. Surely if we can make it legal for people to buy unlimited bottles of beer on a Sunday, we ought to do so. If we agree with the Minister's suggestion, we will come in for a great deal of public criticism.

The Hon. V. J. FERRY: I wish to refer to reason (2) in the message from the Legislative Assembly to this Chamber. It reads—

> That amendments to extend the sale of liquor in containers on Sunday had been moved, debated and defeated in the Legislative Assembly prior to the Bill having proceeded to the Legislative Council.

I wish to draw the attention of members of the Committee to what is commonly referred to as the bible of parliamentary practice. On page 517 of the 18th edition of Erskine May's *Parliamentary Practice* the author refers specifically to new clauses. From my reading of his pronouncement, it is abundantly clear that the view of the Assembly is correct. In paragraph (2) on that page, Erskine May says that an amendment is inadmissible if it is substantially the same as the clause previously negatived.

This clause has been negatived.

The Hon. S. J. Dellar: Does it say in which Chamber?

The Hon. D. K. Dans: That is not correct, you know.

The Hon. V. J. FERRY: A new clause to be included in this Bill has been negatived in this Parliament.

The Hon. D. K. Dans: I think you should read a bit more into it than that. We were fully aware of the statement when the amendment was moved.

The Hon. V. J. FERRY: I am quoting from—

The Hon. D. K. Dans: I know what you are quoting. You must think I am a bit of a dunce if I came here without checking on this.

The Hon. V. J. FERRY: I believe Erskine May is an authority on parliamentary practice.

The Hon. S. J. Dellar: It is a wonder the Minister allowed it in the first place then.

The CHAIRMAN: Order!

The Hon. V. J. FERRY: I would like to again draw the attention of the Committee to the reason conveyed to us by the Legislative Assembly. The fact is that this clause was debated and defeated and from my reading of Erskine May it is quite clear that such a new clause is inadmissible. I refer that paragraph to members of the Committee for their consideration.

The Hon. W. R. WITHERS: Firstly I would like to say that if the Committee accepts the interpretation of reason (2) we are wasting our time, and if that is the case, I do not think the Legislative Council should exist.

The Hon. D. K. Dans: Be careful!

The Hon. W. R. WITHERS: Of course I do not believe that to be the case, because I am a supporter of the Legislative Council.

Secondly, I do not consider that Mr Cooley's suggestion should be accepted. I say, and I have said previously, that we should either have no Sunday liquor sales or Sunday liquor sales across the board. We should have none of the half-way nonsense which we have to put up with at the moment.

The Hon. G. E. Masters: Hear, hear!

The Hon. W. R. WITHERS: To save tedious repetition, I will simply say again that I will agree to the proposition that we have no liquor sales on a Sunday and I will agree with equal conviction to the proposition that we should have liquor sales across the board. However, I will not accept a half-way proposition.

The Hon. M. McALEER: I think the attack Mr Dans made on the reasons given by the Legislative Assembly was one which must appeal to all of us who take

a pride in our Chamber. However, I think it is overstating the matter to say that it would bring the power of this Chamber into question.

The Hon. D. K. Dans: On this occasion.

The Hon. M. McALEER: On this occasion. We all know that we can insist on our amendment and we can take it to a Conference of Managers. What we really must decide is whether we want to do this —do we want to risk reaching a stalemate with the Bill?

I voted against this particular new clause, but I am not unsympathetic to the liberalising of licensing laws. However, I do not believe this is a matter to be fought out in a Conference of Managers, as Mr Cooley suggested. This is something to which we should address ourselves on another day, and possibly as soon as we can. Therefore, I will support the Minister.

The Hon. D. K. DANS: The way the debate is going it is obvious to me that a conference is out.

The Hon. D. W. Cooley: No, the whips are out.

The Hon. D. K. DANS: I am fully aware that a conference could possibly produce a compromise and it would not necessarily mean the loss of the Bill. However, on this question I state unequivocally that I stand with Gordon Masters. I would not be prepared to attend this conference and to accept a compromise that would put us back into the situation we were in last year—and I am speaking on hearsay, of course—that the law would be amended to permit unlimited sales of bottled beer, but the sale of other liquor would be out.

I am really on my feet to reply to Mr Ferry's comments. I know he jumped up and referred to Erskine May, but had he been interested in some research when this Bill was before us on an earlier occasion, he could have referred us to Erskine May then.

The CHAIRMAN: You could have too.

The Hon. D. K. DANS: Quite true, Mr Chairman, but that is not the question I am debating. I had read it but I, and other people, do not agree that it applies to the present situation. He could have saved us all that trouble.

I simply do not think the reasons advanced by the Legislative Assembly for rejecting our amendment are correct. I believe the Committee in that place had to provide some reasons, and this was all it could come up with. I do not intend to stand and speak again on this matter because I do not believe in wasting the time of the Committee. What worries me is that this Parliament consistently is countenancing the public breaking the law. It appears to me from my reading of the legislation that a person may buy two bottles of beer on a Sunday.

The Hon. S. J. Dellar: At a time.

The Hon. D. K. DANS: No, it does not specify that it shall be two bottles at a time or at each session. In other words, if a person travels from waterhole to waterhole, buying two bottles of beer at each he is committing an offence against the law. However, what really happens is that the publicans in hotels and the people in clubs have given the law up as a bad joke and have said, "If you want 'X' bottles, you can have them." This is not good enough. It would have been preferable if the Legislative Assembly had done something else, and sent another amendment back here. I am fast coming to the opinion expressed by Mr Cooley and others that if there is to be opposition to opening hotels and clubs on Sundays, let us close them altogether.

It has often been said that the temptor is worse than the thief. Those people who leave money and other valuables lying about tempt people to take them. When we allow a law to operate which is not being enforced we are only countenancing the breaking of that law; people will break the law and, in fact, are breaking it. As an aside, I would hope as a result of this debate tonight members of our Police Force do not get over-vigorous and start apprehending people for this offence.

If there are valid reasons for rejecting our amendment—not the reasons advanced by the Legislative Assembly—and some pressure has been exerted by outside people who have a vested interest, we should know because that is what Parliament is all about. If one of the reasons is that somehow or other the buying of more than two bottles on a Sunday adds to the road toll, or that we do not want people getting into fights at large hotels on Sundays, perhaps it would be better if we shut the hotels and simply opened the bottle shops for, say, two hours each Sunday. We would then be getting ourselves into an awful tangle, and looking very stupid to the public.

I do not want to confuse the issue by comparing it with legal gambling versus illegal gambling. How can we honestly say to people, particularly our young folk, "Thou shall not offend against the law" when we countenance the breaking of the two-bottle limit on Sundays?

The Parliament of Western Australia had a very good opportunity on this occasion to take a forward step. I am not a libertine when it comes to the suggestion of opening hotels for 24 hours a day. Growing up to a sensible approach to drinking is a gradual and slow process. I do not deny we have gone a long way along the track towards that goal. But suddenly, for some unaccountable reason, we have come to a full stop, and I am bewildered.

This is only a small matter, but if it is compounded by the inability of our parliamentary system to deal with a number of small matters, the people, many of whom are starting to lose faith in the Parliament, will get even more disillusioned as time goes by. We are not dealing with valid reasons but with some kind of fear of facing up to the obvious. We are backing away from the issue, and I simply do not know why.

Mr Chairman, to say I am bitterly disappointed would be an understatement. It would appear that we have simply wasted our time in this Chamber. Members have made very good contributions, only to have the amendment rejected out of hand by the Legislative Assembly. Let us not fall back on the airy-fairy claim that this is a House of Review. I take the point of the Hon. Miss McAleer; she always makes a sound contribution to the debate. There is provision to go along to a conference.

However, those provisions contained in the Standing Orders relating to the resolving of deadlocks would make no difference to the situation. This is a Bill which is supposed to be debated on nonparty lines, but even then I believe it would be a waste of time to go along to such a conference. I appreciate the comment of Mr Gordon Masters, who said that voting at such a conference would follow the lines which have already been drawn. Irrespective of who was out of the Chamber last night in the other place, it would not make any difference. So do not let us kid one another; pressure is coming from somewhere, and I would like to know from where. I repeat that I am bitterly disappointed, because there are no politics involved in this exercise. It is simply a matter of common sense.

The Hon. T. KNIGHT: I am also bitterly disappointed at the situation facing this Chamber tonight; I am also concerned at the standing of this Chamber in the eyes of the public in the light of what has happened. I believe we are a House of Review, and have the right to take such amending action. I fully supported the amendment and I am disappointed it has been rejected. Members who had a conscience vote on this matter would feel as I do. However, I believe I am obliged to support the Minister's motion.

As I see it, the operation of Parliament is a game of numbers, and it is obvious we did not have the numbers in another place last night to succeed with our amendment. I still believe in the relaxing of the two-bottle rule; it is ludicrous in this day and age to impose such a restriction on educated people who have the ability to think for themselves. Members of our Police Force are needed to protect the public against more serious crimes than the sale of more than two bottles of beer to a person on a Sunday. It is obvious to all members that the police cannot be expected to waste their time in this way.

Although I intend to support the Minister, I am prepared to wait and hope that next session the matter can be presented again and we may have more success.

I do not agree that we should send the matter to a Conference of Managers because that would be taking the matter out of the hands of the Chamber. The matter should be discussed and put to a conscience vote on the floor of this Chamber, not at a committee meeting. I would hope that on the next occasion there are a few more people in the other place who would be prepared to support the relaxing of this law.

The Hon. C. R. ABBEY: I wish to make my position clear: There is no doubt in my mind that the amendment should have been supported; there is no question as far as I am concerned that that was the right course to take. However, I believe it would be an abortive exercise to disagree with the Minister's motion. It would achieve nothing, and I would not be happy about going along with any such proposal. The Hon. M. McAleer made the most sensible suggestion. Obviously this is a matter which needs public discussion, and there is no way we can have public discussion in a committee environment. We seem to be in somewhat of a cleft stick. The obvious solution is to have a debate next year on this one point and, if possible, resolve the matter. But please, do not let us again have a situation where it is entangled with other amendments.

The Hon. S. J. DELLAR: The Committee is debating the motion moved by the Leader of the House not to insist on the amendments made to the Liquor Act Amendment Bill. The Hon. T. Knight said he was disappointed, but that he is prepared to wait; the Leader of the Opposition also expressed disappointment. I am heartily sick and tired of debating in this Chamber the issue of Sunday bottle sales. I will not reflect on what happened last year, but the matter was debated in November, 1975, and it is being debated again here in November, 1976.

The Hon. M. McAleer said we should have pride in this Chamber, and several members expressed the belief that this was a House of Review. I recall at the opening of each Parliament, which is presided over in this Chamber by the Queen's representative, that the Leader of the House introduces a Bill, which clearly indicates the right and role of this Chamber as a House of Parliament—presumably, the leading House of Parliament in this State—to instigate and promote legislation, bearing in mind the Standing Order which requires us not to interfere with money Bills and the like.

During the Committee debate on this legislation, the Leader of the Opposition moved an amendment which added a new clause relating to Sunday trading of beer and other alcoholic beverages. However, the Legislative Assembly has rejected that amendment, for the reasons outlined on the notice paper.

I will not debate the issue of Sunday trading again and again. It is ludicrous, it is a farce, and it is unenforceable; and it is about time that Governments and politicians took a stand and said, "It is stupid, let us do something." I do not go along with the fallacy proposed by some members that we should have either all or nothing. When we debated the Liquor Act during the term of the Tonkin Government I differed with the Hon. Ron Leeson over certain aspects of the Bill then before the Chamber. At that time we were supposedly debating it on a non-party basis as we are supposedly debating it on this occasion. The Hon. Roy Abbey has said that he will not be here next year. Just digressing, I feel sure that the House will miss the presence of the Hon. Roy Abbey. But he said we should have a look at it. The Hon. Tom Knight wants to wait. Other members want to put the matter this way or that way.

Prior to the introduction of the legislation into another place there was a joint party committee from the Government benches which suggested to the Government what it should do in relation to the Liquor Act. How long and how often do we have to debate this matter? In my short time in Parliament we have twice had such legislation before us. We had a lengthy debate in November, 1975, and an exceedingly good and worth-while debate in November, 1976. Between those dates we had a committee of Government members to study all aspects of this matter, although I do not know what its terms of reference were because it was one of those inquiries set up by this Government which seem to do nothing. As a result, I suppose, of that committee's deliberations we had the Liquor Act Amendment Bill of November, 1976.

An amendment to it was proposed by the Leader of the Opposition and it was not challenged at the time. I am sure that if the Hon. Victor Ferry had been aware of the situation at that time he would have brought out Erskine May's *Parliamentary Practice* again. Nobody opposed the introduction of the amendment, although the Minister said he would like it to be debated so that he could get a feeling. I believe he got the same feeling in 1976 that he got in 1975, which is that the members of this Chamber wanted some alterations in the situation regarding the sale of alcohol on a Sunday in this State. We know what happened last year—the Committee adopted the proposal and that proposal was changed.

We now have a situation, regardless of the circumstances, where this Chamber, in its own right, amended a Bill which did not impose a charge on the Crown. We simply instituted an amendment which we believed, just as we believed at one stage in 1975, was what the people of the State wanted. Some members have said that we should revert to the original situation and we should either have Sunday trading or not have it. I remember when the rabbit-proof fence was the dividing line between whether one could get a drink on a Sunday or not. I cannot see why a person living in Kalgoorlie or Exmouth should have a drink on a Sunday when a person in the metropolitan area or near-metropolitan areas should not.

I totally reject the reasons given by the Legislative Assembly for its rejection of our amendment. If members maintain that this is a legitimate House of Review and we are entitled to amend or institute legislation, provided we stay within the Standing Orders, why should we accept a motion from another place which says, "We have dealt with that and you people up there have no right to talk about it"? Why are we here if we are not here, as members opposite often tell us, to amend, look at, review, and study legislation? What are we doing here if we do not have the right to insist on a simple amendment to the Liquor Act, which amendment we discussed 12 months ago anyway and agreed to at one stage?

The Hon. D. J. Wordsworth: You have the right.

The Hon. S. J. DELLAR: Yes, but our colleagues in another place say we have not got the right because they have debated and defeated the measure.

The Hon. G. E. Masters: I do not think they say that.

The Hon. S. J. DELLAR: Reason No. (2) given by the Legislative Assembly reads as follows—

> (2) That amendments to extend the sale of liquor in containers on Sunday had been moved, debated and defeated in the Legislative Assembly prior to the Bill having proceeded to the Legislative Council.

I cannot presume what the vote of the Committee will be on the motion moved by the Leader of the Chamber. If we do not agree to the motion by the Leader of the Chamber I cannot see why we should not have a Conference of Managers.

The Hon. G. E. Masters: Would you tell us what it is going to achieve?

The Hon. S. J. DELLAR: Without knowing the composition of the Conference of Managers, it is hard for anyone to predict. I also believe that this Chamber has a right to insist that its opinions be communicated by way of a Conference of Managers and

that we should be given the right to put our point of view. It is all very well for us to amend legislation and pass it to another place by way of message without any reasons for our amendments. If we accept that both Houses act independently, why should we not be able to sit down at a Conference of Managers and explain the point of view that has been expressed in this place, at least on two occasions in the last 12 months? I come back to what the Hon. Gordon Masters said which is that he does not think a conference will achieve anything.

The Hon. G. E. Masters: The best it can achieve is a compromise and I do not see any point in that at all.

The Hon. S. J. DELLAR: Does Mr Masters know what will happen? I do not know whether the best we can achieve is a compromise, but if I were selected to be on that Conference of Managers, I would not go into the conference with my mind made up, and I would not make up my mind until I had listened to the other parties to that conference and weighed up what they thought against what I think. We cannot say that there would have to be a compromise. We do not know. We might get everything this Chamber wants, or we might get nothing. I do not think a Conference of Managers would throw the Bill out in its entirety, but that again is supposition because we do not know.

I am suggesting that this Chamber should reject the proposal of the Leader of the Chamber that we do not insist on the amendment we made to the Liquor Act Amendment Bill. In the event that the Committee does not agree with his move we should insist on a Conference of Managers to discuss the situation and get it sorted out once and for all instead of having this annual haggle.

The Hon. A. A. LEWIS: I rise with great sorrow. No-one as yet has indicated what the industry may or may not want.

The Hon. D. K. Dans: I asked the question though.

The Hon. A. A. LEWIS: Yes, but obviously not of the industry. The industry itself wants the Bill as it is and I set great store by what it wants.

However, that is only one of my sorrows. I have a great sorrow for the Leader of the Opposition because some people from the other side tonight have said that the issue has become political. In this evening's newspaper there is a headline on page 4 which says, "Absence 'did not matter' ". It refers to the Leader of the Opposition in another place who is trying to make some excuses for the members there who did not return from certain appointments in time to vote on the issue. But he said that the absence did not matter.

I am sorry that the Leader of the Opposition here has been let down by those in another place, and people are talking about numbers. Last night two people crossed the floor in favour of the Bill and if my numbers are correct there are 22 members of the Opposition down there. We have not heard of any of those people voting against the Bill. Therefore 22, plus the two who crossed the floor, make 24.

The CHAIRMAN: Order! The honourable member is infringing the Standing Orders because he must not allude to any debate in another place which occurred in the current session. I am sorry about that.

The Hon. A. A. LEWIS: I recognise your ruling. I still feel sorry for the Leader of the Opposition because he has been let down extremely badly by people who would be expected to support him. It is a great tragedy that this was not a clear-cut issue. Not one person spoke about the industry. During the second reading debate I said that I intended to introduce a private member's Bill next year if I was in a position to do so, and I will do so. I will introduce a completely new liquor Bill.

The Hon. D. K. Dans: That will be a monumental work.

The Hon. A. A. LEWIS: It certainly will be. Many people are extremely interested in it and I believe, as I said in the second reading debate, that the Government did not do its job when it submitted the Bill we have debated because it dealt with only little bits of the legislation. It is time someone grasped the nettle and if it has to be me, that is bad luck.

As I said, I am extremely sorry for the Leader of the Opposition because he will not get the Conference of Managers. I agree with Mr Masters that at the best it can be only a compromise, and I do not like compromises, particularly when in about eight or nine months we could have clear-cut laws on which to vote.

I resent the implications from members on the other side that there have been party whippings. I can take any whipping I get, although I am not very often belted into gear.

I repeat that I am extremely sorry for the Leader of the Opposition for the way some people have let him down.

The Hon. R. F. CLAUGHTON: If we are to believe both Mr Lewis and Mr Masters, then we are to assume that if this proposal were presented again to another place it would have an excellent chance of being accepted.

The Hon. A. A. Lewis: It is a great sorrow that those people were not there.

The Hon. R. F. CLAUGHTON: Mr Masters and Mr Dans say they want the provision accepted. They have the opportunity to give it a go through a Conference of Managers. They both say there are sufficient numbers in another place to accept the proposal so why not have the conference? If this is not true then we must disregard all they said.

This legislation has been under discussion for two years both in Parliament and by the public. It has been debated on several other occasions since I came here in 1968, and now members say that we should have more discussion. That means that in about another 12 months the matter will be raised again.

The Hon. G. E. Masters: You have not told us what you believe we should do.

The Hon. R. F. CLAUGHTON: I suggest the matter should go to a Conference of Managers, or has its decision been predetermined?

The Hon. G. E. Masters: You tell us.

The Hon. R. F. CLAUGHTON: I do not know what the decision would be.

The Hon. G. E. Masters: Come now, Mr Claughton.

The Hon. R. F. CLAUGHTON: Mr Masters and his party have apparently predetermined what the decision will be and now they ask me to make a predetermination. I will not do so.

The Hon. G. E. Masters: You have not told us whether you support the Minister's proposal.

The Hon. R. F. CLAUGHTON: All right. I will say quite clearly I do not support it. I believe that we should go to a Conference of Managers. According to Mr Masters and Mr Lewis the amendment would have a good chance of being accepted. What more propitious time could there be for a conference to be successful? It is unthinkable that we should wait again. This place has made its opinion resoundingly clear on two occasions.

The Minister referred to the possibility of the Bill itself being defeated. This was merely a red herring. It implies that those we send to the conference will be unreasonable and not sensible and will put the Bill in jeopardy.

The Hon. N. McNeill: What rubbish are you talking now?

The Hon. R. F. CLAUGHTON: The implication also is that members in another place would be of that nature and would be prepared to put the Bill in jeopardy. Such a suggestion is nothing more than a red herring to provide an excuse for the Government to slide out of its present difficulty.

The Hon. N. McNeill: What nonsense.

The Hon. R. F. CLAUGHTON: It is like the reasons we have been given. We know full well that time and time again we insert new clauses into legislation and that we have reinserted provisions which have been inadvertently omitted. The reasons were given merely to fulfil the requirements of the Standing Orders, but we do not believe them.

If we accept the Minister's proposal it will mean a further delay of 12 months before any change could be made, and even then there is no guarantee that it would be made.

Let us deal with the matter now by defeating the motion and holding a conference.

The Hon. N. McNEILL: The Leader of the Opposition did not misinterpret my remarks. As he said, he accepted them in the spirit in which they were made, but Mr Claughton has misinterpreted them.

No-one has suggested that we believe or accept the reasons presented to us. I thought I had made it abundantly clear that I explained the position for the benefit of members who had not previously been here and had no prior experience of a Conference of Managers. The Leader of the Opposition stated that he did not regard my statements as being in any way a veiled threat, but Mr Claughton regards them as a red herring.

I make it quite clear that the reasons given by the Legislative Assembly were drawn up by three members; namely, the Minister for Labour and Industry who is not in charge of the Bill and who therefore presumably had a nonpartisan interest, and I would not know what his nonparty attitude to the Bill was or how he voted; the other two members were the member for Scarborough and the member for Kalgoorlie.

The Hon. R. F. Claughton: And they have to agree or there are no reasons.

The Hon. N. McNEILL: Mr Claughton is the person who says the Government has predetermined ideas as to what will be the outcome of the conference. What nonsense! I do not even know who would be the members of the conference from this Chamber. I have not made up my mind about that, nor has this Committee.

I come back to the point that to my knowledge nobody in the course of this debate has said he accepts the reasons given by the Legislative Assembly as reasons why he should support my motion or otherwise. I said reason No. (1) was correct because that is what happened; and that reason No. (2) was correct because that is what happened. Mr Claughton said he did not believe reason No. (2).

The Hon. R. F. Claughton: I said the opposite of what you are saying I said. Anyway, it is in *Hansard*.

The Hon. N. McNEILL: I then went on to explain reason No. (3). At no stage to my knowledge did I or anyone else say in this debate that reason No. (3) was regarded as being substantiation of any particular action this Committee should take. I explained how the possibility came about of the new clause being in any way in contravention of Standing Orders or being inadmissible. Furthermore, I did not raise the matter myself, quite deliberately, because I wanted to have the benefit of the debate.

Mr Claughton says in reply that because Mr Masters and Mr Lewis are so disappointed they should go along with the suggestion of a conference because it is assumed the Legislative Assembly might vote in favour of the clause.

The Hon. R. F. Claughton: You should read my speech.

The Hon. N. McNEILL: Only one fact is available to us; that is, the actual decision of the Assembly. We know what the vote in the Assembly was. Irrespective of the causes or anything else, that is the only fact available to us. I do not know whether or not the amendment would have been agreed to if all members had been there. I have no way of knowing and, quite frankly, I am not greatly interested.

Coming back to the point raised by the Leader of the Opposition, I agree with him completely. I do not see our not insisting on this amendment as subordinating ourselves to a decision of the Legislative Assembly. I am attempting to be realistic and give a practical explanation of the circumstances. As to reason No. (3), I would certainly dispute the Legislative Assembly's power to read a lesson to us. I will not accept that. We have our Standing Orders and the other Chamber has its Standing Orders. What we do in this Chamber is for us to determine. That is not my reason for moving that we do not insist on our amendment.

If the vote in the Legislative Assembly had been very much closer or a different one, who knows what the situation would have been? The situation up here might have been different. That is pure supposition and not an avenue we can traverse. We are faced with a certain position and I put a proposition to the Committee; that is, that the Committee do not insist upon the amendment. I moved the motion for no reason other than to give members of the Committee the opportunity to express their views. I have not said the Committee must support my motion. Having moved it, naturally enough I hope the Committee will support it, but in moving the motion I have given members of the Committee the chance to have their say.

Under Standing Order 290 I could have moved that the matter go direct to a conference. I have looked at the consequences of that. Mr Dellar reminded me of previous conferences. I can recall one in which I think Mr Gayfer and the Minister for Health were involved, when we came out with a compromise which has since proved to be very unsatisfactory. But having reached a compromise, that then became the determination of the total Parliament.

I conclude by saying that if other members are sick and tired of debating this question, I also am very tired of examining the legislation in connection with the Liquor Act, and particularly this question.

The Hon. D. K. Dans: I think it would still be possible, if we did not insist on our amendment and did not have a Conference of Managers, to send the legislation back as it is.

The Hon. N. McNEILL: I do not think that is possible.

The Hon. D. K. Dans: I am just posing a question. The Conference of Managers would then be called by the Assembly.

The Hon. N. McNEILL: The Assembly could call a conference if we sent a message back today. Then the onus for calling the conference would be on the Assembly. But the question is: Would anything be achieved by that? We would still finish up with a conference.

The Leader of the Opposition asks where the pressure is coming from and whether there are vested interests. I do not think he used the term in the sense of vested business interests. With a Bill which the Government and I have been prepared to accept as a nonparty Bill, I can only assume whatever decisions members of Parliament in both Chambers come to have been formed by whatever means members usually form their opinions. I do not know what they are.

I do not know that any vested business interest has exerted any pressure to place a clamp on Sunday trading. I would have thought any pressure would in fact have been the reverse. A large petition was presented to the Parliament and I suppose that could be regarded as pressure.

In view of the extent to which the matter has been discussed, I see little point in prolonging the debate. I have put the motion to the Committee and I trust the Committee will be prepared to accept it.

The Hon. GRACE VAUGHAN: In this debate on what has become a hardy annual, one could be excused for feeling it is a nightmare, because we were working up to the same kind of situation at this time last year.

I urge members to vote against the Minister's motion because I believe a message should be sent back to the Legislative Assembly to say that members in this Chamber, using their consciences and thinking processes, have made a decision and want to stick by it.

This is the first time I have ever spoken on anything to do with the Liquor Act, because I do not feel passionately about it. I reserve my passionate feelings for matters which are more essential to the well-being of people than the ability to buy liquor on Sunday. However, I believe a matter of principle is involved in that this Chamber is now saying for reasons of expediency and because it is the end of the session we need to come to an arrangement in order that the matter may be finalised. In doing so we are walking

two steps behind the Assembly. In defeating the motion we will be sticking to our guns, saying we have considered this matter previously and then leaving it to the Assembly to come up with a suggestion for a conference and perhaps a compromise.

Question put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN (the Hon. J. Heitman): Before the tellers tell, I give my vote with the Ayes.

Division taken with the following result—

Ayes—16

Hon. N. E. Baxter	Hon. M. McAleer
Hon. G. W. Berry	Hon. N. McNeill
Hon. Clive Griffiths	Hon. I. G. Medcalf
Hon. J. Heitman	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. A. A. Lewis	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. V. J. Ferry
	(Teller)

Noes—11

Hon. C. R. Abbey	Hon. H. W. Gayfer
Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. W. R. Withers
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	*(Teller)*

Question thus passed; the Council's amendment not insisted on.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

LEGAL AID COMMISSION BILL

Second Reading

Debate resumed from the 23rd November.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [11.47 p.m.]: The Opposition is opposed to this Bill, not because we oppose legal aid and assistance to people who under normal circumstances cannot afford to stand before the law equal with those who are more affluent, but for several reasons including the fact that it was introduced so late in the session. This is a very important measure which consists of 52 pages and 78 clauses, and the second reading speech was made in this House only yesterday in the early hours of the morning. Since then we have had to try to research the matter and act responsibly as an Opposition in respect of a measure that requires a great deal of research and understanding.

Another reason that we are opposed to it is the derogatory remarks in the Minister's second reading speech concerning the Australian Legal Aid Office introduced by the Whitlam Government, which has proved to be a very popular institution. Indeed, it has been quite revolutionary in changing the conditions under which people appear before the law.

Whilst speaking to the second reading debate, I would like to emphasise some points which I feel will have wide repercussions. The first is the idea of saying that legal aid is purely the preserve of the State Government. That to my mind is a rather parochial attitude. I am not saying no shortcomings were involved with the two legal aid services in this State. However, in approaching this question surely a concept could have been set up whereby there was a co-operative effort between the Australian Legal Aid Office of the Commonwealth and the scheme of the Law Society to help people in the community.

Throughout Australia, of course, different measures of legal aid will be obtainable, depending upon the affluence of the State and the number of social problems requiring legal assistance which may arise.

Some States are less affluent than others; and some perhaps have State Governments that are less inclined to allocate large portions of their Budgets to the matter of attempting to redistribute income by the allocation of services for nothing or for a small fee. Also, there is likely to be a greater incidence of the need for a delivery of legal aid services in areas where there are more pensioners, more migrants, and more of those people who, statistics indicate, are likely to apply for legal aid. That is an important aspect, in that the disparity between the benefits obtainable in different States could be levelled out by more co-operation between the States and the Commonwealth.

Certainly the Minister may, when replying to my criticism, say within this Bill allowance has been made for co-operation between the State and the Commonwealth. However, in his second reading speech this matter was referred to only vaguely. We were not told to what extent the Commonwealth will assist in the financing of this aid or whether a committee will be set up and under what circumstances. Many other queries are left unanswered.

As a result of the short notice given to us, I must admit I have been unable to study closely the clauses of the Bill. However, I have studied the Minister's second reading speech most extensively, and where queries were raised in my mind I have studied the clauses concerned at some depth.

Turning now to deal with one of the main reasons for our opposition to this Bill, I wish to deal with the condemnation —or the shortcomings, as the Minister calls them—of the Australian Legal Aid Office. This is really a matter of organisation and the implementation of the desire to help people who need legal aid. One can very readily see the inadequacies of a State legal aid office, and I have had quite a deal of experience in this respect. One cannot say that simply because such an

office is run by one Government or another it will be entirely free of disadvantages or inadequacies.

As a matter of fact, many lawyers in this State are highly critical of the State legal aid service; and, in fact, it appears the Minister is attempting to set up a legal aid commission to overcome some of the problems.

I would like also to take up the matter of the assertion made by the Minister that private legal practitioners will necessarily make for a better practitioner-client relationship. We are faced with a rather horrible thought that this assumption is not unlike the argument put forward by doctors regarding the doctor-patient relationship, and the Minister is on very contentious ground indeed. I am aware that some professionals who are in business—albeit being subsidised by the State or the Commonwealth—tend to criticise their colleagues who work for a salary. It seems to me this is not a very good example of professional loyalty when it is taken as right that simply because a legal practitioner is earning a salary he is a lesser person than a practitioner who is able to run his own business. I say that the ability to run a business is hardly a ground for judging the competency of a legal practitioner.

Indeed, the fact that private practitioners will be able to submit a bill, as it were, to the proposed legal commission—albeit at a rate prescribed—leaves the way open for opportunism.

For instance, I have had a deal of experience with people who have gone to the State legal aid service, which is run by private practitioners, and who have had suggested to them procedures which would be very expensive to follow. I mention as an example a particular woman—but it could be a spouse of either sex—who went to the legal aid service to receive assistance, and she was advised to proceed to a divorce. In this case the woman had decided to leave her husband, or her husband had left her, and there was a marital breakdown. She could have applied to the Summary Relief Court for separation, custody, and maintenance orders, but instead she was advised to apply immediately for divorce procedures.

Apart from that being poor social advice—and I would like to see a lot more co-operation between legal practitioners and others in the personal helping professions—it involved a much more expensive business, and the legal aid service would have had to foot the bill; wheras it would have been a very inexpensive matter for that woman to approach the Summary Relief Court to cover the immediate needs necessary for her peace of mind.

Another matter about which the Opposition is concerned is that people using the legal service are in much the same position as people using medical facilities; they like to use specialist services. When a person goes to a doctor, he may say, "You have a gall bladder complaint" and may recommend a certain specialist. This business of one being familiar with any specialist because one happens to have the misfortune of suffering a bodily malfunction is a bit of a myth, in that the doctor is saying, "We must preserve the doctor-patient relationship" while the likelihood of one being treated again by that doctor is almost nil. That person will probably have it removed, and will never be bothered by it again.

I am drawing this analogy to show it is very seldom that the average citizen has to consult a legal practitioner. So, people are thrown into a situation where they are unaware of the proceedings and are very much at the mercy of the professional people.

The Bill contains one provision for which I congratulate the Minister. The proposal is that the commission will be given the duty of informing the public about their rights and about certain aspects of the law.

It is true that most professional people are jealous of the expertise they build up, and they are unlikely to pass on such expertise. We find a lot of this mumbo jumbo in all professions; in this respect I do not say that legal practitioners are Robinson Crusoes.

The likelihood of their attempting to preserve their professional expertise has led to a very slow understanding by the community that the law belongs to the people. The sort of things for which lawyers make a charge whether undertaken by the legal aid service or privately can very often be done by clerks of courts and the people themselves.

This has been proven in the case of divorces. At one time it was absolutely essential to engage a lawyer to conduct a divorce case, but later it was found that people could carry out this process themselves. Quite often I have heard it said that judges of the Supreme Court and the Family Court are quite happy for a person to conduct his own case, because the presiding judge can then render a little assistance. By that means the case could be dealt with more quickly, than cases in which wordy legal practitioners make sure their clients see them get value from their engagement.

We are concerned that the Minister has failed to answer many matters in his second reading speech; and we are very concerned that the Bill has been introduced at the end of this session so that it has to be dealt with in a hurry. We recognise that a move in this direction had to be made, and we should congratulate the Government for introducing it. What we are saying is that we have to

oppose the Bill, because we cannot be a responsible Opposition if we do not, in view of the fact that it has been introduced at this stage of the session when we do not have adequate time left to research the legislation.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [12.04 a.m.]: I thank Mrs Vaughan for her comments. I must say they improved as she got towards the end of her speech. When she started off I got the impression she was in the kitchen throwing everything around. It is very difficult to answer those sorts of comments, because one would not know where to start. She did lay about in all directions without actually saying anything of a tangible nature.

However, I was impressed by what she said at the end of her speech when she rather grudgingly congratulated the Government for introducing the Bill. I believe she deserves credit for saying that, because sometimes it is difficult for people to say that. In my view time will prove this to be a most beneficial piece of legislation to the people of the State. I would remind the honourable member that members of her party have opposed the Family Court arrangement, and said the function could be better performed by the Commonwealth Government than by the State Government.

The Hon. Grace Vaughan: That has not been said in this House.

The Hon. I. G. MEDCALF: Some of the colleagues of the honourable member have said that. I hope the honourable member herself has not said that. When we examine what the honourable member has said in her speech we must come to the conclusion that she does not know enough about the Bill; but she thinks it could work out all right. That attitude is understandable.

She must not think that there will not be a task for the salaried service. Comments and statements by members of the ALAO have appeared in the Press. There was one letter in the Press by a certain member of the ALAO, and there have been comments in *The Australian Financial Review*. These indicate a lack of knowledge of what lies ahead of the new commission. That is understandable.

I would like to give an assurance to the staff of the ALAO that those who join this new commission—and it is a matter for their own decision when the new commission comes into operation—will be given full opportunity to use their professional talents and ability. There will not be any attempt to stifle the application of their professional ability. They will have the opportunity to appear on behalf of litigants and do other legal work. Indeed, they would be expected to.

They will not be expected to use their professional ability in a clerical capacity. They can accept my assurance that I will ensure that this policy is passed on to the commission.

It is true that this is to be an independent commission. The reason is that if we have people who are employed by the Government and they are providing legal aid for a private citizen but the Government happens to be a party to the proceedings, they will be placed in a very difficult situation because they are not employed by the client. In private practice the solicitor is employed by the client, and he has to answer to his client alone. However, that is not the case in an organisation run by the Government.

That is one of the objections that exist at the moment in the case of the ALAO, although it might be denied by some. We hope to get away from that, so that the public will be able to feel that they are employing these solicitors, whether they be on the salaried staff or private practitioners assigned by the legal aid office to do the job.

I repeat the assurance that members of the salaried staff of the new commission will not only be given every opportunity to do professional work of all kinds, but indeed they will be expected to.

I wish to raise one other point which touches on a point raised by the honourable member. Representations have been made to me to give the employees of the new legal aid commission the same rights as public servants have. I can give an assurance that this matter will be examined in its various aspects.

The question turns largely on two points. The first is that all the parties which may be affected will have to be consulted, including the Civil Service Association of Western Australia which cannot be overlooked in the consideration of this proposition. The second is that the solicitor-client relationship between the salaried legal practitioners in the legal aid commission and the public must be preserved. Those are the two requirements.

I am not at all antagonistic to the proposition that the salaried service should be given the same rights as officers in the Public Service. However, certain problems will have to be overcome. I want to leave that question open so that the door is not closed. I hope the honourable member will convey that to members of the ALAO who may be in touch with her from time to time.

I do not think it is necessary for me to answer any other comments in detail, because the honourable member did strike out in all directions. It is difficult to answer her comments because she made so many little points. I can assure her this is designed to be a co-operative effort by the salaried service and the private profession.

I repeat that the private profession does not have a majority on the new commission. It will have three representatives on the commission. I have some amendments on the notice paper which will clarify one or two points, particularly in relation to the representative to be appointed by the Minister for Consumer Affairs, by ensuring that he or she will not be a legal practitioner.

The honourable member did raise one point to which I wish to advert. She spoke about the problems of the differences existing between the States. I believe we will end up with a standard legal service throughout Australia; at least I hope so. I cannot speak of what applies in Queensland and New South Wales, because those States have so many systems in operation that we would need two hands to count them. The Law Society in some States has two or three such bodies. There is the public defender system, and the public solicitor system. These systems vary, and they present a real problem on the question of unification.

I venture to suggest that we might end up with a fairly uniform system by adopting legislation of this kind. This Bill is designed for Western Australia; it has not been designed by the Federal Attorney-General, so in this respect it is quite an independent document. It had to be designed for Western Australia, because in this State we have a completely different set-up from that in Victoria, Queensland and New South Wales; but remarkably similar to that in South Australia and Tasmania. I think that before very long they will come into line.

From my discussions with the Attorneys-General of the other States I think they will be ready at any time to come into line, because now they are looking at our State Family Court, and they have made a request for copies of our legislation.

As far as the position in Western Australia is concerned the various bodies are to be combined, and we will bring the groups into one. By that means we will spread the money further. We hope to get funds from the Commonweatlh which is now allocated to the ALAO; money from the State which is now allocated to the Law Society; and money from the interest that is derived from trust accounts of solicitors; and perhaps other funds from other sources. We will be able to spread the funds on a wider basis.

Instead of having to send two lawyers to Broome to conduct two fairly minor cases—one from the Law Society and one from the ALAO with a consequent doubling of costs—we will send one. We will then have some money up our sleeve to provide a service to people in, say, Laverton or some other remote part of the State.

The ALAO spent about $850 000 last year on services in Western Australia, and the Law Society spent just over $500 000. In addition, the Aboriginal Legal Service spent $540 000. Leaving out the Aboriginal Legal Service, if the other two funds are combined there will be a sum of approximately $1.3 million on which we hope to build and provide a better legal service, not only for privileged people such as migrants or ex-servicemen, but for all those who are unable to afford the present cost of legal aid.

I really believe this measure represents a most significant advance; I say that in all sincerity. Those who have some doubts, and who have expressed some reservations that it might work, I believe will eventually have the view within a fairly short time that it is a most forward move, comparable to the move we made into the State Family Court. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. I. G. Medcalf (Attorney-General) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Interpretation—

The Hon. I. G. MEDCALF: I have an amendment on the notice paper which is quite significant. It represents a couple of lines left out purely for typographical reasons. An examination of clause 4 will show there is reference to practically all legal situations, except representation in connection with proceedings. In order to make it abundantly clear that people are entitled to assistance in all court proceedings, I move an amendment—

> Page 3, after line 29—Insert a paragraph to stand as paragraph (a) as follows—
>
> (a) representation in and in connection with proceedings;

Amendment put and passed.

The Hon. I. G. MEDCALF: The next amendment is consequential. I move an amendment—

> Page 4, line 9—Delete the passage "(a) and (b)" and substitute the passage "(a), (b) and (c)".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Composition of Commission—

The Hon. I. G. MEDCALF: The amendment to clause 7 refers to the person who is to be appointed to the commission on the nomination of the Minister for Consumer Affairs. The amendment seeks to make it clear that the person is not to be a legal practitioner. It was suggested that we should set out that the person should be a consumers' representative. Indeed, it is intended that the person will be a

consumers' representative, but it is difficult to express the position in those terms. I move an amendment—

Page 6, line 28—Insert after the word "one" the passage "(not being a practitioner)".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8 put and passed.

Clause 9: Meetings of Commission—

The Hon. I. G. MEDCALF: The amendment to clause 9 refers to the director who will be a member of the salaried staff. I want to make it clear that the director will have a significant part to play in the commission, and that he will attend meetings of the commission and be entitled to have his say at those meetings. This is regarded as being quite important. I move an amendment—

Page 10—Add after subclause (7) the following new subclauses to stand as subclauses (8) and (9)—

(8) The Director shall, whenever he is available, attend all meetings of the Commission unless in special circumstances the Commission otherwise determines.

(9) The Director may, when attending a meeting of the Commission, participate in the discussion of any question arising at the meeting. .

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 14 put and passed.

Clause 15: Duties—

The Hon. GRACE VAUGHAN: What does the Minister envisage as the numerical strength of the legal offices? How many will be established in the State, and what will be the size of the staff?

The Hon. I. G. MEDCALF: That will actually be decided by the commission after it has been appointed, bearing in mind the availability of funds and its other requirements. It will be expected to look after its own affairs. I hope it will be possible to have no fewer offices established than the number established at the present time. It is hoped the present personnel will be used, and, in some cases the present premises which are available. For example, Midland and Fremantle have been suggested, where offices are already established.

I hope it will be possible to extend the services as funds and buildings become available.

The Hon. GRACE VAUGHAN: Would the Minister explain the provision contained in paragraph (c) a little more clearly? It has a rather sinister connotation.

The Hon. I. G. MEDCALF: A function of the committee will be that it will have to determine and vary the priorities with regard to legal assistance as between persons and various types of cases. It will have a general power to do that because its work will embrace every court and every tribunal from the Courts of Petty Sessions right through to the Privy Council, in both criminal and civil matters, in metropolitan and country courts. In addition, there will be the duty counsel who will appear in police courts to help people who need immediate assistance, which is really quite distinct from taking on a long case.

In addition, the ALAO does most of the legal work in the Family Court of Western Australia. This is a very large contract because of the amount of work going through that court. As the honourable member knows, that court does not deal exclusively with divorce cases; it deals also with custody cases, maintenance, and related matters.

In addition, there are various tribunals, and representation there is not restricted in any way. Then there will be what we might term ordinary solicitors' work in offices, such as conveyancing work. It may be decided by the commission that it can extend into a particular type of legal work if it believes it can afford to help people with other legal matters not involving litigation at all. This is where the commission must determine its priorities in regard to different classes of work and different types of applicants.

At the moment applications are made to the ALAO by migrants, ex-servicemen, and pensioners, to name but three categories. There are two or three other categories of applicants also. The commission must decide whether it will take a representative action; in other words, something may not be terribly important to one person, but it may affect many others. So the commission will have to make distinctions about the kind of work it takes on and the type of people it represents in the early stages. I assure the member there is nothing sinister about this. The commission will have to make a judgment, and do not forget that in the long run the members of the commission will be answerable to the people who appoint them. I move an amendment—

Page 12, line 30—Delete the passage "(a) and (b)" and substitute the passage "(a), (b) and (c)".

This amendment will have the same effect as the amendment to clause 4 which I have already explained. It is merely to correct a typographical error.

Amendment put and passed.

The Hon. GRACE VAUGHAN: I wonder whether the Minister would say something about paragraph (h). I consider this will be a good provision, but it will be of value only if it is implemented in the spirit of its wording.

The Hon. I. G. MEDCALF: I am indebted to the honourable member for raising this matter, as she did in her earlier comments. As she says, it is a valuable provision and one which I believe will commend itself generally to the public in that it will empower the commission—and all these paragraphs refer to the powers and duties of the commission—to embark on a programme of public education in an endeavour to provide the public with a better understanding of the law.

On previous occasions the Minister for Justice has spoken of the desirability to teach people something about the law so that they gain a basic understanding of some of its rudiments which will help them solve some problems without perhaps seeking professional assistance. Obviously it is in the interests of the commission to have a better educated public in relation to the law. The commission will interest itself in educating people on their rights and their responsibilities so that it will not need to deal with so many basic elementary questions.

I am quite sure the commission will embark on this programme as soon as it has dealt with its immediate tasks. Of course, this cannot be an immediate task because the commission must deal firstly with the people who will clamour on its doorstep to seek help to take their cases to court. However, I am quite sure the commission will embark on an education programme for the benefit of the public generally as quickly as possible.

Clause, as amended, put and passed.

Clauses 16 to 20 put and passed.

Clause 21: Terms and conditions of employment—

The Hon. I. G. MEDCALF: The first amendment standing in my name is purely to correct a typographical error. I move an amendment—

> Page 16, line 14—Delete the passage "section 76" and substitute the passage "section 78".

Amendment put and passed.

The Hon. I. G. MEDCALF: I now intend to move an amendment which seeks to delete the reference in clause 21 (2) to the Government Employees (Promotions Appeal Board) Act. If this provision remains in the Bill it will mean that the Act referred to will not apply to members of the staff, and it is considered that the benefits of the legislation can be extended to staff members. I move an amendment—

> Page 16, lines 19 to 21—Delete the passage "and the Government Employees (Promotions Appeal Board) Act, 1945 do" and substitute the word "does".

Amendment put and passed.

Clause,. as amended, put and passed.

Clauses 22 and 23 put and passed.

Clause 24: Establishment of legal aid committees—

The Hon. GRACE VAUGHAN: In speaking to the second reading I said I would like some clarification about the legal aid committees. I now ask the Attorney-General whether these committees will be based on geographical areas or on interest areas; in other words, will committees be set up on, say, matrimonial causes or perhaps serious criminal charges, or will they be set up on purely geographical lines?

The Hon. I. G. MEDCALF: I could discuss this matter for quite a long time, but I will not bore members of the Committee. I am sorry I did not have the opportunity for a private discussion with the honourable member because I feel that by this means I could have put her completely in the picture.

We have been working on this Bill for a long time, and it has been brought here before the close of the current session because we are anxious that the commission will function by the 1st July next year. Due to the forthcoming State election, probably there will not be a formal sitting of Parliament before that date and, therefore, the legislation must be passed before the commission can be established. The legislation has been sighted by the ALAO —in fact, drafts were sent to Canberra.

The honourable member complained, with some reason, about our inability to supply details. However, this is simply because we are setting up an independent commission which will organise many of its own arrangements. I do not know how many legal aid committees there will be, because this will be decided by the commission itself.

The Law Society uses legal aid committees now and these committees are composed of people skilled in a particular field. The number of committees will depend on the volume of work. There could well be committees set up to look into criminal law and civil law. On the other hand, the salaried director is likely to have a great deal of delegated authority to make decisions so that he and his staff will no doubt make decisions which, according to the Bill, are to be made by legal aid committees.

The Law Society presently has one legal aid committee and that committee allocates work and receives applications. However, the bulk of the work—and certainly the work up to a particular figure—is carried out by the salaried staff of the Law Society. In fact, the staff make many of the decisions and allocations. It is visualised that the legal aid committees will perhaps not undertake all the everyday assignments of work and applications for assistance.

Obviously at a future date we will have to consider some assistance for people living in outlying places. Perhaps I have

a slightly futuristic outlook, but we may reach the stage where people can telephone the commission from the country and reverse the charges. That would be ideal for the people in the north-west and outlying areas.

However, the legal aid committees have been misrepresented in one Press article as groups which are going to sit on the staff. There is no such intention; in fact, I think the reverse will be the case. I am sorry I have not provided more detail to the honourable member. I could go into it more deeply, if the honourable member wishes, and I will be glad to do so on a later occasion. If she wishes me to provide the information now, I will do so, but I have regard for the other members of the Committee.

Clause put and passed.

Clauses 25 to 71 put and passed.

Clause 72: Commission may make arrangements as to premises, etc.—

The Hon. I. G. MEDCALF: I move an amendment—

> Page 48, line 21—Delete the word "Commission" and substitute the word "State".

This amendment is designed simply for this interim period. As we may have to take over the office accommodation of both the Law Society and the Australian Legal Aid Office, we clearly cannot do what we are proposing to do here, and let the commission do it, because the commission is not yet in existence and will not be in existence until it is properly established and organised, and after its members have been selected. So, in the immediate future, it will have to be the State which makes the agreement with the Commonwealth to do this.

Amendment put and passed.

The Hon. I. G. MEDCALF: I move an amendment—

> Page 48, line 22—Insert after the word "Commonwealth" the words "for the Commission."

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 73 to 78 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and returned to the Assembly with amendments.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [12.52 a.m.]: I move—

> That the House at its rising adjourn until 11.00 a.m. today (Thursday).

Question put and passed.

House adjourned at 12.53 a.m. (Thursday).

Legislative Assembly

Wednesday, the 24th November, 1976

The SPEAKER (Mr Hutchinson) took the Chair at 7.00 p.m., and read prayers.

ROLEYSTONE SCHOOL

Library-resource Centre: Petition

MR RUSHTON (Dale) [7.02 p.m.]: I present a petition from 395 residents of Roleystone and adjacent areas, praying that—

> We, the undersigned citizens in the State of Western Australia petition the Government of Western Australia to assist the Roleystone Community in the extension of the proposed new Library-Resource Centre for the Roleystone Primary School to create a School-Community Library available to the public.

The petition conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

The Petition was tabled (see paper No. 582).

STEPHENSON-HEPBURN TOWN PLANNING SCHEME

Freeways on River Foreshore: Petition

MR BATEMAN (Canning) [7.03 p.m.]: I have a petition to present to the House. It is as follows—

> To the Honourable Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned petitioners wish to express our desire that a review of the Stephenson-Hepburn plan which places freeways on the river foreshore should take place immediately as it no longer has public approval.
>
> Your petitioners therefore humbly pray that your Honourable House will give this matter urgent consideration and your petitioners as in duty bound will ever pray.