Legislative Council

Wednesday, 17 September 1980

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

LEAVE OF ABSENCE

On motion by the Hon. F. E. McKenzie, leave of absence for 12 consecutive sittings of the House granted to the Hon. Lyla Elliott on the ground of private business overseas.

BROKEN HILL PROPRIETARY COMPANY LIMITED AGREEMENTS (VARIATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.58 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to obtain Parliamentary ratification of an agreement made in April this year varying the terms of the Broken Hill Proprietary Company's Integrated Steel Works Agreement of 1960, as varied by the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement of 1964 and also by the Broken Hill Proprietary Company's Integrated Steel Works Agreement of 1973.

The companies now involved with the State under these agreements are the Broken Hill Proprietary Company Limited (BHP); Australian Iron & Steel Proprietary Limited; and Dampier Mining Company Limited; which will collectively be referred to as "the company".

Also the 1960 agreement as varied by the 1964 and 1973 agreements will be referred to as the principal agreement. When referring either to the 1960 or the 1964 agreement only, that agreement will be identified accordingly.

The April 1980 agreement contains two important variations to the present obligations of the company under the principal agreement and the 1964 agreement.

Firstly, for reasons which I will explain later, the obligations on the company under the principal agreement and as extended under the 1964 agreement, are to be altered. The change is necessary to meet the State's altered requirements of the company in view of the now long-standing depression in the world steel market. Under the agreement, the company is currently obliged to construct steel-making facilities and a second rolling mill at Kwinana. The initial date set down for completion of these projects was 31 December 1978, but that date was extended in 1976 to 31 December 1980.

Those proposed new installations, combined with the existing plant, were to have increased the company's production capacity to not less than 500 000 tonnes of finished products—rolled steel—per annum. Such a production tonnage is not an economically viable capacity by today's world steel-producing standards, because of the much greater scale production rate necessary to make the enormous capital input on plant and technology a feasible proposition. Production must be measured in millions of tonnes per annum if a producer is to remain viable against world-wide competitors in the steel market.

In partial substitution for that obligation, the 1980 agreement will commit the company to certain other undertakings with the object of establishing steel-making facilities in this State if this proves both technically and economically feasible. Those undertakings are—

> the company must carry out an ongoing programme of investigation into the technical and economic prospects of steel making in Western Australia;
>
> the company must keep the Government fully advised on the progress and result of such investigations;
>
> the company, if required by the Minister, must submit to him a detailed report on its investigations and consult with him on that report. The Minister may call for the company's detailed report every three years if it is not forthcoming in the interim; and if the Government and the company agree that the establishment of steel-making facilities in Western Australia is technically and economically feasible, the company will be required, after consulting with the Minister, to establish those facilities either alone or in conjunction with others.

The second major variation is contained in clause 6 of the 1980 agreement. It completes the substitution of alternative commitments by the company for those existing commitments which

are to be altered or lifted. Under the 1980 agreement, the company will be obliged to reline and upgrade the blast furnace at Kwinana to increase its technical and cost efficiency by 31 December 1981, at a cost of not less than $20 million.

The other matters dealt with in the 1980 agreement are necessary as a result of the already mentioned substitutions in the company's obligations under the principal agreement and the 1964 agreement. All those commitments, except those of expenditure, the construction of steel-making facilities, and the construction of a new rolling mill, have, in fact, been met by the company. However, with the required expenditure of $20 million on the existing blast furnace, the company will, in fact, have spent at least $80 million as required under clause 6 of the 1960 agreement.

The other new obligations to be borne by the company under clause 4 of the 1980 agreement in place of its unmet obligations under the 1960 and the principal agreements have already been detailed. Under paragraph (c) of clause 14 of the 1964 agreement, the company is obliged to install plant within this State capable of producing in the aggregate three million tonnes of processed material by 30 June 1985. Although the company has not fulfilled this obligation completely, its existing plant at Kwinana has a total processing capacity of 2 580 000 tonnes.

Clause 6 of the 1980 agreement, which provides for the relining of the company's blast furnace at Kwinana, provides an appropriate alternative to further expansion of the company's productive capacity in the light of the present steel marketing difficulties.

The reasons for the 1980 agreement are brief, but cogent. The world market for ferrous products has been at a drastically low level for several years, and it would be totally unrealistic for the Government to insist that the company build steel-making facilities and a new rolling mill when there is too restricted a demand for steel. It would also be totally unrealistic for any responsible Government to insist on increases in production by the company when it has had for several years, and still has, long-term problems in marketing its current output of processed material.

It will be to this State's advantage that the company's capital and its technological and marketing expertise be devoted to areas with much greater prospects of viability. The spheres of activity in which the company is obliged to participate under the provisions of the 1980 agreement are much more realistic in the light of knowledge of the current world-wide problems in steel production and marketing. The wisdom of requiring the company to monitor and research continually the economic and technical aspects of steel manufacturing in Western Australia cannot be denied.

Clause 3 of the 1980 agreement provides the appropriate change. It also requires the company to establish steel manufacturing in this State when the time for such a venture is economically sound. The existing blast furnace at Kwinana must be upgraded substantially if the company is to remain a world competitor as a viable producer of ferrous products and as an employer of those possessing the necessary skills.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

RURAL RECONSTRUCTION AND RURAL ADJUSTMENT SCHEMES AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.06 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to incorporate in the principal Act the fourth agreement between the Commonwealth and the States in relation to the operation of the rural adjustment scheme. That agreement was reached in March 1980 and provides for the following changes—

- the provision of supplementary moneys to a State other than on an annual basis;
- moneys unspent by one State may, with the consent of that State, be reallocated to another State;
- approval may be given in a financial year to spend in that year a part of the next year's allocation;
- removal of the eligibility requirement that an existing farm has been, but is not now, viable.

The new agreement requires that the applicant be a bona fide farmer, intending to remain on the property, and who, given assistance, has sound prospects of long-term viability.

Other changes involve the matter of household support, the inclusion of the apicultural industry in the scheme, and the treatment of the Northern Territory as a State within the meaning of the Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Brown.

RAILWAYS DISCONTINUANCE BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.08 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks formally to discontinue the railway between Pindar and Meekatharra and dispose of materials. Late in 1977, following exhaustive studies, the decision was taken to withdraw all rail traffic from the Mullewa-Meekatharra line between Pindar and Meekatharra.

The decision was based on a number of factors. The line was constructed early in the 1900s when scant attention was given to its alignment. Despite substantial expenditure on maintenance, it had not been possible over the latter years to keep the track in a satisfactory condition. The only solution was to reconstruct the line completely on a new alignment. However, the capital cost of such a project could not be justified by the traffic available at the time or in the foreseeable future.

The service was officially terminated from 1 May 1978, and was replaced by a contract road service which has proved to be quite satisfactory. At the time, assurances were given that the line would remain *in situ* for at least 12 months after the service was terminated. This period is well passed.

The Mullewa-Pindar section which, not long ago, was subject to a major maintenance programme, is being retained for grain haulage on a seasonal basis. Revenue from this source is expected to cover operating costs. The life of this section is estimated at about 17 to 18 years.

Responsibility for outstanding capital charges on the discontinued line will be transferred from Westrail to the Treasury.

Under section 118C of the Land Act, the railway reserve will be revested in the State. Steps are being taken, however, to ensure that the land is retained for a future railway, should the need arise, by classifying it as a Class "C" reserve for railway purposes not vested.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

ACTS AMENDMENT (MOTOR VEHICLE POOLS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.11 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to remove the legal restrictions which presently hinder the development of car pools in Western Australia. There is no accurate information on how much a barrier these restrictions are to would-be car poolers; but in view of the present climate of escalating fuel costs and the increasing congestion on our roads, motorists who are willing to share their cars should be encouraged to do so.

No figures are available on the use being made of car pools in Western Australia at present; but it is generally accepted that a considerable number of motorists are more or less regularly involved in some form of pooling for journeys to work, to school, and for shopping. If the New South Wales experience is used as a guide, in that State a research project in 1977 arrived at a figure for Sydney of 11 per cent of commuters participating in a form of car pooling.

Trends in the 1960s and early 1970s, if projected forward, suggest that Perth could soon end up with a car occupancy rate of 1.2 persons—a rate typical of Los Angeles. If this prognosis is anywhere near correct, it is very wasteful of scarce resources and consideration should be given to ways of reversing this trend.

Whilst experiments in other States and overseas to encourage car pooling have met with mixed success, a climate is developing quickly which should encourage more people to make use of the facility. However, in doing so, they should not be placing themselves outside the law.

It is not envisaged that, with the passage of this legislation, the Government will set out to promote car pooling. Any increase in the use of the practice is expected to come predominantly

from existing car users, and public transport is unlikely to be measurably affected.

Some of the major social benefits which could flow from an increased participation in pooling include reduced air pollution, conservation of scarce fuel, reduction in traffic congestion, and deferment of expenditure on road improvements and parking facilities.

The amendments are designed to remove car pooling, where it is incidental to the main purpose of the journey, from the hire-and-reward provisions of three Acts. These are the Transport Act, the Road Traffic Act, and the Taxi-cars (Co-ordination and Control) Act. The amendments to each are similar in intent.

Basically, the legislation will legalise two types of car pooling. It will allow payment of a contribution by a passenger to running expenses such as petrol and parking, but it will not permit a car owner to charge for his time. It will also allow pool members to use their cars in rotation, thereby avoiding an exchange of money.

Motorists are to be specifically excluded from touting for business along the roadside and offering a ride in exchange for a fee.

The passage of this Bill will provide an opportunity for people to reduce their transport costs and, at the same time, if advantage is taken of the measure, could temper some of our major transport problems.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

ADDRESS-IN-REPLY: THIRTEENTH DAY

Motion

Debate resumed from 10 September.

THE HON. M. McALEER (Upper West) [5.15 p.m.]: In supporting the motion I should like firstly to congratulate the Hon. Ian Medcalf on his election as Leader of the House and the Hon. David Wordsworth and the Hon. Gordon Masters on their portfolios. I extend congratulations also to the Hon. Des Dans as Leader of the Opposition and the Hon. J. M. Berinson on his election as Deputy Leader of the Opposition. I congratulate the Hon. Norman Moore on his appointment as Parliamentary Secretary to the Cabinet.

I offer further congratulations to the Hon. Graham MacKinnon for the honour he received in recognition of his services as Minister in charge of the celebrations marking the 150th anniversary of the State. The Hon. G. C. MacKinnon carried a great responsibility throughout the State over 12 months. He had to undertake a most strenuous programme and it was a most ambitious and successful undertaking.

I compliment the Hon. John Williams on the manner in which he moved the Address-in-Reply. He spoke on a subject which has long been of great interest to him and in which he has done much to interest the House over a number of years.

I compliment all the members who made their maiden speeches and who have spoken during the weeks that have followed opening day. I enjoyed listening to all their contributions.

I intend to speak briefly on two matters of concern in Upper West Province. Before I do so, I should like to refer to the season which is being experienced in the province up to this time.

During the last four years, you, Sir, and other members have listened sympathetically to the record of difficulties and disasters which have accompanied the prolonged drought. I believe all members have supported the measures the Government has taken to relieve the difficulties of the farmers and townspeople in the area.

Had I been speaking three or four weeks ago, I would have said to you, Sir, that I knew how pleased you were that the drought had broken and that a good and reasonable result could be expected from all parts of the province at the end of the season. Unfortunately, in that time, a prolonged dry spell has caused considerable damage to some of the crops east of the Wongan Hills line and unless it rains in a very short time that damage will be compounded and it will spread to other areas of the province.

I am sorry to say that the areas which are most affected by the drought are Morawa and Perenjori which are the same areas which have been most greatly affected in every year of the drought. In fact, many of the people now affected will be in the sixth year of the drought, not the fifth year.

I was very relieved to hear the Minister for Agriculture (the Hon. Dick Old) affirm that the Government would undertake to support the farmers who were drought-affected or who will be drought-affected by the end of the season; but I feel that probably special measures will have to be taken for those farmers who find themselves in the sixth year of drought.

Fortunately not all the province is badly affected and for many areas one can indeed say that the drought has broken. I know you, Sir, understand well that even one good season is not enough to repair all the damage which has been

done and that a number of people have suffered beyond recovery. Many others are still hovering on the brink; but no recovery was possible until the drought broke and the losses could only be compounded while it continued.

It is a great pity that the central wheatbelt and the area as far south as Jerramungup is also now drought-affected and I hope it will only be for this one year.

There are two kinds of business in the province I represent which are having particular difficulties which are not related directly to the drought. The first of the businesses is the petrol service stations and, in two towns in particular—Geraldton and Moora—the problem is pronounced. However, petrol service stations in smaller towns also claim to be suffering badly as a result of competition from the fuel depots; that is, the fuel depots retailing petrol to the public at only a slightly higher price than they sell petrol in bulk to the service stations.

The service stations in country areas could not at any time expect to get much trade from farmers or fishermen in their districts, because these people run accounts with the oil companies and depots. They receive their petrol in bulk at a reduced price; so the service stations are dependent, for the most part, on trade from townspeople and passing motorists. Mainly trade from the local townspeople is the most important.

Of course, this situation has existed for a number of years; that is, competition between fuel depots and service stations. However, it has become increasingly uncomfortable for the service stations which are, in any case, beset by other difficulties with the oil companies, and the depots appear to be stepping up their drive for a retail trade at a time when the travelling public is declining.

Rises in prices for petrol mean that the service stations are continually obliged to find larger and larger sums of money to be paid in advance to the depots for bulk fuel; and, at the same time, they have to extend credit facilities to their clients. Of course, the depots also have to extend credit facilities to their customers and they have overheads to pay, particularly in the carting of bulk petrol to their customers in the country or on the coast.

On the other hand, service stations have to provide a service to their clients during a 10-hour day on weekdays, and for five hours on Saturdays. Of course, this entails considerable overtime and it is a problem which the service station owners find to be very burdensome.

In Moora it was estimated 60 per cent of the town trade was going to the depots. To rub salt in the wound, an important part of that trade was said to come from Government vehicles and from Government employees in their private capacity. It is no consolation for the service station proprietors to think that they, as taxpayers, are sharing in the benefits of cheaper petrol to Government vehicles.

At first it was thought that a solution to the problem could be found by local authorities using their by-laws to refuse depots permits for sale of petrol to the public. The model by-law in the schedule of the Local Government Act of 1906-65 reads as follows, and I shall quote it selectively—

> A person shall not instal a petrol pump . . . in any place for the sale of petrol to the public unless by authority of a licence issued by the Council.

Further on it says—

> A person being the owner of a petrol pump . . . shall not suffer or permit the sale of petrol to the public from that pump except with the approval and by virtue of a licence issued by the Council.

It would appear that section 232 of the Local Government Act which empowers a council to make by-laws with respect to petrol pumps, limits those powers to such places as streets and public places and to considerations of safety, free passage of traffic, the requirements of a town planning scheme, and the sufficiency of a number of petrol bowsers installed already.

In 1975, in the case of H. C. Sleigh *v.* the Bunbury Town Council, in regard to petrol stations at Bunbury, as I understand it, it was held that no council had power to prevent the sale of petrol to the public by a depot with a licence for a bowser.

Since then local government authorities have been unwilling to try to use their by-laws for the purpose of restricting the sale of petrol to the public by fuel depots; but service station proprietors continue to believe that the councils do have the power to protect them and that they are favouring the depots at their expense.

This year, after many months of attempting to negotiate directly with the oil companies and indirectly through the Automotive Chamber of Commerce, various service station proprietors appealed to the Government to be protected from the competition of fuel depots. Cases were investigated by the Department of Labour and Industry; but the Government concluded that, provided the fuel depots were registered properly

under the Factories and Shops Act, they were legally entitled to retail petrol to the public.

As far as the actual price of the retailed petrol was concerned, the fact that the occupiers of the depots were operating as purchase agents or consignee agents meant they could exercise their own control over the price of petrol.

The position of the occupiers of fuel depots is that the retailing of petrol to the public at large provides them with some desirable extra revenue. They are within the law and they are not discouraged by the oil companies from competing with service stations, even when these are selling the same brand of petrol. Where there is more than one depot in a town, the depots are, of course, in competition with each other as well as with the service stations. But any attempt by a depot to return a would-be buyer of petrol to a service station simply results in the buyer going to a more obliging depot.

It is difficult to understand the attitude of the oil companies in this matter. In Moora, which is a town of 1 750 people, there are five depots and three service stations all competing for the retail trade. Allowing for the difference in population numbers, the situation in Geraldton is much the same. There it has been claimed there are 21 service stations, and four depots have been selling petrol illegally for three years.

In view of the apparent inability of the State Government to find a solution to the problem, I approached the Federal member for Kalgoorlie who subsequently took the matter to the Minister for Business Affairs. Although the Federal Government was endeavouring to iron out service station difficulties with the oil companies, this particular problem has not been considered. However, Mr Cotter found from his colleagues that the complaint was just as bitter in other States as in Western Australia and it was hoped that the matter could be dealt with, possibly by regulation.

It is not clear to me whether the proposed Federal legislation dealing with a limitation of outlets for oil companies will serve to solve, or at least alleviate, the problem. But, in the meantime, the situation drags on. I believe the Minister for Labour and Industry is prepared to look at the position again. I am glad that he is doing so, but I also believe that it is perhaps a matter for the Minister for Local Government and that it may be possible to amend the Local Government Act satisfactorily to deal with the problem.

Most recently—that is to say last Wednesday—the Geraldton Town Council refused an application from a fuel depot for a bowser under section 6 of its model by-law which dealt with the sufficiency of petrol pumps in the area. If this will withstand challenge, it will serve to restrict further competition, but it will in no way solve the problem of the competition which exists already.

It seems the Local Government Act might be amended so as to specify the class of customers which fuel depots may serve at their bowsers. Perhaps some of my colleagues may feel there is a philosophical difficulty in limiting competition in this way; but I cannot see that the situation as it exists is one which supports or even allows competition at all.

The other area of business in difficulty to which I wish to refer is the plight of the small country stores which retail everything from milk and paper to clothes and hardware. In very many small towns and sidings these stores are finding it increasingly difficult to exist and stay in business.

These small stores are finding it difficult to stay in business, because even the total possible number of their customers is limited and their turnover is not great. These stores are often obliged to have a much higher markup on their goods than is necessary for stores in more populated areas. They do not get the benefits of large discounts from the wholesalers or distributors which stores with larger turnover of goods can command. While they must pay for the goods within 30 days, their country customers tend to demand much longer periods of credit.

Worse than that, the same customers tend more and more to buy the bulk of their goods in larger towns from supermarkets with a wide variety of "specials", and often finally buy only their milk and papers from the local store. They justify this on the grounds of their not being able to afford the higher prices, although in many cases the benefits of their savings are undoubtedly lost in the cost of petrol, and wear and tear on their cars in travelling up to 150 kilometres or more to larger towns.

One can say, quite correctly I believe, that this is just one facet of our times and part of the general trend which seems to be wiping out many smaller country towns and consolidating others into sub-regional centres.

People are more mobile these days. People now have a much greater expectation of enjoying the same facilities and amenities which people in truly urban situations enjoy. So, shopping is only part of the reason that takes them to the larger towns. Some country storekeepers who blame the cost of freight, and unfair competition from

supermarkets for their troubles, may well lack management and business skills.

I am not sure what more the Government can do to help remedy the situation, except by ensuring—as it is endeavouring to do—a competitive and unfettered system of transport or a regular satisfactory transport service where competition is not possible. I certainly hope the new Small Businesses Service will prove of value to many country businesses, including stores. I commend the Government for taking this initiative. I am aware of other representations which our Ministers have made to the Federal Government for more relief from sales tax. That would be an important advantage to country people and country stores.

Above all, I think it is up to country people to assess their particular situation and decide whether, in fact, they really want to lose their local businesses and perhaps eventually their local centres. While country stores cannot continue in business simply to provide milk and newspapers, it is uneconomic for farmers to have to travel 15 to 30 kilometres to the larger towns for these items. The price of petrol is not an enticement to do so.

I am very glad to be able to say that during the last week I have come across two examples which seem to suggest there is a possibility of a reverse in the trend away from small stores. The first example occurred at Latham, a small town in the Perenjori Shire. I attended the reopening of a country store which burnt out last year. The district has suffered a drought for about four years, and there has been an acute shortage of water. Water could not be provided to fight the fire which burnt down the local store. The people in the town were doubly disappointed because of the severe conditions under which they were living, and the loss of their store.

The people at Latham applied to the Government for money to start a new store, but there was no way in which the Government could provide that money. The local progress association formed a committee, and the hat was taken around the district. A sum of $12 000 was borrowed on the "maybe" scheme. The "maybe" scheme applies on the principle of maybe one gets repaid and maybe one does not get repaid! A further sum of $23 000 was borrowed from the local bank, and the new store was built. It has been in operation for two months and is enjoying very good patronage. I understand the previous store, before it was burnt down while the owner was in Queensland, was not very well patronised. The local people now tend to go to the local store rather than travel to Perenjori, Dalwallinu, or Coorow.

Another store was taken over a couple of years ago at Watheroo by the local people, and since then its turnover has increased tenfold. I hope this trend will continue and country people will, in fact, do their business with and patronise their local stores, and preserve their small local industries. I support the motion.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.35 p.m.]: The motion before the House seeks to convey to His Excellency an expression of our loyalty to our most gracious sovereign and to thank His Excellency for the Speech delivered to Parliament on his behalf by the Lieutenant Governor.

As members are aware, the motion is moved on the first sitting day and generally takes precedence over other business until it is agreed to. It has been an established practice for members to use this debate as an opportunity to voice their opinions on virtually any subject of their choice and to present a variety of topics mainly relating to their electoral province.

Naturally, the variety of subjects which are voiced by members on this occasion refer to matters of importance in their own provinces or districts.

For the benefit of new members I would point out this is not the only occasion when they will have such an opportunity. There are two or three other occasions during the year when members may speak on any topic of their choice. But this is an important opportunity because it is at the beginning of the parliamentary sitting and there are many matters which probably have come to the attention of members during the recess period, and which they would like to publicly air. This debate gives them that chance at the outset before any Government business is dealt with. In some ways it is convenient, but in other ways it is inconvenient to the Government.

All speeches are examined quite carefully and members may be assured that anything they have said is not overlooked. The speeches are examined and matters on which information is requested are answered, and in many cases members already may have received replies to matters which they raised during this debate. A number of matters are still being examined and members may expect to receive information on or replies to them, either individually or during the course of other addresses in this House.

In one or two instances I will attempt to reply to some matters which have been raised, but most replies will be left for correspondence after examination by individual Ministers and departments whose concern primarily they are. If

I do not refer to particular matters which have been raised, or to a particular speech during my comments, members should not think that what they have said has been overlooked by the Government. I can assure them that what they have said has not been overlooked, and it will not be.

I want to join with other members in congratulating the new Ministers, and other members in this House who have been elevated to various positions including the Government Whip, committee members, and other office bearers both in Government and in Opposition. I congratulate them on their elevation and I hope they will have a satisfactory period in office.

I also join with other members in congratulating the Hon. Graham MacKinnon on his award of the CMG. It is, indeed, a very high and rare award. To be appointed a Companion of the Most Honourable Order of St. Michael and St. George is reserved for very few people. I am sure it has been extremely well deserved, and it places the Hon. Graham MacKinnon in a very select group.

I also join with other speakers in complimenting the Hon. John Williams on the able manner in which he presented this motion to the House. He raised an interesting point when he said that out of 32 members in this House, 26 have been elected during the last nine years. That provides room for reflection in that 26 members have been here for a period of nine years or less, and only six members have been here for a period beyond that time.

Whilst many of the retirements have been voluntary, of course there is always the sobering aspect of political life that some have been involuntary. I would like to refer to those members who have left this place and, in particular, those who retired at the last general election for one reason or another. I refer to John Tozer, Roy Claughton, and Grace Vaughan, who were well known and well respected in this House. They made many contributions to debates, and I take this opportunity to pay tribute to those three members who were defeated at the last election.

I will also refer very briefly to the four retiring members who did not seek re-election, and to whom a fitting tribute has already been paid by this House. But they should not be overlooked. I refer to Claude Stubbs, Ron Thompson, George Berry, and Don Cooley, all of whom made a significant contribution in one way or another and, indeed, in different ways during their respective terms in office here. I also thank members in this House for their contributions to this debate, and their support of this motion. I congratulate the new members not only on their election to this House, but also on the way in which they have delivered their maiden speeches.

Members will have noticed reference in the Lieutenant Governor's Speech to the deaths of four former parliamentarians, one of whom was a member of the Legislative Council, the Hon. G. Bennetts. He entered the Legislative Council as member for the South Province in 1946, and later became the member for the South-East Province. He retired in 1965, before I entered this House. It is possible that only the Hon. Norman Baxter and the Hon. Graham MacKinnon were in this Chamber and shared in debates with the Hon. G. Bennetts.

The Hon. Mick Gayfer, and perhaps one or two other members, would remember the Hon. G. Bennetts quite well. He spent most of his life on the goldfields, and he died on 27 March this year at the age of 89 years. He had the distinction of being the head conductor on the first trans-Australia train, and served on the Kalgoorlie Town Council from 1934 to 1950.

I concur with the sentiments expressed by the Hon. Neil McNeill and the Hon. Sandy Lewis that we have been treated to some very good speeches, and the standard augurs well for future debates in this Chamber.

Various members concentrated on particular themes, and it is not my intention to deal with them all. But, there are one or two I think I should mention because they require some kind of explanation in this House. The Hon. Ron Leeson and the Hon. Jim Brown both spoke about power generation in the goldfields.

Mr Leeson, in particular, made some remarks which I consider should not go unanswered. He expressed a view that power generating plants in Western Australia are being forced out of the hands of the local authorities and are being swallowed up by the State Energy Commission.

It is difficult to place much credence on such remarks when it was, in fact, the Kalgoorlie Town Council which approached the commission to have its electricity undertaking absorbed under the terms of the country towns assistance scheme.

Neither the Government nor the commission has any intention of "swallowing up" the Kalgoorlie Town Council's electricity supply.

In regard to the past application of the country towns assistance scheme, I refer Mr Leeson and Mr Brown to an answer to a question in another place during the term of the Tonkin Government on 15 November 1972, as recorded in pages 5219 and 5220 of *Hansard* of that year.

The question had several parts, and I will quote two of them only. One part reads—

> Under the State Electricity Commission's country towns assistance scheme, which local authorities will be asked to lease their electricity undertaking to the SEC in the next 12 months?

The answer shows that 20 local authorities, including Menzies and Wiluna, had been approached. Another part of the question asked—

> What rates of charges are proposed by the commission after the country towns join the scheme?

The answer reads—

(1) Proposed tariff—in accordance with country towns assistance scheme tariff hereunder.

(2) Lower than existing and similar to schedule hereunder. To be calculated for each town after discussion with councils concerned.

It is quite incorrect for Mr Leeson to say that to charge an interim tariff for a period of 16 months is without precedent in this State and that no other community has been charged an interim tariff.

The customers of the 21 undertakings absorbed into the scheme prior to 1 July 1975, all paid a higher fixed charge and a higher energy charge at the time of transfer.

It was not until 1975 that uniform energy charges were able to be introduced for these customers.

Furthermore, the customers of these original 21 undertakings, together with the next eight undertakings absorbed, all continued to pay a higher fixed charge than that paid by customers supplied from the commission's system until 1 July 1977.

Mr Leeson especially mentioned four towns; namely, Menzies, Wiluna, Leonora, and Laverton. Menzies joined the scheme on 1 November 1977, and customers were charged for electricity at the uniform tariff from the date of transfer.

Wiluna joined the scheme on 12 January 1973, and customers paid for electricity under an interim tariff until 1 July 1977.

A look at the tariffs which applied shows that on 12 January 1973, customers in Wiluna paid a fixed charge of $5 per quarter compared with $1.20 per quarter standard commission tariff at the time and an energy charge of 5.5c per unit compared with 2.3c. These tariffs varied until reaching the uniform tariff in 1977.

Leonora joined the scheme on 4 September 1974, and customers paid a fixed charge of $5 per quarter compared with $1.50 and an energy charge of 4c per unit compared with 2.7c standard. These tariffs varied once prior to application of the uniform tariff in 1977. Laverton is still supplied by the local authority and not by the State Energy Commission.

Before concluding my remarks on this matter, I should point out that the current SEC tariff for domestic customers is $3.07 per month fixed charge, plus an energy charge of 5.42c per unit consumed. The average cost per unit paid by a typical customer is therefore 6.34c per unit and not 5.3c as quoted by Mr Leeson.

The cost per unit for those customers using less than the average is proportionally higher, and vice versa.

As mentioned earlier, the Hon. Jim Brown also spoke on this matter and related his remarks to the Merredin power supply.

The complete electricity undertaking of the Shire of Merredin was acquired compulsorily by the Minister for Works under the provisions of the Public Works Act 1902-1961 in accordance with the notice published in the *Government Gazette* of 18 May 1962.

The undertaking was vested in the State Electricity Commission as a going concern for the purposes of the State Electricity Commission Act 1949-1959.

The acquisition of this undertaking was carried out at a time when the main electricity grid system had been extended to Merredin.

After takeover the commission continued to build up and extend the service in this area in exactly the same manner as it has done and will continue to do throughout its entire system.

Whilst the residents of Merredin enjoyed an immediate reduction in the price they were paying for electricity, at the time of acquisition they continued to pay a higher price than their counterparts in the metropolitan area until November 1971.

A period of some nine years elapsed before Merredin customers were charged under the same tariffs as customers in the metropolitan area.

It is proposed that the residents of Kalgoorlie shall pay an interim tariff for a period of only 16 months.

The State Energy Commission clearly has the authority to prescribe tariffs of this nature and by-laws to this effect are in the course of preparation and will be promulgated shortly.

The Hon. J. M. Brown: Just before you pass on, you said the undertaking at Merredin was acquired compulsorily. The commission came to Merredin and said, "We don't want to compulsorily acquire your undertaking, but we want to take it over, and therefore, we will not allow any further loan funds to be used through Treasury to continue the undertaking." Therefore, the Merredin local authority voluntarily handed it over.

The Hon. I. G. MEDCALF: It was published in the *Government Gazette*. I do not know what the previous negotiations were, but obviously the honourable member is familiar with them, having been a member of the shire council. However, it was acquired compulsorily.

The proposed interim tariff for the Kalgoorlie region will, in many cases, provide a reduction of 25 per cent to customers and ensure a minimum reduction of at least 10 per cent to all customers.

Without an interim tariff many of the smaller customers would have experienced an increase in their accounts.

The Hon. Ron Leeson spoke on various transport matters and his brief remarks in this regard can be responded to in a similar manner.

In regard to empty haulage of rail wagons from Western Australia to the Eastern States, the imbalance between traffic to and from Western Australia is well known, with a factor of roundly three to one in favour of westbound traffic. Imbalances of loading according to direction are not unusual with all types of transport operations—sea, rail, and air.

Although east-west imbalance necessarily means empty haulage there is no justification for the member's statement that Westrail "allows empty rail wagons to run all over the State in a ridiculous manner". In Westrail, close attention is given to optimising wagon utilisation and the placement of wagons to clear loading to the best advantage. Officers located at district centres perform this function on a day-to-day basis.

There is also no justification for the statement that a person transporting a refrigerator by rail from Kewdale to Kalgoorlie would be staggered by the bill. The freight would be around $12, which is not large considering the weight, size, and value of the article.

The actual freight charge for a refrigerator, depending on its weight, would be—

90 kg—$10.30
100 kg—$11.30
110 kg—$12.30
120 kg—$13.30.

With respect to the transfer of freezer traffic from rail to road, it should be pointed out that this was necessary in order to meet health regulations for frozen and chilled foods.

The Hon. F. E. McKenzie: That is not true.

The Hon. I. G. MEDCALF: A piggyback service for road freezer units has the disadvantage of not being able to give the required "delivery to door" for towns en route. Westrail has been promoting piggyback services for other goods where appropriate.

Mention was made of the cost of fuel being the major cause of increased transport costs. Despite a significant increase in Westrail's costs for fuel over the two years since the last increase in rail freight rates on 1 July 1978, the average increase in freight rates applicable from 1 July 1980, was below the increase in the Consumer Price Index.

A further matter raised by Mr Leeson was in relation to the North Kalgurli Mines' custom mill.

Mr Leeson stated that the company has indicated it does not want to treat any more ore from prospectors as from July next year.

I presume Mr Leeson was referring to a Press announcement by the company which read as follows—

> The company advised the State Government in April that we could not guarantee accommodation for customer ores beyond mid-1981 or thereabouts.

Mention is made in the Press release that North Kalgurli Mines' ore is refractory and, on conversion of the present mill circuit to refractory ore, free milling "custom ore" can no longer be treated in the same circuit.

The Press announcement continues as follows—

> Discussions and planning have been in progress since April of this year with a view to determining the most appropriate alternatives to the present facility . . .

The company was referring to an alternative concentrating section of the treatment plant, at present set up to treat sulphide ore, but which could be converted to treat 6 000 to 10 000 tonnes per period of free milling gold ore. An additional thickener, cyanide tanks, and gold stripping facilities will have to be added to the circuit. The use of the alternative circuit is still in the feasibility stage.

On completion of these facilities, ore entering the plant would pass through a common crushing circuit and then divide into two streams—

North Kalgurli Mines ore through the refractory circuit—the old custom mill.

Free milling ore through a new "custom circuit"—the old sulphide circuit.

The Hon. Mr Leeson went on to say that certainly some of the prospectors were conned into believing that they would have a full-time mill for many years to come. This statement contains a number of inaccuracies. Firstly, it implies that somebody, presumably North Kalgurli Mines or the State, induced prospectors to make investment decisions in the expectation that a custom mill would always be available.

Secondly, at the outset both North Kalgurli Mines and the State made it quite clear that the custom mill would be a commercially run free enterprise concentrator; that is, it would be subject to the normal market forces.

Thirdly, when North Kalgurli Mines opened the door for business, on paper the company had an extensive inventory of custom ore waiting for treatment. In fact, a lot of these tonnes proved to be "pub tonnes" that were always in the pipeline, but never made the mill. The concentrator struggled for a number of months with barely enough ore to maintain the plant at a minimum throughput level.

During this time the North Kalgurli Mines Board persevered when the commercially-oriented decision might have been to shut down. It is only quite recently that the tonnages have picked up to a viable level.

In concluding remarks on the custom mill, it should be said that North Kalgurli Mines has been punctilious in the observance of all conditions of the agreement. Repayment of the $500 000 loan is ahead of schedule. A very good working relationship exists between the company and the State.

In July the State advertised in the Press inviting proposals from parties interested in establishing a custom mill in the eastern goldfields. To date four groups have made preliminary replies—one of which was North Kalgurli Mines reiterating its intention to look at its second circuit.

The four groups are proceeding with their plans on the basis that their facilities will be fully commercially viable. No group has to date approached the State seeking Government funding.

The Hon. Tom Knight will no doubt appreciate that the various matters he raised have been referred for consideration and attention.

One matter in particular related to the disconnection of power supply to one of his constituents and as I have been provided with a reply from the Minister for Fuel and Energy, I inform members that the relevant part of the letter—and this may serve as advice to others—is to the effect that a facility exists for the SEC to grant an extension of time or for payment in advance where a customer is going away for a time. There is no need, therefore, for customers to feel that the electricity will be cut off in their absence if they are away from home for some time. All they need to do is to notify the commission and arrangements can be made in appropriate cases.

That is all I propose to say in relation to the remarks made by members during the debate. As I have indicated, other queries will be answered by letter from the appropriate Ministers.

I wish to make a few brief general comments about some other matters that have been raised. Firstly, it appears that members have some doubts as to whether or not they should read speeches. Of course the Standing Orders prescribe that speeches will not be read except when a Minister is introducing a Bill.

I have always felt as an ordinary member of this House that there are occasions when members should be permitted to read their speeches, such as when members are dealing with some particularly technical matter in which they want absolute accuracy of the facts they are putting before this House. It is not always sufficient simply to read from notes. This is a matter the Standing Orders Committee could well examine.

I understand that the main reason for not allowing members to read their speeches is that the speeches might be written by somebody else.

The Hon. D. K. Dans: I said that, and I also said it was old hat.

The Hon. I. G. MEDCALF: It is still the main reason. However, I believe it is a matter the Standing Orders Committee could bear in mind; perhaps it could permit the reading of speeches in selected cases; it may well be with the permission of members of this House.

The Hon. D. K. Dans: And failing that, a more liberal use of speech notes should be allowed.

The Hon. I. G. MEDCALF: Mr Dans also mentioned the possibility of tape recording the proceedings of this House. This is another item in respect of which something could be done. No-one need think it will mean a reduction in staff because I understand people are required to monitor the tapes and to keep an eye on the

members to see who is about to speak, or who has just spoken.

The Hon. D. K. Dans: I was suggesting the use of tape recorders as a back-up facility for *Hansard*.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon I. G. MEDCALF: Before the dinner adjournment I was referring to the tape recording of proceedings in the House. I have always felt that we could improve the system of recording debates tremendously by having them tape recorded. I have raised the matter on one or two occasions previously, but it is a pretty expensive process and it would cost a very substantial sum to install the tape recorders. As I indicated previously, it would mean, probably, that we would still have the same people looking after the set up. We would not like to lose them. But from an economical point of view it would be an expensive proposition.

The Hon. D. K. Dans: The longer we stay away from it the dearer it will get.

The Hon. I. G. MEDCALF: It was indicated about 10 years ago that the cost of this exercise would be about $100 000. I would not like to think what the cost would be now.

The Hon. D. K. Dans: It seems wrong that we do not have them when we can go to local town or city councils and find their meetings are tape recorded.

The Hon. I. G. MEDCALF: Most court proceedings are tape recorded. It is certainly something we could consider and we should have a good look at it. Because of the greater accuracy and the probable big saving in time, there is a lot to be said for such a system. I agree with most of the comments made in this regard.

The Hon. P. H. Wells: Don't you think we would get a lot more read speeches if they were taped.

The Hon. I. G. MEDCALF: Generally speaking, I believe the Address-in-Reply debate is an important matter in the House. It is very easy to criticise it; but I believe it gives members an opportunity to say the things they want to say comparatively unimpeded. They can say the things they believe they ought to say and have an unrestricted amount of time in which to say them. That brings me to the subject of debate on the adjournment motion.

I am not one of those who believes that members should say things in the adjournment debate which they left out of their comments in the Address-in-Reply debate. I do not believe that is a legitimate use of the adjournment debate. I believe, with quite a few other members, it is time we had a look at the institution of the adjournment debate; in other words, we should look at what it is used for and whether or not we need rules to govern its use.

I am not one who believes we should necessarily curtail this debate, as it does offer the opportunity for urgent matters to be ventilated and for statements to be made on subjects which crop up of an emergency nature, or for the correction of matters on which it is not possible to make personal explanations. However, I remind members that personal explanations can always be made at the appropriate time each day. There is no reason why this method cannot be used.

I believe the adjournment debate is another matter which the Standing Orders Committee should examine. Clearly we are in danger of abusing it, and when something is abused the pendulum can swing in an equal and opposite direction and we usually find that the privilege is seriously curtailed or lost. So I do commend a study of the adjournment debate to the Standing Orders Committee.

It may be that members who desire to speak on the adjournment should give notice of their wish to the House or to the President. Perhaps there should be a limit on the time available for that debate. A matter should be one of urgency or one which the member and President believe is one which needs to be urgently debated.

It is difficult to arrange the agenda of the House when one does not know how long the House will take on the adjournment. If we are adjourning immediately before the evening meal, a member who has an urgent matter to discuss might not have the opportunity to raise it, and if he does he can upset the rest of the House. I believe these matters merit inquiry.

There are several other matters I could mention and will mention on other occasions. However, I believe it is time someone publicly voiced their disgust with the way some people behave in the media. We have had a number of illustrations recently of what I believe to be disgusting behaviour. There have been comments made on some television programmes which are completely out of order. Indeed, I feel it is time the broadcasting authorities woke up and took notice of some of the things going on.

I was appalled to read recently the transcript of one of Terry Willesee's programmes. That programme of 24 June this year consisted of an interview with a person who was virtually advocating the elimination of some of the judges

of the Family Court. This occurred immediately following the murder in Sydney of Mr Justice Opas. The matter was adverted to in a most improper manner on this particular media interview. This is not the only illustration we have had of this sort of thing. I will not read out the transcript.

In recent times we have seen a deplorable lack of taste and deplorable exhibitions by people trying to thrive on discord and sensation, particularly through the media of television. It is time the Broadcasting Tribunal Board, or whatever authorities there are in this area, took action to clean up the situation. I do not believe the public appreciate this sort of thing. They do watch it, but I do not think they appreciate it. We would all be better off without it.

The Hon. D. K. Dans: I have seen an interview of the type you mention with a marriage guidance counsellor.

The Hon. I. G. MEDCALF: There are many other illustrations of this sort of thing.

In view of the agenda before us I do not propose to say any more except that I support the motion.

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

Presentation to Administrator

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.40 p.m.]: I move—

> That the Address-in-Reply be presented to His Excellency the Administrator by the President and such members as may desire to accompany him.

Question put and passed.

LAND: NATIONAL PARKS

Investigation by Select Committee: Motion

THE HON. A. A. LEWIS (Lower Central) [7.41 p.m.]: I move—

> That a Select Committee be appointed to consider the management, finance, allocation of lands, intergovernmental and interdepartmental liaison, image of the service of, and if necessary, recommend amending legislation for, National Parks and to make such other recommendations as are considered desirable.

I will not delay the House with this motion. Most members know that last year a Select Committee looked at an assessment of national parks and came back with a report to this House late in the last Parliament. In reporting to the House I said that I hoped that this year there would be another Select Committee appointed to continue the work and come back to this place with a firm contribution on legislation for the management of the total national parks system.

Debate adjourned, on motion by the Hon. R. Hetherington.

GOVERNMENT AGENCIES: EXAMINATION BY STANDING COMMITTEE

Inquiry by Select Committee: Motion

THE HON. R. G. PIKE (North Metropolitan) [7.43 p.m.]: I move—

> That a Select Committee be appointed—
>
> (1) To consider and inquire into—
>
> (a) the feasibility and desirability of setting up a Standing Committee of the Legislative Council to examine State Government Agencies, including statutory corporations, boards, and other regulatory bodies not under direct Ministerial control or supervision;
>
> (b) the purposes and nature of the various government agencies in existence in the State in order to determine what sort of agencies call for examination by a Standing Committee; and
>
> (c) the Constitution powers and rules of procedure which should apply to any such Standing Committee;
>
> (2) To investigate the Constitution and effectiveness of any committees or bodies whether parliamentary or otherwise having similar functions to the proposed Standing Committee in other Australian States and the Commonwealth.
>
> (3) To report to the Legislative Council with such recommendations as may be considered appropriate.

In speaking to this motion I point out that I think we need to return to the concept of a truly free enterprise society. We should free individuals and organisations from red tape and a relationship of dependency on government. What we need is a great deal less government and not a great deal more of it.

In my investigations into "qangos" I pose an interesting situation to the House. The definition of "qangos" that has been given in the Press and elsewhere is "quasi-autonomous non-Government organisations". I checked this out with the Acting

Clerk of the Senate, who told me very clearly—because I was puzzled in the first instance—that the word actually means "quasi-autonomous national Government organisations".

The House will see that the term "qangos" is a contradiction in terms, as we apply it to State Governments. At the outset it seems the reference to "non-Government" in the terminology clearly does not refer to the fact that they were originally created by Government and is therefore somewhat contradictory.

So, I coin a new word which of course may or may not be used. The word is "qasos", which means quasi-autonomous State Government organisations. So, in the future when we use these words we will know we are talking about State Government agencies and not Commonwealth Government agencies.

I think the House should consider adapting its methods of operation to cope with modern-day challenges and changes. It needs a more efficient and effective method of dealing with the parliamentary work load. If this motion is carried and eventually the Select Committee recommends the formation of the standing committee, it would be an advantage for the committee to have competent and qualified advice. For example, the permanent secretary for the Senate Standing Committees is a Bachelor of Economics and a Bachelor of Law. In order to achieve this, the type of standing order I would recommend would be along these lines—

(a) The Standing Committee shall, with the approval of the President, be provided with all necessary staff, facilities, and resources.

(b) The Standing Committee shall, with the approval of the President, be empowered to appoint persons on a part-time basis—

The Hon. D. K. Dans: Is this a Select Committee or a Standing Committee?

The Hon. R. G. PIKE: I am saying that this is one of the standing orders I would be recommending to the Select Committee.

The Hon. D. K. Dans: Can I get it clear? You are asking for this kind of assistance for the Select Committee?

The Hon. R. G. PIKE: No, the Standing Committee; that is, the one to which we hope we will eventually be created. I will repeat (b) as follows—

(b) The Standing Committee shall, with the approval of the President, be empowered to appoint persons on a part-time basis, with specialist knowledge for the purpose of particular inquiries with emphasis on persons from the free enterprise, industrial, private and non-Government sectors, in order to provide such services, facilities, studies and reports to the committee as will best assist it to carry out the function for which it is created.

I would hope that eventually the House would decide to have qualified assistance. I point out that the cost of a few of the glossy productions which agencies put out from time to time would be more than the cost of one qualified secretary for the Standing Committee.

Other standing orders I would recommend for consideration by the Select Committee are—

(a) The Standing Committee shall take care not to inquire into any matters which are being examined by a Select Committee of the Council, specially appointed to inquire into such matters.

(b) The Standing Committee shall have power to send for and examine persons, papers and records, to move from place to place, and to meet and transact business in public or private session.

I am aware of the Government's action in regard to sunset legislation and this Standing Committee would supplement it.

I am concerned, and I hope the House is concerned, about the growing imbalance in the relationship between Parliament and the rapidly increasing power and influence of Government agencies and what could become their encrusted authority.

Where a function is being performed by a Government agency, then that agency is responsible for its performance to the Parliament which created it. Thus, there is a direct link between the Parliament and Government agencies. This link requires that the agencies be subject to the scrutiny of Parliament. The Parliament creates authorities by Statute, often conferring upon them the privilege of a degree of independence from the Executive Government and ministerial control. I wish to emphasise the following point: A direct link exists between the Parliament and statutory authorities. The onus is on the Parliament to ensure that satisfactory accountability procedures are instituted. If these procedures do not operate then the authorities may well in effect be accountable to no-

one—neither to the Minister from whom they have been given a degree of independence; nor to the Parliament which created them; nor to the taxpayers who are their real owners.

I would like to quote from the Royal Commission on Australian Government Administration in 1975 in part as follows—

> When Parliament entrusts statutory powers and functions to a Minister, the normal intention is that he should be accountable to the Parliament for the exercise of the powers, and in his administration should be amenable to influence through parliamentary processes. The creation by act of Parliament of non-ministerial agencies represents a departure from this mode of safeguarding against the abuse of public power. Taken to extremes, it could represent a substantial modification of the constitutional system through the addition of what would amount to a fourth branch of government, separate from the executive branch and largely exempt from the operation of the constitutional conventions which harness the executive to the legislature.

Under this system of bureaucracy, as was pointed out by the Royal Commission, the bureaucracy—and I emphasise this—could become a new Mandarin class and within it, it is possible to create an institutionalised privilege.

We need this Upper House specialist watchdog Standing Committee to review the function of Government agencies and if the Select Committee recommends the formation of a Standing Committee it would fill a necessary function for the House of Review. It would have the protection of the privilege of the House.

I wish to quote from page 155 of Odgers' *Australian Senate Practice*. Under the heading "Committee proceedings recognised as proceedings in Parliament" it reads—

> The recognition of a committee's proceedings as proceedings in Parliament is at the base of a committee's powers, privileges and immunities.
>
> It is declared by the ninth article of the Bill of Rights 1688:
>
> > That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.
>
> That declaration forms part of the law of privilege of the Commonwealth Parliament, pursuant to section 49 of the Constitution.
>
> Although the expression 'proceedings in Parliament' has not been defined by statute or judicial decision, it is well-established that the term covers proceedings in a properly constituted committee. See Erskine May's *Parliamentary Practice*, 19th edition, at pp. 87-8, 636-7.
>
> On 13 February 1970 the Speaker of the House of Commons, as reported at col. 1599 of the *Parliamentary Debates*, stated:
>
> > It is true that the House enjoys full protection under the Bill of Rights for proceedings in Parliament, and these proceedings, which undoubtedly cover the proceedings of select committees, ought not to be called in question in any court or place outside Parliament.
>
> The position, therefore, is that the proceedings in a properly constituted committee of the Senate are proceedings in Parliament and Senators, officers and witnesses, in taking part in the proceedings of a committee, cannot be called to account for their actions or evidence by any authority other than the Senate itself.
>
> On the same principle, papers and documents presented to a committee are absolutely privileged because they are proceedings in the transaction of Parliamentary business.

The relevant section which is applicable in Western Australia is section 1 of the Parliamentary Privileges Act. The Standing Committee would have the protection of the House. It would also help to keep the Parliament effectively bicameral. It would permit a continuing surveillance of Government agencies and it would create an awareness with the public—and within the Public Service—that in this field of government the Legislative Council functions as a watchdog with teeth.

It would also create within Parliament a defined area—namely Government agencies—where there will develop a willing disposition to leave the matter to the Legislative Council, filling a necessary function for the Parliament and enhancing the status of the upper House. The zip and zing of the upper House is now known and will become more apparent as a consequence of the proposed committee's activities.

I make another point that the Standing Committee would not be concerned with policy formation which is for the Executive organ of Government. But it is a parliamentary matter, and nothing to do with policy as such, for the

upper House to examine. It would examine as follows—

(a) how the Government agencies are carrying out their duties;
(b) how their functions impinge on the rest of the community;
(c) whether they should continue to exist or perhaps have their function amalgamated with another in a similar field in the interests of economy and efficiency—keeping in mind that they were created to serve, not to exist as an end in themselves;
(d) Government agencies are often created to fill a need at a particular time. It is therefore possible that some agencies continue to operate after the reason for their creation has ceased to exist or at least the need for their continued separate existence. Consequently, a method of determining whether it is still necessary for an agency to continue functioning at all, or as a separate entity, is a desirable one.
(e) an upper House Standing Committee would be effective to ensure accountability by Government agencies to the Parliament for the administration of their statutory responsibilities.

I further think that the committee would naturally be seeking the views of those concerned with the inquiry, and the views of the public, and would of course seek the views of the Government agencies themselves.

I am aware that there is a growing concern among the people of Western Australia, and in western democracies generally, about the possibility of overgovernment. The proliferation of Government agencies has significantly contributed to this concern. I ask the House to note this point: Large, well-established authorities and agencies sometimes appear to operate for their own benefit rather than that of the individuals for whose welfare they were created. In addition, the size and longevity of some agencies and authorities exert a potent force on Governments to grant them preference over new programmes in the allocation of funds. I think public spending could be haemorrhaging through Government agencies.

I consider that the idea of Government agencies having to positively answer to the Standing Committee is worthy of application in Western Australia.

I think that there is a limit on the ability of Government alone to bring a better life—while the Government can assist, basically better conditions will be built by Australians themselves. I remind the House that the Government is the property of the people and the people are not the property of Governments.

I think there is too much Government interference and direction which means reduced opportunities for individuals and business. Individuals should have maximum scope to set their own goals, make their own decisions, and spend their own money. I do not believe in the concept that the State has some higher wisdom that it can spend money better than an individual can.

I stand, and always will, for a minimisation or the removal of restrictions on individuals and business which all Governments seem to be increasing instead of decreasing. More protection is necessary against arbitrary bureaucratic decisions by Government agencies usually made when exercising their administrative discretions.

The taxpayer is the universal guarantor of Government agencies and these agencies need to be constantly scrutinised by Parliament on behalf of the taxpayer.

I commend the motion to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

THE BANK OF ADELAIDE (MERGER) BILL

Second Reading

Debate resumed from 16 September.

THE HON. J. M. BERINSON (North-East Metropolitan) [8.00 p.m.]: As the Attorney General has indicated, this Bill facilitates the merger of the ANZ Bank and the Bank of Adelaide. The merger itself is not up for discussion, and as I understand it, it is not a matter which is properly within the jurisdiction of this State Parliament.

Our interest in the merger, therefore, is restricted to attempting to assist and expedite it and allow it to proceed as economically and efficiently as possible, at the same time ensuring that what is done is consistent with the interests of the consumers and staff of the banks, the banks themselves, and last, if not least, the interests of the State revenue. I accept the assurance of the Attorney General that all those interests are protected.

Members might be interested to know that parallel legislation in South Australia was considered by a Select Committee of the upper House of that State, which had the benefit of public submissions. Nothing transpired in the

considerations of that committee or its report to lead anyone to doubt that the merger is anything other than practical and desirable. Against that background, the Opposition supports the Bill.

THE HON. V. J. FERRY (South-West) [8.02 p.m.]: I offer my support to the passage of this legislation. As one who has had some experience of the commercial world during a period when two banks merged, I can appreciate some of the problems associated with such a move. It seems to me that without the provisions in the Bill, for all practical purposes it would be well nigh impossible for the proposed merger to take place legally.

Other points have already been touched on by the Attorney General and the Hon. J. M. Berinson, and I wish the banks well in the future.

THE HON. R. G. PIKE (North Metropolitan) [8.03 p.m.]: I rise to support the Bill, and I speak having had bank experience. I particularly want to express my appreciation of the precise way in which the Deputy Leader of the Opposition supported the Bill, and to say to the House, generally, that I think it is a great pity the communication media in this State do not at times give proper recognition to the fact that although we may exist in this House under an Opposition-Government adversary situation, the reverse situation sometimes applies.

The Hon. R. Hetherington: You got that in the proper order.

The Hon. R. G. PIKE: This Bill is an example of the responsible and practical attitude of the Opposition in saying, "We do not oppose the Bill", and there is evidence that it has been properly researched.

I conclude with the remark that it would be good for politics in Western Australia if the media from time to time acknowledged the co-operative attitude which exists between the Opposition and the Government most of the time.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [8.04 p.m.]: This legislation has been introduced in a standard form throughout Australia and I can assure members that it caters for all the matters which were raised. I thank the Hon. J. M. Berinson who indicated the support of the Opposition, and the Hon. V. J. Ferry and the Hon. R. G. Pike for their support. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

ESSENTIAL FOODSTUFFS AND COMMODITIES AMENDMENT BILL

Second Reading

Debate resumed from 16 September.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.08 p.m.]: After the very fine speech by Mr Pike a few moments ago, I am sorry I have to say we oppose this Bill. We oppose it for the very reasons we opposed the legislation which was introduced some 16 months ago. As members who were in the House on that occasion will recall, the House sat at 11.00 o'clock one morning and adjourned at 11.00 o'clock the next morning. I do not intend to go through that exercise again.

I simply state I do not think there was any need for the legislation in the first place. As it transpired, there was no need to use the provisions of the legislation during the last 16 months, and I am at a loss to understand why the Government is extending it further, particularly in view of the fact that only one and a half paragraphs of the Lieutenant Governor and Administrator's opening Speech were devoted to labour and industry.

Most people are aware that the coalition parties are fairly adept in Government, but the area in which they are really remiss is industrial relations, not only in this State, but throughout the length and breadth of the country. On the Federal scene, many punitive Bills have been introduced and have come to nothing. In this State, a new Industrial Arbitration Bill was introduced during the last Parliament. I will be one of the first to admit that many provisions in that Bill were long overdue, but many of them were unwarranted and amounted only to tub-thumping in the fond hope of causing more confrontation or at least creating the illusion that something would happen in the field of industrial relations. But, of course, nothing has happened.

I have read the comments which were made in another place, but I cannot understand why this amending Bill has been introduced. It has been suggested that the legislation will protect the public. I am putting it to this Chamber that we will never get anywhere in the field of industrial

relations—which is only another way of saying "human relations"—unless we go out of our way to try to solve the problems.

I will say one other thing. If we persist in taking on the unions we will continue to lose because the unions comprise the vast majority of the population. The other night a very important person in industry in Australia—Sir James McNeill, the Chairman of Broken Hill Proprietary and its subsidiaries—said, "We talk about enforcement in industrial relations, but the fact is that community attitudes today do not support enforcement, which some want to reintroduce." He was saying "I know there will be a wage push, and I know there are problems with unions, but we cannot adopt the old-fashioned stance which we had for all those years and which did not accomplish anything."

I would not object to this Bill so much had some good reason for it been given. The legislation was never used; it did not need to be used. No incidents occurred in the past and none seems to be likely to occur in the future, but we have the legislation before us again, supposedly to protect the population. In my view, it is a smokescreen to confuse the public, put up by a Government which has not much to offer the public at the moment. It is a means of diverting attention from the real problems facing Western Australia and Australia, generally, one of which is to achieve some unity among the Australian people. Legislation such as this is instrumental in leading us in the opposite direction.

One could speak for hours about the misdeeds of unions and the good things they do, and the good and bad things done by employers, but we would come no nearer to a solution. The fact is, if we want to achieve a result we must work at it. Governments of all political persuasions over the years have been going in the wrong direction. It is about time we tried another tack. If the vinegar does not work, we should try a bit of honey, which catches more flies in any case. I am well aware that is a long, hard road.

I oppose the Bill.

THE HON. P. H. LOCKYER (Lower North) [8.14 p.m.]: It is very important that we take the Leader of the Opposition to task for his comments when opposing this Bill. He spoke a large amount of rubbish.

The Hon. D. K. Dans: Are you an expert in this field?

The Hon. P. H. LOCKYER: In view of the rubbish he spoke about the unions tonight, one does not need to be an expert in the field.

The Hon. D. K. Dans: What did I say about the unions?

The Hon. P. H. LOCKYER: The Leader of the Opposition said that the term "industrial relations" is just another term for "human relations". I recognise that, and I think the Government has acted very responsibly in introducing this amendment—

The Hon. D. K. Dans: It is not an amendment.

The Hon. P. H. LOCKYER: —well, in introducing the Bill—to protect the general public.

The Hon. D. K. Dans: The legislation is already there.

The Hon. P. H. LOCKYER: Mr Dans, give me an opportunity to speak! I did not interject during the speech of the Leader of the Opposition, and I think he should show me the same courtesy.

The Hon. D. K. Dans: Well, be correct.

The Hon. P. H. LOCKYER: I will be. If the Leader of the Opposition waits his speech will be exposed for the rubbish it was, and it is important that the general public are aware of the sort of thing he says. He said it is no good the Government taking on the unions, because it will lose. There is no question of the Government taking on any unions, and I remind Mr Dans that the Government and not the unions is elected to govern the State. It is important that point be crystal clear to members of the Opposition. It astounds me to hear Mr Leeson making pert little comments behind me after the rubbish he spoke about the mining industry in Kalgoorlie. He purports to represent a town that has many unions, but there is no question of the Government taking on the unions.

The Government is elected to act responsibly and to protect innocent people from the irresponsible actions of a certain minority union group. In our history we have had cases of irresponsible strikes which have caused the public to suffer; so the Government quite responsibly has seen the need to introduce a measure to protect the general public. It is incredible that the Leader of the Opposition should make the statement that it is no good the Government taking on the unions because it will lose.

I remind the Leader of the Opposition that recently one of the people whom he purports to support in the Trades and Labor Council said no drilling will take place at Noonkanbah. I also remind him that the drill hole is going down merrily, regardless of the opposition of the unions.

I put it to you, Mr President, that the statement made by the Leader of the Opposition was wrong.

The Hon. D. K. Dans: I said it was the Deputy Premier of a Liberal State who told me that.

The Hon. P. H. LOCKYER: The community attitude requires the Government to take responsible action in all these matters.

The Hon. R. Hetherington: And it has been disappointed quite often, hasn't it?

The Hon. P. H. LOCKYER: This Government has a history of doing just that; that is, of protecting the public. When this Government stops supporting the public and starts allowing unions to step in and take over, it will be a sad day for all of us.

The Hon. R. Hetherington: Take over what?

The Hon. P. H. LOCKYER: The running of this State. That is the point I am trying to get over.

The Hon. R. Hetherington: You are not getting it over to me.

The Hon. P. H. LOCKYER: The day that we allow unions to take over the country will be a very sad day.

This is a responsible and proper Bill and I support it.

The Hon. D. K. Dans: It must be pretty easy to be a shire president in the north-west of the State.

The PRESIDENT: Order! The question is—

The Hon. D. K. Dans: You must have to have a seeing-eye dog to get from one side of the road to the other!

The PRESIDENT: Order! I ask the Leader of the Opposition to cease interjecting while I am putting the question.

The Hon. D. K. Dans: I was speaking to myself.

The PRESIDENT: Order! You are not allowed to speak to anybody. The question is that the Bill be now read a second time. The Hon. W. M. Piesse.

THE HON. W. M. PIESSE (Lower Central) [8.19 p.m.]: I support the extension of time in respect of the operation of this measure. I was here when the original Bill was debated last year, and I am very pleased to see that the Government has seen fit to extend its operation. It is all very fine for members or anyone else to get up and talk about the Government taking on the unions, or vice versa. When such things happen, who picks up the pieces and keeps this country going? It is the women; make no mistake about that. They are the ones who must keep on feeding the people, because in spite of all this hoo-ha about who takes on whom, the people still expect to be fed. They expect their wives, housekeepers, de factos, mothers, or others somehow to provide them with meals.

Members will notice that the Bill covers essential foodstuffs.

The Hon. G. C. MacKinnon: We can always get Kentucky fried chicken.

The Hon. W. M. PIESSE: And what would Mr McKinnon do if there were no Kentucky fried chicken? Money would be no good to him because, as I pointed out on the previous occasion, one cannot eat money.

When it comes to essential foodstuffs, how can the women provide meals, which men seem to think are most essential, if they have no supplies of flour, eggs, meat, and milk? Those are the commodities covered by this legislation.

We do not have to take our memories back very far to recall the problems experienced recently in the south-west when women in sheer desperation banded together to try to reach some sort of settlement for no other reason than they had to continue to feed their families. This is the kind of legislation that will assist them to do that.

I support the Bill.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [8.21 p.m.]: I am sorry that Mr Dans did not take notice of Mr Pike's earlier speech.

The Hon. D. K. Dans: I did. I apologised.

The Hon. G. E. MASTERS: Nevertheless, Mr Dans was very quiet in the way he opposed the Bill and from that I assume he is not violently opposed to it. He made some comment in opposition to the measure, and I was relieved to hear his virtual promise that we will not repeat the lengthy debate on the original Bill which has now become an Act of Parliament. The debate on that occasion lasted for a considerable time. It was not our fault; the Opposition kept it going.

The Hon. D. K. Dans: I recall you had a lot to say.

The Hon. G. E. MASTERS: We do appreciate that assurance from the honourable member.

The Hon. R. Hetherington: Don't stir us up too much.

The Hon. G. E. MASTERS: I will not; far from it.

I would like to say the Act has been very well received by the public. I think it is fair to say that at the time the original Bill was introduced many people in our electorates were incensed at what was going on and very worried about the

restrictions being imposed upon essential foodstuffs such as milk, eggs, and the like. It was the reason the Government brought forward the legislation, and it sought to ensure the guarantee of supplies as far as was possible. To the public the title of the Act gives a very clear indication of what was intended. It is "An Act to make provision to ensure the supply of essential foodstuffs and essential commodities." I would have thought the Opposition would support that concept in general terms.

The Hon. D. K. Dans: Why don't you tell us why you are extending its term?

The Hon. G. E. MASTERS: I will do that. Without alarming the Opposition, I suggest I have just explained why we are extending the term of the Act. I will read the title again, because it is very important that we understand the full import of this measure. It is "An Act to make provision to ensure the supply of essential foodstuffs and essential commodities."

The Hon. D. K. Dans: We realise that.

The Hon. J. M. Berinson: Can you explain why it was a good idea to have a limited life on the original Act, and why that limited life should now be extended?

The Hon. G. E. MASTERS: We are so pleased with the result that we think we should continue with it.

The Hon. J. M. Berinson: Is it a fact that no use has been made of the Act?

The Hon. G. E. MASTERS: I will explain that, without going too far. Mr Dans said quite clearly that he wondered about the need to continue with the Act, and why it should be continued with at all.

The Hon. J. M. Berinson: Because it has never been used.

The Hon. G. E. MASTERS: Perhaps it has never been used because it is there.

The Hon. R. Hetherington: Like the fairies at the foot of the garden.

The Hon. G. E. MASTERS: I think many Acts of Parliament serve that purpose; this one perhaps has not been used because it is there.

The Hon. J. M. Berinson: Are you saying there have been no strikes in essential industries?

The Hon. G. E. MASTERS: I am not saying that at all. This Act of Parliament is to ensure the availability of essential foods and certain things which we believe the Government has a responsibility to make available.

I appreciate the support of Government members. Mr Lockyer's remarks were fairly made, and we recognise from the comments of Mrs Piesse the strength of the women in our community and their concern for their families.

The Hon. P. H. Lockyer: Members opposite have no concern for women. Look at Mr Dans laughing.

The Hon. G. E. MASTERS: I am pleased with the way the extension of the Act has been supported. I think it is unnecessary to comment further because the public recognise the importance of this measure.

Question put and a division taken with the following result—

Ayes 19

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. O. N. B. Oliver
Hon. T. Knight	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. W. R. Withers
Hon. T. McNeil	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. M. McAleer
Hon. I. G. Medcalf	*(Teller)*

Noes 6

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. H. W. Olney
Hon. D. K. Dans	Hon. R. T. Leeson
	(Teller)

Pairs

Ayes	Noes
Hon. I. G. Pratt	Hon. Lyla Elliott
Hon. R. J. L. Williams	Hon. Peter Dowding

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. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

ABORIGINAL HERITAGE AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 16 September.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.32 p.m.]: I am glad that some members of this House took time to do research on the Bill, and to read the *Hansard* report of the time this House passed the original legislation in order to ascertain the climate in which that was done. Certainly it could not be

associated with what we saw when the Opposition led the debate on this Bill last night. Then we saw what could be described only as "soap-box oratory".

It is fortunate that the House regained its posture after that, and it debated the legislation sensibly rather than go on with the vitriolic outbursts we had from the Hon. Peter Dowding. He certainly stirred up the more conscious members of this House; and when they interjected and tried to correct some of the accusations and character assassinations that took place last night, he out-shouted some of them. Fortunately other members had louder voices.

We then returned to more sensible debate; and I believe we had some very useful debate last night. Perhaps we do not realise that, in this House, we reflect more generally what the public are thinking. In other words, we are a representative sample of the public. While one member was willing to stand and act in the manner he did, the majority of the members were quite willing to listen, to try to understand the problems, and to try to overcome them. We do not appreciate how much we reflect the general views of the public.

Unfortunately the debate has not been reflected very well in the Press. We have seen the sensational side over and over again. Members have been playing up to the Press the difficulties that have occurred in the past 12 months. Although some members have tried hard to present the other side, their statements have not been as newsworthy. At worst, one would say the views they were representing were conservative; and the pros and cons have not received equal space in the Press.

This Bill and the Act it is amending are about the Aboriginal heritage. They are not about land rights and mineral royalties for Aborigines; they are not a conscience salver for former injustices which have taken place. Rather, they are for the protection of the Aboriginal heritage.

When one reads the *Hansard* report of the time the Act was debated as a Bill, one finds most of the debate referring to Aboriginal artifacts and rock carvings. The Act had been introduced at a time when Western Australians were most concerned about preserving some of these objects and sites at the time the Weebo stones were a very sensitive issue. Obviously the members of both Houses were thinking in terms of material objects—things they could see and understand.

At that time, a report had been made about the preservation of artifacts, rock carvings, and the like. There was a lot of concern about the need for protection of such things. The Museum had located about 1 000 sites before 1972; and the report pointed out that there were many more sites yet to be found, and that the end was nowhere in sight. If one looks closely at the Act, one finds that it allows for the purchase of artifacts from those who owned them, and by that I mean in collections, and the like. It allowed for the entering of premises to search for artifacts. It allowed for rewards for the handing in of artifacts for safe keeping.

As well as rock carvings, the sites included such things as burial trees and the burial boards that go with them. At that time I believe most people thought that such sites could be identified easily, say by stones on the ground or in the limbs of trees, among other things. The Act was designd to prevent the thoughtless removal and the straighout plunder from their hiding places of such artifacts.

It is interesting to read the interjection made by the Hon. G. C. MacKinnon during the debate on the original Bill. He said, "We'll be unlucky if they find something when they dig up Hay Street." The Hon. W. F. Willesee was handling the Bill as Minister for Community Welfare—and a very good one at that; a very sensitive man, and one who was appreciated by everyone—

The Hon. W. R. Withers: Hear, hear!

The Hon. D. J. WORDSWORTH: Mr Willesee replied, "Equally we could be very lucky." Regrettably, such pleasantries across the Chamber did not exist in the debate yesterday. However, the problems are a little more serious now. At that time, no-one would have contemplated the difficulties that would have arisen had an artifact been dug up when repairs to Hay Street were being made. Everyone would have considered, quite sensibly, that it would have been removed to another place. When one considers the interpretations that have been placed on sacred sites and where the artifacts are found, one wonders how we would handle the matter of digging up artifacts in the middle of Hay Street.

At that time, and even now, I do not think anyone would have disagreed with the Minister using his powers not to declare a site as one to be preserved, and ordering the removal of such artifacts to a place of safe keeping. Of course, as we have seen, the concept of sacred sites has been expanded into "areas of influence". These are causing considerable concern today; and they were never contemplated in the original legislation.

I was interested to hear the Hon. H. W. Olney say last night that he could not see a lot of difference between the Act and the Bill in this regard. His chief point seemed to be that he questioned rather the timing of when the Minister used the powers he had at his disposal.

The Minister for Cultural Affairs (Mr Grayden) received a lot of character assassination last night which, quite frankly, was not deserved. When one looks closely at the matter, one finds it was not Mr Grayden who first used the ministerial powers. It happened to be Mr Old at a time when, if I remember correctly, Mr Peter Jones was the Minister for Cultural Affairs, but he was away from the State.

The Hon. G. C. MacKinnon: The Weebo stone incident was the first time they were used.

The Hon. D. J. WORDSWORTH: I was not aware of that.

The Hon. G. C. MacKinnon: I still must admit I share Mr Olney's wonder as to why the Bill itself was introduced. I can see no reason for it whatsoever.

The PRESIDENT: Order!

The Hon. D. J. WORDSWORTH: I enjoyed the interjection. Although I should not comment, I would agree with what the Hon. Graham MacKinnon is saying.

The Government could have gone on as it was; but it preferred to bring in the minor amendments—and they are only minor amendments—to straighten out these various points. At the time we were debating the original Bill, nobody questioned whether the Museum Trustees were the right arbiters. That was the natural thing to do because in the Museum there was a very good collection of native artifacts in the form of spears, burial boards, and whatever.

The Museum Trustees were the right people to take responsibility for this; but there has been controversy over this question. I refer to the Museum Act. The Museum has seven trustees, and they do not have to have any particular qualifications. In other words, no trustee is a trustee because he represents a certain group of people, or interests, or knowledge. The following are the functions of the Museum as they are laid down in the Museum Act—

> to encourage, and to provide facilities for, the wider education of the community of the State, . . .
>
> to make and preserve on behalf of the community of the State collections representative of the Aborigines of the State, the history of the exploration, settlement and development of the State, the natural history of the State . . .
>
> to aid the advancement of knowledge through research into collections . . .
>
> to provide facilities to encourage the interest of persons and bodies in the State in the culture and history of the Aborigines of the State . . .
>
> to aid the work of universities, State and Commonwealth institutions and schools, and independent schools by the exercise of such of the Museum's functions as the Trustees may approve;

One finds the Act refers to historic wrecks, the setting up of branch and municipal museums, and it even mentions meteorites. However, the group of people set up to deal with the legislation found themselves in the centre of the controversy of deciding which sites were of such importance that they had to be preserved at all costs.

These sorts of decisions were never envisaged for these people and, quite correctly, the Bill passes on some of this responsibility to the Minister. I am sure that is the place where the responsibility should have been put initially.

I believe the situation was described accurately by the Hon. Phil Pendal last night when he pointed out it was more fitting to transfer some of these responsibilities from the Trustees of the Museum to the Minister and the Parliament, because we, in turn, will have to examine regulations placed on the Table of the House. Of course, we can object to regulations laid before the House.

When the legislation was passed in 1972 I wonder whether we knew very much about Aboriginal culture and heritage. Looking back, I believe we have learnt a great deal in the last eight years. At the time the Act was passed, our knowledge of Aboriginal culture was limited. Indeed, we can draw an analogy between the knowledge we have of New Guinea natives today—we associate much of their culture and religion with headdresses and feathers—and the knowledge we had of the Aboriginal culture in 1972. At that time, our understanding of the heritage of Aborigines centred around materialistic items.

It is pleasing that our knowledge of Aboriginal culture has extended over the last eight years. I do not doubt that archaeologists and anthropologists were familiar with the heritage of Aborigines in 1972; but I do not believe the general public or members of Parliament understood it fully when the legislation was passed.

It is commendable the legislation has served us so well over the last eight years. Indeed, the Hon. Graham MacKinnon suggested it does not need to be amended; but I believe the few minor amendments before the House will improve the Act.

The Hon. Peter Dowding considered the Bill to be racist, because it did not give Aborigines the right to decide which sites were of special importance. We do not set out in this Bill to change any aspects of the Act in regard to that matter. If the Act is racist, as the Hon. Peter Dowding contends, it is racist only because that was one of the features contained in it when it was passed initially. I do not believe the legislation is racist; but if it is, that is a reflection of the attitudes of the members who introduced the legislation initially.

If indeed we say the Aborigines have to make all these decisions, it is clear Mr Ernie Bridge will have a permanent job as Minister for Cultural Affairs.

The Hon. R. Hetherington: That is a silly statement to make. We will not take it very seriously.

The Hon. D. J. WORDSWORTH: Members opposite are not meant to take the statement seriously. I was carrying the argument of the Hon. Peter Dowding to the extreme.

Over the last 12 months the general policy and philosphy of the Government in all its dealings with matters relating to Aborigines have been centred around the concept of equality. I hope we will continue to carry out our policy in regard to Aborigines on that basis.

On that point, it is interesting to note that there is an Aboriginal Cultural Material Committee. I believe there is Aboriginal representation on that committee and that is the level at which Aborigines should be represented. The name of the committee is indicative of the fact that, at the time it was set up, we were concerned with materialistic matters and had little idea of the problems which have been created recently in regard to the area of influence around sacred sites.

I mentioned this matter in the House when we were debating the issue on another occasion and it is interesting to bear it in mind. When representatives from the Aboriginal Lands Trust met the Premier and other members of the Cabinet, they were asked in general discussion whether they had ever heard of an area of influence and they gave us the benefit of their knowledge individually and in regard to the districts they represented. They were not able to say they had heard of an area of influence before it was discovered at Noonkanbah.

Very little debate has taken place on the contents of the Bill. The second reading debate was used as an occasion on which views covering a much wider area could be aired.

It is interesting to note the Hon. Peter Dowding endeavoured to drive a wedge between the Federal Liberal Party and the State Liberal Party.

The Hon. P. H. Lockyer: Quite unsuccessfully I might add.

The Hon. R. Hetherington: I thought the Premier had done that already.

The Hon. D. J. WORDSWORTH: The Hon. Peter Dowding quoted, in part, an article which appeared in *The West Australian* on Monday, 4 August. That article was written by Senator Chaney and Mr Viner.

The Hon. J. M. Berinson: Was that obtained out of the tabled documents?

The Hon. D. J. WORDSWORTH: I guess it would have been amongst the tabled documents.

The Hon. J. M. Berinson: I am pleased to see their tabling is so useful.

The Hon. R. Hetherington: You have a couple clipped together; is that one document or two?

The Hon. D. J. WORDSWORTH: The article reads, in part, as follows—

> The Noonkanbah pastoral property was purchased by the Commonwealth in 1977 for the Yungngora community (whose traditional country it is) for the same reasons that the Commonwealth passed Northern Territory land rights legislation. The purchase was to help the community re-establish itself socially and economically and to meet its traditional and cultural needs.

I have to admit, it is rather unfortunate Senator Chaney should have used that particular phraseology.

There is no doubt when the Federal Government purchased Noonkanbah it did not purchase the land or the minerals; it purchased, in a private capacity on the open market, a pastoral lease. That pastoral lease was made up of the improvements that were on the land, the stock, and the right to graze the area until the year 2010.

During a previous debate I pointed out no land or mineral rights went with that lease. Therefore, whilst the Federal Government may have thought it purchased the land for the reason set out in the

article, it did not in fact have the ability to do that.

Had the Federal Government really wished to do as it said, its only option would have been to resume the land, because, having resumed it, it would have taken the land from the State and mineral rights would have been included. However, the Federal Government purchased a pastoral lease.

The Hon. Phillip Lockyer referred to the difficulties which occur when a certain group of people feel they are entitled to different benefits, because they are Aborigines and own a pastoral lease. There is no way we can have a law for one and not for another. That is the reason we have had so much difficulty at Noonkanbah. It is not a matter of land rights; it is the fact that the lease is a pastoral lease and does not carry any other benefits.

It is interesting to see that 8 per cent of Western Australia is made up of Aboriginal reserves which carry many special benefits. It is not possible for land which has been purchased as a pastoral lease to be transformed into another form of lease.

We have pointed out that Noonkanbah, along with the other pastoral leases held by the Aboriginal Lands Trust on behalf of Aborigines, is a pastoral lease only. We have no objection to pastoral leases being purchased on that basis.

We have signed statements saying these areas were purchased as pastoral leases. Perhaps we were deceived by the Federal Government, because it says now it purchased the land for other reasons. However, the problem has caused us difficulties.

I wonder whether this is one of the reasons we are suddenly finding the small, identifiable sacred site has a wider scope so that more religious significance can be attached to the entire pastoral lease, in which case it will move into a different form of land tenure which carries different benefits in regard to mineral royalties.

One of the points made in the debate concerned the racist prejudices of the Australians and the fact that we were not doing enough for the Aborigines. I believe that matter should be laid to rest. We saw an attack against the Hon. Bill Grayden—

The Hon. P. H. Lockyer: It was absolutely shameful.

The Hon. D. J. WORDSWORTH:—when he raised the issue that $1 million-worth of housing was to be built at Noonkanbah. There was an argument as to whether this was in fact the case.

I was rather disappointed that the Federal Government should enter the debate on the matter. Perhaps it was concerned that an indication was made as to what was contained in its Budget. I do not know the reason; but the matter is of little concern. I am sure housing will be provided at Noonkanbah, as it has been elsewhere.

In correspondence I have received from Dr Rowley, a figure of $4 million is quoted as being made available for housing at Coonana, depending on the final location of the townsite.

The Hon. H. W. Olney: But have the Noonkanbah people actually agreed to that project as Mr Grayden alleged in the Press?

The Hon. P. H. Lockyer: He did not allege it in the Press. He answered a question about it.

The Hon. H. W. Olney: The report said they had agreed to the project.

The Hon. D. J. WORDSWORTH: I understand they are looking for the same sort of housing as that provided at Gogo and elsewhere and negotiations have proceeded.

The Hon. H. W. Olney: One is led to believe, from Mr Grayden's statement, that it is all fixed as far as the Noonkanbah people are concerned and that does not seem to be quite the situation.

The PRESIDENT: Order! I ask the Minister not to engage in discussions which have nothing to do with the Bill and to direct his comments to the legislation under discussion.

The Hon. D. J. WORDSWORTH: Thank you, Sir. It is a fine point that people have been arguing and I do not see that it has anything to do with the Aboriginal Heritage Act. Nevertheless, members opposite seem to have been so short of material to debate the legislation, that this issue has been referred to and I wished the matter to be laid to rest.

An excellent article appears in today's issue of the *Daily News* and I believe that, by quoting only the headline, the matter can be described adequately. It reads as follows, "37 000 Aborigines: $33 000 000".

That reference is to Western Australia only, and it indicates that Western Australians are endeavouring to overcome the problem. No-one denies there is a problem. We do have this sort of argument, and I have been brought into it. I mention again the matter of Coonana, and whether the pastoral lease should cover the entire area or whether a townsite should be established. The money which normally would go into pastoral pursuits would go into the provision of water and housing. I will quote Dr Rowley in order to show

how emotional this whole subject has become at all levels; even amongst people who should be advising us. Dr Rowley wrote to me and, amongst other things, said—

> I have little doubt that the conditions, which the Commission believes would in some measure be improved by the purchase of Coonana Station, have a direct bearing on the loss of three lives from drinking duplicating fluid a year or so ago.

When we have a person who is the head of a commission writing that sort of thing to a Minister, it shows the emotion which has been generated in this matter.

Everyone realises that the people who drank the fluid were hundreds of miles away in the Warburton Range and, if anything, the unlimited land they enjoy might have had an added effect on the drinking habits of those people. That is the sort of emotional letter we receive from Canberra.

I do not think I have to argue that Australians are endeavouring to overcome the problems. Certainly the debate we heard yesterday will not alleviate the difficulty. Indeed, if anything, it has carried the problem outside our shores and given our country a very bad name.

I was rather interested in Mr Hetherington's historic recollections of the way the Aborigines have gone since the arrival of the white men. First of all, there was the assimilation policy of the 1950s which at a later stage turned into integration—the right to live on equal terms but have separate indentifiable cultures and traditions. I think those were the words used.

The Hon. R. Hetherington: Those were Mr King's words.

The Hon. D. J. WORDSWORTH: I am wondering what is happening on some of the pastoral leases where integration is supposed to be occurring. I am rather concerned that perhaps the Aborigines are going in exactly the opposite direction from the earlier policy of assimilation. I am afraid they are not living as members of the Australian community and, if anything, they are being forced into living quite separately. Some of the representations I have received from those on pastoral leases indicate that the Aborigines, in many cases, are quite capable of running pastoral properties. I have inspected some which have been run quite admirably. In fact, I camped out with one particular group and they were doing a fine job of mustering. Admittedly—and they would be quite willing to agree—they did need some outside management and the white man has been able to help them in this regard. Unfortunately, from reports coming back from Aboriginal management at senior level, there are groups of white advisers advising these people not to carry on in their present manner.

The Hon. R. Hetherington: I am glad to hear the Minister say there has been some success, bearing in mind some of the remarks made outside. I hope that remark is noted.

The Hon. D. J. WORDSWORTH: I would not be saying it if I did not want it noted.

The point I am trying to make is that even on the properties which the Aborigines are running successfully there are white adviser groups recommending that they do not carry on in their present manner. That disturbs me because I believe the whole project involving Aborigines on pastoral stations provides a useful occupation. It appears there are people who are suggesting that the Aborigines return to their natural state and enjoy the benefits of social service. They are advised not to make a contribution. I believe they can make an economic contribution, even if it is on a low scale. But, the encouragement being given seems to be to enjoy the expensive housing and social service benefits without having to work. The money provided for capital and running expenses is spent on motor vehicles, and the cattle are killed for food. They are now being encouraged to be militant, in the hope that they get mineral royalties also.

The Hon. R Hetherington: I am not surprised some are militant. It is something we should respect and tolerate, and try to understand.

The Hon. D. J. WORDSWORTH: We do not deny there is a problem, which we are endeavouring to overcome. The problem is not improved by outbursts such as those we heard from Mr Dowding and others last night. With a sensible study of this legislation we can overcome many of the problems. This Bill covers only a small side of the matter—that of heritage. Obviously, we cannot put back the clock, but we can salvage some of that which is worth while from the past and ensure it lives on into the future. I commend the Bill.

Question put and a division taken with the following result—

Ayes 17

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon M. McAleer
Hon. N. F. Moore	*(Teller)*

Noes 7

Hon J. M. Berinson	Hon. R. T. Leeson
Hon. J. M. Brown	Hon. H. W. Olney
Hon. D. K. Dans	Hon. F. E. McKenzie
Hon. R. Hetherington	*(Teller)*

Pairs

Ayes	Noes
Hon. I. G. Pratt	Hon. Peter Dowding
Hon. R. L. J. Williams	Hon. Lyla Elliott

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Sections 17, 18 and 19 substituted—

The Hon. H. W. OLNEY: I move an amendment—

> Page 3, line 15—Delete the words "A person who" and substitute the passage "A person, not being an Aboriginal acting in accordance with a relevant custom, tradition or rite of any identifiable group of Aboriginals of which he is a member, who".

The Opposition has put forward a number of proposals to amend this legislation. Although we oppose the legislation as it is presented, we accept the inevitable fact that the Government has the numbers to carry it. The Opposition wishes to make a constructive contribution to what will be an unsatisfactory law. We want to make it somewhat less objectionable.

Clause 6 seeks to substitute three new sections, 17, 18, and 19. Proposed new section 17 provides that a person who excavates, destroys, damages, conceals, or in any way alters any Aboriginal site, commits an offence unless certain facts are present. A comparison of proposed new paragraphs (a) and (b) indicates a notable difference. Proposed new paragraph (b) states that a person who, in any way alters, damages, removes, destroys, conceals, or who deals in a manner not sanctioned by relevant custom, etc. committs an offence.

Proposed new section 17, in its present form, will make it an offence for an Aboriginal person to excavate, destroy, damage, conceal, or in any way alter any Aboriginal site.

We have to concede that there may be, and no doubt are, hundreds of Aboriginal sites in Western Australia that even the Museum Trustees do not know about. Many Aboriginal people still live in traditional situations and in accordance with the customs, traditions, or rites of their group may excavate, destroy, damage, or indeed, conceal, an Aboriginal site. Under the legislation proposed by the Government it would be an offence for an Aboriginal person to conceal a site which the group to which he belongs regards as sacred. Accordingly, this amendment is simply to add to the introductory portion of the proposed new section some qualifying words to protect such an Aboriginal.

These words are not really necessary as far as paragraph (b) is concerned, but the proposal is to insert them at the beginning of the new section to make it quite clear that Aboriginal people, in the performance of the customs which they and their forebears may have been performing for 30 000-odd years, will not be in breach of this law. I commend the amendment to the Committee.

The Hon. W. R. WITHERS: I take the meaning of this amendment, and I do read it with the belief that the member has put it forward with good intent. However, it is not something that would have much meaning to a tribal lawman, and in this instance I am referring to a "lawman" although perhaps it would refer to a "loreman" also. The lawmen of a tribe would have no desire to change a sacred site in any way.

The Hon. H. W. Olney: They could manage to conceal one.

The Hon. W. R. WITHERS: I agree it is possible, but when they wish to conceal such a site, they do so with the full consent of the tribal elders.

I have told members before that prior to this Act being passed, I helped a group of Aboriginal people transfer a whole site. A tribal loresite usually remains in the one place *ad infinitum* but in this instance the Mirima tribe of the Kimberley had its tribal lore stick area on the western side of the Ord River. When the diversion and main dams of the Ord River scheme were constructed, this group was cut off from its place of living, which was then close to the townsite of Kununurra. It was cut off from its actual lore site on the western side of the Ord River. The scheme meant that the Ivanhoe crossing would be almost permanently covered with water, so the position of the site had to be changed.

These days the tribal elders seek assistance in securing their lore pieces because they have found that even members of their own tribe—and certainly others—sometimes seek to sell them. In fact, in the business which my wife conducts, we have an arrangement with the Aborigines; if we recognise a lore piece we immediately contact the tribal elders, advise them the piece is there, and they come and pick it up.

Because the Aboriginal tribal people have experienced this sort of thing, if they want to secure their tribal lore sticks, they do not hide them in the bush as they did in the past. As recently as last Friday I met with two tribal groups—the Warringarri and Gidja of the Kimberley—and we consulted with a company to obtain a small shed so that these two tribal groups could lock up their lore sticks.

I am saying this amendment is not really necessary. As Mr Olney said, the problem is covered in lines 21 and 22 of paragraph (b).

The Hon. D. J. WORDSWORTH: The Government cannot support the amendment proposed by the Opposition. We believe that the Bill will cover the situation. Perhaps it can be argued that it is a little hard, a little too stringent.

If anything, the words proposed to be added by Mr Olney's amendment will make it easier for a person of Aboriginal descent to conceal an artifact or whatever it may be. I do not believe his amendment is required in this context. The amendment contained in the Bill covers excavation, destruction, damage, concealment, or alteration. It does use the word "conceals"; however, I do not believe that word is meant in the religious sense, where an article may be concealed as part of a ceremony, later to be found, but rather the concealment of articles by another group.

The Hon. H. W. OLNEY: Both Mr Withers and the Minister have directed their consideration to the moving of articles or objects from place to place. As I pointed out, proposed new paragraph (b) of new section 17 and indeed the present Act protect Aboriginal sites against alteration, damage, and the removal of objects when this is done in the sense of a religious custom.

However, there is nothing in the Bill to provide a similar protection where an excavation, damage, destruction or alteration occurs in respect of an Aboriginal site.

Mr Withers has extensive experience with groups of Aborigines he calls tribes, but I query whether in fact he has had a total contact with all groups of Aborigines in Western Australia. Whilst it may well be known to the elders and leaders of Aboriginal groups who have had some contact with the European community in this State, I suggest there may well be other Aborigines in this country who have not yet heard of the Aboriginal Heritage Act.

The proposal I put forward is to ensure that people are not unwittingly committing an offence against this Act when they are simply going about the ordinary conduct of their affairs in accordance with their traditional manner. My amendment, in effect, is directed towards the altering and concealing of sites, and not of objects.

The Hon. P. H. WELLS: Although I have not had time to check the matter thoroughly—it has only just been raised—my reading of the 1972 *Hansard* reveals that Mr MacKinnon asked questions along this line of the then Minister, who I believe was Mr Willesee. Mr MacKinnon asked what would be the situation if Aboriginal skulls were found in Hay Street, and the Minister replied that that was the very reason the legislation contained provision for ministerial power. The Minister was able to override certain decisions of the Museum, and could give some direction in this matter. In fact, this question arose three times on the one page, and the reply by the Labor Minister was that the Bill clearly gave enough protection for this sort of situation.

Mention was also made in 1972 of what is now section 9 of the principal Act, which states as follows—

> 9. (1) Where the Trustees are satisfied that a representative body of persons of Aboriginal descent has an interest in a place or object to which this Act applies that is of traditional and current importance to it the Trustees may, by notice in the *Gazette*, authorize a person or persons nominated by that body and named in the notice to exercise such of the powers of the Trustees . . .

That indicates to me they have the power under this Act to claim protection not only for an object, but also for an area. It may well be that the original intent of the legislation was to provide Aborigines with protection in this area.

I suggest that what Mr Olney is proposing is covered either by the intention of the granting of ministerial power, or by section 9 of the principal Act.

The Hon. D. J. WORDSWORTH: Although I respect Mr Olney's experience, he has not convinced me there is a need for this additional amendment.

The Hon. R. Hetherington: Sometimes you are very hard to convince.

The Hon. D. J. WORDSWORTH: I might add that in no way does the Government intend to amend that section. The technical point Mr Olney has made is that in proposed new section 17(a) we refer only to an Aboriginal site and that in (b) we refer to an object or a site. This provision is not to change; the Act will remain as it is. We have not experienced any great difficulty in the past in this area. In fact, I am apt to think that if we agreed

to Mr Olney's amendment, a person of Aboriginal descent could excavate and destroy. It is my opinion that the Act, as it will be amended by this Bill, adequately will cover this situation.

Amendment put and negatived.

The Hon. H. W. OLNEY: I move an amendment—

> Page 3, line 27—Delete the passage "or the consent of the Minister under section 18" and substitute the passage "or consent given under section 18".

The proposal is to alter the last line of the proposed new section 17. There is a simple reason for this. Under the proposed new section 18, consent can be obtained in two ways, one being from the Minister and the other from the Supreme Court. In the form that the clause takes at the moment, the protection of the consent applies only where the consent is obtained from the Minister.

The proposed new section 18(6) provides—

> (6) In determining an appeal under subsection (5) of this section the Judge hearing the appeal may confirm or vary the decision of the Minister against which the appeal is made or quash the decision and substitute his own decision which shall have effect as if it were the decision of the Minister, . . .

I know I am not doing very well in convincing people about words; but on any reading of those words it must be seen that the court is given power to grant a consent so there are two ways the consent can be given. Either the Minister can give a consent, which may be subject to conditions, or the court may give a consent.

The court's decision is not a decision of the Minister, but it is treated and is acted upon in that way. I suggest that unless the clause is amended in the manner proposed, there will be an area of anomaly in that the protection sought to be given to people who otherwise would have committed an offence would not apply where the consent has been obtained on an appeal to the court, and not directly from the Minister.

The Hon. D. J. WORDSWORTH: Once again, this has been considered. It is a very technical point. It refers to decisions of the Supreme Court; but I do not believe the Supreme Court gives its consent. It hears appeals.

The Hon. H. W. OLNEY: The proposal put forward by the Government clearly says, in subsection (6) of proposed new section 18, that the court, on hearing the appeal, may quash the decision. The decision is a consent given by the Minister. The right of appeal is given in proposed new subsection (5) to the owner of land who is aggrieved by a decision. The decision might be the decision not to consent, or the decision to consent. After hearing the appeal, the Supreme Court can do one of two things. It may quash the decision of the Minister and substitute the judge's own decision. That is clear enough.

The earlier parts of the proposed new section give the Minister the right to make a decision consenting to certain things. This proposed subsection gives the Supreme Court the power to substitute its decision; that is, its consent.

It is quite clear there are two ways consent can be obtained under proposed new section 18. If the protecting provisions of proposed new section 17 do not include both of those types of consent, the section is deficient to that extent.

The Hon. P. H. WELLS: I find that when lawyers put words together, there are always two or three meanings. I agree it is wise to read the words, listen three or four times, and then have another authority to check the lawyers. They always seem to have varying decisions.

As I understand the intent of having the consent of the Minister, the proposed new section would cover the eventualities raised by Mr Olney in relation to his previous amendment. He is talking about a Supreme Court appeal, whereas the Minister could act immediately on those words raised in the first amendment to proposed new section 17.

The Hon. H. W. OLNEY: I hesitate to delay the Chamber; but the last speaker gives me reason.

The Hon. P. H. Wells: That is why I raised the question.

The Hon. H. W. OLNEY: Mr Wells has misunderstood the provisions of proposed new section 18. One has to look at subsection (2) which provides—

> Where the owner of any land gives to the Trustees notice in writing that he requires to use the land for a purpose which, unless the Minister gives his consent under this section, would be likely to result in a breach of section 17 . . .

In that case, certain things are to apply. It is sensible to provide that the conduct which is proscribed is not an offence if, amongst other things, the consent has been obtained. The consent can be obtained only by an owner of the land. However, it is not merely the owner of the land who could commit an offence under proposed

new section 17. What the member has said is quite irrelevant to the matter I am advocating.

Another point is that the consent is not given when the person who has committed an offence goes to the Minister and says, "Can I have consent to do something?". He has already committed the offence. It is no good his going to the trustees seeking authorisation after he has done it.

Reference was made earlier by the same member to section 9. That deals with obtaining permission from the trustees to do certain things. Section 16 authorises the trustees to give permission or authorisation to do certain things. The point I am making is that one just cannot go along after an offence has been committed and seek some sort of authorisation or consent in the hope of escaping the penalty for the offence that has been committed.

The Hon. D. J. Wordsworth: You are changing the argument now.

The Hon. H. W. OLNEY: I am trying to reply. The argument put up by Mr Wells was not really an argument against the amendment. I am trying to answer his argument.

The amendment seeks to recognise the fact that under proposed new section 18 there are two ways in which consent can be obtained.

The Hon. D. J. WORDSWORTH: The intent of the amendment moved by the Hon. Mr Olney is to incorporate the consent given by the Supreme Court as well as the consent given by the Minister. This is a very academic debate. I believe the decision of the Supreme Court becomes the decision of the Minister.

The Hon. H. W. Olney: It is the judge's decision.

The Hon. D. J. WORDSWORTH: It is the same thing; he is changing the Minister's decision and therefore it becomes the Minister's decision.

The Hon. N. E. BAXTER: I think Mr Olney is reading this Bill out of context. Proposed new section 17 deals with known Aboriginal sites and the possibility of damage being done to them. The consent of the Minister under proposed new section 18 refers to whether or not there should be an authorisation for anything to happen on those sites.

Proposed new section 18 deals with the land held under a mining privilege or the right of privilege under the Petroleum Act. However, I quote proposed new subsection (2) as follows—

> (2) Where the owner of any land gives to the Trustees notice in writing that he requires to use the land for a purpose which, unless the Minister gives his consent under this section, would be likely to result in a breach of section 17.

In other words, if there should happen to be an unknown site which is interfered with, he would not be liable under proposed new section 17. It has no application to the consent of the Minister given under proposed new section 18.

Amendment put and negatived.

The Hon. H. W. OLNEY: I move an amendment—

> Page 4, after line 17—Add the following—
>
> The Trustees shall include in their recommendation the name of any person or group of persons considered by the Trustees to have any special interest in the land or who may be affected by the use of the land in the manner proposed by the owner.

The Chamber will be aware that the proposed new section 18 is a departure from the previous provision in the Act. As I have already indicated tonight, the operative part of this proposed section is contained in subsection (2) and I quote—

> (2) Where the owner of any land gives to the Trustees notice in writing that he requires to use the land for a purpose which, unless the Minister gives his consent under this section, would be likely to result in a breach of section 17 in respect of any Aboriginal site that might be on the land, the Trustees shall, as soon as they are reasonably able, form an opinion as to whether there is any Aboriginal site on the land, evaluate the importance and significance of any such site, and submit the notice to the Minister together with their recommendation in writing as to whether or not the Minister should consent to the use of the land for that purpose, and, where applicable, the extent to which and the conditions upon which his consent should be given.

So machinery is set in motion by the application of subsection (2) of proposed new section 18. It arises when the owner of the land gives notice to the trustees that he wants to use the land for a particular purpose. The trustees have placed upon them an obligation to do certain things; that is, to investigate the matter and make recommendations to the Minister. It is clear from the following subsections of the Act that the Minister has an unfettered discretion to accept or reject that advice from the trustees.

This amendment is to add to this proposed subsection a further sentence which will require

the trustees to identify in the information they supply to the Minister the people whom they consider to have a special interest in the land or who may be affected by the use of the land in the manner proposed by the owner. Let us assume the owner is a mining company holding an interest under the Mining Act and that it wants to dig or drill on a site and that it has some doubt about whether this might bring it into breach of section 17. Let us assume the company gives notice of its intention to the trustees who then set about doing the things required of them.

As things stand, the later provisions which give the Minister power to consent or to impose conditions and which provide an appeal to the Supreme Court against any decision of the Minister, are, in our view, deficient in that they do not provide notice to other people of what is to happen; that is, those involved apart from the owner. There may well be more than one owner of the land, as the pastoral lessee and the mining company can both be owners of the land. As this Act relates to Aboriginal heritage, it is reasonable to assume there is a likelihood that there will be groups of Aborigines who are in fact interested in what the mining company wants to do.

I suggest a hypothetical situation. Let us say Pea Hill was on Gogo Station, which I understand is not owned by a group of Aborigines or a pastoral company in which the local Aborigines have an interest, and the mining company wanted to excavate that site. It seems unreasonable that it could simply give notice to the Minister, obtain his consent, and go ahead with its activities without anyone, apart from the Minister and the company, knowing what was going on.

So the purpose of this amendment is to ensure that when an application is made to the Minister for consent under subsection (2) of proposed new section 18, the trustees should first of all identify who are the other groups of people who have an interest in that piece of land. The corollary of that will be the next amendment dealing with subsection (3). If this amendment is carried, we will amend that subsection so that the information the Minister gives of his decision goes to all the people whom the trustees have identified as having an interest in the land and that, similarly, the right of appeal under subsection (5) ought to be available not only to the owner of the land, but also to the other people such as the Aborigines who have an interest in that particular site.

This does amount to something of a departure from the policy expressed in the Act. The earlier amendments of which the Government did not think much may provide a brief for a budding lawyer one day in getting a court to decide what the words mean. I am sure the court will not be reading *Hansard* to find out what the Act means, and all the assurances in the world from Mr Willessee and the present Minister will not avail any unfortunate person charged with an offence under section 17.

The Hon. J. M. Berinson: They will be helped by your comments.

The Hon. H. W. OLNEY: It depends where I make them.

The Hon. D. J. Wordsworth: He places himself in the same position.

The Hon. H. W. OLNEY: Whilst I am sorry the Government cannot recognise a genuine attempt to try to plug up a couple of loopholes so that the unscrupulous legal profession does not make a killing on the later administration of this Act, and I am sorry the House was not prepared to review the legislation in a constructive way, I say that this proposal is designed to change slightly the thrust of the proposed new sections 18 and 19 in order to ensure a fairer and more sensible application of the proposal.

If the proposed new sections, and those following, are not amended in the way I have suggested, it is open to be said this is a little bit of window dressing put up for consumption through the media which apparently for a change are not doing the right thing by the Government. It is putting up an appeal to the Supreme Court and everybody is supposed to stand back and say, "The Government is doing the right thing for a change." In fact, the proposals give a landowner—in this case a person who wants to use an Aboriginal site in a way which may be offensive under the Act—the power to go to the trustees and then get permission from the Minister. If that person is not satisfied with the permission he receives, he may go to the Supreme Court and have the conditions imposed by the Minister removed.

The proposals, as drafted, are slanted in favour of the person who wants to desecrate, change, or conceal an Aboriginal site. They are slanted in favour of a person who wants to use the land in a way which would be offensive under proposed new section 17.

We suggest the alteration be made so that everybody with an interest in the site can be told; and everybody with an interest in the site, if dissatisfied with the Minister's decision, should be able to go to the impartial judge and have his decision substituted for that of the Minister.

The Hon. W. R. WITHERS: Once again, I can appreciate what the Hon. Howard Olney is trying to do and I must say, had I not sat in with one or

two Aboriginal elders in my province over the years, and gained an understanding of how they think in regard to land ownership, it is possible I might agree with the member; but I consider the wording is unnecessary for some reasons which may seem strange to members of this Chamber.

I should like to point out that were the amendment adopted, it would be extremely cumbersome when one tried to apply it, bearing in mind the traditional owners, or owners recognised by law if they happen to be people belonging to a particular Aboriginal group, who would have to be contacted.

I should like to quote a particular case with which the public would be familiar, because it has been discussed in the newspapers recently. That is the situation in which the Museum saw some traditional owners, and named four particular traditional owners for the Glen Hill area. Those four traditional owners signed an agreement with CRA.

Some people are under the impression that those four traditional owners who signed the agreement with CRA are actually the sole owners of the Glen Hill area. That is not the case; they are only the signatories to the agreement.

The Aboriginal way of looking at matters—when I say that I am referring to this particular group of people in the Kimberley—is that all the Miriwung tribe owns that particular piece of Glen Hill.

As I said earlier in the debate on the second reading of the Bill, when the Museum initially goes in to study sacred sites, it should really confer with the Aboriginal lawmen of that particular area. My colleague, the Hon. Peter Wells, also made the comment that they could do this.

We know that when the Museum people go in, they record some names, but they do not record all of them, because it would be extremely cumbersome. If members consider only the Miriwung tribe represented by the four signatories on the CRA agreement, they will see that in fact the owners of the land are all over the place. They are in Wyndham, in several camps in Kununurra, at Turkey Creek, and out on stations. Indeed, these people live in areas covering thousands of square miles.

It might seem strange to us, but those people who are all over the place can actually go onto the station at any time and have the rights under their own tribal laws to kill a beast for food if they wish, because in their view, they own that particular land.

When the four people signed an agreement to get $200 000 for capital development of Glen Hill, plus a further $100 000 per annum, they did not do so for themselves only; the agreement included also their tribal people to whom I have referred who live in different areas.

That seems rather strange to us, but if we accepted the member's amendment, many complications would arise for the Museum. It would have to find, identify, and notify all these people. It is necessary only that those people know, and that the Museum knows, the view of the lawmen who are responsible for that particular area. As I said before, it might seem very strange to members of this Chamber. It certainly seemed strange to me when I heard it at first; but the system works for the Aboriginal people.

I consider the amendment is unnecessary.

The Hon. D. J. WORDSWORTH: I do not know whether I need to add anything to the remarks made by Mr Withers.

The Hon. D. K. Dans: Well, don't!

The Hon D. J. WORDSWORTH: In other words, the Opposition is convinced about the matter also.

The clause is rather long already; it covers 17 lines and if we add another four lines, it would put a completely different meaning on the matter and would complicate it unnecessarily.

Mr Withers highlighted the difficulty CRA had when it tried to locate owners of Aboriginal land. I believe when the trustees make their recommendations, they will be sensible enough to use the knowledge they have. If they are obliged to take the steps set out by Mr Withers, they will never arrive at a decision or make a recommendation.

As a result of the remarks made by Mr Withers, I appreciate why they are having trouble keeping up their cattle numbers on that particular property!

The Hon. N. E. BAXTER: I wonder what Mr Olney means when he says, "any person or group of persons considered by the trustees to have any special interest in the land or who may be affected by the use of the land in the manner proposed by the owner".

When he moved his amendment, Mr Olney referred to mining or digging on the particular area of land. He did not refer to mining or digging on a sacred site. I remind the member that if there is any interference with the rights of a person in regard to land—be it for the purpose of carrying out work affecting a windmill, house,

or anything else—he is protected under the Mining Act. That matter does not come under this Act which deals purely with Aboriginal sacred sites. The associated land at Noonkanbah has been brought into the matter; but the member is drawing a long bow in this regard, because the matter is covered under the Mining Act, not under the Aboriginal Heritage Act.

Amendment put and negatived.

The Hon. H. W. OLNEY: I do not propose to proceed with the amendment consequential upon the previous amendment, but I wish to move a further amendment as follows—

> Page 6, line 29—Delete the word "demarcated" and substitute the word "marked".

I move this amendment in a state of shock as it were to find in this legislation such an expression. I refer members to clause 19 (5) of the Bill which states—

> The declaration of a protected area shall specify the boundaries of that area in sufficient detail to enable them to be established but it shall not be necessary that the boundaries are surveyed or demarcated.

Earlier in this session the Attorney General made an announcement that the parliamentary draftsmen were attempting to make the Bills which come before this Chamber intelligible to members and therefore intelligible to everyone else.

The Hon. G. C. Mackinnon: Under a grave handicap.

The Hon. H. W. OLNEY: That is probably so. I have spent a great deal of my professional time in courts talking about the words which appear in Acts. I can assure the Committee that judges of the Supreme Court and other courts take great delight in wondering what Parliament was doing when a particular provision was passed.

The Hon. R. G. Pike: The dictionary clearly states that "demarcation" means "the marking of boundaries."

The Hon. H. W. OLNEY: It is not a big deal, but if we intend to express our laws in the English language it would be desirable to observe some of the basic fundamentals and check the words. As Mr Pike said, "demarcation" means "the marking of a boundary". I suggest that the proper word here is "mark".

The Hon. P. H. Wells: What about marking on a map?

The Hon. H. W. OLNEY: That means that it is not necessary that the boundaries are surveyed or demarcated. It is not necessary for the boundaries to be surveyed or the boundaries to be marked. The correct word to be used is "marked". It appears to me that this is one of those words which is creeping into legislation. The parliamentary draftsmen seem to like to take words and add an extra syllable at each end. It is just gobbledegook!

It reminds me of the Taxation Department in the days when money given away was dutiable. If one made a gift the Taxation Department would not recognise that one had given it. The Taxation Department said a person had gifted it.

The Hon. W. R. WITHERS: In this case I agree wholeheartedly with the amendment. I consider Mr Olney to be correct because I have read from time to time similar phrases written by inexperienced writers who have referred to a verdant green. Of course the phraseology in the legislation is similar where it is saying that it shall not be necessary that the boundaries are surveyed or demarcated. Of course it is a repetition of boundaries to which I refer through the meaning of the word "demarcated".

The Hon. R. G. Pike: I think we need a good demarcation line in this debate.

The Hon. P. H. WELLS: I am glad Mr Olney mentioned the word "gobbledegook" because it would appear that this amendment is a lawyer's gobbledegook. The amendment has been suggested by one lawyer and another lawyer has suggested that it be changed. Could the term also mean that there is no necessity for someone to draw on a map? One could well define an area, but might not have to draw it on a map.

The Collins Dictionary says that "demarcation" means "to mark, fix or draw the boundary limits". So it could be interpreted that the area does not have to be surveyed and there is no requirement under this legislation for a person to sit down and fix the boundaries on the map. I suggest the best way to find a solution would be to put two lawyers in a room and tie one hand of each to the other so they could not move and then let them decide. Maybe in their wisdom they may not be able to consider the problem as the Mines Department does. Some people pegging areas under the mining legislation may not be good draftsmen and may not be able to transcribe on a map.

Perhaps the intention of the amendment is to state that it is not necessary for the area to be surveyed physically and that to have it delineated on a map would be acceptable.

The Hon. N. E. BAXTER: I agree with Mr Olney on this amendment. The meaning of "demarcated" is "to mark a boundary" so it is

merely a repetition of the word "boundaries". Really, the word "marked" is sufficient to cover the whole situation. In concise English the word "marked" would indicate that the boundaries are surveyed or marked.

The Hon. O. N. B. OLIVER: My point of view on the surveying side—I am unable to comment on the legal side—is that "to demarcate" is to describe whilst "to mark" is to place a line on a map. Therefore, I cannot support the amendment.

The Hon. D. J. WORDSWORTH: I am glad Mr Oliver joined the debate because I believe Mr Olney is now out of his depth. I was willing to accept his comments on the legal side, but we are now talking about the surveying side, and there is good reason for that. If the honourable member consults the Surveyor General before a court he may find out.

Amendment put and a division taken with the following result—

Ayes 8

Hon. N. E. Baxter	Hon. R. Hetherington
Hon. J. M. Berinson	Hon. F. E. McKenzie
Hon. J. M. Brown	Hon. H. W. Olney
Hon. D. K. Dans	Hon. R. T. Leeson

(Teller)

Noes 16

Hon. T. Knight	Hon. O. N. B. Oliver
Hon. A. A. Lewis	Hon. P. G. Pendal
Hon. P. H. Lockyer	Hon. W. M. Piesse
Hon. G. C. MacKinnon	Hon. R. G. Pike
Hon. G. E. Masters	Hon. P. H. Wells
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. M. McAleer

(Teller)

Pairs

Ayes	Noes
Hon. Peter Dowding	Hon. I. G. Pratt
Hon. Lyla Elliott	Hon. R. J. L. Williams

Amendment thus negatived.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 25 amended—

The Hon. H. W. OLNEY: I did intend to move an amendment to this clause because the proposal put forward really makes nonsense. The amendment would provide that an Order-in-Council can be revoked by the Governor after he considers recommendations from the Minister. An Order-in-Council can also be revoked on the advice of the Minister. An order cannot be revoked in any other way. The amendment will add some padding without changing the existing law.

However, I have been overcome by the wholehearted support of Mr Withers on the previous amendment. I will not move the amendment to this clause standing in my name because the rest of the Government members may support it and I will lose it again!

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Section 58 repealed—

The Hon. H. W. OLNEY: This clause seeks to repeal section 58 of the principal Act. As I mentioned during my second reading speech, and as was mentioned by Mr Dowding, the section provides a special penalty. The special penalty was to apply when certain offences were committed against the Act. It arises in circumstances where offences are committed knowingly and for the purposes of gain, and with the intent of defeating the purposes of the Act.

I suggest it was a proper provision to include and was agreed to by all parties in 1972. The Minister has said the penalty is too harsh. I believe the harshness is well deserved. During his second reading speech the Minister said it was felt that a maximum penalty of a 12 months' prison sentence for serious breaches of the Act should be an adequate deterrent. That would be so if that is what the Act provides. In fact, section 57 provides—

> A person convicted of an offence against this Act is liable on summary conviction, where no penalty is expressly provided for the offence,—
>
> (a) if he has not been previously convicted of any offence against this Act, to—
>
> (i) a penalty of five hundred dollars;
> (ii) imprisonment for three months; or
> (iii) both such a fine and imprisonment;

If a person has been previously convicted, he will be subject to a penalty of $2 000, imprisonment for 12 months, or both. I suggest the Minister has misled us, or he has been misled himself in suggesting that there is a 12 months' penalty for a serious breach of the Act. The argument put forward in support of the removal of this section falls to the ground because of the inaccuracy of the premise on which it was based.

The Hon. D. J. WORDSWORTH: Once again, I think Mr Olney is being rather ridiculous by arguing a first offence against a second offence, and the difference in the penalties which apply. I consider the clause is in order, and the section should be removed.

Perhaps this move reflects what happens in this place when both sides agree to legislation. Thinking back to when we debated this legislation originally perhaps not enough thought was given to the various clauses because both sides agreed

with the general sentiment of the Bill. After re-examining the Act we consider the provision to be ridiculous. You, Mr Chairman, could have a lease worth $1 million and in theory you could forfeit that. To me that is quite ridiculous.

The Hon. P. H. WELLS: I will reiterate my stand which is that I cannot agree with Mr Olney. This type of penalty can hardly be justified. I agree that perhaps the continuing effect of the $100 fine certainly should be increased. However, section 58 is objectionable. I believe that convictions often are challenged in those cases where the sentences are too harsh.

The Hon. N. E. BAXTER: I am not very happy with the proposal to repeal section 58, which relates to the court being satisfied that the offence was committed knowingly, for the purposes of gain, and with intent to defeat the purposes of the Act.

I do not think this section was treated lightly in 1972. I have not checked *Hansard* to see what transpired in regard to this section, but I think Parliament fully recognised what it meant and that it was included deliberately in order to protect sacred sites. I do not think the penalty is too severe. When people intend to use land, they should be aware that the Aboriginal sacred site must be protected.

The Hon. D. J. WORDSWORTH: I cannot go along with the Hon. Norman Baxter. If one of two people walking across a property does some damage, the other should not also incur a penalty.

Clause put and a division taken with the following result—

Ayes 16

Hon. T. Knight	Hon. O. N. B. Oliver
Hon. A. A. Lewis	Hon. P. G. Pendal
Hon. P. H. Lockyer	Hon. W. M. Piesse
Hon. G. C. MacKinnon	Hon. R. G. Pike
Hon. G. E. Masters	Hon. P. H. Wells
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. M. McAleer
	(Teller)

Noes 8

Hon. N. E. Baxter	Hon. R. Hetherington
Hon. J. M. Berinson	Hon. R. T. Leeson
Hon. J. M. Brown	Hon. H. W. Olney
Hon. D. K. Dans	Hon. F. E. McKenzie
	(Teller)

Pairs

Ayes	Noes
Hon. I. G. Pratt	Hon. Lyla Elliott
Hon. R. J. L. Williams	Hon. Peter Dowding

Clause thus passed.

Clauses 13 and 14 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. D. J. Wordsworth (Minister for Lands), and passed.

WILDLIFE CONSERVATION AMENDMENT BILL

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [10.28 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this amendment to the Wildlife Conservation Act is to bring licences issued under the Act relating to flora conservation under the same provisions with respect to duration of licences and waiving of fees as licences issued with respect to fauna under the wildlife conservation regulations.

Amendments to the Wildlife Conservation Act—Acts Nos. 86 of 1976 and 28 of 1979, which were proclaimed to come into operation in April 1980—made provision for the conservation of flora and the control of the commercial flora industry to be incorporated in the Wildlife Conservation Act 1950. These provisions were so drafted that the issuing of licences was provided for in the Act and not the regulations.

These provisions state that licences may be issued "for such period or periods as are so specified". It was thought that those words meant that licences could be issued for a full year and any other periods less than a year. However, advice from Parliamentary Counsel is to the effect that the word "period" refers only to parts of a year.

It is usual practice for other licences under the wildlife conservation regulations to be issued for a year, renewable each 12 months thereafter upon payment of the prescribed fee, except in those instances where a shorter finite period is appropriate.

Combined with the need to renew licences annually, and pay an annual fee, is a requirement for a return to be provided giving details of wildlife taken under the authority of the licence so that the extent of cropping, taking, etc. can be monitored.

Without an annual renewal system it very quickly becomes uncertain as to the number of licencees still active, or those who have withdrawn from the industry.

In the regulations, the Minister is empowered to waive fees in those cases where he considers it appropriate.

A similar provision is proposed in this Bill for fees to be waived for licences issued under the Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. H. W. Olney.

ADMINISTRATION AMENDMENT BILL

Second Reading

Debate resumed from 5 August.

THE HON. J. M. BERINSON (North-East Metropolitan) [10.31 p.m.]: This is a Bill of very limited effect. Its purpose is to facilitate certain procedures by country solicitors in the probate jurisdiction. It is said to offer the possibility of increased efficiency and savings in costs. I suspect any saving would be modest, but to the extent any opportunity for saving is available, it should be taken. On this basis the Opposition supports the Bill. I take the opportunity, however, to raise two matters which relate to the drafting of both the Bill and the parent Act.

At the outset I assure the Minister that I do not approach this in any pedantic way, but rather on the basis it is desirable that all legislation should be expressed as clearly as possible so as to be understood as readily as possible. I refer firstly to the apparently interchangeable use of the word "rules" with a small "r" and the term "Rules of Court" with a capital "R" and a capital "C".

Clauses 3 and 5 of the Bill before us adopt the phrase "in accordance with the rules". A natural reaction to such a phrase is to ask, "What rules?" and then to look at the definition section—section 3 of the parent Act—for some enlightenment.

So far as I can see, the definition section provides no guidance at all as to the meaning of the word "rules" and this meaning can only be extracted, if at all, from section 144 of the parent Act—the very last section of the Act, and an odd place to be forced to look to understand the use of a word in preceding provisions.

The obscurity of the word "rules" is increased if anything by the continuing use in other places of the parent Act of the term "Rules of Court" as I have indicated. I do not think I have an exhaustive list, but I have noticed that this term appears at least in sections 56(2) and 59(2) of the parent Act.

As a matter of drafting, I believe the use of the word "rules" is preferable to the use of the phrase "Rules of Court", but at least the latter phrase has the advantage that its meaning is clear. This is so because the word "Court" is in fact defined in section 3 of the parent Act as the Supreme Court of Western Australia. So we then know what we are talking about—the rules of the Supreme Court of this State.

I bring this matter to the attention of the Attorney General because the alternative use of the two terms apparently suggesting the same thing is undesirable. I hope at some appropriate stage the drafting might be looked at. Perhaps it is not a matter of great concern, but when solicitors' charges are running at $1 a minute, it is not a small consideration to require a solicitor to spend even a short time on such a matter.

Several members interjected.

The Hon. J. M. BERINSON: Yes, I believe barristers' fees are still higher, but even a charge of $1 a minute is worth the small amount of consideration I am now urging on the Attorney General.

The other matter I wish to bring very briefly to the attention of the Attorney General is the state of the parent Act. It is really a dog's body of an Act. I am sure I am not exaggerating when I say that the amendments to the Act as presently printed now exceed by far that part of the original Act which has been left unamended. Simply by showing members the copy I have of the Act, with all the small pieces stapled in—

The Hon. G. E. Masters: That is a document.

The Hon. J. M. BERINSON: It is a single document with all the little pieces stapled in and huge amounts of the Act crossed out. It should be obvious to anyone that we have well passed the stage where this Act ought to be reprinted in its amended form.

The Hon. O. N. B. Oliver: Perhaps the honourable member would care to look at the water board Act.

The Hon. J. M. BERINSON: If that is worse I invite the member to approach the relevant Minister to have it reprinted. In fact, many Acts are in a deplorable situation, but since this amending Bill is before us now, it is not out of place to draw the state of the Act to the specific attention of the Attorney General. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [10.35 p.m.]: I will give attention to the matters raised by Mr Berinson. Could I just say that any solicitor who charges $1 a minute for giving that advice ought to be referred to the Barristers Board.

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. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

CONSTITUTION AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from 19 August.

THE HON. J. M. BERINSON (North-East Metropolitan) [10.40 p.m.]: This Bill makes two amendments to the Constitution Act in respect of the oath and affirmation to be taken by members of Parliament on taking up office. As to the oath, we will, in the course of updating its form, omit all reference to Queen Victoria. However, as the regretted demise of Her late Majesty occurred fully 79 years ago I think we will not be accused of any undue or indecent haste.

The amendment to the form of affirmation is, on the other hand, a matter of more significance which involves a question of very important principle. The present form of affirmation in section 22 of the Constitution Act reads—

> I, ... solemnly declare that the taking of an oath is according to my religious belief unlawful and I do sincerely promise . . .

I would expect that form of affirmation must have been objectionable to atheist and agnostic members of this Parliament in previous years. I would be surprised if it was not also found objectionable by believers.

In my belief this is an amendment which is not only welcome, but long overdue. I understand the recent interest in procuring this amendment arose from the initiative of the Hon. Bob Hetherington. Perhaps other members were involved at the same time. I take the opportunity to congratulate the Hon. Bob Hetherington and any other members who may have been concerned for their initiative. I take the opportunity also to congratulate the Attorney General for responding quickly and in a sensitive way to a matter which is not of very great importance and, I suppose, of minimal public interest; nevertheless, as I indicated earlier, it is one involving a question of important principle.

This is one of those occasions on which it is proper to say that the Opposition not only supports the Bill, but welcomes it, and welcomes the interest of the Government in acceding to the wishes of members of the House.

THE HON. R. HETHERINGTON (East Metropolitan) [10.43 p.m.]: I welcome this Bill and I thank the Attorney General for introducing it. I mentioned this matter to the Attorney General in the last Parliament and he tried to amend the Act by tacking an amendment onto the Acts Amendment and Repeal (Disqualification for Parliament) Bill, but the Bill lapsed in the lower House; so he has now introduced this Bill.

I am one of those people who prefers to take an affirmation. I think I am the first since the 1920s to have taken the affirmation in this House. On two occasions now I have had to take an affirmation that I found objectionable when I could not take an oath.

I would point out to some members who have been talking about law that the form of affirmation as it now stands states, "I . . . solemnly declare that the taking of an oath is according to my religious belief unlawful . . ." In other words, it suggests that some people can believe that there is a law outside the law of the land, and it suggests that something which is according to the law unlawful can become lawful. This form of law was introduced for Quakers who said their word was their word and who believed that an oath was taking the name of the Lord their God in vain. I am glad we have now the simpler form of affirmation and members can decide merely to make an affirmation which is as binding upon them as an oath. I welcome the initiative of the Government.

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. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

WATERWAYS CONSERVATION AMENDMENT BILL

Second Reading

Debate resumed from 2 September.

THE HON. H. W. OLNEY (South Metropolitan) [10.47 p.m.]: This Bill is to amend the Waterways Conservation Act of 1976 to make provision for the appointment of a deputy chairman for the authorities constituted under the Act. The Opposition supports the measure and is satisfied that the explanation given in the Minister's second reading speech is a valid one. We do not wish to rehash unnecessarily what has been said already.

It is sufficient to say that difficulties have been experienced in obtaining a quorum at meetings of the Waterways Commission due to the absence or inability of the chairmen of constituent authorities to attend the meeting. It is desirable that the constituent authorities established under the Act should have a permanent deputy to deputise for the chairman at meetings of the commission and on other occasions.

It is unfortunate that this sort of amendment is necessary. One would have thought that with a little foresight this type of situation could be predicted in the original drafting of the legislation. Whilst one cannot be too hard on the Parliamentary Draftsman, it does seem to be characteristic of modern legislation, with all the professionalism that comes into the drafting of laws, that we still have this sort of amendment cropping up in circumstances which I would have thought would be predictable.

Perhaps some consideration can be given to amending the Interpretation Act to widen the circumstances under which deputies to statutory positions can be appointed without the need for special legislation to amend the Acts in question. A similar situation occurred a short time ago in connection with the Industrial Arbitration Act recently passed by this Parliament. Under the Act the office of president was constituted, and we had the situation of the unfortunate and untimely death of the president.

As there was no provision for a deputy to be appointed, it was necessary to appoint a person to the office of president on a temporary basis.

The Opposition supports the Bill.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [10.50 p.m.]: I thank members of the Opposition for their support of the Bill. It is an important piece of legislation for the Waterways Commission and I think Mr Olney quite clearly pointed out the problems involved in this matter. In addition, they are clearly indicated in the second reading speech.

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. E. Masters (Minister for Fisheries and Wildlife), and transmitted to the Assembly.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL

Second Reading

Debate resumed from 20 August.

THE HON. H. W. OLNEY (South Metropolitan) [10.53 p.m.]: The Opposition supports this measure, which is a Bill to facilitate the establishment of a national system of regulation of companies and the securities industry. The Opposition has had the opportunity carefully to consider the second reading speech of the Minister, and we are satisfied with his assurance that this legislation is being universally introduced in all States of the Commonwealth.

I do not propose to weary the House at this hour with a description of the scheme that is proposed under the series of Acts of which this Bill will form a part. Suffice it to say that it at least is a promising start that all the States have been able to agree on a basis for the future regulation of the companies and securities industry on a national basis.

We of the Opposition would have preferred this type of legislation to be effected by an exercise of Federal power. The Federal Constitution contains very wide powers relating to the making of laws with respect to companies and corporations. However, as we have found sometimes, even constitutions are not always as they appear on the face of them; indeed, Standing Orders sometimes are not always as they appear to be. So, we can see it may well be desirable to have this rather complex system of national regulation effected by a series of Acts enacted in the different States.

It would have been more in line with our philosophical approach to something which is essentially of national importance for the national Parliament to make the law for the entire nation.

If this could not be done under the existing constitutional powers, perhaps the constitutional device of referring the power to the Commonwealth could have been employed.

This Bill really is a machinery measure. Certainly, it will never affect the provisions of company law. It seeks to establish the machinery to enable a new system of companies and securities law to be conducted. From that point of view, the Bill is satisfactory and the Opposition therefore supports it.

THE HON. A. A. LEWIS (Lower Central) [10.56 p.m.]: I think the House has heard me on previous occasions on Bills such as this. I am aware the Attorney General knows what I think of it. Mr Olney has just clearly enunciated why I oppose the Bill; it is another move towards centralism.

The Hon. H. W. Olney: It is centralistic now.

The Hon. A. A. LEWIS: Under different Governments it could well become completely central. I think it is about time the Government kept its sticky fingers out of business. I will leave it at that.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [10.57 p.m.]: I am glad the Opposition has agreed to support this Bill. I knew, of course, that it would because—

The Hon. A. A. Lewis: It is a socialist Bill.

The Hon. I. G. MEDCALF: —the Governments of New South Wales and Tasmania also have agreed to support similar legislation and, indeed, the Federal Opposition also supports this concept.

This Bill is one of a series of similar Bills being introduced around Australia. The philosophical argument raised by Mr Olney, of course, goes to the root of the difference between the Opposition and the Government. Basically, the Opposition believes in a centralistic approach and the Government does not. That really is the philosophical base which caused this divergence of views which necessitated the legislation being drafted in this manner.

In describing this Bill as a centralistic measure, Mr Lewis is really ignoring the fact that it is just the reverse. Mr Olney has pointed out that it does not accord with the general philosophical view he holds.

The Hon. A. A. Lewis: It goes part of the way, as he pointed out.

The Hon. I. G. MEDCALF: Mr Olney's philosophy is that such laws should be made by a central Government. As I say, this is a view which is held by a lot of people, particularly in the Eastern States, and it is fair enough, because people are entitled to their own views.

Unfortunately, however, this has proved to be completely unpractical in relation to certain aspects of our laws covering business and domestic matters. It just is not possible to obtain unanimity in a centralistic approach to corporations and securities. It was tried by the Labor Government, but the particular legislation did not finally see the light of day. However, the concept certainly was put forward.

It was put forward, not only by members of the Opposition who were then in Government in Canberra, but also by people in the Liberal Party. The Rae committee put forward a view which was remarkably similar in many ways.

It is quite clear that a large number of people in the major centres of population believe that the laws on this and most other subjects should be made in Canberra. That is not a view to which this Government subscribes; and it is not a view to which a lot of other Governments and people subscribe.

The result is that a very reasonable compromise was worked out. That compromise is represented by this Bill. In fact, it is an ingenious scheme—the first of its kind in Australia—whereby the territories power of the Commonwealth is made use of in order to pass the legislation which is to be adopted by all the States and the Northern Territory. It is an ingenious scheme because on every occasion there is to be an amendment the amending legislation will simply be passed by the Commonwealth Parliament, following consideration by the ministerial council comprising the Ministers of the Commonwealth, the States, and any territories that happen to join. For that reason, it is a unique scheme. Without waxing too lyrical, I venture to suggest it may set the pattern for a number of other legislative projects in the Federal sphere which, I hope, will also be successful.

There are other areas in which the same pattern could be used, if we are to end with a practical solution to some of our Commonwealth-State problems.

This is the kind of solution we should be working towards making effective. I thank members who are in support of the Bill for having so indicated. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 9 put and passed.

Clause 10: Failure of witnesses to attend and answer questions—

The Hon. I. G. MEDCALF: There is a small amendment in my name on the notice paper. It is simply to clarify the position of the person who has the information. The original clause required a legal practitioner to furnish to the commission the name and address of a person to whom or by whom the communication was given. The amendment will provide that the legal practitioner is required only to do this if he knows the name and address. It is to make it more reasonable, and not absolute, as it was before.

I move an amendment—

> Page 12, lines 8 to 10—Delete the words "furnish to the Commission the name and address of the person to whom or by whom the communication was made", and substitute the passage "and if he knows the name and address of the person to whom or by whom the communication was made, forthwith furnish that name and address in writing to the Commission".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 22 put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with an amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [11.07 p.m.]: I move—

> That the House at its rising adjourn until Tuesday, 30 September.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [11.08 p.m.]: I move—

That the House do now adjourn.

Adjournment Debate, and Leave of Absence for Members

THE HON. J. M. BERINSON (North-East Metropolitan) [11.09 p.m.]: I rise on the adjournment motion for two reasons. The first reason is that it is important to respond at the earliest opportunity to the recent comments by the Leader of the House in respect of the adjournment debate itself. Any suggestion that the adjournment debate be abolished is highly objectionable, and it should be resisted strongly no matter what our individual political affiliations may be.

This is a matter going basically to the rights of private members; and we would be not only wrong, but also stupid, in my opinion, to forgo that right.

The Hon. I. G. Medcalf: I never suggested that.

The Hon. J. M. BERINSON: I am pleased to hear the insistence by the Leader of the House that that is not in his mind.

The Hon. D. J. Wordsworth: But you are giving us good reasons for doing so.

The Hon. J. M. BERINSON: I can think of no better reason to rise on the adjournment motion than in defence of the adjournment debate.

I dispute the view of the Leader of the House that notice of adjournment speeches might be desirable or that they should be restricted to urgent matters only.

On the other hand, I would personally support a time limit for the adjournment debate as a whole and on speeches during the debate. Without wanting to be too shocking at this late hour I add that I would be in favour of time limits for all speeches, but since that is going beyond my present comments I will not digress, especially so as not to upset the Hon. Bob Hetherington.

My second reason for rising at this time relates to a motion considered earlier in the day. I refer to the motion granting leave to a member. From memory, it was the third such motion of the session and I make it clear that I supported all three motions. What I object to is the need for such motions.

The need arises as I understand it from the combined effects of Standing Orders Nos. 48 and 112. In plain English they mean this: Any member who absents himself from this House for six consecutive sitting days without reasonable excuse is liable to be imprisoned. That involves such a self-evident obnoxious principle that I have to say I was staggered at a first reading to think this situation could have survived so long.

So far as I am aware, even the most oppressive and draconian laws of the past never went beyond putting men in prison for going on strike. By contrast, we are in peril of imprisonment from mere absenteeism.

I make three points in favour of the proposition that these Standing Orders should be rescinded. In the first place, as members will understand, it is perfectly open to a member to attend this Chamber on every single sitting day and not do a scrap of work from one year to the next. Secondly, even without the Standing Order there would still remain the constitutional disqualification of a member who fails, without permission, to attend in the House for one entire session. Thirdly, and most importantly, there is the ultimate sanction provided by our respective pre-selection bodies and the electorate to ensure that members who are elected do a reasonable job of performing their proper duties.

After inquiries to the most authoritative sources available, and I refer to the honourable and venerable Graham MacKinnon and Norman Baxter, I am assured that never within living memory has any application for leave by a member even been questioned or challenged. In other words, the Standing Order has become the merest empty and hollow requirement. It is as outdated as the Stallions Act which is to be rescinded, and Standing Order 48 and its associated provisions should go the same way.

I invite the Attorney General in his position as Leader of the House to take a lead in this matter and refer it, preferably with his support, to the Standing Orders Committee along with the other recommendations he has indicated he may put to it. I invite members to support the point of view I put forward in relation to this matter.

Football Finals: Telecast

THE HON. TOM McNEIL (Upper West) [11.14 p.m.]: I am glad the decision has been made, as mentioned by the Hon. Joe Berinson, that this aspect of our privileges will be retained.

Since I first came into this House, this has been the time of the year when we stand to voice our concern at the actions of the Western Australian Football League and its lack of effort in arranging to telecast the football grand final to country areas. I can cast my mind back to 1977 when country areas did not receive a telecast of the final series. After quite a number of members stood in this House and debated the matter prior to the grand final being played, the then WANFL was adamant it would not shift its ground. On behalf of the people in my electorate I made approaches to the VFL, Telecom, and the ABC and I managed to establish the possibility of receiving a direct telecast of that year's VFL grand final. Members might recall that it was the game which resulted in a draw.

However, following my efforts to have the game televised I was informed that without the permission of the then WANFL we would be unable to view a live telecast of that grand final. The Minister approached the WANFL but his request was turned down because the Western Australian grand final was to be held the same day.

The first three quarters of the VFL grand final could have been viewed by people in this State even if the league had then decided that it would not televise the last quarter of the game. That would have been a shocking thing as it turned out, but we would have seen the first three quarters of that magnificent game. Needless to say, the next weekend we did have the privilege of seeing a direct telecast of the replay of the grand final.

It seems incongruous to me that twice in four years the same situation should apply in that the WAFL has allowed our grand final to take place on the same day as the VFL game, especially considering the interest the VFL game engenders in this State. It is unfortunate that the greedy, power-hungry merchants in charge of the WAFL should disadvantage the people in this State by barring any possibility of the VFL grand final being witnessed by people in Western Australia.

Of course, if people want to pay $11.50 and go to the Entertainment Centre at 11.45 a.m. on Saturday week, they can see not only the complete VFL grand final, but also the last three quarters of our grand final. However, I remind members of all those people in the State who will not get an opportunity to see these games. The people in the Geraldton area will get a telecast of the WAFL grand final on the ABC channel; but the people in the south-west will not see any of either game because of the pact made between the WAFL and the VFL.

I am making inquiries with some learned friends in this House and it could be that some of these dealings are exclusive dealings which could come under the provisions of certain legislation. This body is attempting to make sure there is no competition in order to force people to see the grand final in this State. There are no seats available for the WAFL grand final. Those people who had the privilege to go to the second semi-final last week would have seen some of the real football followers who had to stand in the outer and get an absolute drenching. They will be the

people who again will be filling up the stands and filling up the areas where there is standing room only.

In this morning's paper there was an advertisement to the effect, "wanted by the South Fremantle Football Club—grand final tickets". It is impossible to get seats. No doubt certain members of the House will be able to approach Peter Bowler and get the right to get into the members' stand to view the game. They will have a position of comfort in which to view the game.

In tonight's edition of the *Daily News* there is a report that the league will approach the Parliament some time in the near future to allow the clubs to have one-armed bandits so that they can remain viable. We have helped the WAFL before, when we remember that members opposed my private member's Bill to give footballers more freedom and we removed players from the protection of workers' compensation, whilst we have allowed zoning restrictions to remain, at the request of the WAFL.

Before we return to this Chamber on Tuesday week the grand final will have been played. There are numerous people in the State who will not get the benefit of a telecast of the VFL or WAFL grand finals. I believe we should be bringing pressure to bear on the directors of the WAFL and the VFL to point out their obligations to the people of this State.

THE HON. R. T. LEESON (South-East) [11.19 p.m.]: I feel like a reserve having to follow the Hon. Tom McNeil. Nevertheless, I have mentioned this subject in the House on a number of occasions. I take this opportunity to lodge a protest on behalf of all those country people in my electorate who will not be able to see the VFL grand final and for those people who will not be able to see the WA grand final. Fortunately, the bulk of my electorate will at least see that game.

The Western Australian Football League is displaying a very hungry attitude. As mentioned by the Hon. Tom McNeil, in the very near future many of us will be lobbied for special favours for the football league and we will have to consider these seriously.

I do not want to see matters get out of hand; but I certainly believe, at the present time, the football league is doing little to encourage us to help it. As far as I am concerned, in this day and age, the attitude of the Western Australian Football League is certainly out of order. Many people are desperately keen to watch a live telecast of the football finals and they should be able to do so, particularly in view of the advanced electronic techniques available to us today.

For those reasons, I want once again to voice my opposition to the attitude expressed by the WAFL.

Question put and passed.

House adjourned at 11.22 p.m.

QUESTIONS ON NOTICE

MINING ACT

Landowner's Right of Appeal

232. The Hon. H. W. GAYFER, to the Attorney General:

With reference to the Legislative Council debate on the Mining Act on 21 November 1978, and in particular to *Hansard* pages 5213 to 5216, wherein the Attorney General made the observation that the landowner had the right of appeal beyond the warden's decision to the Minister for Mines, and I quote—

> if it turns out not to be so, I shall make representations to the Minister—

could he now inform the House if he has had reason to make such representation?

The Hon. I. G. MEDCALF replied:

During the Legislative Council debate on the Mining Act 1978 on 21 November 1978, in reply to the member's question as to whether a landowner had any right of appeal where a warden ruled his refusal to consent to mining on his property was unreasonable, I advised that I believed a right of appeal existed under section 147 of the Act. This right of appeal would be to the Supreme Court. I further advised that if it turned out not to be so, I would make representations to the Minister. I have had no reason to make any such representations.

EMU BARRIER FENCE

Lake Moore

233. The Hon. TOM McNEIL, to the Minister representing the Minister for Agriculture:

(1) What criteria was used in selecting the Lake Moore barrier fence line?
(2) At what date and over what period was the inquiry and general inspection of the area made?
(3) What was the length of the original realignment that has been deleted?
(4) How much of the fence had been constructed on this deleted section, and at what cost?
(5) How much will it cost to take up this section?
(6) What is the length of the new line?
(7) What did it cost to clear?
(8) How much will the survey cost bearing in mind that the line must be gazetted and vested in a responsible authority?
(9) What special measures are being taken to protect the fence south-west of Dimperwah Hills from being washed out from flash floods?
(10) What is the tender price for construction of the new section?
(11) Why was the contractor dismissed?

The Hon. D. J. WORDSWORTH replied:

(1) The major criteria were protection of existing farmers outside the barrier fence system and enclosure of other land considered to have agricultural potential.
(2) Approximately six months prior to 2 May 1978.
(3) Approximately 34 kilometres
(4) No construction had been completed. Posts had been erected on 5 km and barb wire on ½ km. No cost break-up is available.
(5) The work is being done by Agriculture Protection Board staff at no charge to the project.
(6) Approximately 32 kilometres.
(7) Payment has not been made. The approximate cost will be $7 000.
(8) This work will be carried out by Lands and Surveys Department and the cost is not yet known.
(9) None.
(10) and (11) The contractor was dismissed for breach of contract and tenders have not yet been called for the new section.

NOONKANBAH STATION

Village: Consistency of Attitude

234. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Cultural Affairs:

(1) Has the Minister or the State Housing Commission been involved in proposals for the construction of a 60-house village for the Aboriginal people of Noonkanbah?

(2) Has the Commonwealth Department of Aboriginal Affairs also been involved in these proposals?

(3) Have the Aboriginal community of Noonkanbah or representatives of the Western Australian Aboriginal community generally been involved in the proposals for the village?

(4) If "Yes", does the Minister see any inconsistency on the part of those who expressed the view that no drilling should take place for oil on Noonkanbah?

(5) Is the Minister aware of any differentiation between drilling a hole for oil, and digging holes to accommodate foundations for a house?

(6) Has Mr Stephen Hawke or any other person communicated to the Minister any objection to the construction of the village on areas of influence at Noonkanbah?

(7) Is the Western Australian Museum correctly reported in *The West Australian* of Tuesday, 16 September 1980, where it is stated that the Aboriginal community believes that "any utilisation of the drill zone . . . . . by the company would be deleterious to the site complex."?

(8) If "Yes", should consideration be given by the Federal Government to abandoning the village project on the grounds that Aboriginal heritage will be adversely affected?

The Hon. D. J. WORDSWORTH replied:

(1) Yes. The State Housing Commission has been involved in proposals to establish a village at Noonkanbah.

(2) Yes.

(3) Yes. The Yungngora community at Noonkanbah requested the provision of a village near the existing homestead to house approximately 150 people.

(4) Yes, the request by Aborigines at Noonkanbah makes mockery of claims by members of the Opposition that the so-called "area of influence" is sacred and should be held inviolate.

(5) No, especially as 22 exploration holes have already been drilled in the vicinity of "P" Hill without protest from the community.

(6) No.

(7) Yes.

(8) To be consistent opponents of mineral exploration on Noonkanbah station should also oppose development of the kind which has been requested by the Yungngora community.

LIQUOR: BEER

Alcohol Level

235. The Hon. P. G. PENDAL, to the Minister representing the Minister for Health:

(1) Could the Minister advise the alcohol level of beer manufactured in the Perth metropolitan area?

(2) Could the Minister advise how those levels compare with a random selection of beers manufactured in the Eastern States?

(3) Are the alcohol levels of beer manufactured in Western Australia subjected to statutory control?

(4) Does the Government see any merit in bringing about a reduction in the alcohol level in Western Australian beer in the light of concern over the road toll expressed by medical authorities on the WA road trauma committee of the Royal Australasian College of Surgeons?

The Hon. D. J. WORDSWORTH replied:

(1) The food and drug regulations which have effect in this State require—

(a) reduced calorie beer to contain not less than 35 ml of alcohol per litre at 20°C;

(b) any other beer to contain not less than 42 ml of alcohol per litre at 20°C.

(2) Generally comparable.

(3) Yes.

(4) Yes. This State was the first to regulate for reduced alcohol levels in beer. However, the member will appreciate that there has as yet been insufficient experience to show whether or not reduced alcohol levels in beer have any significant effect on reducing road toll.

EMU BARRIER FENCE

Karara Station

236. The Hon. TOM McNEIL, to the Minister representing the Minister for Agriculture:

As the Minister has stated that the emu barrier fence committee had made no attempt to discuss the matter of the

changed line with the lessee of Karara station, will the Minister advise—

(1) When did the Agriculture Protection Board become aware of the lessee's wish to change the line?

(2) (a) When was the Perenjori Shire advised of the lessee's decision, and by whom;
(b) when was the Emu barrier fence committee advised of the lessee's decision, and by whom;
(c) what is the pastoral industry experience of the lessee;
(d) what is the experience of the officer in charge of the project; and
(e) what is the experience of the fence supervisor?

(3) Is the Minister aware—
(a) Mr Whitehouse of the Agriculture Protection Board claimed the change in line was to save money;
(b) that the committee was advised insufficient material was purchased; and
(c) that details subsequently showed surplus material had been purchased?

(4) What was the reason for the Agriculture Protection Board not supplying information to the committee, as requested in a letter dated 30 November 1979?

(5) Will an accurate final cost be made available to the committee bearing in mind they raised $700 000 to make the project possible?

The Hon. D. J. WORDSWORTH replied:

(1) The lessee advised the fence supervisor on 26 June 1980, of his needs if the original realignment was used. On 30 June 1980, he served a claim for compensation on the board.

(2) (a) and (b) Thursday, 10 July 1980, by Mr Whitehouse, an officer of the Agriculture Protection Board at a meeting at Greenough Shire offices.
(c) Unknown, but I understand it is quite extensive.
(d) Graduate officer employed by the Agriculture Protection Board for more than 10 years.
(e) Employed by the Agriculture Protection Board for seven years, including approximately three years as a supervisor.

(3) (a) to (c) I am not aware of statements made by board officers on particular occasions. I am, however, advised that materials purchased at the start of the project were not sufficient as no allowance was made for usage such as double height fence in washaways and creeks and wastage due to damage or loss during construction.

(4) A request from the Shire Clerk at Mullewa on that date was answered with details supplied by an officer attending the northern wards of the Country Shire Councils' Association meeting in February 1980. A breakdown of costs was prepared for the president of the fence committee in February 1979.

(5) Yes. The funds were, however, raised by the Mullewa, Northampton, and Perenjori Shires. The committee's role has been to liaise with the board on the planning and construction of the fence. It is relevant that the Government is meeting all of the costs of the borrowing for the first three years and will subsequently meet 75 per cent of the repayment cost.

ROAD

Great Eastern Highway

237. The Hon. W. M. Piesse (for the Hon. N. E. BAXTER), to the Minister representing the Minister for Transport:

Is it the intention of the Main Roads Department to seal part of the shoulders of the Great Eastern Highway between Sawyers Valley and the Chidlow turnoff where the road shoulders have been considerably widened?

The Hon. D. J. WORDSWORTH replied:

Yes, by 0.6 metres on both sides.

238. *This question was postponed.*

RECREATION

Football Finals: Telecast

239. The Hon. TOM McNEIL, to the Minister representing the Minister for Recreation:

What attendance figure must be reached on grand final day before the Western Australian Football League gives consideration to making a live telecast of the grand final available to—

(a) all country viewers; and

(b) all viewers in Western Australia?

The Hon. D. J. WORDSWORTH replied:

(a) and (b) I have been advised that the Western Australian Football League will be meeting tonight to discuss the matter of attendance figures as outlined in this question.

As soon as I have been informed of their decision the Minister for Recreation will endeavour to write to the member.

ABORIGINES

Employment in Electorate Office

240. The Hon. PETER DOWDING, to the Minister representing the Premier:

(1) Is it a fact that I made application for permission to employ an Aboriginal trainee in my electorate office under the commonwealth job training scheme known as NEASA?

(2) Is it a fact that the Commonwealth has sought as many State instrumentalities as possible to employ Aborigines under this scheme?

(3) Is the Premier aware that under the scheme the State Government is fully reimbursed for any expenditure on wages and the like made in respect of such employees?

(4) Has the application for this position in my electorate office been refused by the State Government?

(5) Since the Commonwealth officers involved determined the suitability of the position and found a suitable person, is this an example of a refusal of the State Government to co-operate with the Federal Government, or are there other reasons for the decision?

The Hon. I. G. MEDCALF replied:

(1) to (5) The question raised by the member has been answered by way of letter from the Deputy Premier dated 11 September 1980.

If the member has not as yet received the reply, I shall arrange for a copy of the letter to be made available.

PRISONS

Work Release Centres

241. The Hon. H. W. OLNEY, to the Minister representing the Chief Secretary:

(1) (a) How many work release centres are in operation throughout the State;
(b) where are they situated; and
(c) how many prisoners does each centre accommodate?

(2) Has a work release centre at Fremantle recently been closed?

(3) If "Yes" to (2)—
(a) when was it closed;
(b) why was it closed; and
(c) what has become of the prisoners formerly accommodated in that centre?

(4) Does the Minister regard the present available accommodation adequate for the present needs?

(5) What procedures are adopted to secure employment for prisoners entitled to work release?

The Hon. G. E. MASTERS replied:

(1) (a) and (b) There are two prisons specifically set aside for this purpose at West Perth and at Highgate. In addition prisoners are engaged in the work release programme from prisons situated at Wooroloo, Brunswick Junction, Wyndham, and Kalgoorlie.

(c) West Perth—30.
Highgate—6.

The prisoners are released for work release from other prisons depending on the availability of

work and the suitability of prisoners for engagement in the programme from time to time.

(2) Yes.

(3) (a) Friday, 12 September 1980.

(b) The centre was not fully utilised and its closure allowed for the release of additional officers for duty within Fremantle Prison.

(c) They were transferred to the West Perth work release centre.

(4) Yes. A new work release centre costing $450 000 is planned at the Canning Vale Prison complex for future needs.

(5) Prisoners who have been approved participation in the programme are expected to utilise the normal community facilities such as the Commonwealth Employment Service. Provision is made for departmental welfare officers to assist where necessary.

EDUCATION: HIGH SCHOOLS

Rockingham Area

242. The Hon. T. Knight (for the Hon. NEIL McNEILL), to the Minister representing the Minister for Education:

(1) What provisions, if any, are currently being made to establish one or more "special" classes within high schools in the Rockingham area?

(2) What is the approximate number of students in schools in the area who would benefit from the establishment of such a class?

(3) If a class is being considered, where is it intended that it will be located?

(4) What is the earliest date that such a class could be in operation?

The Hon. D. J. WORDSWORTH replied:

(1) The Rockingham area is one of several areas currently under consideration for the establishment of a high school special class. No firm decisions have yet been made.

(2) High school special classes normally cater for up to 15 students.

(3) and (4) See answer to (1).

WORKERS' COMPENSATION

Dependent Children

243. The Hon. P. G. PENDAL, to the Minister representing the Minister for Labour and Industry:

(1) Is the Minister aware of the recommendation made on page 46 of the Dunn report into workers' compensation, concerning the inadequacy of the existing $7.50 weekly compensation for a dependent child?

(2) Does the Minister share the view that this figure, unchanged since 1973, is causing or can cause hardship?

(3) If so, will the Minister give consideration to lifting the figure to the recommended $12.50, and then indexing the amount from then on?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) and (3) Serious consideration will be given to increasing this figure in the amendments contemplated to the Act in this session of Parliament.

PRISONS

Juveniles

244. The Hon. H. W. OLNEY, to the Minister representing the Minister for Community Welfare:

Will the Minister refer to subsection 34A(2) of the Child Welfare Act which provides that a court may direct that a child sentenced to imprisonment shall serve the sentence in a penal institution established by the department for the imprisonment of children, and advise—

(1) Since the subsection referred to was introduced in 1965, how many penal institutions have been established by the department for the imprisonment of children?

(2) What is the total number of—

(a) male; and

(b) female;

prisoners accommodated in such institutions?

(3) Are there any plans current for the establishment of any further such institutions?

(4) If "Yes" to (3), what are the details of such plans?

The Hon. D. J. WORDSWORTH replied:

I am advised by the Minister for Community Welfare as follows—

(1) Nil.
(2) Not applicable.
(3) No.
(4) Not applicable.

FUEL AND ENERGY: SEC

Bunbury-Muja Pipeline

245. The Hon. V. J. FERRY, to the Minister representing the Minister for Fuel and Energy:

(1) Is it the intention of the State Energy Commission to continue with the concept of building a pipeline to carry saline water from Muja to the ocean near Bunbury?
(2) If so—
  (a) at what point at the coast will the proposed pipeline discharge saline water into the ocean;
  (b) is a pipeline being designed to carry any material other than water;
  (c) what substances are likely to be carried;
  (d) what stage has planning reached; and
  (e) will the Minister please table a plan of the proposed route of the pipeline?
(3) What alternative methods are being considered other than the pipeline to the coast?
(4) What is the likely timescale for each method?

The Hon. I. G. MEDCALF replied:

(1) Yes.
(2) (a) The saline water will be discharged into the Bunbury Harbour adjacent to the existing Bunbury power station cooling water outlet.
  (b) The pipeline is being designed so that it could transport crushed coal in slurry form if required at a later date.
  (c) Saline water with a salt concentration level of about 20 per cent of that of sea water.
  (d) The commission is currently investigating the pipeline route.
  (e) The plan will not be available until the route selection study has been completed.
(3) Other disposal methods, including evaporation ponds and chemical treatment, were considered, but the pipeline offered the optimum environmental, technical and economic solution.
(4) The pipeline is expected to be commissioned by about 1984.

FUEL AND ENERGY: SOLAR

Research Institute

246. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

With reference to the formal applications for the initiation of new projects referred to in the Solar Energy Research Institute of WA annual reports for the years 1978 and 1980—

(1) (a) How many applications were referred to the advisory committee in 1978; and
  (b) how many were received in 1980?
(2) What persons decided which applications should be referred to the advisory committee?
(3) Was the consent of applicants received before their submissions were referred to any other persons?
(4) Were applicants advised of the identities of persons to whom their submissions were referred?
(5) Were applicants given full opportunity to respond to any misunderstandings or misinterpretations arising in the examination of their submissions?

The Hon. I. G. MEDCALF replied:

(1) (a) and (b) The details of applications referred to the advisory committee of the Solar Energy Research Institute of WA are as follows—

1978-79 31 referred
1979-80 55 referred.

It has been assumed the question refers to the 1978-79 and 1979-80 annual reports.

(2) All applications evaluated by the solar energy advisory committee are referred for consideration by the board of directors of the institute at a properly constituted board meeting. Each applicant is given the option on the official application form to exclude his application from consideration by the advisory committee.

(3) Applicants are given the option to retain strict confidentiality of their application. In these circumstances, referees are normally suggested or approved by the applicant. Where no such constraint is placed on the application, the referees are chosen by the board of directors.

(4) By permitting the referees on any project to remain anonymous, SERIWA has been able to obtain highly professional advice from persons who would not otherwise be prepared to assist in the same candid fashion. For this reason, the identity of referees is not disclosed to the applicant.

(5) The Solar Energy Research Institute aims to foster the development of all worth-while ideas and developments. Part of this process is providing feedback to unsuccessful applicants concerning the problems with their proposal. This information is normally well received. In situations where an applicant wishes to argue his case, or provide clarifying details, free and reasonable access is provided to the SERIWA executive and members of the board.

HEALTH

Vitalcall

247. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Health:

(1) Is the Minister aware that—

(a) a new medical aid named Vitalcall has recently become available for use by the public; and

(b) the new system is particularly aimed at allowing people to remain in their homes rather than, as would normally be the case, become a patient in a nursing home?

(2) Because the cost and servicing of this aid is beyond the financial capacity of low income earners to meet, will the State Government give consideration to financially assisting those who wish to remain outside nursing homes by availing themselves of the new facility outlined?

The Hon. D. J. WORDSWORTH replied:

(1) (a) Yes.
(b) Yes.

(2) The benefits of such aids to the aged living in their own homes are obvious; however, the financial implications of providing subsidies for their use are still to be assessed.

POLICE

Video Cameras

248. The Hon. H. W. Olney (for the Hon. PETER DOWDING), to the Minister representing the Minister for Police and Traffic:

(1) On the occasion of the opening of Parliament for the Thirtieth Parliament first session in 1980, was a portable video camera used by the Western Australian Police Force within the precincts of, or the grounds of, Parliament House?

(2) What was the purpose for which the camera was there?

The Hon. G. E. MASTERS replied:

(1) Yes, in grounds of Parliament House only.

(2) For the purpose of recording an historical event and to film any possible breaches of the peace.

PRISONS

Prisoners: Death Row

249. The Hon. H. W. Olney (for the Hon. PETER DOWDING), to the Minister representing the Chief Secretary:

(1) What rules, regulations, or practices, govern the incarceration and treatment of condemned prisoners?

(2) What special rules, regulations, or practices, if any, are applied to distinguish their incarceration from the incarceration of prisoners serving sentences?
(3) Are these rules, regulations, or practices, written?
(4) If "Yes" to (3), will the Minister table those documents?
(5) If not, why not?

The Hon. G. E. MASTERS replied:

(1) Prison regulation 79 and Fremantle Prison standing order 92 govern the incarceration and treatment of condemned prisoners together with such practices as are consistent with those written requirements.
(2) Except as specially provided in prison regulation 79 a condemned prisoner is subject to the prison regulations applying to sentenced prisoners.
(3) Fremantle Prison standing order 92 and prison regulation 79 are written provisions. The practices adopted are consistent with those provisions.
(4) and (5) Regulation 79 is readily available to all members. This regulation is currently under review by the Chief Secretary. The standing orders of the State's maximum security prison will not as a matter of policy be made public. The Chief Secretary will make special arrangements for the member to peruse that standing order upon request.

POLICE

Video Cameras

250. The Hon. H. W. Olney (for the Hon. PETER DOWDING), to the Minister representing the Minister for Police and Traffic:

(1) On Saturday, 30 August 1980, was a portable video camera used by the Western Australian Police Force inside or in the precincts of the Perth Town Hall?
(2) For what purpose was the video camera there?
(3) Upon whose authority did the persons concerned with the use of the video camera enter the Perth Town Hall on that occasion?

The Hon. G. E. MASTERS replied:

(1) No.
(2) Not applicable.
(3) Not applicable.

QUESTION WITHOUT NOTICE

CONSTITUTION AMENDMENT ACT

Supreme Court Application

67. The Hon. J. M. BERINSON, to the Attorney General:

(1) Has the Attorney General's attention been drawn to an item in *The West Australian* today in which the Premier is reported as rejecting any suggestion that the Government should finance the cost of parties other than plaintiffs to the proposed application to the Supreme Court in respect of the Constitution Amendment Act 1980?
(2) Since the Attorney General yesterday assured the House that the Government would, to use his words, "quite definitely meet the cost of all proper parties", and as the court will almost certainly require service of process on representative opponents of the application, will he say how his own assurances in respect of costs and the statement by the Premier rejecting that possibility might be reconciled?
(3) If they cannot be reconciled, which is correct?

The Hon. I. G. MEDCALF replied:

(1) Yes, I have read the item.
(2) and (3) I understand the Premier was speaking about all and sundry parties who might wish to make submissions, but he was not referring to "parties" used in the sense of the Supreme Court rules. I was referring to "parties" in that sense.