Legislative Council

Tuesday, the 6th May, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

1. SEC AND FUEL AND POWER COMMISSION

Staff

The Hon. D. W. COOLEY, to the Minister for Education representing the Minister for Electricity, and Fuel and Energy:

(1) How many people are employed by the State Electricity Commission of Western Australia as—
  (a) executive officers;
  (b) salaried officers; and
  (c) wages employees?

(2) How many people are employed by the Fuel and Power Commission of Western Australia as—
  (a) executive officers;
  (b) salaried officers; and
  (c) wages employees?

The Hon. G. C. MacKINNON replied:

(1) (a) and (b) 1 615.
  (c) 3 130.
(2) (a) 2.
  (b) 16.
  (c) Nil.

2. ELECTRICITY SUPPLIES

Charges: Comparison

The Hon. R. H. C. STUBBS, to the Minister for Education representing the Minister for Electricity:

What is the tariff charged for the sale of electricity for the domestic consumer in—
  (a) the metropolitan area;
  (b) Kalgoorlie-Boulder area;
  (c) Kambalda;
  (d) Coolgardie; and
  (e) Norseman?

The Hon. G. C. MacKINNON replied:

(a) 3.4 c per unit plus fixed charge $1.80.
(b) 5.0 c per unit.
(c) 3.8 c per unit.
(d) 6.4 c per unit.
(e) 10.0 c per unit.

3. NORSEMAN SCHOOL

School Building Programmes

The Hon. R. H. C. STUBBS, to the Minister for Education:

Can the Minister indicate if any of the $10 million referred to in the news on Tuesday, the 29th April, 1975, for extra school buildings will be used for the Norseman School?

The Hon. G. C. MacKINNON replied:

The recently-announced $10 million is an advance against the 1975-76 General Loan Fund allocation to education. The purpose is to enable an early commencement to be made on certain new schools and additional stages required for opening in 1976. It is not a grant in addition to any other allocation. No works to be charged against this amount will be undertaken at Norseman.

WESPLY (DARDANUP) AGREEMENT AUTHORIZATION BILL

Second Reading

Debate resumed from the 1st May.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.39 p.m.]: Unfortunately, I was absent on Thursday when the debate took place; however, I have a note of the queries raised in regard to the legislation. The Hon. D. W. Cooley questioned the State guarantees, referred to the provision whereby 70 per cent of the company's produce will be transported by road and 30 per cent by rail, subject to costs and services, and commented that a worrying aspect of the agreement now before us is that it will create a monopoly in Western Australia.

I think I did cover these matters in my second reading speech; I referred to the fact that such criticism had been levelled. The factory has been designed to match a resource, and a smaller factory would not be economic. A scale of operations must be considered.

The two competing factories would not be economically viable, because there is not enough thinnings to feed two factories. We could establish two small factories, but neither would be economically viable. This is not desirable, and this aspect was covered in my initial speech on the Bill. The Forests Department has been looking for sales of thinnings. This is a resource of which the output exceeds demand for fence posts, and without a particle board industry the excess would have to be burnt or otherwise disposed of.

One member raised with me in conversation on this Bill the matter of fence posts. He said these were in short supply. I have checked up on this and find they are not in short supply. The problem is

one based on the economics of the industry, on selecting the quality material out of the thinnings, and on the treatment and sale of the product. In fact, the Forests Department does not see any diminution of supply.

Indeed, in the long term—and I must emphasise this—the department believes that because of the more economic use of the resources, the thinnings, and the waste, there will be a lower cost of production of fence posts; in other words, there will be a reduction in the price. However, in the light of inflation we cannot say that in fact there will be a drop in price of fence posts, but on a comparative basis these posts will be produced more cheaply. Because there is a more economic use of the total forest products it will be possible to handle the production of fence posts more advantageously.

The concern that has been expressed to me verbally by Mr Wordsworth has been inquired into. Only this morning I checked on the matter, and I have been assured there is no cause for the worry he has expressed.

Another point which was not raised in debate, but which has been highlighted by an interjection, is the difference between chipboard and particle board. In the minds of the public the difference is not always clear; and the economic difference is important. Chipboard is made from natural forest products, and in particular from marri which is the red gum. On the other hand, particle board—and this is a particle board factory—is made from thinnings from pine plantations. So it can be seen that there is a difference between chipboard and particle board, but the difference is not always understood and appreciated.

The Hon. D. K. Dans: It would be a very heavy piece of particle board that is made from marri.

The Hon. G. C. MacKINNON: The environmental difference is that one is made from the natural bush product, and the other from the waste of pine plantations. I thank members for their consideration of the measure.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Execution of Agreement authorized—

The Hon. D. W. COOLEY: The execution of the agreement has been explained a little more fully by the Minister in this Chamber, than by the Minister in another place. The alteration from previous practice is that on this occasion authority is sought from Parliament for the execution of the agreement, as distinct from authority to ratify the agreement.

Members on this side of the Chamber are rather vague as to the intentions of the Government, and as to whether the agreement will be exempt from the provisions of the Commonwealth Trade Practices Act. Despite the fact that the agreement will be executed in this way, we understand from legal opinion we have obtained that the Commonwealth Attorney-General could step in and deem this legislation to be invalid under the Trade Practices Act. No firm explanation has been given on this aspect.

I have examined the *Hansard* reports of the debates which took place in another place, and in particular the explanation given by the Minister. I believe that some questions have been asked on this matter. In my second reading speech I asked why it was necessary to establish a monopoly, and in this regard the Minister has given a reasonable explanation for the setting up of a large industry instead of two small ones.

Before we agree to clause 2 of the Bill the position in respect of the Trade Practices Act, and its implication on the proposals contained in the Bill, should be made clearer.

The Hon. G. C. MacKINNON: Part IV of the Commonwealth Trade Practices Act deals with contract arrangements, or understandings in restraint of trade and commerce. Various sections of this part of the Act deal with monopolisation, exclusive dealing, resale price maintenance, price discrimination, mergers, exceptions, and the like.

The Government has been encouraging as much business to be established in the State as it can, and we believe the particle board industry falls into this category.

Section 51 of the Trade Practices Act deals with exceptions. It states—

> (1) In determining whether a contravention of a provision of this Part has been committed regard shall not be had—
>
> (b) in the case of acts or things done in a State—except as provided by the regulations, to any act or thing that is, or is of a kind, specifically authorised or approved by, or by regulations under, an Act passed by the Parliament of that State;

It is perfectly proper to include the provision in that Act. Under the sort of conditions which Parliament has discussed, the provisions in part IV of the Commonwealth Trade Practices Act should not apply.

There is no subterfuge about this. If we accept that in the interests of the proper utilisation of our pine forests—and

we want to plant more and more pine trees —we need a particle board factory, there is room for only one at this time. In other words, if we accept the basis of a monopoly establishment—if that word is to be used—it is necesseray to take this action.

There are other exceptions under the provisions of section 51 of the Trade Practices Act. We are taking advantage of a proper and legitimate provision made by the Federal Government in order to cope with this sort of situation.

The Hon. D. W. COOLEY: I thank the Minister for his explanation. I was not able to obtain a copy of the Act from the library.

Clause put and passed.

Clause 3 put and passed.

Schedule—

The Hon. G. C. MacKINNON: An error occurs on page 8, line 3, in the first paragraph of clause 3 of the agreement where there is reference to the Industries Assistance (Advances) Act, 1947; it should be the Industry (Advances) Act.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): This is a typographical error and I will authorise the Clerk to delete the words "Industries Assistance" and substitute the word "Industry".

The Hon. D. W. COOLEY: I question the amount which will be guaranteed to the company under the provisions of clause 3 of the agreement. I understand the project will cost in the vicinity of $11.5 million, and the Government is to guarantee in the vicinity of $5.5 million for a period which could be as long as 25 years. The Government will also guarantee the interest which accumulates on those loans based on the amount stipulated in the agreement.

I was under the impression a limit was placed on the amount which could be advanced to companies in order to establish industries. It seems to me in this case to be an extraordinarily large amount to guarantee.

For convenience, perhaps I could raise my other queries while speaking to the schedule. The Minister has said we do not have a sufficient supply of chiplogs to establish two viable industries in Western Australia. However, during his second reading speech he said the industry to be established would be the largest particle board factory in the world. The Conservator of Forests and the company might come to an agreement for the supply of, say, 100 000 cubic metres of chiplogs in a year. Under the provisions of the agreement the State is bound not to supply any of the difference between that figure and 330 000 cubic metres to any other company. The remainder of that amount will still be tied up in the interest of the company and nobody else will be able to set up a similar industry. This seems to lean towards the company, to a large degree, and will allow it to set up a monopoly.

A third matter I wish to raise is in respect of clause 18 of the agreement. The company will be allowed to transport all its particle board to the metropolitan area by means other than our railway services if the quality of the service supplied by the Western Australian Government Railways is not up to standard, and if the company is able to satisfy the Commissioner of Transport that the service is not up to standard.

The clause then goes on to say—

> the State shall then cause the Commissioner of Transport on the application of the Company or its nominee forthwith to grant the Company for the period of one year a licence for a commercial goods vehicle to carry that 30 percentum of its products from its factory to places within the metropolitan area.

The company has only to establish that the quality of the service is not good. Despite the fact that within one month the Railways Department might improve the quality of the service to the point where it satisfies the Commissioner of Transport, this agreement will be in force for a year. The provision seems to be weighted against the Railways Department and is not in accordance with the situation most of us like to encourage, regardless of which party is in power; that is, the promotion of the railway services.

The Hon. G. C. MacKINNON: As the honourable member said, clause 3 deals with the loans. I am not able to state categorically whether the provision is extraordinary or not. A great deal of money will be advanced at different times, and we must bear in mind that this is made up of a series of loans from the Superannuation Board, loans from the Australian and New Zealand Banking Group Limited, a loan from the said bank, and, subject to satisfactory compliance with the terms and conditions of the mortgages, from a lender approved by the State. I believe it amounts to about $5.5 million, as the honourable member said. I will check this and advise him later.

The honourable member referred to clause 4 of the schedule and questioned the size of the proposed company. I suppose all members are aware of our isolation from the major users of particle board. To utilise all the available resources, we must reach a scale of operation where the company will be viable. The problem has been looked at very carefully over a period of time. We have a similar problem with many of our secondary industries in Western Australia, yet we must encourage them for the sake of the people who need and deserve employment in various localities.

Nations throughout the world grant tremendous incentives to industries in order to provide employment in places where it is required. In this particular

case we must consider the economic use of the man-made forests, the decentralisation aspects of the industry, as well as the employment opportunities. It has been worked out very carefully that an operation of this size and with this type of monopoly is necessary to make the industry a viable proposition. From my readings of the different debates on the matter, I gathered that this principle has been fairly generally accepted. I suppose certain people would prefer it to be otherwise, but it is not possible.

The same sort of careful consideration was given in regard to rail use. We must bear in mind that if this company operated in the metropolitan area, the logs could be transported by road. It would be a disincentive to force the company to use rail transport with the plant at Dardanup. If we force the company to use rail transport, it would be better off if it established the plant in the metropolitan area, and the chiplogs could then be brought up by road quite legitimately. Therefore, certain advantages have been given to the company, under a very carefully worked out agreement between railway and other transport people, to try to achieve a balance. I assure the honourable member that the best possible use of the railways has been given maximum thought, but I understand the overriding consideration was that the logs could be brought in by road to the metropolitan area. We want this industry in the country, particularly in the planned area, and sufficient advantages were offered to the company to achieve that end.

Schedule, as corrected, put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

PRE-SCHOOL EDUCATION ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [5.08 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to make amendments to the Pre-School Education Act, 1973-1974.

Members will be well aware of the Government's policy to expand and improve the provision of educational services to young children in Western Australia. An initial step in the implementation of this policy was the establishment of a limited number of pre-primary centres attached to primary schools. The first of these centres is providing valuable experience which will serve to guide future developments.

Two important considerations have led to the formulation of the particular changes presented in the Bill.

Firstly, it has become quite clear that the practice of having two different authorities operating in the same field will lead to overlap and competition. This applies to the allocation of funds as well as to the enrolment of children. The competitive nature of the present situation has been highlighted by recent experience in which the Education Department and the Pre-School Board have both sought funds from the Commonwealth to extend their programmes in identical fields. It is obviously unworkable in the long run to have one Minister responsible for two organisations carrying out the same work in the same place.

It is clear also that universal provision of educational experience for the one year prior to compulsory education is feasible only as an adjunct to the existing education system. The provision of sites, services, and administrative support for free pre-primary education in all communities requires a departmental structure such as the Education Department can provide with realtively little change in its functioning. This is an organisational pattern that has been implemented in other States.

A second major consideration is the wide professional acceptance that services for young children should be conceived as a total provision rather than a purely educational provision, and the younger the children the greater the importance of this principle. This approach has been firmly adopted by the Interim Committee for the Children's Commission, and a pre-school programme for the younger children which conforms to this ideal will stand a much better chance of attracting financial support. Accordingly, we are proposing a broader role for the Pre-School Board with special responsibility for a younger age group than it has catered for in the past.

I will turn now to the proposed amendments to the Pre-School Education Act which are designed to effect several important changes in the work of the board.

The Act as amended will place more emphasis upon a more open-ended group of services represented by the phrase, "education, guidance, and care of children". Although this phrase appears in the principal Act under the interpretation of the term "pre-school education centre" it will become more explicit throughout the Act that these are the services to be provided under the Act.

In general, this change is achieved by two kinds of amendments. Wherever the word "education" appears in the title of the board, and of the centres, this word is deleted. The board will be known as the Pre-School Board of Western Australia, and the centres conducted by the board will be pre-school centres instead of pre-school education centres. At the same time, however, it is proposed to broaden the title of the Act itself from Pre-School Education Act to Pre-School (Education and Child Care) Act, and wherever the Act refers to the function of the board and its centres, this is no longer merely the field of pre-school education but the field of pre-school education, guidance, and care.

On the matter of the minimum age of children for whom the Pre-School Board will be responsible, the Government has sought the advice of the board. We have accepted its advice that there should be statutory provision for two-year-old children to take advantage of pre-school facilities where this seems desirable for the children concerned. Wherever the provisions of the principal Act and this Bill refer to "children over the age of three years", it is intended to introduce subsequent amendments which will change the word "three" to "two".

The other aspect of the question of age concerns the phasing-in period during which the Pre-School Board will not expand its involvement with children in the year of their fifth birthday, and there will be provision for the progressive disengagement of the board under certain conditions. The relevant amendments to the principal Act concern section 6, subsections (4) and (5). In the proposed subsection (4) the Minister will be empowered to direct that the board shall not exercise its functions in relation to children over the age of four years in a particular circumstance or locality. Where such a direction has been given, the board will be required to hand over to the Education Department the control of any pre-school centre which happens to be already functioning in the locality.

Several considerations will guide the procedures and the rate of change during this period.

The transfer of an existing pre-school centre to the supervision of the Education Department will occur only with the full concurrence of local authorities and of the parents. It is proposed to meet with shire authorities to ensure that these conditions are clearly understood and that appropriate procedures are available for ascertaining whether parents are in favour of such a move.

One factor which may encourage parents to move in this direction will be the fact that the Education Department will not charge fees for enrolment at the centres and will assume full responsibility for maintenance and other services. Apart from this, no pressure will be exerted by the Government. Furthermore, there is no advance guarantee that every centre which applies to be taken over by the Education Department will immediately be transferred, for budgetary considerations may limit the amount of new involvement that can be assumed in any one year.

Where a pre-primary school centre is subsequently established in the locality, the pre-school centre will be returned to the board for use in the development of a programme for younger children.

I would like to point out that such a pre-school centre will not be taken over for good; it will be taken over for the interim period until a pre-primary centre is built, and it will then be handed back to the Pre-School Board.

The Government is conscious of the fact that some small communities have a sufficient number of children for a pre-school programme only if they combine children of more than one year of age. We do not wish to apply the age divisions in a way that will prove uneconomical or result in the discontinuation of existing opportunities for the younger children. Moves have already been initiated to prepare procedures that will provide some flexibility in interpreting the Act in these situations.

The other amendments proposed in the present Bill concern the constitution of the Pre-School Board. There is a need for the Board's membership to reflect its newly-defined functions, and some weaknesses in the former procedures will be remedied at the same time.

The membership of the board will be increased from 13 to 14. There will still be seven representative members but nominated members will be increased from six to seven. However, instead of the seven representative members being elected on a regional basis from among persons involved in the operation of approved pre-school centres, they will be selected by the Minister so that four represent the interests of pre-school centres operating directly under the board; two represent those centres which are conducted by authority of a permit issued under section 34 of the Act; and one will represent the interests of play groups. For the first time there will be representation from all groups directly involved in the education, care, and welfare of pre-school children.

The machinery for electing members to the board is to be deleted. The procedures for maintaining electoral rolls to ensure adequate representation have proved extremely difficult to administer, and were of doubtful value in providing meaningful representation of country districts. These problems would be trebled with the inclusion of representatives of independent kindergartens and play groups in the membership of the board. However, it is

not the Government's intention to deny the processes of discussion and consultation. The proposed new section 30A requires the board to convene at least three meetings per year, one for each of the three groups, to discuss all matters relating to the Act and to the work of the board. There will be adequate procedures for ensuring that these meetings are attended by persons who are representative of their organisations.

Two changes relate to the appointment of nominated members. The first concerns the teachers' representative, who will now be the President of the Pre-School Teachers' Union. The second change is that an additional member will be nominated by the Minister administering the Community Welfare Department. The proposed additional member to represent community welfare reflects the broader role which the board is to fulfil.

In conclusion, I would say that the amendments presented in this Bill represent a further stage in the implementation of the Government's policy for the welfare of young children in Western Australia. There will now be a firm commitment, not only to one year of voluntary pre-primary experience for all children, but also to an integrated programme for welfare for children two or perhaps three years prior to their compulsory schooling. The implementation of these programmes will not be achieved overnight, but they will, nevertheless, be given high priority in the allocation of funds and the training of personnel. The newly constituted Pre-School Board will be more truly representative of the groups it is intended to work with, and comes closer to the integrated approach to the welfare of young children that is gaining acceptance among those involved in this field. In fact, the new board and its new role will certainly ensure that this State qualifies for its full share of funding under Children's Commission programmes for the triennium commencing in 1976.

I commend the Bill to members.

Debate adjourned, on motion by the Hon. R. F. Claughton.

POLICE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [5.20 p.m.]: I move—

That the Bill be now read a second time.

Members will be aware that unpleasant incidents have taken place in Western Australia and throughout the whole of Australia in recent times, and I refer particularly to disturbances within this State which have involved Aborigines and others.

There are a number of reasons for the trouble that has occurred. Among these reasons are the movements into a town or area of people who are not normally residents of the particular country town or area. Having moved into the area they then interfere with the domestic life of such country town or area, and create trouble with the residents. This, often combined with an over indulgence in alcoholic liquor, has created conflict and involved the Police in some disturbing situations, which have resulted in a belief that the Police as a result of being obliged to keep law and order, have shown antagonism, particularly towards Aborigines.

The Government believes that one move which will improve relations between the Police Force and the Aboriginal community generally is the appointment of aboriginal aides, as proposed in this legislation. We believe this will also be of considerable assistance in detecting and preventing crime.

When introducing this Bill in another place, the Minister for Police indicated that of recent years Aboriginal community leaders have been experiencing increasing difficulty in controlling the activities of the younger members of their groups, and that formal education, access to liquor, and sophistication, doubtless have been some of the contributing factors.

The Minister mentioned that the leaders are increasingly concerned at the depredations and misdemeanours of some of their younger members and have given a great deal of thought to possible solutions.

He had talked with a number of these people, and found them to be very responsible in most cases, and with great pride of race. They are concerned, he said, about some of the things happening today and which are mainly the result of the advent of liquor into the ranks of their younger people.

When Mr O'Connor was in Derby last June, the Minister for the North West arranged that he meet a deputation comprising elders of the Mowanjum Mission, and they asked for the appointment of Aboriginal policemen selected from their own people.

They undertook to provide the Minister for Police with a list of names of suitable candidates, and gave an assurance that the appointees would receive their full co-operation. They believed their scheme would have many advantages over the present situation. There would, for instance, always be a person with authority available to act immediately where a situation appeared to be developing. I believe this is essential in some of the situations that have developed.

In support, it might be said that they converse very well among their own people, and in this way learn much more quickly of what is happening, and will

thus be able to take action early in an effort to avoid some of the problems which might otherwise develop.

They felt that the Aborigines' knowledge of tribal customs and law would assist in producing more acceptable solutions, and it would give Aborigines greater involvement in the management of their own affairs.

The Minister, on his return to Perth, spoke about this to the Premier, who gave it his enthusiastic support.

Subsequently, the Commissioner of Police arranged for experienced senior officers of his department to visit all major Aboriginal groups throughout the State to obtain their views. In almost all cases, he said, the proposal was warmly welcomed, and most of the groups provided the officers with a list of names of persons they considered would be suitable for appointment.

Queensland and the Northern Territory at present have Aboriginal police aides.

Inquiries by the Minister disclosed that in Queensland, Aboriginal police are not appointed by the Police Department, but by the Department of Aboriginal and Island Affairs, under the Aborigines Act. While Aboriginal police work under the supervision of members of the Queensland Police Force, it appeared that their powers were confined mainly to Aboriginal reserves.

In the Northern Territory there is no similar legislation, but there is a scheme whereby police liaison assistants are appointed to various police stations to act as interpreters and to assist Aboriginal prisoners in an understanding of their legal rights. These people are appointed by the Public Service Board, and in addition to liaison duties act as clerks in the police stations.

It is considered that neither of these schemes would be entirely satisfactory in Western Australia, but rather it is proposed that as a pilot scheme Aboriginal police aides be appointed by the Commissioner of Police and come under his direct jurisdiction.

The rules under which the proposed aides should operate will not be complex, yet they will need to be provided with the same protection at law against civil action as is enjoyed by ordinary members of the Police Force.

Their proposed jurisdiction will be limited to the following offences—

resist arrest
stop, search, and detain motor vehicles
drunkenness
disorderly conduct
obscenity and such
offensive weapons
escape legal custody
wilful damage
common assault
street and park drinking.

The aides will initially receive a short concentrated course of instruction, but on-the-job training will continue and will be supervised by the officer in charge of the station to which they are attached, and to whom they will be directly responsible.

Appropriate uniforms will be provided, together with badges, buttons, numbers, etc., to give them the requisite standing in the community, and with their peers.

Salaries will be equated to those being paid by the Department for Community Welfare to its Aboriginal welfare aides, which is currently in the vicinity of $6 500 per annum.

The Government has determined that initially eight aides will be appointed in the Kimberley area. Subject to their efficacy, additional appointments will be made—both in the Kimberley and in other parts of the State.

This enabling legislation is required to permit the Commissioner of Police to make such appointments under statutory powers similar to those held by ordinary police officers.

I believe this is the first active move in anticipation of a possible series of future actions that will be taken after a report of the Laverton study group is presented, therefore I commend the Bill to the House.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [5.28 p.m.]: I have a completely open mind on this matter. I say this because I suppose I am the only person in this Chamber who has been on every Aboriginal reserve in Western Australia. I have virtually been to every town in Western Australia where there are Aborigines congregated, and I have also visited most stations in Western Australia where there are settlements of Aborigines.

It can be seen, therefore, that I have some sympathy with this move but I do want to give the lie to any suggestion—such as that which was made in another place—that I was approached, or the previous Minister was approached, to put this matter into operation. I want to make it clearly understood that I have never been approached on the question of the appointment of Aboriginal aides, as was mentioned by a member of the Liberal Party in another place.

As a matter of fact, realising that something of a beneficial nature should be done for Aborigines I took the initiative to discuss at some length with the Commissioner of Police the appointment of extra Aboriginal constables who would look after their own people in the main. However the Police Department rebuffed this suggestion at the time. The department said it would not go along with it unless the people concerned could meet the necessary qualifications to become policemen. This was also the case so far as the Police Union is concerned; and when I rang the Secretary of

the Police Union today he continued to express disappointment at the introduction of the legislation before us.

He advised me that initially he was consulted, but this was not until the introduction of the legislation and the shadow Minister for Police in the Labor Party had approached the Police Union to inquire whether it had any knowledge of the contents of this measure. Under the conditions laid down in the present award of the Police Union there is no way by which these people can be embraced by that award. That award covers only fully-trained policemen.

The Minister has said that these aides will receive a salary of $6 500 a year, the same salary as is paid to Aboriginal officers employed by the Department for Community Welfare, but those officers are eligible to join the Public Service and therefore are protected under the Public Service Act. However, under this Bill, Aboriginal police aides will be employed without being subject to any conditions relating to wages and leave.

I therefore ask: What are their wages and conditions to be? Will they work a 40-hour week? Will they enjoy long service leave, holiday leave, and sick leave conditions that at present apply to policemen, because virtually these aides will have the same powers as policemen? I do not oppose the measure, but I certainly want answers to my questions.

This Bill interests every member of this Chamber. It is not, and should not become, a political matter. We should aim at ensuring the legislation will work smoothly and that all factors are covered by the Bill. The instrument of appointment mentioned in paragraph 2(a) of proposed new section 38A appearing on page 2 of the Bill could contain conditions contrary to what we feel it should contain. I realise that the Minister could reply to that statement by saying that section 38 of the Police Act provides that special constables can be appointed under an instrument of appointment. I agree that that is so, but those men are not accepted by the Police Union; they are not eligible to join the Police Union.

Crosswalk attendants and the like also come under the provisions of section 38 of the Police Act and are employed under instrument of appointment conditions, and I know that over the years approaches have been made for them to become eligible to join the Police Union, but they are not subject to any conditions relating to wages and leave, because it is a part-time job. However, Aboriginal aides will not be doing a part-time job. Special constables can be employed in a part-time capacity, but this will be a full-time job and, therefore, the Aboriginal aides performing the duties required of them will be entitled to be governed by the same conditions as those that apply to members of the Police Union who are covered by an award, the same conditions as enjoyed by members of the Public Service, or the conditions of those officers who are covered by some other union award.

Will Aboriginal police aides be covered by workers' compensation? Will they be housed? If they are to be housed, will they be housed in remote places, and among their own communities, in such centres as Luma and One Arm Point? Will they work in these areas on their own, or will they be accompanied at all times by a policeman? These questions are not answered in the Bill. I notice Mr Heitman is shaking his head, but nobody can tell me that he can find the answers to my questions in the Bill. If Mr Heitman would like to interject, I invite him to do so in order that I may clear up the point for him, because I am adamant that the questions I have raised are not referred to in the Bill. Can Mr Heitman draw my attention to any clause in the Bill where they are mentioned?

The Hon. J. Heitman: Read line 28 on page 2 of the Bill.

The Hon. R. THOMPSON: I have read that line and, in reply, I can only state that Mr Heitman has not interpreted the wording correctly. The part of the Bill to which Mr Heitman has referred reads as follows—

> A reference in any other law of the State (not being a law relating to condition of service of members of the Police Force)—

By that wording Aboriginal aides are being excluded.

Subsection (3) of proposed new section 38A continues—

> —to a member of the Police Force shall be read as including an Aboriginal aide appointed under this section.

I will divert for a moment to explain this point. In his second reading speech the Minister stipulated that Aboriginal police aides could perform all the duties that are performed by a policeman. I draw the attention of members to subsection (2) of proposed new section 38A which commences with—

> Any aboriginal aide appointed under subsection (1) of this section—
> (a) shall, except as specified to the contrary . . .

That provision does not specify what Aboriginal aides will do. Therefore under their instrument of appointment, the duties they cannot perform will be specified, but they are not covered by the law relating to the conditions of service of a policeman. That should be clearly understood by all members. That is what is wrong with the legislation.

I would have been the first to say that I support the Bill and I would then have sat down, but the conditions of service of

an Aboriginal aide are not spelt out because the Minister, in his second reading speech notes, states—

> Their proposed jurisdiction will be limited to the following offences—
>
> Resist arrest
> Stop, search, and detain motor vehicles
> Drunkenness
> Disorderly conduct
> Obscenity and such
> Offensive weapons
> Escape legal custody
> Wilful damage
> Common assault
> Street and park drinking.

However, when one reads the provision referred to by Mr Heitman, which he evidently misunderstood, an Aboriginal aide is given all the powers to perform duties that can be performed by a policeman, but he will not be paid a policeman's salary, or enjoy the same conditions that apply to a policeman. That is the meaning of this clause and this is the provision to which the Police Union objects.

Before I was sidetracked, I had reached the point of asking: Will Aboriginal police aides be working on their own in Aboriginal communities such as Luma, One Arm Point, or any other Aboriginal settlement?

The Hon. N. E. Baxter: Warburton.

The Hon. R. THOMPSON: Yes, Warburton, Cundeelee, Cosmo Newberry, and other parts of the State. I do not think there is any need to quote all of them.

The Hon. N. E. Baxter: I think that answers your question. They will be working under the immediate supervision of a police officer in charge of the district.

The Hon. R. THOMPSON: I want to know the answers to these questions, because nowhere in any second reading speech, or in any speech to which I have had access, can I find how these people will perform these duties. I do not know whether they will be appointed as aides and will be told, "Okay, you will go to the Warburton Range and work in that area, or you will go to Balgo Hills, One Arm Point, or Cundeelee."

The Hon. N. E. Baxter: They will be selected from Aboriginal people and not from people outside.

The Hon. R. THOMPSON: They will not be policemen in the true sense of the word. As police aides they will be appointed on a much lower salary. In other words, they will not be qualified policemen. They will be acting in a capacity similar to that of a nursing aide who carries out some of the duties performed by a nurse, but not all of them.

The Hon. N. E. Baxter: Except that a nursing aide is under immediate supervision.

The Hon. R. THOMPSON: The Minister has hit the nail on the head. I want to know whether these aides will be under the immediate supervision of a policeman, or be placed in an Aboriginal community on their own to maintain law and order.

The Hon. N. E. Baxter: That is the general idea.

The Hon. R. THOMPSON: I do not want to get upset and I do not want to upset the Minister. General ideas do not mean much. This is the reason that this measure is not sound legislation—it does not spell out sufficiently what is intended by the legislation.

I am not opposed to the Bill, but I want to know exactly what will happen in regard to Aboriginal police aides. At this stage I point out that the second reading speech of the Minister in this House was totally different from the second reading speech of the Minister in another place. The opening remarks of the second reading speech of the Minister in this House, and even his remarks which appear on the last page of his notes are different from those made by the Minister in another place. I can understand this, because the Minister for Community Welfare has a little more responsibility towards these people than other Ministers. This brings me to the point of what was said by the Minister in this place and what was said by the Minister in another place.

Following a request made to the Minister for Police, senior police officers visited northern areas of the State to speak to elders of the various tribes. They even obtained from those elders lists of names of Aborigines whom the elders considered would accept such appointments and would perform the duties of Aboriginal police aides in a proper manner. Therefore I would like to know what groups of Aborigines in the north-west, and what north-west areas did these senior police officers visit in order to obtain such advice?

Does the Minister understand my question? I am asking who the senior police officers contacted when they visited the Kimberley. Did they visit missions, Aboriginal reserves, or places other than Aboriginal reserves, such as their own co-operatives? This is the information we are entitled to have. It is not good enough for the Minister to say that the Mowanjum people requested this and then senior police officers did the rest. We should be told the areas visited by those officers.

The Hon. N. E. Baxter: They went to Warburton, Fitzroy, Laverton, and so on.

The Hon. R. THOMPSON: In fairness, the Minister should supply this information if not today, then tomorrow. The reason I ask these questions is that we know the Police Union had no idea of the contents of the legislation. Could I ask the

Minister for Community Welfare a direct question? Was the Minister or any of his officers consulted prior to the drafting of the legislation?

The Hon. N. E. Baxter: No, but we knew it was being drafted.

The Hon. R. THOMPSON: This was a tragic mistake. The officers of the Department for Community Welfare work with these people all the time, and I think Mr Withers particularly would appreciate what I am saying. Although I do not have a very high opinion of anthropologists, I still believe that those anthropologists who have had experience in the area should have been consulted.

One very good ex-Department for Community Welfare worker, seconded to the SHC—that is, Miss Leslie Richmond—is a very capable person and I think she at least should have been consulted, and still should be consulted prior to the appointment, or the taking into any Aboriginal community, of an aide. Halls Creek is a classic example of where on the one reserve there are two different camps. Although all the Aborigines belong to the same tribe there are complex problems which the average white person does not understand. This aspect must be considered carefully before any aides are appointed because it would be a backward step if an Aboriginal were appointed and, as a result, he were a social outcast from his tribe. I do not want this to occur, because if it did it would completely destroy the objective of the Bill which is to bring law and order within the tribes.

The objective would be destroyed if we appointed aides willy-nilly and transferred them into virtually foreign communities. This could be a disaster.

The Hon. N. E. Baxter: It is not the intention to put them into foreign communities.

The Hon. R. THOMPSON: We have not been told this. We have been told that the officers of the Department for Community Welfare knew about the legislation, but were not consulted in connection with it. I have also been told that anthropologists have not been consulted, but have probably read about the legislation in the Press.

I can completely support the theory that Aborigines should be involved in the control of their own people. I will not name the locations because this would immediately focus attention on them, but for a number of years now in some areas in the Kimberley Aborigines have been employed. They receive some remuneration, although it is not very much and I do not know whether it comes out of the pockets of the policemen concerned. However, they do receive some wage, but do not have coverage for the work they perform.

Liquor has been and always will be a problem with Aborigines unless something positive is done to educate the Aboriginal community in the consumption of liquor. Several years ago I advocated the establishment of a tavern for this very purpose. The idea was fully supported by senior police officers in Western Australia, and I hasten to add that at the time I was not the Minister for Police so I did not in any shape or form have any influence on those officers. The proposal was also supported completely by the AHA and by a number of missions in the north-west. However, it was ridiculed by the Western Australian newspapers and a few publicans who would have lost some custom. Such action is a fact of life.

Nevertheless two unofficial canteens operate in the Kimberley and they are efficient because the consumption of alcohol is controlled. Usually at 4 o'clock in the afternoon a can is issued to each worker when he finishes work. It is free. On Sundays two sessions are held, but—and this is most important—only beer is sold. The Aborigines are being educated to drink beer rather than wine which sparks them off and is responsible for the nullanullas flying.

Now, however, even people in the Aboriginal community and those within the framework of the church who previously ridiculed my idea, have written to me and publicly stated that they consider the idea is a good one and will ultimately have to be put into operation. But I suppose we will have to wait another couple of years before we are returned to office and I can do something constructive about the matter.

The Hon. G. E. Masters: How many years? You are a born optimist!

The Hon. R. THOMPSON: I know that what I am about to say does not really come within the provisions of the Bill, but as drink has been mentioned I would like to raise the subject. As a matter of fact I approached the Licensing Court in regard to it, but was told it would be impossible because the Act would first have to be amended. I am referring to the possibility of missions and Aboriginal communities being granted a restricted license. I do not mean that they should have to make application and go through all the legal rigmarole at present necessary, but that they should be given a license to operate, not as a trading concern, but in order to educate the Aborigines in the consumption of liquor. In this way, rather than have the young bloods go to town and return with taxis full of wine and spirits, some responsible person should be given the task of educating the Aborigines by controlled drinking.

The problem will increase. It certainly will not diminish and I feel at the moment we are doing a disservice to the Aboriginal community. I would much rather they did not have drinking rights until such time as an educational programme was instituted. Unfortunately we forced drink onto

the Aborigines and consequently we and not the Aborigines are to blame for the present situation. The Aborigines are one of the three ethnic groups in the world which do not have alcohol in their culture.

The Hon. N. E. Baxter: You said that we forced the drink onto them. Are you referring to the passage of the amendments to the legislation?

The Hon. R. THOMPSON: Yes.

The Hon. N. E. Baxter: How many opposed them in this House?

The Hon. R. THOMPSON: I think the Minister will agree that we had no option but to pass the amendments because of the United Nations charter which demanded that all people in Australia had to be equal. In all probability those responsible for the charter were not aware of the make-up of our Aborigines and that a big percentage of them in the Kimberley cannot speak English. Nevertheless the United Nations decided the matter for us.

The Hon. N. E. Baxter: That did not stop me opposing the legislation.

The Hon. R. THOMPSON: But the Minister will agree that what I am saying is a true outline of the situation.

The only criticisms I have of the Bill are those which I have spelt out, but because of them, when the Bill reaches the Committee stage, I intend to move an amendment to provide that the legislation shall remain in force until the 31st December, 1976, and no longer. As I will shortly have to be absent for a while, I would like to outline my reason for my intention to move the amendment. It is not designed to defeat the legislation. That is far from my intention. What I have in mind is that in its present form, because of its looseness, the Bill is a bad one. Its intention is good, but only time and trial will prove whether it will work.

If my amendment were accepted, 19 months would be available in which the legislation could be evaluated. Actually it would be less than 19 months because further legislation would have to be introduced in October or November next year to provide for the continuation of the legislation, or it would automatically lapse.

The legislation is virtually an experiment into the unknown and I am not trying to be petty or nasty with my amendment. I merely wish that an evaluation be made of the situation so that a determination can be made as to wages, conditions, full coverage, and whether or not the Police Union would be prepared to have its award amended to include coverage for the aides and many other things I have not thought of, but which could crop up.

I do not think the Minister can answer today all the questions I have asked, but I do not think we will have a very busy day tomorrow, so perhaps he can obtain the information in relation to the points I have raised. I intend to proceed with my proposed amendment and I trust the Government will appreciate my sincerity and accept the amendment, for the reasons I have stated.

THE HON. W. R. WITHERS (North) [6.01 p.m.]: In 1972, during the term of the last Government, I was approached by a tribal group in the Kimberley and requested to ask the Minister for Community Welfare and the Minister for Police at that time to allow the Aboriginal reserve area to be fenced off so that the tribal elders could administer their own law within that area. The request arose because of the high incidence of drunkenness among the young people.

The Hon. R. Thompson: If the name of the place begins with "Point", they would not get approval.

The Hon. W. R. WITHERS: I was about to comment that Mr Thompson was not the Minister I approached at that time. I think we can all appreciate that no Minister or Government could go along with such a request, but the Aboriginal tribe was so disturbed about the drunkenness among the young people that they wanted an area within which they could administer their own tribal laws, which would have some meaning for the young people. The intention was that any person belonging to that tribal group would be allowed onto the reserve so long as he was not very drunk. If he were drunk he would be allowed onto the reserve only on condition that he behaved himself and did as the elders told him without causing any trouble.

When the Minister said he could not possibly agree to the suggestion, I reported back to the tribal elders and they asked whether we could perhaps help them through the police. Shortly after I received the Minister's reply, a policeman in the town suggested that some of the elders in the group should assist the local Police Force by reporting any misbehaviour by way of fighting or excessive drinking on the reserve, when a policeman would go to the reserve and help to sort out the problems by lecturing the person causing trouble or, if a serious offence had been committed, by arresting the person and taking him back to the police station. This suggestion was agreed to and worked quite well.

At about the same time, another policeman in another town in the Kimberley sought the assistance of an Aboriginal in handling the problems with which the Aboriginal people in that town were confronted when they were in the hotel. I will not mention the places concerned because to do so might draw attention to the particular towns or communities, which would not be desirable. At the time I am

speaking of, the town I referred to had a hotel with a public bar which the average person would not enter to buy a beer, and certainly he would not take a lady into that bar.

Sitting suspended from 6.06 to 7.30 p.m.

The Hon. W. R. WITHERS: Prior to the tea suspension I mentioned that in one community it was rather unpleasant to enter the public bar of an hotel. However, after some assistance was given to the local police by an Aboriginal volunteer who acted as an unofficial aide to the policeman, the bar was tidied up somewhat and instead of being a den of iniquity as it was previously it became quite a reasonable bar. It is now one which any member could enter and enjoy a cold drink.

Since that situation, a similar experiment has occurred in another community, not in respect of the hotel but in respect of the Aboriginal reserve. I mentioned earlier that some elders had banded together to assist the police. This action was extended a little further. The elders and their assistants obtained some khaki uniforms and acted as unofficial police aides. It was found that these people greatly assisted the police and were able to control a few of their number on the reserve who in the past had caused many unpleasant moments as a result of excessive drinking and fighting.

During his speech the Hon. R. Thompson expressed the view that he would like to see Aborigines trained to drink.

The Hon. R. Thompson: I said "educated".

The Hon. W. R. WITHERS: I thought the honourable member said "trained"; but I will accept his correction. I understand what he is getting at, and I agree with him; however, I do not think it would be necessary to set up a formal house of training. I think the appointment of police aides may actually assist to overcome this problem. I agree that most people have to learn to hold their liquor in such a manner that they may be sociable while enjoying a drink.

I would like members to cast their minds back to the first occasion they drank to excess. In my case it was when I was a teenager. Mr President, I am relating my remarks to the Bill, because I am pointing out that if Aboriginal police aides are appointed they may be able to do what many of our colleagues did for us in our younger days when we had our first experience of drinking to excess.

In my particular case I was not a social success at all; I made quite a few social blunders. I think everyone at some stage or other of his life has done this, and especially those of us who have at some time drunk to excess. In my case—and I have discussed the matter with many other people who have had much the same experience—I found that when I drank to excess and made a fool of myself there was always some old soldier in the group who would turn around and say, "Can't you hold your liquor like a man?" I assume the same sort of thing would happen in the case of the ladies present, although knowing them to be the ladies they are I am sure they would never have drunk to excess. The point I am making is that I was embarrassed because another person had to draw my attention to the fact that I had not behaved in a becoming and gentlemanly manner.

The situation of many Aboriginal people who come from a low social economic group is that they have not had the advantage of receiving guidance from those with experience in these matters and which would enable them to drink in a more social atmosphere. If—and I hope it will not be "if" but "when"—the Bill is passed and Aboriginal aides are appointed, it would be possible for the aides to give guidance and advice to persons whom they may see drinking to excess. This would be of great benefit to those Aborigines who drink to excess; and the Aboriginal police aides would have some authority because of their uniform and because of the legislation we are about to pass. They could train a person in that respect; and such person might learn from that experience and, in turn, train others.

I am looking forward to this Bill being passed so that we can observe its effect throughout the Kimberley when police aides are given official status. As I have said, this has occurred in a couple of communities in the Kimberley where unofficial police aides have worked with the police, and from what I have seen the results are very promising. The scheme will be given much more effect when the aides are officially appointed.

I support the Bill.

THE HON. J. C. TOZER (North) [7.41 p.m.]: I will not oppose the Bill, although I think an argument could be made that a Bill of this nature should not be placed on the Statute book at all. It seems to me that certain things are better left not specifically defined. I believe certain schemes which can operate perfectly well without the limitations imposed by strict rules and laws will have a far more effective result.

The matter before us is a good case in point. I rather wonder whether the district superintendent of police in the Kimberley should not be given $50 000 and told, "All right, knock up a good structure and we will have a look at it in one or two years and see what has been achieved."

Neither Mr Thompson nor Mr Withers mentioned the names of the towns in which experiments are being carried out.

The Hon. R. Thompson: It would be wrong to do it, too.

The Hon. J. C. TOZER: Perhaps, but Judge Furnell, who was given a Royal Commission to inquire into Aboriginal affairs in Western Australia did not have any such reservations in his report; and I see no reason why we should not mention names in this Chamber. I would like to read a small passage from the report of the Royal Commission, relating to the situation in the Kimberley. I should explain that in the following comments the Royal Commissioner is discussing the police situation in the Kimberley as it affects Aboriginal people. This is what he had to say—

> There is an additional noticeable exercise which might be best described as unofficial police in certain parts of the Kimberley. Certain respected elderly members of the Aboriginal groups undertook unofficially and voluntarily I understand, to carry out what might be described as law enforcement. These men at each of the locations where they lived e.g. Halls Creek, Fitzroy Crossing and Kununurra, undertook the task of quelling civil disorders and brawls generally the result of drunkenness. They expelled from hotels drunken nuisances and brawlers. On the reserves they were also active in checking riotous and noisy behaviour. Their very presence quite often was effective in subduing culprits of unseemly conduct.
>
> I have therefore concluded that such men are deserving of more recognition. It is quite clear that they are a valuable adjunct to the formal law enforcement agencies. Their employment needs only to be part-time, and for limited areas and duties. A continuance of the tasks already chosen and undertaken by them could well be the scheme's programme. But flexibility in that too would be desirable.

I am quite sure that Judge Furnell was wise in recommending flexibility in this area. However, the demand has come from the Kimberley, the Government has reacted to it, and we now have this legislation before us which will provide the guidelines under which, as has already been stated, the original eight official police aides will be appointed in the Kimberley area.

In fact, the district superintendent of police has been active in ascertaining from the appropriate people the names of those who could be the first police aides and already he has made his recommendations. Judge Furnell continued—

> Before any official approval and direction be given to such a proposal the citizens of the area together with the men concerned should be consulted as to whether or not they were willing to have such a plan put into practice.

I read that extra paragraph because I believe, as Commissioner Furnell pointed out, that the local people and the elders of the tribes should be the ones to make recommendations on the type of person who should carry out this function. Certainly, officers of the Department for Community Welfare, anthropologists or social scientists are the last people we need to consult in matters of this nature.

The question has been raised as to whether the Aboriginal aides will have the same powers as policemen. Clearly the Bill has not stated that they will not have the same powers. The Minister in his second reading speech listed a number of powers; however, by no manner of means did that list include all the functions and authorities of a normal police officer. Quite frankly, the common sense application of this new arrangement will be the important factor in whether the police aides can be successful in their task. They will not, and cannot act alone although I feel in due course that this may well come about. Just as we would not send any inexperienced, incompletely trained officer to do a task which requires greater experience, and training, clearly we will not be sending these police aides on such tasks.

In general terms, as they have done in the past, albeit unofficially, they will work in close co-operation with police officers, such as the sergeant of police or the senior constable. As the Minister suggested in his second reading speech, this will remove an area of abrasiveness that is likely to be created when, for example, a white man endeavours to kick a drunken Aboriginal out of a bar. This system has worked and has proved to be practical in the past and now is being put on an official footing. Quite frankly, all of us are very keen to see how it will work from now on.

The Aboriginal police aides will work with their own people and within their own community. There will be no question of their being social outcasts. Anyone with an understanding of the Aboriginal character—I am talking particularly of the Kimberley Aboriginal—will realise that the uniform, the badge of rank, is a remarkable status symbol. While these people are in their own community and among their own people they will not suffer; there will be no question of their being outcasts in their own society. However, until they grow in stature and in their ability to handle the tasks a policeman must face, it would be folly to utilise them away from their own environment in places where they would be as foreign as you or I would be, Mr Deputy President.

The question of whether these people will be enrolled in the Police Union or the Civil Service Association, covered by superannuation benefits and provided with things like housing unfortunately are aspects which are introduced once we start writing rules and regulations in an Act of Parliament. For this reason, I would prefer to see the scheme operate in a manner other than this. In regard to the question of housing, the objective is to have all Aboriginal people in the Kimberley properly housed; this objective is being achieved at a very fast rate; certainly, it is something which we anticipate in the relatively near future.

One comparison that has not been made is that of Aboriginal school aides, who are also being used in the Kimberley. I should like the Minister for Education to inform me whether he introduced legislation to enable him to employ school aides to carry out in the classroom a comparable function to that which we expect the Aboriginal police aides to perform in the social behaviour of the Aboriginal community.

The Hon. G. C. MacKinnon: We just put them on.

The Hon. J. C. TOZER: These school aides are working in the classrooms along with the fully-trained and experienced European teachers and are assisting in "getting through" to the Aboriginal students. They have made a wonderful difference in the classrooms at places like Derby, Fitzroy Crossing and Halls Creek. Clearly, while we continue with such policies we will make great strides in improving the welfare of these people.

My last comment on this Bill is closely associated with my apprehension about creating a new Statute; I refer to the proposal to pay to these Aboriginal aides a salary of $6 500. By the payment of such a salary, we are demanding a standard of service that we are not likely to get in their early years in this new role. This makes me sad because people will say, "We are wasting money", and things like that. It would be preferable if also we could have an *ad hoc* arrangement whereby we could pay them a lesser sum in the early years and, as they grew into the task, we could offer them a statutory sum of money in the form of a salary and permanent employment conditions.

I support the second reading of this Bill because I feel I have no option but to do so. I hope we are not so encumbering the application of a very good idea by official laws that we will detract from the system in any way. I look forward to seeing the successful operation of the police aide scheme.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [7.54 p.m.]: I understand that the Leader of the Opposition plans to move an amendment in the Committee stage of the Bill, and perhaps it would be better if his queries were dealt with then.

The Hon. R. Thompson: Could you give me an indication of whether you will accept my amendment?

The Hon. G. C. MacKINNON: I do not really believe it is necessary. Proposed new section 38A states, in part—

> (1) The Commissioner of Police and any commissioned officer of Police authorised in that behalf by the Commissioner may, in writing—
>
> (a) appoint aboriginal persons to be aboriginal aides; and
>
> (b) revoke any appointment made under this subsection.

The Hon. R. Thompson: That is not good enough.

The Hon. G. C. MacKINNON: Therefore, there is no real need for the amendment. Only eight Aboriginal aides will be appointed. I agree with those members with experience in this area who believe this scheme has a very good chance of succeeding. In South Africa, the Bantu police work side by side in the streets, with great success, and I do not see why our police should not work in the same manner. The Leader of the Opposition's amendment is a limiting amendment; this is dealt with in proposed new section 38A.

The Hon. R. Thompson: But it still sets it out on the Statute books.

The Hon. G. C. MacKINNON: It is on the Statute books now. I cannot see how we can extend it in the manner proposed by the Leader of the Opposition.

It is obvious that I support this Bill; as the Hon. W. R. Withers and the Hon. J. C. Tozer said—two very experienced members in the field of Aboriginal affairs —it is a step in the right direction. It is desirable that we should have these people working with the police. We have had them working in the hospitals and, as Mr Tozer mentioned, as teacher aides in all areas and it has been very successful; I do not see why they should not be successful here. I support the Bill.

THE HON. N. E. BAXTER (Central—Minister for Community Welfare) [7.56 p.m.]: The Leader of the Opposition raised several issues when debating this legislation. He referred to the income the Aboriginal aides will receive. I pointed out in my second reading speech that their salary is to be $6 500 per annum, which is comparable to the salary received by community welfare aides. I believe that, for a start, such a salary is sufficient for the work they will do. We never put into Bills the precise salaries and wages to be received; such things are done separately and are prescribed under regulations, which take into account awards and similar matters. He also referred to

the matter of workers' compensation. I am fairly certain that anybody who employs people must provide some cover for injury.

The Hon. R. Thompson: Must?

The Hon. N. E. BAXTER: It is compulsory under our Statutes.

The Hon. R. Thompson: Under what Statute?

The Hon. N. E. BAXTER: Under the Workers' Compensation Act; these people are entitled to industrial cover under our common law.

The Hon. R. Thompson: Are you sure?

The Hon. N. E. BAXTER: I am certain. The Leader of the Opposition asked whether the Aboriginal aides will be provided with housing. In many cases, these people will be working in their own communities and they will have some sort of housing according to the housing set up in their particular communities.

We are progressing gradually in Western Australia to increase the housing available to Aborigines; as the honourable member knows, we are carrying out this programme as fast as Federal Government finance will allow us. Perhaps they may not have the best of housing for a start but surely after a period they will move into a higher category and housing will be provided. For example, housing is proposed for Aborigines at Fitzroy Crossing and possibly in the future housing will be provided for these Aboriginal aides. As I said, this is part of a continuing policy; we are gradually forging ahead in the matter of providing housing for Aborigines. It is unfortunate that in particular areas housing is not able to be provided, but this will come.

The Leader of the Opposition also asked whether the Aboriginal aides will work alone. The plan is that the communities themselves will recommend the people who should be appointed as Aboriginal aides. They might recommend four, six, or even eight people for only two vacancies, and a selection will be made.

In isolated areas, like the Warburton Mission, the communities are rather keen to have Aboriginal aides appointed. As a matter of fact the Minister for Police recently received a telegram from some person up there requesting the appointment of these aides. It was suggested that a couple of police officers be sent up there to educate the people in relation to the Aboriginal aides. We do not know who sent that telegram, but that was the idea behind his proposal.

The Aboriginal aides will be selected by their own communities, and they will be supervised by district inspectors. In towns like Wyndham, Kununurra, and Derby where Aboriginal aides are to be appointed, they will be under the general supervision of the officer in charge of the district; but he will not be sitting over their heads. The Aboriginal aides will have freedom of action in their own communities to handle the issues which I mentioned in my introductory speech.

The query was raised as to whether these aides will work in company with a policeman. The idea is not to make these people police officers. The Leader of the Opposition knows this as well as I do: the attitude held by the leaders of those communities is that they do not want policemen to operate among them, but they are prepared to work with people of their own kind—people who are appointed as Aboriginal aides.

The Hon. R. Thompson: The Warburton Mission is not in the Kimberley.

The Hon. N. E. BAXTER: I did not say it was. I know where the Warburton Mission is. These communities will nominate several persons who they think can assist them to preserve law and order, and keep the younger people in check. They have agreed on that, as they indicated to the police officers who were sent up to the northern part of the State and who spent three months in consulting the communities in the Kimberley, the Pilbara, and the Murchison.

The Hon. R. Thompson: Could you name some of those places?

The Hon. N. E. BAXTER: I have included the centres in my notes. These aides will not work in company with policemen; they will work independently in their own communities. Their engagement will be under an instrument of appointment as set out in proposed new section 38A (2) (a). In other words, under that instrument of appointment there will be exclusions of powers and duties. I have already mentioned what they are permitted to do.

The Leader of the Opposition has asked what places the senior officers visited in their trip to the north. The centres included Wyndham, Kununurra, Derby, Broome, Port Hedland, Roebourne, Onslow, One Arm Point, Luma and some of the missions in the Kimberley and at Meekatharra. I am not sure whether they visited Wiluna, but they did go to Leonora, Laverton, and Warburton.

That covers the area in the north where the Aboriginal communities live. The police officers spent three months up there going from place to place, talking to the leaders of the Aboriginal communities, and explaining the idea of appointing Aboriginal aides. I am sure that they were welcomed practically everywhere they went by the leaders of the communities, and their ideas were accepted. In most of these places the police officers got in touch with the local Community Welfare officer. In some instances the Community Welfare officers accompanied the police officers in their visits. I know that a

Community Welfare officer accompanied them to the Warburton area. They did not undertake a scant canvass of those centres; they spent a lot of time and put in a lot of work explaining the ideas to the Aboriginal communities. The Leader of the Opposition has said that Miss Leslie Richmond should have been consulted. I do not know her.

The Hon. R. Thompson: She is one of the most authoritative young Aboriginal women in Western Australia.

The Hon. N. E. BAXTER: She may be, but we are not now dealing with anthropologists. We are now dealing with the action taken by the police officers in association with the community welfare officers. The Aboriginal communities indicated that they were prepared to nominate their own people to be appointed as police aides, with a view to preserving law and order, and preventing drunkenness and disorderly conduct. We do not need Miss Leslie Richmond and other anthropologists for this purpose. We arranged with the Police Department to explain the ideas to the Aboriginal communities, and they thought these were good ideas. The other people should not have been brought into the matter.

The Hon. R. Thompson: You do not understand the Aboriginal population if you say that.

The Hon. N. E. BAXTER: The Leader of the Opposition amazes me in saying that I do not understand the Aboriginal population.

The Hon. R. Thompson: You do not, if you make statements like that.

The Hon. N. E. BAXTER: The honourable member has spent 12 months as a Minister, and in that time he seems to have learned everything about the Aborigines! That is astounding.

The Hon. R. Thompson: How long did it take you to learn about these matters?

The Hon. N. E. BAXTER: I was born in a place where Aborigines lived, and my father employed Aborigines.

The Hon. R. Thompson: So was I born where Aborigines lived.

The Hon. N. E. BAXTER: I do not know where the honourable member came from. According to him, nobody knows anything about Aborigines except himself. That is the impression he has given.

The Hon. R. Thompson: If you want a dog fight you will get one. I was trying to be co-operative. If you are getting nasty—

The Hon. N. E. BAXTER: I am not nasty. In fact I am quite happy.

The Hon. R. Thompson: You are very supercilious.

The Hon. N. E. BAXTER: I do not like being told that I do not know anything about the Aborigines.

The Hon. R. Thompson: If you make statements indicating that you do not want people like Miss Richmond, then you do not know what you are talking about.

The Hon. N. E. BAXTER: I do know what I am talking about. I have said that in this instance we do not need people like Miss Richmond. If it is the opinion of the honourable member that we need people like her, then he is entitled to his opinion; but similarly I am entitled to mine.

The Hon. R. Thompson: Was that why the Housing Commission appointed her? She was appointed because she was brilliant.

The Hon. N. E. BAXTER: She might be brilliant. If the honourable member persists in his claim that we need people like her, then he is entitled to his opinion.

This is a trial scheme to see how the appointment of a few Aboriginal aides will work out. If in due course we find that the scheme does not work no harm will have been done; we would have spent some time and money on these people, but we would have made an effort to assist them overcome some of their problems. No doubt the Leader of the Opposition will agree the Aboriginal people are confronted with many problems, and one which he instanced is the difficult problem of alcohol. There are many other problems.

This is a genuine attempt on the part of the Government to do something for these people. Years ago a similar attempt was tried in Derby. At present there is a ranger at Halls Creek who does work similar to that to be undertaken by the police aides. We are implementing this scheme on a trial basis, to see how it works out. There may be eight aides appointed in the Kimberley area, and we will see how they operate. If they are successful we will extend the scheme to other areas; but if they do not prove to be successful then under the provisions of the Bill the Commissioner of Police has the power to revoke their appointment under the Act.

The Leader of the Opposition has said that if these people were appointed police aides they could become social outcasts in their own tribes. I would point out that the appointments would be made from persons within their own groups, but the honourable member seems to have the idea that the aides will be appointed from communities other than their own.

The Hon. R. Thompson: I asked a question. I did not say that. You should not twist my words.

The Hon. N. E. BAXTER: We have taken certain steps. The Aboriginal communities have been in consultation with some top police officers. They have agreed to submit the names of people in their communities who they believe would be suitable for appointment as police aides. The Police Department will check on those nominations and talk to the nominees. A

couple of them will be appointed as police aides.

As far as possible, particularly in respect of the first appointments, the aides will come from the communities in which they are to operate. The reason is that in operating among their own communities they will be speaking the same language, and they will be familiar with the laws of those communities. They will do this work in the interests of harmony, and in co-operation with the leaders of the communities.

The Hon. D. K. Dans: Have you a short list of the appointees? Can they fulfil their commitments?

The Hon. N. E. BAXTER: A list of nominations has been submitted. I understand that only eight aides are to be appointed in the first instance, and they will be in the Kimberley area.

The Hon. R. Thompson: You said there would be a short period of training. Can you expand on that?

The Hon. N. E. BAXTER: They will be given an initial short period of training.

The Hon. R. Thompson: In what form?

The Hon. N. E. BAXTER: Training under the police as to what they can do when people resist arrest. They will be given instructions in regard to the stopping, searching and detaining of motor vehicles; and instructions on action to take in cases of drunkenness and disorderly conduct. They will be given instructions on their general basis of action in such cases, and they will have the right to do the things laid down in their instrument of appointment.

They will be given a concentrated course of training, and furthermore they will be given further training in the course of their job. In other words, police officers will go to the areas and assist them in job training. This will be carried on until the aides become reasonably proficient in their jobs.

That covers the questions raised by the Leader of the Opposition. I have tried to cover every facet of his queries. I believe the scheme is a good one, and that both he and other members of the Opposition believe it is a genuine attempt to keep peace and order among the Aboriginal communities, so as to help those communities have a better understanding of and to arrive at closer co-operation with the police and the local white communities.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Part IIIA added—

The Hon. R. THOMPSON: I have handed an amendment to the Clerks and the Minister also has a copy of it.

The CHAIRMAN: The honourable member cannot deal with it until after discussion on clause 3 because it is a new clause.

The Hon. R. THOMPSON: Yes, I am aware of that. I think you, Mr Chairman, are jumping the gun a little. I said I had prepared an amendment which I had handed to the Clerks prior to proceeding with it.

I am rather amazed because when I spoke to the debate I think I was reasonable; I was in agreement with the proposals contained in the Bill, although I did say I had a completely open mind on the matter. I did say this Bill was sloppy and was not complete. It surprised me to learn that the Police Force could spend a period of three months making inquiries and we then have a loosely worded Bill presented to us. After listening to the Minister's reply I am inclined to believe the Bill was framed in that manner purposely. It seems that not sufficient inquiry has been made but the Minister claims he has the concurrence of the Aboriginal community for the appointment of aides.

I am naturally concerned with the conditions of employment for those aides. It is not good enough for members opposite—particularly Mr Tozer, who ought to know a little about the north-west—to say that conditions of employment are not important to all people. Even members of Parliament have conditions of employment.

The Minister did not answer my question regarding the hours to be worked.

The Hon. N. E. Baxter: I thought I had answered all the questions which were raised.

The Hon. R. THOMPSON: I did not get an answer; the Minister hedged somewhat.

The Hon. N. E. Baxter: I did not hedge at all.

The Hon. R. THOMPSON: Very well, then I would like to know the terms and conditions of employment. What hours will they work; what holidays will they receive; will they be entitled to sick leave; will they be paid for sick leave; will they receive annual leave and, if so, how many weeks per year? It is all very well to say we should accept this Bill and then things will be worked out. However, this is legislation, and we are dealing with people. It is no good looking at the Police Act because the provisions of this Bill will exclude the aides from that Act.

The Hon. N. E. Baxter: I would not go along with that opinion; that is your interpretation.

The Hon. R. THOMPSON: There is reference to any other law of the State, not being a law relating to conditions of service of the Police Force.

The Hon. G. C. MacKinnon: The Police Act specifically applies.

The Hon. R. THOMPSON: It does not; the union cannot cover the aides. The union has been into the provisions of this Bill. It seems the Minister does not understand his own legislation.

I am particularly concerned now and show my opposition to the Bill. I asked the Minister to expand on the matter of instruction for the aides.

The Hon. N. E. Baxter: I gave a fairly good answer to that question, did I not?

The Hon. R. THOMPSON: Yes, the Minister gave an answer. That answer has given me ammunition and material on which to oppose the Bill. I was fully in favour of the Bill when I first read it. However, the Minister has proved the point that he is setting up a second-class Police Force.

The Hon. N. E. Baxter: Now I have heard everything.

The Hon. R. THOMPSON: The Minister should adopt a responsible attitude. As I have said previously, I attempted to have more Aborigines introduced into the Police Force. I was resisted by the top echelons of the Police Department because the Aborigines could not reach the required educational standard. I endeavoured to get something along the lines now envisaged, but I was prepared to pay the Aborigines the full police salary.

The Minister said the aides would have an initial form of training. It takes a policeman three months to train at the Police Academy. He has to pass tests. However, there will be exclusions for the benefit of the Aboriginal aides, so I cannot be told that they will be fully trained policemen.

Under the terms of their appointment the aides will be able to arrest a white man, a black man, or anybody else. White men will not be excluded from the instrument of appointment.

The Hon. N. E. Baxter: How do you know?

The Hon. R. THOMPSON: If that occurs the Minister will defeat the whole purpose of the appointment. It seems that the Minister's colleague, and Mr Heitman, know very little about the meaning of the Bill. Will the aides have the same rights as policemen, or are we to set up an apartheid situation where black policemen will look after black people and white policemen will look after white people? I would not support that proposal for one moment, and I can see other members of this Committee agree with me.

The reference to any other law of the State not being a law relating to the conditions of service of members of the Police Force shall be read as including an Aboriginal aide appointed under this clause of the Bill. So, he will be appointed as a policeman with some exclusions.

The Hon. N. E. Baxter: Yes, with some exclusions.

The Hon. R. THOMPSON: All right, let us look at the exclusions. If a white man and a black man are fighting, will the aide be able to arrest only the black man?

The Hon. N. E. Baxter: No, he will be able to arrest the white man also.

The Hon. R. THOMPSON: The Minister said a short while ago he would not be able to arrest the white man.

The Hon. N. E. Baxter: I was wrong at the time; I had a wrong conception of the query. A white man can be arrested in that case. The intention is that the aides will look after the Aborigines, and protect them, but if a white man is implicated he can be arrested. The intention is that the aide will not go freely into the community as an ordinary policeman.

The Hon. R. THOMPSON: We have established that the aide will be a policeman within the full meaning of the word. An aide will be able to stop and search a vehicle. The vehicle could contain drugs, illicit gold, or anything else. The aid will have full powers of arrest in such a situation.

The Hon. N. E. Baxter: Yes.

The Hon. R. THOMPSON: He will be able to arrest persons for drunkenness, resisting arrest, or disorderly conduct. Those offences could be committed in the company of white people. Many aboriginal communities, particularly along the coastline—excluding the missions—usually include a couple of white people. Another offence which can be committed by Aborigines concerns offensive weapons, but many Aborigines have rifles or shotguns. Other offences are unlawful damage, or assault.

I think the Minister would agree—as would Mr Withers—that those offences I have listed would make up 99 per cent of the charges laid against Aborigines.

The Hon. R. J. L. Williams: At the present moment.

The Hon. R. THOMPSON: Yes. We are now to have Aboriginal aides, and this is something I will not support. I am alarmed to think that the aides will go out into the community and become second-class policemen. They will be untrained.

It takes a person three months to train, pass examinations and become a policeman, but we are now to have Aborigines, after a short period of training and without passing any examinations, having the power to arrest.

How will an Aboriginal aide prosecute a case in the police court? I want that question to sink in. How will he give evidence under the provisions of the Police Act—or the Criminal Code—without sufficient training?

Insufficient thought has been given to all aspects of this legislation. It is not good enough to say we are to appoint Aboriginal aides. I say quite sincerely that I would have been supporting this Bill were the aides to be appointed to work under the direction, and in the company, of policemen.

The Hon. S. J. Dellar: How will a police aide bring in a person he has arrested—carry him?

The Hon. R. THOMPSON: That is something I did not think of. What will a police aide do when he makes an arrest at One Arm Point or the Forrest River Mission?

The Hon. N. E. Baxter: Are we to put policemen out there with him?

The Hon. R. THOMPSON: No, I am following on from what the Minister said now. Let us say that an aide arrests a person at the Forrest River Mission, will he charter a plane to bring that person in?

The Hon. N. E. Baxter: It is a bit of a swim, isn't it?

The Hon. R. THOMPSON: Perhaps Mr Withers may correct me, but I think One Arm Point is 186 miles from Broome.

The Hon. S. J. Dellar: A fairly long walkabout.

The Hon. W. R. Withers: It is shorter by air.

The Hon. R. THOMPSON: Yes, but I am talking about road travel, or will we have a charter plane service for this area?

The Hon. J. C. Tozer: There are several aeroplanes flying there every day.

The Hon. R. THOMPSON: I am talking about the distance by road. Will the police aide be supplied with a vehicle to bring in an arrested person? I thank Mr Dellar for raising that point.

I well appreciate the point made by the Minister when he said that no-one knew who sent the telegram from the Warburton Range. Under no circumstances would it be fair to place Aboriginal aides at Warburton on their own. The Minister has been there, I have been there, and I suppose many other members have been there.

The Hon. N. E. Baxter: No, that is one place to which I have not been.

The Hon. R. THOMPSON: I suggest that the Minister should look at the area.

The Hon. N. E. Baxter: I want to get there when I can.

The Hon. R. THOMPSON: How far is Warburton from Leonora?

The Hon. N. E. Baxter: Something like 500 miles.

The Hon. S. J. Dellar: It is 450 air miles from Kalgoorlie.

The Hon. R. THOMPSON: I have never made the trip by road. However, it would be a long trip for an Aboriginal aide, and a difficult trip if he had made a few arrests in a place such as Warburton. The same could apply at One Arm Point—it is about 180 miles from Broome by road. One cannot get to One Arm Point without going through the main highway to Derby.

I now accuse the Government of setting up a cheap second-class police force. I would fully support a proposal to appoint police aides, as long as they were to work under the control of policemen. I was not going to mention the places, but Mr Tozer and Mr Withers have referred to Halls Creek, Fitzroy Crossing, and one other place.

The Hon. J. C. Tozer: Kununurra.

The Hon. R. THOMPSON: Yes, and Aborigines working in these areas are called "rangers", but they are working under the direct control of a police constable or a sergeant. They are not left to their own devices. The rangers understand the English language thoroughly, but some of the tribal people do not.

I must now oppose the legislation, and I oppose it because of statements made by the Minister. We are now hearing the truth, and the truth is that the legislation is not aimed at appointing police aides, but its aim is to set up an Aboriginal police force—if we can accept the Minister's word. I hope the Minister is wrong; I hope he will consult with the Minister for Police and that he will then tell us that the legislation provides for the appointment of police aides. Otherwise we will have an Aboriginal police force at a lower rate of pay than regular policemen, without any conditions of employment, and with no award. I ask the Minister to adjourn the matter so that the Parliament will know exactly where it is going with this measure. I am sure that members representing the Kimberley do not want to see a lowering of the working conditions of any man there. I would be very surprised if they wanted to see a black police force set up as a cheap substitution for the Western Australian Police Force.

The Hon. W. R. WITHERS: I would agree with the Leader of the Opposition if his arguments were valid, and I mean that. I do not want to see any lowering of the standards of the work force anywhere in my area, or indeed, in Western Australia. However, some of the arguments put forward by the Leader of the Opposition appear to be valid, but in fact they are not.

The Leader of the Opposition asked the Minister whether the aides would be posted to various places on their own, and he gave the example of the Forrest River Mission.

The Hon. R. Thompson: That is right.

The Hon. W. R. WITHERS: As an ex-Minister for Police, I am sure he realises that junior members of the Police Force are not posted to areas on their own. So it is quite unlikely that the Aboriginal aide would be so posted.

The Leader of the Opposition also asked the Minister how an aide could prosecute a case after he had made an arrest. Again, as an ex-Minister for Police, he should know that the prosecutor is not necessarily the person who has made the arrest. A case may be prosecuted by a sergeant or a senior constable.

The Hon. R. Thompson: What happens when an aide is called as a witness and a lawyer appears for the defence?

The Hon. W. R. WITHERS: They are special cases, but any member who has been unfortunate enough to receive a speeding ticket or to assist someone else in similar litigation, would know that the person who catches a speeding motorist is not necessarily the one who prosecutes the action. Usually the arresting officer is called as a witness for the prosecution. The same situation would apply when a police aide has made an arrest.

The Hon. D. W. Cooley: Surely the person who arrests you should know the law.

The Hon. W. R. WITHERS: Not necessarily. Mr Cooley is working on a wrong premise there. I would like to point out that anyone, trained or otherwise, can make a citizen's arrest.

The Hon. R. Thompson: Yes, but this is police arrest and not a citizen's arrest. These aides are policemen under the instrument of appointment.

The Hon. W. R. WITHERS: They are police aides under the Bill.

The Hon. D. W. Cooley: With all the powers of a policeman.

The Hon. R. Thompson: With all the powers of a policeman—you should read the Bill.

The Hon. W. R. WITHERS: That is so, except where it is stated they are not—

The Hon. D. W. Cooley: Why argue against yourself?

The Hon. W. R. WITHERS: —in their terms of appointment. It is rather unusual that the honourable member did not recognise this fact while he was on his feet.

The Hon. R. Thompson: Whom do you mean?

The Hon. W. R. WITHERS: The Leader of the Opposition, because at one stage he asked whether the aides would get the same holidays as the police constables.

The Hon. R. Thompson: I wanted to know. They do not get the same holidays.

The Hon. W. R. WITHERS: Then why ask the question?

The Hon. R. Thompson: They do not get the same holidays.

The Hon. R. F. Claughton: You are mixing up two different things—the industrial conditions as against their powers.

The Hon. W. R. WITHERS: If members opposite look at the Minister's second reading speech, and also the Bill, they will see that proposed new subsection (2) (a) contained in clause 3 provides that the aides shall have all the powers, privileges, duties and obligations as any constable appointed under the Act.

In his second reading speech the Minister said—

> This enabling legislation is required to permit the Commissioner of Police to make such appointments and under statutory powers—

The Hon. R. Thompson: Second reading speeches are not in the Bill and have no part in the Bill.

The Hon. W. R. WITHERS: I will do something which no-one else seems to have done, particularly the member who put this amendment before us; the Leader of the Opposition has not yet spoken to the amendment—

The Hon. R. Thompson: I have not moved it yet. It is a new clause. Have you not been here long enough to wake up about how Parliament works?

The Hon. W. R. WITHERS: I felt sure that the Leader of the Opposition would have spoken about the amendment.

The Hon. R. Thompson: The amendment proposes a new clause, so you are wrong again.

The Hon. W. R. WITHERS: I do not wish to antagonise the Leader of the Opposition because I know that in his heart he would like to see police aides appointed, and so would I.

The Hon. R. Thompson: Not now I have heard the truth—I will not even move the amendment. I am going to oppose the Bill.

The Hon. W. R. WITHERS: The Minister admitted he made one small mistake because he did not understand the question put to him. With that exception, I agree with everything the Minister said. Nothing in the legislation bothers me at this stage—the only thing that bothers me is this proposed amendment.

The Hon. R. Thompson: I am not moving it—the amendment is out.

The Hon. W. R. WITHERS: It appears that not all the Opposition members understand the Bill.

The Hon. R. Thompson: We have been trying to tell you for an hour what is in the Bill, and you do not know now.

The Hon. W. R. WITHERS: In the Minister's second reading speech, as well as in paragraphs (a) and (b) of proposed new subsection (2) of clause 3 it is made quite clear that these people will be appointed as aides.

The Hon. R. Thompson: What is an aide? Is he a policeman working on his own at a lower rate of pay?

The Hon. W. R. WITHERS: No, he is not. An aide assists somebody else.

The Hon. R. Thompson: You agree with me that he should work under the supervision of a policeman.

The Hon. W. R. WITHERS: This is what I assume will happen.

The Hon. R. Thompson: Well, your Minister says the exact opposite. He says they will be appointed at Warburton, One Arm Point, or Luma, to work independently. Did you not hear that?

The Hon. W. R. WITHERS: They could not work completely independently. They would be responsible to a senior officer.

The Hon. R. Thompson: To someone who is 86 miles away. In effect they would be on their own at Luma.

The Hon. W. R. WITHERS: It would depend on the situation.

The Hon. R. Thompson: It is quite obvious that this Bill has never been explained in your party room. It would never get past ours—I can tell you that.

The Hon. W. R. WITHERS: I am quite happy with the Bill as it stands.

The Hon. R. Thompson: Because you do not understand it.

The Hon. W. R. WITHERS: I intend to support it.

The Hon. R. J. L. WILLIAMS: I have listened with interest to the debate on clause 3 of this Bill. I always listen with interest when the Leader of the Opposition speaks, because, as an ex-Minister, he knows something about the Police Force.

Mr Cooley asked, "Who can arrest?" To answer his query I will give members some information which might surprise them, although perhaps not all of them; and if anybody wants to challenge me on this I suggest he checks his facts.

We have a system of induction into the Police Force and the day someone is enrolled into the Police Academy he has the right of arrest even though he may know nothing about the law. If he is inducted at 9.00 a.m., takes the oath at 9.10 a.m., and there happens to be a tea break at 9.50 a.m., he is a sworn constable of the Police Force of Western Australia and therefore has the right of arrest.

I only put that in to clarify a siuation which I am sure is known to Mr Cooley; that be it one day or 13 weeks of their passing out, the trainees—because that is what they are—have the same right of arrest as a full constable.

If we want to talk about aides let us consider clause 3 in full because this defines the meaning of "aide". As an aide the man will be there to assist. The Leader of the Opposition in his wisdom and his cleverness has drawn a few red herrings across the trail but that, of course, is his job. When he says he is not fond of the legislation and that he will oppose clause 3 he does not spell it out. I do not think the Police Act spells out what are the remunerations, allowances and conditions of a police constable.

The Leader of the Opposition wants to know whether we are creating second-class policemen. I do not know why he should use that term. He wants to know whether we will be using Aborigines in the Police Force. In point of fact we will not be using them but employing them. The Bill says so. It states in effect that they shall receive remunerations and allowances as are determined by the Minister.

If we employ a tracker and say to him, "You have more skill and more knowledge of the bush than we have; we would like to employ you to find a person who has committed this act, and if you follow this trail we will pay you for it;" that is remuneration according to the scale that is required. If I am not wrong in my reading of the history of this State many Aboriginal trackers have been employed in this way. They are legendary throughout the world.

An Aboriginal tracker can tell us where a man has put his foot, what he has done and where he is going. Such trackers have had remarkable and tremendous success in this field. Is it wrong legislatively to enlist the help of these people on a proper basis?

The Leader of the Opposition knows that we do have problems in the Aboriginal communities, and no-one has worked harder than has the Leader of the Opposition in his past role as a Minister to help solve these problems. If any member of this Committee is less than honest he will admit that within our Aboriginal communities, as such, we do have problems. I have never subscribed to the idea that we should impose our law on these people.

The Hon. R. Thompson: I do not want to interrupt but before you sit down will you give me a definition of what you think is an aide, or what duties you think he should perform?

The Hon. R. J. L. WILLIAMS: Certainly I will, and I thank the Leader of the Opposition for assisting me on this matter.

That is his role in this Chamber. We have tremendous problems of this kind in Western Australia—and I am talking only about our State, though members can relate it where they like—and in facing those problems squarely I think we are half solving them by this clause in the Bill, because we are not saying to these people, "Do it our way, because it is our way", but we are saying, "We need your help, and what is more we are willing now to come to the point where we will remunerate you for your help."

Mr Cooley would never sit down in his seat in a cool pair of pants if he thought we were going to exploit these people.

The Hon. D. W. Cooley: I am not sitting down, I will be on my feet in a moment; don't worry about that.

The Hon. R. J. L. WILLIAMS: One thing I will say is that Mr Cooley is dead straight and dead honest but, of course, so am I.

The Hon. D. K. Dans: He is alive straight and honest!

The Hon. R. J. L. WILLIAMS: At the moment! My point is that this Bill is an honest attempt to achieve a certain amount of control in cases of lawlessness. If we had no lawlessness we would, of course, never appoint a Police Force; we would be so very happy. I cannot see anything in this clause which spells out that these aides will be second-class citizens, and I would be glad if members of the Opposition could tell me where this is mentioned. They are good citizens and they are asked to do a job for which they will be remunerated.

The Hon. R. Thompson: Who mentioned second-class citizens?

The Hon. G. W. Berry: You did.

The Hon. R. Thompson: I referred to a second-class Police Force.

The Hon. R. J. L. WILLIAMS: Who else would fill the role in a second-class Police Force but second-class citizens?

The Hon. R. Thompson: No red herrings, please.

The Hon. R. J. L. WILLIAMS: I am not accusing the the Leader of the Opposition of saying anything he did not say.

The Hon. R. F. Claughton: On his analogy because he wears a red tie he is a communist.

The Hon. R. J. L. WILLIAMS: Actually it is the tie of the Middlesborough Football Club.

The Hon. D. K. Dans: Some of them may be communists.

The Hon. R. J . L. WILLIAMS: Let nobody in this Chamber accuse me of being a communist.

The Hon. R. F. Claughton: You are using fallacious reasoning. You suggest that these people would be second-class policemen and therefore they will be second-class citizens. There is no logic in what you say.

The Hon. R. J. L. WILLIAMS: The mind boggles at the specious arguments put forward from time to time by the member for the North Metropolitan Province.

The Hon. R. F. Claughton: You should learn something about logic.

The Hon. R. J. L. WILLIAMS: Three days ago the honourable member implored us to please listen and not be specious and not introduce a fallacious argument where none is intended.

In another place and at another time I, too, have dealt with Aboriginal problems, and no-one was more delighted than I when I read this Bill. We have no right to inflict on any member of the Aboriginal population our law as such. They have lived under it, but here is a chance for the Aboriginal people to deal with the Aboriginal population.

I do not know how many people are aware—I know the Leader of the Opposition is aware of it and I know the Ministers on this side are aware—that there is a person—an aboriginal—who has been riding a motor bike in this town up till six months ago, so far as I know.

The Hon. R. Thompson: There are three of them.

The Hon. R. J. L. WILLIAMS: I stand corrected; the Leader of the Opposition because of his past role would know better. I have never read in the Press that people have objected to this man riding up and asking a driver to pull over because he has infringed the law.

The Leader of the Opposition has asked, "What is an aide?" Mr Withers said it was an assistant, and I agree with him. The Leader of the Opposition knows full well that an aide, a first-year constable, a second-year constable, even a senior constable, when he decides to follow a certain course of action in connection with people who are involved, will always refer the matter to his senior.

I ask you, Sir, would not our Aboriginal population, particularly in the north-west, be more amenable to one of their own people talking to them and saying, "Look fellow, you are gone because you have done this"?

We must not lose sight of the fact that a nursing aide as such or a nursing assistant as such earns infinitely more than does a nurse in training. I wonder whether the members of the Opposition appreciate that. The question of remuneration does not come into it; it is a question of the job they are doing at the time. I am sure Mr Cooley will check my figures instantly on this, and I hope the Minister will check this also, but I think a first-year nurse in training gets somewhere in the region of $75.95 per

week. A nursing assistant who is not trained, but who is doing the job of a nursing assistant—in other words, she is an assistant to the nurse—

The Hon. D. K. Dans: You mean a nursing aide?

The Hon. R. J. L. WILLIAMS: No. I am talking about nursing assistants; nursing aides are different; they do 18 months' training. I say that a nursing assistant gets roughly $102 per week, plus 17½ per cent.

The Hon. D. W. Cooley: She gets 17½ per cent loading.

The Hon. R. J. L. WILLIAMS: She gets $102 per week, plus 17½ per cent loading for holidays, and shifts, etc.

The Hon. H. W. Gayfer: Only for holidays.

The Hon. R. J. L. WILLIAMS: I know that for three days' work she brings home $80 net.

Surely Mr Dans is right; the analogy is not with assistants but with aides, and nursing aides, as opposed to nursing assistants, do have a modicum of training. An Aboriginal police aide will not be told, "You look a likely lad and so you will be appointed." They will have a modicum of training. I realise what the Leader of the Opposition is saying. If my interpretation of clause 3 is correct, and according to the provisions of proposed new section 38A, an Aboriginal police aide, except as specified to the contrary in his instrument of appointment, shall have all the powers and privileges of any constable. If you, Mr Chairman, contravene any Act in your electorate, one of these Aboriginal police aides would have the right to arrest you and request you to accompany him to another place. I understand the word "privileges" to mean all privileges set out under the Interpretation Act. An Aboriginal police aide shall perform all the duties and observe all the obligations in the same way as any constable duly appointed under the Police Act, and he shall receive such remuneration and allowances as are determined by the Minister.

Let us assume a miracle happened and the Leader of the Opposition became the Minister for Police.

The Hon. S. J. Dellar: That would not be a miracle, that would be justice.

The Hon. R. J. L. WILLIAMS: That is only the opinion of the honourable member. If the Leader of the Opposition were to become the Minister for Police and were to look at this provision, is there any way in the world he would say, "Sorry, the constable is getting a salary of X dollars, but because of the colour of his skin he must receive X dollars minus 50 or X dollars minus 100."? No-one in his wildest dreams would believe that. If the members of the Opposition can convince me of that then, of necessity, I would have to cross the floor.

If an Aboriginal police aide, in performing his duties, does not receive adequate remuneration, we have no right to allow this legislation to pass. I believe what the Bill states; namely, the Minister can be brought to task immediately any injustice is proven. I realise that I have raved on and have given the Opposition a certain amount of ammunition. I will vote for this provision because of the principle contained in it. The principle is that we will appoint these people to be police aides to assist in the observance of law and order. Apart from the present Minister and those members representing north-west provinces, the Leader of the Opposition is one man who knows, unofficially, how this system will work so well.

In any Bill that is brought before this Chamber provisions are not fully spelt out, and clause 3 of this Bill spells out more in regard to what will happen than do most Bills. If there is any suggestion that we are to employ cheap labour, then the Bill is not sound; but it is up to the Opposition to prove that Aboriginal police aides will be cheap labour. I do not think the Opposition can do this. The Minister will decide what job will be performed by an Aboriginal police aide, and he will have to do that by regulation which must be laid on the table of each House of Parliament so that it may be allowed or disallowed. That is the privilege of every member of this Chamber. The Minister cannot arbitrarily decide, "I will pay X dollars to an Aboriginal police aide." A regulation must be brought to this Chamber for approval. If the Opposition can prove it will not come to this Chamber I will have to have second thoughts on the provision in the Bill.

I know the heart of the Leader of the Opposition is in the right place. He has tried to put into a piece of legislation the commas and full stops which he considers are most necessary. In point of fact, if the roles were reversed, the Leader of the Opposition would be lauding this provision. He would say, "I will come to Parliament and tell you what it is all about. Here are the rates that will be paid to an Aboriginal police aide and it is up to Parliament to agree to them." If regulations are introduced which will disadvantage these police aides no-one will cross the floor faster than I will.

These people have a tremendous amount to contribute to their various communities. I cannot speak for the north-west with any authority because I have only been a visitor to that area. Nevertheless I have sufficient knowledge of the problems of the Aboriginal people to say that this piece of legislation is welcome and will, I am sure,

be the forerunner of pieces of legislation to be introduced by other States of the Commonwealth. A coloured policeman in Chicago, New York, or any other city in the USA does not suffer any disadvantage, nor does a policeman in Coventry in the United Kingdom. When the first Indian policeman was made a member of the Police Force—

The Hon. R. Thompson: Are they all paid the same wage?

The Hon. R. J .L. WILLIAMS: Absolutely.

The Hon. R. Thompson: But they were not aides.

The Hon. R. J. L. WILLIAMS: No, they were not listed as aides. I am certain the Leader of the Opposition would know that the men he recruited—he said three, but I know of one—were paid the same rate as an ordinary policeman when they took the oath at the Police Academy on the morning referred to.

The Hon. R. Thompson: They would not have been appointed if they had not.

The Hon. R. J. L. WILLIAMS: The man that I know of was appointed as a policeman and therefore was paid the same rate as a policeman. These people are to be paid as police aides. Let the authorities get together to decide what their rate of salary shall be. The purpose of this Bill is to maintain law and order in this State, recognising that these people have a particular quality to add to the maintenance of law and order in the various sections of their own community.

This Bill does not represent segregation, nor does it represent apartheid. It recognises that these people have a part to play as police aides in giving advice and performing other duties. If the Opposition opposes the Bill it will be doing a disservice to Western Australia. I support clause 3.

The Hon. R. THOMPSON: Firstly, Mr Williams said I had drawn several red herrings across the trail and he then went on to say if these police aides were sworn in they would have complete protection under the police union.

The Hon. R. J. L. Williams: I never brought the police union into it.

The Hon. R. THOMPSON: What did the honourable member say?

The Hon. R. J. L. Williams: I said that the clause appeared to be substantial enough for Aboriginal police aides to receive proper remuneration.

The Hon. R. THOMPSON: I will sit down and let the honourable member repeat what he said in regard to my drawing red herrings across the trail.

The Hon. R. J. L. WILLIAMS: I said that the Leader of the Opposition had drawn red herrings across the trail in saying that we do not know what conditions and wages will be enjoyed by Aboriginal police aides. He said that it appeared they would be appointed as second-class constables, or words to that effect. I was drawing the attention of the Leader of the Opposition to subsection (2) (b) of proposed new section 38A, and the fact that he did not complete the sentence by pointing out that a regulation shall be brought before Parliament to decide what remuneration shall be paid. By not completing the sentence, to my mind that is drawing a red herring across the trail, because the Leader of the Opposition knows that a regulation will be brought to this Chamber and that any honourable member has the right to move for its disallowance.

The Hon. R. THOMPSON: Mr Williams stated that nowhere under the Police Act did it spell out the wages and conditions of policemen.

The Hon. R. J. L. Williams: I did not say that.

The Hon. R. THOMPSON: The honourable member did. He said that what I wanted was written into the Bill but nowhere in the Police Act did it spell out the wages and conditions of policemen. I could agree with him entirely on that for the simple reason that the 2 018 policemen in Western Australia are all members of a union which negotiates salaries and conditions for them.

The Hon. R. J. L. Williams: Agreed.

The Hon. R. THOMPSON: That is the red herring the honourable member said I drew across the trail.

The Hon. R. J. L. Williams: No, I did not.

The Hon. R. THOMPSON: Let the honourable member check *Hansard*. My criticism of the Bill is that the police union will not accept aides. Those are the words of the secretary of the police union and not mine. The police union will not accept a second class policeman.

The Hon. R. J. L. Williams: It should not.

The Hon. R. THOMPSON: I agree it should not. Unless these police aides are employed on the same wages and conditions as policemen they will be second-class policemen in the eyes of the Police Union. These people will be employed as police aides and will carry out the duties of policemen.

The Hon. R. J. L. Williams: Does the Nurses' Association (Union of Workers) take care of nursing aides and assistants?

The Hon. R. THOMPSON: No.

The Hon. R. J. L. Williams: Why should the Police Union take care of police aides?

The Hon. R. THOMPSON: The nursing aides have their own organisation to take care of them.

The Hon. R. J. L. Williams: Don't you think the same thing will apply to these people? Don Cooley will be there to do it for them.

The Hon. R. THOMPSON: Mr Williams went on to say that these people are aides and that the system had worked successfully in the north-west according to what he had heard.

The Hon. R. J. L. Williams: I said "unofficially". You know what I was talking about?

The Hon. R. THOMPSON: Yes, and I agree. This is the point I made. For the first time in this place or another place the Minister has told the truth. Maybe a question was not asked in another place, but I asked whether these aides would be working independently. In the north-west they work alongside and under the direct control of a constable or a sergeant. The Minister has told us that these aides will not be working under the direct control of and alongside a policeman. They could be sent to the Warburton Range, One Arm Point, and so on.

The Hon. R. J. L. Williams: Who sends them?

The Hon. R. THOMPSON: The sergeant or responsible officer.

The Hon. R. J. L. Williams: Therefore they are under his direct control.

The Hon. R. THOMPSON: These people are then policemen in the true sense of the word, but they will have had no training which it is agreed a policeman should have. They are isolated within their own community and they carry out police actions. If that is not creating double standards, I do not know what is. Members on my side will agree that I was 100 per cent in support of the Bill until the Minister said that these aides would not be working alongside a policeman. Of course the Minister has admitted once tonight that he was wrong and if he now tells me that these aides will work alongside and under the direction of a policeman, I have no argument. I will sit down and support the Bill.

The Hon. R. J. L. Williams: This is my impression of what will happen.

The Hon. R. THOMPSON: The Minister said this will not happen and Mr Withers said that an aide could be sent to Forrest River.

The Hon. W. R. Withers: No I did not. I said that you used an example of sending an aide to Forrest River. I said that he was only an aide, pointing out that even a young constable is not sent out on his own.

The Hon. R. THOMPSON: I misunderstood the honourable member. If that is what he meant, it did not come across to me like that at the time. I suggest that the Minister should take time out to ascertain the true position so that everyone in this place will know what an aide will be. Mr Williams and I are of the opinion that an aide will work alongside a police constable in the performance of his duties.

The Hon. N. E. Baxter: What do you mean exactly by "alongside"?

The Hon. R. THOMPSON: Within the township, with him, not X-number of miles away living in a community on his own and being a policeman.

The Hon. R. J. L. Williams: Not without direction, no.

The Hon. R. THOMPSON: The Minister said that he will be working miles away.

I would like as an exercise to ask each member in the Chamber his or her interpretation of the provision. I have heard interjectors telling me I am wrong and that the aides will be working under a policeman. When you, Mr Chairman, were in your place and the President was in the Chair, you indicated you were under the impression that these aides would be working under the same conditions as a policemen but they will not be.

Do not let us make a mistake with this legislation. Let us get the view of the draftsman or Mr Medcalf as to what it means. Evidently the Minister for Health, the Minister for Education, and I have different interpretations. I consider I am right, but I want to be sure. Can we get a full explicit interpretation of what subclause (3) of clause 3 means?

The Hon. N. E. BAXTER: I must admit that the Leader of the Opposition's interpretation is right.

The Hon. R. Thompson: I am right?

The Hon. N. E. BAXTER: Yes. We have had the point checked and the Leader of the Opposition is right. Is he happy now?

When I gave my answer earlier my mind was on the situation at the Warburton Range and places like that, where, for a long time—and I think the Leader of the Opposition is aware of the fact—the authorities have resisted the use of police officers in their areas. Those in authority at the Warburton Range have consistently refused to have police officers stationed there.

The Hon. R. Thompson: They requested it of me; but I admit it is an ever-changing population.

The Hon. N. E. BAXTER: These aides will be appointed on a trial basis. There will probably be about eight of them who will be appointed to places like Wyndham, Kununurra, Derby, and so on where there will be police supervision of them for a start. We will see how the system operates. Earlier, my mind was galloping ahead to the future when we could perhaps

put police aides into places like the Warburton Range where there is no policeman within 400 miles and where the community does not want a police officer.

I said the wrong thing. These aides will be supervised for a start. Let us see how they shape up. I say to the Leader of the Opposition and Opposition members: Give this proposal a trial. We cannot dot every "i" and cross every "t" in trial legislation of this nature. We are hoping the proposal will work in the best interests of the Aboriginal communities. However, if it does not work out, the commissioner can revoke any appointments made.

These aides will be on a sort of trainee basis over a period. We believe they should start at about $6 500 and they will be looked after in regard to privileges and protection. I do not consider all these things can be spelt out in a Bill. No Government would employ them as police aides without ensuring their conditions of employment are fair and reasonable and that they get what they are entitled to. It is not intended that they be made cheap second-class police officers. They will work towards bringing about a better understanding of law and order on the part of their own people; particularly the young folk.

I repeat: Let the legislation work on a trial basis. Members need have no fear about the conditions of the aides, because if they are not fair, someone will be jumping up and down pretty quickly.

The Hon. R. THOMPSON: As far as I am concerned, this debate has been most interesting. The Minister is now saying that what he said previously was not correct; that he was a bit hasty and was jumping ahead. Will the Minister give an assurance that these police aides will work under the direct supervision of a police officer?

The Hon. N. E. Baxter: That's right.

The Hon. R. THOMPSON: I want the Minister to stand up and say that these aides will not be sent out on their own into their own tribal groups to be policemen miles away from a police officer.

The Hon. N. E. BAXTER: My understanding is that is so.

The Hon. R. Thompson: I do not want your understanding. I want an assurance that this will be the position.

The Hon. N. E. BAXTER: They will be in those areas.

The Hon. R. THOMPSON: We accept that they will be under direct supervision and will not be stationed within their communities working as second-class police officers, which was the term used. If there are two aides at Broome or Derby, at all times they will be under supervision of the policeman or officer in charge of the station. We now accept that.

This changes my mind because, after the statement the Minister made that the aides would be sent hither and thither to work in their own communities, I said that I objected to the Bill.

The Hon. N. E. Baxter: I explained that.

The Hon. R. THOMPSON: We would not have needed to debate the matter so long had we received that answer straight away.

We now come to subsection (3) of the proposed new section 38A. It appears I was the only speaker who knew the correct interpretation of it. My criticism was that the Bill had not been completely explained to Government members and they thought something was in the Bill when it was not in the Bill. Who is right? Am I right or are the Minister for Education and other Government members right? This changes the situation and I will proceed with my amendment, because the instrument of appointment is not the end of the matter.

As I said in my second reading speech, an instrument of appointment is not good enough. The policeman who will have an aide working with him has set conditions of employment. Will they be spelt out in the instrument of appointment? The aide is entitled to have the same conditions as the policeman has, but the Police Union will not have what is termed a second-class Police Force. It is preferable that the aides be sworn in as policeman and be paid the same salary. They would be covered and would have protection. At the present time they have no protection whatever. They have no right of appeal if they are victimised or dismissed. Appointments made under this provision could be revoked.

Mr Williams said the Minister would bring the matter to Parliament and Parliament would determine their salaries, but of course Parliament cannot do that. The Commissioner of Police will have control of the aides, as he has of all policemen. I have no complaint about that. But Parliament will not have a say in regard to the wages of the aides. The Minister will determine their conditions, but who will make the representations to the Minister? They will have no organisation. No provision has been made for an organisation, and the Police Union will not accept them.

The Minister says if the scheme does not work out the legislation can be repealed. But forever and a day it will be on the Statute book and can be revived at any time.

I will proceed with my amendment after this clause is put—if we do not get off the rails again. I want it to be clearly understood by all concerned that if the proposed section 38A does not work out it will become self-destroying, and I think

the period I suggest will be a reasonable one. It was said if I were the Minister I would be lauding the legislation; but if I were the Minister I would not be introducing this type of legislation. If it expires in December, 1976, the matter must come back to Parliament. There will have been sufficient time for trial and error, and by then we might even be able to persuade the Police Union to accept coverage for these aides. The bricklayer has a labourer who is his aide, but those labourers have a union and they have rights. These aides do not have any rights.

The Hon. D. W. COOLEY: I intended to support this Bill but I feel a little frustrated in supporting something with which I do not agree. I felt compelled to speak following Mr Williams' contribution to the debate, because in putting a case for his party tonight I do not think he was as logical as he usually is. The reply from the Minister that the aides will at all times be under control has cut the ground right away from Mr Williams' argument, so it does not need to be answered.

In view of all the uncertainty associated with this matter and the hesitation on the part of the Minister and other Government members, it seems to me a good deal of confusion reigns. Mr Baxter said one thing, Mr Withers said something different, and Mr Williams said something different again.

It might be appropriate to defer this legislation until the spring sitting of Parliament so that the Government can do what it should have done in the first instance, and consult with the Police Union before bringing the legislation here. The matter will affect the Police Union in the long run and it is surely not beyond the wit of the Government to obtain the opinion of the union.

As a person who has for so long believed in the principle of trade unionism, I could not remain silent while this Bill went through, despite the fact that we intended to support it. Mr Williams said the wages and conditions of employment of these people should be determined by the Minister. I have very sad memories of legislation which passed through this Chamber in 1973, when the Tonkin Government was trying to bring about considerable reforms for the working people in this State in respect of long service leave, annual leave, and sick leave entitlements. We made very strong representations to the present Speaker of this Parliament, who gave us a very good hearing, and his main contention was that this was not the place to set down wages and conditions because we have an Industrial Commission and unions which can negotiate awards and we should not be doing these things in Parliament.

We now have before us a Bill which says the remuneration, allowances, and conditions for these aides are to be determined solely by the Minister. The union should have been consulted, and I do not think it is too late to take the matter to the union and say, "Let us negotiate an industrial agreement for these people." I think that is the proper thing to do, rather than to have these *ad hoc* arrangements.

Apparently the aides will have the same powers as policemen have. Within certain limits, they will be able to arrest people, search, and do everything a policeman can do. But even if they do not have the full powers of a policeman, it is right and proper that they should have an award to govern their wages and conditions.

I think the Government has taken a paternalistic attitude and said, "Let us give them $6 500 a year; that is good enough for the people we are going to employ." It has been said in the corridors they will be falling over backwards to take the positions. Perhaps they will, but it is not the type of arrangement the Government should enter into.

The Hon. N. E. Baxter: What do you think they should get?

The Hon. D. W. COOLEY: I am not in a position to say what they should get. A sum of $6 500 a year may be fair and reasonable for the work they do, but the Minister does not know whether or not it is, and he should not be sitting in judgment on the matter.

The Hon. N. E. Baxter: I am not sitting in judgment. I am just asking you.

The Hon. D. W. COOLEY: I do not know what work they will be required to do but I can see their duties will be commensurate with those of a policeman. If that is so, we should set down wages and conditions for them. The conditions of nursing aides have been kicked around here. It would be completely intolerable to expect aides to work in a hospital without working conditions and wages being set for them. The proposed subsection (2) (a) says—

> (2) Any aboriginal aide appointed under subsection (1) of this section—
>
> (a) shall, except as specified to the contrary in his instrument of appointment, have all of the powers, privileges, duties and obligations as has any constable duly appointed under this Act; and

Should they not be lining up with the other people in the Police Force? Should the Police Union not have some say about the conditions an Aboriginal aide should work under and the wages he should receive, properly negotiated with the Government? What is wrong with that?

I suggest the Government think about this matter again. I do not think it would be too late to bring the Bill back in the spring sitting, which would give the Government an opportunity to negotiate with the Police Union an agreement which would overcome all the objections.

As has been indicated by my leader, the Opposition supports the measure. However, there are certain things in it which I do not like, whether or not the Opposition supports it, and I feel compelled to rise to oppose a provision which will break down industrial conditions.

Clause put and passed.

New clause 4—

The Hon. R. THOMPSON: I move—

Page 2—Add after clause 3 the following new clause to stand as clause 4—

4. This Act shall remain in force until the thirty-first day of December One Thousand Nine Hundred and Seventy-Six and no longer.

I have already canvassed the reasons for this new clause. I do not like the looseness of the Bill. Some members have said that we cannot write everything into legislation; however, we are in the dark in respect of the Bill. It may or may not work. I hope it does work. My new clause is not intended in any way to detract from any merits the Bill may have; it simply provides that it will be self-destroying. If the measure is successful I would like to see a more comprehensive Bill introduced.

I would like to see these aides given some cover in respect of their conditions of employment. The instrument of appointment will not be the subject of a regulation and will not be tabled in this House. Therefore, we will have no say in respect of it. Any workers appointed on a full-time basis should at least have rights similar to those of other workers. All other workers in this State have some rights under industrial awards or under the Department of Labour. The instrument of appointment in this case could even remove the aides from the control of that department.

The Hon. N. E. BAXTER: I oppose the new clause. I do not know why Mr Thompson wishes it to be included, because only a few aides will be employed and if the scheme turns out to be unsatisfactory—we all hope that it will not—their appointments may be terminated under proposed new section 38A (1) (b).

Perhaps in that event we may investigate some other scheme. If the new clause is agreed to, we will have only approximately seven months and three weeks in which to instruct the aides and to make the scheme work, because the clause provides that the provisions will remain in force until the 31st December, 1975.

The Hon. R. Thompson: 1976.

The Hon. N. E. BAXTER: Oh, I thought it was 1975.

The Hon. R. Thompson: No, I am being very reasonable.

The Hon. N. E. BAXTER: In any case, the fact remains that the Bill contains power to revoke the appointment of aides at any time. Therefore, I do not think this limiting clause is necessary. In fact, I doubt whether it is in order because it states, "This Act shall remain in force . . ."; and what we have before us is an amendment to the Act.

The Hon. R. Thompson: What do you proclaim, a Bill or an Act?

The Hon. N. E. BAXTER: We have a Bill before us and not an Act.

The Hon. R. Thompson: You proclaim a Bill and it becomes an Act.

The Hon. N. E. BAXTER: This is a Bill, not an Act.

The Hon. R. Thompson: I am sorry, but you are wrong.

The Hon. N. E. BAXTER: I am not. I am not prepared to accept the new clause for the reasons I have given. If it is found the scheme does not work the appropriate provision could be deleted from the Act next year prior to the 31st December.

The Hon. D. W. COOLEY: I support the new clause because it makes an attempt to right some of the obvious wrongs being written into the Act by providing that the provision shall have a trial period.

I repeat that I do not think we should lay down award rates and conditions; however, my previous remarks in that respect fell on deaf ears without any comment from the Minister or any other member.

The new clause limits the life of the Bill and will enable us to see how the scheme works. If it does not work properly the new clause will destroy the provisions in the Act.

New clause put and a division taken with the following result—

Ayes—8

Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. T. Leeson	Hon. D. K. Dans
	(Teller)

Noes—17

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

Pair

Aye	No
Hon. R. F. Claughton	Hon. Clive Griffiths

New clause thus negatived.

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. N. E. Baxter (Minister for Health), and passed.

SMALL CLAIMS TRIBUNALS 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) [10.00 p.m.]: I move—

That the Bill be now read a second time.

The Small Claims Tribunals Act, soon after its passing, received the Governor's assent on the 9th December, 1974. Following that, Mr A. G. Smith, formerly Chief Stipendiary Magistrate at Perth, was appointed as referee of the tribunal and had the opportunity to visit the Eastern States to discuss with his counterparts the operations of the tribunals in Queensland, New South Wales, and Victoria.

The Minister, when introducing this Bill to amend the Small Claims Tribunals Act in another place, mentioned that the tribunal conducted its first hearing on the 2nd April, 1975, being the first day on which it had jurisdiction under the Act to determine a small claim.

The subsequent actions to draw up and promulgate regulations, accommodate and staff the tribunal office, produce educative material for public information and distribution had been achieved in a short time so that the facilities of the tribunal for resolving consumer-trader disputes and tenant-landlord bond repayment disputes would be quickly available. Although a small claim has to be initiated by a consumer or tenant, this does not make it solely their tribunal, and we can depend on equal justice being dispensed to the consumer, trader, tenant, and landlord.

A few anomalies in the present Act require amendment. The Law Reform Commission of W.A. in its "Report on Tenancy Bonds" drew attention to the fact that an aggrieved tenant, who wished to take action under the Act for recovery of bond moneys was technically not eligible to refer his claim to the tribunal. In addition, the Crown Solicitor, after consultation with the referee of the tribunal, commented upon some confusion as it concerned claims for recovery of bond moneys and suggested that the Act be remedied in that matter.

The Queensland Act had been used as a basis by Western Australia—as well as Victoria and New South Wales—for formulating its own legislation. Originally, the Queensland Act did not provide for a claim concerning the recovery of moneys lodged as a bond or security for tenancy. It added these at a later date and the anomalies which seemed to occur in the process now reflect in the Western Australian Act. Accordingly, it is appropriate at this early stage to seek the amendments for more effective implementation of the Act.

This amending Bill proposes that the definitions of "consumer", "small claim", and "trader" be amended so that where moneys have been paid as a bond or security for tenancy, the tenant is to be regarded as a consumer with the right to lodge a small claim against the landlord who is placed in the same category as a trader for the purpose. Secondly, it is a requirement for the dispute to be eligible for hearing that the premises concerned are let only for the purpose of a dwelling and otherwise than for the purpose of assigning or subletting or for the purpose of a trade or business. The legislation is designed to cover disputes which may arise in respect of private dwellings, and not business premises.

Section 20 of the Act, as it stands, envisages only the case where there are two parties, the claimant and respondent. It ignores the case where there may be other parties who, in certain circumstances, have equal rights to join the settlement.

The Bill will remedy this and also will permit the tribunal, in cases where relief from payment of money is claimed, to make an order not only in favour of a claimant but should the terms of settlement favour the trader, to make it in favour of the trader.

THE HON. D. K. DANS (South Metropolitan) [10.04 p.m.]: The Opposition has looked at the Bill. Our decision is to support it in principle and detail.

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

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

THE HON. G. C. MacKINNON (South-West—Minister for Education) [10.06 p.m.]: I move—

That the Bill be now read a third time.

THE HON. I. G. MEDCALF (Metropolitan) [10.07 p.m.]: I should like to draw to the attention of the Minister a matter which I raised when the original Bill came before the House. I notice that the matter has not been specifically included in the measure before us. I should like to make a plea that the Minister give attention to

including a provision for a pretrial review of small claims. I think that is important, because such a pretrial review will shorten what are already fairly informal proceedings.

I notice the Bill does in fact extend the jurisdiction slightly by including "landlord" and "tenant" in the definitions of "consumer" and "trader". I think the omissions were an oversight when the original Act was passed, because it does provide for tenancy bonds to be dealt with by the Small Claims Tribunal. For some reason or other the definitions did not specifically include "tenant" and "landlord". However, that has been made good in the Bill before us. I think they are entirely in order, and I am in favour of them.

As these are informal proceedings I do suggest that disputes between landlords and tenants can just as often be ironed out by having a pretrial review. This is simply a matter of a referee, appointed to this tribunal, getting the parties before him informally to state the issues. This is done on an informal basis, without the need to set out a case for hearing. By this means the proceedings would be shortened.

In many cases the matter which disturbs the parties is a minor one. As former Chief Stipendiary Magistrate, Mr A. G. Smith, is acting in the capacity of referee on the Small Claims Tribunal, I am quite certain he could expeditiously iron out the difficulties, if a provision for a pretrial review is included in the legislation. I believe this is an important aspect which should be borne in mind by the Government on the next occasion when it has an opportunity to review the Act. I drew attention to this aspect previously, and I hope it will not be overlooked in the future.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [10.09 p.m.]: I will ensure that the very explicit explanation and reasons given by Mr Medcalf are brought to the attention of the Minister for Consumer Affairs. I will mention the matter to him personally.

Question put and passed.

Bill read a third time and passed.

PYRAMID SALES SCHEMES 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) [10.10 p.m.]: I move—

That the Bill be now read a second time.

Offences under the Pyramid Sales Schemes Act, 1973, are dealt wih in accordance with section 8 as summary offences. Normal procedures in a court of summary jurisdiction require a complaint to be lodged with the court within six months of the commission of a summary offence.

Experience has shown this period to be totally inadequate for inquiries and investigations into likely breaches of the Act.

Under the Companies Act a limit of three years is allowed for the making of a complaint from the date of the offence, and it is considered that a similar period should apply in the Pyramid Sales Schemes Act.

The purpose of this amending Bill is to permit proceedings for an offence against the Pyramid Sales Schemes Act to be brought within a period of three years after the commission of the alleged offence.

A typical example pointing to the need for such extension came to light as a result of a recent inquiry made in response to certain complaints. In this particular case the applicant, having paid his cash to the promoters, carried on for four or five months before his disillusionment with the scheme gave rise to his complaint.

Inquiries consequent to the complaint required the taking of statements from various persons, arrangements of search warrants on bank accounts and premises, and preparation of briefs for law officials and the like. It may be appreciated that promoters of these schemes are usually highly organised businessmen whose methods of operation require exhaustive inquiry.

Bearing in mind the insidious nature of pyramid selling, and the destructive effect it can have on the financial position of an individual who may be drawn into its operations, a three-year period in which a complaint may be lodged from the commission of an offence is considered to be fully justified in the consumers' interests, and I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan) [10.12 p.m.]: We support the Bill in principle and detail.

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

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.

CONSUMER PROTECTION 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) [10.16 p.m.]: I move—

That the Bill be now read a second time.

The amendments to the Consumer Protection Act proposed in this Bill arise from recommendations of the Consumer Affairs Council of Western Australia which were supported by the previous Commissioner for Consumer Protection (Mr McConnell) before he resigned from office on the 29th January, 1975, to take up a position with the Trade Practices Commission. He had been commissioner since the 10th October, 1972.

The bureau was established under the Consumer Protection Act of 1971, and the operations of the bureau over a period since then have revealed some deficiencies in the legislation which need review. The Consumer Affairs Council of 12 members of wide representation has been most active and enthusiastic in performing the functions which are allotted to them under the Act. This measure reflects the earnest consideration given by the council to problems and practices. Their recommendations have been advanced constructively with a view to a more effective implementation of the Act.

A change of title of the Act is contemplated, as well as the change of name of the bureau and the commissioner. It no doubt could be argued that the words "consumer protection bureau" amply illustrate the protective purposes of the legislation in the interests of consumers. However, it is considered that the use of the word "affairs" instead of "protection" is more indicative of the role to be played, particularly as the Act places an obligation on the council and officers to consider the means by which matters that affect not only the interests of consumers, but also of persons engaged in the production and supply of goods or services, or in commerce, may receive adequate consideration. Clauses 3, 4, and 5 deal with relevant amendments accordingly.

It is proposed to add to the present definition of "consumer" by including a person who purchases land or buildings, or becomes a tenant or lessee other than for the purpose of resale, letting, subletting or leasing, because such consumers have complaints which are outside the jurisdiction of the Builders Registration Board and are frequently brought to the bureau. Legal opinion is to the effect that "services" is already sufficiently wide to include services rendered by a builder.

A consequent amendment more clearly indicates that a person is not a consumer for the purposes of the Consumer Affairs Act, 1971-1975, when goods purchased or services obtained by him are for the purpose of carrying on a trade or business.

The title of the secretary for labour has changed to Under-Secretary for Labour and Industry, and this Bill makes provisions for changes of title in the head of the department at any time to be covered without having to amend the Act again for that purpose.

Professor A. M. Kerr, who was Associate Professor of Economics at the University of W.A., has been chairman of the Consumer Affairs Council since its inception in 1973. He was a member of the council by reason of being appointed in accordance with section 6(2) of the Act which specified that of the members "one shall be a member of the faculty of economics and commerce of the University of W.A."

With the opening of Murdoch University, Professor Kerr accepted a position as Professor in Economics at that University. He is willing to continue to act as Chairman of the Council and it is the Minister's wish that he do so. An appropriate amendment will widen the selection of an academic member as provided in section 6(2) of the principal Act so that it is possible to select a member of the academic staff any one of the three tertiary institutions now operating in Western Australia.

The power of the commission to institute or defend legal proceedings on behalf of consumers is limited at present to complaints where the amount claimed or in dispute does not exceed $2 500. The Bill seeks to increase this figure to $5 000. Many of the complaints received at the bureau concern motor vehicles, building, and real estate, and the inflationary effects of rising prices, higher interest rates, etc., on such contracts justify an increase on the figure which was inserted in the Act four years ago.

A difficulty arises when the commissioner is not able to obtain information he desires in the course of an investigation or inquiry. Technicalities in the Act have caused court action taken against one trader, who failed to provide information when demanded by the commissioner, to be unsuccessful.

Section 19 accordingly is being amended to express more clearly the obligations of a person who the commissioner has reasonable grounds to believe is able materially to assist in an investigation or inquiry. The commissioner, when seeking information or the production of documents, shall inform the person concerned that he is required to give information, answer questions, or produce documents.

Failure by the commissioner so to inform the person is to be an acceptable defence in a prosecution.

The commissioner is also given the power to state in what terms these things shall be given; for example, orally or in writing, by oath or affirmation, the place and means by which they shall be delivered to him, and the time in which they are to be given. Recently a trader was able to avert conviction in court, his defence relying on his statement that he posted a letter to the Commissioner of Consumer Protection, although it was not received by the commissioner.

Although section 20 of the Act already provides that a person shall not refuse to comply with the requirements to answer any question or furnish information on the ground that it may tend to incriminate him, he is, however, sufficiently protected inasmuch as such information shall not be admissible in evidence in any proceedings against him except proceedings in respect of an offence of giving false information.

Section 23 is being amended so that an officer approved by the Minister to investigate any matter is not too restricted and has sufficiently wide general powers, which will be disclosed in his authority properly to carry out investigations and inquiries for the purposes of the Act and in the public interest.

A new section 23A is to be added so that courts will take judicial notice of documents bearing the signature of the commissioner without the commissioner having to appear in court to prove the signature, or prove he had inserted in a document the requirements demanded of a person.

Other departmental officers appearing in court can verify if necessary the fact that a signature in a document is the signature of the commissioner.

A new section 25A is being added to the principal Act to prohibit the use in advertising by traders in Western Australia of the name of the Consumer Affairs Bureau or the Consumer Affairs Council, the commissioner, or any other consumer affairs authority in another State or Territory of Australia unless the Minister for Consumer Affairs in Western Australia has, prior to the publication of the statement, consented to it. This amendment will establish quite conclusively the attitude of the bureau and council, and the commissioner in regard to such advertisements being utilised by business firms to further their sales. The Act as it currently stands is silent on this point, and advantage has been taken of that position. Other states have taken similar restrictive action in their consumer legislation.

I commend the Bill to the House.

THE HON. D. W. COOLEY (North-East Metropolitan) [10.23 p.m.]: The Opposition has examined this Bill and found that the amendment which it contains will tend to improve the Act. Therefore, we support the measure.

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

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.

COMPANIES ACT (INTERSTATE CORPORATE AFFAIRS COMMISSION) AMENDMENT BILL

Second Reading

Debate resumed from the 1st May.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [10.25 p.m.]: At the outset, let me say the members of the Labor Party intend to oppose this Bill in total. As I proceed, my reasons will become obvious.

In his opening remarks the Minister said—

> Members will be aware that the Companies Act of 1961 was produced by the Standing Committee of Commonwealth and State Attorneys-General and, for the first time, achieved substantial uniformity in company law throughout Australia. The present and previous Governments of this State have been concerned to ensure that such uniformity should continue to exist, because of its importance to the public generally and the commercial community.

Of course, the Minister could not be further from the truth when making a statement such as that. It was the Commonwealth and State Attorneys-General who achieved this uniformity in 1961. The Minister said that present and previous Governments of this State have been concerned to ensure that uniformity should continue because of its importance to the public generally and the commercial community.

Of course, those remarks were misleading, to say the least, because uniformity can only be brought about if all States agreed as was the intention when you, Mr President, as Minister for Mines, introduced the Companies Bill in October, 1961. However, we now find that uniformity is to be done away with because we have four Tory ultra-right-wing States breaking away from the uniformity which has existed since the introduction of this legislation.

The Hon. N. McNeill: As distinct from totalitarian control exercised in 1973!

The Hon. R. THOMPSON: I will answer anything which the Minister wishes to raise, as we proceed. I intend now to quote from page 2048 of *Hansard*, 1961. The Companies Bill was introduced by the Hon. A. F. Griffith at 5.22 p.m. on Thursday, the 26th October, 1961, when the Minister moved that the Bill be read a second time. The Minister said—

> I apologise for the length of the explanation in connection with this measure, but it is a large Bill, both in size and in the number of clauses, and I feel that a lengthy explanation is necessary. I desire to remark, in moving the second reading of this measure, that the Bill is directed towards bringing about uniformity of company law in Australia. The Bill conforms very closely with that introduced last year in another place, and not proceeded with.

So we had a Companies Act Amendment Bill in 1961, to which you, Mr President—as the Leader of the Government in the Legislative Council—moved an amendment because of a matter of urgency. This was to overcome a problem that had developed. That was in September; and in October we were presented with a quite lengthy Bill which, although it was subject to some debate, at least had the acclaim of all members in the House. I have not read all the debates to refresh my memory, but I believe it had the support of most members because it brought about uniformity of company laws, as far as possible, from State to State, and with the Commonwealth, so that most companies knew exactly where they were going. There was not a great deal of difference in the legislation in the various States.

The Eggleston Committee was set up in 1967. It brought in several interim reports, of which some recommendations were incorporated in 1973. However, we all know what happened to the Eggleston Committee.

The Hon. N. McNeill: What did happen to it?

The Hon. R. THOMPSON: It went out of existence.

The Hon. N. McNeill: Why?

The Hon. R. THOMPSON: The Australian Government intends to exercise its own company law, and that is why the Eggleston Committee was virtually disbanded. However, some of its recommendations found their way into legislation in Western Australia.

With the measure before us we find that a division is being made. We are to be saddled with a corporate affairs commission which is to be based in Sydney. As I said before, the ultra right-wing Tory States are creating a division. If your legislation had any meaning in 1961, Mr President, and I am sure it did, we find it is to be set aside because the corporate affairs commission will be based in Sydney. It is strange, after the mealy-mouthed rantings of Liberal Party members in particular, who castigate and criticise the Australian Government for every action it takes, to find that convention is being broken, and it is being broken by the very people who made the criticism. Most of the time these criticisms were not valid, but the Liberal Party members now find it convenient to break the convention with the Commonwealth. As I will read out later, the Commonwealth has the right to introduce company law and is intent on doing just that.

The Hon. N. McNeill: What are its rights?

The Hon. R. THOMPSON: Under the Constitution its rights are very simple.

The Hon. N. McNeill: Are they?

The Hon. R. THOMPSON: I would like to read section 51, at page 12 of the Constitution. Under the heading, "Powers of Parliament" it states—

> The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:—

We then come down to subparagraph (xx) which says—

> Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth.

Of course, this is the reason that the Eggleston Committee has gone out of operation in the true sense of the word. It means that the Australian Government has presently before it the Corporations and Securities Industries Bill. It has been passed by the House of Representatives, and it has been referred to a Senate Select Committee. Of course, we all remember the Rae report and the investigation which brought about that legislation.

The Hon. N. McNeill: With the emphasis on securities.

The Hon. R. THOMPSON: That is right. Of course, that legislation is now subject to a Senate Select Committee, which is composed of senators who represent the States; so we should not have any argument with that committee. It has been announced already that the Australian Government will introduce company legislation to cover Australia. Unless I have read the Constitution incorrectly, and my advice is also incorrect, I would say the Commonwealth has the complete right under placitum (xx) of section 51. I made some inquiries because I did not know the meaning of the word "placitum", but it means, "pleased to confer upon the Commonwealth." In framing the Constitution, the States were pleased to confer these rights upon the

Commonwealth, to bring into operation the provisions of section 51 of the Constitution. With that in mind, members can understand my reason for opposing this legislation. We hear this constant criticism of the centralist Government in Canberra, and particularly by members of this Chamber, so I cannot now understand how they can like centralism after all. This legislation will be administered from Sydney.

The Hon. N. McNeill: No, it will not.

The Hon. R. THOMPSON: In his second reading speech the Minister said that the corporate affairs commission would be set up in Sydney. Was the Minister not telling the truth?

The Hon. N. McNeill: If that is your belief, you have a complete misunderstanding of the legislation.

The Hon. R. THOMPSON: I can only go on what the Minister says. The Minister said that the commission would operate from Sydney.

What does the legislation mean in simple terms? It means that the uniformity will be broken with two of the other States, as well as with the Commonwealth —the Australian Capital Territory—and the Northern Territory. We have four States in favour of a corporate affairs commission, and South Australia, Tasmania, and the Commonwealth—including the Australian Capital Territory—which will have no part of the proposal are left out on a limb.

A new idea has crept in, and for the purpose of the corporate affairs commission we will now have recognised companies. These recognised companies will be able to register in any State where the corporate affairs commission is in operation. They will not have to go through the usual formalities required under our companies legislation. The Minister said this provision would expedite matters and make it simpler for these companies to operate in the different States. We were told it will take a great burden off the companies. However, the Minister did not say that the companies will still have to register in South Australia, Tasmania, and the Australian Capital Territory. So there will not be uniformity because the States which have not accepted the legislation will work under companies legislation applicable in their own State. This is not a new idea, because at an Attorneys-General conference in Auckland in late February or March, 1973—

The Hon. N. McNeill: You are not getting mixed up with the Wellington conference?

The Hon. R. THOMPSON: Yes, I was in Wellington that very day, and I met our then Attorney-General (Mr T. D. Evans).

The Hon. N. McNeill: There was also a meeting in Sydney in March, 1973. You may be mixed up.

The Hon. R. THOMPSON: A meeting was called by Mr Knox prior to March, 1973—I think that was the name of the Attorney-General who called the meeting. It was virtually decided then, not by Western Australia, but by New South Wales, Victoria, and Queensland, that they would form a corporate affairs commission. These States were virtually saying, "Let us fight the Australian Government", because the States could see the writing on the wall as a result of some of the findings of the Eggleston committee and also the Rae report on securities and exchange. So the decision was made long before this Government took office that such a commission would come into existence. Then we find that with the introduction of this legislation the Minister says—

> Although very considerable uniformity in company law has been achieved, there are significant differences between the Acts of the various States and Territories. On the 18th February, last year, the Governments of Victoria, New South Wales, and Queensland entered into an agreement known as the Interstate Corporate Affairs Agreement, one of the main objects of which is to achieve greater uniformity in the law relating to companies, and in the administration of that law.

I remind members that last year is 1974, not 1975. The Minister continued—

> Members may be aware that the Interstate Corporate Affairs Agreement—a copy of which is set out in the first schedule to the Bill now before the House—was signed on behalf of Western Australia by myself on the 31st March, 1975.

Here we find the Minister claiming that greater uniformity will occur; however, the legislation will not create greater uniformity but will fragment the uniformity which presently exists. The Minister continued with the following classical statement—

> The primary purpose of this Bill is to approve of that agreement and to give effect to certain arrangements made for the purposes of that agreement, and to make various amendments to the Companies Act, 1961-1973.
>
> Under the agreement, an Interstate Corporate Affairs Commission has been established . . .

Parliament has been asked to ratify what the Minister has done. In view of my last comment, unless there is something wrong wth the Companies Act, it should not be changed. We should await the outcome of the Australian Government legislation, see what it means and then try to understand it; it will be uniform, and applicable in all States and the Australian Capital Territory.

The Hon. N. McNeill: Whether they like it or not.

The Hon. R. THOMPSON: There are many things that the Australian Government has power to do.

The Hon. N. McNeill: And some that it probably has no power to do.

The Hon. R. THOMPSON: Is the Minister telling me that the Australian Constitution is incorrect?

The Hon. N. McNeill: I did not say anything like that.

The Hon. R. THOMPSON: The Constitution states—

> The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:— . . .
>
> (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:

I say that gives the Australian Government complete power to control just what it says, and nothing more.

The Hon. N. McNeill: It is extremely arguable whether that gives power to operate in the area proposed by the Commonwealth corporations and securities legislation.

The Hon. R. THOMPSON: Anything is arguable.

The Hon. N. McNeill: But with considerable substance.

The Hon. R. THOMPSON: My understanding of this matter is that it will be like the Commonwealth submerged lands legislation. When the companies legislation is promulgated, it will be challenged in the High Court of Australia by these right-wing States which have formed this offshoot corporation.

Of course, there will then be a lot more criticism of the Commonwealth for exercising the power it has under the Australian Constitution. I have had some very good legal advice on this matter, and I believe the Australian Government will win any such challenge because it is acting quite deliberately under the powers vested in it by the Constitution.

The Minister goes on to tell us what the function is. We are now asked to ratify what the Minister has done. It is always the cry that this is a House of Review, and that we will set our own destiny. However, we have not had an opportunity to set our own destiny in regard to this matter because the Minister signed this agreement on behalf of the State on the 31st March and now asks us to concur with what he has done.

Where is all this democracy and freedom members opposite speak about? They talk about a House of Review, members' rights and the right of Parliament to do things, when they have already signed the State into an agreement without first consulting Parliament. I hope members opposite who frequently stand and talk about just what this Chamber means will stand now and raise their objections in no uncertain terms about what the Minister has done in the name of the State without referring the matter to the Parliament.

The Hon. N. McNeill: You do understand, of course, that this Bill provides for ratification of the agreement and that my signing of the agreement on behalf of Western Australia makes us only a participating State, and that the agreement will not become effective until the Bill is passed?

The Hon. R. THOMPSON: I understand that completely; I have read what is contained in the agreement and the Bill. I intended to spend quite a period of time on this Bill; however, I am going to be brief because I do not think it would have any great effect if I spoke for three hours, 1½ hours, or half an hour.

I admit I know very little about company law; I would place the Minister in the same category. I would think that from discussions I have had on previous company law Bills with Mr Medcalf, a great deal of explanation is needed. I do not blame any member of Parliament for not fully understanding what is contained in securities or company law legislation, because some of the best barristers and solicitors in this town do not understand company law; if those gentlemen do not fully understand it, I believe it is beyond comprehension. I admit it is a little beyond me; I do not fully understand company law.

I think we have reached a very dangerous point in Australian history. We found Attorneys-General attending a convention in Wellington to determine such things as company law and, prior to the convention, they had already decided to break away from the convention which exists between the States. I believe it was underhanded and most undesirable; it is a sad thing that such splits should take place within Australia. No threat was made by the Australian Government of any action in respect of company law when the States decided to join together.

The Hon. N. McNeill: Senator Murphy said in March, 1973, that the Australian Government intended to introduce its legislation. You have said it yourself. That is what brought about the discontinuance of the Eggleston Committee.

The Hon. R. THOMPSON: I did not say that; when did I say that?

The Hon. N. McNeill: You did not say it in those precise words, but you said it this evening.

The Hon. R. THOMPSON: I did not mention Senator Murphy at any time.

The Hon. N. McNeill: I am perfectly aware that you did not mention Senator Murphy, but he was acting as Attorney-General on behalf of the Commonwealth at that conference.

The Hon. R. THOMPSON: I know what Senator Murphy said at the Wellington conference; he said he was very pleased with the way the conference was being run and with the constructive manner in which the States were co-operating. I can easily check that statement with the then Attorney-General who was at that conference; I met him in Wellington. Senator Murphy's comments were contrary to what the Minister stated, and I believe he should check the matter.

The Hon. N. McNeill: I am aware of what was said. I read the transcript of the Wellington conference.

The Hon. R. THOMPSON: A Minister of the Crown in another place said that this was a political Bill and intended to be such. I refer to the Minister for Works (Mr O'Neil); I believe he took over this Bill when the Premier—

The Hon. N. McNeill: No, he represents me in that House.

The Hon. R. THOMPSON: I know, but I happened to be in Chamber at the time—

The PRESIDENT: Order! The honourable member knows the limitations to which he may go in making references to the other Chamber.

The Hon. R. THOMPSON: I accept that, Mr President; I was not going to pursue the matter. However, to all intents and purposes this Bill has always been a political Bill and is not in the best interests of uniformity.

I do not intend to detain the House any further. We have heard comments about hypocritical legislation and actions by the Australian Government, but we now find exactly the same hypocritical actions being taken by State Governments to break a convention, which may not necessarily have been the case if they had not formed this Interstate Corporate Affairs Commission.

I believe in uniformity and have advocated it since entering this Chamber. In fact, in my first speech in 1959 I advocated a uniform compensation Act throughout Australia. I think all industrial matters should be uniform throughout Australia, as should company law, so that we may get a better understanding of what it is all about.

The last comment I should like to make relates to the penalties provided in the Bill. Usually, it is a case of the Government putting things right—right up! But that does not seem to be the case with regard to the penalties provided in the Bill. I do not want to refer to this matter at length, because most penalty clauses read the same. One penalty clause in the Bill states—

> If default is made by any recognized company in complying with any provision of this Division other than a provision in which a penalty or punishment is expressly mentioned the company and every officer of the company who is in default shall be guilty of an offence against this Act.
>
> Penalty: $100. Default penalty.

For any default the penalty is to be $100. The penalties vary from $40 to $100, but I believe one penalty is $200. In view of the increases in charges that have been made by this Government, it is a wonder that the penalties in this legislation have not been made much higher because there are not many penalties in other Acts that are as low as those prescribed in this Bill. I suppose this is the object the Bill is trying to achieve; namely, that the Government intends to keep penalties low so that companies, if they commit a breach of the Act, will be subject to low penalties only. In many cases these low penalties will make companies careless in observing the provisions of the legislation.

I will not speak on the details of the various sections, but if the Government desires to tighten up the provisions of the Act it should increase the penalties as it has done in other pieces of legislation. For instance, I know that the penalties laid down in the Industrial Arbitration Act are very heavy indeed, but we do not find the same standard of penalties prescribed in the Companies Act. I believe this is done for a good and political reason. As I said at the outset, the members of my party and myself will not have a bar of this Bill, and I intend to oppose it.

THE HON. I. G. MEDCALF (Metropolitan) [11.02 p.m.]: I am sorry I cannot share the views expressed by the Leader of the Opposition on this Bill. It is his right, of course, to indicate his opposition to it, but not only can I not share his views, but also I cannot share his reasons for his opposition to the measure.

For many years, as you, Mr President, would be aware as a result of your previous experience as Minister for Justice, there has been a clamour by companies that the law relating to the domestic arrangements, which companies are forced to make in order to register not only as foreign companies, but also in terms of borrowing money to carry on their businesses, should be simplified. This clamour for simplification has been expressed in various ways and statements of dissatisfaction have been made by business leaders of companies about the system whereby they are forced to register separately as foreign companies in every State.

A number of expressions of dissatisfaction have also been made by commercial people that they have to lodge their prospectuses in all the different States and have to comply with the separate requirements laid down by the Registrar of Companies in each State not only in respect of prospectuses, but also in respect of trust deeds, accounts and audit, and many other requirements.

The Leader of the Opposition has referred to uniform legislation; he has stated that we already have uniform legislation. So we have, in principle, but only in principle when it applies to foreign companies in various States. We find there is a great number of minor alterations. Indeed this House has on various occasions amended the uniform companies legislation to insert provisions which it believed were desirable in the State of Western Australia, and this has happened in all the States. If we examine the amendments in detail it will be seen that there are modifications here and there. However, that is not the greatest bone of contention among the business community. The greatest bone of contention in the business community has been the necessity to comply with the formalities set down by all States. In other words it has been necessary for a company, which has to carry on business in another State, to register as a foreign company in that State and comply with other requirements.

In these days the expression "foreign company" is a rather queer one. It is, of course, a survival of the old days when anyone over the border was regarded as a foreigner. Likewise, a company has to lodge a prospectus in a number of States. It has to go through the same exercise in one State after another. In the same way, if the company is borrowing money from the public or from a private organisation it has to lodge a copy of the debenture, the trust deed or the charge in all the different States, one after the other.

The purpose of the Bill, as Mr Thompson has not perceived, is to avoid the necessity of having to carry out that operation in all the States. The purpose of the Bill is to simplify the various procedures and thereby gradually assist the commercial community in carrying out its ordinary corporate obligations. The provisions as to uniformity are still in the Act and still apply in the States of South Australia, Tasmania, and the Australian Capital Territory under its companies ordinance. It is still possible to register a company as a foreign company in all those States. That provision still exists. After we pass this Bill the provision will still remain. Therefore the uniform provisions relating to foreign companies, prospectuses, trust deeds, accounts and audit, and a number of other things which may in time be covered by this legislation, will still apply.

Exactly the same procedure applies in South Australia. In our legislation the foreign company provisions are almost identical, so there is no variation whatsoever in the principle of uniformity. However, for the great assistance of the commercial community it will now be able to lodge documents in one State which automatically will be recognised in all the participating States. That is what a recognised company will be under this legislation. A recognised company will be one that has complied with the requirements of the Act of one State and is therefore automatically recognised by the Acts of all other States.

What could be better than that? Quite clearly, it is an obvious attempt to simplify the internal domestic arrangements of companies as to registration and the formalities of borrowing money. This Bill, therefore, is in the interests of commerce. It will reduce the expenses and the amount of work which will have to be performed by various people and which is tedious, repetitive, expensive, and involves many skilled people in various States performing repetitive work.

Therefore it is much better that we should have a system such as this which will enable one act to be performed in one State so that it automatically will have an effect in all the other States that join in the arrangement. Far from getting away from the principle of uniformity, a new principle has been introduced only in certain defined areas which affect the ordinary day-to-day transactions of interstate companies. This legislation will not affect the company which operates in one State only, but it will be of great advantage to a company which operates beyond the borders of a State into another State. There is no compulsion on any State to agree to this legislation just as there was no compulsion on any State to agree to a uniform Companies Act, but all States did, and so did the Commonwealth Government of the day. There is no compulsion on any of the States to agree to this legislation, but it is notable that the States of South Australia, Tasmania, and the Commonwealth Government are not involved in this legislation.

Whilst Mr Thompson may criticise the four States which have joined in this agreement, the same argument could be applied with equal force against the States which have not. Indeed, why should they not simplify their arrangements so that registration in the State of Victoria might achieve recognition in South Australia, Tasmania, and finally in the Australian Capital Territory?

If I do not deal with this Bill in detail, it is only because I quite agree with the comments of the Leader of the Opposition that company law is an extremely complex matter and it is not a piece of legislation in regard to which we should readily ask

members to get down to details. They have to rely on the expertise of the Parliamentary Draftsman and others.

If I may, I will try to explain what the Bill is all about. Firstly, the Bill contains a definition of a participating State. A participating State must have laws somewhat similar to the others. That means that each State could come within the legislation provided a declaration is made that such State is a participating State and has signed the agreement. So if a State voluntarily signs the agreement—and the laws of each State are much the same, they all have this uniformity of company law—and should it become a participating State, there is a definition of what is called a declared law, which is the law of a participating State in respect of which a declaration is made; that is to say the Companies Act in each of the States. For instance, Victoria, which has a Companies Act would be regarded as a State having a declared law for these purposes. So a recognised company would be a company registered under the declared law of a participating State. In other words, a company incorporated under the Victorian Companies Act would be able to become a recognised company in this State, just as a company incorporated in Western Australia under our Companies Act would be recognised as a company in Victoria.

Having achieved recognition and all the things that registration formally gives, all a recognised company has to do is to go through the formalities of this legislation and lodge the documents in one State so long as it has arranged for the approval of the company's name. There are one or two other formalities which cannot be avoided as the corporation becomes a recognised company and does not have to register as a foreign company.

As I have mentioned, there are, of course, certain inquiries that have to be made. We have to make sure that the name of the company that is registered in another State is not the same as a company which is incorporated in this State, and which is using that name. So that is a formality which can be attended to, and the registrar can make inquiries for that company so that it can be recognised here.

Likewise, in regard to any recognised company in another State, it has to have an address in the State so that people know with whom they are dealing, and so that they can serve notices on the company, and perform other acts.

This Bill has many advantages. I have mentioned one; namely, that a foreign company will no longer have to go through the tedious and repetitive process of lodging all the documents in all the States.

The position will now be that by lodging them in one State recognition can be achieved without any further registrations in the other three States.

Another great advantage is in relation to a prospectus when money is borrowed; and another is in relation to trust deeds in respect of the borrowing of money.

All these things will save expense and will mean that commerce can be expedited. This, in turn, will mean that money will flow faster and that employment and other commercial activities will increase, which is something we all wish to occur, particularly at the present time.

I would not like to close without making a comment on the remarks of the Leader of the Opposition when he quoted the Constitution of the Commonwealth of Australia. He quoted section 51 (xx) which states that the Commonwealth is empowered to make laws for the peace, order, and good government of Australia in relation to trading corporations formed within the limits of a State. That has been held to mean that the Commonwealth is not empowered to legislate in respect of the domestic arrangements or the internal organisation of companies and such things as the incorporation of companies. The registration of foreign companies has generally been held to be beyond the power of the Commonwealth.

That, I think, is the complete answer to the comments of the Leader of the Opposition. It is foolish simply to read the words of the Constitution and then read into those words something which he wishes to apply. Simply because the Constitution since 1901 has said that the Commonwealth can make laws in respect of trading corporations does not mean the Commonwealth has the power to take over from the State Governments the responsibility which they have always had to legislate in respect of companies and other corporate bodies. This has always been a State power and the Commonwealth powers have been held to be restricted so it has never been able to legislate in respect of the subject matter of this Bill.

Consequently no-one is transgressing onto ground the Commonwealth is entitled to occupy. In fact, the reverse is the case because the Commonwealth is now attempting to transgress onto ground which has always been legitimately held to be the proper province of the States. For these reasons the Leader of the Opposition is on extremely dangerous ground in suggesting we should defer this legislation and await the passage of the Commonwealth legislation. Even the Leader of the Opposition indicated that the Commonwealth legislation is fraught with the grave possibility that if it does see the light of day it will be held to be unconstitutional.

What does he think we should do in the meantime? Does he think we should hold up the commerce and industry of the Commonwealth; do nothing about simplifying the law which is the object of the

Bill and which it does? Should we do nothing about it but leave things in a vacuum? I do not believe the members of this Council would honestly feel they were earning their remuneration as members of Parliament if they were to adopt that attitude. I believe it is our duty to simplify the law.

If it should ever appear that the Commonwealth really has this power—about which I have the gravest doubts in view of the generally held opinions since 1901—to legislate in respect of this matter, then that will be the time to reconsider the matter. It is clearly within the States' power to legislate on this matter. No-one has ever challenged that right.

In the meantime, are we to sit back, as the Leader of the Opposition seemed to suggest, and await the passage of the Commonwealth legislation? If we did so we would be doing a disservice not only to our State, but also to the Commonwealth generally, and to commerce and industry in Australia.

Finally I would like to say that the attitude indicated by the Leader of the Opposition is predictable. If we analyse what he said, we realise that in effect it is that the States should vacate the field of company law and give it away to the Commonwealth. I am sure he would not deny that it has always been a State responsibility. He would not deny we had a State Companies Act before Federation and that we have passed successive Acts amending that from time to time.

In 1943 we passed a brand new one and in 1961 we passed another brand new one, a uniform Act. We have amended that on several occasions in the last few years. The Leader of the Opposition would not deny that it is our constitutional right to do that. He would not deny that for a moment. Consequently, am I to infer from his remarks that he is saying we should give this power away to the Commonwealth? If that is the inference to be drawn from what he said, then it is totally within the instructions issued at the ALP Conference at Surfers Paradise in 1973 when a resolution was passed that members of the ALP in State Labor Governments should, upon request, hand over State powers to the Commonwealth. I can only assume that is the inference to be drawn from his comments.

As I have said, I am sorry I cannot agree with him. I could never agree to do what he suggests. For the reasons I have given I believe we should support the Bill.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [11.22 p.m.]: I rise to oppose the Bill, my main argument against it being that it is a very ill-timed piece of legislation considering the matter of company law and the securities industry is at the moment the subject of a Bill before the Australian Parliament.

Some of the speakers tonight have said that this must be a State responsibility, but the committee which was established under Senator Rae certainly did not share that opinion. It felt the States had indeed let down the people within those States and that it was a matter of great moment that there should be uniformity throughout Australia.

It is significant also that the Australian Association of Stock Exchanges supports the idea of the Commonwealth Bill. It might not support every clause in it—

The Hon. N. McNeill: You can say that again!

The Hon. GRACE VAUGHAN: —but it does support the Bill in principle. The differences can be thrashed out, but to pre-empt a piece of legislation in the cause of having a uniform system of company law is, to my mind, just plain nonsense because we cannot have uniformity if only four of the States participate. To call the legislation uniform in such circumstances is simply a play on words. It is uniform if we forget we have South Australia, Tasmania, the Northern Territory, and the Australian Capital Territory. We cannot pretend they are not there or will go away. The commission cannot arrange things between the four conservative States and leave the others out.

People will be able to exploit the situation and there will be nothing which can be done about it. I am sure Mr Medcalf would be the first to agree that we could not cover the eventuality of other State companies and business people exploiting the situation.

Not only do I find the Bill ill-timed, but it will be costly. Certainly Western Australia will have two people on the commission—and that is as it should be if the other States have two; despite the fact that we have fewer people it does not follow that we should not have the same representation—but with the richer States it will also pay an equal share of the cost of running the commission.

If the Australian Parliament Bill is passed and withstands any High Court challenge, we could say that all we have done is waste a bit of time. It could be said that if we had waited we would merely have saved ourselves some time and effort. However, the Bill will result in our spending $12 500 a year. As we are always being reminded of increased inflation, we do not know how much that will amount to in succeeding years. The law of diminishing returns does not work here when more States pay. We would not reduce the States' proportion when another State joins; rather we would find that, with the inclusion of more States, more people would have to be paid because of larger staffs, and more would be spent in air fares and hotel accommodation for those attending meetings.

This is a very complex Bill and a great deal of argument has ensued to and fro concerning its ramifications. However, the thought which occurred to me when reading the schedule was that we are being conned. There is an agreement that there shall be substantial uniformity. I have already dealt with that aspect. We cannot have uniformity if all are not involved because it negates the whole principle of federalism if certain sections of the Federation of States dash off in one direction and the others in another direction. If this occurs we certainly will not get uniformity, but confusion; and from confusion we will get exploitation by those people who are always ready to hop in for their cut.

On page 39, which contains part of the first schedule, is the following—

> (2) The Government of each of the participating States agrees to submit legislation to the Parliament of that State or to take such other action as is necessary . . .

This sounds pretty ominous to me because it appears as though the people from the three other States will have a say as to what happens to our company law. To me this is not a very democratic way of conducting business whether it be company law, welfare law, or law dealing with any other aspect of responsibility of the Parliament.

It appears we are passing over to a commission those decision-making responsibilities which should be ours. We are permitting the establishment of a commission which will in effect make decisions which we will then rubber-stamp; because I cannot see how, having entered into an agreement like this, we could then do the wrong thing by the parties to the agreement by saying that we would not agree to it thus negating all the work of the commission for which we had paid.

It is a peculiar situation to establish a commission to carry out work on company law when this House of Review should be deciding whether such company law is in the best interests of Western Australia. In those circumstances we have only a quarter of the say we should have in connection with the decisions the commission will make.

It is a confusing situation when we establish a statutory body to take over the work of our own Parliament and, in effect, reduce our voting power to a quarter of that which we should have.

Mr Medcalf stated it was always understood that company law was the responsibility of the State. Sure we had company law before Federation. We had many laws for each colony before Federation.

The idea of federation was that we were to become one nation. We are all too apt to say what was in the minds of the founding fathers; nevertheless, it is pretty obvious from the wording of the Constitution that it was meant there should be uniform company and corporation laws throughout the nation.

There were challenges to and denials of this right, and two national party leaders tried to alter the situation by referendums—Hughes in 1919, and Bruce in 1926—in order that they could do what they thought was best for the nation; that is, have uniform company laws. One could see the referendum in 1919 as being part of the aftermath of the war. Because of the chaotic conditions which ensue after a traumatic experience like a war, fairly radical legislation is often introduced. The referendum in 1919 sought only temporary powers, but the arch-conservative Bruce tried again in 1926, and of course, like most referendums in Australia, it went down the drain.

It is not only the Australian Government which the conservative States are criticising so illogically. One cannot blame the Australian Government for wanting to legislate in this area. The recent Joint Party Committee on Securities and Exchange, headed by Senator Rae, and conservative Governments as far back as 1919 and 1926 have been doing their best to bring about a situation which they thought was good for the rest of Australia.

I oppose the Bill. Many of the arguments which have been advanced are unsatisfactory. The Interstate Corporate Affairs Commission has an office in Sydney, and while we are talking about centralism, we are getting even further away from our own seat of government. With pessimism, I hope the House will not support the Bill.

THE HON. N. McNEILL (Lower West—Minister for Justice) [11.33 p.m.]: It is probably superfluous for me to add to what has already been said by Mr Medcalf in reply to the Leader of the Opposition, which also provided an effective counter to the words of the Hon. Grace Vaughan. However, there are a number of points which I think I should state or restate, as the case may be.

I do not intend to speak at any length because it became patently clear to me, and no doubt to other members, that the Leader of the Opposition and, particularly, the Hon. Grace Vaughan were speaking in considerable ignorance of the Bill and the law—

The Hon. R. Thompson: Not in ignorance of your actions, though.

The Hon. N. McNEILL: —in their predictable opposition to the measure. The Hon. Grace Vaughan described the Bill twice as being ill-timed. From the point of view of the Labor Party, I certainly agree it would be ill-timed, because clearly

the Opposition does not wish the State Government to legislate at all but to abdicate this field altogether and leave it to the Commonwealth; and that is exactly what the Commonwealth wants to happen, because the Commonwealth recognises that not only is there possibly some constitutional doubt but there is also some strong doubt that the States, including South Australia and Tasmania, will be prepared to go along with a system imposed on them by Canberra, particularly in relation to company law. I am prepared to acknowledge that South Australia and Tasmania have indicated their support in varying degrees—almost total support—for the Commonwealth proposal for a Corporations and Securities Industries Bill.

The Hon. R. Thompson: They are very clever Governments.

The Hon. N. McNEILL: I do not think they are very clever at all.

This is not a very difficult Bill to understand. Mr Medcalf has made this clear, and in addition I gave explanations of the purposes and objectives of the Bill. The Bill does not go into the depths of company law itself; it deals with the administration of the law, the practices, and the facilities. That is its essential purpose.

I think it is quite evident that the Opposition was on very tender ground in talking about the securities industry, the Senate committee, and Senator Rae. It should be appreciated—and I think Senator Rae himself has acknowledged this, as have members of the committee which investigated the securities and exchange industries—that the Commonwealth's Corporations and Securities Industries Bill goes a long way further and into far deeper territory than was envisaged by the committee.

The Hon. R. Thompson: I acknowledged that myself.

The Hon. N. McNEILL: In so doing, the Commonwealth Government could get itself into the constitutional complexities to which Mr Medcalf referred. It is not without significance that not only has commercial industry in Western Australia expressed its support for this legislation and our action, but it is also clear that commercial industry in the other participating States—

The Hon. D. K. Dans: Will the Bill before this Parliament go through in exactly the same manner as the legislation in New South Wales, Queensland, and Victoria? That has not always been the case with this type of legislation.

The Hon. N. McNEILL: I am not sure what the honourable member means by "exactly the same manner". This is a uniform arrangement. We are seeking uniformity with the legislation in the other States.

The Hon. D. K. Dans: That has not always worked out.

The Hon. R. Thompson: That is only in respect of the agreement.

The Hon. N. McNEILL: That is only in respect of the agreement. As pointed out by the Hon. Grace Vaughan, in the exercise of its function the commission will call upon the States which are signatories to the agreement to submit to their Parliaments legislation to achieve continuing uniformity in respect of the law itself. The Hon. Grace Vaughan seemed to take exception to the fact that the commission would exercise some control and would dictate. That is not the position. In the agreement—which I am sure she has also read—it is indicated that the Interstate Corporate Affairs Commission is under the direction and control of the ministerial council, on which this State will be represented, and which will comprise the four Ministers from the participating States.

Other than for their own domestic or political reasons, there is no reason at all why the other States could not join in this agreement as well. The opportunity is available for them to do so.

The Hon. R. Thompson: You leave out the Commonwealth?

The Hon. N. McNEILL: There is no reason why the Commonwealth could not be a party to the agreement.

The Hon. R. Thompson: Was the Commonwealth invited to the meeting which was held?

The Hon. N. McNEILL: I cannot say explicitly that an invitation was extended to any State. It is stated in the Bill before us that the agreement is available for any State to sign.

The Hon. R. Thompson: Was Western Australia invited to the meeting in February, 1974?

The Hon. N. McNEILL: We were not in Government in February, 1974, so I am not in a position to answer that question.

The Hon. R. Thompson: I will let you into another secret: you will not be in Government at this time in 1977.

The Hon. N. McNEILL: However, I indicate that at the first meeting of the ministerial council after we took office an invitation was extended to Western Australia to attend the meeting of the council in an observer capacity, and I have attended two such meetings in that capacity.

Let us come back to the point made by Mr Medcalf. The fact that South Australia and Tasmania have not become parties to the agreement does not necessarily destroy the aspect of uniformity of law. That can still continue, without any fragmentation. However, those States could improve the situation for the convenience of their own commercial industry and the commercial industry in other

States which have interrelated dealings if they were prepared to join in such an agreement as this. There is no question that it would improve facilities for them.

I come back to the Commonwealth's action. The 1973 meeting of the Standing Committee at which Senator Murphy, on behalf of the Commonwealth, announced the Commonwealth's intention to legislate in this field, sounded the death knell of the Eggleston Committee which was set up in 1967 in order to bring about a degree of uniformity. It was the statement of the Commonwealth Government indicating that it intended to legislate that brought about the cessation of the Eggleston Committee. I regret that the Eggleston Committee did not continue with its work. In fact, Sir Richard Eggleston told Senator Murphy at the time that despite the Commonwealth's intention to legislate he forecast it would be some considerable time before it was ever in a position to implement legislation. How true those remarks were!

In relation to the contitutional area, the Leader of the Opposition has obviously oversimplified the position, and I refer once again to the explanations given by Mr Medcalf. It should be recognised that inasmuch as the Commonwealth with its Corporations and Securities Industries Bill is endeavouring to legislate over a whole range of activities in commercial industries, including securities and the exercise of power by financial and trading organisations, it has also gone deeply into domestic administration within the States —not only administration by the States but also administration within the companies themselves.

What effect would that have if it were implemented? It would bring absolute chaos into the commercial industry, and the Associated Australian Stock Exchanges have recognised this very fact, because they would be faced, with the implementation of legislation like that, with at least a two-tiered structure and they would not know under which law they should operate.

The Hon. R. Thompson: Of course, the Australian Government can only legislate if it can get it past the Senate, which it does not control. Therefore it must be your party which will agree to the legislation being passed by the Senate.

The Hon. N. McNEILL: I do not really see the relevance of that comment to the remarks I am making. I repeat that the implementation of the Commonwealth's proposed Bill would bring about at the least a two-tiered system which the commercial industry in this country would be completely at a loss to handle. It would not know whether to operate under Federal or State law. It would be faced with tremendous legal inquiries and court determinations—quite apart from constitutional matters—and that would be a continuing burden which I am sure would make it absolutely impossible for the commercial industry to survive. I am prepared to repeat that if such legislation is in fact implemented it could well be the straw that breaks the camel's back in respect of the commercial industry; particularly in the present economic climate of Australia.

Let me come back to the Bill and emphasise again—and apparently it needs emphasising to the Opposition—that the measure does not represent a fragmentation of uniformity at all; it is a continuation of the moves that were so well intentioned, certainly since 1967, and even going back further than that, in the operations of the Standing Committee of Attorneys-General. It is bringing about a uniformity which I know to be thoroughly welcomed by the commercial industry in this State.

The Leader of the Opposition made some reference to penalties, and I feel I should comment on that aspect. He said the Bill is a thoroughly political one and that the penalties it contains are also political. He was referring to the penalty of $40. I am not misled into thinking that the Leader of the Opposition has not in fact read the particular provisions in which such a penalty is provided. I think he read out the provision which states that where penalties are not otherwise expressly provided, that penalty shall apply. However, of course, it applies purely to the machinery-type provisions.

The Hon. R. Thompson: I did not read out that. I read out a provision so that I would not be misquoted—which you have done—and I pointed out that the provision is such that any person employed by a company and the company itself could be guilty.

The Hon. N. McNEILL: Proposed new section 343Q on page 27 of the Bill is the one in question. However here we are dealing with purely machinery aspects. We are not dealing with serious offences against the Companies Act. I am sure the Leader of the Opposition recognises that. We are aware that the penalties provided for offences under that Act are severe. This Bill does not in any way compromise the severity of those penalties. The provision in question simply endeavours to provide penalties in respect of the non-compliance with purely machinery matters.

The Hon. R. Thompson: I said these low penalties could encourage companies to be lackadaisical. I did not place any stress on the subject matter of the offences.

The Hon. N. McNEILL: Oh, I am fully aware that the Leader of the Opposition did not do that; that was the point I was endeavouring to make.

The Hon. R. Thompson: Then be fair. Say what I said and not what you wanted me to say or what you thought I said.

The Hon. N. McNEILL: I will not attempt to assume the intention of the Leader of the Opposition. I am pointing out that he drew attention to the penalties and then went on to describe the Bill as a political measure and said it would virtually give encouragement to companies not to comply with the Act. He said the Bill virtually downgrades the Companies Act and is political in its effect.

The Hon. R. Thompson: It has been admitted by your own deputy leader in the other House that it is a political Bill.

The Hon. N. McNEILL: It is a political Bill to the extent that the Government of which the Leader of the Opposition was a member chose not to be a party to the arrangement. It preferred, apparently despite the words of its Attorney-General that he was a Federalist and believed in the Federal system, to subscribe to the imposition of a national Companies Act.

If we are going to talk about a national Companies Act and national securities industry legislation, and if we are also going to talk about uniformity, then as far as I am concerned there is one requirement; that is, we should at least have consultation between the parties concerned. If the Leader of the Opposition or any other member of the Labor Party wishes to convey the impression that the introduction and implementation of national legislation would be in any way uniform, but at the same time does not provide for continual and complete consultation prior to the introduction of the legislation—

The Hon. R. Thompson: Don't be stupid. I didn't say that at all.

The Hon. N. McNEILL: The Leader of the Opposition knows perfectly well I am not indicating that he used those words. What I am saying is that national legislation is a matter entirely different from uniform legislation. It was indicated originally that the Commonwealth would have consultations with the States in respect of its proposed corporations and securities industries legislation and its proposed national companies legislation. However, at no time have I had the opportunity of consultation with the Commonwealth in respect of the corporations and securities industries measure, nor have I been invited to partake in consultation or dialogue in respect of a proposed national companies Act. No opportunity was given. Therefore, the whole argument is quite specious.

The Hon. R. Thompson: It is Commonwealth legislation which the Commonwealth is empowered to enact. Why should it consult?

The Hon. N. McNEILL: I will not cover that ground again. It has been stated and restated that the Commonwealth does not necessarily have the power. As Mr Medcalf said, it has been held that it does not have the power in respect of certain areas in which it proposes to legislate under the corporations and securities industries measure. With those comments, I commend the Bill.

Question put and a division taken with the following result—

Ayes—18

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

Noes—8

Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. D. W. Cooley	Hon. R. Thompson
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. T. Leeson	Hon. D. K. Dans
	(Teller)

Pair

Aye	No
Hon. Clive Griffiths	Hon. S. J. Dellar

Question thus 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. N. McNeill (Minister for Justice), and passed.

ACTS AMENDMENT (STATE ENERGY COMMISSION) 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) [12.04 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to establish a State energy commission which will combine the existing State Electricity Commission and the Fuel and Power Commission.

The new body will have responsibilities which include all those now appropriate to each of the separate organisations, but it is felt that in combining their responsibilities and staffs there is an opportunity to achieve greater efficiencies over the whole range of energy-related matters in Western Australia. The new commission will function as a State instrumentality.

The approach proposed by the Government in framing this legislation is to amend the State Electricity Commission Act, but to preserve and continue the existing body corporate with the new name "State Energy Commission".

When giving consideration to this Bill, the original intention was to revise and update extensively the provisions of the existing State Electricity Commission Act. However, there was a very great need to create the new body quickly, and it became apparent that an in-depth review of the existing State Electricity Commission Act would take far too long.

The Bill now before members establishes the required new organisational structure and writes into the existing State Electricity Commission Act amendments which are drawn from part II of the Fuel, Energy and Power Resources Act.

The Government stresses that this is holding legislation and extensive studies, plus pragmatic experience under the reconstructed management, will lead to a completely redrafted State Electricity Commission Act in about 12 months' time with particular emphasis on amendment of engineering, administrative, and land acquisition provisions.

The Government considers that for a number of reasons the quicker the new body comes into operation, the better. Paramount is the fact that the provisions of adequate fuel and energy needs are vital to the State's welfare and progress. Also, having announced the merger of the two commissions on the 12th March, it is vital that the change be completed as quickly as possible to remove any uncertainty which might exist within the staffs of the present State Electricity Commission and the Fuel and Power Commission.

In merging the two commissions, the Government is confident that there is a real desire within the staff of each to maintain a good reputation for their respective organisations, which will reflect credit on the commission, the management, the staff and the Government.

They are anxious to get on with the job of providing and maintaining the State's power needs, whereas lengthy delays could lead to a feeling of uncertainty. Therefore, it is the Government's intention to have this legislation passed by the end of the autumn session.

Since coming to office, it has become quite obvious to the Government that a progressive, forward-looking energy commission, with a modern management approach, is long overdue.

The new structure includes a five-man commission and an energy advisory council, with similar responsibility to the existing Fuel and Power Advisory Council.

There will be a commissioner, who will be the chief executive officer, and two associate commissioners who, together with the commissioner, will have voting rights. The term of appointment for the commissioner shall be not more than seven years and that of the associate commissioners shall be not more than three years.

One of the associate commissioners is to be chairman of the energy advisory council. The second associate commissioner will represent industry.

In addition, there will be two assistant commissioners who are to be full-time top-level executives of the commission, but will have no voting rights.

Under these two full-time assistant commissioners, there will be six divisions. Marketing and distribution, finance and administration, and personnel will all be responsible to the assistant commissioner (finance), whilst generation, transmission and resources, research and development, will be responsible to the assistant commissioner (engineering).

These two senior officers, who will be the second line executives, will attend all commission meetings, contribute to debates and assist in the shaping of decisions with the advantage of direct knowledge and participation in affairs of those divisions of the new organisation for which they will have direct responsibility. When decisions are taken at a commission meeting, the assistant commissioners will then be fully informed on the intent and spirit of commission decisions, and can proceed immediately to give effect to those decisions. The State Energy Commission will meet fortnightly.

Members will realise that the energy advisory council will deal with a much wider range of problems than presently dealt with by the Fuel and Power Advisory Council.

The new body will be charged with the responsibility of ensuring that the views of industry, utility customers, and other interests, are available to the commission. It would serve also to inform these groups of the policies and developments within the commission.

The council will also make specialist knowledge from industry available to the commission and to the Minister.

The advisory council will normally meet 10 times a year.

The chairman of the new advisory council will be an associate commissioner of the new commission. There will be permanent members, of whom two shall be representatives of the Department of Industrial Development and the Department of Mines.

The remaining two permanent members shall be representatives of the Western Australian Chamber of Manufactures (Inc.) and the Chamber of Mines of Western Australia.

As with the Fuel and Power Advisory Council, there can also be representative members appointed by the Governor and members co-opted by the Minister. The council, subject to the Minister, may invite anybody to act in an advisory capacity to the council.

The functions of the new council are the same as with the Fuel and Power Advisory Council, except that provision is made specifically for the council to advise the Minister directly as well as to advise the commission in respect to the administration of this Act.

Appointments to the council will be for a period of three years, but may be terminated sooner by the Governor, or in the case of permanent members, by withdrawal of their nomination by the body which they represent.

The Minister may seek nominations and recommend appointments of members representing interests which the Minister considers should be heard on the council.

There is also provision for the Minister to appoint a person whom he considers appropriate to represent the employees in any industry or commercial activity that should be represented on the council. It is by means of this provision that the Minister will recommend the appointment of a representative of the new commission's employees.

The Minister may, for the purposes of any meeting, co-opt any person possessing special experience or qualifications, or having a particular interest, relevant to the matters under consideration.

The Government's objective is to establish the new commission in a way that will enable it most effectively to discharge its duties as a utility in the formulation of policies relating to our future developments and use of energy.

I would like to direct the attention of members to the importance which the Government places on effective strategic planning of both the engineering and financial activities of the new commission. Considerable attention has been devoted to this aspect, and it has been decided that there will be a joint planning committee composed of officers in both the engineering and financial sides of the new organisation.

In this way it will involve both assistant commissioners and the appropriate divisional heads in this major area shaping the State's future energy development.

I have already indicated that the Government regards this present Bill in the nature of holding legislation, and that a major revision of the existing Act will be undertaken in the light of experience with the new management structure. However, there are also introduced some amendments which could be implemented at this time to reflect the Government's wishes in certain areas, and to improve efficiency.

I refer particularly to those sections dealing with contracts. The existing State Electricity Commission Act provides that if a contract is more than $10 000 it must be ratified by the Minister, and if a contract is more than $30 000 it must be ratified by the Governor. This has been modified in the new legislation. Contracts in excess of $50 000 will now require ratification by the Minister, and in excess of $200 000 will need ratification by the Governor. It is considered that these delegations of authority are more appropriate to today's costs and levels of business activity.

The Minister responsible for this large trading instrumentality is concerned that there should be no attempt to avoid the spirit of this Act by the splitting of contracts. The increases of authority previously referred to should remove any tendency for this to occur.

The Minister responsible for the new organisation will instruct the commissioner and the commission to ensure that there is to be no splitting of contracts, to avoid the limits on delegation of authority which are established in this new legislation.

Members will also note that the Bill provides for preference to be given in the inviting of tenders and the awarding of contracts for services, materials, and equipment which are produced in this State.

Referring now to the rights of employees, it will be realised that terms of employment for all employees of the State Electricity Commission, which continues as a body corporate under the new legislation, will be unaffected.

In the case of persons employed under the provisions of the Public Service Act, 1904-1974, within the Fuel and Power Commission, the new state energy commission shall offer to each person a position within the commission at a salary not less than that which he or she was receiving immediately prior to the commission coming into existence.

Persons to whom an offer is made may, within one month of receiving the offer, elect in writing to accept an appointment in the terms specified, and the commission shall give effect to any election so made. Any person appointed to the commission in this way shall retain any rights that may have accrued to him immediately prior to the appointment. This includes the right to continue to be a contributor under the Superannuation and Family Benefits Act, 1938.

Where a person declines to accept an appointment to the commission, he shall be entitled to continue to be employed in an office at a salary not less than that which he was receiving immediately prior to the establishment of the commission.

The Government has been concerned to ensure that in the formation of the new commission, with its broader responsibilities, there will be no reduction in the efforts now being directed to the study and formulation of policy relating to the broad aspects of energy affairs which are now being tackled by the Fuel and Power Commission.

There will, of course, be changes in the responsibilities of officers, but our objective is to achieve a greater efficiency and streamlining, and I assure members that the important work being done by the Fuel and Power Commission will continue.

The larger state energy commission organisation will permit a much more flexible and vigourous pursuit of the new energy technologies needed in this State, and will be a stronger and more effective organisation than the two commissions presently working separately.

It is the Government's view that, in respect of any advice given to the Minister and to the Government by the commission and council concerning energy developments in this State, it would be proper that the associated expenses be met by the taxpayer, rather than by the consumers of the utility services.

The State Treasury might supply to the new body funds equivalent or near to the present funding of the Fuel and Power Commission. This, I understand, will be done at least for the first few years, and provision is made accordingly.

When introducing this legislation in another place, the Minister paid tribute to the work which has been done by the State Electricity Commission. It has served the State well over a difficult period since the war by bringing together a fragmented, inefficient, and widely scattered number of power plants. But the time has now come for this major re-organisation.

The Government's objective is to establish the new organisation on a strong footing so that it will be able to carry out advanced strategic planning, and ensure the best development of our resources. I must stress that the amalgamation will not mean any decrease in the amount of co-operation, assistance, or advice which has flowed from the Fuel and Power Commission.

Ministers, members of both Houses, Government departments, and the public, can be assured that this assistance will remain, and will expand under the new structure. Skilled staff from both organisations will be utilised to better effect within the new energy commission.

The commission will make it possible for the valuable experience and expertise within the present two organisations to be given an opportunity to be part of a restructured entity, designed to move quickly and effectively into a new era of fuel and power in this State. It will give all employees a greater scope to exercise their talents to the full.

The Government believes that the public generally will be in support of a merger, and the rationalisation of government affairs in the energy area.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [12.21 a.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Local Government Act, 1960-1974, has two principal aims; firstly, to require a petition before two or more municipal districts can be united to form one municipality; and secondly, to make it mandatory for ratepayers in districts which would be affected to be given the opportunity to demand a poll where a petition seeks certain boundary alterations, and for the alterations to be prohibited if the poll negates the proposal.

Certain provisions of section 12 of the principal Act are to be repealed and re-enacted to include the union of two or more municipalities to form one municipality, as a power which may be sought to be exercised by a petition presented by one or more of the municipalities which would be affected.

It is accordingly proposed to delete the existing provisions that a union of municipalities may be initiated only by a joint petition of the municipalities concerned, or by the Governor without a petition.

The existing provisions, whereby boundary alterations recommended by the Boundaries Commission can be implemented even though they are different from that sought by a petition, are to be subject to the poll procedure which later I shall mention.

Sections 27 to 30 in the principal Act confer a discretion on the Minister to require a poll of electors when a petition is submitted seeking the exercise of any power mentioned in subsection (1) of section 12. This would include a petition by ratepayers or electors for the severance of portion of a district and its annexation to an adjoining district, and the abolition of a district and the dissolution of the municipality of that district. As both these types of petitions are covered by the mandatory poll provisions dealt with later in this Bill, they are to be removed from the discretionary procedures under sections 27 to 30.

The next amendment is complementary, as it deletes from section 30 a provision for the conduct of a discretionary poll in respect of a specific boundary alteration which is to be covered by the mandatory poll procedures in this Bill.

Clause 5 makes detailed provisions requiring the conduct of polls at the demand of ratepayers on a proposal in a petition which seeks the exercise of a power to—

(i) Sever from a district a portion of the district and annex the portion to a district which the portion adjoins—except in the case of a

petition where all the municipalities which would be affected by the exercise of the power are parties to the petition.

The fact that all the municipalities were parties to a petition would, of course, indicate that there was complete agreement on the question.

(ii) Unite two or more adjoining municipalities to form one municipality—again, except in the case of a petition where all the municipalities which would be affected by the exercise of the power are parties to the petition.

(iii) Abolish a district and dissolve the municipality of the district—a petition of this nature may only be presented by electors of the district. Although this action does not constitute a change in boundaries in the usual sense, there are other provisions in the Local Government Act which allow the land contained in a district so abolished to be subsequently attached to an adjoining municipality. Because a combination of these actions would produce exactly the same effect as a union of municipalities, it is considered that the initial proposal to abolish a district should be subject to the mandatory poll provisions.

The clause requires the following procedures to be carried out before any of the particular petitions referred to can be presented to the Governor for the exercise of the power sought—

(a) Where a petition for severance and annexation, or the abolition of a district and the dissolution of the municipality of the district, is submitted by ratepayers or electors, the petition must be referred by the Minister to the council to verify that sufficient eligible persons are signatories to the petition.

(b) In the case of any petition which is subject to the mandatory poll pocedures, the Minister must direct each municipality which would be affected to publish notice of the proposal contained in the petition, firstly in a newspaper circulating in the district and, secondly in the *Government Gazette*.

If it is a petition submitted by ratepayers or electors, he may take this step only if the council concerned has verified the eligibility etc., of the petitioners.

(c) Within one month of publication of the notice in the *Government Gazette*, at least 50 per cent of the ratepayers, or fifty of them, whichever is the lesser, in any of the respective municipal districts may demand that the proposal be submitted to a poll of ratepayers in that district.

(d) On the expiration of this one month period, each municipality must advise the Minister whether a poll has been demanded.

(e) If a poll has been demanded in respect of any municipality, the Minister must appoint a date for the conduct of such polls and the councils concerned are required to give appropriate notice in a newspaper that the polls will be held.

(f) The Minister may direct that those councils which are parties to a petition must meet the cost of any polls—otherwise each council meets its own poll costs.

(g) Within 21 days after a poll, the returning officer must notify the Minister of the results.

(h) A proposal in a petition is rejected by a poll only if at least one-third of the ratepayers entitled to vote, do so vote; and a majority of those voting oppose the proposal.

If a proposal is rejected by a poll, the Minister is prohibited from presenting the petition to the Governor.

The Bill as it stands at present is considered to provide that, where such a demand is made, polls must be conducted in every municipal district which would be affected by the proposal contained in the petition. This was not the intention of the Bill.

In another place, the Minister undertook to amend these provisions to make it clear that a poll must only be held in the particular municipal districts where sufficient ratepayers have submitted a demand. I will be proposing an amendment for this purpose at the appropriate time.

It is hoped that this Bill will make a valuable contribution to strengthening the goodwill and confidence between municipalities and the people residing within their boundaries.

The Bill does not remove the present right of municipalities to negotiate boundary changes when desirable and to their mutual benefit. However, if agreement is not reached between the elected representatives of the ratepayers and electors, this measure provides the residents with the democratic right of expressing their point of view through a referendum.

The Minister for Local Government stated, when introducing this Bill in another place, that during his visits to municipalities in the State, he had been strongly encouraged to introduce legislation of this nature.

I commend the second reading.

Debate adjourned, on motion by the Hon. R. F. Claughton.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [12.26 a.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. today (Wednesday).

Question put and passed.

House adjourned at 12.27 a.m. (Wednesday).

Legislative Assembly

Tuesday, the 6th May, 1975

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

LEGISLATIVE ASSEMBLY

Colour Photographing of Proceedings

THE SPEAKER (Mr Hutchinson): I wish to inform the House I have given approval, during today's sitting, for photographers from the audio-visual section of the Education Department to take colour slides of Parliament at work. I understand that these slides, with the appropriate commentary, will be shown in schools as "Government in Action".

METRIC CONVERSION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Sir Charles Court (Premier), and read a first time.

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [4.35 p.m.]: I move—

That the Bill be now read a second time.

The object of this Bill is to metricate references currently in imperial units in nine Acts.

The Bill comprises a schedule, containing the proposed amendments, and the necessary consequent changes to the principal Act.

This procedure for metricating Acts has been utilised on three previous occasions. The amendments effected on those occasions are contained in the three schedules to the principal Act. The first schedule includes amendments to 19 Acts, the second schedule 44, and the third schedule 13.

It is considered preferable to continue the practice of presenting to Parliament amendments necessitated by metric conversion in this form, rather than utilise the power of proclamation provided by section 5 of the Metric Conversion Act.

It was intended that the method provided for in section 5 should be used only when it is necessary to amend an Act at short notice to enable a conversion programme to proceed.

Metric conversion has proceeded smoothly and it has not been found necessary to utilise this power.

If the proposed amendments to these nine Acts are approved, it is expected that the remaining Acts still requiring conversion will be dealt with individually, as and when required. I commend the Bill to the House.

Whether the measure is passed in this part of the 1975 session will depend on the state of business, but if it can be passed, so much the better. There is not a pressing urgency for its passing, but I wanted to get the Bill on the notice paper.

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

CRIMINAL CODE AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr O'Neil (Minister for Works), and read a first time.

BANANA INDUSTRY COMPENSATION TRUST FUND ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr McPharlin (Minister for Agriculture), and read a first time.

Second Reading

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [4.40 p.m.]: I move—

That the Bill be now read a second time.

The amendments in the Bill seek to provide for—

- continuation of the Act for a further seven years;
- an increased contribution rate to the fund;
- increased compensation payments in the event of losses caused by cyclones or other natural causes which pose a threat to the industry.

These amendments were requested at a general meeting of banana growers held at Carnarvon on the 8th March, 1975, which was attended by approximately 60 growers; and are supported by the Carnarvon Fruit and Vegetable Growers Association and the Market Gardeners Association of Carnarvon.

Clause 3 provides for substitution of the definition of "case" by "carton" which is described as a container having the 16 kg capacity when used for packing and marketing bananas. This change is necessary as the 16 kg carton is now used for marketing nearly three-quarters of the bananas produced at Carnarvon.

Consequent upon this change it is necessary to amend those sections of the Act where the word "case" is used by inserting the word "carton" in its place.