

Legislative Assembly

Wednesday, the 21st September, 1977

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

QUESTIONS

Questions were taken at this stage.

BILLS (3): INTRODUCTION AND FIRST READING

1. Pay-roll Tax Assessment Act Amendment Bill.
2. Appropriation Bill (General Loan Fund) (No. 2).

Bills introduced, on motions by Sir Charles Court (Treasurer), and read a first time.

3. Constitution Acts Amendment Bill.

Bill introduced, on motion by Sir Charles Court (Premier), and read a first time.

STANDING COMMITTEE SYSTEM

Establishment: Motion

MR TONKIN (Morley) [5.12 p.m.]: I move—

The House notes that—

- (a) there is worldwide concern at the growing domination by the executive arm of government which is not directly responsible to the people;
- (b) it is the responsibility of all members to ensure that proposed legislation is examined in a thorough and systematic manner based upon detailed and accurate knowledge;
- (c) this responsibility cannot be discharged adequately by the members working in an unco-ordinated and piecemeal fashion;
- (d) all other progressive parliaments using the Westminster system have established a series of standing committees;
- (e) a system of committees will enable the House and all members thereof to scrutinise adequately proposals emanating from the executive arm of government and to initiate legislative action rather than merely waiting for all proposals to come from the government;

- (f) this House is proud of its reputation and does not yield its responsibility to any other body and will not submit to a conduct of its business that is less efficient than the Houses of the Australian National Parliament or any other legislature,

and therefore resolves—

that a system of Standing Committees consistent with the size and responsibilities of the Legislative Assembly be established as soon as is practicably possible—

and to this end hereby establishes an all-party committee of five members to recommend the appropriate action to the House.

I hope this motion will be treated on its merits. I believe it does have some intrinsic merit in itself, as has been shown throughout the world where similar actions have been taken.

I would note the motion indicates that this House is proud of its reputation and wants to discharge its responsibilities effectively and, therefore, believes that a system of Standing Committees should be established consistent with the responsibilities of this House and consistent with the size of the House. Furthermore, that as a result of this, or in order to give effect to this decision, a committee of the House be established to recommend to the House the actual composition and number of Standing Committees.

I would say here that the kind of committees I have in mind would be five Standing Committees, probably of five members each, involving a total of 25 members. When we subtract the Ministers and the Speaker and, perhaps yourself, Mr Deputy Speaker, we still have a number in excess of 40 in this House and I do not believe it would strain our resources to have 25 members serving on five committees. Of course, that decision would be up to the committee of the House to decide. However, that gives an idea of what I am thinking about.

Motions similar to this one have been introduced previously and the Government's repeated replies to the debates have been rather scandalous in the respect that the Government's spokesman has not attempted to refute the arguments put forward, but really has contented himself with some rather spurious comments to which I will refer later.

Mr Bertram: We are used to that.

Mr TONKIN: Relevant to the point of the numbers necessary to kill the motion, I ask

whether Government back-benchers are prepared to sit back and be ciphers, or whether they are prepared merely to come here to put on a show of legislating.

Mr Nanovich: We are prepared to work, but we are not prepared to perform like a circus.

Mr TONKIN: We hear the usual brilliant comment from the member opposite that, in fact, this place is a circus. It is up to the member for Whitford to ensure it is not.

Mr Nanovich: I did not say that. You are twisting words again.

Mr TONKIN: Perhaps I misheard the honourable member. If I misunderstood him, I apologise. I thought he said there was a circus going on in this House, or something to that effect.

Mr Sibson: He said you are endeavouring to create one.

Mr TONKIN: I am very happy to let the people judge whether in fact we are making a circus of this place by suggesting there should be scrutiny of the Government's decisions, that back-benchers should have a role and not just trot obediently across the floor when the Premier wishes them to. They should scrutinise legislation rather than sit still, night after night, occasionally making an interjection, but very rarely making a speech. I do not think that is discharging the responsibilities of this House. The Parliament is not acting as a legislative body but as a tool of the Executive. It is not consistent with the whole concept of the Westminster system, which is that the Legislature—the Parliament—should be supreme and the Executive should rest upon the confidence of the Parliament.

Mr Sodeman: Back-benchers make a contribution on a legislative base, whether in Government or otherwise. You know that.

Mr TONKIN: In what way?

Mr Sodeman: In many ways—by contributing to legislation which comes here.

Mr TONKIN: What the honourable member is saying is back-benchers make a contribution outside the Parliament.

Mr Young: That is right.

Mr TONKIN: I am talking about the operations of the Parliament itself.

Mr Young: That is not what you are doing at all.

Mr TONKIN: It is here in this Parliament, which is in the eye of the public, that decisions should be made. Decisions should not be made elsewhere before we come here.

Mr Young: Are you saying we accept everything blindly?

Mr TONKIN: We want to ensure the Parliament works in a proper way. We have seen, by the attitude of the Government back-benchers, that they have already made up their minds about this motion when it is not five minutes since I moved it. That is how this Parliament operates. The decision has been made. In view of the hostile reaction of Government back-benchers, I might as well sit down now, because the motion would have as much chance of succeeding if I sat down now as it would have if I put forward arguments in favour of it. Members opposite are not listening to the arguments. The arguments are being condemned—

Mr Young interjected.

Mr TONKIN: The member for Scarborough, who has hardly listened to a word—

Mr Young: I have heard every word you have said.

Mr TONKIN: He thinks by shouting in that way—

The DEPUTY SPEAKER: Order! The honourable member must be given a clear opportunity to make his speech. I will not allow long and repetitive interjections. There have been enough of them already. I do not intend to accept them. I gather the member for Morley is quite happy to answer the odd interjection but not a constant barrage. The member for Morley.

Mr TONKIN: The attempt to shout me down indicates a decision has already been made, and that is to be regretted. I wonder whether the Premier is happy to go down in history as the man who refused to allow the Parliament of Western Australia to operate properly. I wonder whether he is prepared to go down in history as the man who insisted upon the Parliament of Western Australia remaining the Cinderella of the Parliaments. Some of the younger members may not remember there was a time when Western Australia was known as the Cinderella State. It is a cause for regret that the Parliament should be regarded as the Cinderella of the Parliaments; that we should say it is based on the Westminster system when in fact, almost 100 years ago, the Parliament of Westminster adopted a committee system and we have not yet done so.

Because Parliament represents the people, however imperfectly—and we know in Western Australia it does so imperfectly—it should have a sovereign role.

Mr Sodeman: Which it does have.

Mr TONKIN: If the member for Pilbara

believes that, he is easily satisfied. The Parliament cannot have a sovereign role unless it takes the legislation from the Executive, tears it to pieces, examines it, and really knows what it is all about and the facts that back it up. We are prevented from fulfilling that role.

Sir Charles Court: Can you explain to me why you are prevented?

Mr TONKIN: The Premier does not listen when the argument gets too close to the bone. I will anticipate what I intended to say later on. Members opposite are wrecking my speech by getting me to page eight when I am still on page one. The other day when the Premier moved a motion in this House he read every word of his speech.

Sir Charles Court: That is right. A matter of Government policy was being stated. I am asking a simple question. Answer it later on if you wish.

Mr TONKIN: The point I am making is that not only does a Minister of the Crown have the opportunity to be briefed by civil servants—for example, we commenced this sitting at 4.30 p.m., and as far as I am concerned all the Ministers could have been sitting all day with their technical advisers receiving advice—but he is also able to read the speeches written for him by those technical experts. We are not permitted to read our speeches. This is a convention. Only a Minister can read his speech at the second reading stage of a Bill. Even if we could have access to the expertise of civil servants, we could not read our speeches in the way Ministers can. Here we see a very uneven rule. The Premier can move a motion in connection with uranium and read every word of his speech.

Mr Sodeman: If you are introducing a Bill you can read your speech.

Mr TONKIN: A member of the Opposition cannot do so. Only a Government Minister can read a speech.

Mr Sibson: The Labor Party made that rule many years ago.

Mr TONKIN: I was interested in the comment about turning this place into a circus. I note the comment made by the member for Bunbury and the inane laughter with which it was greeted by Government members. It is private members' night and he is going to make stupid interjections. Some members here take the work of this Parliament seriously. I will ignore the member for Bunbury and treat his inane interjections as they deserve.

The Premier asks how it is that Government members have a monopoly of the expert advice. I

recently rang a department and asked a question. Within half an hour the Under-Secretary for Labour and Industry rang me up and wanted to know why I was ringing his officers and asking questions. The Premier says we can approach people in the departments at any time, but we do not have the access which the Government has to the great wealth of technical advice.

When I was moving a motion in relation to this matter on a previous occasion, the Premier said, "You can approach Government departments." In December, 1975, I wrote to the Geological Survey department asking a question; I have not yet received a reply. I was interested in land use problems. I made an inquiry by telephone several months afterwards and was told the matter had been referred to the Minister for Mines; I have still not received a reply. That answers the Premier's question.

The Opposition cannot in any way try to match up. We cannot tear legislation to pieces on the basis of knowledge. We can be destructive; we can find things wrong with legislation, within our limited resources; but we cannot examine it in the same critical way that Government Ministers or civil servants can.

Sir Charles Court: That is not correct. I have had nine years in Opposition and I never found any great difficulty in getting the information I requested when I wanted to study a Bill.

Mr TONKIN: I have mentioned my recent experience with respect to the Under-Secretary for Labour and Industry.

Mr Grayden: Why did you not come to me or to the under-secretary of the department? You surreptitiously went to the research section—

Mr TONKIN: The Premier said we could approach civil servants. We have the Minister for Labour and Industry saying I made my inquiries surreptitiously. Is it surreptitious to pick up a phone, identify myself as Arthur Tonkin, and ask, "Can you give me these figures"? The gentleman at the other end of the phone replied, "No, we cannot give them." There was nothing surreptitious about that.

Mr Grayden: You were asking for information which had not even been submitted to Cabinet.

Mr TONKIN: How was I to know that? When I was told I could not have the figures, I was quite happy to accept that.

Mr Grayden: You can come to me or the under-secretary.

Mr TONKIN: That is not what the Premier said. He did not say, "Before you speak to any

clerk in the Government you must approach the Minister first."

Sir Charles Court: Any day you can ring anybody you like, if you want information of a routine nature; but if it is a policy matter you refer to the Minister.

Mr TONKIN: I thought this was a routine matter. The Premier did not say we should go through the under-secretary every time we want to speak to a civil servant.

The DEPUTY SPEAKER: I ask the honourable member to direct his remarks to the Chair.

Mr TONKIN: I rang up and asked for some information which was not available to me. I had no idea it was not available. When I was told I could not have it, I was quite happy with that answer. But to call it surreptitious—

Mr Grayden: Why didn't you go to the under-secretary?

Mr TONKIN: The Premier has not said we must go to the under-secretary every time we want information.

Mr Grayden: You know perfectly well what type of information you wanted. Was it not reasonable to go to the under-secretary? But you went to a relatively junior officer in the department.

Mr TONKIN: I will relate exactly what happened. I dialled the phone number of the Department of Labour and Industry; someone on the switchboard answered. I said, "This is Arthur Tonkin, member for Morley in the State Parliament. I want to speak to someone about this matter", and I was put through. Perhaps I was supposed to be clairvoyant and know that the person to whom I was put through was a junior officer. The girl on the switchboard knew who I was, and when the man answered the phone I told him who I was. If it is surreptitious to ask for information, and accept the answer that it is not available, the Minister has a strange misconception of the word.

Mr Sodeman: The Minister is saying there are other levels of communication you could have pursued to obtain this information.

Mr TONKIN: There were not. From what I have learnt since, the information is not kept by the department. Leaving that aside for the moment, there was certainly nothing underhand about it; otherwise I would have had someone ring up on my behalf and would not have revealed who I was. That would have been surreptitious—in case the Minister does not know what the word means. But what of the other occasion when I

wrote to the Geological Survey department under my own name and did not receive a reply? When I rang up about it I was told the matter was on the Minister's table. Surely I could have been telephoned and told the information was not available. It indicates quite clearly that, no matter how hard we work, members of the Opposition do not have access to the expertise that is available to the Government.

I also believe that the expertise should be made available to the Parliament as a whole; not just the Opposition, but also Government back-benchers if they want to play a role in the affairs of government. Suppose I did become closeted with some expert and he indicated to me certain things which I took down in longhand, and later on when I said, "You said this" he said, "No, you must have misunderstood me." One of two things could have happened; either he had made a mistake or I had made a mistake. Let us assume there is goodwill on both sides and no-one is being untruthful. I could get up in this place and say that a year ago I spoke to a Government servant in a department and he told me such-and-such. The Minister could say that was not so, and that I received the wrong impression. That does not mean to say I am a liar; an honest mistake could have been made.

However, the advantage of a Standing Committee is that, in open forum, with the *Hansard* reporters taking it down, an officer could say, "Such-and-such is the case" and it would be on record.

I sat on two Select Committees during the term of the twenty-seventh Parliament. One inquired into hire purchase, and the other into a committee system for the Parliament. In each case we had people come to us to put forward their points of view, and what they said was clear because we could look at the transcript. Therefore, we had much more reliable information.

Mr Sibson: Do you feel it would help every member in the House if he was able to work on a Select Committee?

Mr Jamieson: It wouldn't help the really dull ones.

Mr TONKIN: I believe from my experience—and I know there are members on the Government side who agree with me because they have told me so privately—that sitting on Select Committees is an educating factor. As a member of the Select Committee inquiring into hire purchase, I learnt many things about hire purchase and the used car trade that I did not know previously, and I think that was a useful experience.

Education is an ongoing thing, and all of us in this place need education. We accept that the Ministers are receiving it because they have the advantage of expert advice; but members of the Opposition do not receive that sort of education.

Mr Sibson: Do you think you performed very well on the last Select Committee appointed by this House?

The DEPUTY SPEAKER: Order! I think it would be much better if that sort of remark were not made.

Mr TONKIN: I am very happy to accept that interjection and to reply to it, because in that case we have an illustration of the very purpose for which a Select Committee should not be appointed. To appoint a majority of people to a Select Committee to sit in judgment on a member of the Opposition is an improper use of the facility. No scale of natural justice in the world would agree that if an accusation were made against someone the person making the accusation or his representatives or colleagues should have a majority on a committee inquiring into the accusation. Imagine if we had a situation where the Lord Chief Justice was charged with something or other and he presided over his own case. That is ludicrous. Quite clearly the Select Committee to which the member for Bunbury refers is an illustration of the improper use of Select Committees.

I am not talking about trying people in a kangaroo court, but about finding out information in an information-producing manner.

I have sat on Select Committees—apart from the one to which the member for Bunbury refers, which was in a different category altogether—and I have found a very co-operative attitude prevails. I sat on one Select Committee with the previous member for Bunbury. I also sat with the member for Mt. Marshall on a Select Committee, and both those members were from the other side.

I also sat with the Minister for Mines on a Select Committee, and throughout the discussions, although we disagreed, there was no acrimony. Considerable informed discussion took place. I well recall that in the case of the hire-purchase Select Committee, Mr Thomas Hartrey, the then member for Boulder-Dundas, persuaded some of the members on the other side to come across to his point of view. That kind of discussion does not hurt anyone.

I would remind members that the Liberal Party claims to stand for the Parliament controlling the Executive and the law controlling all. I believe the Parliament should control the Executive in a real way. That does not happen when we see

legislation coming here which is supported automatically by the Parliament and goes through without amendment; nor does it happen when we see amendments put forward by the Opposition not treated on their merits but always rejected. In those circumstances I believe the Parliament is not operating properly.

We have a chance to decide whether this place is going to be merely a vestigial curiosity of the fossilised remains of democracy; because we have seen in history as centuries unfold that certain institutions do remain in form but lose their real significance and their real power and therefore become rather quaint.

We saw this in the century during the time of the French Revolution where the power of the States General fossilised and was no longer used until it was regenerated in the 1780s. We saw the aristocracy in France in the eighteenth century still with all the trappings of power and privilege and still with wealth; but they did not have the power to hang on to the privilege, and the middle class, which did not have the privilege but had the power, took the privilege for themselves from the aristocracy. That is the kind of thing we are dealing with; and if we think the institution of Parliament is worth keeping, then it must be modernised. It must be modernised in terms of the twentieth century.

Mr Sodeman: What you are saying virtually is that you go to the election without a policy, because in the committee system if the parties have different policies there would be inherent conflict.

Mr TONKIN: Of course there is conflict.

Mr Sodeman: There would be biased conflict within the set of committees.

Mr TONKIN: If the member for Pilbara thinks so. We have to accept that there is conflict in this place—and there should be. I would not want to live in a one-party State in which there was no conflict and, therefore, the people had no choice. Conflict is part of our system and I hope it continues to be. This place, however, is for the resolution of conflict. I would like to see the conflict resolved by having the Parliament based on a more equal sharing of knowledge and expertise; so that the conflict itself would reflect the reality.

In this place members opposite represent about 300 000 people, and members on this side represent roughly the same number; therefore, it is important that the conflict should be resolved having regard for the fact that on both sides a large amount of opinion is represented.

I believe the committee system would help to

resolve this conflict based upon knowledge, because in my opinion and in my experience—and in the experience of every other Parliament throughout the world—members who sit on committees acquire greater knowledge. I feel we do not have to accept that this Parliament shall be just a petrified memory of a great idea. The Parliament goes back to the thirteenth century in Britain; and in other countries other forms of assembly go back even further. So the idea of Parliament is a great idea; it is the idea that people have representatives to speak for them.

I do not see that we have to put up with the ritual and the pomp and the regalia which hides the essential sterility of this Parliament. We go through the motions, but in fact the decisions are made elsewhere. We see here a punctilious attention to protocol, and this distracts our attention from the fact of our impotence. I believe Parliament is impotent.

It may be that members on the Government side accept and even welcome the impotence of Parliament. I can assure them that members of the Opposition do not.

Mr Watt: Irrespective of which party is in Government, surely a committee system will not really change that. In your case the decision would be made by Caucus. It could be a joint party meeting, or whatever; but they would still decide what legislative programmes were to be introduced. A committee system might inform you, but it would not alter the decision.

Mr TONKIN: The member for Albany is saying there is only one way to implement a policy. However, when a policy decision is made and it is wished to put it into effect, there are many ways of doing that.

Mr Watt: Don't you think it is the prerogative of the elected Government of the day to decide how to put it into effect?

Mr TONKIN: In that case, there is no point in our being here.

Sir Charles Court: Oh!

Mr TONKIN: That is what the member for Albany is saying. He said that once a Government is elected, it has the job of running things; in other words, we could have an election and then have, say, the Liberals in power for three years. It is then their prerogative to put all policies into effect.

Mr Watt: Can you tell me that when your party was in Government the system was not exactly the same?

Mr Jamieson: The Legislative Council wouldn't let us do anything.

Mr TONKIN: Even leaving aside the Legislative Council, just look at the record. During the term of the Tonkin Government seven Select Committees were appointed, and I will demonstrate the different kind of spirit that pervaded this place in those days.

The member for Mt. Marshall—he was then either the Leader or the Deputy Leader of the Country Party—was sitting on this side of the Chamber, and he moved for an inquiry into hire purchase relating to agricultural machinery. If the Tonkin Government had acted like the present Government in respect of all the motions we put forward, it would have just sat back and said, "We have the numbers." However, a Government member—I think it was Mr Hartrey—moved an amendment to that motion to widen its scope so that instead of applying only to hire purchase for agricultural machinery it applied to all kinds of hire purchase. In that case the Select Committee idea was accepted by the Tonkin Government. That is just one example.

Indeed, in that case the member for Mt. Marshall was made the chairman. It is normal for the chairman to come from Government supporters. The Tonkin Government had a majority of three members on that committee, and there was one each from the Liberal and Country Parties. Nevertheless, we elected the member for Mt. Marshall to be Chairman of the Select Committee. That indicates the spirit of give and take and the spirit of compromise that existed then.

Instead of rejecting the motion out of hand as members opposite do we said, "It would not hurt if this Parliament had some members consider in depth the matter of hire purchase." As a result of that Select Committee new hire-purchase legislation was enacted; it might not be perfect, but most people seem to think it is an improvement on what was there before. So there is the answer to the member for Albany, who now seems to busy himself in his work.

Mr Watt: I am listening.

Mr TONKIN: So in fact the situation has not always been and need not always be thus. Even if it had always been thus, there is no reason for Governments to act in a childish manner and say that because it has always been thus it should continue to be thus.

However, as I have pointed out, seven Select Committees were appointed during the three years of the Tonkin Government, and I do not believe the Parliament was any worse off as a consequence of it.

Mr Sibson: Was the hire-purchase Select

Committee dominated by the Labor Government of the day?

Mr TONKIN: Yes, it had a majority of three members. Coming back to the comment of the member for Pilbara that there would be tension and conflict on the committees, the Select Committee to which I have been referring came down with a unanimous report. There we had three Labor members, one Liberal member, and one Country Party member, and their report was unanimous.

Mr Sibson: Should that one have been different from the one last year so far as voting strength was concerned?

Mr TONKIN: I do not know whether the member for Bunbury is dense or whether he is trying to turn this into a farce. I thought I had made it quite clear that there is a great difference between a Select Committee established to inquire into hire purchase and one established to destroy a member of Parliament. One is constructive, and the other is destructive.

Mr Sibson: It still comes back to voting power, doesn't it?

Mr TONKIN: The member for Bunbury indicates, by his inability to grasp such essential differences, the reason that the people of Bunbury should question his qualifications to be in this place.

The function of a Parliament is to exercise a check upon the Executive—a check which is real and not pseudo. We have heard the comment by Lord Acton that power corrupts and absolute power corrupts absolutely; and I think this is the case here. The situation is that the Government will not lightly give up its power. The question is whether members of the Government can understand an argument based on principle rather than an argument based on petty political advantage.

Perhaps I should quote Oscar Wilde who said—and I can just hear the Premier saying this—"Power is wonderful. Absolute power is absolutely wonderful." I think that is the case in this place. I wonder whether the Premier, by his refusal to allow a committee system to get off the ground, is echoing the sentiments of that nineteenth century cynic.

I am reminded of a comment by Francis Bacon who said that knowledge is power; and I think that is a very important comment. I have already indicated that the Opposition does not have the ability to gain the knowledge which is largely the prerogative of Governments. So the situation is that power does not rest with the Parliament at

all, in spite of the assurances and the myth in which people believe.

Someone has asked whether we have elections to resolve such conflicts, but very often elections do not resolve anything at all because the same civil servant is ruling things just as he ruled them under a previous Government. We have seen examples in this place of a Minister controlled by civil servants. We have seen the reading of quite simple speeches and the refusal of Ministers to answer questions without notice because they have to refer back to a civil servant to have the answer prepared.

Naturally no-one expects a Minister to carry around in his head the number of gallons of water used last week in the metropolitan area and other such facts; but we expect a Minister to be able to answer questions relating to the policy of his department, especially with regard to such important documents as the Budget papers. Yet we hear Ministers saying, "Put it on notice so that you get a considered reply." But the considered reply does not come from the Minister because, if it did, he would have been able to give an answer there and then. The considered reply is written by the civil servant—the same civil servant who wrote answers for a previous Minister of perhaps another political party. So we see that in modern society bureaucracy is in control. Obviously there would be some changes between one Government and another, but I suggest to members that the degree of control is minimal.

I remember one occasion in this place when an amendment to a Bill was put forward and the Minister concerned and the Opposition spokesman concerned really did not know whether the amendment would suffice. It was an education Bill. They both agreed that there should be a change to the printed Bill but they could not agree whether the amendment put forward by the Opposition would suffice because it was a very technical subject; and I do not blame them for that.

If we had had a committee system in this Parliament so that we were really legislating and not just pretending to legislate, the Director-General of Education could have been asked by a committee whether he thought the amendment would do the job and there could have been discussion on the matter. But at present there is no provision for that sort of thing. In the case to which I am referring the matter had to be brought back to the Parliament a few months later to undo the bumbling that had occurred here.

Mr Sodeman: Do you really need the director-

general? Could not you have someone from the Crown Law Department?

Mr TONKIN: It may have been a matter for the Crown Law Department because it was a very technical subject which also had educational aspects to it; but certainly some expert advice should have been available to the Minister and to the Opposition. As soon as the amendment was suggested no-one really knew what was going on and the Parliament was not able to legislate; everyone was at sea. That situation need not have occurred if we had had access to the kind of expertise to which we should have access.

The supremacy of Parliament rests on one factor only, and this is where it is falling down. Are members courageous and determined enough to compel Governments to give an account of their actions? Are members really determined to ensure that the Parliament functions in a proper way? I am reminded of a comment by Archie Cameron who, as members should know, was a Liberal Speaker of the House of Representatives for many years. He said to a back-bencher, "You tell us that you would be happy to work in Parliament for nothing. On the courage you have displayed today that is exactly what you would be worth." That comment could be made about many members who are not courageous enough really to ensure that Parliament has its proper place in society.

Governments are being asked to do more and more. The bureaucracy has grown and the number of experts available to the Government has grown. It is impossible for Parliament to keep up with this increasing complexity, so the Parliament is falling further and further behind. One need only consider the kind of problems facing Parliament today in legislating and compare today's legislation with the legislation passed 50 years ago to see that it is quite clear that the Parliament is not keeping up. To some extent Governments are keeping up because they have realised that without modern engineers and chemists they have no chance of keeping up. But where is the Parliament's back-up which will ensure that it keeps pace with the Executive? It is not there at all.

I am not suggesting we should have expensive tandem machinery but rather access to the same kind of machinery to which the Executive has access. I believe Parliament is atrophying. Just as any organism which gets no nourishment will atrophy, so we are atrophying. The Parliament is becoming a showcase; it seems to do things and in fact does not do them at all.

I do not wish to go on and on addressing the

House because it would be a matter of going over the same points and because I feel that in any case the decisions have been made already. The decisions used by conservatives for doing nothing are really quite staggering. When it is suggested that we should have a committee system and it is pointed out that the House of Representatives has such a system, the argument used against that is that the House of Representatives has more members than this House. When we then cite the Senate, which has about the same number of members, the argument is that that is an upper House. So I suggest that the only time we would ever be able to sustain an argument would be if we cited another lower House in another part of the world with exactly 55 members. But then members opposite would say that there was some other technical reason which prevents them from agreeing with our argument. They would say that the presiding officer is not called the Speaker but is called the President, or some other equally fatuous argument.

Mr Sodeman: You are being childish now and showing pique because people do not agree with you.

Mr TONKIN: I am not showing pique at all. I am saying that members say there should not be a committee system in this Parliament because this House has half the number of members which the House of Representatives has. Then when it is pointed out that the Senate has a very good committee system and has a similar number of members to this House, they shift ground and do not concede the point. In other words, the decision has been made before the argument is listened to. Once the decision has been made people look around for ways to justify the decision. It is absurd to say that this House of this Parliament could not have a committee system. It is absurd to say that the 40-odd members of this House who are not Ministers, excluding the Speaker, could not be formed into five Standing Committees with five members on each committee. Quite obviously that is within our capacity. It would mean that every member would be on one such committee. That is not at all beyond this House if this House wishes to discharge its function in a proper way.

We should remember that at one time the Senate was regarded as an anachronism because it did very little other than rubber stamp what the Executive had brought to the House of Representatives; it had no committee system. During the last 10 years the Senate has been rejuvenated because it now has a very vigorous committee system. I remind members, if they are worried about control from Canberra, that increasingly the Parliament which does not do its

duty in an efficient manner will be perceived to be irrelevant and as not really being important to the life of the nation. If another Parliament—the national Parliament, for example—is discharging its responsibilities properly the people will tend to look—and have already looked—to the national Parliament for its reports on such matters as wildlife, water pollution, air pollution, and the stock exchanges.

Where is the work done in this Parliament to which we can proudly refer and about which we can say, "That is the investigation we have made. That is our contribution to knowledge on Western Australia"? We cannot do that. Therefore, increasingly the Parliament will be regarded as an anachronism; increasingly the national Parliament will take over in the esteem of people. If people are really concerned about preventing the national Parliament from taking over and if they do not want affairs to be run from Canberra, they have to ensure that we show we are capable of facing up to and discharging our responsibilities in a proper manner.

That is the choice before us. It is not a choice which I or anybody else has created. It is a law of nature that nature abhors a vacuum; and if we do not do the job other people will do it for us, and we will lament and say that the Parliament of Western Australia does not have the power it used to have or is not as important as it used to be. If this happens I believe people will want less and less to belong to the Parliament. They will perceive it to be anachronistic and as being something that does not really have any power or any reasonable function in society. Once that happens the quality of members will drop. We will no longer be able to persuade people of calibre to become members of Parliament and that will be the result of decisions taken in this place to refuse to take matters seriously.

I should like to indicate some of the committees of the national Parliament. There are committees dealing with regulations and ordinances—a Senate committee; Aboriginal affairs—a House of Representatives committee; environment and conservation—a House of Representatives committee; expenditure—a House of Representatives committee; road safety—also a House of Representatives committee; and foreign affairs and defence—a joint committee. I am leaving out quite a number because they are relevant only to the situation in Canberra; for example, committees concerned with the Australian Capital Territory, the broadcasting of parliamentary proceedings, and so on.

When we consider the Legislative and General Purposes Standing Committees of the Senate we

find that there are committees considering such subjects as constitutional and legal affairs, education and the arts, foreign affairs and defence, social welfare, trade and commerce, national resources, and science and the environment. There is a Senate Select Committee, as distinct from a Standing Committee, on Aborigines and Torres Strait Islanders. There is a House of Representatives committee dealing with specific learning difficulties, and there are also six Senate estimate committees. Notice some of the titles which are mentioned. For example, education and the arts; this is a State responsibility. Does that mean to say that we know all there is to know about education?

What was the situation when for eight months this Parliament did not sit? Its members are elected for three years. Eight months is almost a quarter of the entire time, and there were no sittings during that period. Standing Committees could have been operating. For example, recently there has been a great deal of confusion with respect to the situation in regard to pre-school education. Why should not a Standing Committee on Education made up of members of this Parliament be investigating the pre-school situation, so that members would be better informed, resulting in more enlightened debates?

I cannot agree that members of Parliament who obtain good salaries should be permitted to do as they like with their time for eight months. It is all very well to say the conscientious members were working hard; maybe they were. But why should parliamentarians be a class of person which can be told, "Do what you like for eight months. There is no doubt you have a good conscience and will work well. Nobody will worry you for eight months." Are we a special class of being which enables us to have this special privilege? Are we so above the common run that we should be permitted to get away with that sort of thing?

Mr Sodeman: We are not permitted to do that.

Sir Charles Court: Who was idle during that period? Which members did not work during that period?

Mr TONKIN: Mr Premier, you know that I do not have the answer to that question.

Sir Charles Court: To the best of my knowledge all members worked assiduously.

Mr TONKIN: You would not know whether every member of Parliament, or even whether every member of your own party was working during that time. That is not the point I am making. The point I am making is this: what kind of a job is it where one says to people, "For eight months you may occupy yourself as you think fit

and we will leave it to your good conscience to ensure that in fact you are working"? I believe we should have a situation in this Parliament where it is obvious to the people that we are working. If we want to have the respect of the people it should be obvious that, for example, the Standing Committee on Education was taking evidence on such and such a matter during that time. I am not saying that any members were idle. I am saying this Parliament should have been organised during those eight months; that we should have been working in an organised fashion, rather than each member being left to his own devices.

Members are here to work as legislators and not as electors. One of the main objectives for working in one's electorate is to make sure one is elected next time. But if the only reason we come to Parliament is to make sure we are elected next time, it is a funny old system.

Mr Sodeman: You are only re-elected every three years. How many other jobs require a person to be available 24 hours a day seven days a week? Most people work eight hours a day, five days a week. There would not be many members who do not put in a great deal more time than that.

Mr TONKIN: I say this: the Parliament should be organised in a proper manner so that members are discharging their responsibilities as legislators in the proper way. They should not be working simply as social workers in their electorates. We are not here to just make ourselves popular with our constituents in order that we may be re-elected. We are here as legislators. That is a role that a large number of the members on the Government back-benches do not accept. They do not accept that role for themselves. They do not believe they are here as legislators. These members feel that job should be done by the Ministers; it should be done by the Cabinet. These members believe that the decisions are made by Cabinet and they are required to sit here and listen to the parliamentary debates, but not provide any input as far as Parliament is concerned.

These members on the Government back-benches seem to believe that all they are required to do is to interrupt the Opposition speakers. They may think that is a useful type of occupation; but I do not. I am not trying to say that is the reason I am here and that is the most important reason for which I am here. However, the only contribution made in this place by Government members on the back-benches is to interject when Opposition members are on their feet. If members opposite think they are being paid \$20 000 a year

to do that, they have a funny idea of their responsibilities as members of Parliament.

Mr Sodeman: No-one thinks that.

Mr TONKIN: In Victoria there are Standing Committees on company takeovers, road safety, Statute law revision and subordinate legislation. In South Australia there are Standing Committees on subordinate legislation, public works, land settlement, and industrial development. That does indicate other Parliaments take this whole question seriously.

The Premier claims to believe in the Westminster system. Almost 100 years ago the Westminster system created a committee system. Almost every Parliament in the world has created a committee system. Therefore, I cannot see why we should not have a committee system here.

In fact, the Premier said—and it is recorded in *Hansard* on the 27th November, 1974, at page 3818—after I had raised the matter in the Budget debate, "I know he will keep on with it until we do something about it." That is not a condemnation of the question. Rather, it is saying, "Yes, we will eventually get around to it, but we will have a bit of fun and knock him back." No mention was made about the merits of the suggestion. The Premier is saying, "We have the numbers and therefore we will use the numbers to see that Parliament remains impotent."

The Opposition does not accept that the Parliament has to fall into obsolescence and become a show place with no real power. We on both sides of the House are capable of breathing life into the nostrils of what is potentially a great institution. We on this side are doing our part. We are prepared to support this motion. We are prepared to say, "Let us have a Standing Committee system." The Government would have a majority of members on each committee. That is an accepted fact. There is no question about that. The chairman of each committee, in that case, would probably be a Government member.

The challenge is there. The Opposition is not prepared to see Parliament become an empty show place. The Opposition is prepared to say, "Let us make this Parliament into what it should be." The Opposition should be sovereign over the Executive, scrutinising legislation based on knowledge. I do not believe the Opposition should simply show a token display of criticism.

For those reasons we on this side believe there should be a Standing Committee system in the Parliament, otherwise Parliament is languishing in a very old-fashioned age which was not as complex as the modern age of today.

Debate adjourned, on motion by Sir Charles Court (Premier).

WILDLIFE CONSERVATION ACT*Disallowance of Regulations: Motion*

MR SKIDMORE (Swan) [6.09 p.m.]: I move—

That the regulations made under the Wildlife Conservation Act, 1950-1975, published in the *Government Gazette* on 12th August, 1977 and laid on the Table of the House in the Legislative Assembly on 16th August, 1977 be and are hereby disallowed.

Mr Deputy Speaker, the regulations which I seek to have disallowed were those which sought to remove words from appendix C of the regulations that I have already moved to disallow. In other words, it is an alteration to that matter to which I spoke at some length when I last moved to disallow the regulations as they applied, as submitted on the 24th December, 1976.

I have the opportunity tonight to speak unfettered by time limits, and I feel I should do just that. I would say that the proposed regulations seek to remove from part C of appendix C of the regulations the words, "indigenous to Western Australia". The purpose, of course, is to bring all fauna that is in Australia within the ambit of the Conservator of Wildlife so that he may, at any given time, state that particular fauna should be encompassed and should have the restriction replaced upon it.

It is a matter of principle at this stage that I should move to disallow these regulations because they are in fact inexplicably bound up with my motion to disallow the other regulations. With those few words I say that these regulations should be disallowed and I simply leave my argument contained in my previous speech in that regard.

Debate adjourned, on motion by Mr P. V. Jones (Minister for Education).

Sitting suspended from 6.11 to 7.30 p.m.

TRESILLIAN CONTROVERSY: P. E. MULLALLY AND MINISTER FOR FUEL AND ENERGY

Appointment of Select Committee: Motion

MR B. T. BURKE (Balcatta) [7.30 p.m.]: I move—

- (a) That a Select Committee of this House be set up to inquire into and report upon the involvement of Mr P. E. Mullally

(during the period he was employed as an assistant legal officer with the State Energy Commission) in the Tresillian controversy.

- (b) Further, that special attention be paid by the committee to any involvement in these matters by the Minister for Fuel and Energy.

One of the very basic premises upon which our style of government operates and persists is that a Minister should not lie to Parliament. This is established quite clearly by reference to the nineteenth edition of Sir T. Erskine May's *Parliamentary Practice* published in 1976. At page 142, under the heading "Deliberately Misleading the House" the following appears—

The House may treat the making of a deliberately misleading statement as a contempt.

In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt (*Profumo's case*, C. J. (1962-63), 246).

Another of the very basic and fundamental premises upon which our system or style of government persists is the belief that Ministers of the Crown should not interfere in the private lives of or actions undertaken by civil servants or public servants within their area of responsibility. Quite clearly, that is true and, quite clearly, it is accepted by the Premier in this House in respect of questions without notice which I asked of him on Thursday, the 25th August. I will refer to that again later.

I say now, quite clearly, that if our system is to persist and if we are to have a workable style or system of government, both of those features to which I have referred must be strictly guarded against.

You, Mr Deputy Speaker, no doubt will recall—as will other members—a series of questions I placed on the notice paper, and questions I asked without notice, over the past several weeks. This series of questions began with one which I directed to the Minister for Fuel and Energy, without notice, on Thursday, the 25th August, 1977. On that day, and on that occasion, I asked the Minister for Fuel and Energy the following question—

- (a) Was the Executive Administrator of the City of Stirling, Mr P. E. Mullally, employed as a legal officer at the State Energy Commission during 1976?

I also asked in the same question—

- (b) Did the Minister at any time during Mr Mullally's employment discuss with a commissioner of the State Energy Commission, Mr J. B. Kirkwood, Mr Mullally's involvement as a private citizen with the Tresillian controversy?

Mr Mensáros, the Minister, replied—

I preface my answer by saying that the honourable member sent me a question which does not coincide with what he read. Nevertheless, I think I can give him an answer as follows—

In answer to part (a) of my question, the Minister replied—

- (a) Mr Mullally was employed during 1976 with the State Energy Commission as an assistant legal officer.

In answer to part (b) of my question, the Minister replied—

- (b) My understanding—based on prevailing practices of all State Governments of any political colour—is that a Minister is entitled to, indeed has to have the opportunity of private and confidential discussions with officers of his departments or instrumentalities without being subject to public scrutiny.

The Minister was not denying that such a discussion or conversation took place; the Minister was saying quite clearly that it may or may not have taken place, but whether it did or not, it was not relevant because of the practice prevailing with respect to other Governments, of all political colours, that these discussions had, as a matter of course, to take place.

On the same day I asked the Premier a question without notice as follows—

Does his Government have a policy covering interference by Ministers in the private activities of civil servants?

To that question Sir Charles Court replied—

No Government needs a policy in respect of that matter because I would hope that no Government would have Ministers who would interfere in the private affairs of its public servants. But if the honourable member wants to be specific about the matter, and wants something investigated, I think he should let me have the details.

That is what I am in the process of doing. The inference that can be drawn from the replies to those two questions is, firstly, that the Minister was reluctant to reveal the details of his discussion with any officer or with any department with regard to the Tresillian controversy, and the Minister maintained that he had a right to that sort of attitude of reluctance by referring to the prevailing practice of other Governments.

The second inference that can be drawn from the answers to the questions asked on that day is that the Premier quite rightly condemned the prospect of any Minister becoming involved in the private activities of any civil servant. On the same day the Premier also urged that he be given details of any matter which I believed should be investigated.

You will recall, Mr Deputy Speaker—as will other members in this House—that during the days which followed I continued to place questions on the notice paper and to ask questions without notice. Quite clearly, I was asking my questions of several Ministers but mainly in my questions I referred to the Minister for Fuel and Energy (Mr Mensáros) and to any action he may or may not have taken in respect of Mr P. E. Mullally during that period of employment by the State Energy Commission and during the period the Tresillian controversy continued.

The answers provided by the different Ministers revealed several interesting facts. Firstly, the Minister for Fuel and Energy said he did not express his embarrassment for the Tresillian controversy to any commissioner of the State Energy Commission. He denied that he ever suggested that Mr Mullally's involvement in the Tresillian controversy should be discouraged. The same Minister then revealed to Parliament, after his initial reluctance, that he received a private minute from the Commissioner of the State Energy Commission (Mr J. B. Kirkwood). He also said the minute was sent in July, 1976, and it was written to the Minister as a reflection of the concern of the commissioner with the matter.

In reply to a question I asked in this House, the Minister said that the written advice he received from Mr J. B. Kirkwood resulted from his—the Minister's—asking of Mr Kirkwood whether the said Mr P. E. Mullally was employed by the State Energy Commission at that time. On being asked whether his inquiry was the result of this knowledge that Mr P. E. Mullally was one of those closely involved in the Tresillian controversy, the Minister replied, "No." He said he made inquiries at the time whether or not the named person was an employee of the State

Energy Commission. Upon further questioning, and upon further pressing, the Minister made his ground quite clear because he reiterated his statement. He said he simply made inquiries as to whether the named person was the same person employed by the State Energy Commission because he had knowledge that he was involved not only in the Tresillian affair, but in various other matters also, and he wanted to know whether the name was that of the same person.

The Minister clearly did not proceed beyond that point in his disclosure to this House with regard to the ground on which he stood. It was simply a case of the identification of Mr P. E. Mullally as being the person working for the State Energy Commission, and also as a person who was working for the Tresillian Association at that time.

I then asked the Minister whether he would divulge the various other reasons that caused him to make such an inquiry. The Minister did not answer that question because the Speaker said it was a repeat of a question which had been asked previously, and it was out of order.

So we can see that after the initial reluctance to reveal details of his discussions, the House was finally able to coax from the Minister additional information. The Minister admitted that he had telephoned Mr J. B. Kirkwood, and he admitted that that telephone call had been about Mr P. E. Mullally and his involvement in the Tresillian affair, at least to the extent of identifying that the person involved was an employee of the State Energy Commission.

We also know that the Minister has referred to a minute he received as a result of his telephone conversation, and we also know that the Minister learnt to his own satisfaction that the Mr P. E. Mullally involved in the Tresillian affair was the same Mr Mullally employed by the State Energy Commission.

Subsequently, I asked each Minister in this House whether, at any time, he had caused inquiries to be made directly or indirectly into the activities of any public servant in connection with the Tresillian controversy. I asked each Minister, if "Yes", what are the details of each case?

Without exception, each Minister answered that question with, "No" to the first part, and to the second part they each replied, "Not applicable". Each Minister said that he had not caused, directly or indirectly, inquiries to be made. As a result of their lack of action in that area, they could not give details. The Minister for Fuel and Energy specifically replied to part (1) of

the question, "No", and to part (2) of the question he replied, "Not applicable".

I will now read to this House an affidavit sworn by Mr P. E. Mullally on the 21st September, 1977. I seek your forbearance, Mr Deputy Speaker—and the forbearance of other members—for the length of the document. It is not over-long, but it is more lengthy than the sort of document usually quoted in this House. The affidavit reads—

I, PATRICK EDWARD MULLALLY of 56 Queens Crescent Mount Lawley in the State of Western Australia Solicitor being duly sworn make oath and say as follows:

1. During early 1975 I was overseas as an exchange fellow with the American Bar Association in the United States when it was first mooted by the State Government and the Nedlands City Council that the mentally retarded children who were patients at the Tresillian Hostel in Nedlands should be moved from there and that the hostel be no longer used for that purpose.

Point of Order

Mr GRAYDEN: On a point of order, Mr Speaker, according to tonight's issue of the *Daily News* we are to be subjected to an affidavit covering eight foolscap pages. Is it in order for the member to take up the time of the House in this fashion?

Speaker's Ruling

The SPEAKER: The practice of the House has been that lengthy documents should not be quoted in debate. However, it would seem to me that the particular document to which the member for Balcatta is referring is directly related to the motion before the House and I believe that he ought to be able to quote from it.

I do not know the length of the document; I am told by the Minister for Labour and Industry he believes it to cover eight foolscap pages. The member for Balcatta did say, before he commenced to quote from the document, that it was fairly lengthy and he asked for my forbearance and for the forbearance of other members in the House with respect to the particular document. I believe the member ought to have the opportunity to quote the document as it is obviously very directly related to the question before the Chair.

Debate Resumed

Mr B. T. BURKE: Thank you, Mr Speaker. To continue with the affidavit—

2. At that time I had been involved with

the Friends of Tresillian Association as a member and advisor for some months and I was contacted in the United States for general advice on the proposals for the move. At that time the proposals for the move did not materialise.

3. During my period of work in the United States I spent some time privately studying the Mental Health Laws there as they related to children and was also involved in discussions on the adoption of a Bill of Rights for mental patients in the State of Pennsylvania in the U.S.A.

Mr O'Connor: Has that anything to do with the motion?

Mr B. T. BURKE: I shall not allow myself to be distracted by the comments of the Minister, but later on I shall accommodate both Ministers. To continue with the affidavit—

4. During 1971 I became the Foundation President of the University Child Care Club (Inc.) and was responsible for the establishment of the University Child Care Centre.

5. In 1976 I was the founder and the first Chairman of (and continue to hold that honorary post) the Annie Millicent Child Care Foundation (Inc.) which established a child care centre in Mount Lawley giving priority to children in special need particularly problem children.

Points of Order

Mr GRAYDEN: Would it be in order for me to ask you, Mr Speaker, how many foolscap pages the member for Balcatta proposes to quote? If he continues quoting the pages I imagine it would be possible for me to leave the Chamber and return at 8.15 p.m. Would it be possible to find out how many foolscap pages the member proposes to quote?

Mr B. T. BURKE: Has the Minister risen on a point of order?

The SPEAKER: The member for Balcatta will resume his seat. I will listen to the Minister for Labour and Industry. I take it the Minister is asking me to ascertain the length of the document from which the member for Balcatta is quoting.

Mr Clarko: He is reading it.

The SPEAKER: I have ruled earlier that I believe the member for Balcatta should have the right to quote from this document, which apparently has given rise to the motion before the House. It seems to me that it would be construed by people who observe what is taking place here as interference by me with the member's right to

proceed with his motion which, in my view, the member has moved correctly, if I did not permit the member to quote the document.

In view of the expression of opinion by the Minister, and he probably reflects the opinion of other members of the House, I would ask the member for Balcatta to read very quickly to the House the papers from which he is quoting, in order that we may get on with the debate.

Mr GRAYDEN: In tonight's issue of the *Daily News* the member is reported as having indicated to the Press that the document contains eight pages. Undoubtedly, the *Daily News* has the whole story.

Mr B. T. Burke: That is a lie.

Withdrawal of Remark

The SPEAKER: Order! The member for Balcatta will be aware that I ruled previously that no member should call another member a liar. I construe that what the member for Balcatta has said is to call the Minister for Labour and Industry a liar. I would ask him to retract that comment.

Mr B. T. BURKE: I retract that comment, and rise on another point of order.

Points of Order Resumed

The SPEAKER: The Minister for Labour and Industry has taken a point of order, and I would ask the member for Balcatta to resume his seat.

Several members interjected.

Mr B. T. Burke: Do we have to listen to them? Let us bring out the facts. Members opposite have asked for them.

Mr T. H. Jones: What are members opposite frightened of?

Mr B. T. Burke: What are they scared of?

Several members interjected.

The SPEAKER: Order! I have given the call to the Minister for Labour and Industry, who has apparently risen on a point of order. I would ask the Minister to come very quickly to his point of order, and not engage in a cross-Chamber debate with the member for Balcatta or any other member.

Mr CLARKO: On a point of order—

The SPEAKER: Order! I have given the call to the Minister for Labour and Industry, who has risen on a point of order. I have already sat the member for Balcatta down. I believe the Minister for Labour and Industry is trying to make his point of order. If he wants to make his point of order he had better get on with it.

Mr GRAYDEN: The whole import of our Standing Orders is designed to overcome the situation to prevent a member from reading his speech. Repeatedly members of the Opposition have taken exception to members on the Government side quoting in their speeches. In this case we have the situation where the member for Balcatta has gone out of his way to indicate in the Press that he will read a statement containing eight foolscap pages, which is the equivalent of reading a speech.

The SPEAKER: I understand the thrust of the point of order made by the Minister for Labour and Industry. On previous occasions it has occurred in this House that affidavits and similar documents have been read out as part of the speech of the member moving a motion. From what the Minister for Labour and Industry has said this particular document apparently is a fairly lengthy one.

The Minister for Labour and Industry also suggests that the member should not read his speech. Whatever else I might say or think about the member for Balcatta, I can say he is not one who is prone to reading his speeches.

I return to the point I made earlier that I have given the right to the member for Balcatta to read the affidavit. I would ask him to deal with it as quickly as he possibly can. For me to rule that he cannot quote from an affidavit which is very pertinent to the motion he has moved would mean that in future any member who wants to read an affidavit—whether it consists of one page or eight pages—will be denied the opportunity to do so. I do not believe I would be acting in the interests of the House to rule the member for Balcatta out of order.

Mr GRAYDEN: On another point of order, could we get some assurance from the member for Balcatta that he did not actually write the affidavit?

Mr Davies: Don't carry on the snide remarks!

The SPEAKER: I must make some comment on the point of order raised by the Minister for Labour and Industry. I do not think there is a requirement on me to ascertain whether the affidavit has been prepared by the member. It would be in order for any member of the House to ask for that document to be placed on the Table of the House for the information of members, at the conclusion of the speech. That is the normal practice. When that is done it would be possible to ascertain whether the document has been signed by the person who, the member for Balcatta suggests, has been responsible for its compilation.

Mr CLARKO: On a point of order, Standing Order No. 144 makes it very clear that words which are objectionable or unparliamentary should not be used. By way of interjection the member for Balcatta described the Minister as an ex-pug. I believe that is objectionable and unparliamentary. I suggest he be asked to retract that remark.

The SPEAKER: I did not hear that particular comment. If I had heard it I do not believe the words are objectionable or unparliamentary, and I do not seek a withdrawal of them.

Debate Resumed

Mr B. T. BURKE: If Government members wish me to intersperse my remarks by answering their interjections, and if the Government wants me to tell the Minister for Labour and Industry what I think of him, then I am happy to oblige.

The SPEAKER: Order! The member will resume his seat. I am placed in a very awkward position, as the member for Balcatta ought to be able to detect. I would ask him not to inflame the present situation by making provocative remarks. I would ask him to continue reading the document.

Mr B. T. BURKE: I simply point out to you, Mr Speaker, that had these points of order not been taken, the document would have been read out completely to the House. To continue with the affidavit—

6. In 1976 I had been appointed assistant legal officer with the State Energy Commission and during May and June of that year the State Government gave notice that it intended to move the patients from the Tresillian Hostel and indicated the existence of an agreement between the State Government and the City of Nedlands with respect to the use of the building which comprised Tresillian Hostel.

Mr Grayden: We cannot hear. What about speaking up?

Mr B. T. BURKE: The affidavit continues as follows—

7. As a member of the Friends of Tresillian Association I became involved in advising on the legal implications of what was proposed by the State Government particularly with respect to certain previous undertakings made to the Association by the State Government and also with respect to the transfer of the land from the State Government to the City of Nedlands.

8. After detailed discussions with the

President of the Association and some executive members and after studying the minutes of the City of Nedlands Council Meetings for 1974 to 1976 copies of correspondence between the State Government, City of Nedlands and the Association and other papers, I formed the view that what was proposed by the State Government was in breach of undertakings made to the Association, and as between the State Government and the City of Nedlands the transfer of land was contrary to and in breach of the provisions of the Local Government Act.

9. As the Association was not an incorporated body any legal proceedings which were contemplated had to be taken by the President Julie Rosamund Easton and accordingly, on instructions from the Association on June 29, 1976 I issued a Supreme Court Writ naming Mrs. Easton as plaintiff, the City of Nedlands as the first defendant, and the Minister for Health as the second defendant.

10. The Statement of Claim included in the Writ pleaded:

- (a) representations and undertakings made by the Minister for Health, his officers, servants and agents in 1974 giving rise to a contract between the Minister and the Association,
- (b) that the proposal to move the patients from Tresillian was in breach of contract.

The affidavit continues to deal with other aspects of the pleadings in the writ, which conclude at paragraph 12. To continue with the affidavit—

13. All the advice to the Friends of Tresillian Association and my work as a solicitor for the Association was undertaken in my capacity as a member of the Association and as a private citizen and was done entirely in my own time without any remuneration or personal benefit whatsoever.

14. At no time during the controversy did I publicly disclose my activities or in any way identify my position with the State Energy Commission.

Point of Order

Mr GRAYDEN: On a point of order, I think the situation in this House is getting rather ludicrous. We have the member reading eight pages of the document. *Hansard* is not taking notes of what he is reading, and the Press is not taking notes. Here is a prepared statement.

Several members interjected.

Mr GRAYDEN: The situation is becoming a farce; it is quite contrary to the Standing Orders, and I make an issue of it.

Several members interjected.

Mr GRAYDEN: Members opposite have repeatedly criticised the Press. What they have done was to castigate the Press for failing to print their side of the story.

Mr B. T. Burke: What is the point of order?

Mr GRAYDEN: *Hansard* is not taking notes of what is being read, and neither is the Press taking notes. The member is reading an eight-page document. Where do we stand?

Several members interjected.

The SPEAKER: Order! We now stand precisely where we stood when I ruled on this question earlier. I have said that the member ought to have the right to read from the document. I return to the point I made earlier. If I were to rule as being out of order the reading of an affidavit or a statutory declaration by a member to the House, then I would be doing a disservice to this Parliament.

I believe that I would bring discredit on this office and on this House if I were to tell the member for Balcatta that he could not read from a document, and I would ask the Minister for Labour and Industry to bear with him. I see that the Minister is coming to the edge of his seat to take a further point of order. The Minister seems to think that *Hansard* and the Press have copies of the document, and I do not know whether or not that is so. However, that does not mean the member should not quote from it. If the member has given *Hansard* a copy of the document from which he is quoting, he has probably shown the reporters some consideration in the same way that Ministers of the Crown hand copies of their second reading speeches to this group of people who provide a service to the House. That in itself does not constitute an offence in my view and I believe the member, for the reasons I have stated earlier, is in order in reading the affidavit.

Debate Resumed

Mr Grayden: Nevertheless, Ministers—

Mr B. T. BURKE: Thank you, Mr Speaker. For the benefit of the Minister, and for those who were not watching, the shadow minister for health—the member for Victoria Park—handed a copy of the document to *Hansard* about five minutes ago. For the benefit of the Minister for Labour and Industry and for everyone concerned, the Minister may be interested to know that I

deleted a full page of detail that I felt sure the Minister would not have appreciated—

Point of Order

Mr GRAYDEN: Righto, on a point of order—

Mr Bateman: What are you trying to do?

Mr GRAYDEN: Here we have an affidavit which is being read by a member and he, of his own volition, deleted one page of it. What sort of an affidavit is it? Did he write it? Did he help to write it?

Mr Bateman: What sort of Minister are you? A disgrace.

The SPEAKER: I do not know what the member for Balcatta has deleted from it, but I have indicated to the Minister and to the House that it is within the rights of members of the House to ask for a document to be tabled for the information of members. Then it will be possible to determine whether or not parts of it may not have been quoted. The member for Balcatta.

Debate Resumed

Mr B. T. BURKE: To please the Minister, I will return to the preceding page and at his insistence I will read to the House the part that I had deleted.

Mr Grayden: Okay; that is the important thing.

Mr B. T. BURKE: In his wild delirium, I do not think we can hope he will follow it.

Mr Grayden: The member for Balcatta—powder puff!

Mr Barnett: You are as full as a boot.

Mr Grayden: I will meet you outside.

Mr B. T. BURKE: Members will remember that under point 10 I said the statement of claim included in the writ pleaded the following things, and I read to the House the following—

- (a) representations and undertakings made by the Minister for Health, his officers, servants and agents in 1974 giving rise to a contract between the Minister and the Association.

I will now continue with the part I did not read, the omission of which seems to have upset the Minister. Still referring to the statement of claim, the document continues—

- (b) that the proposal to move the patients from Tresillian was in breach of contract.

11. The Statement of Claim further alleged that the agreement for the sale of Tresillian from the Government to the City

of Nedlands for the total sum of \$125 000 was contrary to and in breach of the provisions of Section 278 of the Local Government Act.

12. In the Writ the plaintiff sought relief as follows:

- (a) a declaration that the agreement to sell the land and move the children from Tresillian was in breach of contract,
- (b) an injunction restraining the transfer of the land from the Government to the City of Nedlands.

13. All the advice to the Friends of Tresillian Association—

This is where I resumed again in reading the affidavit. To continue—

—and my work as a solicitor for the Association was undertaken in my capacity as a member of the Association and as a private citizen and was done entirely in my own time without any remuneration or personal benefit whatsoever.

14. At no time during the controversy did I publicly disclose my activities or in any way identify my position with the State Energy Commission.

15. I am informed by senior officers of the SEC and others and verily believe that during the time that I acted in these legal proceedings for the Friends of Tresillian Association that:

- (a) enquiries were made by the State Government to the State Energy Commission as to the terms of my employment and engagement with the Commission as a legal officer,
- (b) a meeting was held between at least one assistant commissioner of the State Energy Commission and senior officers of the Commission including the Manager Personnel regarding my involvement as a solicitor in the institution of legal proceedings for the Friends of Tresillian Association against the Government,

- (c) that the meeting referred to in subparagraph (b) resulted from enquiries and/or instructions from the Minister having control over the State Energy Commission (the Minister for Fuel and Energy) regarding my position as an officer of a Government instrumentality and at the same time being responsible for the institution of legal proceedings on behalf of the Friends of Tresillian Association against the Government,
- (d) In substance the discussions which took place at the meeting referred to in paragraph (b) were centred on the proposition that my involvement in the legal proceedings concerning Tresillian was an embarrassment to the Government and should be discouraged even to the extent of requiring me to consider my continued position as an officer with the State Energy Commission.
- (e) Arising out of the meeting referred to in paragraph (b) a written memorandum passed from the Commissioner of the State Energy Commission, Mr B. J. Kirkwood to the Minister advising against indicating to me the Government's displeasure and/or embarrassment with my involvement.

16. By consent the legal proceedings were disposed of in the Supreme Court on July 23, 1976 and at about the same time the Government abandoned its proposals to move the children from Tresillian to another place.

Mr Speaker, with your forbearance I will leave the remainder of the affidavit to be referred to later when it becomes more pertinent as other things are discussed.

I would like to point out that this submission to the House is not in the form of a statutory declaration, but it is an affidavit which is acceptable and appropriate in any court of law. A statement of claim was made under a different part of the Evidence Act from that which pertains to statutory declarations, and I would also at this time—

Point of Order

Mr GRAYDEN: Mr Speaker, on a point of order—

Mr Pearce: What now?

Mr Bateman: For heavens sake!

Mr GRAYDEN: The member has indicated that he is reading an affidavit—

Mr H. D. Evans: He said that at the beginning.

Mr GRAYDEN: —which he admits he has altered. To alter an affidavit is an indictable offence, and the member would no longer be competent to take his place in this Parliament.

Mr H. D. Evans: Go back to the bar!

Mr GRAYDEN: It is an offence if he has altered an affidavit. He has deleted one page.

Mr Davies: Do we have to put up with these drunken ravings?

The SPEAKER: As I understand it, the member for Balcatta said he did not read the whole of the document. A previous point of order was taken by the Minister for Labour and Industry and so the member for Balcatta retraced his steps to read the part that he had decided previously not to read. I do not know whether that is the case, but that is how I understood it. It appears to me to be no offence to this House if the member has not quoted fully from a document. On many occasions members quote only part of a document without incurring the wrath of the House. I see it as not being a point of order.

Debate Resumed

Mr B. T. BURKE: Thank you, Mr Speaker.

Mr T. H. Jones: When is the next one coming? He must run out shortly.

Mr B. T. BURKE: The affidavit to which I have referred, and of which I have quoted some part in this debate so far, shows clearly two things. It shows very clearly that Mr Mullally is prepared to swear that the Minister has lied to this Parliament. It shows clearly also that the positions occupied by the Minister—

The SPEAKER: Will the member resume his seat? I ask the member for Balcatta to withdraw the statement that the Minister has lied to this Parliament. He should know that that language has not been accepted by me, and will not be accepted by me.

Mr B. T. BURKE: I will retrace my steps, Sir, and withdraw that. Firstly, let me say that the affidavit shows quite clearly Mr Mullally is prepared to swear on oath that this Minister deliberately has misled the Parliament. It shows very clearly also that the positions occupied by the Minister and Mr Mullally are poles apart; they are positions that cannot be reconciled, positions that are completely contradictory. However, Mr Speaker, there is one key to this whole situation and that is a document that both Mr Mullally and the Minister have admitted exists and which they know passed between the Commissioner of the State Energy Commission and the Minister.

Remember this; the Minister has said his inquiry was only to identify Mr Mullally was the person (1) employed by the State Energy Commission, and (2) engaged in the Tresillian controversy at that time.

The Minister reiterated that position; he maintained that stance. He said repeatedly in this House that that was the sole content of his conversation—only to ask whether the two figures in the different scenes were the same person.

It should be obvious to all that we will, by reference to this affidavit, be able to prove whose stance is the correct one and who has mislead who, and on whom the responsibility must fall. If Mr Mullally's position should prove to be the correct one, let the Minister bear upon his shoulders the full responsibility for what he has said and done.

Also, let the Premier take the responsibility for protecting his Minister in a way that was untenable, for maintaining a facade that had no right to exist, and for keeping in his Cabinet a Minister who was prepared deliberately to mislead the House.

If that is not the position, that incurs to the Minister the responsibility of which I have spoken, and then Mr Mullally will look to his own affairs.

The minute that passed from the Commissioner of the State Energy Commission to the Minister in July, 1976, indicates clearly that Mr Mullally is not wrong. The minute written by Mr Kirkwood to the Minister reads as follows—

I refer to our telephone conversation yesterday afternoon and in company with my senior colleague have given the subject a lot of thought. It is accepted that in a total staff of almost five thousand, diverse political and social views are held. Many of the staff are involved in Local Government affairs, social and community activities.

Mr Mullally is an intelligent young man who I understand is the father of two children and takes a particular interest in the welfare of children, being currently involved in the establishment of a Day Care Centre at Mount Lawley. He is at present continuing his studies in his own time towards a Master of Law Degree. His activities in this new contentious matter have been taken in his capacity as a private citizen and I understand without any Public disclosure of the Commission. My understanding is that Mr Mullally is only one of the plaintives named in the writ.

Mr Grayden: You have given the statement to the Press and to *Hansard*.

Mr Bateman: Exactly what you do. All your Press statements are handed up there the day before.

Mr B. T. BURKE: If I may be allowed to continue, and please understand the sort of strain that can be placed on members of the *Hansard* staff—

Point of Order

Mr GRAYDEN: On a point of order—

The SPEAKER: I ask the member to resume his seat.

Mr GRAYDEN: —may I just ask a simple question: Is this an abridged or a censored version which is being read to by the member for Balcatta?

Withdrawal of Remark

Mr B. T. BURKE: I ask for a withdrawal, Sir, as I find that insulting.

The SPEAKER: The member will resume his seat. I do not have the document before me, and I cannot rule whether or not it is being quoted from in full or in part. I come back to a comment of mine earlier: It is within the power of the Minister for Labour and Industry to ask for the particular document from which the member is quoting to be tabled, and I will direct that it be tabled. It would then be possible for the Minister for Labour and Industry, and for any other member of this House, to ascertain whether or not the document has been quoted in full, or whether what we have heard is an abridged version.

Debate Resumed

Mr B. T. BURKE: I am particularly keen for the House to understand the full portent of this meeting so, with your permission, Mr Speaker, I will retrace my steps one sentence to the point at which I concluded quoting this minute. These are the words of Mr Kirkwood, the Chief Commissioner of the State Energy Commission. He said—

He is at present continuing his studies in his own time towards a Master of Law Degree. His activities in this new contentious matter have been taken in his capacity as a private citizen and I understand without any Public disclosure of the Commission. My understanding is that Mr Mullally is only one of the plaintives named in the writ.

The minute then continues—

The subject has not been discussed with

him as in our judgement we feel that any action taken by the Commission which may be construed to indicate a desire to suppress his actions may be legally seized upon by others interested and could cause you and the Government embarrassment.

He continues—

Further should he even be mildly rebuked and decide to resign as a matter of principle the suggestion that pressure was applied may rebound against the Government and the Commission in court. Being construable as a coercion by the Defendant against a Plaintiff.

Commissioner Kirkwood concludes—

My colleagues and I are most concerned that you have been embarrassed in this matter but would feel that prudence would dictate that in the Government's best interests the matter be allowed to rest.

That is the minute from the Chief Commissioner of the SEC in reply to one simple question, "Is Mr Mullally, the man who works for you, the man who is employed by the SEC?" That one simple question the Minister for Fuel and Energy asked is answered by the chief commissioner of the SEC in a 25-line minute, which covers a writ which the Minister said he has not mentioned to the commissioner, covers embarrassment which the Minister said he failed to express, talks about the man's position and about his continued involvement and urges the Government to do nothing for fear that it is used as a form of coercion or evidence of a form of coercion against a plaintiff—all that, in reply to what the Minister said was one simple question; namely, "Is Mr Mullally of Tresillian Mr Mullally of the SEC?" I leave it for you, Mr Speaker, and members to judge.

I now return to that point of the affidavit at which I ceased to read earlier in my remarks to give support to my contention that not only were these things said and done, not only was this sort of pressure applied, not only was Mr Mullally aware of it, not only were other senior members of the SEC aware of it, and not only was it common knowledge amongst those circles, but also, following on that sort of advice, a deliberate policy was undertaken with respect to Mr Mullally which based itself upon what was called by senior officers of the SEC "a social conscience". I will read that part of the affidavit which supports my contention.

I will read, too, the words of an assistant commissioner in respect of his view of Mr Mullally's performance and also from a

probationary six-monthly report of Mr Mullally's performance in consideration of whether he should be appointed to the permanent staff. Let us see what sort of pressure this Government is capable of applying.

Mr Grayden: Thank God for the Minister for Industrial Development, when we are confronted with this sort of stuff.

The SPEAKER: Order!

Mr B. T. BURKE: Mr Speaker, I have deliberately refrained from answering the Minister for Labour and Industry, but if he continues to interject in this fashion it will be beyond my endurance to continue to speak through you. I remind you, Mr Speaker, the Minister already has accused me of deliberately altering documents. I find that to be absolutely insulting.

The SPEAKER: Order! I suggest to the member for Balcatta that more progress will be made by this House if he continues to address his remarks to the Chair, and refrains from involving himself in across-the-Chamber arguments with other members.

Mr B. T. BURKE: Oh that that same restriction could be placed upon the Minister! I quote from the affidavit—

17. In the months subsequent to my involvement with the Tresillian controversy there was criticism of certain features of legal work for the State Energy Commission by senior management based on their view that I possessed a "social conscience" which impliedly affected my ability to exercise legal judgment in a matter.

18. Two examples provide evidence of this criticism:

MARY THERESA ASHBY

18.1 In June 1972 the State Energy Commission acquired from Mary Theresa Ashby the land being Lot 35 Alpique Road, Darlington for the total compensation or consideration of FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5 500). This was based upon a valuation given to the Commission by the Public Works Department.

18.2 In 1974 Lot 34 (together with Lot 35 which had been acquired at about the same time) it was decided were no longer required by the Commission for the purpose for which they were acquired, so instructions were issued to the Public Works Department to obtain the Governor's approval for the sale of the land. The Commission instructed the

Public Works Department to first offer an option to purchase the two lots to the previous owners.

18.3 So far as Mrs Ashby was concerned the written offer (dated 6th August 1974) from the Public Works Department was for her to purchase the land at the assessed value of FIVE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$5 750) free of all encumbrances.

18.4 It appears that at the time the letter was despatched Mrs Ashby was overseas and she did not receive the written offer, but her mother who was at that address telephoned the Public Works Department and informed an officer of that Department of her daughter's absence.

18.5 It appears that on or about the 7th January 1975 after her return from overseas Mrs Ashby rang the Public Works Department. According to a note on the P.W.D. file Mrs Ashby advised that she did not wish to purchase Lot 34.

18.6 By letter of 10th August 1976 Mrs Ashby admits the telephone call but she casts grave doubts on whether the call amounted to an offer made by the Public Works Department which she rejected. The credibility of Mrs Ashby, from her correspondence was high.

18.7 I formed the view that Mrs Ashby did not receive the written offer from P.W.D. nor did she receive a sufficiently certain oral offer.

19. Commission officers were planning a course of action in disposal of the land previously owned by Mrs Ashby contrary to law and my advice to the Manager Finance and Administration on September 24, 1976 was given accordingly. In short for the reasons stated in a memorandum of advice of that date, I recommended that the Commission sell to Mrs Ashby at the figure she offered to pay.

Points of Order

Mr GRAYDEN: Mr Speaker, just so that members might know where they stand in future, may I point out that the *Hansard* reporters have not been taking this down, but are following a prepared copy. I noted the time that the member for Balcatta commenced quoting, and it was 7.45 p.m. He has now been reading from this document for 35 minutes, and *Hansard* has not been taking notes. Is it in order in future for all members to ask for exactly the same privilege? In other words, can members in future come in here

with prepared statements, and deliver them to this House?

Mr Davies: Why don't you show some dignity, and sit him down?

Sir Charles Court: After the way the member for Balcatta has behaved in this House, he is not deserving of dignity.

The SPEAKER: Order! If the Minister for Labour and Industry or any other member is dissatisfied with the rulings I give, let him move to dissent from my ruling. If such a motion is carried, I shall resign immediately. I am doing this job to the utmost of my ability, but if that ability is not to the satisfaction of the majority of members in the House, I will go. I have ruled the honourable member may quote from an affidavit he has brought into the House. Such quotes have been made in this House previously, and will be made in future, unless of course I set a precedent which prevents a member from coming into the House and reading from an affidavit to support a motion he has moved.

Mr SKIDMORE: Mr Speaker, I also raise a point of order. Being an inexperienced member, I am not too sure of my ground, but I believe I have an obligation to draw your attention to the fact that, in my belief, the Minister has breached Standing Order No. 70. I believe you should take appropriate action against the Minister, because he has been guilty of disorderly conduct. I believe the Minister should be named.

The SPEAKER: Order! That is my decision to make. I do not believe the Minister for Labour and Industry has been disorderly, but I would ask him to respect the rulings I have made. In fact, the member for Balcatta has not been quoting from the document for the time the Minister suggested. He commenced his speech before I resumed the Chair, and I do not know at what time he started to quote from the document. However, he discontinued quoting from the document some time ago and has only recently referred to it again. That does not alter the principle of the ruling I have given. I firmly believe I would be doing this Parliament a disservice if I were to prevent the member for Balcatta from reading the affidavit. Is there any question in the minds of members that a person should be denied the opportunity to read from an affidavit?

Mr Barnett: No question at all.

The SPEAKER: Then the only argument can be over the length of the document. I have said the honourable member can quote from it.

Mr GRAYDEN: On another point of order, Mr Speaker, the whole object of our Standing

Order which prevents members reading their speeches is designed to cope with this sort of situation.

Mr B. T. Burke: This is the same point of order! It is the tenth time the Minister has raised it.

Mr GRAYDEN: There are no precedents in the Address-in-Reply debate or any other debate which provide for a member to come in here and quote from an affidavit for 35 minutes. On the point of the time that the member for Balcatta has been reading from this document, I dispute what you said. I noted the time he commenced quoting, and he has been reading for over 35 minutes.

Mr T. H. Jones: You are reflecting on the Speaker.

Mr GRAYDEN: If in future a member can come into this House and read from an affidavit for something like 40 minutes, it will cut right across the whole concept of debate in Parliament. The member for Balcatta is taking this action simply to denigrate one particular member of Parliament. I ask whether he is to be allowed to continue to quote in this way.

The SPEAKER: Order! I believe I have adequately ruled on the points which have been raised by the Minister for Labour and Industry.

Mr BARNETT: On a point of order, Mr Speaker, I draw your attention to Standing Order No. 70(a) which states—

If any Member has—

- (a) persistently and wilfully obstructed the business of the House... he may be named by the Speaker...

I am not one to suggest what action you should take, Mr Speaker, but I respectfully draw your attention to this Standing Order. Should the Minister continue persistently and wilfully to obstruct the business of this House, I suggest he should be named.

The SPEAKER: Order! I have ruled that the Minister for Labour and Industry has not offended against Standing Order No. 70.

Debate Resumed

Mr B. T. BURKE: To continue to quote the example of Mrs Ashby as outlined in the affidavit, to continue to use this case as evidence of a changed attitude on behalf of the senior management of the SEC to Mr Mullally following the Tresillian controversy, members will recall that I have reached the point in the affidavit where Mr Mullally has formed the opinion that commission officers were planning a

course of action in disposal of the land previously owned by Mrs Ashby, contrary to law, and that he recommended the commission sell to Mrs Ashby at the figure she offered to pay. I continue to quote from the affidavit—

20. My advice was also that the system being used by the Commission in determining land dealings was inept and in serious need of reform.

21. The management response to my written advice which comprised a five page detailed and careful analysis of the law was:

- (a) From the Manager Finance and Administration—"Your opinion is coloured by a social conscience",

Mr Speaker, note again that phrase, "your opinion is coloured by a social conscience". I continue—

- (b) From the Assistant Commissioner Commerce—"admonishment for an intolerant view of the system".

Mr Mullally received "admonishment for an intolerant view of the system". Notwithstanding that, the commission then proceeded to act in accordance with the advice Mr Mullally had given!

That is not the only example of the sort of attitude adopted towards Mr Mullally following the Tresillian controversy. I refer to the case of Mr Englebrecht, and quote from the affidavit—

22.1 On 27th May 1974 the Commission issued to Theodore Patrick Englebrecht of 38 Marita Road, Claremont a notice, pursuant to section 38(2) of the State Energy Commission Act, of its intention to enter for the purpose of survey, construction and maintenance of a line over his land at Regans Ford.

22.2 According to a report on the file the first survey was probably done during 1974, and the gate crew entered in 1975. The second survey to check pole location was carried out in June/July 1976 and the pole carting crew entered in September 1976.

22.3 Solicitors acting for Englebrecht, Messrs. Parker Schlam & Wisbey by letter of October 5, 1976 informed the Commission that Mr Englebrecht was not prepared to consent to Commission work being carried out on his land.

(22.4) I advised in a four page written recommendation October 28th, 1976, that the Commission had not followed procedures which allowed it at that date to construct a transmission line over Englebrecht's land.

(23) The result of my advice on this matter was a severe oral reprimand from the Assistant Commissioner Commerce Mr M. Kingsmill.

(24) He said that the "tone and attitude" of my written advice was unacceptable.

I draw the attention of the House to the relevance of the next statement by Mr Kingsmill, which is as follows—

(25) He threatened to disband the legal section of the Commission of which I formed part and allocate me to other duties.

(26) An examination of the written memorandum I produced in this matter discloses a detailed analysis of the law and recommendations for further investigation of State Energy Commission procedures with respect to land.

(27) There was certainly nothing on the face of the legal opinion which should have provoked such an angry outburst from Mr Kingsmill.

(28) The only inference that I could draw from these criticisms and others was that there was some other factor operative in the attitude of senior management and that there was a concentrated effort to silence my legal opinions.

(29) After that reprimand I seriously considered resignation, but decided against such action.

(30) On March 4, 1977 after an Australia wide advertising recruitment by a firm of management consultants I was appointed to the newly created position of Director of Finance and Administration at the City of Stirling.

(31) On April 4, 1977 I commenced duties in that post, but on July 5, 1977 I was dismissed from that position without reasons and without any discussion of my work.

(32) There was a public outcry, much media comment and various meetings of ratepayers.

(33) Although I did not attend any ratepayers meetings I have been informed and verily believe that comments were made at those meetings which connected my dismissal from the City of Stirling with my involvement in the Tresillian controversy.

(34) I know of my own knowledge at the City of Stirling that the Mayor Dr A. S. Luketina attended a meeting with the Hon. Minister for Local Government on the morning of July 4, the day the Community

Affairs Committee met and recommended my dismissal from the City.

Mr Speaker—

Mr Grayden: What page are we up to now?

Mr B. T. BURKE: To further enlighten the House about Mr Mullally's character; about the State Energy Commission's opinion of him; about his worth as a man and as an assistant legal officer; as a man of the law, it is possible to refer back to documents on file at the commission which show quite clearly that those sorts of comments made to him as a result of his recommendations in connection with Ashby and Englebrecht certainly were not shared by other members of the commission, after six months of Mr Mullally working for the commission, or by the assistant commissioner on his leaving the commission.

Mr Mullally's six-monthly probation report which was submitted at the time he was being considered for permanent appointment to the commission is dated the 12th August and it is from A. Charlton, Legal Officer. It reads as follows—

Mr P. Mullally has shown himself to be a capable and conscientious lawyer who has carried out the varied duties entrusted to him with interest, keenness and expedition. He undertakes his work with a mature and practical attitude, acting responsibly and helpfully in the Commission's interest at all times.

I consider his continued services necessary in the Commission's best interest and have no reservations in recommending his appointment to the permanent salaried staff.

That is the probation report from Mr Mullally's senior officer.

On Mr Mullally leaving the State Energy Commission the Assistant Commissioner of Commerce (Mr Marwood Kingsmill), signing himself as Marwood, wrote in the following terms to him—

I realise that this is your last working day with the Commission and on behalf of the Commissioner and those of us who sit on the Commission, I write to offer you good wishes as you start your new career.

May I offer you thanks for the manner in which you have carried out your duties here, and express regret that you have chosen to leave, but congratulations on your excellent appointment.

Mr Grayden: Would you like an extension of time?

Mr B. T. BURKE: Mr Speaker, from those revelations tonight it is quite possible and in fact very easy to trace this matter through several distinct stages. Firstly, the Minister when questioned about this matter showed considerable reluctance to disclose details. Gradually, with further questioning, those details, or at least some of them, were coaxed from the Minister. Outstanding amongst that material or information which he disclosed was his statement, and repeated statement, that he sought from the Commissioner (Mr J. B. Kirkwood) only the identity of Mr Mullally as pertaining to Tresillian and as to his employment with the SEC.

Mr Mullally's affidavit quite clearly shows that he was aware that this was not the case. The minute received from the commissioner quite clearly shows that that was not the only question asked. If it was then why did the commissioner refer to a writ, a matter which the Minister had not raised? Does he presume that the Minister has full knowledge of a writ that was not identified? Why does the minute talk about the Minister's embarrassment, or the embarrassment of the Minister, the Government or his colleagues? Why does the minute urge that the matter not be related to Mr Mullally? Why does the minute say that in the interests of prudence the matter not be continued with? Why does the minute say the suggestion that pressure was applied might be used as evidence of coercion against Mr Mullally should he decide to resign and go to court about the matter?

Quite clearly the Minister's position is untenable. It is not correct to provide the information that he provided and then maintain that all he sought was the identification of Mr Mullally. It is the same actor in two scenes. Quite clearly my motion seeking a Select Committee demands no less. Quite clearly it is warranted. Quite clearly the Premier's own position is that no Government should have a Minister who would interfere with the private rights of a public servant. The Minister says he did not cause inquiries to be made directly or indirectly; but what was that memo or minute the result of if it was not the result of inquiries and the Minister has admitted that he initiated the inquiries?

Now we have to determine just how is the Minister to be asked to explain his position and his statements; just how is he to be asked to excuse his performance?

I conclude on this note, Mr Speaker. I apologise to you for the embarrassment that has been caused to you and I say simply to the Premier and to the Minister that although I have been involved in some rowdy scenes in this

House—and I can take or give as much as I give or take—I have never seen a Speaker placed in the embarrassing position of having to tell the House that he will resign if the Minister proceeds along the path he is taking.

Sir Charles Court: He did not say that at all.

Mr B. T. BURKE: I have never seen such reprehensible action by a Minister and I have never seen a Minister with the concession and forbearance of his Premier, proceed to take the Speaker to a stage where he offers his resignation to the House.

Quite clearly the Premier allows his Minister to carry on in this fashion. If the Premier is proud of that sort of thing occurring while he is in that position, then he cannot be proud at all.

Sir Charles Court: You are putting on a stunt for the Press.

Mr B. T. BURKE: I shall ignore that, Mr Speaker. The bones of Tresillian have come home to rest. It is a subject about which this Premier has been ever so sensitive. It is a subject about which he has been ever so often red-faced.

Sir Charles Court: You are going mad. You are behaving like an animal.

Mr B. T. BURKE: The Premier should explain the actions of his Minister. He should explain why he allowed this Minister to take a Speaker who is performing his functions admirably to a stage where he must warn the House that if the Minister proceeds he will resign. It has never happened before, Mr Speaker.

If a Select Committee is not appointed then it is further evidence of this Government's attempts and continued attempts to cover up any matter which is of political danger to it. I urge all members in the House to think seriously about the proposition that I have put forward tonight. I ask them all to look carefully at the documents which will be available to them.

Several members interjected.

Mr B. T. BURKE: I do not include the Minister because the Minister is incapable after 6.30 p.m. of reading the tag on the back of his shirt.

Several members interjected.

Mr B. T. BURKE: I ask all Ministers to consider carefully the facts that I have put forward and to make their own decisions.

Points of Order

Mr GRILL: Mr Speaker, I have heard enough of this. I have just heard the Minister for Labour and Industry call the member for Balcatta a

"gutless powder puff". I think that is one of the worst things I have heard in this House.

The SPEAKER: I did not hear the interjection but if the Minister used the words that it is alleged he did use, I would ask him to retract them.

Mr GRAYDEN: Mr Speaker, the words that the member said I used were certainly not the words I used; but if the member for Balcatta likes to take exception to them, that is a different matter.

Mr SKIDMORE: I rise on a point of order. I take exception to the words used by the Minister for Labour and Industry which were objectionable to me and they were "gutless wonder".

The SPEAKER: Order! If the Minister for Labour and Industry used such words I would ask him to withdraw them.

Mr GRAYDEN: For the sake of accuracy, I said he was an enigma, which is a puzzle; and what is a puzzle? It is a puzzle if a person is a gutless wonder surrounded by 2 cwt. of lard. I said he was an enigma.

The SPEAKER: Order! I will leave the Chair until the ringing of the bells and would ask the *Hansard* reporter to supply me with a copy of that part of the record to which reference has been made.

Sitting suspended from 8.42 p.m. to 8.48 p.m.

Speaker's Ruling

The SPEAKER: I have taken the opportunity to speak to the *Hansard* reporter who was on duty in the House at the time the exchange is said to have taken place. I stated to the House earlier that I did not hear what was said, if anything was said by the Minister for Labour and Industry or any other member. At that time, as members are aware, there was a fairly rowdy passage. Perhaps for the same reasons that I did not hear what was said by others, the *Hansard* reporter heard nothing but the words spoken by the member for Balcatta. She was listening to him and reporting his speech, and her record shows nothing of any interjections at all. I can appreciate the circumstances in which she was placed and I am sorry that people who are required to record our proceedings are put in this position.

That leaves me in the situation of having one member saying something was said and another member denying it was said. In the circumstances, unless the member who is alleged to have said the words is prepared to say he did say them, I cannot ask for any withdrawal.

Debate Resumed

Mr B. T. BURKE: I think you will agree with me, Mr Speaker, as most other members will, that the last thing that can be said about a man of my bulk is that he has no guts.

It remains only for me to conclude by saying there are serious questions to which the Government needs to provide answers. Serious decisions have affected a young, competent man who has shown himself to be particularly caring and concerned for underprivileged or handicapped children. It is sufficient to say this Minister has not explained himself fully in this House, and to say this debate is of such moment to the Government that the Premier has sat quietly by allowing his Minister to push you, Mr Speaker, to the point of resignation.

I say quite clearly there is a case to be answered. My suggestion is that the case be inquired into and reported upon by a Select Committee or, if the Government wishes, a Royal Commission. Then any evidence I have and any answers I can give to questions will be provided. I urge all members to think seriously about the case and support my motion for the appointment of a Select Committee.

Mr Grayden: Thank God for the Minister for Industrial Development!

MR DAVIES (Victoria Park) [8.52 p.m.]: I second the motion. I did not have any great knowledge of this case until just before the tea suspension tonight, when I was able to get from the member for Balcatta a copy of the affidavit and the memo he has quoted in the House. I then thought it was serious enough at least to second the motion, and the longer I sat and listened tonight the more convinced I became that I should also say a few words about it, because it appears Parliament has been misled—quite deliberately or quite intentionally misled, perhaps—and this is why we want a Select Committee to inquire into it. Has the Parliament been misled by the member for Balcatta who has just sat down after giving chapter and verse on the complaint he has brought to this House, or has the Minister misled us in answers he has given to questions?

Furthermore, I think the Government owes something to Mr Mullally because of what it has done to him. Whether or not he is in a certain position because of the Government's action is of little consequence. The fact is obviously a situation was created where he felt it was no longer tenable for him to continue with the State Energy Commission. He looked around, found another position, and was apparently doing quite

well in that position until the Mayor of Stirling happened to have a talk to the Minister for Local Government, and action followed which must give serious cause for alarm.

The degree of misleading is of no consequence at all. The question must be whether there was any misleading of the House, intentional or otherwise. That is all that needs to be proved. I do not think we have to look at the form and the manner of it in any great detail.

It must be an embarrassment to the Government. For the third time in as many weeks the House has been thrown into an uproar by the same Minister who threw it into an uproar tonight. It is not often we see the Premier reluctant to defend any of his Ministers, but he was obviously reluctant to do it tonight and kept his head in his palms.

Sir Charles Court: I did not. The member over there was objecting to my comments and intervention.

Mr DAVIES: For some considerable time I keenly observed the Premier because I wondered what he would do.

Sir Charles Court: Big brother!

Mr DAVIES: As a matter of fact, at one time I thought I saw him mouth to his deputy, "Get him out of here." That is what it looked like.

Sir Charles Court: I did not do anything of the sort. Do not distort things.

Mr O'Neil: An utter assumption.

Mr DAVIES: This member who has thrown—
Several members interjected.

Mr DAVIES: —the House into an uproar on previous occasions is again throwing the House into an uproar, and has done absolutely nothing to add to the dignity of the House. I am sorry for the member for Moore because he made quite a reasonable speech in the Address-in-Reply debate calling for a little bit of dignity and less name-calling in this House, and I must say the front bench on the Government side has done little to back him up.

It was the determined efforts which were made to stop the member for Balcatta bringing the facts before the House that made me so much more suspicious of the Government's actions. That is precisely why I am speaking at this moment.

In reply to a question earlier in the session, when the Premier was quizzed about his attitude, he said, "If you have the facts let us have them." They have been detailed and concisely put to the House by the member for Balcatta. The Premier

could not want a case set out in greater or clearer detail.

Mr O'Neil: There are many assumptions in the affidavit.

Mr DAVIES: In addition—

Mr O'Neil: He has assumed what happened at a meeting he did not attend.

Mr DAVIES: No doubt all these members will rise to their feet at a later stage telling us how they interpret those actions. They will have read the papers which will be placed on the Table of the House because they will have had time to do so, and I doubt that they could have intelligently understood what the member for Balcatta was saying or whether they could have followed—

Mr O'Neil: The member for Balcatta had the courtesy to give the papers to everyone else except the Government.

Mr DAVIES: —precisely his line of action because of the disgraceful state of the House. Like others, I sympathise with you, Mr Speaker, in what you have had to put up with.

I do not think it is customary for the Government, when moving motions, to hand all its facts to the Opposition. The Government does not say, "This is what we will be doing and this is what we will be quoting from." Most of the article which appeared in the *Daily News* tonight could have been taken from the notice paper because notice of the motion was given to the House yesterday. No doubt the Press rang the member for Balcatta and asked, "What will you be saying?"

Mr O'Neil: Further assumptions! The member for Balcatta did not deny he handed it to the Press.

Mr DAVIES: Whether or not he handed a statement to the Press again is of little consequence. When the *Hansard* reporter was encountering so much difficulty in taking down the proceedings during the ten or twelve points of order which were taken by the Minister for Labour and Industry—and when we had plenty of time to talk—I turned to the member for Balcatta and said, "Because the *Hansard* reporters may have some difficulty, if you have a spare copy I will pass it to them and they can follow it much more easily." That is precisely what he did. If members or the Government had any consideration for *Hansard*, I imagine they would do exactly the same thing.

Mr Grayden: If the member produces letters from constituents, that is in order.

Mr DAVIES: No it is not. The Minister does not understand Standing Orders, even though he

has been here much longer than I have. The Minister could not even follow what you were saying tonight, Mr Speaker, because he was taking the same point of order over and over again and it is quite clear he was having some difficulty in getting his thoughts together. What he suggested in his interjection of course is not accepted by you and it is certainly not accepted by me. I am speaking now—

Mr Grayden interjected.

Mr DAVIES: I am now taking time to second the motion so that the Government, if it wants to or if it is interested, can look at the documents which have been quoted in the House tonight and can challenge them. But as far as I can see, no-one has called for the documents or asked that they be tabled.

Mr Grayden: The Speaker has.

The SPEAKER: Order! The member will resume his seat. In fact I had in mind to ask for these documents to be placed on the Table of the House. I had already made up my mind that when the member for Victoria Park concluded his speech—I did not want to interrupt him—I would ask the member for Balcatta to place the documents from which he quoted on the Table of the House, for the information of members. The member for Balcatta is not in his seat, but at some convenient time later I will ask that he place the documents on the Table of the House.

Mr DAVIES: I thank you, Sir, for supporting what I was saying; as yet the documents are not on the Table of the House.

Mr Shalders: He could have short cut that by quoting them anyway.

Mr DAVIES: He volunteered to, but members opposite are interested only in scoring points. If they were so interested in having the documents tabled, I thought they would have jumped up immediately before I rose to second the motion and asked that they be tabled. Apparently they were not very interested then.

If members want to query whether it is reasonable to quote from affidavits, let me take them back several years to when the present Minister for Works tabled an affidavit from a well-known prostitute. That affidavit was witnessed and signed by the Vice-President of the Floreat Branch of the Liberal Party at that time, and it was quoted to the House in some detail. So I do not see how members opposite can take exception to affidavits being quoted. What you said, Sir, was perfectly legitimate; it is no good quoting half of the case; one must quote the whole of the affidavit.

Mr Grayden: You cut it out. He deleted a page of the affidavit, and you know it. What sort of affidavit is it when you delete a page?

Mr DAVIES: I think it will be recalled that the member for Balcatta said he was leaving out several parts of the affidavit which he did not think were of great relevance; but when he mentioned this to the House and it was objected to by the Minister for Labour and Industry, he then proceeded to read the whole of the document.

Mr Grayden: He said in the *Daily News* that he would read an eight-page document, and he didn't do it. So the *Daily News* is misleading the people of Western Australia, because he did not read it.

Mr DAVIES: I am sure the Minister will report the *Daily News* to the Press Council of Australia not only for misleading this House but for misleading the whole of the people of Australia in that article. I am also sure that the findings of the Press Council of Australia will be that at the time of making the charge the Minister was not able to think clearly; because quite obviously he does not really know what has been going on in the House tonight, as the whole of the affidavit has been read.

Mr Grayden: He deleted a page, and we had to force it out of him.

Mr DAVIES: Of course, the document is to be tabled shortly. I have a copy and if you, Sir, would like me to I can quote a section from it, and then someone can ask me to table it. Then we would overcome all the difficulties we have had.

Mr Grayden: Everyone has a copy of the document, except Government members.

The SPEAKER: Order! There is absolutely no need for the member for Victoria Park to quote from the document that has been the subject of a certain amount of discussion tonight. I have indicated it is my intention to request the member for Balcatta to table all documents from which he quoted tonight. As he is now in his seat, I would ask him to hand those documents to the attendants so that they may be placed on the Table of the House for the information of members. I return to the member for Victoria Park and ask him not to quote from the documents.

Mr DAVIES: I am quite happy not to quote from them; I was merely trying to overcome the situation, because I am sure the Minister for Labour and Industry is anxious to get his hands on the documents, and I would be quite pleased to table the copy which I was able to obtain from the member for Balcatta.

There are three causes for worry, not all related to this case, but matters which have come to my attention lately and have given me some cause for concern. In each case I believe the Government has indicated that what an employee does outside his hours of duty is of no concern of the Government. In answer to a question I asked last year on the right of public servants to make statements, the Premier indicated that, provided they did not breach any privilege to which they became privy through their work, public servants were not obliged to refrain from making public statements. The answer to which I am referring will be found in the *Hansard* of about last October.

Also, during this session the Premier has indicated that what employees do outside their working hours is of no consequence to the Government. I imagine the same embargo applies as was implicit in the answer given to the question I asked last year.

I am sorry for the delay, Mr Speaker, but I am trying to comply with the request you made for the documents of the member for Balcatta to be tabled.

Mr Grayden: What request?

Mr DAVIES: The request to table the documents quoted by the member for Balcatta. I am sure the Minister is anxious to look at them.

Mr Grayden: Why were they not tabled earlier? The Press got them 1½ hours ago, *Hansard* got them, but the Government did not.

Mr DAVIES: I received a copy at 5.40 p.m. tonight, and until they become the property of the House when they are tabled I do not think the Minister has any right to have them. What is he coming at?

Point of Order

Mr SHALDERS: Mr Speaker, have the documents which you asked the member for Balcatta to table yet been tabled, or are they to be tabled at the conclusion of the speech of the member for Victoria Park?

Mr H. D. Evans: You should listen to what the Speaker says.

The SPEAKER: The Clerk is at present obtaining from the member for Balcatta the papers to which I referred. It seems he now has them, and they will be placed on the Table of the House for the information of members.

Debate Resumed

Mr Grayden: The censored version or the full version?

Mr DAVIES: I object to that interjection. The document which I have is the one which was quoted in full tonight. The documents are now available. However, it is not only this case I am considering now; I am looking at the attitude of the Government generally in respect of the rights of individuals. Not only is the Mullally case involved—and I believe this fellow has suffered some intimidation which I find quite distasteful—but also there is the circular which was issued at Vapech House recently by an officer of the Education Department giving certain instructions to employees in respect of the manner of the conversations they may have, and telling them what their rights are. The Premier said as far as he was concerned that referred only to working hours and what they did out of working hours was no business of his.

This is precisely what is happening in the Mullally case; the affidavit clearly says that it was not done during working hours, and that what he did had no connection at all with his position as legal officer in the SEC. However, it is a cause for concern that a note should be circulated to Education Department employees in Vapech House.

So we have the worry of the Mullally affair, and the worry of the Education Department affair; and the third worry concerns a letter I saw recently which is circulating in the Housing Commission. That letter tells employees they have no right to talk to the Press, unions, or other people on industrial matters within the department.

I do not know whether this applies only within working hours or only outside working hours. However, those are the three causes of concern in which the Government is using the "big brother" attitude to say, "Do as you are told or else." We realise there are laws, requirements, and responsibilities in respect of employees to play the game; but to hand out this kind of "big brother" instruction—

Mr Grayden: We have problems with the leakage of confidential information.

Mr DAVIES: —I find it completely disgraceful. I venture to say that the only "problem" the Premier has is the leakage of information when he wants to pretend to embarrass the Prime Minister. After we had that little altercation when the Premier was waving the big stick at Canberra there were no more mysterious leakages between the Premier and the Prime Minister. It appears to me that some of these leaks are arranged deliberately.

Mr Grayden: Ask the member for Ascot.

Mr DAVIES: I am sure the member for Ascot would be willing to debate the subject to which the Minister refers. The whole case fizzled out because the Government had no case to go on.

Mr Grayden: We let him off the hook.

Mr DAVIES: If for one moment the Government thought it had the member for Ascot on the end of a lance, it would have driven it right through him. The point I am trying to make is that there have been three cases which concern me. We have this benevolent "big brother" saying we cannot do this or we cannot do that. It is an unwarranted restriction.

I wholeheartedly agree with the Premier that there should be no breach of security or breach of privilege. If any information of a secret nature becomes privy to an employee it should not be given to the Press, and every civil servant recognises this.

It is going far beyond any reasonable or tolerant action that a Government should take if it says public servants cannot talk up about asbestos fibres falling from a roof or talk of general industrial conditions. For a Minister to interest himself in a legal officer employed by the State Electricity Commission, because that officer had signed a document out of working hours relating to a matter of serious embarrassment to the Government, is beyond the actions that any reasonable Minister or Government should take; certainly in Western Australia.

Mr Grayden: The member for Swan asked why didn't the Government do something about it.

Mr DAVIES: The Minister is a nuisance. He is not talking sense and if he was we would be pleased to listen to him. The Minister is continually interrupting me. I am not interested in what he has to say; I am more interested in what others might have to say. I am interested in giving more facts to the Premier. Mr Speaker, I might ask for some protection from the Minister. The Minister's brain is addled because I have just said—

The SPEAKER: Order! I would ask the member for Victoria Park to retract the remark he made with respect to the Minister for Labour and Industry.

Mr DAVIES: I will retract the remark, Mr Speaker. For members' information, I said the Minister's brain is addled, and I retract that remark.

It is obvious the Minister is unable to get his thoughts into clear perspective. What he is saying I am advocating is exactly what I have said I am

not advocating. I said there are situations when one should expect confidentiality to be respected.

Governments change from time to time and one expects the same honesty and loyalty from employees, irrespective of who is in government. It is humbug to come down heavily on employees and tell them they are not to discuss industrial matters and the fact that asbestos fibres are falling from ceilings. It is humbug not to allow a person to assist in some legal capacity some charitable organisation which is trying to do good for members of the community, particularly when it was an embarrassment to the Government.

Mr Grayden: Absolute nonsense!

Mr DAVIES: I think the Government should welcome the opportunity to put these things right. If a reasonable examination is made of the case—and I would expect the Government to study it in detail—the Government should welcome the opportunity to say whether Mr Mullally or the Minister is right, or whether the member for Balcatta is right, or if some are right and others are wrong.

An embarrassing situation has developed. I do not like it and it is one which is cause for concern. There should be more than a little concern in this type of situation. It is often said that this Parliament is the highest court in the land. Ministers have a responsibility to answer questions and not to play with words to such an extent that eventually it appears that what has been said is not in accordance with the facts. In other words, it appears that Ministers are being less than honest with the House.

Mr Grayden: That is completely untrue and typical of the member for Victoria Park.

Mr DAVIES: That is the kind of nuisance comment we have been putting up with all night. To return to the debate, there should be situations where this does not happen. I am not saying that it definitely has happened, but I am saying we need a committee to find out.

Mr Grayden interjected.

Mr DAVIES: I am sorry I have to break off again to answer the inane interjection of the Minister, but what he said was not relevant to what I am saying. It makes me a little annoyed.

Mr Mullally appears to be under very serious threat for the rest of his working life. This threat has followed him through his service with the SEC and now with the Stirling City Council.

Mr Mensaros: Don't you think you would contribute to this?

Mr DAVIES: It has already happened. This is the reason for bringing the matter to the House.

The House is the only body that can clear up the situation. I did not know about this until a couple of days ago when a question appeared on the notice paper. It is obvious to me that in fairness, the only thing that should happen is that a committee be appointed. The committee could probably get all the facts and come to a decision within a couple of days. It would not be a protracted affair. It does mean a man's whole working life might be in jeopardy because of the actions of some vindictive people.

Mr H. D. Evans: There is the question of the moral standing of a Minister in government.

Mr DAVIES: That is so. The Minister will not be satisfied—

Mr Grayden: The Minister's statement should appear in *The West Australian* tomorrow.

Withdrawal of Remark

Mr DAVIES: I ask for that to be withdrawn. The Minister for Labour and Industry said I am deliberately trying to stop the Minister's statement appearing in *The West Australian*. It is of no concern to me—

The SPEAKER: Order! The only reason I can be asked by a member to have words withdrawn is when the words used are in my opinion objectionable and unparliamentary. The words uttered by the Minister were not unparliamentary and I shall not ask for a withdrawal.

Mr H. D. EVANS: The Minister was impugning improper motives to the member for Victoria Park, and on that ground he could be called on to withdraw them.

The SPEAKER: On reflection, perhaps the Minister was implying that, and I would ask him to withdraw.

Mr GRAYDEN: I will happily withdraw, Mr Speaker. May I ask the member for Victoria Park to complete his remarks quickly so that we may hear the Minister's reply.

Debate Resumed

Mr DAVIES: I understand one of the indirect results of the whole situation was that the SEC eventually finished up being short of legal officers and had to use unqualified staff to do some of their work; however, that is by the way.

I believe the whole series of events which have occurred, culminating in the matter being brought before the House tonight, is quite distasteful. It is concerned with the serious matter of the freedom of the individual—a freedom which we would expect every member of this House to value most highly. As I say, the situation which has

developed and the intimidation which appears to have stemmed from it is indeed distasteful, and the only way the matter can be properly cleared up to the satisfaction of all parties concerned is for the House to agree to the motion moved by the member for Balcatta.

MR MENSAROS (Floreat—Minister for Industrial Development) (9.21 p.m.): Mr Speaker, all the fancy and Press-catching adjectives which we have heard tonight from the member for Balcatta and which in a very parliamentary way and with great understatement I might say were unkind will not induce me to lose my temper or my objectivity, which I always retain, particularly when it is alleged I am involved in anything. I expect to be heard in the same manner as I listened to the speakers from the Opposition, where I made only one querying interjection during both speeches. I take it this will be the case, if the Opposition views its motion seriously. I could not quite comprehend the complaint of the member for Victoria Park that the Premier listened to the member for Balcatta with dignity, without interjections.

Mr H. D. Evans: You can hardly say the Government side heard the member for Balcatta in silence.

Mr Davies: It was a disgraceful performance.

Mr MENSAROS: I shall make only one statement, on which my entire response to this motion is based: Almost all the allegations and conclusions made by the member for Balcatta were unfactual and untrue. However, even if, for the sake of argument, we took a hypothetical case and said they were true, there would be nothing on earth wrong or improper with this, with the sole exception of course that the honourable member alleged I misled the Parliament, which I did not do. I do not know whether the member for Balcatta concocted these allegations and this motion with or without the consent of the said Mr Mullally.

Mr Pearce: I thought you said you were going to be objective. What is objective about the word "concocted"?

Mr MENSAROS: If he did it with the consent of Mr Mullally—

Mr Davies: Why don't you tell your Minister to shut up?

Mr MENSAROS: If he did it with the consent of Mr Mullally, then the member for Balcatta only added to the thoughts held by some people. Undoubtedly there is some feeling in the community about this issue, because it has been raised in the Press not only in connection with this matter but also in regard to the Stirling City

Council. Some people, rightly or wrongly, believe he is some sort of troublemaker.

Mr B. T. Burke: Answer the case!

Mr MENSAROS: If the member for Balcatta did it without the consent of Mr Mullally, he has wronged the man as he does to everyone from time to time.

Mr B. T. Burke: Answer the case!

Mr Barnett: What a shocking thing to say! Why do you not get down to the facts?

Mr MENSAROS: Mr Speaker, I will not be very long on this matter, because it will not need a great deal of time to refute the allegations of the member for Balcatta. Let us consider the allegations he made tonight.

Mr Grayden: Will the member for Rockingham keep quiet?

Mr Barnett: Grow up!

Mr MENSAROS: Members opposite cannot keep quiet for a minute, can they?

Mr Barnett: I am trying to hear what you are saying, but the Minister for Labour and Industry keeps interrupting.

Mr MENSAROS: The member for Balcatta based his allegations on a series of questions he asked in this House. I would not dare to say the questions were not framed in accordance with our Standing Orders. However, I suggest members should read the explanation on the question book relating to what sort of questions should not be asked. These include questions which contain inferences and imputations, hypothetical matters and repetition. The member for Balcatta did not follow those instructions when framing his questions. I would prefer to believe they were intended to be a cross-examination of the Minister.

The member for Balcatta is a nice young fellow, but when starting to cross-examine someone he should realise that I already had four years' legal practice by the time he was born. Based on these deductions, the member for Balcatta drew conclusions which were entirely wrong. I intend to inform the House of the facts surrounding this entire issue.

It is a very simple matter. When I heard the name of Mullally in connection with the Tresillian affair, somebody asked me—I cannot recollect who—whether it was the same fellow who was employed by the SEC. I had no idea whether or not he was.

Mr Davies: Some pimp ran to you, I suppose?

Mr MENSAROS: Members opposite do not have to believe what I am saying. Of course I was

interested in the matter; I was proud of the SEC, which only recently had been reorganised. I believe it is a very good organisation. I telephoned the Commissioner of the SEC, asking him whether it was the same person.

Mr Pearce: Why did you do that?

Mr B. T. Burke: And that is all you asked?

Mr MENSAROS: Yes, that is all I asked him.

Mr B. T. Burke: How do you explain his reply?

Mr MENSAROS: If the member for Balcatta will only be patient, I will tell him. However, he will not be patient, because he does not take his motion seriously. He co-operates only with the Press. We see him telephoning the Press from the telephone in the Chamber. Sometimes I wonder why it is not disconnected.

Mr B. T. Burke: You can answer these questions. You do not even want time to study them.

Mr MENSAROS: I wonder whether my question to the SEC was wrong or improper. Let us take another hypothetical case, and say that I asked for more information than in fact was the case. Would that have been improper? Does any member opposite seriously believe it would be wrong for a Minister to ask any question of a department under his control? If any member of the Opposition had a business of his own—I do not think there is such a member—would he be delighted to find that one of his employees, whether in the company's time or his own, is suing the company or the parent company of the employer?

Mr B. T. Burke: I would dismiss the general manager for providing an answer like that.

Mr MENSAROS: I do not think the member for Balcatta can be patient. How many times did I interrupt him? Not a single time. Anyhow, I cannot see anything wrong or improper in this.

A further fact is that the Commissioner of the SEC wrote me a minute relating to my query which went beyond the information I sought. This is quite understandable; obviously, they were concerned with the situation—certainly, they were more concerned than somebody who was not interested in his own organisation would have been. I do not think there is anything improper or wrong with the nature of the commissioner's reply.

Let me quote from parts of section 20 of the State Energy Commission Act. I will not quote the entire section, but will refer selectively to the section; anybody can check it. It states—

The Commission shall furnish the Minister with . . . full information on all business of

the Commission . . . which he himself requires. Or, for that matter, anything which Parliament requires.

It further states—

. . . the Minister shall be at all times entitled to see all documents, papers and minutes which he requires, for himself, and to be supplied with copies thereof . . .

Mr B. T. Burke: Can you answer this one question? Why did the commissioner reply to you mentioning a writ, not identifying a writ—a writ you had not raised with him?

Mr MENSAROS: The member should ask the commissioner that question because I do not know. Whilst I cannot see anything wrong with this letter, I can and do say that gross impropriety is involved in the way in which this letter came into the hands of the member for Balcatta and I ask him how he got it. Did he get in a proper way? Somebody stole this document!

Several members interjected.

The SPEAKER: Order! There are far too many interjections.

Mr MENSAROS: I take it that the member for Balcatta says that the document came into his hands in a proper way. Did it?

Mr B. T. Burke: I shall answer you when I reply to the debate.

Mr MENSAROS: So we establish this.

Mr B. T. Burke: We did not establish that at all.

Mr MENSAROS: The rest of the facts which the member for Balcatta tried to parade in this House to my mind have nothing to do with the whole case, if there is a case. In the affidavit Mr Mullally explained that he worked for the SEC. We know that he applied for another job. What is wrong with that? I do not know what is wrong with the fact that he obtained a "thank you" letter from one of the assistant commissioners whom he had previously accused of not being happy with his—Mr Mullally's—recommendation. Those were the facts I gave to the House and there was nothing misleading about them.

Let us come to the allegations. It is very difficult to establish what the allegations are but, having listened very carefully to the member for Balcatta and not having read the documents, I take it that generally speaking he alleges I misled the House and he implies that I interfered with the private affairs of an employee.

Mr B. T. Burke: The first allegation is that you

replied untruthfully to a question asked in this House.

Mr MENSAROS: He bases his allegations on various questions. The first question upon which he bases his allegations is a question in which he asked me about a minute which had obviously come into his possession in a quite improper way. Of course, he thinks I am so naive that I would not have known that at that time. However, he asked me a question and I told him that it is not the custom to discuss minutes which are exchanged between a Minister and the officers of a department or an instrumentality. I maintain this attitude and I think that members opposite, when they were in Government, maintained the same attitude. I would not and will not create a precedent that such documents should be presented willy nilly. I do not think the business of government could be properly conducted without establishing proper communications between a Minister and his officers; and all such communications and files have never been the subject of public scrutiny during the term of any Government.

The next thing upon which the member for Balcatta bases his allegations that either I misled the House or for some reason—I do not know why he said this—interfered with the private life of an employee is a stereotyped question directed to all Ministers in this House in which he asked—

Has he at any time caused inquiries to be made, directly or indirectly, into the activities of any public servant in connection with the Tresillian controversy?

In reply I stated the facts. As the facts were, even as Minister for Fuel and Energy I would have been correct in the answer. But in his enthusiasm or perhaps because he was less than precise the member did not ask a single question of the Minister for Fuel and Energy.

He asked questions of the Minister for Industrial Development which had nothing to do with the SEC.

Mr B. T. Burke: Oh!

Mr MENSAROS: Check *Hansard*.

Mr B. T. Burke: Is that your evidence?

Mr MENSAROS: I take it the member wished me to mislead the House, however, when he asked a question of the Minister for Industrial Development about a public servant because Mr Mullally was not a public servant but an employee of the SEC, the question could not have been for any other reason. Yet it is a fact that even as the Minister for Fuel and Energy I did not either directly or indirectly cause inquiries to

be made into the activities of a public servant or other employee. I asked whether he was employed.

Point of Order

Mr BARNETT: I raise a point of order. Mr Speaker, can you determine whether the Minister for Fuel and Energy is replying to this or the Minister for Industrial Development?

The SPEAKER: That is a frivolous point of order and I hope that members will not stoop to raising such points of order.

Debate Resumed

Mr MENSAROS: The next allegation concerns this famous statutory declaration or affidavit. The interesting thing is that the member for Balcatta says that he came to the conclusion that I misled the House or that I interfered in the private affairs of an employee, but the affidavit—although I have not seen it, and have only heard the member reading it, this can be checked—contains as an introduction to every statement such phrases as, “I believe” and “I was informed”. Those phrases amount to an opinion. In that case does it matter whether it is an affidavit or a statement, or what it is? The affidavit does not state things as facts. It contains only opinions.

Mr B. T. Burke: Check the affidavit.

Mr MENSAROS: Does it not say, “I believe”?

Mr B. T. Burke: No it does not. I shall correct you again in my reply, but do not mislead the House any more.

Mr MENSAROS: All the points which the member for Balcatta read from the affidavit neither have anything to do with the matter, if we can define the matter at all, nor employ language which is other than an opinion upon which the member bases his case that I misled the House, which I have not done. I think the comments about Mrs Ashby and Mr Englebrecht, cases which I heard for the first time tonight, draw no conclusions; and, as anybody who is independent of mind will judge, the comments about Mr Mullally being a soft-hearted fellow and the SEC still following his advice really have nothing to do either with Tresillian or the Minister for Fuel and Energy, as far as I can see. But I know that the member for Balcatta, by his behaviour, this motion, and everything connected with it, will cause great harm to people; and I imagine the motion would not do any good to his alleged friend.

Mr Speaker, on another occasion the member

for Balcatta asked a question about another employee of the SEC. He telephoned this employee and told him that he was going to ask questions in the House. The employee begged him not to do so because his career and his good faith would be put into question.

Mr B. T. Burke: Why was he scared?

Mr MENSAROS: Nobody wants his name to be bandied around.

Mr B. T. Burke: I will tell you something else. He rang me at half-past-nine and then he rang the Leader of the Opposition—

Mr MENSAROS: Mr Speaker, may I speak?

Mr B. T. Burke: —about what you might do.

Mr MENSAROS: I shall rest until the member finishes speaking. What did the member do with this employee? Unfortunately this sort of thing is quite common with him. He simply said to him, “I shall give your name publicity because I am a friend of yours.”

The fellow said that nothing wrong had happened to him and he begged the member for Balcatta to be silent. However, he would not be silent. This chap phoned the Leader of the Opposition. He could not speak to him, so he spoke to his secretary and begged that he not be paraded about in the House knowing the person cannot reply to him. But what does the member for Balcatta do? He mentions him in the House. This is what he does. This is the way he operated in connection with Mr McKenna and the Ugle case; this is the way he operates all the time.

When we study the motion we find it does not make any sense because he asks the House to appoint a Select Committee to report upon the involvement of Mr Mullally in the Tresillian controversy. Why should a Select Committee report on that when everyone knows about it? Then he asks that special attention be paid by the Select Committee to any involvement in these matters by the Minister for Fuel and Energy. Does he believe the House wants to know of my involvement in the Tresillian affair? I cannot comprehend it.

I think I have said enough. I feel sorry for the member for Balcatta because he is a talented young man. He has good elocution which he could use for a much better purpose. I am sorry this is his style because I knew his father, and his father's style was exactly the opposite.

Several members interjected.

Mr B. T. Burke: You are a guttersnipe.

Mr MENSAROS: I had a great respect for his father and I am ashamed of the member for Balcatta on behalf of his father.

Several members interjected.

The SPEAKER: Order!

Mr MENSAROS: I consider the motion is frivolous and therefore should be rejected out of hand.

MR PEARCE (Gosnells) [9.42 p.m.]: The Minister began his speech by saying he would give an objective statement to the House and then finished with a slur on a member's father.

Several members interjected.

Mr Sodeman: Listen to the facts! He paid a compliment to his father!

Several members interjected.

Mr PEARCE: He slurred a member by referring to his father which was certainly not an objective statement. Several times during his speech I pointed out the statements he made and the points he raised were not in any way objective as he claimed in the beginning he would be.

There is a fairly simple and single fact at the base of the matter which is a reasonable reason the House might believe a Minister has attempted—albeit unsuccessfully—to involve himself in the private affairs of an employee in a way which may have brought that man's employment into question.

In his defence—which was no defence at all—the Minister said he did not dispute the facts raised. He made the foolish statement that if the honourable member had obtained that document, he must have stolen it.

This emphasises the reason it is so difficult for members in this House to investigate matters like this. The previous debate made it clear we do not have access to documentation which would be available to a Select Committee. Documents which have come into the hands of members may not tell the full story. If some documents disclose good reasons for the House being concerned about the activities of a Minister, a department, or an instrumentality which comes under the purview of a Minister, then a Select Committee ought to be established to investigate the whole situation and ascertain the truth.

It is my contention that we have such a situation before us now. The Minister admitted he spoke to the Commissioner of the SEC with regard to Mullally's employment. I wonder why he did that. Do Ministers normally, when reading the paper and seeing a name in it, wonder whether that person is an employee of his department, or does he ring the head of the department and ask whether that person is employed by it? What would be the reason for the question? Is it merely to satisfy his own curiosity?

Does the Minister habitually ring the heads of departments after reading the paper to ask whether people mentioned in *The West Australian* are employees of the department, merely to satisfy his curiosity, or is there some other reason for his doing so? Quite clearly it seems likely there was some other reason in this case, the reason being that Mr Mullally was involved in an activity particularly embarrassing to this Government.

The Minister may merely be wanting to satisfy his curiosity. He may be a curious gentleman in more ways than one. However, I do not believe he would institute the inquiry without some thought of following the matter further. The Minister almost admitted that because he said, after several interjections, partly from myself, asking why he made that phone call, how proud he was of the SEC and how concerned he was for its reputation. If Mr Mullally is in the judgment of the Minister somehow causing him to fear that his pride in the SEC may be diminished because his activities in some way may be having some damaging effect on the commission then the inquiry could obviously have a more sinister connotation than the Minister puts on it. If the Minister is concerned it is only half a step further to bring pressure on Mr Mullally to desist in his activities with the Friends of Tresillian, or threaten him directly—I do not suggest that was done—or indirectly with cessation of employment.

Why did the Minister make the phone call? That is the first question which must be answered. In a sense the letter from Commissioner Kirkwood, which was tabled, does go some way towards answering that question.

There has been talk of embarrassment to the Government. This would be a strong argument for the Minister not going further with this particular inquiry. What the commissioner is really saying in this case is, "You should try to cool it and not try to push it, because it will turn out to be even more embarrassing in those areas in which you seek to avoid embarrassment."

Mr Herzfeld: It was over-reaction.

Mr PEARCE: From whom?

Mr Herzfeld: The commissioner.

Mr PEARCE: To what did he over-react? If the member for Mundaring is suggesting the Minister merely asked the commissioner whether the Mr Mullally involved with the Friends of Tresillian was the same chap employed by the SEC, then the commissioner would have indicated he was the same person, and that would have been the end of the matter. However, the commissioner went home that night and gave considerable

thought to the matter. He then discussed it with a senior colleague, and as a result of that discussion he sent the memo. That would be an incredible over-reaction by a senior public official; that is, to write a memo of that type in reply to a simple question the Minister claimed he addressed in the first instance to the commissioner. If that is the type of over-reaction the member for Mundaring believes takes place in the Civil Service I hope he will vote for this Select Committee and, indeed, others, to ensure that type of over-reaction does not occur throughout the Civil Service. I think more rational and reasonable reasons present themselves for the issue of that particular memo.

Mr Herzfeld: How would a Select Committee solve over-reaction?

Mr PEARCE: It would inquire into the situation and disclose whether or not there was over-reaction. The member for Mundaring should be intending to vote for the motion because he has theories on the matter which he could put to the test.

These are significant and serious matters the House is discussing and we deserve to know the truth. It is a poor situation when a Minister rises to speak and does not in an allegedly objective address present the House with any factual material. He does not table any document which may support his case. He does not table anything. The only documents tabled were those presented by this side and they may not represent all the documents which are available on the case. We do not claim we have been able to obtain all the information which may be on SEC files. Such information might well be made available to a Select Committee because it can call for and press very strongly for such information. That is why a Select Committee is needed and why the information cannot be obtained in one single simple debate in this House. A Select Committee is needed to investigate this matter.

Mr Sodeman: Does not the commissioner in his minute say the matter had not been discussed with Mr Mullally?

Mr PEARCE: The commissioner said he had not discussed it with Mr Mullally.

Mr Sodeman: And you are saying the Minister had discussed it. What is the point?

Mr PEARCE: The member opposite can easily be appointed to the Select Committee to inquire into this matter. It has not been suggested, and I am not alleging it, that Mr Mullally's employment was terminated as a result of this action.

Mr Sodeman: Or the result of any pressure?

Mr PEARCE: The whole point is; did the Minister move to terminate the employment of Mr Mullally?

Mr Sodeman: It is an assumption on your part.

Mr PEARCE: Of course it is; that is exactly the case. I am surprised the member opposite had not got the point earlier. Perhaps in accordance with his method of presenting speeches, we should write it out for him.

We are forced to make an assumption. We feel a Select Committee of members from both sides of this House would enable those members to understand fully all aspects of this case. Assumptions have been made. Serious claims can be made, but not with any complete or absolute certainty. That is the point. Serious matters have been raised and they deserve serious investigation and serious treatment.

The only serious treatment which can be given to ascertaining the full facts is the appointment of a Select Committee to investigate the matter. If members opposite do not vote in favour of a Select Committee I feel they will be voting against their own beliefs.

Mr Sodeman: Your argument has not been convincing.

Mr PEARCE: We know our arguments will not convince the member for Pilbara.

Mr Sodeman: That is the sort of inane remark we expect.

Mr PEARCE: The statement from the member for Pilbara does not have any supporting facts. I hope he will rise to speak when I resume my seat and point out specifically what is unconvincing about my argument. The public can then judge whether the member for Pilbara is able to demonstrate whether or not my argument is convincing. I will be only too pleased to hear from him.

I was shocked and ashamed by some of the comments made earlier during this debate. It ill-behoves members opposite to line up behind the Minister for Labour and Industry who lacks any sort of rationale. If the performance we had from the Minister is a sign of the level at which members opposite operate, we would be better without it.

As has been put forward, this is a serious matter. The reputation of Mr Mullally is clearly at stake, and it could be that the integrity of the Minister is at stake. The Minister is entitled to put his case to a Select Committee in order to clear his name.

Mr Sodeman: Have you given the member for

Balcatta enough time; that is what he asked you to do.

Mr PEARCE: The member for Pilbara would be the most ineane interjector in this House.

Mr Tonkin: He will not get promotion to Cabinet by acting in that manner.

Mr PEARCE: The member opposite should make a speech without reading it, for a change.

Mr Sodeman: I am reacting to a nonconsequential speech at the moment.

Mr PEARCE: If the member was to go to sleep, like some of his colleagues, he would be better off.

A serious case has been made with regard to this matter and it deserves serious investigation by a Select Committee. I hope members will consider honestly the points raised on this side of the House and support the appointment of a Select Committee to clear up these matters. If members opposite vote against the appointment of a Select Committee, in the light of the allegations which have been made, they will leave themselves open to the charge that it is not a vote to discover, but a vote to conceal.

MR B. T. BURKE (Balcatta) [9.55 p.m.]: In closing the debate I intend to treat each point raised by the Minister in the order in which he raised it. The Minister spoke about the lack of objectivity and Press-catching comments, which he attributed to me. I make no pretence of trying to deny publicity to an issue which I see as being just and fair. I do not deny that. If the Minister translates what I said into Press-catching statements, then that is his translation and not mine.

The Minister went on to say that the allegations and conclusions which had been reached by the people mentioned in my speech, and by myself in making my speech, were completely without fact. I will prove completely that the Minister is quite wrong in his assumption about the factual nature or otherwise of what was said.

The Minister then said that even if the comments were factual, they meant nothing. I believe that *prima facie* the Minister is proved wrong, and if he believes my statements mean nothing he did nothing to prove that the matters stated were untrue. Any attempt to prove the untruth of my statements failed quite dismally. I think any reasonable member will concede that the Minister's defence was totally inappropriate.

Members heard the Minister say he was not wrong in answering a question because it was directed to him as the Minister for Industrial

Development, although the question concerned the State Energy Commission, Tresillian, and Mr Mullally. The Minister did not say he answered wrongly because he was not the Minister for Fuel and Energy, but because he was only the Minister for Industrial Development.

Mr Mensaros: Had the question been directed to the Minister for Fuel and Energy the answer would have been the same.

Mr B. T. BURKE: I fail to understand how the Minister can believe the basis of that.

Sir Charles Court: He said that had he been asked the question the answer would have been the same.

Mr B. T. BURKE: The Minister has magically become a different person. He said his excuse was that he was the Minister for Industrial Development at the time, and not the Minister for Fuel and Energy.

Sir Charles Court: He did not plead that at all.

Mr B. T. BURKE: The Minister who professes to have intellectual capacity, and who patronisingly said he had had four years' legal practice before I was born, considered that allowed him to dismiss in such a puerile manner the things I placed before him.

The Minister, while lauding his intention to be factual, talked about whether Mr Mullally and I concocted this case. In those remarks he labelled Mr Mullally as a troublemaker.

Mr Mensaros: I did not.

Mr B. T. BURKE: It seems that if we talked about these things, Mr Mullally was a troublemaker. He referred to his legal training. He said that if we did not concoct this case together, I am doing what I often do: harming one of my friends.

The Minister has not put forward any kind of argument. He simply said these were the alternatives and he did not know the answer, but that did not matter. He said that everything he had to say was quite proper because he was the Minister for Industrial Development at the time. The Minister then continued to talk about the facts as I presented them being based on a series of questions. Quite certainly they were based on a series of questions; I do not deny that.

I asked questions of the Minister, and the Minister supplied me with the answers to those questions. I have made the statements myself; I did not say that Mr Mullally had made them. I have made statements myself and I have supported those statements. The Minister said that the reply from Mr Kirkwood was much wider than he expected. The Minister said that, but he

denied he caused inquiries to be made. Of course, the Minister is responsible for the commissioner of the SEC. Why did the commissioner, in answer to a simple question about Mr Mullally's employment, tell the Minister that the matter should not be pursued? Why did the commissioner tell the Minister that Mr Mullally was one of the signatories to a writ?

The Minister did not mention a writ; why would the commissioner tell the Minister Mr Mullally was one of the signatories to the writ?

Sir Charles Court: You tell us. It has been explained.

Mr B. T. BURKE: Why was it necessary to talk about Mr Mullally being a young man with two young children? Why did the commissioner tell the Minister about Mr Mullally's involvement with the child care centre at the university? Did the Minister talk about whether or not the matter should be pursued? Did the Minister tell the commissioner that that would cause the Government embarrassment?

Sir Charles Court: You are fabricating this.

Mr B. T. BURKE: No, the Premier does not like what I am saying.

Sir Charles Court: The member is building up a case on false premises.

The SPEAKER: Order! There are far too many interjections. The member for Balcatta.

Mr B. T. BURKE: Is the Minister not surprised that in response to a simple question he should get this flood of what he must consider to be irrelevant information? If he did wonder about that, why did the Minister not take action? Obviously he has been placed in a very dangerous position. Mr Kirkwood's minute or memo has implied all sorts of things about the Minister. His reply went far beyond the question asked of him. Why did the Minister not clear the matter up with Mr Kirkwood? Why tell the House he did not? Why did Mr Kirkwood put a memo of that nature on the file? Was he deliberately trying to implicate the Minister?

Sir Charles Court: How can you say what Mr Kirkwood said?

Mr B. T. BURKE: Why did the Minister not conduct some kind of inquiry at that time? It is said a politician's strongest instinct is that of self-preservation. Quite clearly in this case the Minister's instinct was not operating because he allowed a man to put on file certain statements in a memo which implicated him in very grave matters. He took no action about it, and now he says he agrees Mr Kirkwood's memo went far in

excess of what he would have expected it to contain, but he accepted it.

Sir Charles Court: A Minister takes things off the files. You get further in the bog with every sentence you utter.

Mr Jamieson: He has you on the raw and you know it.

Sir Charles Court: One thing you do as far as Mr Mullally is concerned is to condemn him as a professional man. No-one would ever again trust him with a professional confidence.

The SPEAKER: Order! The member for Balcatta has the floor and I ask him to continue his speech.

Mr B. T. BURKE: I will continue, Mr Speaker, but I rather thought it would have been more appropriate for you to ask people to desist from interrupting me.

Let me state it precisely once more. The Minister found himself in a position where a reply from his senior officer in the SEC to a simple question he asked went far beyond the terms of the question—so far beyond as to dangerously implicate the Minister and lay him open to the charge that he was placing pressure upon a certain employee or seeking to have pressure placed upon him. Quite clearly the Minister did nothing. He did not take the memo to Kirkwood and say, "I did not ask you this. Why did you tell me this? Let me have another memo which will clear up this situation."

Mr Sodeman: How do you know?

Mr B. T. BURKE: He has not told us he did. He did not produce any memo that corrected what Mr Kirkwood said. But more importantly the Minister failed to substantiate the determined change in attitude towards Mr Mullally on behalf of the commission's senior officers in the case I referred to. Why was there need for that kind of change in attitude while at the same time Mr Mullally's recommendations were accepted? Why would one man say to him, "You are being dictated to by a social conscience; you have an unfair view of the situation"? Why?

Sir Charles Court: You answer your own question. You have done the man's career a lot of harm.

Mr Jamieson: You are threatening him.

Sir Charles Court: On what you are putting he is not to be trusted with a professional confidence.

Mr Jamieson: That does not do you any credit.

The SPEAKER: Order! The interjections will cease and the member for Balcatta will continue his speech.

Mr B. T. BURKE: I now move on to that part of the Minister's rebuttal in which he referred to a stereotyped question asked of a number of Ministers. The question was quite simply—

Did he cause, directly or indirectly, any inquiries to be made into the activities of any public servant in connection with the Tresillian controversy?

He said, "No", yet we have seen the result of his telephone conversation. Was that not an inquiry?

Sir Charles Court: He has not interfered with the man's private affairs.

Mr Jamieson: Do you make this kind of inquiry in your department? If you do you should be arraigned before the courts.

Sir Charles Court: I do not have to do it. If the Minister asked the question he was not interfering in personal affairs.

The SPEAKER: Order! I ask for the cross-interjections to cease. The member for Balcatta.

Mr B. T. BURKE: The Premier has obviously overlooked the terms of the question asked. The question asked about any inquiry the Minister caused to be made, directly or indirectly, into the functions or involvement of a public servant in the Tresillian matter. It did not mention interference; it mentioned inquiry. The Minister admits having made a telephone call and having received in return a memo, which can only be termed an inquiry.

Sir Charles Court: He sought an identity, which is a different thing.

Mr B. T. BURKE: The Premier is quite clearly confused. I asked, "Did he cause, directly or indirectly, any inquiry to be made?" That is all I asked. I am not saying he caused it directly or meant to cause it. I am asking whether he did cause it, and he is admitting this memo resulted from his telephone call. I am saying further the memo constitutes an inquiry. The Premier keeps mouthing about interference or asking for an identity. The Minister clearly caused an inquiry. That was the question. He knew that was the question. He gave an answer which amounted to deliberately misleading the House.

Mr Mensaros: You said yourself that the next morning I received a memo. That is not an inquiry.

Mr B. T. BURKE: As far as the Premier's repeated interjections—which I prefer to term repeated threats—about Mr Mullally's career are concerned, I simply say the public will be watching very closely the future course of Mr Mullally's career. Whether the Premier—using his typical bully-boy tactics, trying to intimidate

Mr Mullally through me—is successful will be discerned by the public. Quite clearly it will rest in the Premier's court. I know I speak for all members of the Opposition when I say Mr Mullally, not only in his own words and in his own right, is seen to be competent and idealistic; that is the nature of the comments made by his employer, the SEC. It is passing strange he was dismissed on the same day as the mayor met with the Minister for Local Government.

Sir Charles Court: That is a nasty smear.

Mr B. T. BURKE: It is very strange. The Premier becomes upset when his political ground is encroached upon. That is his typical manoeuvre. He does not mind people calling him names but when anyone strikes him on matters like Tresillian or his lack of compassion and humanity we have seen this man go mad. We have seen his initial behaviour time after time. We have seen the Minister unable to carry the burden, and now we see the Premier prepared to make his speech sitting down, to denigrate, but not to get to his feet and defend his Minister publicly.

One other matter was raised by the Minister during his speech; that is, the matter of John Dearle.

Mr Mensaros: You have to use names again to damage people. That is your purpose.

Mr B. T. BURKE: The Minister raised the name himself.

Mr Mensaros: I did not use names. You want to damage people.

Mr B. T. BURKE: The Minister said a man was named in another question which was put to him in this House. The man named was John Dearle. It is true I rang him and told him—as I will tell the House on a later occasion—of his involvement with the Premier and Mr Gillies. We will learn about that, to the Premier's eternal damnation. I rang this man and told him I intended to ask these questions. He asked me not to. I did not say whether I would or would not, but that I would consider it. He rang me later that night, about 9.30, and again said to me, "If this case comes out my career will be ruined. I am 49 years old. I have young children. I do not want this to happen."

I said, "You realise I cannot give you an undertaking." The next day Mr Dearle rang the Leader of the Opposition to put the same plea to him. Of course, the Leader of the Opposition was in no position to dictate to me what I should or should not raise, and what will be raised is a question of the Press release by Mr Dearle, acting on the instruction of Mr Gillies, in complete

contradiction of what the Government wants; as a matter of fact, it resulted in a severe reprimand by Mr Kirkwood as soon as he was appointed. That will be raised on another occasion.

Sir Charles Court: Raise it now.

Mr Tonkin: Don't make muck and we won't have to rake it.

Mr B. T. BURKE: The final point raised by the Minister was the only thing that perhaps even approached hurting me, and that was when he spoke of my father. He knows as well as I do that my father had a chequered career within the Labor Party. I loved him very much, and I will defend the things he believed in, although I did not always agree with him. The sort of action taken by the Minister in trying to hit me over the head with my father's memory is completely unacceptable to me.

Several members interjected.

Mr Jamieson: He did so. You know that he did. What are you trying to tell us here.

The SPEAKER: Order!

Sir Charles Court: What he said was proper.

The SPEAKER: There are far too many interjections. The member for Balcatta.

Mr Sodeman: The Minister made a proper and complimentary statement.

Mr Mensaros: I said he would not have done anything such as the member for Balcatta has done.

Mr Jamieson: It was a snide comment, and you know it.

Mr Sodeman: We did not see it as such.

Mr Jamieson: Oh, go back to sleep!

Mr B. T. BURKE: What the Minister said was, knowing my father, he knew he would have been shocked at the path I have taken, and he knew that my father would not have taken such a path. If that is the type of argument on which the Minister wishes to rest his case, so be it. I say two things: it was in no sense a convincing intellectual argument. Secondly, it was a most hurtful thing to say. My father did the Minister many kindnesses, and that is how the Minister repays him.

Mr Sodeman: What a distortion!

Mr Davies: He tried to hurt his son.

Mr B. T. BURKE: So in conclusion I say simply that the Minister has failed on several counts to answer the proposition put before the House; he has failed to explain why he did not act on the receipt of a minute which provided him with all sorts of information; he has failed to

explain the change of attitude towards Mr Mullally on the part of the SEC following the Tresillian controversy, and following the things of which I have spoken tonight; the Minister failed also to explain to the House why he did not initiate inquiries about what was contained in the minute.

Mr Speaker, you know and I know that members on the Government side of the House will vote against the motion, but everyone knows the matter will not rest here. It cannot, and we all know it. The people who vote against the motion will be doing so not knowing whether they are voting the right way, and not knowing the substance of the case. All we wish to do is to refer the matter to a Select Committee.

Mr Grayden: We know the member for Balcatta.

Mr B. T. BURKE: The Minister may well be right. It may be that the reputation I have gained in this place is sufficient for him to dismiss things that I raise simply by saying that I raised them.

Members on the Government side who perhaps are considering which way to vote should remember that we are simply seeking a Select Committee which may be converted into a Royal Commission. If a tribunal is appointed, and if I am wrong, the truth will come out. If I have deliberately misled the House, the truth will come out.

I will bear the responsibility for what I have said, if that is what Government members want. I do not wish to deny any type of inquiry. If the Government wishes to appoint a Select Committee on which it has a majority, I will accept that too. If it wants a Royal Commission, an independent judicial inquiry or any other type of inquiry, I will accept that also. The Opposition concedes to the Government the right to set up any sort of inquiry it wants. It does not concede to the Government or to one back-bencher the right to deny the truth of what has been laid before the House, or the right to rest easy in conscience for the way in which he votes.

Mr Grayden: Thank God for the minister for Industrial Development!

The SPEAKER: Before I put the question, there is one matter I would like to raise. Several points of order were taken earlier in the debate as to whether I would allow the affidavit which was being quoted to continue to be quoted. Older members of this House will probably remember that Speaker Guthrie was as firm as any Speaker has been in recent times in respect of the reading of documents in the House. On the 23rd October, 1968, under the Speakership of Mr Guthrie, and

in a speech which occupied 5¼ hours, a member quoted from two questions, 35 other documents, 16 statutory declarations, and one petition. These quotations covered approximately 11 pages of *Hansard*. I, as Speaker of the House, am obliged to follow the practice of the House, and I believe, in allowing the member to quote from the document in the way he did tonight, I was acting in accordance with the precedents of this House.

Opposition members: Hear, hear!

Question put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr T. D. Evans	Dr Troy
Mr Grill	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 28

Mr Blaikie	Mr MacKinnon
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Williams
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr McPharlin
Mr McIver	Mr Spriggs
Mr Harman	Mr Watt
Mr Bertram	Mr Rushton

Question thus negatived.

BILLS (8): RETURNED

1. Local Government Act Amendment Bill.
2. Coal Mine Workers (Pensions) Act Amendment Bill.
3. Country Areas Water Supply Act Amendment Bill.
4. Land Drainage Act Amendment Bill.
5. Country Towns Sewerage Act Amendment Bill.
6. Perth Medical Centre Act Amendment Bill.
7. Construction Safety Act Amendment Bill.
8. Physiotherapists Act Amendment Bill.

Bills returned from the Council without amendment.

TOURIST ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr P. V. Jones (Minister for Education), read a first time.

House adjourned at 10.22 p.m.

QUESTION ON NOTICE

TAXIS

Regulations

752. Mr HARMAN, to the Minister representing the Minister for Transport:

- (1) Are there regulations dealing with the operation of taxi services, drivers and other matters?
- (2) Are these regulations available for purchase?

Mr O'CONNOR replied:

- (1) Yes.
- (2) Yes. However, the member will appreciate that to gather together the various amendments issued from time to time is a considerable task.

This aspect was discussed at the last meeting of the Taxi Control Board held on September 13 and I quote from the record of the relevant item in the notes of that meeting for the member's information.

The Secretary advised that an up-to-date copy of the Taxi Car Regulations 1964 had been prepared and can be printed by using the facilities available through the Transport Commission, however there was a cost element involved and members agreed that copies of the Regulations should be made available to those who required them for \$1.00 per copy. However before distribution, industry members would be given the opportunity to peruse them with a view to the addition of other information considered necessary. It was agreed that an extract from Part IX of the Road Traffic Taxi-Car Regulations be included.

TAXIS

Bucket Seats

753. Mr HARMAN, to the Minister representing the Minister for Transport:

What is the policy of the Taxi Control Board in respect of bucket seats in taxis?

Mr O'CONNOR replied:

Taxi-cars are licensed to carry five passengers and bucket seats in the front compartments are not acceptable as it could be necessary to have three people in the front and three in the back.

TAXIS

Licences

754. Mr HARMAN, to the Minister representing the Minister for Transport:

- (1) Is he aware that some taxi-car licences are only being renewed for six months and thereafter for 12 months?
- (2) Is he aware that the Taxi Control Board has taken this action to ensure a "smoother work flow"?
- (3) Can the Minister explain the implications of the expression "smoother work flow" (as stated in the Board's letter to certain licence holders) and benefits/disadvantages of this decision?
- (4) Will the Minister ensure that those licence holders who have been randomly selected to pay a half year licence on this occasion be allowed to pay the full year if they so desire?

Mr O'CONNOR replied:

- (1) Yes.
- (2) Yes.
- (3) Action was taken to spread the work in relation to the issue of taxi-car licences evenly over the twelve months of the year in order to keep administrative costs at the lowest possible level.
- (4) No. This would defeat the object of spreading the work-load of renewal of taxi-car licences. The arrangement which is one-time only should not be too inconvenient to those who have been asked for shorter registration periods.

INDUSTRIAL AWARDS AND AGREEMENTS

Prosecutions

755. Mr HODGE, to the Minister for Labour and Industry:

During the past 12 months how many employers have been prosecuted for breaches of awards or industrial agreements as a result of complaints made by workers to Department of Labour industrial inspectors?

Mr GRAYDEN replied:

One. Complaints are usually settled to the satisfaction of both parties when the employer is approached by the department's inspectors. If this is not possible and the complainant seems to have a good case the matter is then referred to the Industrial Magistrate by way of a complaint against the employer.

INDUSTRIAL AWARDS AND AGREEMENTS

Inspectors

756. Mr HODGE, to the Minister for Labour and Industry:

- (1) (a) Do the industrial inspectors employed by the Department of Labour regularly visit the places of employment covered by the awards and industrial agreements that they have responsibility for policing to ensure that breaches are not occurring;
- (b) if not, why not?
- (2) How many places of employment covered by State awards and industrial agreements have been visited by Department of Labour industrial inspectors during the past 12 months—
- (a) in the metropolitan area; and
- (b) outside the metropolitan area?

Mr GRAYDEN replied:

- (1) (a) Yes, as and when pressure of work allows.
- (b) Answered by (a).
- (2) For the year ended 30th June 1977—
- (a) 44.
- (b) Nil.

INDUSTRIAL AWARDS AND AGREEMENTS

Inspectors

757. Mr HODGE, to the Minister for Labour and Industry:

Can three industrial inspectors effectively police 414 awards and 180 industrial agreements?

Mr GRAYDEN replied:

This is a significant question, I think, Mr Acting Speaker. The answer is as follows—

Three industrial inspectors cannot visit all premises covered by industrial awards and agreements in Western Australia.

However, during the year ended June 30, 1977, 26 903 telephone inquiries concerning wage rates, annual leave entitlement—

I will just repeat that:

26 903 telephone inquiries concerning wage rates, annual leave entitlement long service leave and award conditions generally were answered. A number of complaints received by telephone were settled by telephone calls to the employers. 919 interviews were conducted at the office.

Mr T. H. Jones: What do they do in their spare time?

Mr GRAYDEN: We are talking about three industrial inspectors. To continue—

228 written requests for information on wage rates, 55 on award conditions and 14 on long service leave were received. 25 inquiries on Federal awards were referred to the Department of Employment and Industrial Relations.

255 complaints were received and \$19 078.12 was recovered on behalf of employees.

TOWN PLANNING AND ROADS

Cannington

758. Mr BATEMAN, to the Minister for Urban Development and Town Planning:

Will he advise what town planning and road development is proposed along the Canning River from Nicholson Road,

Cannington to Mason Street, Cannington, bounded by Canning River and Albany Highway?

Mr RUSHTON replied:

The Metropolitan Region Planning Authority is conducting a planning study into the whole of the south-east corridor. The study, which will include roading proposals in the Cannington area, will be available for public comment in due course.

SCHOOL

Swan View

759. Mr SKIDMORE, to the Minister for Education:

Is he able to advise me as to when he will be able to arrange a visit by himself to the Swan View primary school to meet representatives of the Parents and Citizens Association and the principal of the school with a view to discussing on site the problems associated with the school?

Mr P. V. JONES replied:

It is hoped to arrange a visit by the Minister and appropriate departmental officers some time in November, 1977.

LOTTERIES COMMISSION

Melbourne Cup Sweeps

760. Mr SKIDMORE, to the Chief Secretary:

- (1) Has the Lotteries Commission hardened its attitude to clubs and like bodies conducting Melbourne Cup sweeps?
- (2) If so, what has prompted the Lotteries Commission to take firmer action in this matter?

Sir Charles Court (for Mr O'NEIL) replied:

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

KALAMUNDA ROAD

Upgrading

761. Mr SKIDMORE, to the Minister for Works:

- (1) Has the Kalamunda Shire submitted a proposal to upgrade Kalamunda Road from Hawtin Road to Midland Road?
- (2) If "Yes" what is the estimated cost of the work?
- (3) (a) Has approval been given for this work to proceed;

- (b) if not, would he give the proposed work the highest priority because of the dangerous traffic hazard that now exists for residents including school children who have to cross this portion of Kalamunda Road?

Mr O'CONNOR replied:

- (1) Yes.
 (2) \$161 645
 (3) (a) Yes, and \$134 600 has been approved from the outer metropolitan councils' urban road fund for expenditure by the shire council.
 (b) Answered by (3)(a).

POLICE STATIONS AND RTA

Cunderdin and Kellerberrin

762. Mr COWAN, to the Minister for Police and Traffic:

- (1) How many—
 (a) police officers;
 (b) Road Traffic Authority officers; and
 (c) clerical staff,
 are attached to each of the police stations at Kellerberrin and Cunderdin?—
 (2) What is the area and population of each of the districts served by the two stations?
 (3) How many court cases involving prosecutions by police officers were heard at—
 (a) Kellerberrin; and
 (b) Cunderdin courthouses in
 (i) 1975;
 (ii) 1976;
 (iii) 1977?
 (4) Is either police station involved in vehicle licensing?
 (5) Which towns other than Kellerberrin and Cunderdin lie within each district?

Sir Charles Court (for Mr O'NEIL) replied:

- | | | |
|-----|-------------------------|------------------------------------|
| (1) | Kellerberrin | Cunderdin |
| (a) | 2 | 4 |
| (b) | 2 | 1 |
| (c) | Nil. | Nil. |
| (2) | Kellerberrin | Cunderdin
(including
Tammin) |
| | 1 853 sq.
kilometres | 2 959 sq.
kilometres |

1 850	2 300
persons	persons

Information based on local government areas as supplied by the Bureau of Statistics as at 30/6/76.

- | | | |
|----------------------|------------------------|----------------------|
| (3) | Kellerberrin | Cunderdin |
| 1975: | 121 Police,
104 RTA | 16 Police,
40 RTA |
| 1976: | 146 Police,
208 RTA | 38 Police,
80 RTA |
| 1977 to
Sept. 20: | 63 Police,
253 RTA | 41 Police,
34 RTA |

This does not include prosecutions dealt with at Tammin prior to closure of the police station.

As from July this year, Cunderdin RTA traffic charges are heard in Northam, and are not included in the above figures.

- (4) No.

- | | | |
|-----|--------------|---------------------|
| (5) | Kellerberrin | Cunderdin |
| | Doodlakine | Tammin
Meckering |

WATER SUPPLIES

Hyden

763. Mr COWAN, to the Minister for Health:

- (1) Has the Public Health Department tested samples of water from the Hyden town water supply?
 (2) If "Yes" what were the results of the test?
 (3) Has any recommendation been made to the Public Works Department to improve the quality of the water supply to the town?
 (4) If "Yes" what were the recommendations?

Mr RIDGE replied:

- (1) No.
 (2) Not applicable.
 (3) Yes.
 (4) Short term recommendations have been discussed with the Public Works Department regarding upgrading of chlorination facilities, repair of faulty draw-off pipe and preventing animal and human access to stored water. In the long term, a new adequate water supply will have to be provided.

UNIVERSITY OF WESTERN AUSTRALIA

Opening of Mail

764. Mr TAYLOR, to the Minister for Education:

- (1) Are letters addressed by name to members of the staff of the University of Western Australia opened by other people, except when the letters are marked personal or confidential?
- (2) If "Yes" does this occur throughout the University or only in certain departments?
- (3) If this occurs only in certain sections or departments, which sections or departments are they?
- (4) Is it University policy that letters addressed to staff by name should be opened by other people, except when they are marked personal or confidential?
- (5) If this is University policy—
 - (a) who decided upon the policy;
 - (b) when, and for what reasons?
- (6) Have any members of staff complained about mail addressed to them by name being opened by other people?
- (7) If "Yes" to (6)—
 - (a) by whom were the complaints made;
 - (b) to whom and when?
- (8) What action has been taken as a result of the complaints?
- (9) Has the University obtained legal advice on the legality of the opening by other people of mail addressed to staff by name, but not marked private or confidential?
- (10) If "Yes" to (9)—
 - (a) what was the advice;
 - (b) why was it obtained;
 - (c) from whom and when?

Mr P. V. JONES replied:

- (1) Yes—in some circumstances.
- (2) Only in certain sections or departments such as the Registrar's Office and external studies.
- (3) Where it is necessary to control day-to-day transactions or to satisfy audit requirements for control of money.
- (4) and (5) Yes. The policy was established by the Administration in accordance with normal business policy.
- (6) to (10) In view of possible action which may occur it is preferable not to comment on these questions.

GOVERNMENT DEPARTMENTS, INSTRUMENTALITIES, AND INSTITUTIONS

Opening of Mail

765. Mr TAYLOR, to the Minister for Education:

- (1) Is it Government policy that mail addressed by name, but not marked personal or confidential, to staff of Government departments or other organisations and institutions for which the Government is responsible should be or can be opened by other people?
- (2) If "Yes" by whom was the policy decided, when and for what reasons?
- (3) If "Yes" to (1), have there been any complaints by staff members about the policy and if so, by whom, when and to whom?

Mr P. V. JONES replied:

- (1) A Government policy directive has not been issued in this matter, but Treasury Regulation 26 made under the provisions of the Audit Act, requires that where two or more officers are employed, all correspondence shall be opened in the presence of two responsible officers.

It is general practice for mail officers not to open mail which is clearly of a private nature.

(2) and (3) Answered by (1).

MILK

Import

766. Mr H. D. EVANS, to the Minister for Agriculture:

- (1) What is the freight cost of importing milk into Western Australia from Victoria?
- (2) (a) What quantity of liquid milk was imported into Western Australia in 1975, 1976 and 1977; and
(b) from what sources?
- (3) Can he give figures relevant to the possible abolition of equalisation in the dairy industry with specific reference to—
 - (a) any possible saving to Western Australia; and

- (b) any price increase per litre from (a) to manufacturing milk producers without increasing prices to consumers?

Mr P. V. Jones (for Mr OLD) replied:

- (1) The cost for freight only to import non refrigerated milk from Victoria has been calculated to be slightly over 5 cents per litre. Handling costs to and from the rail terminals, refrigeration costs if necessary, and other charges and costs have not been included.
- (2) The quantity imported for the years ending 30th June are as follows:
- | | |
|------|---------------|
| 1975 | 265 tonnes |
| 1976 | 209 tonnes |
| 1977 | Not available |

The source of the milk is given as Victoria

Source: Australian Bureau of Statistics.

- (3) It is not possible to provide the figures requested until the details of the marketing arrangements for dairy produce which will replace the present equalisation arrangements are determined and finalised.

DAIRYING

Marketing

767. Mr H. D. EVANS, to the Minister for Agriculture:

- (1) What is the policy of the Western Australian Government in regard to dairy market arrangements which are currently being considered?
- (2) Are the views of the Government on dairy marketing shared by the Farmers' Union?
- (3) (a) Have there been any discussions on dairy marketing between the Dairy Industry Authority, the Government and the Farmers' Union of W.A. in the past three months;
- (b) if so, on what dates?
- (4) (a) Is the policy of the Western Australian Government on dairy marketing arrangements in conflict with the Industries Assistance Commission report on the National Dairy Industry; and
- (b) if so, what ways?

- (5) What would be the result for Western Australian quota holders with little surplus milk if the Western Australian Government accepts the Victorian demand to include market milk quotas in market share entitlement?

Mr P. V. Jones (for Mr OLD) replied:

- (1) To expand the production of market milk including flavoured milk and yogurt, in line with population growth, and hold or expand as economic circumstances permit our present market share of manufactured milk products.
- (2) Yes. It must be recognised, however, that in order to negotiate a national scheme certain compromises are necessary.
- (3) (a) Yes.
- (b) June 30, July 4 and September 13. In addition the subject has been discussed at the monthly meetings of the Dairy Industry Authority on which there are Government and Farmers' Union representatives.
- (4) (a) and (b).— In general the Western Australian Government is in agreement with the I.A.C. recommendations. Its recommendations on levy reimbursement to growers under Stage II, however, were considered impracticable by all States. Agreement has not yet been reached on a mechanism to replace the I.A.C. mechanism.
- (5) The Western Australian Government has not agreed to the inclusion of market milk in the scheme. Its inclusion for entitlement sharing purposes only, however, would reduce Western Australia's share of the national entitlement from 2.5 to 2.2 per cent. The effect of this on individuals will depend on the national entitlement decided for the first year and subsequent years and the Western Australian production by entitlement holders in those years.

RENTAL ACCOMMODATION

Rent: Market Value

768. Mr WILSON, to the Minister for Housing:

- (1) Is it the policy of the Government to move State Housing Commission rents to market value?

- (2) If "No" is there any such proposal under consideration?

Mr O'CONNOR replied:

- (1) No.
 (2) Any such proposal will be considered in the framing of the Commonwealth-State Housing Agreement, 1978.

769. *This question was postponed.*

EDUCATION

Course for Unemployed School Leavers

770. Mr CARR, to the Minister for Education:

- (1) Do any technical schools or colleges offer any form of general post-school or pre-apprenticeship course which would be of assistance to unemployed school leavers to enable them to improve their employment potential?
- (2) If "yes"—
- which technical institutions do;
 - will he give details of the course or courses;
 - which technical institutions do not offer such courses;
 - do full-time students of such courses receive the tertiary assistance allowance or other financial aid;
 - if "Yes" to (d) will he please provide details?
- (3) If "No" to (1), will he give urgent consideration to introducing such a course for 1978, in view of the unemployment situation?

Mr P. V. JONES replied:

- (1) Yes.
- (2) (a) and (b) There are three major categories of course under this area:
- Pre-Apprenticeships—See attached Technical Education Division pamphlets.
 - Certificate of Admission Studies—These Certificates are offered as one year full-time programmes and studies with a bias towards either commerce or technology.
 Availability—Certificate of Admission Studies (Commerce)—Eastern Goldfields, Midland Technical and Perth Technical Colleges.

Certificate of Admission Studies (Technology)—Wembley, Eastern Goldfields, Mt. Lawley Technical Colleges.

- (iii) Preparation for Employment Course (unemployed youth education programme)—These courses are offered as twelve week full-time programmes.

Availability—Perth, Midland and Carlisle Technical Colleges.

- (c) Subject to demand, courses may be offered at any technical college.

(d) and (e)

- Pre-Apprenticeships—Year and/or NEAT scheme allowances subject to students meeting the conditions which apply to these financial schemes.
- Certificates of admission studies—No.
- Preparation for Employment course—No tertiary allowances but students given benefits through the Commonwealth Employment Service.

- (3) Not applicable.

UNEMPLOYMENT

Number and Percentage

771. Mr CARR, to the Minister for Labour and Industry:

- (1) What was the number of unemployed persons in each of the following CES districts at the end of August?
- Albany;
 - Bunbury;
 - Esperance;
 - Geraldton;
 - Kalgoorlie;
 - Kwinana;
 - Manjimup;
 - Merredin;
 - Northam;
 - Pt. Hedland;
- (2) What percentage unemployment figures have been estimated by the CES in each of these districts?
- (3) What percentage unemployment figures have been estimated by the CES for the towns on which each of these districts is centred?

Mr GRAYDEN replied:

- (1) (a) 515

- (b) 1 241
- (c) 232
- (d) 1 243
- (e) 773
- (f) 1 372
- (g) 192
- (h) 164
- (i) 515
- (j) 1 283

\$

- (2) (a) 4.72 per cent
- (b) 5.7 per cent
- (c) 3.99 per cent
- (d) 5.88 per cent
- (e) 5.83 per cent
- (f) 10.07 per cent
- (g) 3.21 per cent
- (h) 2.88 per cent
- (i) 3.3 per cent
- (j) 4.29 per cent

NOTE: The Australian Bureau of Statistics have recently revised the census population statistics and as a result the Department of Employment and Industrial Relations has revised the estimate of the workforce in each Local Government Authority district.

- (3) (a) Town of Albany 7.71 per cent
- (b) Town of Bunbury 6.99 per cent
- (c) —
- (d) Town of Geraldton 9.8 per cent
- (e) Town of Kalgoorlie 7.57 per cent
- (f) —
- (g) —
- (h) —
- (i) Town of Northam 5.93 per cent
- Town of Narrogin 2.77 per cent
- (j) —

NOTE: The figures are not available for individual towns except in a few instances. The data is collected on a basis of the area covered by the local government authority, and these usually extend beyond the limits of individual towns.

REGIONAL MANPOWER PLANNING PANELS

Kalgoorlie and Geraldton

772. Mr CARR, to the Minister Co-ordinating Regional and Economic Development:

- (1) With reference to the regional manpower planning panel which has been established in Kalgoorlie:—
 - (a) what organisations or individuals are involved in its operations?
 - (b) how is it funded and serviced?

- (2) In view of the fact that at a seminar on unemployment conducted in Geraldton last Saturday and attended by a wide cross-section of the community, there was considerable support for the establishment of a similar panel, will he advise of the appropriate steps towards the establishment of a similar panel in Geraldton?

Sir CHARLES COURT replied:

- (1) (a) Arising from a meeting convened by the Regional Administrator of the Goldfields, a Regional Manpower Planning Panel was established in Kalgoorlie earlier this year.

The composition of the panel is flexible.

The principal objective is for the panel to contain representatives from local organisations which are able to contribute to the aims of the panel in regard to the manpower needs of the area.

Currently, the panel is chaired by the Regional Administrator, and includes representatives from the local government authorities, employer organisations, State and Commonwealth Government departments.

- (b) Funds are provided by local authorities, mining companies, Chamber of Mines, Eastern Goldfields-Esperance Regional Development Committee.

- (2) The Government would welcome any local initiative to create a similar panel in Geraldton. Assistance would be forthcoming from the Department of Regional Administration and the North West.

UNEMPLOYMENT

Geraldton

773. Mr CARR, to the Minister for Labour and Industry:

- (1) Is it a fact that possibly a very serious unemployment situation has arisen in Geraldton in recent months, resulting largely from—
 - (a) two successive rural droughts;
 - (b) retrenchments in mineral sands industry;

- (c) effects of national recession becoming apparent?
- (2) If "Yes" will he give urgent consideration to locating an office of the Department of Labour and Industry in Geraldton to help co-ordinate efforts to ease the unemployment problem?
- (3) If "No" to (2), why not?

Mr GRAYDEN replied:

- (1) Yes, however—
 - (a) There has been a general seasonal increase at this time of the year in this district. This is in part due to the closing of the rock lobster season.
 - (b) As the impact of the State Budget takes effect, particularly in relation to farm assistants and employment training, the situation should improve.
 - (c) Although of concern, this district does not have the highest unemployment level. The situation is being monitored and action will be taken as it is considered necessary.
- (2) Matters of this nature are under constant review.
- (3) (a) Close liaison is maintained with the Commonwealth Department of Employment and Industrial Relations which is represented in the area and further State representation is unnecessary at this time.
- (b) The nature of the causes of the unemployment level are such that it is expected the situation is temporary and should improve, especially as this region will be amongst the first to experience the upturn which will result from the new mineral developments in the Pilbara.

UNEMPLOYMENT

Geraldton

774. Mr CARR, to the Premier:

- (1) Has he received my letter of 16th September, requesting that the Geraldton region be given urgent financial assistance for labour intensive jobs, along similar lines to aid recently given to Kalgoorlie?
- (2) Has he yet had the opportunity to consider the request?

- (3) Will he indicate whether such aid is likely to be forthcoming?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) and (3) The Budget I introduced to Parliament yesterday contained special measures to stimulate employment throughout the State.

The Government is conscious of the problem in the Geraldton and other regions, and will bear these in mind when drawing up the programme of works to be undertaken throughout the State.

Action is being taken to implement the programme as quickly as possible.

SCHOOL

Southwell

775. Mr TAYLOR, to the Minister for Education:

With respect to the Southwell primary school:

- (1) What is the present enrolment?
- (2) What are the respective numbers of students in each class?
- (3) What is the anticipated enrolment for February 1978?
- (4) (a) How many additional classrooms are presently planned to be added, if any, and
- (b) will these be permanent or temporary?

Mr P. V. JONES replied:

- (1) 322 (including 73 pre-primary pupils).
- (2) Year 1 - 32
Year 1/2 - 29
Year 2 - 32
Year 3 - 32
Year 3/4 - 32
Year 4/5 - 31
Year 5/6 - 33
Year 6/7 - 28
- (3) 356—including 80 pre-primary pupils.
- (4) (a) and (b) If the enrolment in 1978 exceeds 276 in primary years, an additional temporary classroom unit will be provided.

SCHOOL*Phoenix Park*

776. Mr TAYLOR, to the Minister for Education:

With respect to the Phoenix Park school:

- (1) What is the present enrolment?
- (2) What are the respective numbers of students in each class?
- (3) What is the anticipated enrolment for February, 1978?
- (4) (a) How many additional classrooms are presently planned to be added, if any, and
- (b) will these be permanent or temporary?

Mr P. V. JONES replied:

- (1) 526 (including 1 — pre-primary pupils).
- (2) Year 1 - 31
Year 1 - 29
Year 1 - 29
Year 2 - 36
Year 2 - 34
Year 2/3 - 32
Year 3 - 35
Year 3/4 - 33
Year 4 - 36
Year 4/5 - 33
Year 5 - 30
Year 5/6 - 34
Year 6 - 34
- (3) Approximately 645 (including 100 pre-primary pupils).
- (4) (a) and (b) Tenders closed on the 30th August, 1977 for the construction of a six teaching area permanent addition for the school. A completion date cannot be given until a tender has been accepted.

AGRICULTURAL LAND*Esperance-Ravensthorpe Area*

777. Mr GREWAR, to the Minister for Lands and Forests:

In relation to the Premier's Press statement on agricultural land releases in the Esperance-Ravensthorpe area, could she advise—

- (1) (a) When applications are to be called;
- (b) how many farm blocks are proposed in the design for the Moolyall Creek and Cascades areas;

- (c) when will surveys be completed;
 - (d) when is a land board proposed to assess applicants;
 - (e) how long after the land board's sitting could applicants be advised of the results;
 - (f) will an excess of suitable applicants influence the Government to the need for further releases?
- (2) (a) When will land releases in the No Tree Hill and West Lake King areas be made;
 - (b) what area in total will be available in each subdivision;
 - (c) how many blocks will be released initially in each area;
 - (d) has the Environmental Protection Authority given their agreement to releases of land in these areas;
 - (e) If answer to (d) is "No" when can this be expected?

Mrs CRAIG replied:

- (1) (a) As soon as possible after surveys have been completed.
- (b) Moolyall Creek - 13.
Cascades Area:
North of Rollands Road - 11.
South of Rollands Road - 11.
- (c) Not known at this time. Private contract surveyors have been engaged for this work and early completion of surveys has been requested.
- (d) After applications are received.
- (e) Within 14 days.
- (f) Not necessarily. There are other relevant factors.
- (2) No Tree Hill Area: The Environmental Protection Authority has still to decide as to the specific areas to be added to the Fitzgerald River National Park. The Lands Department is not in a position to consider the release of Crown land in this area until Environmental Protection Authority decisions are known.
West Lake King Area: This release is still under consideration by the Cabinet sub-committee on new land releases.
- (b) No Tree Hill Area: Not known—refer answer (2) (a).

West Lake King Area: An area of 55 000 hectares is under consideration.

- (c) No Tree Hill Area: Not known—refer answer (2) (a).

West Lake King Area: A design of 22 farm units has been proposed, but no decision upon release has been made.

- (d) No Tree Hill Area: No.
West Lake King Area: Yes.
(e) Not known at this time.

WHEAT AND BARLEY

Payments

778. Mr GREWAR, to the Minister for Agriculture:

- (1) When are next payments on the wheat delivered to the 1975-76 pool due for payment?
- (2) How much per tonne will be paid?
- (3) For what reasons were discounted payments scheduled for August not made?
- (4) Is it possible to have arrangements made for earlier receipt of these payments in view of the financial difficulties being experienced by wheatgrowers?
- (5) When are second payments on the 1976-77 barley pool previously scheduled for September to be paid?
- (6) Why have these payments been delayed?

Mr P. V. Jones (for Mr OLD) replied:

- (1) and (2) The Australian Wheat Board advises that the next payment is likely to be in mid-October, and could range from \$7 to \$9 per tonne. The latter would complete payments to growers for this pool.
- (3) In a letter of July 1977 to wheatgrowers from the chairman of the board, it was indicated that the board was trying to arrange a discounted final payment in August or September, 1977 if a favourable discount rate could be obtained. Some difficulty is understood to have been experienced in attempts to raise the required finance of about \$90 million on the Australian money market. These arrangements are also subject to some delay because of the requirement for Commonwealth Government approval.

- (4) It is understood that the board will make such arrangements if possible. However, it is estimated that only \$2.34 per tonne will be outstanding and this should have a relatively small effect on farmer liquidity.

- (5) and (6) The Grain Pool has made no official announcement that a second payment on the 1976-77 barley pool would be made in September. However, in Bulletin No 2—dated September, 1977—published by the Grain Pool it was stated that an announcement can be expected in October.

WATER SUPPLIES

Eastern Goldfields-Norseman Area

779. Mr GREWAR, to the Minister for Water Supplies:

- (1) How much water is supplied from—
 - (a) the Goldfields water scheme;
 - (b) local supplies,
 for towns in the eastern goldfields-Norseman area, including Kalgoorlie and Boulder?
- (2) Is the demand envisaged to increase in the next few years?
- (3) Are there plans for extension northwards of Kalgoorlie of the goldfields water scheme?
- (4) If (3) is "Yes" what is a rough estimate of the cost?
- (5) Has the Public Works Department considered utilising rechargeable water equal to 3.62 million cubic metres from the Wiluna area for augmenting the eastern goldfields requirements?
- (6) If answer to (5) is "Yes" could a rough estimate be given of the capital cost of this scheme?

Mr O'CONNOR replied:

	(Cubic Metres) To June 30, 1975	(Cubic Metres) To June 30, 1976
(1) (a) Kalgoorlie/ Boulder	5 442 815	5 715 508
Norseman	558 556	593 268
Coolgardie	89 140	104 650

- (b) Nil.
- (2) No.
- (3) No.
- (4) Answered by (3) above.
- (5) No.
- (6) Answered by (5) above.

ROTTNEST ISLAND

Residents and Visitors

780. Mr HASSELL, to the Minister for Lands and Forests:

- (1) How many residents of Rottnest Island are permanent or semi-permanent—having a stay of more than three months?
- (2) How many permanent or semi-permanent residents were on the island in 1970?
- (3) How many people visited the island—
 - (a) in 1970;
 - (b) 1976;
 - (c) so far in 1977?
- (4) Is the board concerned about the growth in the number of visitors to the island?
- (5) Is there any plan or consideration being given to restricting the number of visitors to the island?
- (6) Is there any plan or consideration being given to making a charge for visits to the island?

Mrs CRAIG replied:

- (1) Permanent residents - 198 men, women, and children. This figure includes 11 subcontractors working on the island. Semi-permanent residents - none.
- (2) 172 men, women, and children.
- (3) (a) 93 140
(b) 248 481
(c) To the 31st August, 1977 147 148.
- (4) and (5) Although some concern has been expressed by the board, the island is an "A" class reserve and is, of course, open to the public.
The board has given some consideration to the increasing number of visitors to the island but this is mainly related to the facilities needed to cope with them, such as accommodation, water supply and sewerage. It should also be borne in mind that the visitor population of Rottnest Island fluctuates on a seasonal basis.
- (6) Landing fees at present payable are—
Adults - 50c.
Children - 30c.

Private boat owners may purchase a yearly landing permit—cost \$5.00—which entitles them to land on the island for the duration of the permit and not have to pay the 50c fee each time they land.

CLASSROOMS

Bristol Prefabricated

781. Mr TAYLOR, to the Minister for Education:

With respect to Bristol prefabricated school rooms—

- (1) How many are still in use in schools—
 - (a) in the metropolitan region;
 - (b) in the nonmetropolitan regions?
- (2) What is the age of these units?
- (3) How many have been demolished and/or replaced?
- (4) How many is it planned to replace this (1977-78) financial year?
- (5) Has the department any ongoing plan to progressively replace these rooms?

Mr P.V JONES replied:

- (1) (a) 86 are being used as classrooms.
(b) 61 are being used as classrooms.
- (2) 22 to 25 years.
- (3) 124.
- (4) 38.
- (5) Yes.

FORREST PLACE

Future

782. Mr DAVIES, to the Premier:

What progress has been made with the Australian Government regarding the future of Forrest Place?

Sir CHARLES COURT replied:

Negotiations between the State and the Commonwealth Government on a land exchange, involving the Padbury site, have reached the following stage—

- (a) an exchange site for the future use of Telecom Australia has been acquired in Stirling Street;
- (b) the terms of the exchange are agreed;
- (c) the administrative details of the transfer are yet to be completed.

COLLEGE OF ADVANCED EDUCATION

Graylands

783. Mr TAYLOR, to the Minister for Education:

Are there any plans to close or phase out the Graylands College of Advanced Education?

Mr P. V. JONES replied:

The Government has accepted a recommendation of the WA Post Secondary Education Commission that Graylands Teachers' College be phased out by the end of 1979. The WA Post Secondary Education Commission arrived at its recommendation after a detailed study of the college and its prospects for redevelopment, of the utilisation of resources and facilities at the other constituent colleges of the WA Teacher Education Authority, and of the likely future demand for primary teachers in WA. The college's staff and new student intakes will be absorbed by the other constituent colleges of the WA Teacher Education Authority.

COLLEGE OF ADVANCED EDUCATION

Coogee Beach

784. Mr TAYLOR, to the Minister for Education:

With respect to an earlier proposal to construct a new college of advanced education to replace Graylands college in the Coogee Beach area—

- (1) Is land still held in the Coogee Beach area?
- (2) If "Yes"—
 - (a) who is the owner;
 - (b) what is the area of land?
- (3) For what purpose is such land being held?

Mr P. V. JONES replied:

(1) to (3)

When planning of a new college of advanced education at Cockburn ceased, agreement had been reached with the owner of the site—the State Housing Commission—on the sale of land in the Cockburn area for the proposed college.

No further action to acquire the site has been taken pending the decision on the future of the Graylands Teachers' College. The purchase will not be proceeded with.

HEALTH EDUCATION COUNCIL

Hay Street Premises

785. Mr DAVIES, to the Minister for Works:

- (1) Referring to my question 42 of the 16th November, 1976 regarding St. George's

Hall, have the necessary repairs now been completed?

- (2) If so, what briefly was the work and cost involved?
- (3) If not—
 - (a) when will the work be done, and
 - (b) what is the estimated cost?

Mr O'CONNOR replied:

- (1) No. Repairs, air-conditioning and renovations are approximately 75 per cent complete.
- (2) Replacement of the roof frame and roof sheeting, renewal of the hall ceiling to improve the acoustics, airconditioning of the hall, and total internal and external renovations.
Total cost estimated to be \$105 000.
- (3) (a) Total completion is expected at the end of October, 1977.
(b) Estimated final cost is \$105 000.

PURCHASE AND RENTAL ACCOMMODATION

Kwinana, Southwell, and East Hamilton Hill

786. Mr TAYLOR, to the Minister for Housing:

How many of the undermentioned units of accommodation are situated in—

- (a) Kwinana;
- (b) Southwell;
- (c) East Hamilton Hill—that area bounded by Stock, Winterfold, Carrington and Forrest Roads—
 - (i) purchase houses;
 - (ii) rental houses and duplexes;
 - (iii) town houses;
 - (iv) apartments;
 - (v) pensioner units?

Mr O'CONNOR replied:

- (a) KWINANA

(i) Purchase houses	497
(ii) Rental houses and duplexes	184
(iii) Town houses	93
(iv) Apartments	419
(v) Pensioner units	50
- (b) SOUTHWELL

(i) Purchase houses	44
(ii) Rental houses and duplexes	7
(iii) Town houses	61
(iv) Apartments	—
(v) Pensioner units	28
- (c) EAST HAMILTON HILL

(i) Purchase houses	464
(ii) Rental houses and duplexes	389
(iii) Town houses	—
(iv) Apartments	—
(v) Pensioner units	4

HOLIDAY ACCOMMODATION AT JURIE

Western Mining Corporation's Quarters

787. Mr CRANE, to the Minister representing the Minister for Tourism:

- (1) Is the Minister aware of the report "Holiday Accommodation In Australia" as reported in *Weekend News* Saturday, 17th September, in which the suggestion is made of constructing holiday villages at a cost of \$2.7 million each?
- (2) Is the Minister aware that with the closing down of mining operations at Jurien by Western Mining Corporation, there is available in Jurien the single men's quarters of almost new construction and designed for 60 single units which could easily be utilised as twin accommodation and has all the necessary ancillary facilities?
- (3) Will the Minister examine the practicability of having these quarters purchased and used in Jurien for holiday purposes as recommended in the report to which I refer?

Mr P. V. JONES replied:

- (1) Yes. I expect to have a copy within one week.
- (2) Yes.
- (3) The Department of Tourism will examine the suitability of the single men's quarters for tourism and/or recreation purposes.

MIDLAND ABATTOIR

Saturday Operation

788. Mr STEPHENS, to the Minister for Agriculture:

- (1) Is it a fact that Midland Junction Abattoir is not, and has not operated on Saturdays this season?
- (2) If "No" why not?
- (3) Will he request the operation of these works so as to permit the expeditious handling of lambs from areas affected by seasonable conditions?

Mr P. V. Jones (for Mr OLD) replied:

- (1) Yes.
- (2) Not applicable.
- (3) The Western Australian Lamb Marketing Board advises that there are additional costs to the board in processing lambs on Saturdays. The board indicates that arrangements are in hand to process lambs from areas subject to unseasonal conditions and the first kill in this respect will be on Saturday, the 24th September.

QUESTIONS WITHOUT NOTICE

JOB CREATION

Budget Measures

1. Mr JAMIESON, to the Treasurer:

Has he any idea what proportion of the money allocated in the Budget for job creation on maintenance work on public buildings is to be spent on wages and what proportion is to be spent on material?

Sir CHARLES COURT replied:

In answer to the Leader of the Opposition, I would not hazard a guess off the cuff with regard to the proportion. However, the instructions that have gone out are—

- (a) Where possible, labour-intensive programmes will be given priority; and
- (b) all projects have to be proceeded with with the utmost despatch.

JOB CREATION

Budget Measures

2. Mr TONKIN, to the Treasurer:

How many people who are presently unemployed can expect to gain employment as a result of job allocation measures announced in last night's Budget?

Sir CHARLES COURT replied:

In answer to the honourable member, again I would not be prepared to make an off-the-cuff analysis because it will be largely a case of the type of work finally put into the programme which will be implemented, bearing in mind also that a number of versions of the employment-generating programmes are included in the Budget.

FOOTBALL GRAND FINAL

Televising

3. Mr GRILL, to the Premier:

Last Thursday I asked the Deputy Premier the following question—

In view of the fact that the Western Australian National Football League has announced it is not prepared to allow telecasting of this year's league football grand final, therefore depriving most country people of the opportunity to witness the event, would he be prepared to

convey the following requests to the Premier for his consideration and reply—

- (a) Would the Government be prepared to immediately negotiate with the league with a view to allowing a telecast of the event to country areas not proximate to the metropolitan area?
- (b) In the event that the league requires some compensation for any envisaged loss in gate takings as a result of such a telecast, would the Government be prepared to make payment of such compensation from the reserves of the Totalisator Agency Board or from some other Government-controlled source?

Has the Premier given that matter his consideration?

Sir CHARLES COURT replied:

The Deputy Premier did convey to me the import of the question asked by the honourable member. There have been discussions between myself and the president of the WANFL, but more detailed discussions took place with my colleague, the Minister for Recreation, and he may desire to add some comments to what I am saying.

It was explained to me by Mr Davies that there are several reasons, in the view of the WANFL, why it will not change its policy it has announced.

So far as the question of offering reimbursement is concerned, for any loss—potential, notional, or otherwise—should the grand final fixture be telecast, that would set a precedent and I would hate to think of the consequences, and what sort of formulae would have to be worked out to implement it.

JOB CREATION

Budget Measures

4. Mr JAMIESON, to the Minister for Works:

Is it intended that the State Budget programme of minor works and maintenance will concentrate on works

in areas of high unemployment, such as at Kwinana and Geraldton?

Mr O'CONNOR replied:

I have had no notice of this question, and I suggest it be placed on the notice paper.

JOB CREATION

Budget Measures

5. Mr B. T. BURKE, to the Minister for Works:

At the risk of my question meeting the same fate, I ask the Minister whether it is expected that funds made available from the special Budget programme of minor works and maintenance will be allocated to subcontractors of the Public Works Department to carry out minor works?

If that is true, what guarantee does the Government have to ensure that the private subcontractors, such as electricians and plumbers, will employ extra labour as a result of the allocation of funds from the special programme?

Mr O'CONNOR replied:

As the honourable member did not have the courtesy of giving me notice of the question, I suggest he place it on the notice paper.

JOB CREATION

Budget Measures

6. Mr TONKIN, to the Minister for Works:

My question is without notice, and it certainly is not discourteous of me to ask a Minister in this House a question relating to his portfolio. We have to ask follow-up questions of the Ministers if they cannot answer the simple questions asked in the first place.

The DEPUTY SPEAKER: Order! Will the member ask his question?

Mr TONKIN: If they cannot answer simple questions, how can they be called. "Ministers of the Crown"?

Mr Grayden: Is the member for Morley asking a question without notice of you, Mr Deputy Speaker?

The DEPUTY SPEAKER: I have already requested the member for Morley to ask his question, and I am sure he is coming immediately to the question.

Mr TONKIN: I ask the Minister for Works: Is it the intention of the Government that preference to unemployed, under the special Budget programme of minor works and maintenance, will be given to those persons who have been out of work the longest?

Mr O'CONNOR replied:

It is intended that the money to be made available for maintenance will be put into effect in order to employ the largest number of people possible.

JOB CREATION

Budget Measures

7. Mr B. T. BURKE, to the Minister for Works:

- (1) My question is to the font of immediate knowledge. Is it not correct that the job creation allocations will benefit mostly unemployed tradesmen such as electricians, painters, and plumbers, and other skilled labourers?
- (2) What steps will be taken to ensure that unskilled manual labourers and semi-skilled workers be found positions under the job allocation scheme?

Mr O'CONNOR replied:

- (1) and (2) From what I recall of the question previously asked, I think this one is the same.

Mr Grayden: That is the Balcatta powder puff.

The DEPUTY SPEAKER: Order!

Mr Tonkin: The Minister is insulting the Deputy Speaker.

The DEPUTY SPEAKER: Order!

Mr O'CONNOR: The intention is that the money will provide as much work as possible for as many people as possible. Full details of the works programme have not been worked out at this stage.

The DEPUTY SPEAKER: I will take two more questions without notice.

WATER SUPPLIES

Verteeg Contractors Pty. Ltd.

8. Mr TONKIN, to the Minister for Water Supplies:

We will see whether the Minister for Water Supplies is able to provide more information than the Minister for Works.

Sir Charles Court: You are not even being funny today; you are being resentful of the Budget.

Mr TONKIN: I ask the Minister for Water Supplies—

- (1) Is he aware Verteeg Contractors Pty. Ltd. is using scheme water to fill up three huge tankers to dampen new, unnamed roads in the Shire of Swan area, Malaga town planning scheme No. 1?
- (2) Will he take urgent action to stop this wasteful practice?
- (3) What is the Government's policy with respect to such practices?

Mr O'CONNOR replied:

- (1) Yes.
- (2) Yes, where satisfactory alternative supplies are available.
- (3) The policy is to conserve water as expressed in directives and Press releases.

EDUCATION

Courses for Unemployed School Leavers

9. Mr CARR, to the Minister for Education:

My question arises out of the reply to question 770. Before I ask my question I might mention that the pamphlets supplied by the Minister were meant for me, rather than to be tabled.

Mr P. V. Jones: I will get another copy for the member.

Mr CARR: In view of the courses mentioned by the Minister, which are not available in Geraldton at the present time—and in view of the very high level of unemployment in Geraldton—will the Minister give urgent consideration to making some of those courses available at the new Geraldton Technical College next year?

Mr P. V. JONES replied:

In reply to the member for Geraldton, "Yes". However, this is part of a total review of the courses which are available at technical schools and are provided by the Technical Education Division in the regional centres of the State. There is a growing concern that too much attention is being given to adult education courses—the vocational type of job opportunity courses. That has given rise to the need to review the whole situation which could benefit the new Geraldton Technical College.