

Legislative Assembly

Wednesday, 22 October 1980

The SPEAKER (Mr Thompson) took the Chair at 2.15 p.m., and read prayers.

ROAD

*Chapman Road-Spencer Road
Link: Petition*

MR WILLIAMS (Clontarf) [2.17 p.m.]: I have a petition which reads as follows—

The following signatures hereby petition the West Australian Government to desist from reserving for the purpose of road reserve, that section of the Metropolitan Region Scheme Amendment No. 300/33 which is the proposed road link between Spencer Road and Chapman Road along the Canning River in the City of Canning.

We the undersigned hereby also petition that this area of river and environs be preserved as far as possible in its natural state.

The petition bears 78 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 28.)

TRAFFIC: DRIVERS

Blood Alcohol Levels: Petition

MR WILLIAMS (Clontarf) [2.19 p.m.]: I have a second petition which reads as follows—

To:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned petitioners, wish to support the following proposals in respect to the recent report by the Road Trauma Committee of the W.A. Branch of the Royal Australasian College of Surgeons:—

- (a) By making it an offence to drive at any time while holding a probationary driver's licence with any detectable level of blood alcohol

- (b) By introducing compulsory blood alcohol testing of all traffic accident drivers taken to hospital and other drivers involved in accidents

- (c) By introducing random breath testing

The petition bears 73 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 29.)

CAPITAL PUNISHMENT

Abolition: Petition

MR SKIDMORE (Swan) [2.20 p.m.]: I present a petition which reads, in part, as follows—

To the Speaker and Members of the Parliament of Western Australia assembled, we the undersigned citizens of the State of Western Australia affirm that:—

The sanctity of human life is one of the fundamentals of a Christian society and can in no circumstances be set aside.

The balance of the petition is in the form of petitions which have been presented to the House already.

I have certified the petition conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 30.)

CAPITAL PUNISHMENT

Abolition: Petition

MR DAVIES (Victoria Park—Leader of the Opposition) [2.21 p.m.]: I have a petition in similar terms to that which has just been tabled by the member for Swan. It is similar also to petitions I have tabled already.

The petition contains 46 signatures and I have signed the certificate to the effect that it is in accordance with the Standing Orders of the Legislative Assembly.

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

(See petition No. 31.)

PUBLIC ACCOUNTS COMMITTEE*Report*

MR WATT (Albany) [2.22 p.m.]: I present the 15th report of the Public Accounts Committee and move—

That the report be received.

Question put and passed.

MR WATT (Albany) [2.23 p.m.]: I move—

That the report be printed.

In doing so I would like to address some brief remarks to the report which is a little unusual. In most cases when matters are investigated by the Public Accounts Committee it is because some problem area has been detected, and an inquiry is undertaken in order to try to find a solution to that problem. In this case the inquiry was based on the activities of Wait-Aid Ltd which is a company within WAIT and at the time the inquiry was instituted the Public Accounts Committee was under the chairmanship of the now Minister for Health. Of course, there have been a couple of chairmen since then.

At that time the company—that is, Wait-Aid Ltd—had accumulated losses in excess of \$21 000 and it was a matter of some concern that for most of the years of its operation it had incurred losses despite some people seeing it as enjoying a favoured trading position because of its association with WAIT. I am pleased to say that, perhaps partially as a result of the inquiry undertaken by the Public Accounts Committee and perhaps partially because of the company's operations, the company is now operating much more successfully. When the Public Accounts Committee resumed activities this year, the committee decided to continue its investigation to find out what had happened in the meantime, and was rather delighted to find that the company in each of the last two financial years had recorded profits in the order of \$20 000. So it has now converted the \$21 000 accumulated loss of a couple of years ago to an accumulated profit of an amount in the same vicinity as at 31 December 1979. So the reason I say this report is somewhat different from usual is that it contains no recommendation, simply some observations. We were very pleased to report that Wait-Aid Ltd was operating successfully.

Question put and passed.

The Public Accounts Committee report was tabled (see paper No. 335).

BILLS (2): INTRODUCTION AND FIRST READING

1. Loan Bill.

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

2. Country Areas Water Supply Amendment Bill.

Bill introduced, on motion by Mr Mensaros (Minister for Water Resources), and read a first time.

POLICE AMENDMENT BILL

Third Reading

MR HASSELL (Cottesloe—Minister for Police and Traffic) [2.26 p.m.]: I move—

That the Bill be now read a third time.

MR T. H. JONES (Collie) [2.27 p.m.]: It will be remembered that when the Minister for Police and Traffic replied to the Opposition's submission on the Police Amendment Bill he traversed generally his relationship with the Police Union in this State. During the general Committee stage I was not able to answer some of the points with which I disagreed, points which were raised by the Minister when he replied during the debate on the motion for the second reading.

I take this opportunity to refer briefly to some of the matters which I consider require the Opposition's attention. I complained about the drafting of the Bill and the explanations given by the Minister when he delivered the second reading speech. My main concern was for the interpretation of the term "civil emergency". It will be remembered that the Opposition considered that there should be a definition in the Bill to spell out clearly the meaning of "civil emergency" and the conditions under which action could be taken in such a situation.

The Minister answered that in his view there was nothing wrong with the drafting of the Bill or his explanation of it. I understand that after I had further raised the matter he agreed with the Opposition's contention that perhaps it was desirable to have the definition included in the proposed legislation.

It can be seen that the Opposition's viewpoint was spelt out clearly and that there was room for complaint about this area of the Bill. I hope he does as he indicated during the Committee stage, and that is, that he would introduce legislation in another place to include in the Police Act an interpretation of "civil emergency".

In view of the fact that this Bill will be placed before the other House shortly, I wonder whether he could indicate what the position is in respect of this matter.

Unlike most unions in Western Australia it would be true to say that the Police Union has a prime responsibility; it is responsible for carrying out the laws of this State. In the Opposition's view the Police Union's role is somewhat different from that of the general run of trade unions in Western Australia.

I am rather concerned by the views expressed by the Minister for Police and Traffic. Last night he indicated that he is always available at any time to discuss with the union matters of an industrial nature. He considers that matters of legislation should not be singled out for such attention.

I am rather concerned about this new attitude. I have been here for 13 years, and the attitude expressed by the Minister last night was not his previous attitude.

I refer to the RTA Bill. The Liberal Government introduced legislation to establish that authority. Unfortunately the then Minister of the day, the present Deputy Premier, is not here now. However, he would not deny that many discussions took place with the Police Union in relation to this matter. Indeed there is nothing wrong with this principle.

The Minister for Mines would no doubt agree that this policy is carried out in the coalmining industry, especially when consideration is being given to amendments to the Coal Mine Workers (Pensions) Act, and, more importantly, amendments to the Coal Mines Regulation Act which covers the safety aspects of the industry.

Irrespective of what type of government has been in power, the history of the industry will indicate that when amendments to the Police Act or the Criminal Code are considered, it has been of benefit for the Government to discuss them with the Police Union to obtain its attitude because, in the final analysis, it has the responsibility to interpret the law as Parliament intended it to be interpreted.

It is clear that all is not well between the Police Union and the Government. The Minister cannot deny that because I have the facts at my disposal. As the Minister is well aware, the Police Union is very concerned about the strength of the Police Force in Western Australia. It sent a telegram to the Minister requesting an inquiry into this important matter.

It is apparent that opinions differ because it is the view of the Opposition that the morale of the Police Force in Western Australia has never been at a lower ebb. The Police Union would not argue with that fact either because it is very concerned

about the present lack of recruits to the force in Western Australia.

The Minister well knows that the union has made strong representations to the Government requesting it to set up an immediate inquiry into the police strength and other matters relating to the Police Force in this State. I appeal to the Minister to give this matter some immediate attention. I am making this plea in the interests of all Western Australians.

The police station at Warwick is terribly understaffed. The position in Albany is the same; there is a drastic need for an increase in the police strength in that town. The Collie Chamber of Commerce has been complaining about the personnel available to carry out duties in that town. They are not the only areas in need. There is a general need throughout Western Australia and it is the province of the Minister for Police and Traffic to do something to heal the gap and agree to the Police Union's request for an inquiry.

I wish to make a complaint about the drafting of this legislation although some points have been rectified. I urge the Minister to have discussions with the Police Union officials before legislating similarly in the future, because if this is done perhaps some of the matters which are of concern to Western Australia generally will be rectified.

MR BATEMAN (Canning) [2.33 p.m.]: I support the remarks made by the member for Collie because it is absolutely imperative that the Minister do exactly as the member for Collie has requested him to do; that is, to co-operate with the Police Union.

I agree with the remark of the member for Collie when he said that the morale of the Police Force in Western Australia is at its lowest ebb since he and I have been in this House. I have been in this House for 13 years. It is improper that a force which is so vital to the welfare of the community should be at such a low level.

When speaking to the Address-in-Reply debate the Minister said that Forrestfield, which is in my area, is adequately covered as far as the Police Force is concerned. Forrestfield has not one policeman stationed there, yet the Minister believes that area is adequately covered by the Midland Police Station and the Kalamunda Police Station. It takes hours for a policeman to travel to Forrestfield and there are thousands of people living in that area. These people have problems and I suggest that a police station is desperately required in that area. However, there will not be one provided by this Government. That area is covered by a roving patrol.

In Forrestfield alone, at least six policemen are required to control, patrol, and look after the area. Something must be done about this matter and the sooner the Minister for Police and Traffic gets down to the facts and figures and talks with the union, the better. This problem is being experienced right throughout the Police Force. The Police Force south of the river is inadequately manned and as a result of this a great deal of frustration is being experienced in that area.

I agree with the member for Collie, particularly when he said that something must be done to bring back a sense of co-operation which was always present in the past. The police do a good job and I have never been one to knock them. Members have never heard me rubbish the Police Force.

The members of the Police Force do a good job of looking after the welfare of our community. I ask the Minister to look at the problems and take into consideration all the matters involved with respect to the Police Force in this State.

MR HASSELL (Cottesloe—Minister for Police and Traffic) [2.35 p.m.]: I do not believe the manning of police stations and the number of policemen in the force are matters which are directly relevant to the legislation we have before us. Some comment was made about those matters during debate last night.

Mr T. H. Jones: You made the comment, I am only answering what you said.

Mr HASSELL: If members of the Opposition believe this issue needs to be developed, they ought to deal with the matter in full-scale debate. I would then be properly prepared to deal with the issue in the detail it requires.

I am pleased the member for Canning agrees that the Police Force in this State does a job second to none. However, I totally disagree with the remark of the member of Collie when he said that the morale in the Police Force in Western Australia is at a low ebb.

Mr T. H. Jones: You go and talk to the union!

Mr HASSELL: That comment leads me to another point I wish to make. When one speaks to the union one receives one story but when one goes out amongst the policemen one receives a different story. That is the argument I wish to put forward. The member for Collie said the Government has to consult with the union about general Government legislation because the Police Union—to use the member's words—has the responsibility to enforce the law. That is not the case at all. The policemen have a responsibility to

enforce the law and the union represents the men on industrial matters.

Mr T. H. Jones: You don't go out and talk to every individual policeman!

Mr HASSELL: We must face the practical fact that many of the amendments to the Police Act—including the amendments we have before us—originate from the Police Force. They are submitted to the Government from the commissioner, through the Police Force itself.

Mr T. H. Jones: Are these amendments so?

Mr HASSELL: Of course they are.

Mr T. H. Jones: Are all these amendments recommended by the Police Union.

The DEPUTY SPEAKER: Order! The member for Collie may recall that I was sitting in the Chair whilst he was interjecting the other day and I pointed out that I found his interjections quite reasonable and appropriate although I did object to some of his colleagues' interjections. I say to the member for Collie that his interjections today have become a little excessive and I find that unacceptable.

Mr HASSELL: I point out to the member for Collie that these amendments originated from the Police Force. None of these amendments originated from the Police Union. That is the point which must be understood by the member for Collie and other members of the Opposition. The Police Union is not the police. It is a different body. The Police Force in this State has its own independent responsibility and that responsibility relates to the enforcement of the law. The Police Union is a voluntary association of policemen who are concerned about the welfare of policemen in relation to industrial matters.

Mr T. H. Jones: When there is a dispute do you talk to every member of the Police Force? Of course you don't! You go to the union.

Mr HASSELL: It depends on what the disputation is about. That is the very point I made last night; some of the unions are beginning to assume they are entitled to enter into disputes about all sorts of issues which have nothing to do with working conditions, security of employment, or pay.

I want to make it clear: So far as I am concerned the Police Union is welcome to discuss any matter with me at any time we can meet. If the union wants to put a submission to the Government, on any matter which comes under my responsibility, I am prepared to receive its representatives.

Mr T. H. Jones: What about their request for an inquiry into the Police Force? What are you doing about that?

Mr HASSELL: I said last night that the Police Union has no special claim to be consulted on general law. The same applies to other unions. Their consultation right is in relation to industrial matters.

Let us deal with the question of an inquiry which the member for Collie keeps on talking about.

Mr T. H. Jones: Hear, hear!

Mr HASSELL: The Police Force operates its manpower on the basis of a very scientific assessment of units of work in particular areas. The Police Force has had to improve its productivity, and its effectiveness, over the years. There has been some degree of centralisation within regions of police stations, and small uneconomic police stations have been eliminated both in the country and in the city.

Mr T. H. Jones: I am talking about major stations being undermanned.

Mr HASSELL: Could I deal with one matter at a time! We went through this exercise last night, and it is possible for me to deal with only one point at a time.

The Police Force has been able to effect savings and those are in the interest of the taxpayers. That does not mean to say there are necessarily as many policemen as we would like to see stationed in all centres.

Mr T. H. Jones: That is the point we make.

Mr HASSELL: In some places people have put forward strong cases for increases in manpower. All submissions are investigated and assessed in accordance with the manpower assessment system operated by the department. As I said at great length last night, in many cases the requests have been satisfied. Some are satisfied in advance of the requests being made because of the continuing assessment of manpower deployment.

Mr T. H. Jones: Because of the efforts of the police council.

Mr HASSELL: I take it the member is referring to the Council of the Police Union. They want to see more policemen.

Mr T. H. Jones: For the reasons I have stated.

Mr HASSELL: Many people want to see more policemen.

Mr Tonkin: Your Government does not.

Mr HASSELL: Our Government does, given the finances. But, what do we take those finances from? Opposition members should tell us which

areas should be cut. Should education be cut to provide more policemen?

The fact of the matter is that choices had to be made when framing the State Budget. Some cuts fell hard on certain areas. I do not feel the cuts fell hard on the Police Force because there is a 19 per cent increase in the estimate.

Mr T. H. Jones: Not enough.

Mr HASSELL: The increase of 19 per cent is well above inflation.

Mr H. D. Evans: What about personnel, in number?

Mr HASSELL: Directly related to the increase in finance available, is the increase in wages gained by the Police Union.

Members opposite can go into all sorts of arguments if they want to. Coincidentally, the combined effect of the work value increase and the indexation increase which the Police Union gained, approximated a 19 per cent increase in the wages bill. That is the position. If we had the money for more policemen I have no doubt the force would be increased. We have had the additional burden of having to increase the number of prison officers—which also comes within the public service area—because of the construction of new prisons.

It is many years since the Police Force has not had an increase in manpower, and I do not think it is reasonable for the Police Union to take off in the way it has over this issue. The union is making it political.

Mr T. H. Jones: The union had no alternative.

Mr HASSELL: That is not so. The union called for an inquiry, and it received an answer within days.

Mr T. H. Jones: Who answered the call for an inquiry?

Mr HASSELL: The Premier. A telegram identical with the telegram sent to me was sent to the Premier.

Mr T. H. Jones: He did not agree to the inquiry.

Mr HASSELL: No, of course. The member for Collie asked when the union received an answer, and I have advised him it was within a few days.

Mr T. H. Jones: You will not give us an inquiry?

Sir Charles Court: Of course not. It is not needed.

Mr HASSELL: I want now to mention another matter.

Mr T. H. Jones: You want to get off that subject; you do not like it too much.

Mr HASSELL: I think it is proper, after 10 minutes, to return to the subject matter of the Bill.

Mr Davies: Hear, hear!

Mr HASSELL: I am glad the Leader of the Opposition agrees with me.

Mr T. H. Jones: I am commenting on the points you raised last night.

Mr HASSELL: Last night I mentioned a new section relating to trespass which, on occasions, may well be used for dealing with certain types of protesters who adopt a stance of peaceful and passive protest which is disruptive. I said that some people were being trained specifically in the method of protest and disruption without violence.

An Opposition member: At the Environment Centre!

Mr HASSELL: Yes, at the Environment Centre.

Mr Davies: Have you any proof of that? I think you are being unfair.

Mr HASSELL: People have been trained specifically to carry out this form of protest. I have with me documents to back up my claim. The documents are quite apart from the fact I had a call from my own electorate from a person who pointed out that a number of people have been observed training along the beach at Cottesloe.

Several members interjected.

Mr Bryce: They are on the beaches!

Mr HASSELL: Let me describe what has been related to me. A number of people have been observed training in groups, and acting out the parts of a protest situation.

Mr Bryce: Are you sure they were not the SAS?

Mr HASSELL: Designated on the backs of the people acting out the parts are, "Police" and "Protesters". They have been acting out the part of disrupting what is lawful to be done.

Mr Bryce: Were they nude?

Mr HASSELL: Not according to the advice I have. I have with me some other material which I will seek leave to table in due course.

The documents I have originated from the groups themselves, and they should be drawn to the attention of the House. The first document is in some strange type of handwriting and is entitled, "Nonviolence Occupation Preparation". It reads—

We are writing to let you know that there will be a preparation for the future occupation. This will be held at the Leederville Community Center. (see map). on the weekend of 24th 25th March.

Mr Bryce: Did this come from the Special Branch?

Mr HASSELL: The document goes on and describes in detail what will take place. It reads, "Dress for playful activity."

The next document I will refer to—

Mr Bryce: Are these the ones on Swanbourne beach?

Mr HASSELL: —is entitled, "A Preview of Wagerup—Films of the Nonviolent Occupations at Seabrook, U.S.A. and Why! West Germany," and it reads—

The decision of the Campaign to Save Native Forests—

And this campaign operates out of the Environment Centre—

Mr Skidmore: Someone is having a lend of you, Mr Minister!

Mr HASSELL: It continues—

—to nonviolently occupy the Wagerup Refinery site is likely to have major consequences for the unions involved and for the W.A. political situation in general.

Yes it did actually; the Labor Party lost the election after that but it did not think it would work out that way. It continues—

The Campaign to Save Native Forests is now organising its third non-violent occupation.

And members will note it does not say "demonstration" it says "occupation". The document then continues for some pages.

Mr Skidmore: Where are the subversive activities?

Several members interjected.

Mr HASSELL: I am sure members opposite do not want to hear what I am saying because it does not suit their cause.

Mr Davies: We are enjoying it—it is better than Abbott and Costello.

Mr HASSELL: I said I would bring evidence of the kind of activities these people are engaged in. This is all in writing—everyone knows about it.

Mr Davies: You got it from the public library—everyone knows about it.

Mr HASSELL: To continue—

Non-violent action considerably enhances civil disobedience objectives because it prevents the media from homing in on the sensationalism of violence, and the real issues underlying the protest are more clearly revealed.

Mr Bryce: Do you prefer violence or non-violence?

Mr HASSELL: It continues—

The enclosed form will enable people who are interested to have direct contact with the training group. There is some urgency regarding reply as a sequence of training camps is planned.

Mr Bryce: Do you object to people indulging in non-violent protests?

Mr HASSELL: The member for Ascot knows this very well. I have said it over and over again; we are not in any way concerned with protests as such.

Mr Jamieson: But you don't like them being trained.

Mr HASSELL: Let us try to put that one to rest. This is one of the little twists Opposition members keep throwing up all the time.

Mr Davies: It is a fact.

Mr HASSELL: Opposition members always say we are opposed to protests. That is false, and the Opposition will get the message eventually.

Mr Bryce: What did you do to the member for Subiaco today?

Mr Jamieson: It was non-violent whatever it was.

Mr HASSELL: I have another form here. It is headed "Application for Non-Violent Training", and it is for the non-violent action group of the Campaign to Save Native Forests. Down the page it reads—

Enclosed is an application form for training weekends.

It goes on for pages.

Point of Order

Mr SKIDMORE: I would like to raise a point of order, Mr Deputy Speaker. I have listened very patiently to the Minister. It is incredible to hear the introduction of new material that is not based at all on the earlier debate. There was no evidence of these subversive people, so-called. I submit that the Minister is out of order in bringing forward material of this kind.

The DEPUTY SPEAKER: I will not rule at this time that the Minister is out of order. I

understand he is replying to remarks made yesterday. However, I agree with the member for Swan to this extent: It is incumbent on the Minister to relate his comments to the Bill before the House, and I direct him to do so.

Debate Resumed

Mr HASSELL: As I said before, the Opposition does not want to hear it, but the issue was raised last night by its members.

The DEPUTY SPEAKER: It may be that the points were raised, but I again direct the Minister to ensure that his remarks are relevant to the third reading of this Bill.

Mr HASSELL: Certainly I will.

Mr T. H. Jones: It is a lot of rubbish anyway.

Mr HASSELL: These documents relate to the need for the provisions contained in this Bill which is now in its third reading stage. I am relating my remarks to the offence of trespass and the way we are giving our authorities the means to deal with these matters in a proper way.

Mr Bryce: You are not doing as good a job with those documents as the Minister for Education would have done.

Mr HASSELL: These documents provide the evidence, as does the bundle of Press cuttings I have here. Another document is headed, "Lessons on peaceful protesting", and it reads as follows—

Protestors will get lessons on what to do in the face of armed police action at a course on non-violent protest methods next week.

The course is an experiment by the Campaign Against Nuclear Energy—

The Campaign Against Nuclear Energy also operates out of the Environment Centre.

Point of Order

Mr BRYCE: Mr Deputy Speaker, at this point could I ask that at the end of his speech the Minister table the documents from which he has been quoting. These documents refer to sinister organisations and protest groups.

The DEPUTY SPEAKER: Yes. I understand the Minister has indicated he will do so at the end of his speech, and I direct him to do so.

Mr HASSELL: I will be delighted to table the documents because I brought them here so that I could table them. However, I would like to correct the member for Ascot and the member for Swan who both commented that I said the groups were sinister. I did not say anything of the sort. I have never used that word.

Mr Skidmore: You accept what you have been told about them without any evidence from the people accused.

Mr HASSELL: These documents are the evidence. The papers speak for themselves.

Mr Skidmore: You referred to running along the beach, that that is a subversive thing.

Mr HASSELL: The member for Swan said it was subversive; I never used the word. The member for Swan is being defensive—not me.

Mr Skidmore: Oh get out with you.

Mr HASSELL: I am just telling the House what goes on; that is all I am doing. The honourable member does not need to defend them. They can train themselves until they are black in the face—

Mr E. T. Evans: One of your constituents you said.

Several members interjected.

Mr HASSELL: Those papers are there and are ready to be tabled—

Mr T. H. Jones: Thank God for that!

Mr HASSELL: —as soon as the opportunity arises.

I come now to one of the more significant points which was raised by the member for Collie. He was concerned about the lack of a definition of the words "civil emergency" in the proposed amendment to section 34. I undertook to check whether we could find an acceptable definition although I believe there are some difficulties in doing so. With the help of the Crown Law Department, a definition has been prepared which I will simply mention now.

So there is no misunderstanding, I make it clear that perhaps my colleagues in the other place will not accept my proposal to include the definition, or it may be that when the words are examined properly they may be found to be unsuitable. However, in response to the member for Collie, I suggest something along the following lines—

To add a subsection to section 34 which reads—

In this section "civil emergency" includes a natural or man-made disaster which causes or threatens to cause loss of life or property or injury to persons or property or distress to persons.

I put that forward as a basis on which we may operate perhaps to reach a conclusion. It seems to me to be a reasonable definition, and as I said earlier, attention will be given to this matter in another place.

The DEPUTY SPEAKER: Before I put the question, I would ask for the papers to be tabled for the information of members.

The papers were tabled for the information of members.

Question put and a division taken with the following result—

Ayes 26

Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Trethowan
Mr P. V. Jones	Mr Tubby
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Blaikie

(Teller)

Noes 18

Mr Barnett	Mr Harman
Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Grill	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Shalders	Mr McIver
Mr Grayden	Mr Parker
Mr Watt	Mr T. J. Burke
Mr Crane	Mr Pearce
Mr Laurance	Mr B. T. Burke

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (2): THIRD READING

1. Hire-Purchase Amendment Bill.

Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.

2. Liquefied Petroleum Gas Subsidy Bill.

Bill read a third time, on motion by Mr P. V. Jones (Minister for Fuel and Energy), and transmitted to the Council.

CHIROPRACTORS AMENDMENT BILL

Third Reading

MR YOUNG (Scarborough—Minister for Health) [3.02 p.m.]: I move—

That the Bill be now read a third time.

MR HODGE (Melville) [3.03 p.m.]: I wish to speak briefly at this point to correct a few of the false impressions created by the Minister for Health when he spoke last night. He claimed that by the recent appointment of one UCA member to the Western Australian Chiropractors Registration Board, somehow or other he had rectified the injustices and the problems facing the chiropractic profession in this State, and had created a balanced board. That, of course, is just not true.

The board has four members who are chiropractors and a chairman who is a legal practitioner. Three of the four chiropractors were trained in overseas countries and are known to be anti-Australian-trained chiropractors and to be against the UCA. So the board is definitely not balanced; it is still biased and the numbers are stacked against Australian-trained chiropractors. For the Minister to try to claim otherwise is just not right.

The Minister last night told us about the chairman of the board and said what a highly-qualified person Mr McCusker is. I have nothing personal against Mr McCusker. I understand he is a legal practitioner and, therefore, probably is highly qualified in his own field; but he has no experience and no qualifications of any description in respect of the chiropractic profession.

Mr Skidmore: He probably does a good extraction job on the hip pocket.

MR HODGE: The chairman has only a deliberative vote on the board, and even if he were predisposed towards supporting the registration of Australian-trained chiropractors and graduates of the Sydney college, the numbers are still against him. So that was another red herring the Minister raised in respect of Mr McCusker.

The Minister told us last night also that he had decided to recognise the college run by the Australian Chiropractors' Association, which is located in Preston, Victoria. Therefore, graduates of the other college which the Minister has decided not to recognise will have to run the gauntlet of making application to be registered in this State, and then when their application is refused they will have to appeal to a magistrate against the decision of the board.

We have a strange double standard there. The college in Victoria is accepted at face value and receives automatic recognition in Western Australia, but the other college, which is located in Sydney, is not recognised here and its graduates must go through the application procedure to be registered in Western Australia,

be turned down by the board, and win an appeal before a magistrate before they may practise. That is a strange double standard, and the Minister did not offer one shred of evidence to support that highly discriminatory and unfair stand.

As I said before, the Sydney College of Chiropractic is the longest established and most reputable college of chiropractic in this country, and has turned out the highest standard of chiropractors Australia has ever seen. It was recognised by the Webb report; Prof. Webb recommended that graduates of the Sydney college should be suitable for recognition. The college was recognised by a New South Wales Government inquiry, which was commissioned by a Liberal Government and recommended that the Sydney college be recognised and its graduates registered. It has been recognised also by the Sydney Chiropractors Registration Board, which was created by the Government of New South Wales.

According to our Minister for Health all those people are wrong and he is an expert, although he is very cagey about telling us from where he gets his advice. He is an expert and he knows best, and he has decided that the Sydney college is not up to standard.

The Minister also created the impression that the Sydney college was unwilling to be examined by members of the Western Australian Chiropractors Registration Board. That is just not correct. A letter was written to the principal of the college some time ago asking permission for members of the Western Australian board to inspect the college. The date on which it was proposed to visit the college was not convenient to the college, and the principal wrote back and advised the Western Australian board accordingly. The board wrote again and insisted that its members still wanted to visit the college on that date. That second letter arrived on the day that the board members arrived, and as the principal was not in attendance at the college due to other commitments, the staff did not allow the visit to proceed.

That is what happened; there was no plot and no conscious attempt to stop the board members from inspecting the college. In fact, I have been urging the members of the board to do that for some years. I have inspected the college myself and I was quite impressed with the dedication of the staff and the training the students receive. I am told that I am the only politician in Australia who has taken the trouble to inspect the college. I have also inspected the college at Preston in Victoria, and was quite impressed with it as well.

Mr Young: Are you saying none of the members of the New South Wales Parliament or Cabinet visited the college before it was approved by them?

Mr HODGE: That is right; they acted on the report of the Government committee of inquiry.

Mr Young: And no members of Parliament looked at it?

Mr HODGE: Not as far as I am aware; an expert committee of inquiry was commissioned to do that job, and it certainly visited the college as did Prof. Webb and many other experts.

The Minister suggested that I have some kind of obsession with this issue.

Mr Sibson: You really have.

Mr HODGE: I admit to having an obsession to see that justice is done. The Minister seems to me to be blissfully ignorant about the chiropractic profession and is content to stay that way. I am not content with the present state of affairs, and I will continue to agitate until the issue is resolved. I do not care who I upset or who calls me names or passes derogatory comments about me; I believe in seeing that justice is done. That is what the Australian Labor Party stands for. We are going to see that these people get a measure of justice in this State.

One of the reasons the foreign-trained chiropractors—the members of the ACA in this State—are fighting so hard to stop this occurring is that they have a lucrative monopoly in this State. It is virtually a closed shop. If a chiropractor has not graduated from one of their colleges and is not a member of their association, he is not going to get a guernsey in this State. Most of these chiropractors are seeing about 100 patients a day, at an average fee of about \$20 each.

Mr Sibson: No, \$11.

Mr HODGE: I can show members the highly inflated accounts many people have received from these chiropractors. There is no competition; they all charge the same exorbitant rates. They all insist on subjecting their patients to X-rays before they treat them. Members can work out for themselves how much money these chiropractors are making each day by multiplying 100 patients by \$20. I personally attended a chiropractic clinic and I received a little card informing me I was the 120th patient for that day.

Mr Young: Now we are getting to the bottom of it.

Mr HODGE: Members can work out for themselves how much money is involved in this profession.

Mr Sibson: You are not worried about anyone but yourself.

Mr HODGE: I am worried about the rip-off which is occurring in this State. People are being overcharged; they are receiving minimum and in some cases inferior treatment.

Mr Sibson: That is not true.

Mr HODGE: There is no freedom of choice. If a person wants to attend a chiropractor who has graduated from Australia's finest college, he must wait until he visits Adelaide, Sydney, Melbourne or Brisbane.

I believe the public would benefit greatly from an influx of Australian-trained chiropractors into this State. The present position where foreign-trained chiropractors dominate the board, the profession and the Minister for Health is intolerable.

The other night, the Minister told me he received his information from three sources. Firstly, he said he received information from the Radiological Council, which advised him graduates from the Sydney college were not up to standard. However, the Minister retracted that statement only a few minutes later; he said he was wrong. Then he said he received advice from a committee of Liberal Party members, who went to the Eastern States to inspect the two chiropractic colleges. A couple of days later, the Minister retracted that statement. Then he told me he received advice from his departmental advisers and, of course, his advisers are the American-trained chiropractors who are members of the Chiropractors Registration Board.

Mr Young: That is not true. You simply will not accept it when I say my departmental advisers really are departmental advisers. When you say they are members of the Chiropractors Registration Board, you are absolutely wrong. You are telling untruths to this Parliament based on an assumption.

Mr HODGE: Is the Minister saying he ignores the advice he receives from the Chiropractors Registration Board?

Mr Young: I have had only one discussion with the Chairman of the Chiropractors Registration Board in the 2½ years I have been Minister for Health.

Mr Davies: I'll bet your department has received a few letters from the board.

Mr Young: You would find something wrong with that, too.

Mr HODGE: The Minister has demonstrated over the last few days that he knows nothing about the subject.

Mr O'Connor: I suppose you are a full bottle on the matter, are you?

Mr HODGE: I think I know a little more about the subject than the Minister.

Mr O'Connor: I think not.

Mr HODGE: I am certain I would.

Mr O'Connor: And you would know, wouldn't you?

Mr Pearce: Why did the Minister retract statements he made in the Parliament only two weeks earlier?

Mr HODGE: The Minister for Health made only the feeblest of attempts to try to justify the provisions of this Bill, some of which are thoroughly obnoxious. The Bill will do nothing to rectify the wrongs and injustices in this State.

If this Government is not prepared to rectify those matters, I give an assurance now that the next State Labor Government will. We will introduce modern, up-to-date legislation in accordance with the Webb report; it will be similar to legislation which has already been passed in every other State in Australia. We will go from being a laughing stock—as we presently are—to a position of leading the field, as we did in 1964. Chiropractors and registration boards in other States laugh at Western Australia. This is the only State where people who have completed a comprehensive and thorough course of training in chiropractic are told they cannot be let loose on the public because they would be a danger to the public.

Behind all this, of course, is the almighty dollar. The people who are running the show do not want competition; they do not want more chiropractors in Western Australia because it would affect their income. This matter has nothing to do with standards or with protecting the public; it has to do with protecting their incomes.

This is a thoroughly unsatisfactory Bill; it is purely a superficial measure to make it look as though the Minister is doing something about the problem when in reality he is not altering the basic position in this State. I intend over the next couple of years to keep agitating on this matter to see that the position is changed. If it is not changed by this Government, the next Labor Government will do something about it, and will ensure that a fair and just chiropractors Act is enacted in this State.

MR YOUNG (Scarborough—Minister for Health) [3.16 p.m.]: The member for Melville has demonstrated to this House that his attitude to

legislation, particularly in respect of chiropractic, is so petulant as to be almost absurd.

Mr Davies: I think it is the other way around.

Mr YOUNG: Anyone listening to the debates which have taken place on this Bill would have been clearly struck by the impression the member for Melville has one clear philosophy; namely, that if a report which he embraces and believes in recommends a particular course of action, and he supports such a course, he will brook no argument whatever in respect of that matter. He will listen to no reasoned debate on the subject. He adopts the attitude that unless we as a Government do what he believes we should do, this Government is wrong.

I have not discussed the member for Melville with any of his colleagues, nor have they approached me about him. However, I know that eventually they will have to sort him out on his attitude towards Government legislation.

The member for Melville has shown he has a hang-up regarding chiropractic, and all overseas-trained chiropractors. He switches his argument from whether the Chiropractors Registration Board is undemocratic on the basis that it contains members of the ACA and not enough members of the UCA to the allegation that it is over-represented by overseas-trained chiropractors to the detriment of Australian-trained chiropractors.

Mr Pearce: That is the same argument.

Mr YOUNG: He makes the point that the chairman has only a deliberative vote, therefore he is outnumbered by all these overseas-trained "ogres". He adopts the attitude at all times that unless the Chiropractors Registration Board simply rubber-stamps what he wants it to do it is undemocratic, or that the Government is in the board's pay, or something to that effect.

Two points came out clearly from the diatribe of the member for Melville. Firstly, what really gets to him is the fact that he believes—certainly I do not accept his assertion—that chiropractors are grossing \$2 000 a day in a market where he claims there is no competition, except, of course, from other chiropractors. That seems to gripe him no end.

The second point he makes is that a future Labor Government will do what he believes this Government has failed to do. The fact is that this situation will be rectified when we get sufficient properly trained Australian chiropractors in this State. That eventuality depends on time. Time is certainly of the essence in considering whether the member for Melville will ever represent this State as a Minister. I can assure the House of that.

Question put and a division taken with the following result—

Ayes 27

Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Dr Dadour	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Blaikie
Mr Mensaros.	

Noes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr T. H. Jones
Mr Bryce	Mr Pearce
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr Tonkin
Mr E. T. Evans	Mr Wilson
Mr H. D. Evans	Mr Bateman
Mr Grill	

Pairs

Ayes	Noes
Mr Shalders	Mr McIver
Mr Laurance	Mr Parker
Mr Sodeman	Mr T. J. Burke
Mr Crane	Mr Harman

Question thus passed.

Bill read a third time and transmitted to the Council.

SALARIES AND ALLOWANCES TRIBUNAL AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Sir Charles Court (Treasurer), and transmitted to the Council.

RESERVE (PORT DENISON SUBURBAN LOTS 6 AND 6a) BILL

Second Reading

MR TUBBY (Greenough) [3.24 p.m.]: I move—

That the Bill be now read a second time.

I seek the co-operation of the House. I ask permission to read these explanatory notes because they are in great detail. They record the history of the matter for 100 years. In the interests of correct recording of history, I am of the opinion that the notes should be read in detail.

The SPEAKER: Carry on.

Mr TUBBY: The purpose of this Bill is to remedy a situation which has arisen in respect of

establishing legally a succession of trusteeships in certain lands situated in Dongara and granted in 1880 and 1881 to the two original trustees of an organisation then known as the Good Templar Lodge at Dongara to be held in trust for the purpose of furtherance of the cause of temperance in Western Australia. One trustee died in 1883 and the remaining trustee died in 1921.

The Dongara lodge was never incorporated, nor registered as a friendly society. New trustees were not appointed after the deaths of the original trustees. The legal representatives of the trustees have no claim to the lands.

Attempts have been made by solicitors acting for the Grand Lodge of Western Australia of the International Order of Good Templars to establish a link between the Good Templar Lodge at Dongara and the Grand Lodge of Western Australia. However, the records of the aforementioned lodge cannot be found, which can be understood after a lapse of almost 100 years since it was formed. The Western Australian Grand Lodge of the Order itself ceased its activities about 12 years ago.

No attempt was ever made by the WA Grand Lodge of the Order to prove title to the lands, due, no doubt, to the lack of records relating it to the activities of Dongara lodge. The question of ownership was revived in 1973 and arose as a result of the intention of the Irwin Shire Council to sell the lands for non-payments of rates. At this point the Western Australian Temperance Alliance stepped in and paid the accrued rates to protect the lands from being sold until at least given time to investigate its position.

The interest of the WA Temperance Alliance in these lands was created as a result of its negotiations with the surviving trustees of the Grand Lodge of Western Australia of the International Order of Good Templars as being the only possible successor to the Dongara lodge.

In October 1973 the surviving trustees of the Grand Lodge of Western Australia of the International Order of Good Templars, acting under the authority of its constitution, agreed in writing to transfer to the WA Temperance Alliance the lands at Dongara. However, there still remained the problem of establishing the Grand Lodge's legal interest in or title to these lands, and after a great deal of patient and exhaustive research and investigation over a period of six years, it became apparent that whilst there were good reasons to believe that the WA Grand Lodge of the Order was the only logical successor and had been concerned with the furtherance of temperance in Western Australia

in accordance with its objects, the absence of records inhibited any chance of proving title in the manner as would be required to obtain a transfer of title under the provisions of the Transfer of Land Act.

Prior to the establishment of the WA Temperance Alliance, whose sole purpose is to promote the cause in Western Australia, there were a number of groups or organisations concerned with the furtherance of the cause of temperance in Western Australia. Many of these were loosely knit groups or organisations, and eventually became affiliated or merged with the WA Temperance Alliance, with the result that at the present time the WA Temperance Alliance is now the properly constituted and incorporated body administering the cause of temperance in Western Australia.

Similar problems have arisen in the past when trustees have died without successors and Parliament has from time to time remedied the position by vesting—in one case, church—lands in present-day corporate bodies in the place of the deceased trustees and which were promoting the same cause or use for which the lands were originally granted.

To complicate matters, the duplicate certificate of title issued in 1880 and 1881 under the provisions of the Transfer of Land Act 1874 have been lost. Here again, search and inquiry have been made without result. Therefore the WA Temperance Alliance, with the blessing of the Trustees for the Grand Lodge of Western Australia of the International Order of Good Templars, approached the Minister for Lands with a view to obtaining grants to the Dongara lands to be held for the expressed trust as provided in the original grant in the case of Denison suburban lot 6a and—as has been verified by search of the Lands Department records—for an implied trust in respect of Denison suburban lot 6.

In 1974 the improved capital value of both lands was assessed by the Irwin Shire Council as being \$1 400. I think with today's values we would have a sale value figure more than 10 times that amount.

Parliament's approval to the vesting of these lands in the terms of the Bill is the only means by which the lands can ever be used for the purpose of the trust. There are no provisions in the Land Act empowering the Minister for Lands to re-vest freehold lands in the Crown, nor are there any persons or existing bodies in the legal position to prove title to enable the Minister to accept a surrender of the trust.

Therefore, without Parliament's approval, these lands will forever remain unclaimed and unused, unless of course there again be a default in the payment of rates. In view of the concern and interest of the WA Temperance Alliance in preserving the lands from default, and also being the organisation with the means and ability to give effect to the trust, provision is made for the WA Temperance Alliance to sell, exchange, mortgage, or lease the land, but no action can be taken without the consent of the Governor-in-Council, and subject to conditions imposed.

I consider it is equitable that this Bill receive favourable consideration.

I commend the Bill to the House.

Mr Jamieson: Can you identify where the land is located? Can you indicate a street name?

Mr TUBBY: I do not have that information except that the land is in Denison.

Mr Jamieson: But that is a whole townsite. I thought you would have more idea.

Mr TUBBY: The only indication is that it is lots 6 and 6a in Denison.

Mr Jamieson: Perhaps you could supply members with a locality map as is done with the Reserves Bill.

Sir Charles Court: We could arrange for the member to obtain a map.

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

METROPOLITAN WATER BOARD: OPERATIONS

Inquiry by Select Committee: Motion

MR B. T. BURKE (Balcatta) [3.33 p.m.]: I move—

That a Select Committee of this House be set up to inquire into and report upon general health and financial operations of the Metropolitan Water Supply, Sewerage and Drainage Board, with particular reference to the truth or otherwise of public statements by the Minister for Works and Water Resources touching on:

- (1) The Board's loan programme.
- (2) Recent chlorine leakages in the Board's system.
- (3) The Board's system of calling tenders.
- (4) The widespread presence, in certain areas, of snails in the Board's mains, together with subsequent attempts to conceal this problem.

- (5) The Board's consideration of the addition of lithium to Perth's water supplies.

Members will know that I do not often refer to copious notes or read my speeches; however, I hope members will understand that at least during part of my contribution today, because of its statistical nature and the detail involved, I will need to refer very frequently to notes that have been prepared partly by myself and partly for me by Michael Naylor, the research officer attached to the Leader of the Opposition's office.

The Metropolitan Water Supply, Sewerage and Drainage Board has one of the most important responsibilities of all statutory authorities in Western Australia in determining, firstly, future development in the metropolitan region and, secondly, the standard of essential services such as water supply and sewerage facilities. That importance is more obvious if recognition is given to current projections which indicate that in only 20 years from now development in the metropolitan region will be severely impeded by the quality and quantity of Perth's water supplies.

Four years ago the board warned that any realistic projection of the commitments for water in the Perth subregion will show that conventional resources within that subregion will be committed before the turn of the century. The officers also reported that the Perth region's commitment would exceed usable fresh and marginal resources in the late 1980s.

Whilst there may be a critical situation in 20 years' time, a more immediate crisis is emerging in regard to which the standard of living in Perth is under threat by our critically diminishing water supplies and deteriorating water quality.

Management of water resources supplying the Perth metropolitan region is one of the foremost and vital responsibilities of the Metropolitan Water Board. However, over the past four years Perth's water supplies have been badly mismanaged with unprecedented inefficiency and the results of this inefficiency have included, firstly—

- severely diminished water supplies in hills reservoirs;
- severely declining water quality;
- health risks derived from rising salinity levels;
- chemicals introduced into the water supply system to combat various organisms;
- the direct risk of amoebic meningitis, particularly in peak summer periods;

rapid increases in costs due to the need to bring forward extensive underground water sources and associated water treatment plants;

rapid increases in charges to the average consumer, despite the decline in the quality of the water being supplied to that average consumer;

Government manipulation of the board's finances for short-term political gain;

the abandonment of meaningful and effective means of water conservation and incentives for water use efficiency at a time when these measures are essential;

procrastination over delay of analysis of fundamental data relating to consumption patterns and requirements of industrial and commercial users;

the threat of irreversible environmental damage arising from the exploitation of groundwater supplies.

Each of these adverse developments is fundamentally related to the availability and the management of the water resources network supplying the Perth metropolitan region.

The latest policy statement of the Metropolitan Water Board—its development plan 1980-1985—indicates that very little will be achieved over the next five years to alleviate or improve the critical condition of Perth's water supplies.

Secondly, in this period we can expect the circumstances I have outlined to prevail at least or, more likely, deteriorate further.

The present Government's record over the last four years has been one of complacency and lack of concern. The deterioration in every facet of Perth's water supplies, together with recent public health crises, is indicative of its poor record and lack of responsibility. Although the Premier attached particular significance in the Liberal Party's policy speech to water resources—

Mr Hassell: He is reading his policy speech.

Mr B. T. BURKE: If the Minister for Police and Traffic will bear with me for a few moments more whilst we pass through this statistical and other information which is fairly detailed we will—

Mr Young: You have read every word.

Mr B. T. BURKE:—get on to an area where I will not be referring to notes.

In fact, I am sure it will interest the Minister for Health and I am sure it will interest the Minister for Police and Traffic, because after the Minister for Health's comparatively rough passage

with the member for Melville, I can understand how niggardly he would become. The Minister for Health, after the problems he encountered with the member for Melville, is very courageous even to remain here, because he has covered himself with something less than glory.

Mr Young: I suggest you go back to reading your speech. It was better.

Mr B. T. BURKE: I hope the speech enlightens the Minister and that I am reading it well.

Mr Young: You are not bad. You are reading it quite well.

Mr B. T. BURKE: A little later we shall accommodate the Minister in anything he wishes.

Mr Davies: I certainly hope it is more relevant than the stuff he has presented already.

Mr B. T. BURKE: Although the Premier attached particular significance to this situation in the Liberal Party's policy speech, the policy itself does not forecast any major changes in the Government's role or any initiatives which will alleviate or improve the present position over the next three years.

The Liberal Party's answer to the problems—I will detail it further later—includes such commitments as—

We will demonstrate a significant shift in future emphasis on definition discovery, development, and conservation of fresh water resources throughout the State.

In addition to that, there have been only vague commitments to water conservation, without any specific reference to how, where, or when those conservation measures might be achieved.

In its development plan of 1980-1985, the board attempts to justify its existence in a lengthy explanation of its role and responsibilities. I quote from that plan—

It is apparent that the role of the Metropolitan Water Board, its constitution and relationships are not universally known. The MWB is perceived by some to be one of a number of Government departments directed and controlled in its activities by various mechanisms of Government bureaucracy. That view is incorrect. The Metropolitan Water Board's degree of autonomy is set out in the Metropolitan Water Supply, Sewerage, and Drainage Act 1909-79. This Act clearly provides for the MWB to operate substantially as an independent body.

Mr Davies: Provided they do what they are told.

Mr B. T. BURKE: By its own definition then, the board could be regarded as the agency solely responsible for the deterioration in Perth's water supply over the past three years.

Whilst this is true to some degree, the Government has in many instances, as a direct result of deliberate action or due to lack of concern, exacerbated the board's mismanagement and inefficiency in the planning, provision, and development of a suitable standard of water supply in the metropolitan region.

The Opposition puts forward, as a basic proposition in support of this motion, that the board in its present form with its grim record and in the absence of any positive Government direction, is incapable of adequately and efficiently managing the standard, provision, and development of the water resources network of the metropolitan area at least to the degree that will be necessary over the next five to 20 years.

Firstly, let us look at the question of water resources management. It should be emphasised that the drought during the past four years has amplified and compounded—acted as a catalyst in compounding—the extent and nature of the problems associated with Perth's water supplies. To this extent, the board, and certainly the Government, can hardly be held responsible for the shortage of rain.

However, notwithstanding the present drought, the board and the Government have, through deliberate action in many cases, exacerbated the problems which have developed over the past five years.

At 30 June 1976, the dams supplying Perth were approximately half full. At 30 June 1980, four years later, and despite the addition of the new Wungong Dam, the dams supplying Perth were almost 80 per cent empty. That is a significant deterioration in the amount of water in the hills reservoirs.

If we look at the question of water resources, the inefficiency, mismanagement, and duplicity, in a political sense, of this Government and the Metropolitan Water Board become quite evident.

On 30 June 1977, total storage amounted to 150.3 million cubic metres or 30.5 per cent of total capacity. Four weeks later the Government imposed a total ban on the use of sprinklers, because of the critical shortage of water.

On 1 October 1978, the Government lifted the bans on the use of sprinklers and their use was restricted to four hours a day on alternate days.

Restrictions were further eased in December 1978 when the Government announced that

householders could use sprinklers for 13 hours each day.

On 22 May 1979, all water restrictions were lifted and the board announced that it did not expect to have to impose restrictions in the 1979-80 year.

If we look at the situation on 18 January 1980, we will see the total water storage in the six dams which principally supply the metropolitan area was 12.5 million cubic metres below the storage in 1977 when the total ban on the use of sprinklers was imposed.

Therefore, we can see a situation in which the board was saying, "We do not expect to have to impose any restriction on the use of sprinklers", at a time when the storage in dams serving the Perth area was 12.5 million cubic metres below the level at which the board was impelled to impose restrictions on the use of sprinklers just three years previously.

Instead of imposing water restrictions in 1979-80, the Government has opted to meet the demand by supplying a greater proportion of water from underground water resources; that is, from groundwater sources and artesian bores. Water taken from groundwater sources has total dissolved salts levels varying from 270 to 380 milligrams per litre, whilst water taken from artesian bores has total dissolved salts levels between 700 and 1 340 milligrams per litre.

If we look back to a statement made in January 1978, by the then Minister for Water Supplies who is now the Deputy Premier, we will see he said that some areas at that time had to receive water which was supplied entirely from artesian sources. This means that even then, during 1978, when there was a total ban on the use of mechanical sprinklers, suburbs in the metropolitan area were receiving drinking water with a total dissolved salts level of up to 1 340 milligrams per litre. I should inform the House that in its annual report for 1979 the board said such a level of dissolved salts would cause water to be described as "brackish". In short, the Government's management of our water resources involves a deliberate reduction in the quality of water supplied to consumers.

The reduction in the quality of the water that is being supplied is being continued by this Government, despite a survey released by the Commonwealth Government in February 1979 which showed Perth's drinking water contained more dissolved salts than that present in the water provided to consumers in any other Australian capital city.

So we can see that the Metropolitan Water Board, encouraged by this Government, in its haste to avoid restrictions on the use of sprinklers, is forcing upon the people of Perth a decreasing quality of water and, at the same time, is ignoring the fact that, even before this situation was provoked by the Government's political decision, the total dissolved salts in the water being drunk by consumers in the State exceeded that which is being supplied to consumers in any other capital city in this country.

The Opposition agrees with the proposition that consumers generally will not want water restrictions, but what we do say is that consumers, facing responsibly the choice between restrictions and an improved quality of the water that they drink, will inevitably choose the latter.

The Government has acted quite wrongly in assuming that, for short-term political gain, it should be able to convince the people of Perth that a decline in the quality of the water they receive is a preferable option.

If we consider the question of water conservation we realise quite clearly that this is an area in which there has been gross inefficiency, and, as far as the Opposition is concerned, quite misleading action taken on the part of this Government.

In the board's development plan of 1980-1985, one of its major policy objectives is stated as being to encourage and to promote the efficient, non-wasteful use of water resources. The MWB, together with this Minister, has consistently claimed that the pay-for-use water scheme is one of these conservation techniques being used to provide adequate water supplies for the Perth region during the future.

In fact, the board said that the pay-for-use scheme is considered to be a major element of a sound charging policy aimed at achieving this objective of conservation. When introducing the legislation for the pay-for-use water scheme the then Minister for Water Supplies said—

We propose to move partly towards a pay-as-you-use system in an endeavour to persuade people to conserve water.

However, the scheme that has been introduced does not encourage conservation and in fact the cost of water becomes cheaper as more of the product is consumed.

It seems to the Opposition, at least, that if we are to have an adequate and efficient tariff system aimed at water conservation then it certainly should not be a system that makes water cheaper as people consume more of it. A pay-for-use scheme incorporating a real incentive for

people to conserve water would include a graduated scale of prices for water consumed in excess of the annual allowance. So the price for excess water would increase as consumption increased.

The total concept of water conservation should not include merely domestic consumption. Another major flaw in the board's and the Government's management of Perth's water supplies is that only residential water consumption is considered. At 30 June 1980 in the metropolitan area there were 28 100 non-residential consumers supplied with water. However, more than three quarters of these consumer services were unmetered. In cases where services are unmetered there is no compulsion or inducement to conserve water. In fact, most industrial and commercial consumers would not know how much water they consumed from year to year.

In the final analysis it is clear that the consumers who account for approximately 44 per cent of total consumption are under no compulsion, inducement or provocation to avoid wasting water. In fact, this aspect of the board's operation was the focus of a major criticism in the Binnie report which was prepared two years ago. Referring to the charging policy for non-residential consumers, the report stated—

The board's present charging policy for water supply does not lay much emphasis on economic efficiency. This is because . . . most industrial and commercial consumers are not metred and thus are under no economic inducement to avoid wasting water . . .

While recalling the acute shortage of water in the hills reservoirs supplying the metropolitan area it is relevant to quote the Commissioner of the Metropolitan Water Board who was reported in the *Weekend News* of 12 July 1980 as having said—

I would say that we are five years into the worst drought recorded in WA's history and there are still no water restrictions. That's not bad management.

On the contrary, the comments of Mr Glover together with the deteriorating quality of Perth's water supplies, the diminishing quantities of good dam water, and the absence of water restrictions and any real water conservation measures, indicate that the board is no longer competent in its present form to manage water resources in the metropolitan area.

Another area of crucial importance is the board's financial operations and what the Opposition sees as the political manipulation of

those finances by the Government in an effort to gain political advantage for it. The failures to implement any effective measures to induce water conservation and to curb the rate of growth in consumption force forward the development of expensive groundwater. This was acknowledged last year by the Premier when he said—

The drought has meant that plans to provide alternative water supplies to hills storage reservoirs have had to be implemented quickly.

The statement was made as a basis for justifying massive increases of 38 per cent in water bills, 30 per cent in sewerage bills and 9 per cent in drainage bills.

However, the increases are largely the result of Government manipulation of the finances of the Metropolitan Water Board for short-term political gain, and that perhaps can be amply illustrated by reference to what preceded the statement made by the Premier.

About May 1979 the board submitted proposals to the Government for increases in charges for sewerage and drainage rates for 1979-80. The proposals provided for an increase of 22.2 per cent in the fixed charge and an increase from 17c to 21c per kilolitre of water consumed in excess of the annual allowance, an increase of 23.5 per cent.

On 15 May 1979 it was reported in *The West Australian* that Cabinet had rejected these proposed increases because it was not satisfied with the board's predictions about future revenue and it thought that the proposed increases were too high.

The Premier was reported to have said that Cabinet wanted more information about the board's past operations and proposed operations over the following two or three years. Consequently the Government ordered an investigation into the board's proposals to the Treasurer. On 29 May, 1979, 14 days later, it was announced that the Government had pruned severely the board's initial proposals. Sir Charles Court is reported to have said—

. . . the Government thought the Board's original proposals did not reflect reasonably predictable revenue results in a normal year free of water restrictions.

The Treasury examination of the finances made it practical to adopt a different approach, without endangering the Board's financial liquidity.

Two days later he announced the increased charges; the fixed charge was then to rise by 11.1

per cent which was approximately half the increase originally sought. The unit price for water consumed in excess of the allowance was to increase from 17c to 19c, an increase of 11.7 per cent, which was approximately half that originally proposed by the board.

It was reported when those increases, pruned as they were, were announced, that the Government had "slashed the Board's figures in half because it was clear that they would have resulted in a substantial surplus".

Just let us recap quickly on that 1979 situation when the increases proposed by the board were slashed in half—that was the Government's statement—because the proposed increases would have resulted in a substantial surplus. The Government, in explaining its decision to reduce so substantially the amount of the increases that were to be imposed on consumers, stated as some of the reasons for its action—the Government's review covered 14 days of water charges by the Treasury—the Treasury, with the board's co-operation, had proposed what was thought to be a break-even policy for the board, and because of the cuts it would be necessary for the Treasury to arrange any overdraft finance if the board ran into any liquidity problems at the end of June 1979.

Only four weeks after the announced increases, the board completed the financial year 1978-79 with an operating deficit for the year of \$5.5 million and an accumulated deficit for the same year of \$8.3 million.

Mr Herzfeld: That was because of the atmosphere of doom around the place.

Mr B. T. BURKE: For the benefit of the member for Mundaring who meanders behind rather more slowly than others, let us reconsider what is occurring. The increases proposed by the board in May 1979 were cut in half by Cabinet, and in cutting in half the increases sought, Cabinet indicated two things, the first being that the proposed increases would have resulted in a substantial surplus, and secondly, that the allowed increases would bring about a break-even operation for the board.

Four weeks later, at the end of that financial year, the situation was that the operating deficit for the board was \$5.5 million and the accumulated deficit was \$8.3 million. It is clear that the board's finances were already at this stage in a critical position.

Mr Herzfeld: That deficit may well not have occurred had it not been for you and your leader spreading doom about the quality and quantity of the water.

The DEPUTY SPEAKER: Order!

Mr Young: He likes spreading doom about the water supply.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr B. T. BURKE: I suppose the Minister for Health is able to explain because the Minister for Water Resources seems to be intent on listening. The Minister may well be able to advise whether the quality of the water relates to the price the Government decides to charge.

Several members interjected.

Mr B. T. BURKE: At the end of June 1979 it was already clear that the board's financial situation was a critical one and serious doubts must be cast about the decision of Cabinet at that time—remembering that it was six months or so before an election—to prune severely the increases sought by the board.

Let us refer to 1980, and the time following the election. On 5 June the Premier announced increases which ranged from 50 per cent in the fixed charge—that is an increase of \$40 to \$60—and an increase of 5c—26 per cent—in the per unit price of water consumed in excess of the allowance.

In the announcement made by the Premier, sewerage rates were purported to be subject to an increase that would average 15 per cent and drainage rates were raised by 9 per cent. It is evident from the magnitude of the recent increases that the increases in charges in 1979 were kept artificially low in a deliberate attempt by the Government to boost its election prospects.

A claim by the Premier and Cabinet that the increases of 22 per cent proposed by the board in May 1979 were too high could hardly be justified. They were increases of 50 per cent and 26 per cent which were to operate from July 1980.

If that was not a question of a short-term political gain on the eve of an election, it was certainly significant of the incompetence of the inquiry that the Premier said he would carry out before allowing the increases which were sought in May 1979 by the Metropolitan Water Board.

It seems apparent that the Government deferred possible increases which were necessary, when first sought by the board, until after the State election in February 1980. It did this by decreasing the charges from 22.5 per cent to 11.1 per cent and then increasing the charges by 50 per cent in the following financial year.

Mr Herzfeld: It is still less than they paid in other States.

Mr B. T. BURKE: This politically inspired manipulation that the Government has wrought with the Metropolitan Water Board's finances has caused further deterioration in the board's financial position. The board completed the financial year ended 30 June 1979 with an accumulated deficit of \$8.3 million. In 1979-80 the board was forced into an operating deficit of \$2.4 million, taking its accumulated deficit to \$10.7 million.

It is important to recognise that according to the Premier's financial principle of "user must pay" the board will be forced to impose upon consumers, within the very near future, significant and substantial rises. These significant and substantial rises are a result not only of the Government's reluctance in May 1979 at least rationally to examine the increases sought by the board but also of its decision subsequently to outline the position to make an operational unbiased decision to reduce valuation based increases to a figure of 50 per cent.

Four weeks after this increase to which I have just referred—which was announced by the Premier—a surprised member of Cabinet, the Acting Premier, called for a report on the Metropolitan Water Board and its latest increases in charges.

The Acting Premier was quoted in *The West Australian* as saying he had contacted the Metropolitan Water Board and sought details of the rises and the amount the board would receive from them. So, four weeks after the Premier had announced the increases, the Acting Premier is "surprised" and calls for a report.

On 15 July 1980 the Government ordered a written review of the steep increases in the Metropolitan Water Board's charges because it was found that the charges raised \$3 million more than was anticipated. Within a period of 18 months we have seen financial bungle after financial bungle. We have seen the board raising \$3 million more than anticipated from increased charges.

Mr Mensaros: Why do you repeat this when you know it is simply not true?

Mr B. T. BURKE: I will quote for the Minister the words of the Acting Premier. If the Minister says they are not true then they were not true when they were said by the Acting Premier. If that is the sort of charge the Minister wishes to level against his colleague that is his decision.

I was saying that four weeks after the Premier announced the increase in charges a surprised Acting Premier called for a report. Subsequent to that statement by the Premier, the surprised

Acting Premier called for an urgent review saying that the charges which were approved and announced by Cabinet raised \$3 million more than was anticipated. That is on public record if the Minister wishes to deny it. I know that at the time he did not.

Whether the Acting Premier was correct when he said that, it had been found that \$3 million more than was originally anticipated would be raised by those increases. At the same time, the Acting Premier said that Cabinet did not have access to land revaluation information when it considered the increases. Before I proceed with my argument I am quite happy to allow the Acting Premier to say that he did not say that.

The Acting Premier is suddenly mute when I say that the valuation information was not available to Cabinet at the time of the increased charges decision. That is what he said. He is prepared to interject at other times but he does not know what is going on now.

Mr Mensaros: If anyone raises the percentage rate—

Mr B. T. BURKE: Do not ask me. I did not say that, that is what the Acting Premier said. I do not know how anyone could raise, lower, change and investigate a rate in the way that this Government has done.

Mr Pearce: And, get the rate down and send bills to people.

Mr B. T. BURKE: At the time these increases were made, the Acting Premier said that Cabinet did not have access to valuation information which apparently affected the result of the charges in their direct implementation. That statement was untrue. It was contradicted publicly by the Valuer General (Mr Whitman) in a statement to the *Daily News*.

Mr Whitman said that the Water Board had sufficient information to assess its rates income correctly. Mr Whitman's department is the one which is responsible for forwarding the valuation information required. In any case, if the board's proposed increases had been examined as closely as the Premier claimed previously, the information would have been readily available.

Let us continue to 18 July. At that time the Acting Premier said that the Government had decided to put a 50 per cent limit on Metropolitan Water Board valuation-based rate increases in 1980-81. Despite his earlier claim of a \$3 million over-estimate of the board's revenue, the Acting Premier stated that "the Government's review had found no error in the board's calculations". He said there had been no error in terms of dollars, and that talk of a \$3 million bungle was

incorrect. Talk of the \$3 million bungle was the Acting Premier's own comment.

Mr O'Connor: You are talking in double terms. You have not got a proper assessment and until you do you will not understand.

Mr B. T. BURKE: It seems to me the Minister said the \$3 million which would be raised would be used to offset the accumulated deficit of the board.

Mr Mensaros: That is so, and was so from the beginning.

Mr B. T. BURKE: I am not challenging the veracity of the Minister, but it is a problem he has. It is a problem of which his colleagues do not have a grasp.

In the final analysis, the board has reduced its revenue by \$3.5 million for 1980. That is the truth of the matter. The accumulated deficit of \$10.7 million might be reduced to \$9.7 million in 1980-81, according to the latest figures available.

In the long run Metropolitan Water Board customers will have to pay off the deficit, part of which has been accrued from the Government's irresponsible financial management, in instalments incorporated in future increases in water charges, sewerage, and drainage rates. How often have we heard this Premier, and the present Prime Minister, saying that there are no free lunches and that Governments have to budget the same as householders have to budget? They have claimed that one cannot spend money which one does not have.

The Opposition is saying as a result of the bungling which has occurred services will be paid for by the consumers of the goods produced by the Metropolitan Water Board, or the goods distributed by the board. All that has been done by reducing the increased charges to a maximum of 50 per cent is to put off for, perhaps a year, or perhaps two years at the most, placing the burden on the shoulders of the consumers. Because of the Government's accounting method, somebody will have to pay.

It is relevant to mention in conclusion that one of the members of the Metropolitan Water Board is a representative from the State Treasury. The two financial blunders of 1979-80 and 1980-81 raise questions as to the effectiveness of the Treasury's scrutiny of these financial matters. We wonder whether the scrutiny is being subjected to political pressure.

Mr Jamieson: The position has changed and it concerned two different men.

Mr B. T. BURKE: Whether or not it concerned two different men, the question is whether the

scrutiny provided by the Treasury with respect to 1979-80 was not prostituted at the expense of political pressure.

The financial position of the board has deteriorated in terms of annual operating deficits over the past four years. At 30 June 1980 the deficit in the board's revenue account incurred since inception amounted to \$10.4 million. However, when the deficit is balanced against accumulated profits held by the board, and reserves totalling \$16.9 million, the net accumulated profits held by the board at 30 June 1980 were \$6.53 million. At 30 June 1977, the accumulated profits held by the board amounted to \$14.016 million.

To clarify those figures for the benefit of the Minister, the accumulated profits at 30 June 1980 after setting off the annual deficit amounted to \$6.53 million. As a result of the serious financial management imposed upon the board by the Government, or imposed by the board on its operations, that accumulated surplus had decreased to \$6.53 million from the figure of \$14.016 million in a space of 12 months.

If that is good financial management then questions should be asked about the sort of status of those who made the claim in *The West Australian* of 12 July 1980 that the board was reported as stating it faced a total loss of \$20 million if charges had not been increased. This indicates the effect of capital expenditure on the board's overall financial position.

The Metropolitan Water Board is empowered under the Act to obtain funds from three sources: parliamentary appropriations; revenue from rates, charges, rents, etc.; and public and private borrowings. Over the last five years the amount of funds available through parliamentary appropriation has fallen considerably. This has been caused predominantly by severe cut-backs in Commonwealth specific purpose payments, and general purpose capital funds.

Historically, the board has financed a large part of its past works from loans. Until 1978-79 the majority of such funds was obtained from the State General Loan Fund. Between 1977-78 and 1978-79 the proportion of works funded from this source fell from 73 per cent to 43 per cent.

The result of severe cut-backs in Commonwealth capital funds, and the rapid fall in finance available from the General Loan Fund, has forced the board to borrow more heavily from public and private sources.

According to the board's development plan, its capital requirements over the next five years will entail an increase of \$275 million in the external

indebtedness which currently amounts to \$381 million. Additional annual borrowings of up to \$44 million per annum for conversion of maturing loans will be required. These loans carry relatively high interest rates when compared with past borrowings.

For example, the projected interest rate on the board's borrowings between 1980-81 and 1984-85 is around 12 per cent, and those estimates may well prove extremely conservative.

By the financial year 1984-85 annual interest charges will be more than twice the 1979-80 level, having increased from \$29.1 million in 1979-80 to \$63.4 million in 1984-85. This means the indebtedness of the board per consumer will increase from \$111.93 in 1979-80 to around \$212 in 1984-85.

This also means that interest charges will continue to be the highest cost component in the Metropolitan Water Board's overall cost structure. In 1984-85 interest charges will account for around 34 per cent of the board's total costs.

In 1973-74 the Australian Government embarked upon a programme of assistance to the States designed to eliminate the backlog of sewerage works in principal urban areas, under the national sewerage programme. These areas were defined as the six State capital cities together with Wollongong, Newcastle, the Gold Coast, and Launceston. Under that programme Western Australia received assistance totalling \$40.7 million between 1973-74 and 1976-77.

Over the four-year period during which the programme operated the average amount received by this State was \$10.2 million. That was a significant contribution towards the provision of sewerage facilities in the metropolitan area, particularly in view of the fact that Western Australia was—and still is—the most deficient State in Australia in terms of the provision of sewerage services.

In 1977-78 the Fraser Liberal Government terminated the scheme. This resulted in the loss of over \$10 million a year and has resulted directly in higher charges for sewerage services since then. This is evident in the increases in the average annual sewerage bill in the metropolitan area since 1976-77.

The large increase in the Metropolitan Water Board revenue from sewerage charges and the financial cost to the board resulted in greater borrowings from private and public sources.

In 1976-77 the average annual sewerage bill for a residence in Perth was \$82. After taking into account increases in property valuations and rate

adjustments the average sewerage bill in 1980-81 is estimated to be around \$180. This is an increase of \$88 a year or 120 per cent. The loss of \$10.2 million a year as a result of the termination by the Fraser Liberal Government of the programme for national sewerage works has added effectively about \$62 to the average annual sewerage bill in the metropolitan area.

Mr Mensaros: That is a very one-sided calculation. That is not so.

Mr B. T. BURKE: In addition to borrowing more heavily, heavy demands for revenue will be imposed on Metropolitan Water Board customers over the next five years. According to the board's development plan, residential water revenue per unit is proposed to be \$93 in 1981-82, or around \$102 after taking account of inflation. Yet after the last range of increases, the average bill in the metropolitan area for 1980-81 is \$108. This means, according to the board's own development plan, the board has increased residential water charges to a level required for the revenue yield per water unit of 1982-83, and that increase has already come about.

Theoretically at least there should be no need for an increase in residential water charges next year, but let us wait and see what happens.

Perhaps a better approach to the problems into which the Government seems to have plunged the board would have been to average out the increases that were proposed and which were found so surprising by the Acting Premier at the time when he said the increases would raise \$3 million more than Cabinet thought they would produce. From the development plan it is clear that further increases in water—other than for residential supplies—sewerage, and drainage rates, are planned for next year. According to the development plan, after taking inflation into account, residential sewerage and drainage bills will have to be increased by 14.7 per cent and 17.4 per cent respectively to yield the revenue per consuming unit indicated on the plan.

For vacant land, water, sewerage, and drainage bills will have to be increased by up to 11.7, 14.6, and 15.4 per cent respectively to yield the revenue indicated on the board's own development plan. For other Metropolitan Water Board customers the likely increases in bills are: water, 13.2 per cent; sewerage, 14.8 per cent; and drainage, 16.1 per cent. Overall it is most likely that in 1981-82 non-residential water rates will increase by an average of up to 12 per cent, sewerage rates will increase by an average of up to 14 per cent, and drainage rates will increase by an average of up to 16 per cent. These increases will be in addition to

the increases resulting from the full impact of the higher property valuations in 1981-82.

What is this Government going to do, and what is the Metropolitan Water Board going to do, when its accumulated surplus—so drastically reduced as a result of the decision to limit to 50 per cent the increase in valuation based charges—is completely eaten away by this sort of mismanagement? What is it going to do with the other 50 per cent that was relieved from consumers because of the public furore that resulted from the mismanagement so obvious in the Acting Premier's ignorance at that time of what was really happening, and the result of the—

Mr O'Connor: You are totally ignorant of the facts of it, and you are trying not to understand them at all.

Mr Davies: No, he is spot on.

Mr B. T. BURKE: With your forbearance, Mr Speaker, it is necessary only to tell the Deputy Premier—or whatever he is—that the statements I have quoted were his, and he did not deny them at that time. In fact, I can recall seeing the Acting Premier on the "Nationwide" programme saying that he was surprised and that Cabinet did not have the full information at the time. He said it was obvious more money was going to be raised than Cabinet realised. I saw the Acting Premier myself on the programme, and I have quoted comments which were published in the Press at the time.

Mr O'Connor: You are misconstruing it.

Mr Davies: Fair go!

Mr O'Connor: If you want to misconstrue it, that is normal for you.

Mr B. T. BURKE: Do not be so silly.

Mr O'Connor: Of course that line is normal for you.

The SPEAKER: Order!

Mr B. T. BURKE: This motion of mine calls for a major review of the Metropolitan Water Board's operations.

Mr O'Connor: We should have a major review of the member for Balcatta!

Mr B. T. BURKE: We are saying that the performance of the Metropolitan Water Board leaves a lot to be desired. We are saying also that the extent to which financial operations are affected by Governments and their political considerations leaves a lot to be desired.

The board is one of the largest statutory authorities in Western Australia operating as a major business undertaking. It employs almost

4 000 people. Its rapid growth during the 1960s and 1970s occurred during a period in which there were very few major problems. From year to year most of the hills larger reservoirs overflowed, water quality was static, and salinity levels were, by 1980 standards, low. There was much lower demand and cost associated with water treatment. However, the developments of the last five years, and the slow and inefficient manner in which the board has reacted to major problems associated with Perth's water supplies over this period, suggest it is not capable, in its present form, of coping with the current crisis, particularly those problems associated with water quality and health.

Consideration should be given to a major review of the board with the object of reassessing and upgrading its role and priorities in relation to water resource development in a manner relevant to the next 20 years, with a view to forming a State-wide water resources agency, and with a view to reassessing the financial requirements of the board to maintain an adequate standard of water supply both qualitatively and quantitatively to avoid massive imposts on consumers.

I thank members of the House for bearing with me while I went through that information, some of which was extremely detailed.

Mr O'Connor: It was extremely difficult bearing with you.

Mr B. T. BURKE: Now members will find it more difficult because some of the things I am going to say they will not like.

The motion I have moved is in two parts. The first part I have referred to in my contribution to the debate so far. The second part is much more unpleasant because it refers to the performance of the Minister, and in particular to his performance in the handling of his portfolio.

I do not expect that this House would see its job as to uphold standards of honesty beyond the most sleazy of operations, judging from my past experience here. However, let me put to members that I will demonstrate as clearly as it is possible to demonstrate that this Minister has told lies to this Parliament.

Mr O'Connor: Which Minister are you referring to?

Mr B. T. BURKE: I am referring to the Minister for Water Resources. What this Parliament then decides to do is a matter for its own determination, but the time will come when this House will ignore once too often—

The SPEAKER: Order! I ask the member for Balcatta to resume his seat. The motion refers to

the truth or otherwise of statements that have been made to the House, and I would prefer that the member used that type of language rather than suggesting that the Minister has lied. I believe the debate will proceed on a much better plane if he were to use words such as those in the motion rather than the more inflammatory words that he has just used.

Mr B. T. BURKE: I will say again, Mr Speaker, that what this House decides to do, when faced with the demonstration unequivocal and clear of the fact that a particular member or Minister has mislead the House and has been guilty of telling untruths, is a matter for it to determine.

What I am saying and what I will attempt to demonstrate is that there is a need to appoint some sort of committee of inquiry to look into the truth of the statements made by this Minister. If the House does not see the need for that sort of inquiry, let it be branded in perpetuity as a political animal, reacting not to truth but to political exigencies.

Mr O'Connor: That is a reflection upon this House.

Mr B. T. BURKE: I am reflecting upon what I have found to be the past performance of this House, and what I anticipate will be its performance once again. If the "Acting Deputy *ex officio* Premier" wants us to believe he has an open mind on this matter, we will watch the way he votes, too. Let him stand up and be counted.

Much has been made by the Minister for Water Resources of the use of stolen documents. Much has been said in the past of a political nature by State and national leaders about stolen documents and about their use during election campaigns, and at other times. Let me make it clear that in the history of politics in this country there has never been a greater purveyor and user of stolen documents than the present Prime Minister (Mr Malcolm Fraser).

Mr O'Connor: What about you? What about the Cortis case? You left the poor fellow for dead.

Mr B. T. BURKE: There is no doubt that Prime Minister Fraser has been responsible in the past for using stolen documents in a wild and uncalculating fashion, aimed entirely at advancing his political position.

Mr Young: Bill Hayden's documents just blow out of windows.

Mr O'Connor: What about the Cortis case?

Mr Young: You dropped Cortis like a hot brick.

Mr Pearce: He is one of my constituents. He was the victim of a frame-up.

Mr Young: Victim of a frame-up! He ratted on his mates, and you dropped him like a hot brick.

The SPEAKER: Order! The House will come to order!

Mr B. T. BURKE: It is strange that when the Government seems to perceive—late in the day though it is—that something is about to be dropped on it, it starts to become restless.

Mr O'Connor: What did you drop on Cortis?

Mr Young: Tell us about the Cortis case.

Mr B. T. BURKE: The Minister for Health has dissipated in this House from a reasonably competent, cogent person to a niggardly and inconsequential backbiter, who recently, by his attitude towards the member for Melville, and his refusal to play out his proper role in this place by answering questions branded himself as a man of little consequence.

I repeat: There has been no greater purveyor and user of stolen documents than Prime Minister Fraser who, during the 1975 constitutional crisis went on record as saying it was perfectly in order to use stolen documents. That is his attitude, and it is the attitude of the Liberal Party, provided they are the ones with the stolen documents. However, when anybody else produces evidence which is of embarrassment to this Government or to the Federal Government, suddenly the Minister for Water Resources starts talking about "stolen bikes being easily recognisable, and stolen documents being a different kettle of fish".

Mr Young: Can you name any of us in that context?

The SPEAKER: Order! The House will come to order!

Mr B. T. BURKE: As a result of the publicity which has resulted from the surfacing of this matter in a local newspaper—which had nothing to do with me or, to my knowledge, with any other member of the Labor Party—the Minister for Water Resources instituted a campaign of police harassment against water supply workers. The harassment included at least one early morning raid on a worker's home; it included intimidatory and repetitive questioning as to the source of different documents; and it included prolonged questioning on most occasions.

The first matter mentioned in my motion relates to the board's loan programme. Most members would not have noticed in the Press of 4 September this year—because it was buried in the financial pages—an article relating to the State Energy Commission loan. The article ran to two

columns and a number of paragraphs, two paragraphs of which referred to the Metropolitan Water Board. At best, it can be described as only a passing reference. The article stated as follows—

The last Metropolitan Water Board loan is understood to have received very limited support from WA investors, relying mainly on Eastern States institutional investors.

It is also understood that the poor reaction to the Water Board loan has prompted Westrail to postpone its next loan.

After the sorts of financial circumstances I have outlined, is there any wonder there is a lack of confidence in the Metropolitan Water Board? We have had the board increasing its charges, the Premier lowering them, the Deputy Premier saying they are going to produce more money than anticipated, the Minister for Water Resources saying nothing, and the board itself eating into its funds.

Following those two paragraphs, which cast some doubt on the position of the Metropolitan Water Board as an attractive investment, lo and behold the Minister for Water Resources wrote a letter to the newspaper which stated as follows—

May I correct an assumption made in your report of August 26 relating to the Metropolitan Water Board Loan No. 5.

Contrary to what was written, this loan was highly successful, being fully subscribed and well supported by West Australian investors.

Of the \$20 million, 68 per cent (\$13 600 000) came from WA, with 32 per cent (\$6 400 000) from the Eastern States.

An encouraging feature was the record level of public support for the loan, particularly from small WA investors.

WA investors, big and small, continually demonstrate their faith in the future of our State by supporting these loans and that is a major reason why we can look forward with confidence.

The matter has not been contradicted at any later stage by the Minister and, obviously, the Minister is not going to know what his commissioner is going to go on record as saying. However, it would be nice if we could establish who was telling the truth.

In that context, I should like to read to the House two statutory declarations. The first states as follows—

That at about 9.30 a.m. on August 28th 1980—

That is, before the Minister for Water Resources wrote a letter to the newspaper explaining how well the loan had been supported. The statutory declaration continues—

—in company with Sam Piantadosi I was present in an interview with Mr J. Glover, Commissioner of the Metropolitan Water Board.

The interview lasted approximately 45 minutes during which Mr Glover stated the following:—

- (1) The public loan that the Metropolitan Water Board were attempting to raise was falling short of its target by several million dollars.
- (2) He had been to the Eastern States attempting to overcome the shortfall.
- (3) The purpose of the interview with myself and Mr Piantadosi was due to the Boards concern with their tarnished public image and were wanting co-operation from the Union in an attempt to overcome the difficulty that included obtaining the support of the investing public.

What is the truth?

Mr Mensaros: The loan has been subscribed; that is the truth.

Mr B. T. BURKE: Is Mr Glover telling the truth, or is the Minister telling the truth? Or are they both making contradictory statements and are both telling the truth? What sort of way is that to run a State?

Just for the record, let me read the second statutory declaration. It is identical with the one I just read to the House. This provides not one but two witnesses to the same conversation with Mr Glover. Remember that this statutory declaration refers to an interview which took place prior to the Minister's letter. The statutory declaration states as follows—

That at about 9.30 a.m. on August 28th 1980 in company with Nick Geronimos I was present in an interview with Mr J. Glover, Commissioner of the Metropolitan Water Board.

The interview lasted approximately 45 minutes, during which Mr Glover stated the following:—

- (1) The public loan that the Metropolitan Water Board were attempting to raise was falling short of its target by several million dollars.
- (2) He had been to the Eastern States attempting to overcome the shortfall.

- (3) The purpose of the interview with myself and Mr Geronimos was due to the Boards concern with their tarnished public image and were wanting co-operation from the Union in an attempt to overcome the difficulty that included obtaining the support of the investing public.

Yet the Minister was able to say—

WA investors, big and small, continually demonstrate their faith in the future of our State by supporting these loans and that is a major reason why we can look forward with confidence.

Why was Mr Glover over in the Eastern States attempting to make up the shortfall? Why was Mr Glover concerned with the tarnished image which was resulting in fewer people wanting to invest in the Water Board? Who is telling the truth?

The next matter with which I wish to deal—

Mr Bryce: It is time we called for a resignation.

Mr B. T. BURKE: It is interesting to hear the Minister for Water Resources lean over to the Premier and say he does not know what Mr Glover has been saying.

Several members interjected.

The SPEAKER: Order!

Mr B. T. BURKE: I would not want to be in Mr Glover's shoes for \$1 million at this stage, because guess who is going to be the scapegoat; guess who will be said to have been talking out of the back of his head?

Sir Charles Court: Didn't they get the money?

Mr Young: As if you ever cared who got hurt by your buckets of vitriol.

Mr B. T. BURKE: The Minister for Health is completely bereft of any substantial contribution. He snipes and snarls and continues on in the same fashion as he did when replying to the member for Melville. I do not think this Minister will last out this Parliament; he is already on the run.

Several members interjected.

The SPEAKER: Order! I ask the House to come to order and I suggest to the member for Balcatta that he confines his remarks to the matter before the Chair and to ignore interjections that might otherwise lead him in some other direction.

Mr B. T. BURKE: Mr Speaker, I am quite happy to do so; but you will understand that there is some sort of compulsion on me to record a response in *Hansard* to the Minister's comments. I draw your attention to the natural tendency of

members to answer interjections from people like the member for whatever he is.

I would like now to deal with the second part of the motion I have moved dealing with the chlorine leakages in the board's system and to take the House through the steps which transpired in this matter. On 24 August in the *Sunday Independent* there was a report which alleged there had been chlorine leakages. It was said that there had been 11 chlorine leak alarms since 1979, that eight alarms had been caused by instrument malfunctions, and that the other three alarms indicated minor chlorine leaks.

In *The West Australian* of 29 August the Minister for Water Resources is quoted as saying there had been three minor chlorine leaks since November and that the alarm system had worked well.

In the *Sunday Independent* of 31 August there was a further report which I quote as follows—

Mensaros: Confirmed the chlorine leaks. "On two occasions chlorine leaked from a pin hole in connecting copper pipes. On one occasion a manifold pipe was fractured during the gas cylinder weighing operation."

"Trained personnel with safety equipment were in attendance at the time".

"At no stage has public safety been endangered."

Remember that: "At no stage has public safety been endangered."

I shall quote now from the Water Board's own file No. 610214/80 as follows—

1. At some sites (e.g.: Melville and Mount Hawthorn) any major undetected leak could seriously endanger nearby residents.
2. The likelihood of chlorine leaks going undetected for some considerable time is very real because leak alarms are only local and are only discovered if someone visits the site or if a passerby hears the alarm or sees the flashing light and contacts the Board.
3. In view of the above could consideration be given to having chlorine alarms transmitted back to the Leederville Alarm Centre.

This would give 24 hour surveillance and greatly reduce the risk of chlorine accidents.

So we have seen the Minister say that at no time has there been a danger to public safety, and yet we see from the board's own material that a major undetected leak could seriously endanger nearby residents at Melville and Mt. Hawthorn.

Mr Mensaros: There is no contradiction there at all.

Mr B. T. BURKE: The board then said there was a likelihood of chlorine leaks going undetected for some considerable time. It said there was a very real possibility of this happening.

Mr Mensaros: If I say I will put a knife in your chest and kill you, that does not mean you are in danger.

Mr B. T. BURKE: What the Minister's employee is saying is that the present alarm system means leaks can go undetected for considerable periods of time.

Mr Mensaros: Within a confined space.

Mr B. T. BURKE: It is further stated that any major leak could seriously affect nearby residents.

Mr Mensaros: That is a possible opinion.

Mr B. T. BURKE: If it is only a possible opinion, why is the present practice to provide 24-hour alarms back to the centre? If it is just an opinion that need not be acted upon, why is the Minister's department providing 24-hour alarms at other centres?

Mr Mensaros: It is not.

Mr B. T. BURKE: Of course it is. The Minister does not know what is going on in his own department. There is more to come.

Adverting to a similar sort of difficulty, one of the problems is that at different reservoirs or storage areas the board is in the process of eliminating caretakers. This practice, for example, resulted in a dead dog being found after floating in the Mt. Eliza reservoir for two days. I am happy to say that people from Balcatta and Nollamara do not draw their water supplies from this source, although the Premier's constituents are served from this reservoir. This is one of the problems. It is not just the problem of chlorine leaks which the Minister considers do not endanger the public but which his department says do endanger the public if undetected and which it considers pose a very great risk if undetected. That is the sort of thing going on and that is the sort of half-truth we are getting.

Let us consider the board's tendering process which is the next matter I refer to in my motion calling for a Select Committee. The board's own documents reveal that the practice by which senior staff nominate certain companies, the practice by which tenders remain open for a very brief period of just seven days, and the practice by which nominated companies are awarded contracts worth thousands of dollars is far from unusual. Yet on 31 August in the *Sunday Independent* the Minister commented on this

process by saying it was rare and that the provision of the words "more or less" in respect of the quantity sought was normal practice. When the board sought the tender quantity it put down, for example, "200 tonnes more or less". The Minister said the process of nominating companies was a rare occurrence, and that the incorporation of those words was normal practice. He said the board is concerned only that its specification requirements are satisfied and that health standards are maintained.

Let me point out one or two facts. On a file noted, "only one possible supplier", is attached a list of 18 potential tenderers, and this is dated 18 June 1980. In respect of the words "more or less" which the Minister says are words incorporated by way of normal practice, file No. 721511 of 1979 shows a handwritten notation indicating that new contracts are to be changed to include the words "as required" to be substituted. So the Minister is quite clearly wrong. The Minister's claim that, firstly, that process of calling tenders in this way is rare, is wrong. Secondly, his claim about the inclusion of the words, "more or less" is wrong, as shown by the notation changing the tender documents.

The third point which is very interesting is the Minister's insistence that the board is concerned mainly with the specifications and health standards, and the protection of specification requirements and health standards. File No. 723589 of 1979 shows that a quotation by CSBP for the supply of sulphuric acid included the words—

The quote by CSBP has included a partial analysis. The heavy metal portion has not been completed.

Here we have a tender accepted with the analysis partially completed, and the Minister saying, firstly, that the inclusion of certain words is the normal practice, when it is not; secondly, that the process of calling tenders is rare when it is quite normal; and, thirdly, that he is concerned with specifications being fulfilled, when according to his documents he is accepting tenders for which specifications could not have been fulfilled because the analysis had not been completed.

Let us see how this sort of action is excused. The file continues—

CSBP is a responsible company fully aware of the use to which the sulphuric acid will be put.

Therefore it is suggested that no delay be caused in accepting the tender.

The board should do its own analyses.

Let us see what sort of mistake can happen as a result of slipshod methods for calling tenders and as a result of the Minister's misleading statements and ignorance of what is happening in his department.

Members will be happy to know the board's own words which were used on file No. 723557 of 1979—

A gross error of handling was committed by Chemical Industries (Kwinana), almost resulting in an addition of a deleterious substance to Bold Park Reservoir.

That sort of wording is used to indicate that hydrochloric acid was almost added to the Bold Park reservoir at that time. That is the sort of specification protection we have as the standard under which we operate. It is an absolutely amazing situation that the Minister can go on in that fashion and deny that there is nothing wrong. His document showed that at one stage it was almost a fact that hydrochloric acid was added by the Metropolitan Water Board to this city's water supply as a result of inadequate supervision of the chemical content of the tenders that had been fulfilled.

Serious doubts exist about the board's ability to ensure water quality. If we look at the document entitled, "Monthly Report—Water Supply Laboratory Activities December 1979", we note that in that report the following words are used—

The caution was sounded in May 1979 on file 361633/75... the need for staff and equipment is verified.

So in May 1979 it was pointed out that staff and equipment were needed. In December 1979 what was pointed out previously was re-emphasised, and this is what was re-emphasised in file No. 361633 of 1975—

The salinity of Well 80 at Gwelup is increasing.

Iron and turbidity test results should be used with caution until more confident figures are produced.

Until the Board realizes the complexities and intricate nature of sampling wells such as this and provides the water supply laboratory with either more staff or labour-saving equipment to assume more control of such samples, then certain areas of monitoring may well be a waste of time as they produce possibly misleading results and therefore possibly dangerous or expensive conclusions may be drawn.

That is what is happening while this Government attempts to say for public consumption that it is

protecting the quality of Perth's water supplies. At least from May to November that sort of urgent request had gone unfulfilled; it had to be repeated before anything would be done yet I am unaware to this date whether that request has been acted upon.

The next matter I want to deal with concerns snails. This matter has been previously canvassed thoroughly. The Minister denied that there was any cover-up but I will prove, because the results are self-evident, that the Minister was less than frank when dealing with this matter when he said—

There has been no attempt to cover up anything. That is just nonsense which has been used in a sensational manner by irresponsible media reporters in an endeavour to put fear into the minds of the public.

One or two quotations from the Minister's departmental records are sufficient to disprove his claim. The records state—

Keep the problem at a low profile so as not to arouse any adverse publicity.

...the problem at the moment would seem... to be keeping the problem from the public.

...that the least number of people involved in this operation due to the current Board/Union situation.

It is not true to say, as the Minister said, that there was no cover-up. There certainly was. Whether the cover-up was justified or not is another question, but there was a deliberate attempt to keep from the public mind the facts that surrounded the issue, the subject of these quotations.

Nothing more damning of this Minister's performance exists than the issues surrounding the next matter with which I intend to deal. I am sure, Mr Speaker, you will agree with me after hearing what I have to say that there is not a more conclusive case that could be presented for the proposition that this Minister has not told the truth. I will take the issues in order so that no-one will be in doubt as to what happened.

On 17 August the *Sunday Independent* in a story about snails mentioned the board's consideration of the addition of lithium to Perth's water supplies. The next day the Minister came very quickly on the defensive. He was reported in *The West Australian* as saying on the floor of this Parliament—

"Lithium has never been, nor will it be, used in the Board's water supplies."

Reference to lithium (in the *Sunday Independent* story) was taken from a paper presented at an interstate conference discussing possible means of calibrating water flow through large meters at certain installations.

The first important point gained from that is that the Minister stated that lithium had never been used; the second point is that the reference to lithium—the Minister was quite right—had been taken out of context; and the third point was that the mention of lithium related to the calibration of large source water meters about which he was again correct. Another important point is that he indicates by that sort of statement that he knows exactly what transpired in respect of a proposition that lithium should be added to the water supplies—he used the word “lithium” in respect of the calibration of large source water meters.

I refer the House to page 689 of *Hansard* on 20 August where the Minister was reported as saying—

The board has never used, nor has it considered using, lithium in the water.

Mr Mensaros: Unfortunately we do not have the board's minutes whereby it could be proven that the board did not consider this matter at any of its meetings. Salaried officers of the board spoke about it, and they should have spoken about it.

Mr B. T. BURKE: We will make allowances for the Minister's defence because I suspect it will not be his last. I will accommodate that defence in just a moment.

We have on record that the Minister's defence is that when he talks about the board he is referring only to the members of the board. Do I have that correct? Is it correct that Mr Battye and his colleagues have never considered using lithium? I expect that is true. The Minister is hoist upon his own petard. However, the Minister may refer to the board any way he likes and we will watch the context in which he refers to it.

Let me refer to the next part of the Minister's speech which I want to quote because it is interesting and demonstrates that the Minister was fortified by his first statement. At page 690 of *Hansard* the Minister said—

The board has never considered using lithium.

Before the Minister interjects, let me say that he is claiming the board itself—the six or seven members of the board—had never sat around the table to consider the use of lithium. That is his defence.

Mr Mensaros: It is not a defence at all. There is nothing to defend.

Mr B. T. BURKE: On 29 August the Minister said publicly that lithium had not been used and would not be used in the Metropolitan Water Board supply system, a decision based on present considerations. So by 29 August he had retreated from his previous stand.

Let us consider the facts and keep in mind that the Minister has demonstrated already in respect of that area of the board's operations that it dealt with the calibrations of large source meters. Throughout his speech the Minister continually referred to the board in terms such as these—

If younger members of the board want to put forward ideas, I will not stifle free expression.

If the junior officers of the board want to do this, that is up to them. If the board wants to do this, or the board wants to do that, it is up to the board. The Minister consistently has referred to the Metropolitan Water Board as “the board”. He has done that often and it is probable that I have done it and others have done it when talking about the Metropolitan Water Board.

We are talking about the board as the operation and as the total of the Metropolitan Water Board. The Minister said he did not mind if younger officers put forward recommendations. He said it could be the case that such recommendations were taken out of context and used, and that the board should not be condemned on that basis.

Let us consider the younger officers concerned. The first is the principal assistant engineer, about the sixth-ranking member of the board. On 7 November 1979, in a memo to Mr B. J. Fleay he expressed doubt about the accuracy of large source meters. The injection of salts was suggested to overcome the accuracy problem. He then instructed the Metropolitan Water Board chemist to examine the matter and advise whether the lithium system could be used successfully by the board. He asked whether there were any health hazards involved. This was in November 1979.

In August 1980 the Minister said that the use of lithium had not been considered by the board, yet we have here the principal assistant engineer instructing his immediate inferior to prepare a report on the use of lithium in Perth water supplies.

Mr Mensaros: You are splitting words.

Mr B. T. BURKE: The Minister may say I am splitting words. Maybe I am splitting lies, and the

Minister is adding lies to what he has already said.

Withdrawal of Remark

The SPEAKER: Order! What the member for Balcatta has said is unparliamentary and I ask him to withdraw his remarks.

Mr B. T. BURKE: I withdraw.

Point of Order

Mr MENSAROS: On a point of order, Mr Speaker, I ask that not the personal notes used by the member, but the stolen notes, and documents referred to, be tabled.

The SPEAKER: At the conclusion of his remarks I will ask that the member table the papers from which he has quoted for the information of members.

Debate Resumed

Mr B. T. BURKE: I will be quite happy to do that. The Minister can carry on in this fashion. I am happy to let him have everything I have; it makes no difference to me.

An important fundamental point is involved. The Minister has said on two occasions that the use of lithium in Perth's water supply was never considered. Yet, we see from the memo I have quoted, that the principal assistant engineer instructed his inferior to prepare a report on the use of this chemical. And that is not all. As a result of that instruction a report came back from the senior chemist—not a junior officer—putting up some inquiry. The senior chemist said—

1. Submitted requested report.
2. Availability: ICI can supply. Cost/availability/quality details being prepared by ICI.
3. Lists extracts from selected texts for use to justify the innocuous effect of low doses of lithium.
4. Recommends: (i) That the injection of lithium salts into the water supply in the short term testing that is proposed is acceptable. (ii) Stresses the need for care and for a laboratory staff member to be present on site at each test.

It may be said to that stage the Minister was half truthful when he said the use of lithium had not been considered. I would say the report amounts to a consideration of the use of lithium. If the Minister wants to say the report did not indicate that the use of lithium had been considered, it is up to members to judge. This was in November 1979. The next quote I will use is dated May

1980, and it is a report from Mr Fleay to the chief engineer—another low-ranking officer! The report states—

A lithium salt injection method for calibration of metres is being investigated.

Mt Eliza Reservoir was inspected to determine how best an injection system could be set up. The diverging pipe system deemed the site to be unsuitable for such a method until experience is gained in the technique. Lake Thompson Reservoir was tentatively suggested by the Water Control Engineer as a more suitable site because of the orthodox feeder system.

Not only has the use of this chemical been considered—and I am not talking about whether it is good or bad—but the stage has been reached where departmental officers actually had gone to the reservoir and attempted to set up an injection system.

Mr Young: Could you repeat your remarks regarding the calibration of meters?

Mr B. T. BURKE: If that concerns the Minister, the substance is fed through the meter and measured on the other side. If that means the lithium was not to be put into the water supply, let me quote what was written in the document from the senior chemist when he listed the extracts about lithium from the handbooks. There were handwritten notes, and one reads—

By the time the lithium reaches the consumer there will not be as much lithium in the water supply as found in sea water.

In brackets appear the words—

Not a good one to use.

Mr Young: Let us assume he did say that. Did he refer to any health hazard to anyone?

Mr B. T. BURKE: Yes, he did.

The SPEAKER: Order! Some few days ago I drew attention to the fact that there had been a fair amount of casual conversation carried on in the Chamber which makes it difficult for me to concentrate. Several times this afternoon I have endeavoured to prevail on members in the back benches of the Chamber to continue their conversations at least at a lower level, and to the point where my attention is not distracted. That has not happened.

I am now saying very firmly that if members continue to hold conversations at the back of the Chamber, which I can hear, I will take appropriate action.

Mr B. T. BURKE: I suppose the point raised by the Minister for Health is a valid one. That is

included in the total involvement of using this particular chemical.

Let me emphasise once again the principal point to which I am directing this part of my contribution. The Minister has refuted statements that the use of lithium had been considered—not once, but twice in this House he has said its use had not been considered. The Minister has heard verbatim what I have said and he will have a chance to see it when the material is tabled. Without question, that will show the use of lithium was considered. I do not know what the Minister will see.

Mr Young: I am trying to get you to establish that lithium has any importance at all with respect to health and the Perth water supply.

Mr B. T. BURKE: That is the next thing I will deal with. The points I make and refer to are the dangers or health hazards involved. The same file, under the heading "Dangers" refers to the need for a laboratory staff member to be present at each testing. That is quite essential, in order to sample the feed material at the same time as the dosed water. There is also reference to public relations problems, and the report reads—

It was felt that any deliberate injection . . . would need to be thoroughly investigated to avoid the possibility of subsequent questions.

The word "questions" has been written over and the original word appears to be "criticism".

I am sure the Minister for Water Resources will show the files to the Minister for Health and he will be able to read the lengthy quotations about the different levels of lithium and their effects at different levels on mice and other laboratory animals.

Mr Young: Surely you will tell us the degree of danger facing the public as a result of the tests.

Mr B. T. BURKE: The Minister usually does not listen and for his benefit I will repeat a quote from the chemist who prepared the report. First of all he lists extracts from selected tests to justify the innocuous effect of low doses of lithium. Then, he recommends the injection of lithium salts into the water supply in the short-term testing that is proposed as being acceptable. He also stresses the need for care and for a laboratory staff member to be present on the site at each test.

Mr Young: I think you have made the point that there are no dangers to the Perth water supply, or to the health of the public, as a result of these tests.

Mr B. T. BURKE: We can go further. The board even went to Mt Eliza to put in an injection

system to include the chemical, but the Minister has said it had never been considered. They decided they would not go ahead because of lack of technical knowledge.

I suggest dangers certainly are involved in an overdose of lithium. I have already quoted that it was recommended a laboratory staff member be present at all times. The difficulty of providing an injection technique—it would seem there was a danger in this respect—

Mr Young: In the whole exercise, no dangers resulted.

Mr B. T. BURKE: That is only because the lithium was not used. It was not used, so there is no danger. Let me say for the enlightenment of the Minister that there is no danger in cyanide if one does not swallow it.

Mr Young: Exactly the point the Minister was trying to make.

Mr B. T. BURKE: The Minister for Water Resources desperately is trying to work out how to equate his reply with what I have said.

I see two alternatives. Firstly, he can continue to claim that none of this happened, or he can admit that the board gave consideration to the use of lithium and a very senior chemist decided the type of injection system to be used, and even went to Mt. Eliza to set up a system.

Mr Young: There was no danger at all.

Mr Davies: But, it is the credibility of the Minister which is at stake.

Mr Mensaros: There was nothing wrong in the whole thing.

Mr B. T. BURKE: What is the matter with the Minister in that he cannot see anything wrong in telling this House less than the truth? The Minister knew about the use of lithium, and the calibration of water meters. He is on record as having referred to those matters.

Twice in this House the Minister has said he did not consider using lithium. It has been demonstrated that he is telling less than the truth. I can recall the Minister, on a previous occasion, when asked whether he knew a Mr Mullally, and whether he worked for the SEC, and whether he was the same person who was the lawyer in the Tresillian affair, the Minister said in a six sentence memo that Mullally should not be sacked. That was in answer to a simple question about whether Mullally was the same person. It is difficult for the Minister to understand.

I suppose that no-one will take any notice of this motion. My motion seeks an inquiry into the operations of the board, firstly, with respect to the points I have listed in order to show whether the

Minister told the truth when he said that the investing public showed much confidence in the Metropolitan Water Board and whether the commissioner, who is being paid \$40 000 or \$45 000 a year, was telling lies or was not telling lies.

The second thing is the chlorine leaks, in which case the Minister said there is no danger to the public; whereas the truth of the matter is that the board's own documents show there are dangers to the public in the Mt. Hawthorn and Melville areas from undetected leaks, and leaks are likely to be undetected under the present alarm system.

The third matter to which I referred was the process of tendering where I showed the Minister was wrong when he said the process of nominating a particular company and having tenders open for a brief period and awarding tenders to that company was a rare process. In fact it is a process which is much less than rare. When the Minister said the words "more or less" were commonly used on tender documents, he was not telling the truth; because an excerpt I read to the House showed quite clearly that the words "more or less" were scrubbed out and replaced by the words "as required".

I showed that in terms of specifications, on at least one occasion the specifications had not been met, and the failure to meet them was dismissed with a shrug of the shoulders and a statement that "CSBP is a responsible company that can be relied on to know what the chemical will be used for." At the same time Chemical Industries (Kwinana) Pty. Ltd. supplied defective material which almost resulted in hydrochloric acid being deposited in the Bold Park reservoir.

The next matter to which I referred was the covering up of the snails incident. That needs no explanation; there was the deliberate attempt to keep from the public mind a certain incident. The Minister seems to think that because he thinks it is desirable to conceal something, it is not being covered up; but they are two completely different things.

The last matter to which I referred is the most damning, and it is as plain as the nose on one's face that the Minister has not told the truth. The Minister has said twice that the use of lithium was not considered, and yet the documents show that consideration was given to the establishment of a tank at Mt. Eliza to ensure that lithium would get into the water supply. The Minister has told less than the truth in respect of that matter.

In conclusion, I do not think anything will come of this. The Minister will blithely go on his way and his colleagues on the other side of the House

will support him, with the possible exception of the member for Subiaco who, although he is on a good conduct bond, may grab a bit of courage and see something wrong in the fact that the Minister has misled the House.

The whole situation in the seven years that I have been here has degenerated from the time when the Hon. John Tonkin insisted that people told the truth, and that whatever they said first was the truth and was to be defended to any extent. I do not suppose this Minister has the courage to stand up and say he was wrong.

Mr DAVIES: I formally second the motion.

MR MENSAROS (Floreat—Minister for Water Resources) [5.18 p.m.]: I think it is the duty of the Opposition, and its traditional role, to criticise, and I would be rather disappointed if aspects of my portfolios were entirely ignored from that point of view. But I still feel that criticism is only of value in this House and, generally, in the community, if it is factual, substantial, and offers some reasonable alternative to what is being criticised. I do not think any of those elements would be found either in the motion or in the speech of the member for Balcatta who moved it.

His speech, of course, as usual was flamboyant and fairly vociferous, and was not very objective; albeit it was what we are accustomed to. The worst feature of his speech and of the motion he has moved—and I will emphasise this despite the fact that the member for Balcatta expressed his disappointment that I should do it—is that they are based on stolen documents. That debases this Parliament. Parliament ought to be in a more dignified position than having to accept impropriety and to make a virtue from an evil. I do not accept the argument which is put forward by some people—although the member for Balcatta did not—that the files of a Government department or instrumentality, once having been written by officers who are paid from public money and who use materials purchased ultimately from the taxpayer's pocket, should be available to citizens and be public documents.

I cannot accept that argument. I ask members opposite whether they would condone the same argument not in respect of a piece of paper or a file, but in respect of, say, a departmental motorbike bought with taxpayer's money. Would members opposite condone someone taking that motorbike and using it, just as some people remove documents and have them photocopied? Members opposite condone the action in one case because it concerns a paper and not, say, a

motorbike; they showed this by the manner in which they sat silently—and sometimes not so silently—listening to the member for Balcatta. They condoned something which is utterly improper.

Mr Pearce: He learnt it from the Premier.

Several members interjected.

The SPEAKER: Order! The House will come to order!

Mr Pearce: The Premier did that when he was Leader of the Opposition. You refer back to the time of the Tonkin Government.

Mr Parker: Fraser said it was a social duty to do that.

The SPEAKER: Order!

Mr MENSAROS: Disregarding the yak yak from the member for Gosnells, if that is the feeling of members of the Opposition they could have done one of two things. They could during their term of office have amended the Public Service rules to enable public servants to steal documents and to use them publicly. They did not do that. The then Premier—

Mr Davies: Don't you think it is just as bad not to tell the truth to the public?

Mr MENSAROS: That is absolute nonsense.

Mr Davies: It is far worse.

The SPEAKER: Order!

Mr MENSAROS: I am talking about stealing documents, and I invite members opposite to say whether they believe it is ethical.

Mr B. T. Burke: If you are inviting us to comment, what do you say to your Prime Minister when he defends his own use of them?

Mr MENSAROS: The member does not answer.

Mr L. T. Burke: You have not answered the question.

The SPEAKER: Order! I am not prepared to accept a situation where two or three people are interjecting simultaneously as occurred at that moment. The member for Balcatta was given a good opportunity to deliver his speech. I would like the same opportunity provided to the Minister for Water Resources.

Mr MENSAROS: This is a very bad feature of the motion; I am referring to the fact that it is based on stolen documents. Yet the members of the Opposition are openly declaring that in their view it is a proper, right, and virtuous thing to steal documents and to use them in any way which is unlawful and improper.

Mr Parker: That is not the view of the Prime Minister of Australia.

The SPEAKER: Order!

Mr MENSAROS: The other bad feature of the motion and the supporting speech, is that they are intended mainly, as I think the Minister for Health pointed out very well by way of interjection, to frighten the public. The member for Balcatta was not speaking about lithium having been used. He was so mixed up! His remarks in that respect were aimed entirely at creating fear in the mind of the public, and they had no basis.

Mr B. T. Burke: That is not true at all.

Several members interjected.

Mr MENSAROS: You be silent, little Gosnells!

The SPEAKER: Order! The House will come to order!

Mr H. D. Evans: Deal with the facts of credibility.

Mr Barnett: Now we have the jackboots.

Mr MENSAROS: To create fear in the mind of the public is the worst disservice the Opposition can do to the people whom they claim to represent.

Mr B. T. Burke: I made it clear that I was talking about your credibility, not about the lithium.

Mr MENSAROS: Newspaper articles were aimed at creating fear, and to some extent that result was achieved. The only consoling feature in all this—and it is only politically consoling—is that it is a clear sign that the member for Balcatta and other members of the Opposition do not even consider there is the faintest possibility that they can ever become an alternative Government, in which case they would have to behave with some degree of responsibility towards the public whom they represent.

Mr Pearce: Your lot would be stealing documents as fast as they could.

Mr MENSAROS: Nevertheless, I will try to reply to the member for Balcatta in respect of the matters he raised. I am not against the first part of his speech, but it would have been better presented in a public forum other than the Parliament because he presented a paper in an almost academic fashion. The paper was filled with details and statistical data which were taken out of context, and it is not possible for one to say whether they are correct.

Mr B. T. Burke: You could adjourn the debate.

Mr MENSAROS: The proper thing to do would be to go to another forum and listen to the paper he delivered and then, on the next occasion—

Mr B. T. Burke: You could have adjourned it.

Mr MENSAROS: Do not be so childish!

Several members interjected.

The SPEAKER: The House will come to order!

Mr MENSAROS: As I was saying, the first part of the presentation of the member for Balcatta should have been presented in another forum so that after it was studied a reply could be made to it before some sort of tribunal or academic panel which would act as a judge.

Nevertheless, I want to go through the matters raised by the member for Balcatta. In the first part of his speech he talked about the deteriorating quality and quantity of our water supply. He referred mainly to that part of the service which is supplied by the Metropolitan Water Supply, Sewerage, and Drainage Board, without proving anything. He compared surface reservoir usage with underground usage and claimed that underground water has a higher salt content. He ignored the fact that after so many dry years the surface reservoirs have a much less capacity and, therefore, a larger quantity of underground water must be used.

He said the board, instead of drawing more heavily on underground water supplies, should have introduced severe restrictions so that the underground resources would not be required to be used, and only surface water would be used.

Mr B. T. Burke: I did not say only that.

Mr MENSAROS: No, not only that, but that surface water be used to a much larger extent than underground water. I am informed that is not the correct policy because we get to a level where, for safety reasons, as well as for purity and turbidity reasons, we do not want to use very much more water from the existing surface reservoirs. But there is no reason on earth that the underground water reserves are in any way unhealthy or in any way represent a danger to the public. They simply do not.

I can assure you, Mr Deputy Speaker, that the combined water resources in the existing reservoirs plus the already tapped underground reservoirs are quite sufficient for a considerable time to come. After making various adjustments, it seems according to the pattern of inflow they will be quite sufficient to last at least till the turn of the century. Added to that, there is an enormous underground reservoir north of Wanneroo which has not been absolutely

correctly measured, from which water flows slowly into the sea, and some flows towards the Swan Valley. There is no danger from this point of view. It is quite wrong to frighten the public on account of the shortage of water. One should not say that something horrible could happen either to the quality of the water or to the quantity of the water.

On the other hand, let us deal with consumption. The member talked about water resources. If we take only the surface water into consideration, about five years ago—and I am speaking off the cuff—in 1974 or 1975 the water consumption reached a total aggregate of more than 210 million cubic metres per year. Following that, the dry seasons came and repeated themselves, and the board introduced slight restrictions in the metropolitan area. It restricted the people to hand watering or the use of sprinklers on even and odd days, but it did not restrict the amount of water to be used. A lot of educational material was used, apparently successfully, in an endeavour to have the public use less water. I do not think "conserve" is the correct word to use in these circumstances.

As a result of this, despite the increased population and the increased number of connections, the total aggregate of yearly water consumption went down from more than 210 million cubic metres to more than 140 million cubic metres. There was a tremendous decrease, despite the increased number of connections. When the 210 million cubic metres consumption was the order of the day—I am not sure about the percentage—

Mr B. T. Burke: We would not believe you, anyway.

Mr MENSAROS: I will ignore these comments. The member should ask some of his colleagues who have been Ministers. He thinks a Minister, no matter how bad or how good he is, would know the contents of 5 000 files.

Mr B. T. Burke: But he should tell the truth.

Mr Pearce interjected.

The DEPUTY SPEAKER: Order!

Mr Pearce interjected.

The DEPUTY SPEAKER: Order!

Mr Pearce interjected.

The DEPUTY SPEAKER: Order! The member for Gosnells will cease interjecting when I keep calling for order.

Mr Pearce: It is a little unfair.

The DEPUTY SPEAKER: The member will resume his seat. The person occupying the Chair

should not have to call order a number of times. I called order, and the member for Gosnells continued to interject. If he has a point to make, he will have every opportunity when I sit down. When anybody in this Chair calls for order everybody should cease speaking.

I urge upon the member for Gosnells that he follow the standards of this House and cease interjecting.

Mr Pearce: I would like to tell you I could not hear you because of the Minister.

THE DEPUTY SPEAKER: The Minister.

Mr MENSAROS: At the time the total yearly consumption was 210 million cubic metres supply from underground was about 20 per cent—it may have been less, but it was up to 20 per cent. It is quite sufficient to talk in round figures to illustrate what I want to say. When the consumption went down to about 145 million cubic metres, roughly half of it was from underground. There was a tremendous increase in the use of underground water; and that was far sighted on the part of the board. Rather than using up completely the surface resources, the groundwater was used. The board considers that surface water should not be used completely, and there are various reasons for this. To give the most extreme example, theoretically we could have an earthquake and lose a dam altogether. These are the sorts of things, no matter how remote the possibility, that are taken into consideration in planning for the use of water resources.

Such dangers are tremendously remote; but there could be a poisoning situation—a truck could fall into a dam—

Mr B. T. Burke: That is not so remote, from what I can see of the board's operations.

Mr MENSAROS: These considerations are taken into account in a scientific way in planning the use of the resources. Of course, the total rainfall does not govern how much inflow there is for the reservoirs. In 1979 there was only a miniscule inflow of about 20 million cubic metres—plus, whereas in 1980 it was about 60 million or 65 million cubic metres. Yet the total amount of winter rain was not markedly different. If there are five or six inches of rain within, say, three days there would be an over-flow in the dams. The whole catchment area is like a sponge. It has to be saturated first; and then when there is heavy rain after that there is a tremendous inflow into the dams.

To my mind, and to the mind of those who study these documents, what the member for Balcatta tried to prove has not been proved. He

tried to say that on account of the board or on account of the Government there has been some sort of mismanagement which has resulted in deteriorating water quality.

The member for Balcatta went on to talk about the financial aspects of charges and rates. I am happy that he did not do what almost everybody else does. At the same time as people criticise the higher charges, they complain that there are not sufficient services. I wish people would say that we should maintain the services, and be prepared to accept the charges. Unless people want something absolutely gold-plated, our system would compare with that in operation anywhere in the world in relation to providing services and maintaining them. Unless there is the desire to have the services deteriorate, the board has to obtain revenue to supply the services.

I will deal with the statement by the member for Balcatta about the budgeting this year. Very often the news media makes a mistake. On this occasion it said that, through some inexplicable occurrence, the charges resulted in \$3 million more revenue than budgeted for. That is absolutely not true.

Mr B. T. Burke: That is what the Acting Premier said.

Mr MENSAROS: No, he did not say that. He might have said something which people did not understand. Some people did not understand that the board, with the consent of the Minister, the Under Treasurer, and the Cabinet, budgeted for a surplus of approximately \$3 million to reduce the accumulated deficit it had. That is a perfectly proper thing.

Mr B. T. Burke: What happened to that when the valuation was limited to 50 per cent?

Mr MENSAROS: That has nothing to do with it. The board always budgeted that way.

Mr B. T. Burke: What happened to the board's budget as a result of the limit put on the valuation based increase?

Mr MENSAROS: I am talking about the accusation that the charges levied by the board would have resulted in more revenue than the papers which were presented to Cabinet have shown. I am simply saying that is not so.

Mr B. T. Burke: Perhaps the Acting Premier was not at Cabinet that day.

Mr MENSAROS: In answer to some complicated questions asked by the Leader of the Opposition, I pointed out that this was the calculation.

Mr B. T. Burke: If that was the calculation, why did you subsequently change the increases that were to apply?

Mr MENSAROS: I cannot say why, because that is a Cabinet decision.

Mr H. D. Evans: Were you not at Cabinet either?

Mr MENSAROS: There was a statement that the board, or the Minister, or the Cabinet would have known that the valuations—

Mr Pearce interjected.

Mr MENSAROS: Do you have to come in again? Go out and have a cup of tea!

Mr Pearce: If you promise to pay, I will.

Opposition members interjected.

The SPEAKER: Order!

Mr MENSAROS: Here we are talking about the splitting of hairs again. It is not true that the board, or the Minister, or the Cabinet would not have had any knowledge of the valuations. Of course, they did not know all the individual valuations—

Mr B. T. Burke: They did not need them.

Mr MENSAROS: —but they had a reasonable average upon which they were able to base the charges.

Mr B. T. Burke: I agree. Why did you then go and chop the increase in half?

Mr MENSAROS: Based upon this average, the cent rate in the dollar value was struck. Members would know that it was not more than half of that in the previous year because of this increase in valuation. The board made a calculation and arrived at a lower cent rate in the dollar this year than last year, because of the higher valuations. I think I said it was an average valuation increase of 17 per cent; but it should have been 170 per cent.

When the bills based on individual valuations were sent out, it was found that the average of 170 per cent accommodated increases of up to 400 per cent and increases of only 10 per cent, or nothing at all. Therefore, some of the consumers or customers of the board received bills which were less than previously; and of course they never complained.

Mr B. T. Burke: As far as your total calculation of revenue was concerned, it depended upon the situation in which some paid 10 per cent more while others paid 400 per cent more.

Mr MENSAROS: The board did not know, because of the group figures and the average figures, what would be the individual maximum limits of the new valuations.

Mr B. T. Burke: I agree; but in terms of financial management, how can you justify calculating the revenue to be received and then, in one fell swoop, cutting it in half?

Mr MENSAROS: That has nothing to do with financial management. That was not the board's suggestion.

Mr B. T. Burke: Whose suggestion was it?

Mr MENSAROS: It was the decision of the Cabinet, to alleviate the situation. I had an interjection from the member for Fremantle at that time, and he said, "Why did you do it?" I said, "Because if you govern a country, occasionally—and perhaps more than occasionally—you have to take into consideration the wishes of the people." That is the simple answer.

Mr Davies: Did you not also say you did not have the full valuations?

Mr MENSAROS: It was not the financial calculations. At that time, the increases were limited to 50 per cent. There was nothing wrong with the board's calculation; and there was nothing wrong with the statement put out by the Cabinet.

Mr H. D. Evans: Did the board have the overall valuations when it made that decision?

Mr MENSAROS: It had the average valuation increases.

Mr Davies: They denied that later.

Mr MENSAROS: The board did not have every single valuation. There is more to it than that. The average could have changed theoretically; but it has not changed and in fact it did not change. Out of 300 000-odd accounts, the board could have found 3 000 which had a 1 000 per cent increase in valuation. In theory, all of the 3 000 accounts could have been increased by 1 000 per cent; and that would have thrown out the average. However, that is theoretical and not practical. For all practical purposes, the board had the average valuation increase which did not change even after all individual assessments were received.

Mr Parker: What you were saying when you made that comment was that you thought you could get in your increase; and when you discovered that people would not wear it, the board had to sort it out.

Mr MENSAROS: The valuation is changed every three years. There were extreme cases where the valuation was so high that the rates became so much higher. It was then that the Government decided to deal with the matter.

Mr Davies: The board later denied it had sufficient information to strike a rate.

Mr MENSAROS: I do not recall it ever did.

Mr Davies: I know. The board denied it had the information. Now you are saying it had ample information.

Mr MENSAROS: I cannot recall denying it.

Mr Davies: The board did. There was a mess-up there.

Leave to Continue Speech

Mr MENSAROS: I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

(Continued on this page.)

HANSARD

Staff: Statement by Speaker

THE SPEAKER (Mr Thompson): Probably members will have observed that a new *Hansard* reporter has been coming into the Chamber today. Indeed, the Joint Printing Committee recently appointed Mr Ashley Brunner to the *Hansard* staff of this Parliament.

Mr Brunner comes to this Parliament a very experienced *Hansard* reporter. He has had experience reporting the Federal Houses and he was also a court reporter in Queensland.

Mr Brunner comes to replace Miss Thelma Carter who has retired from service here, a little prematurely because of ill-health.

On behalf of all members of the Legislative Assembly, I should like to record our appreciation of the work carried out by Miss Thelma Carter during the 10½ years she was a member of the *Hansard* staff.

Members: Hear, hear!

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.15 to 7.30 p.m.

METROPOLITAN WATER BOARD: OPERATIONS

Inquiry by Select Committee: Motion

Debate resumed from an earlier stage of the sitting.

MR MENSAROS (Floreat—Minister for Water Resources) [7.30 p.m.]: I will conclude my response to the first part of the submission of the

member for Balcatta by very objectively—and very much based on fact, but at the same time firmly and strongly—rejecting the proposition that during the last few years the quality of water and services generally of the Metropolitan Water Board have been deteriorating. That is the exact opposite to the truth. He submitted that these services and the quality of the water deteriorated simply because we had not introduced further restrictions on water consumption in time of drought and, therefore, we did not rely 100 per cent on the surface reservoirs. It would have suited him politically had that been the case, but his submission is based on a false premise.

The board and its officers deserve great praise. Despite these statistically unusually bad years, the board has been able to do what it was supposed to do; that is, to supply the public with what they demand. Some members will recall that even last year propositions were put forward that we should bring in an iceberg from the Antarctic and collect drain water from the streets. How unrealistic to suggest the expenditure of our money in this way. Instead of such approaches to the problem, the board went ahead quietly, according to plan, with the further development of underground water reserves, and, as I said, it was able to meet the public's demand without imposing any restrictions.

In the second part of his speech, the member for Balcatta dealt mainly with enumerating cases where he claimed I had misled the public and/or the Parliament. There is virtually no case to answer. Indeed, there was very little in what he said—he was purely splitting words and splitting hairs.

The proposition put forward by the member for Balcatta was for a Select Committee to inquire into and report upon the general conditions and operations of the board, and to pay particular concern to the statements I have made.

Mr Speaker, you will recall that in 1977 a huge development study of this subject was carried out by international consultants in association other people. Binnie International employs probably the best international consultants in the world, and in this study they associated with Maunsell & Partners Pty. Ltd., Mr Gilliland—the financial director of the Thames Water Authority—Professor Hanke of the Johns Hopkins University of Baltimore, and Mr Ken Townsing, the former Under Treasurer of Western Australia.

I have undertaken as much reading as time has allowed on the subject matter of my present portfolio, and I have been made aware time and

time again, in scientific papers submitted to various seminars and meetings, that the Binnie report, dealing with the Western Australian Metropolitan Water Board, was one of the most thorough and best studies undertaken on this subject. Of course at the time suggestions were made that the report was an eyewash only and that it would be left on the shelf. Quite the reverse happened. The report is very much a living thing.

After the Premier announced the findings of the report in February 1978 the report became the basis of the board's plans. It extended to the financial obligations of the board over the next 20 to 25 years. Having set out the scale of the board's future expenditure, the study then examined ways and means of reducing the expenditure within reasonable limits without deteriorating the service.

Subsequent to the report, the board published a forward-planning proposal. This was not a new concept, but the previous forward planning of the board has been based on a different premise. What was new was that from the time of the Binnie report onwards, the board published widely its forward plans. Around May of every year the five-year forward plan is available, and I believe this information is forwarded to every member of Parliament.

This information covers the board's plans for the next five years, and it takes into consideration any adjustments that may be necessary based on the previous report. The member for Balcatta implied that we had to follow the recommendations of the report and that this would be a costly exercise. If we do not follow the plan which was established basically in great detail on the report, we would deliberately and ultimately allow the quiet decay of the board's services.

Is the member for Kalgoorlie interested at all in what is being said?

Mr E. T. Evans: If we could hear you we would be interested.

Mr MENSAROS: If the member were quiet he would hear me.

Mr Skidmore: We don't know what you are babbling about.

Mr E. T. Evans: We have asked you many times to speak up, and if you do not do so we do not know what you are talking about.

Mr MENSAROS: If the board is to act responsibly, we must follow the basic recommendations of the report. It would not be a responsible attitude to expend less money just to

satisfy the outcry of today. If we charge lower rates and receive less revenue, we will be ignoring the future.

The trend of the submission of the member for Balcatta was that I have either misled the House or misled the public by making various statements. In almost the same terms as those used by the member for Balcatta, I would be very happy to submit this case, even based upon his speech and upon my reply which is virtually not necessary, to any reasonable individual member.

Mr B. T. Burke: Or a Select Committee. You have your chance; that is what the motion calls for.

Mr MENSAROS: There was nothing misleading or untrue in my statements.

Mr B. T. Burke: Well, you have your chance.

Mr MENSAROS: Embodied in the motion and in the speech made by the member for Balcatta was the connotation that a Minister of the Crown had intended deliberately to mislead by stating untrue facts. It must be well known to anyone of experience that a Minister bases his statements on facts which he has acquired through the pursuance of his duties or from information he has obtained. Nothing in my statements was misleading at all. If the member for Balcatta splits words—as I said he has done—then perhaps one word does not tally with some other word, but there was no misleading.

The member for Balcatta mentioned firstly the loan raising. He made absolutely no attempt to prove that I made a statement—not to the House, but I think in a Press release—which might not have been true.

Mr B. T. Burke: The motion referred to public statements.

Mr MENSAROS: The statement was made after taking note of the article referred to by the member. As I was fairly conversant with loan raising through the State Energy Commission I queried immediately whether the statement in the article was true. The report I received was precisely as I had expected—that the loan had been subscribed. The member for Balcatta admits himself that he based his accusation on previous statements made allegedly by someone else in private conversation with the Commissioner of the Metropolitan Water Board. I have not been able to check the matter out, but since that time I have never received a report that the loan was not subscribed. That is the fact, and I cannot see that anyone in his right mind could say that I made a statement to mislead the public or the House.

Mr B. T. Burke: If you are willing to refer it to an independent body, set up a Select Committee.

Mr MENSAROS: Now, who suffered the slightest inconvenience if somebody else—

Mr B. T. Burke: That is not all you said in your letter to the Press.

Mr MENSAROS: Yes, I did.

Mr B. T. Burke: That is not what you said.

Mr MENSAROS: I said it was very nice to see that the public had confidence in the board.

Mr B. T. Burke: You said it was wrong to say you had difficulty in filling the loan.

Mr MENSAROS: That is right. Even if we go over the closing time by a few days—and I do not think that was the case here—it shows the confidence of the people.

Mr B. T. Burke: The commissioner had to go to the Eastern States to raise the money.

Mr MENSAROS: Many local authorities and other bodies have had difficulty in raising loans. That was not the case here. The content of the statement I made was absolutely true.

Mr B. T. Burke: No, it was not.

Mr MENSAROS: It was.

Mr B. T. Burke: The commissioner had to go to the Eastern States to raise the money.

Mr MENSAROS: I never stated that the commissioner had to go to the Eastern States to raise the money.

Mr B. T. Burke: No, I did.

Mr MENSAROS: I doubt very much that that would be so. I cannot state anything for him.

Mr B. T. Burke: But he stated it himself.

Mr MENSAROS: The fact remains the loan was subscribed and therefore my statement was absolutely correct.

The member for Balcatta based his next argument on allegations contained in fairly inciting articles. Of course the news media generally is not slow in picking up something sensational, but even the media representatives thought this was over the limits because from the second week onwards no member of the media picked up the words of the gentleman who was subsequently sacked from the *Sunday Independent* because he was on strike, despite the fact he was not in a position to go on strike. He is of course a beloved fellow councillor of Mr Marlborough who in turn works in the department and who probably has had a lot to do—without our being formally able to prove the fact—with the stealing of documents which the member for Balcatta mentioned.

Mr B. T. Burke: What a sleazy operator you are.

The SPEAKER: Order!

Mr MENSAROS: Does the member for Balcatta say it is not so?

Mr B. T. Burke: Of course I say it is not so. What I am saying is that if you want to make allegations like that, you should have the evidence to prove it.

Mr MENSAROS: Coming to the “chlorine leak” case, I stated exactly what occurred. Three cases were involved. Two cases concerned pin-prick corrosion in pipes, when a miniscule amount of chlorine leaked into the air of the enclosed shed containing the tanks. It was quickly detected by employees of the department, using the proper safety equipment. In the third case, a worker employed by the board accidentally collided with the piping system, causing a leak which was repaired.

The member for Balcatta referred to an alarm system giving false alarms of leaks on eight other occasions. I do not think that can be used as the basis of an accusation against the board. If anything, I would rather have false alarms than something more serious.

Despite all the documents referred to by the member for Balcatta—which could be read either one way or another—I stand by my statement that there is no danger to the population. Any occupation has associated hazards. However, I submit there is less danger to the population from chlorine leakage than, say, there is to us in this place of the ceiling collapsing and somebody being hurt. The member for Balcatta is going beyond the bounds of seriousness to suggest these things. He made no attempt to prove I had made a misleading statement.

The member for Balcatta then referred to the matter of tenders. This allegation is even more ridiculous than the others. If I recall correctly, the member for Balcatta was harping on the tender papers issued by the board. He claimed they did not specify the precise quantity of materials required and used the words “unqualified quantity” whereas I have used the words “more or less”. I cannot see any significance or importance in this point.

The fact remains that the board uses a number of chemicals. In fact, in answer to a question asked, I think, by the Leader of the Opposition, it was revealed that dozens of chemicals are used—not all at the same time—depending on availability, price, temperature and other factors to purify and make safe our water supplies. The board orders these chemicals from various places.

The general tenders are not entirely a matter for the board because if they relate to plant and equipment they go through the Tender Board and the board participates in making a judgment on the matter. In the case of civil engineering contracts, it goes the same way but there is a limit of, I think, \$60 000 above which it needs, firstly, ministerial approval and then approval by Executive Council. So, the honourable member's allegations relating to tendering were absolutely untrue; there is nothing untoward in this area.

The member for Balcatta went on to mention snails. He did not refer to the banner headlines in the local newspapers stating there was a plague of snails in certain suburbs. These were fear-mongering tactics on the part of the Press. It is a fact that not only snails but also other organic matter are in our water supplies. Fish and maron swim in some of our reservoirs. Insects and various other organic matter—some microbiological and others of larger species—are present in every water supply. In fact, snail shells and not the snails themselves were found on this occasion.

The board, with the help of the Museum and other expert bodies made an investigation into the matter. I still maintain no attempt was made to cover up the truth. I do not scorn the officer who mentioned in a report that this matter should not be broadcast widely. Obviously, he had had experience of the treatment to which the board has been subjected in recent times. He did not wish to publicise the matter in case there would be a vendetta against the board.

I sometimes wonder whether the member for Balcatta and members of the Opposition ever consider the human element. What do their attacks mean to the dedicated professional officer who works in the board; to the administration officer; or, to the girl on the switchboard? These people are constantly subjected to criticisms and allegations from members opposite and some sections of the media.

If the member for Balcatta and his colleagues were sincere and honest, they would be giving these people every encouragement. If the union were sincere and honest it would accept it is charged with the responsibility of acting for the benefit of its members. People should not go out and steal documents and use them against the board, so that the board is constantly misquoted.

I do not say the organisation is without error; of course mistakes are made. However, it is completely unfair to subject the board to constant criticism. I laud the gentleman who, on a file submitted to his superiors, added the notation

that the board should go quietly on the matter; he realised people were likely to make mountains out of molehills.

Other water supply organisations throughout the world experience similar problems. If anything, by comparison our board fares very well. The suggestion put forward by the member for Balcatta must be dismissed. I repeat that no attempt was made to cover up the truth. No false statement was made. It was a laudable, commendable action for the officer to add that notation to the file, knowing as he did the behaviour of the Opposition and some of the media. He knew the matter would cause further headlines and articles in the Press discussing the alleged health hazards and risks associated with our water supply.

The last matter raised by the member for Balcatta related to the use of lithium. As I mentioned, the board uses dozens of chemicals at various times according to availability, price and other circumstances. The member for Balcatta objected to my statement that the board had not considered the use of lithium in our water supply. I did not pluck that statement out of the air. Having read a series of articles in the *Sunday Independent*, I telephoned the chief engineer who advised me that the board was not considering its use. Perhaps that officer did not know what other officers were considering; I do not blame him for that, or for the fact that stolen documents revealed that various officers had considered the use of lithium. This is to their credit; they should consider every possibility.

I wish to dispell this mythical feeling about the use of lithium. It is a toxic chemical as are all the chemicals used by the board when used in large quantities. However, it is applicable in calibrating the large meters at reservoirs. In fact, the idea to use lithium came from New South Wales. I wonder whether the member for Balcatta telephoned his brethren, the Labor Party Government in New South Wales and said, "What a horrible thing it is that you are using lithium."

Mr B. T. Burke: At least they told the truth about it.

Mr MENSAROS: Mr Acting Speaker (Mr Coyne), I do not think you would be addicted to soft drink. However, if you were you would find that probably every bottle of soft drink contained a small amount of lithium. It is a toxic chemical when used in large quantities; however, when used properly, like chlorine and the other poisons used for the purification of water, it is perfectly safe. Again, I dismiss the allegation that I misled

anyone on this matter, as the board has not considered its use.

I would like to say generally that a Select Committee would achieve nothing. It is simply a red herring which would be used to create fear based on improper and inadequate premises. I am quite satisfied with the expert advice received by the board, and the way that advice has been used. The board is on the right path for the future in ensuring the supply to the public of the required quantity and quality of water and other services.

I ask the House to reject this motion out of hand. However, as I said at the commencement of my remarks, I am more concerned with the effect this motion and the associated actions and irresponsible criticism of the Opposition will have on the public. This motion is based on impropriety and false premises, and its effect will be to place fear in the minds of the public. They will not appreciate the good services provided by the board. I cannot see any reason other than political for the member for Balcatta to move this motion. He is seeking to frighten the public away from an organisation which is dedicated to serving them.

Amendment to Motion

Mr MENSAROS: Mr Acting Speaker (Mr Coyne), in line with the precedent established in the Noonkanbah motion, I move an amendment—

Delete all words after the word "That" in the first line with a view to substituting the following words—

... this House condemns the Opposition for having introduced a motion which—

- (i) is based on stolen documents, copied by unauthorised and un-named persons; and
- (ii) is aimed—without any justification—to generate fear and anxiety in the public regarding the safety and quality of the Metropolitan Water Supply, Sewerage and Drainage Board's services.

MR HERZFELD (Mundaring) [8.00 p.m.]: I want to address a few remarks to the amendment moved by the Minister. In doing so I say at the outset that the Opposition stands condemned not only for the approach it has taken tonight with the motion it brought before the House and the way it was presented but also for the continuous programme it has had for a considerable period of time to denigrate the activities of the Water Board and those people who work for it. The Opposition has done this for one reason and one reason only: To try to gain some political mileage through the use of scurrilous and untrue

statements. Taken together, their actions would represent just about the most reprehensible attack I have ever seen.

Mr Bateman: You must be able to find some other emotive words.

Mr HERZFELD: It is quite obvious from the case presented by the Minister that the Opposition has not made out a case to be answered. The Opposition was groping to find something to say. Its statements were based not on fact but on documents which were stolen.

Mr Bateman: Pretty incriminating, though.

Mr HERZFELD: They were documents which were not official papers representing the board's views; they were documents produced by individual employees of the board and put to the board. I believe I can prove to members tonight that this conspiracy—

Mr Bateman: Can you prove where they were stolen from?

Mr HERZFELD: —which has taken place between the Opposition, certain members of the Water Supply Union, and other organisations was instigated deliberately for political ends.

Mr Davies: You don't say we were introducing politics into Parliament?

Mr HERZFELD: Later on I hope to have the opportunity to go through some of the statements made around the time of the election last year which will conclusively prove what I have to say.

Mr Bateman: You are a disgrace.

Mr HERZFELD: Members will recall the business of the rats and cockroaches.

Mr Jamieson: They are all on that side of the House.

Mr HERZFELD: It is probably appropriate for some of the interjectors on the other side of the House to be talking about rats and cockroaches. If the reason for the issue had not been so serious it would have been laughable. We can remember that the question was raised by the Secretary of the Water Supply Union, who challenged Ministers to go and have a look at the rats and cockroaches. What relevance rats and cockroaches had to do with sewers, I do not know. After all, if that is where they are they will not go anywhere and be a nuisance to people. If we are to have rats and cockroaches the sewers are the place to keep them, because they are sealed in.

But this was part of a ploy to frighten the public into thinking there might have been something wrong, and the Opposition played this up to the hilt. Members will recall the occasion when the Press were taken on a tour of inspection

and the resultant headlines which indicated they had found lots of big cockroaches but no rats.

Mr Davies: The rats would not wait to be photographed.

Mr HERZFELD: The rats were frightened of people. This left those people with some red faces. It so happened that a fellow who was mainly involved was a union organiser by the name of Marlborough. Over the years we have learnt of his activities and just where his loyalties lie.

Mr Blaikie: Was he the man from the Pilbara?

Mr HERZFELD: The member for Pilbara would know this man; he was the one who made a fool of himself racing across to Japan with Mr Hawke trying to make an impression on the Japanese.

Mr Nanovich: Ass!

Mr HERZFELD: This is embarrassing for the Opposition, is it not?

Mr B. T. Burke: Not really.

Mr Harman: You are impugning people who are not in this House.

Mr HERZFELD: It became quite clear that Mr Marlborough thought he was on to a good thing, but the Press were unable to find the rats. The next announcement indicated that he and a few of his colleagues were to set traps in order to trap the nice, big, fat rats.

Mr Sodeman: Don't talk about the member for Balcatta like that.

Mr Barnett: Just watch where you put your feet.

Mr HERZFELD: I can say with some confidence that it is at least 26 years since I first went down the sewers.

Mr Davies: And never came back.

Mr HERZFELD: It is that long since I first inspected a sewer, so I can say with some confidence that I know what I am talking about. At least I can recognise a sewer when I see one and I can recognise people who enjoy being in a sewer. I think I could name at least one if I were asked to do so.

Mr Harman: You are not reflecting on members of Parliament, are you?

Mr Blaikie: Your friends are getting a little worried.

Mr Harman: If the Speaker was in the Chair he might call you to order.

Mr HERZFELD: I do not abuse the Standing Orders of this Chamber as do some members.

The main thrust of the Opposition's motion and the most serious part of it are the accusations

levelled tonight at the Minister for Water Resources. I absolutely reject those accusations. The Minister is one who has shown his capacity to administer departments; he has shown his capacity to reorganise and develop an organisation into a very high degree of professionalism. This can be shown by the way he ran the affairs of the State Energy Commission. There is no doubt in my mind that the Minister is handling, and will continue to handle, the affairs of the Water Board in exactly the same way. Again, the basis of the accusations made tonight have no substance to them.

If the members opposite had taken the trouble to study the information available to them through the publications of the board—in particular its five-year rolling programmes—they would have understood the situation very clearly and would not need to move for the appointment of a Select Committee to ascertain the facts, because the facts concerning the operation of the board are very clearly spelt out in those documents. If anything, the board should be given considerable credit for the way it makes public its problems, its methods of operation, and its objectives, not only to members opposite but also to the public at large.

One of the most scurrilous charges which can be levelled at the Opposition is the fact it has used information provided by the board to beat the board about the head.

Mr Davies: What a terrible thing to do.

Mr Pearce: If it provides the information, do you think we should ignore it?

Mr HERZFELD: The Opposition has made criticisms of inefficiency, criticisms that the board is charging too much, and criticisms that it should be doing a better job.

Mr Barnett: What a scurrilous thing for the Opposition to do.

Mr HERZFELD: It is a fact that if we compare organisations which are bearing the cost of the supply of water, not only in real terms but also with respect to the cost incurred in other States, we in Western Australia stand up more than favourably. Comparative figures I have taken out indicate that despite the fact that Perth has its own very difficult problems in providing an adequate and good water supply to the people of the city, we still rank more than favourably with other States.

Mr Harman: What is your source?

Mr HERZFELD: In fact, the price consumers have to pay in Adelaide, Newcastle, Melbourne, and Brisbane exceeds that which people pay in

this State. Those costs are calculated on the basis of a fixed amount of water usage and a fixed value of land. That speaks for itself.

Mr Harman: Could you elaborate on those figures?

Mr HERZFELD: If the member gives me the time I could do so later on; but it would take quite a bit of time because each State has its own method of raising charges, and these would need detailed explanation.

Mr Harman: Why not tell the truth?

Mr HERZFELD: What is untruthful about that? I am saying my calculations are based on a piece of land with an unimproved capital value of \$15 000 in each case.

Mr Harman: You said we are better off here than the people in the other States.

Mr HERZFELD: The States I nominated.

Mr Harman: What about the other States; why not tell the truth?

Mr HERZFELD: I could give the member a lot more information.

Mr Harman: You use one little State to boost up a point.

Mr HERZFELD: Not so. My point is that there are five other States where, on an equal basis, the price consumers paid for water exceeds the price in this State. Does the member get the point? There are three other States which pay less, but there is a good reason for that.

Mr Barnett: But it is clean water.

Mr HERZFELD: I would like to make a brief comment about the criticisms of the board over the alleged lack of quality of water. The water drawn from underground sources in this State has a quality something less than the water stored in the hills dams; there is no doubt about that. But underground water is treated and its quality is upgraded. If members of the Opposition are prepared to stand up and say that its quality is not adequate for use by people in Perth, let them also say they are prepared to accept, on behalf of the people of Perth, a higher cost.

That is what it is all about. Brackish water can be turned into distilled water, but there is a price tag involved. If members opposite want the people of Perth to have water of a better quality, they should tell them the price tag.

Members opposite should not complain that the price which must be paid for water is too high and then promise the public that they can have water of a better quality.

I give credit to the MWB for its great foresight in developing the underground sources of water.

Because the board undertook that development, it was possible for us to go right through last summer without any water restrictions.

Mr T. H. Jones: What will happen next time?

Mr HERZFELD: Underground water has some distinct advantages. It is not subject to the same extent as surface water to the variances in the weather pattern. Underground water is like a huge underground storage tank.

Mr Pearce: It just grows there.

Mr HERZFELD: Underground water is a great deal safer in its storage than is surface water because it does not evaporate. Members may not realise that surface water—

Several members interjected.

The SPEAKER: Order! The House will come to order!

Mr B. T. Burke: He is the Minister's right-hand boy.

The SPEAKER: Order! I took the trouble to rise to my feet to call order for the express purpose of allowing the member for Mundaring to make his speech. No sooner had I resumed my seat than the member for Balcatta interjected. I ask members to have a little more respect for the Chair, and the member speaking.

Mr HERZFELD: I was trying to point out that the level of surface storage decreases each year by some five feet because of evaporation. That evaporation contributes to the unreliability of surface storage. Obviously a sensible policy is to have a mix so that the quality of water exists to the best extent possible and that we do have the advantage of water that is accessible in times of drought.

In concluding my remarks I say that far from criticising the board, the Parliament should on behalf of the people of Western Australia, commend the board for the professional service it provides for the needs of the State. The Parliament should congratulate the board on the forthright manner in which it laid bare its activities for the benefit of members of this Parliament and other people. For this reason I support the amendment before the Chair. I will certainly reject the motion moved earlier in the evening by the Opposition.

Mr Blaikie: Hear, hear!

MR DAVIES (Victoria Park—Leader of the Opposition) [8.19 p.m.]: The amendment is not true. I will tell the Parliament why and deal with the amendment bit by bit in the 20 minutes at my disposal.

It is a pity the Government is running scared of a Select Committee motion. It is attempting to amend the motion by an amendment which is just not true. We are not talking about stolen documents. We are talking about the case that was very capably put by the member for Balcatta. He researched his case over a long period. As he asserted when he started his address, he has had some work done in my office. I am sure as some members have noticed over the past few years, I have had more than a little bit to say about the Metropolitan Water Board and the quantity, quality, and price of the service we get from it.

If any Government department needed a thorough overhaul from the top, it is that department. It is no good saying that we are criticising good and loyal Government servants, because if the top echelon of the board were good and loyal Government servants the board would not be in the position it is in at present.

I will refer to the so-called stolen documents and will go through the address that the member for Balcatta gave. He spoke about the role of the board, information which he gained from the board's annual reports. Is its annual report a stolen document? Of course it is not.

The member for Balcatta then detailed about a dozen points which needed attention, and every one of those was obvious to any person who had any interest in the quality of Perth's water supply and the service Perth receives—nothing from stolen documents. He then went on to detail the fiasco of the financial arrangements entered into by the Government and spoke of the 38 per cent increase about 18 months ago in water rates. He spoke about the change in the system of assessing the use of water, a system which made it cheaper per kilolitre the more water a consumer used. The idea was completely contrary to what has been proposed, and that is to encourage people to save water.

This information is common knowledge to anybody. The member did this Parliament a service by once again placing the proposition on the record. He then detailed the situation which occurred in 1979 when the board found itself in serious financial difficulties and put a submission to the Government asking for an increase in water rates and charges. The Government said, "No". The Premier said, "I sent the proposal back for you to have another look at it. The public just cannot stand this kind of increase." He showed great concern because it was then May 1979, less than 12 months before an election.

Eventually an increase was agreed to, something in the region, from memory, of 10 per

cent to 15 per cent, which was about half what the board had been looking for at that time. Action was then taken by the Government. Because of its interference, despite the fact that it tells us continually that the board is an autonomous body and that the Government does not interfere in its affairs; because of the action taken on that occasion due to the fact that an election was approaching and the Government did not want to remind the public again of how eager it is prepared to accept increased charges; and because of the situation existing, the board was put in a serious financial difficulty which caused it to finish that financial year with a deficit of about \$5.5 million greater than it would have had had it been allowed to do what it wanted to do.

Then the election followed. What happened almost immediately after the election? The board asked for a 50 per cent increase in the flat rate, a 26 per cent increase in the excess rate for water, a 9 per cent increase, I think, in sewerage charges, and a 12 per cent increase in drainage charges—those last two figures might have been the other way round. The Government accepted the proposal immediately; there was no sending it back; there was no benevolence shown by the Premier on that occasion by saying, "Have another look at it. We think what you are asking for is too much for the public to pay." The elections had been over for six weeks and the Government had been returned.

The Government was prepared to increase water rates by that amount. Of course, we had the spectacle of valuations when the new water rate was struck this year and we went through the charade of the Acting Premier's saying, first of all, that someone had made a mistake, a \$3.5 million mistake, and a week later saying that a mistake had not been made, that the figure was there all the time, but that no-one had seen it. No-one took the blame for that, yet one Minister is responsible for taking the matter to Cabinet.

There is a Treasury official on the board, as has been pointed out.

None of this information came from stolen documents. It all came from Press reports, from questions asked in Parliament, and from information given out by the board and the Ministers. I say "Ministers" because at one stage we had conflicting attitudes between the Minister for Works and Water Resources and the Deputy Premier. They did not know what they were doing.

Mr Mensaros: May I say something?

Mr DAVIES: Please do.

Mr Mensaros: I would not contradict what you have said, but you have dealt with the first part of the speech by the member for Balcatta. That part strictly speaking did not deal with the motion. The amendment deals with the motion, not with his speech. The amendment relates to the motion, not to the speech.

Mr DAVIES: The motion firstly speaks about the board's loan programme. If I had not been interrupted—

Mr Mensaros: He spoke with the intention of misleading the House.

Mr DAVIES: If I had not been interrupted I would have gone on to talk about the position in which the board finds itself with its works programme, the fact that the board wanted to raise money and that it had to raise money by way of a loan, and the attitude taken by the Premier, the Minister and the chairman of the board. I had not reached that far but I will go on with it. I have a few minutes left.

We should deal with these matters when we are dealing with charges.

Everything I have referred to so far, everything in this document delivered to this Parliament so very well this afternoon by the member for Balcatta, is public knowledge. He brought it all together to show how incompetent the Government is in this matter and how incompetent the board is in this matter. This does not mean the blokes lifting the pipes out on the street are incompetent, it does not mean the clerks at the front counter of the board are incompetent and it does not mean that the girls who spent \$4 000 on grooming themselves to look nice for the public are incompetent. They are matters of little consequence.

It is public knowledge that as a result of the Government's bungling and interference the board is in a serious position with this loan programme. As has been pointed out by the member for Balcatta, under existing conditions about 35-odd per cent of the board's current loan allocation will be used to pay existing loans in about five years. The board will be in a very serious financial position and the people of Western Australia will be paying for it.

I have often said that a person can have anything he likes, as long as he is prepared to pay for it. But I do not believe the people of Western Australia should have to pay for the Government's ineptitude and bungling, but that is what has happened.

All this information is available from public material. There is no stolen document involved.

Regarding the last loan by the Water Board, let me refer to a report of *The West Australian* of September this year when it was said that the Metropolitan Water Board loan is understood to have received very limited support. The Minister's letter in the paper on 9 September indicated that the report was incorrect. Is it being suggested that that is a stolen document? *The West Australian* is available for 20c at any newsagent.

Then we have two statutory declarations regarding the remarks of the Chairman of the MWB which were completely contrary to the statement of the Minister. Are they stolen documents? I am referring to statutory declarations made by two persons who had things said to them and who were prepared to go publically on them through a statutory declaration whereas the Minister was prepared to hide behind—

Mr Mensaros: I said what I said, and I stand by it.

Mr DAVIES: I am comparing the attitude of these people and what they said and what they were prepared to do, with the attitude of the Minister who was prepared to pretend that things were not as they were. When it was proved that what we were claiming was correct he then said that he would not comment on stolen documents.

Had we not stated we had the documents the Minister would have said we were lying. What is the matter with stolen documents? Whose documents are they? Are they not the property of the public? Is not the Auditor General entitled to see them and report on them? Does not half the material we use come from the report of the Auditor General, which is a public document? Does the Minister mean that if he can lie, pretend, or not make available civic papers he can get away with anything? We do not accept that. Had somebody come in and told us these things, instead of giving us the documents, our credibility would have been in doubt.

We have had the documents given to us and the Minister's credibility is in tatters. That is the point the member for Balcatta was trying to make when discussing lithium. His argument was not whether lithium was toxic. If one ate enough tomato sauce one could be poisoned, I have no doubt. The fact remains most things in large quantities are toxic.

The question is whether any serious attempt had been made to introduce lithium into the public water supplies. We have been told, and it has been proved completely to the contrary, that was not the case. That is what counts. It is the Minister's credibility.

Mr B. T. Burke: He does not have any credibility.

Mr DAVIES: The question is whether the Minister told us the truth.

Several members interjected.

Withdrawal of Remark

The SPEAKER: Order! The term used by the member for Balcatta in an interjection is unparliamentary, and I ask him to withdraw it.

Mr B. T. BURKE: I am quite happy to withdraw it, Mr Speaker.

The SPEAKER: Thank you. The Leader of the Opposition.

Debate (on amendment to motion) Resumed

Mr DAVIES: The documents which have come into our hands, and which we are prepared to make public, are no longer stolen documents.

Sir Charles Court: Are you not in the position of being a receiver?

Mr DAVIES: The public have every right to know what is in the documents. We do not know whether the documents were stolen.

Sir Charles Court: If you have documents which were stolen, and you know they were stolen, is it not a fact that you are a receiver?

Mr DAVIES: When we received the documents we did not know. Are we to ask, before we receive any documents, whether we are allowed to see them? The Premier previously refused to comment on a serious matter because he said he did not comment on stolen documents.

Sir Charles Court: Neither I do.

Mr DAVIES: That does the Premier no credit. He should either deny or admit what is in the documents. He pretends things are not happening, as he did with regard to the EPA tonight. What is happening is quite apparent but the Premier tries to dodge the issue.

Sir Charles Court: Did you know Arthur Calwell very well?

Mr DAVIES: I met him on several occasions.

Sir Charles Court: He was a very fine person.

Several members interjected.

The SPEAKER: Order! I say to the member for Kalgoorlie that if he persists in speaking after I get to my feet I will take some action. The House will come to order.

Mr DAVIES: Chifley was fine, Curtin was fine, and now Calwell is fine. They are all dead. The Premier probably will tell me that Arthur Calwell never looked at a stolen document and

George Washington never chopped down a cherry tree.

Sir Charles Court: Do you not remember his comments about stolen documents in the Whitlam days?

Mr DAVIES: No, I am sorry I do not. We are living in a day and age when we know what happens to people who connive and try to mislead.

Sir Charles Court: You would do all members of this House some good if you were to read the comments of Arthur Calwell regarding stolen documents.

Several members interjected.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I am sure the Leader of the Opposition does not need the assistance he is now getting from those members who sit around him. The House will come to order!

Mr DAVIES: It is a team effort, Sir!

There is not the slightest semblance of truth in the amendment to the motion because most of what was said by the member for Balcatta was factual and available to anybody. Some of his comments came from documents which were handed to us. We thought those documents were so serious that we should alert the public. I am sure the public will agree they should be alerted. Other matters are freely available, and are made available publicly. We are prepared to face the truth and let the public know what is going on.

The motion moved by the member for Balcatta is aimed only at alerting the public. Goodness gracious me, we have enough evidence on the Metropolitan Water Board to have gone public many times and frightened the public had we wanted to do so. Everything which has been said by us tonight is absolute fact. Nothing has been disproved by the Minister in moving his amendment, or in his attempt to reject the concept of a Select Committee. The Minister is doing himself a disservice. If everything we have said is incorrect, and if everything we have said has made us look foolish, why do we not have a Select Committee?

Mr Bryce: We have had them before this.

Mr DAVIES: Select Committees have been appointed on far less important issues than the one now before us. The Minister would have an opportunity to put his case, the same as anybody else. We would be able to go public, and members of the board would be able to make submissions.

The member for Balcatta presented a very tight case. It was necessary for the information to be made available. Events are occurring to which the

public should be alerted. I do not pretend to know all that is going on with regard to the Metropolitan Water Board, but I do know enough to be perturbed. I have said on many occasions that the quality and quantity of the water we are getting just is not good enough, especially when compared with what we have to pay.

The future of water supplies in Western Australia is a matter of great concern to us. That is why this House must reject the amendment which, in its wording alone, is weak and, to say the best, is untrue.

MR PEARCE (Gosnells) [8.37 p.m.]: I never cease to be amazed by the comments of members on the Government side. The amendment before us is an admission that what the Opposition has said is accurate. The Minister has sought to condemn the Opposition for introducing the motion based on stolen documents copied by an unauthorised and unknown person.

We would have been more impressed had the Minister said our motion was based on a misleading or forged document, but there was no such suggestion—there was no suggestion that the contents of the documents are, in fact, untrue. That is the crucial point on which this motion hinges, not the method whereby the Opposition came to have in its possession Water Board documents. The point is whether the information contained in those documents leads to the necessity for an inquiry.

In fact, the Minister did not address himself to the question of whether an inquiry was necessary. He complained in his usual whining manner.

Mr Mensaros: I did deal with that matter.

MR PEARCE: I am 30 seconds into my speech and there is an interjection from the Minister for Water Resources. Every time I interject on the same Minister he objects. When I sought to interject tonight he offered to buy me a cup of tea if I would go out of the Chamber. The Minister who is so concerned about law and order, and who wanted absolute silence while he spoke, has started to shout and wave across the Chamber only 30 seconds after I have commenced my speech.

I am prepared to take on the Minister, but it would be like taking on a little baby. I am prepared to have an exchange with the Minister on any matter within the purview of his portfolio. I would like the Minister to explain why in his amendment he did not address himself to the substance of the motion, not whether the documents in the hands of the Opposition were obtained in a criminal manner. The Premier talked about the Opposition being receivers.

If a person were to take a photocopy of a HD Holden, or a photocopy of the Premier's Commodore—purchased at the taxpayers' expense—and hand those photocopies to anybody else, the original has not been stolen. It is not the same as saying that somebody has taken an original from a departmental file and given it to somebody else.

It was not uncommon for the Premier, when he was Leader of the Opposition to be involved in the practice of dealing with information that came from public offices through the Public Service. The Premier is no stranger to that practice. When he was Leader of the Opposition he said he was doing it as a public duty. He was bringing to the attention of the public certain matters which were being covered up by the Government.

Mr Watt: Can you give us some examples?

MR PEARCE: That is not necessary. The lack of reply from the Premier is sufficient evidence that it is true.

The worst feature of this debate is that the Minister for Water Resources was prepared to stand up and name a Water Board employee who he claimed had stolen these documents. He admitted he could not prove that the individual whom he named was, in fact, guilty but he was prepared to malign an employee in his own department for whom he is responsible as stealing documents. That would be one of the most scurrilous underhand attacks I have witnessed in this House. The Minister cannot prove his accusation. If he could he would have the individual before the courts. But, he is prepared to discredit a person for whom he has ministerial responsibility in this Parliament.

If that is not giving away ministerial responsibility I do not know what is. It has never been done previously in this place. A Minister never previously has been prepared to malign one of his own employees. He did not have any positive proof, and he was in some doubt. If he has not any proof it behoves him to keep his mouth shut.

Mr Sodeman: You malign the whole department by your very motion. Don't be a hypocrite.

MR PEARCE: We are concerned with the Minister's response to this matter. I wonder how much responsibility, in fact, the Minister has in the whole business.

In answer to an interjection the Minister said that decisions about the extent of the increases in Water Board rates were made by Cabinet and he could not give the reasons. That remark led me to interject and ask whether Cabinet told the

Minister the reasons for decisions with regard to his portfolio. It was at this point the Minister offered to buy me a cup of tea if I took myself out of the Chamber. It was an embarrassing question.

Mr Watt: He did not offer to buy you a cup of tea at all.

Mr PEARCE: I saw it that way.

Mr Watt: Are they your guests in the gallery?

Mr PEARCE: No. In fact, they are the guests of the one of the members opposite who did not turn up. A very embarrassing incident.

I would like the Minister to relate to us why Cabinet did not communicate to him the reasons for increasing rates. Another of the more quotable quotes from the Minister was his reference to snail shells, rather than to snails being found in the water supply. I asked myself what was happening to the snails which previously lived in those shells in our water supplies.

Is it because there is some snail-eating creature which already inhabits the water supplies of the metropolitan area? Is it because the snails have been dissolved into the water supply and drunk by unsuspecting payers of water rates? What has happened to the missing snails? It is a fascinating question. In fact, the real question is: Why has the board been so keen to cover up the whole question of snails in the water supply?

The matter of lithium in the water supply is another point which the Minister has failed to answer. He said—and he used this as the justification for most of his remarks—"We never actually got to use the lithium." He said that studies into the use of this toxic substance had been undertaken, and that Water Board employees were looking at reservoirs in which lithium might be placed, but at the last minute the scheme was not proceeded with. However, if it is perfectly safe as the Minister said it is, why was it not proceeded with? The answer is that the public got wind of the series of chemicals that were likely to be put into the water supply, and the Government was not game to proceed because it knew some dangers were associated with the use of the chemicals.

The Opposition is calling for an inquiry into the activities of the Water Board in that respect. I might add one further piece of information which demonstrates that the Water Board administration is not all that it ought to be. It is a matter I have raised during question time previously and refers to the 50 per cent limit imposed on water rate increases for this year. Legislation was introduced into this Parliament to limit the increase in rates in any one year to 50 per cent of what was paid in the previous year.

The legislation was introduced not as quickly as one would expect; in fact it was introduced rather late in the session, and it took some time to be passed. I can inform you, Mr Speaker, that assent to that Bill, which passed all stages in this House and in the Legislative Council, was notified to this Chamber on 2 September. Therefore as from 2 September it was the law in Western Australia that water rate increases should not exceed more than 50 per cent of the rate paid by any person in the last year.

Yet I can inform the House that as late as 3½ weeks after 2 September, the Water Board was still sending out accounts to ratepayers in excess of 50 per cent more than they paid for the previous year. It was sending out illegal rate notices for amounts larger than it was legally entitled to charge. When I raised the matter in the House the Minister's feeble response was that the computer is preprogrammed, and it is too late to stop it. That is to say, there is a computer in the Water Board that operates contrary to the laws of Western Australia. It is beyond the ken or the ability of anybody in the Water Board to tell the computer what it should be doing within a period of 3½ weeks. That is an incredible state of affairs.

Add that to the large number of circumstances which the member for Balcatta and my leader have demonstrated during the course of the debate this evening, and it becomes quite clear that an investigation of some type into the Water Board is justified. The Minister seeks to avoid that by claiming our information is based on a stolen document—a point neatly rebutted by my leader. Secondly, the Minister claims the Opposition is generating fear and anxiety in the mind of the public. I say that fear and anxiety is there already, and it was generated by reports in the Press that were not initiated by the Opposition. Those reports came from the investigative efforts of reporters of the Western Australian media. The fear is already present, and the only way to allay it is to conduct an inquiry which will prove the fear is groundless. But the fact that the Minister fears such an inquiry is proof enough to us that the fears are not groundless at all.

MR COWAN (Merredin) [8.50 p.m.]: This is one of the most contentious issues which arose just prior to the election and immediately after it. As far as the National Party is concerned, it is an insult to the intelligence of back-bench members for the Government to move an amendment such as this. It is also an insult to the ability of the Metropolitan Water Board. If the Government had any faith in its back-bench members or in the

members of the board it would support the appointment of a Select Committee to prove that the Metropolitan Water Board is operating correctly. We oppose the amendment.

MR BRYCE (Ascot) [8.51 p.m.]: I join with other members on this side of the House in opposing the amendment. At the outset I would echo the sentiments of the member for Merredin: It is a long time since I can recall such an insult being handed out in this Chamber by a Minister through the avenue of an amendment to a very serious motion.

However, when we stop and consider who is the Minister involved, and realise that he is merely showing his usual degree of contempt for the wishes of this Chamber, I guess we ought not be very surprised. It really is quite astonishing, given that this is "the" Chamber in the Westminster system of government, that a case which was presented in this House today by the member for Balcatta—a thoroughly well-prepared and documented case which I would imagine in any other place in the world would have been sufficient for a Minister to tender his resignation prior to the outcome of an inquiry—could be treated with such contempt.

Mr Nanovich: Why don't you sit down?

Mr BRYCE: We have seen the Minister insult all the sleepers on the Government back benches, and we have seen him attempt to insult the members on this side of the House with a proposed amendment to the motion which seeks to use a scurrilous trick the Government has used on many occasions to create a smokescreen. The Minister alleged that the real matter of concern is stolen documents, and not the incompetence of the Water Board or the lack of integrity of the Minister in respect of the way he handles matters and provides answers in this place. He has attempted to create a smokescreen, and I hope with a great deal of respect that the journalists who have been listening to the debate and the editors who read their reports do not fall for the old trick that has been used time and time again.

This is a trick or stunt which has been used by the Minister for Education on many occasions in the past to seek to deflect the attention of the public from the matter of real concern. Let us hope that the people responsible for reporting this debate can see with a sense of political and professional maturity that the question before this Chamber at the moment is the integrity of the Minister, his competence, and the competence of the Metropolitan Water Board, and not the charade that is referred to in the amendment. As

the member for Merredin said, it is an insult; and there is ample evidence to prove it.

You will recall, Mr Speaker, when you were an Opposition back-bencher during the life of the Tonkin Government that the present Premier, who was then the Deputy Leader of the Opposition and subsequently the Leader of the Opposition, had access to Government papers. The Western Australian Public Service leaked like a sieve, and the then Leader of the Opposition had permanent channels to Public Service departments. He asked questions and moved motions in this place that were repeatedly and frequently based on inside information. He never once dared to suggest or admit publicly that the documents were stolen. It is par for the course that the same man can sit there with all his humbug and say, "Those are stolen documents, take no notice of them." Yet the Premier ran his operation as Leader of the Opposition on the basis of stolen documents.

We on this side of the House have been informed that it took him some time to realise he was no longer the Minister for Industrial Development after the change of Government in 1971. He even continued to issue instructions to civil servants while he was in Opposition, and he was responsible for certain decision-making in the bureaucracy even though he was not a Minister of the Crown. So it is complete humbug for this Premier who used the leakages in the Public Service, to sit there and support his Minister using this Gestapo type of government and arguing that the substance of this matter should be swept to one side, and the attention of members of this place should not be concentrated on an allegedly stolen document.

Sir Charles Court: Would you tell me to whom I gave orders in the Public Service?

Mr BRYCE: The Premier gave orders to officers in the then Department of Industrial Development. I have it on the very best authority; the same very best authority—

Several members interjected.

The SPEAKER: Order!

Mr BRYCE: —that the Minister for Education so often quotes. The Leader of the Opposition has also this evening referred to the *modus operandi* of this type of political development in respect of the Prime Minister of this nation. I think it is beholden upon members of this Chamber to remind members of the State Government Public Service of what the Prime Minister of this country said in 1975. He said then that every public servant has a responsibility to examine his conscience, and may ultimately agree with his

conscience that he has a responsibility to reveal information to parliamentarians and to the public. That is the basis upon which the Prime Minister of this country approached this type of situation as far back as 1975. Everybody knows that the Federal bureaucracy fed Malcolm Fraser volumes of secret Government files. The Federal Treasury leaked like a sieve.

So it does this Premier and this Government no credit indeed to come to this place and seek to run away from their responsibility by creating a smokescreen and pretending that the issue at stake this afternoon is stolen documents or leaked pieces of paper.

I draw the attention of the House to another memorable precedent in this Chamber. As an Opposition back-bencher I drew the attention of members of this Chamber to the fact that the then Minister for Immigration, now the Minister for Education, had in my opinion at that time unequivocally and categorically lied to the House.

Withdrawal of Remark

Mr GRAYDEN: The member has to withdraw that.

The SPEAKER: Order! The member for Ascot is an experienced member of this House and knows full well that I will not accept that type of remark. I would ask him to withdraw it.

Mr BRYCE: I withdraw the reference, and I will use the normal circuitous route of logic to make the same point, that the Minister deliberately—

Mr GRAYDEN: Mr Speaker, I ask the member to withdraw the remark and not make it again.

The SPEAKER: Order! I would ask the member for Ascot not to use offensive language.

Debate (on amendment to motion) Resumed

Mr BRYCE: The point I make quite simply is this: As far back as 1974 the then Minister for Immigration told a blatant untruth.

Mr Grayden: Was that the occasion when you had departmental files delivered to your home?

Mr BRYCE: I had a piece of paper which was a photocopy of a letter from a Government department. I am proud to say that I had it.

Points of Order

Mr GRAYDEN: The statements being made are completely untrue and I would—

Mr B. T. BURKE: There is no point of order! On a further point of order, Sir, the Minister

cannot keep standing up and raising points of order like that.

The SPEAKER: Order! The only requirement on the Chair is to call for the withdrawal of words if they are unparliamentary or if they imply an improper motive on the part of a member. The fact that the Minister for Education takes offence at what the member is saying is not necessarily something that I must require the member to withdraw. I certainly did require the member to withdraw the obviously unparliamentary word that he had used; and I also took action when it was obvious that he was going to compound his error by another method.

Debate (on amendment to motion) Resumed

The SPEAKER: I want to draw the attention of the House to the fact that it is now nine o'clock. I will allow the member for Ascot to seek leave of the House to continue his remarks, or alternatively I will put the question.

Mr BRYCE: I seek leave to continue my remarks.

The SPEAKER: The member for Ascot seeks leave of the House to continue his remarks at a later stage of the sitting. Is leave granted?

Leave granted.

DAIRY INDUSTRY AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [9.02 p.m.]: I move—

That the Bill be now read a second time.

The major source of revenue for the Western Australian dairying industry is the sale of pasteurised milk; and any matter which detrimentally affects the consumption of pasteurised milk therefore has a considerable impact on the industry. The level of consumption of milk is dependent on its ready availability in the household. In this regard, the maintenance of an effective household milk delivery service is therefore vital.

For such a service to be maintained, it has to be used by sufficient people to make the operations of the milk round economically attractive for the milk vendor. While many vendors provide an excellent service to their household customers, there are unfortunately a number of vendors who do not provide a satisfactory service.

The Dairy Industry Authority has found itself without the necessary powers under the Dairy Industry Act to deal with this decline in household deliveries. It licenses vendors but is

unable to enforce conditions imposed on licences effectively to ensure that a desired degree of service to householders is provided. The authority finds itself unable effectively to enforce its requirement that vendors deliver milk on at least five days per week. As a consequence, a number of vendors in the metropolitan area deliver only three or four times per week, thus causing inconvenience to the householder in having to store large quantities of milk, or to visit shops for supplies.

Section 24 of the Act provides the authority with power to insert conditions in licences, but difficulty arises from the lack of corrective action available to the authority under this section.

The Bill provides the authority with power to impose conditions on milk vendor licences and effectively to ensure compliance with those conditions through being able either to suspend the licence for up to three months or to prosecute the vendor for failure to comply with conditions in the licence.

The authority has also encountered difficulties in coping with the need to change the boundaries of milk vending districts as a consequence of changes in the distribution and density of population. The Bill aims to simplify the method whereby the authority may define dairy areas and districts by publishing a description in the *Government Gazette* or, where necessary, by providing a map on which the boundaries of the dairy area or district are shown.

The existing legislation does not permit the authority to invest funds surplus to its immediate requirements by way of deposits with permanent building societies. This denies funds to the housing industry. Clause 13 of the Bill enables the authority to invest funds not immediately required for the purposes of the Act in the same manner as trust funds, subject to the approval of the Treasurer.

The Filled Milk Act 1959 was introduced to prohibit the manufacture and sale of filled milk. It was proclaimed on 11 November 1959, but has not subsequently been required. As a result, the advisory committee provided for in the legislation has never been constituted, nor have any regulations been prepared. The essential feature of the legislation is that no person shall manufacture or pack filled milk, and no persons shall sell filled milk.

Filled milk is defined as "any liquid or powder containing the non-fat solids of milk with which is incorporated or to which is added any fat other than butterfat, whether described as filled milk or by any other name and whether or not intended as

a substitute for milk or for whole milk powder". Such filled milk is still regarded as potentially a threat to the Australian dairy industry and it is desired to retain the essential provisions of the Filled Milk Act, with the role of the advisory committee being taken over by the Dairy Industry Authority. The Bill provides for the transfer of the effective parts of the Filled Milk Act to the Dairy Industry Act; and clause 22 repeals the Filled Milk Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

RURAL INDUSTRIES ASSISTANCE AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [9.06 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to place beyond doubt the powers of the Rural Adjustment Authority in its administration of the Catchment Areas Compensation and Reconstruction Scheme.

The Rural Industries Assistance Act in its present form enables the authority to administer schemes of financial assistance. A too literal translation of the word "financial" could be taken to preclude some of the broader measures agreed to by the Government in pursuing its objective of restoring the viability prospects of farming enterprises affected by the controls on clearing in the catchment areas as near as possible to those prospects which applied prior to the controls coming into force.

Whilst the authority has power to deal in land in a number of ways for specific purposes, for the purpose of the Catchment Areas Compensation and Reconstruction Scheme, it needs the specific power to purchase, hold, subdivide, and otherwise deal in farming land, including Crown land; and this power is provided in the proposed amendments.

Finally, it is intended that as part of the overall scheme the Rural Adjustment Authority will make cash compensation payments as provided in the Country Areas Water Supply Act 1947-1979; and the proposed amendments will enable this to be done.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

MINE WORKERS' RELIEF AMENDMENT BILL

Second Reading

MR P. V. JONES (Narrogin—Minister for Mines) [9.08 p.m.]: I move—

That the Bill be now read a second time.

The parent Act which this Bill proposes to amend relates to the relief of mineworkers, other than coalminers, when they contract certain occupational diseases in the course of their employment as miners.

Workers' compensation was introduced into this State by Act of Parliament in 1912. This covered only personal injury by accident, but gave no cover for industrial diseases. A voluntary fund, known as the Mine Workers' Relief Fund (Incorporated), was formed on 1 February 1914. By 1926, the fund was in serious financial straits and the Government then intervened with the Mine Workers' Relief Act 1932, making it compulsory for all mineworkers in the State's industry to contribute at a prescribed rate; that is, \$8.40 per annum. The Act provided for the periodical medical examination by the mines medical officer of mineworkers, and also set down the scale of benefits of \$4 per man per week, plus \$4 for his dependant spouse or widow, and \$1 per child per week, to a maximum of \$9 for any one mineworker. This was payable when he had been diagnosed by the mines medical officer to be suffering from advanced silicosis, asbestosis, or tuberculosis, and had exhausted any entitlement to workers' compensation.

The Act provides also that mineworkers who are diagnosed as early sufferers of silicosis, asbestosis, or a combination of both diseases, may register under section 50 of the Act, to protect their rights and continue employment within the industry. Advanced sufferers must leave immediately they are advised.

Since 1932, the Mine Workers' Relief Fund has gradually lost all relevance to the industry through—

- (1) the establishment of social security payments in 1946 by the Commonwealth Government;
- (2) the acceptance of industrial diseases and ever-increasing benefits under the Workers' Compensation Act, in particular since 1973;
- (3) the virtual non-existence of the disease tuberculosis in the mining industry;

- (4) the vast expansion in the mining industry in areas such as iron ore, where contributions are compulsory, but likely claims remote; and
- (5) non-acceptance of increases in contributions by both mineworkers and employers, so that more meaningful benefits could be paid than the \$4, or £2, as it was.

On 13 September 1976 the Mine Workers' Relief Board agreed unanimously that, because its role had been taken over by other agencies, and its benefits eroded by time, it should be wound up. A committee consisting of representatives of employees, employers, and the Government, was formed to inquire into the best means of winding up the scheme, at the same time safeguarding the interests of all parties concerned. A survey of beneficiaries showed that 96 per cent wanted the fund wound up and a lump sum paid.

This Bill puts into effect the recommendations of the committee, which are—

- (1) the Mine Workers' Relief Fund be wound up over a three-year, three-month period;
- (2) all mineworkers who are still in the industry be treated as though they left the industry on the date of proclamation, and thereby permitted to lodge claims against the fund whilst still actually employed;
- (3) pay-roll deductions of contribution on behalf of employees, employers, and matching Government share to cease from date of proclamation; and
- (4) beneficiaries be offered lump sum redemption of their fortnightly entitlements, and a share in any surplus of funds on wind-up. Any who do not want a lump sum would continue to receive fortnightly amounts through the SGIO.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

TRANSPORT AMENDMENT BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [9.13 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a further progression in the implementation of the land freight transport policy, the first step of which was taken on 14 April 1980. The legislative changes which preceded the first step of the policy were

presented to Parliament in November 1979, at which time I foreshadowed further legislative changes which would become necessary as we progressed towards full implementation several years ahead.

The ultimate objective of the land freight transport policy is to establish in Western Australia a transport system wherein each mode of transport performs that portion of the transport task for which it is best suited—where both State and private resources allocated to transport are used to maximum efficiency with a minimum of waste; where all Western Australians benefit from a co-ordinated secure transport system; and where by and large the interplay between the suppliers and users of transport will determine the allocation of traffic between and within modes. The Transport Commission will supervise the system intervening only where intervention is necessary to safeguard the interests of the community.

It would be unrealistic to expect that legislation introduced at the commencement of this historic and major programme would cater precisely for all the contingencies that could be encountered along the way. Rather, progressive changes to the present legislation will probably be necessary.

Legislative changes will depend largely on the success of each stage of the policy and the experience gained from the monitoring of each progressive stage.

The first stage of the policy has now operated for six months; and whilst public response is very encouraging it has become apparent that the legislative changes proposed in this Bill are essential to the attainment of the long term objectives of the policy.

It is important to appreciate that the policy is one which will benefit all Western Australians in the long term and as we progress towards its implementation the full co-operation of all participants will be necessary.

I now draw members' attention to the specific changes proposed in this Bill.

The duties and responsibilities of the Commissioner of Transport are to be consistent with his new role as a monitoring authority during the implementation of the policy.

These responsibilities will require the commissioner to undertake certain new functions previously the responsibility of the Director General of Transport.

There is no doubt that as the new policy is introduced there will be some interchange of traffic between rail and road and attendant

problems could arise relating to the need of public moneys to ensure adequate transport services.

The Commissioner of Transport will ascertain the need and priorities for such investment.

The Government has given an undertaking that the new transport policy will not mean that existing services will be arbitrarily withdrawn or reduced.

It will be the Commissioner of Transport's responsibility to determine the adequacy of transport services to towns or districts alike where their reasonable needs are not being met adequately. Should a conflict of interests arise between either suppliers or users of transport services in respect of their individual problems or needs, the commissioner will be required to find an equitable solution and if necessary recommend to the Minister the establishment of new services by the calling of tenders or otherwise.

Complementary to the commissioner's overall responsibility for the adequacy of transport services he will also be the authority recommending to the Minister need for the construction of a new railway or the closure or suspension of any transport service including a railway. This duty is related to his responsibility to ensure that communities receive an adequate transport service.

In the case of the construction or the closure of a railway, the commissioner's report is to be tabled before the second reading speech of any enabling legislation.

The commissioner will also advise the Minister on such matters as the operational efficiency, financial viability and plans for the future improvement of the services operated under the Eastern Goldfields Transport Board Act and the Taxi-cars (Co-ordination and Control) Act.

He will also report, as required, as to the capital needs or loan moneys required for the purpose of maintaining or improving the transport services provided under these two Acts.

Finally the commissioner may be required to undertake such other duties affecting transport as directed by the Minister.

For some time the commissioner has been constrained in the issue of omnibus and aircraft licences by virtue of the fact that the existing criteria to be considered do not sufficiently emphasise the needs of the user or of the community generally.

The principle of user interest must be considered when issuing a licence for the transport of goods and it is proposed that the Act be amended so that the same principle should

apply to the issue of omnibus and aircraft licences.

There is provision already to enable applicants to obtain a commercial goods vehicle licence by phone.

The applicant is required to submit within seven days of his phoned application a written application supporting the verbal information already supplied.

Experience has shown that in many instances the seven days requirement does not allow the applicants sufficient time to submit the written application. In order to avoid any difficulties in this area it is proposed that the seven days requirement be amended to 14 days.

The business franchise (petroleum products) licensing fee has been in force for over a year and at the time of its introduction it was not intended to include in this fee under the definition of "motor spirit" the collection of moneys from such propellants as aviation gasoline. In order to clarify this matter and avoid any misunderstanding it is proposed to amend the Act specifically to exclude a number of substances from the definition of "motor spirit". Provision is also being made to prescribe other substances as being exempt, should the need arise.

To a marked extent the success of the stage by stage introduction of the new land freight transport policy will depend upon all transport operators and users complying with the altered provisions of the Transport Act and so ensuring that existing transport operators—both Westrail and private operators alike—are given the opportunity to adjust their operations to any altered circumstances that might arise.

In order to give effect to this, the investigatory powers available to the commissioner are to be strengthened to enable him to ensure that the provisions of the Act are being complied with.

Basically many of the new subsections differ little in context from those which they replace, except in such matters as to make more specific that information requested may be obtained in respect of any vehicle or any load or their operation rather than just the obtaining of information in respect of one particular vehicle and its load.

Likewise an authorised officer of the commission will have the additional authority to request information with respect to the despatch and receipt of a load. Also the authority to inspect the load and any documents carried has been more clearly defined.

There are additional provisions under which an authorised officer of the commission, where he has reasonable grounds to suspect that an offence has been committed, or is being committed, subject to his obtaining a warrant, may lawfully enter premises and search for and inspect any vehicles, goods, or documents and including the examination and recording of relevant documents.

Without this provision the task of the commission in ensuring that the provisions of the Act are being complied with would be almost impossible. However I would again draw to the attention of the House the provision which requires the officer to obtain a warrant before entering on the premises.

The amendment also provides that any information so obtained will not break any duty of secrecy imposed on the person supplying the information or documents concerned.

The existing penalty for this part of the Act dates from 1970 and provides for a maximum fine of \$100.

However experience has shown that with the changing value of money many operators and other persons engaged in illegal transport prefer to risk prosecution—which generally attracts a nominal fine—rather than disclose the information sought. Thus the deterrent effect of the penalty has largely been lost.

It is therefore proposed that a more appropriate scale of penalties be introduced which will provide for a maximum fine of \$200 for a first offence, \$300 for a second offence and for a third and subsequent offence \$500 with a minimum fine of not less than \$200 for a fourth or subsequent offence committed within a three-year period. The minimum penalty will apply only where it can be established that the accused has engaged in a course of action which is in flagrant contravention of the Act.

These proposals are consistent with increased penalties agreed to by the House last year in relation to operating a vehicle without a licence.

Officers of the Transport Commission work alone at all hours and in remote areas. To afford better protection for them it is proposed to increase the penalty for assault, threat or intimidation from \$100 to \$400, or imprisonment for six months.

The penalty provisions relating to the failure to obtain a licence or observe conditions to which a licence is subject provide for first, second, third and subsequent offences over a three-year period. However, the provisions are defective in that they are so drafted as not to provide for penalties for offences occurring beyond a three-year period.

For example, if an operator was convicted of a third or subsequent offence in 1979, but did not offend again until 1983 there is no provision in the present provisions of the Act for any penalty for such latter offence or offences. The Act is to be amended to rectify this position.

There is in the Act a discretionary power for the courts to order the payment of any licence fees avoided by an operator of a vehicle operating illegally.

It is unreasonable that an operator who has acted illegally should benefit from his illegal act. Accordingly it is proposed that the discretionary power at present exercised by the courts be repealed and that where an operator is convicted it will be mandatory on the court to order payment of any licence fees avoided. Provision is also made for the machinery under which any such claim made by the commission must be presented to the court.

The order will be in addition to any other penalty the court may impose for the offence.

Air service operators operating within the State are required to pay fees to the Transport Commission. Fees collected under this authority are paid into the Transport Commission fund. However from time to time circumstances can arise where an operator may not be bound by the State Act, but nevertheless elects to make an *ex gratia* payment. Under the Act such payments may not be paid into the Transport Commission fund but must be paid into the Treasury.

The amendment will rectify this situation and enable these *ex gratia* payments to be paid into the Transport Commission fund.

There is provision in the Act for any balance in the Transport Commission fund at the end of the financial year to be distributed three ways, part for the maintenance of roads on which omnibuses operate, part for the maintenance of roads on which commercial goods operate and part to a trust fund for the provision and maintenance of landing fields, etc. However, of recent years, with the approval of the Treasurer any balance at the end of the year has been allocated towards the payment of transport subsidies.

In effect this has meant that trust moneys held by the commissioner with respect to the provision, maintenance, etc., of aircraft landing grounds are being depleted gradually and there is no provision to replace them.

It is proposed that the commissioner, with the approval of the Treasurer may add to these trust moneys such amounts as are considered necessary to provide for grants towards the construction and

maintenance of aircraft landing grounds and facilities.

Since this new provision will furnish an adequate source of funds for aircraft ground facilities there is no necessity to provide for additional funds for this purpose and the Act is to be amended accordingly.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bateman.

ACTS AMENDMENT (TRANSPORT) BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [9.27 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the Transport Amendment Bill on which I have spoken already.

Its main purpose is to remove from the State Transport Co-ordination Act those functions that are to become the responsibility of the Commissioner of Transport and which are to be written into the Transport Act.

Of the functions now being transferred the Director General has never, in practice, been involved in those relating to the provision of new or altered road services or any associated matters.

Other functions have been performed only infrequently, as, for example, reporting to the Minister on any proposal for the construction of a new railway.

However in this case the Director General of Transport still will be required to evaluate the proposed works and report to the Minister on their investment potential.

It is also proposed to transfer responsibility for the Taxi-cars (Co-ordination and Control) Act and the Eastern Goldfields Transport Board Act to the Commissioner of Transport.

As Chairman of the Taxi Control Board, the Commissioner of Transport to all intents and purposes has always advised the Minister on this legislation. The practical administration of the Eastern Goldfields Transport Board Act has also rested largely with the Commissioner of Transport who makes recommendations relating to funding and who has been responsible for investigations into the board's administration and functions.

Clearly all the above responsibilities are more appropriately performed by a regulating agency such as the Transport Commission.

The Bill also more clearly defines the functions of the Secretary of the Taxi Control Board.

Although this officer is an employee of the Transport Commission the existing wording of the Taxi-cars (Co-ordination and Control) Act does not recognise the fact. This omission has created some administrative problems in that in respect of his duties with the Taxi Control Board he has access only to the Commissioner of Transport as chairman of the board and is not subject to the usual delegated supervision of the secretary of the commission.

It is, therefore, proposed that the Act be amended to rectify the position.

The amendment also makes provision for the secretary of the board to carry out such other duties and functions and hold such additional positions as may be required by the commission should the need arise.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bateman.

NURSES AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier)
[9.29 p.m.]: I move—

That the Bill be now read a second time.

I move the second reading of this Bill on behalf of the Minister for Health. It proposes to amend the Nurses Act in many places. However, apart from one important amendment relating to a new composition of the board, the amendments are of a minor nature. They are concerned mainly with administration and registration matters.

The first group of amendments relates to definitions in the interpretation clause.

Probably the most important are the definitions added for "enrolled nurse" which replaces the unpopular term "nursing aide" used throughout the Act; and "registered nurse" to clarify that term used in the Act.

The next amendment proposes a reformed board with fewer medical profession members and more nursing representation to cater for the many facets of present-day nursing practice.

The present board will be increased from 17 to 18 members, and the number of medical practitioners will be reduced from four to two. These will be those representing the Department of Health and Medical Services and a major teaching hospital associated with a school of nursing.

"Enrolled nurses" comprise some 3 000 to 3 500 of the board's 13 000 to 14 000 registered members. They will continue to be represented by two of their members on the new board.

Another associated amendment is to provide for the Minister to select a chairman from within the total membership of the board. A further related amendment is to allow the board to elect its own deputy chairman to act in the chairman's absence. Power will be granted to allow a meeting, at which both the chairman and deputy are absent, to elect one of its members present to preside.

Many minor amendments throughout the Bill propose changes in terminology. These are designed to reflect the present thinking and terms used for such things as nursing education—instead of training and instruction—titles for positions, and branches of nursing, as detailed in the Bill.

One amendment proposes to give the Governor power to remove a member of the board from office, if that member is absent from four consecutive meetings for which due notice was given, but for which prior leave was not granted by the board.

Another is proposed to give the board authority to grant approval to other institutions—such as the Western Australian Institute of Technology—to conduct examinations for education under this Act and for the board to withdraw that approval, if ever required.

Additional provisions are proposed in the registration requirements of the Act to allow for the recognition of nursing qualifications awarded by other institutions; for example, WAIT and also for applicants who have qualified sufficiently in institutions outside this State and who have completed such additional training or examinations as required by the board, to be accepted as eligible for registration. One more provision in this part requires applicants to possess a sound knowledge of the English language—and skill in expressing it.

It is proposed to allow the board to accept registration renewals in the two months prior to the present January-to-March period allowed in the Act.

The registration period expires on 31 December each year and the Act allows application to be made to the registrar at any time within the next three months. This means that for the period until they make application, those nurses are unregistered, yet probably still practising. This amendment should diminish this anomaly. It should also spread the workload and improve the cash flow of renewal fees to the board.

It will enable new registrations to be registered late in the year without having to charge the applicant the full year's fee for perhaps a few

weeks' registration before the next year's fee is due.

One provision proposes to allow for the temporary registration of people working temporarily in the State, undergoing a special training course, or being employed by organisations which may not operate solely within the State.

This refers to organisations such as the Australian Inland Mission which provides nursing services in remote areas.

The period of registration proposed is up to three months, or such further period as the board may approve.

One minor amendment is to delete the provision for offence, and its penalty, when a person does not notify the registrar of a change of address. Such offences have been found to be impractical to police and charge as the offence is not apparent until the person advises the board, at which time the basis of the offence no longer exists. The provision requiring advice of a change of address will be unaffected. If a penalty is required to be imposed, it can be covered by the Act's general penalty clause.

Another amendment is to delete the word "gross" from the term "gross negligence" in the provision for disciplinary power of the board. It is apparently very difficult to prove "gross" negligence.

As there is no provision to find a person guilty of any lesser level of negligence than "gross negligence", this amendment will provide that facility. This will not detract from the board's disciplinary powers.

Another amendment proposes to grant the board power to impose such conditions on the behavior of a person being disciplined by a period of suspension from registration. That person will be able to appeal against the conditions, or their imposition. The maximum monetary penalty for disciplinary measures is proposed to be increased to \$100.

A requirement now exists for the surrender of a certificate of registration or badge by a person whose name is removed from the register.

Provision is sought for a similar requirement of a person who is temporarily suspended from registration, for the period of suspension and for the board to be empowered to return that certificate or badge at the end of the suspension period.

Amendments are proposed to the prohibition of practising nursing without being registered. The first is to amend the general prohibition requiring

any person practising nursing in any of its branches to be registered with the board. It will allow for the case of a fully qualified nurse being employed in a lesser role—say enrolled nurse—due perhaps to an unemployment situation.

Another proposal in this part is to increase the penalty for individuals practising without being registered, from \$40 to \$80.

Provision is proposed to allow unregistered, but qualified, people and nursing members of the Armed Forces of Australia to carry out nursing duties in an emergency or disaster situation, without committing an offence under the Act.

It is proposed to increase the general penalty from \$100 to \$200, and the penalty for a breach of the regulations is proposed to be increased to \$100 in separate amendments. These are considered as being reasonable amounts now for the offences concerned.

The final minor amendments relate to the provision for making regulations. The main amendment here proposes to delete reference to nurses' head-dress design, as the regulation regarding this was deleted many years ago. Individual hospitals could make their own rules regarding this matter.

On behalf of the Minister, I commend the Bill to the House.

Debate adjourned, on motion by Mr Hodge.

PHARMACY AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier)
[9.37 p.m.]: I move—

That the Bill be now read a second time.

I am moving the second reading of this Bill on behalf of the Minister for Health. The Bill proposes amendments to two areas of the Act.

The first is to make provision for the registration of a veterinary pharmacy at Murdoch University. This pharmacy is already in existence and an application has been made for registration under the Act. However, under the existing provisions, registration is restricted to pharmaceutical chemists, companies, or friendly societies and Murdoch University does not fit into any of these categories. Consequently, unless the Act is amended to provide for this registration, or to exempt the university from the provisions of the Act, its continuing operation must be considered to be illegal.

Rather than expand the Act to provide for the inclusion of Murdoch University, which would

entail numerous references to that establishment, with the agreement of the Pharmaceutical Council, provision has been made to exempt the university's veterinary pharmacy from the provisions of the Act.

The other area of the Act to receive attention is that dealing with advertising. There is some concern that persons who are not pharmacists are able, without penalty, to advertise pharmacy-related professional services. However, if a pharmaceutical chemist advertises generally and offers professional advice in relation to ailments, he would be liable to action by the council for contravening a regulation made under the Pharmacy Act.

This amendment seeks to remove this anomaly by prohibiting commercial advertising of pharmacy-related professional services by persons who are non-pharmacists, thereby placing the same constraints on both registered pharmacists and non-pharmacists.

A final amendment proposes to prohibit persons who are not registered pharmacists from holding themselves out to be such, even by inference.

The Act prohibits the use of a sign or title of pharmacist, etc., by a person who is not a registered pharmacist. However, the provision does not specifically mention advertising. This amendment will considerably tighten the Act in this area and prevent the misuse of advertising to imply that the person or firm is registered and operating within the Act.

On behalf of the Minister, I commend the Bill to the House.

Debate adjourned, on motion by Mr Hodge.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Second Reading

MR HASSELL (Cottesloe—Chief Secretary) [9.41 p.m.]: I move—

That the Bill be now read a second time.

The amendments proposed by this Bill to the Real Estate and Business Agents Act fall into two groups. One group of amendments relates to business agents, and the other group of amendments is to remedy anomalies, defects, and matters of concern which have emerged during the course of the operation of this legislation which came into effect on 1 December 1979.

When the Act came into operation on what was described as the appointed day, 1 December 1979, business agents—a group not previously regulated

by Statute—were brought under the control of the Act.

Business agents were given permits subject to certain conditions under the Act to continue business for a period of 12 months, with provision for annual renewals.

However, the Act provides that permit holders must, within a period of three years from the appointed day, satisfy the academic requirements laid down for real estate agents to become licensed under the Act.

There are 13 permit holders, all former business agents, who prior to the appointed day and since then, have operated only as business agents and not as real estate agents.

Submissions have been made to the Government that as this is the first occasion on which business agents have been brought under the control of legislation, what is usually described as a "grandfather clause" should have been included in the legislation to permit them to continue their business operations without meeting new criteria, or otherwise qualifying themselves to continue their businesses.

What the Act sought to do in relation to business agents was unusual, but there was also a special reason for it. The Real Estate and Business Agents Act sought to eliminate the distinction between the business operations of a real estate agent and those of a business agent, and accordingly provided that when the business agents obtained the necessary qualifications within the three-year period mentioned, they would be licensed as real estate agents.

In 1979, difficulty was encountered by business agents, as permit holders under the Act, in obtaining a bond or guarantee of not less than \$75 000 as was then required. As a result, an amendment to the Act late in 1979 enabled the permit holders to contribute to the fidelity guarantee fund established under the Act at an annual rate of \$750.

The business agents' submission to the Government included a claim that they are harshly treated when compared with real estate agents by reason of the \$750 per annum contribution they are required to make to the fidelity guarantee fund.

It was pointed out that real estate agents contribute \$50 per annum to the fund.

The Government has considered the submission made by business agents and has concluded that it should recommend to Parliament that the 13 permit holders—business agents—should be entitled to continue their business operations

without becoming fully qualified as real estate agents and on the basis of an annual contribution of \$50 to the fidelity guarantee fund.

This conclusion has been reached in consideration of basic fairness of treatment to business agents, and in part because I am advised that the present course of study undertaken as a means of obtaining qualification to be a real estate agent does not yet have sufficient content relevant to business broking to justify persons already trading solely as business agents being required to undertake that course.

The amendments proposed do not apply to future applicants to be licensed under the Act. Only in relation to the 13 permit holders currently trading solely as business agents will it be possible for a licence to be granted.

All new applicants will need to satisfy the specified academic and other criteria set down in the Act and regulations, and will, when licensed, be entitled to practise as real estate agents and business brokers.

The content of academic courses is being strengthened so that new entries into the field will be trained in all aspects of these operations.

Thus, the amendments now proposed in relation to business agents will enable—

- (a) Permit holders under the Act to be licensed as business agents, conditional upon the approval of the Real Estate and Business Agents Supervisory Board as to satisfactory service, from the expiration of a period of 12 months from the appointed day, which was 1 December 1979;
- (b) permit holders so licensed to be exempted from holding the academic qualifications provided under the Act for real estate agents;
- (c) permit holders so licensed as business agents to be confined to the functions of a business agent as defined in the Act; and
- (d) permit holders so licensed to be granted entry to the fidelity guarantee fund from 1 December 1980 on the same basis as now applies to real estate agents licensed under the Act.

I now turn to the other group of amendments.

As a result of its experience in the application of the Act, the Real Estate and Business Agents Supervisory Board has suggested a number of amendments to the Act.

These aim to improve the regulation and supervision of persons acting in respect of "real

estate" and "business" transactions. They seek also discretion in favour of the board in certain cases to refund fees paid for triennial certificates.

It is proposed to amend the definition of "real estate transaction" by including a reference to the collection of rents to confirm that this function is a real estate transaction.

The attendance of members at meetings of the Real Estate and Business Agents Supervisory Board is now controlled to the extent that the office of a member becomes vacant if he is absent for three consecutive meetings of the board without leave granted by the Minister. Over a period of more than 12 months, the board has met more than once a week.

It is an opportune moment for me to advise the House that the workload undertaken by the board has been very considerable indeed.

I pay tribute to all the members of the board for the work they have done, and in particular to Mr Rolf Lindsey who, as chairman, has borne a particular burden.

The real estate industry in this State has the board to thank for the very effective and efficient manner in which it has brought into operation the new legislation known as the Real Estate and Business Agents Act, and it has done so without disruption to the industry and without causing many problems for the practitioners of that industry.

As a result of the heavy workload undertaken by the board, both for meetings and formal hearings, it is not unusual that three meetings are held within 10 days.

Therefore, it will be acknowledged that it is practically unrealistic to require the consent of the Minister for absence from three consecutive meetings and as a result it is now proposed that a member may be absent from meetings of the board for a period of eight weeks without obtaining leave from the Minister.

The Act distinguishes between a licence and a triennial certificate.

A licensee if he wishes to operate as a real estate agent, must obtain a triennial certificate. If he does not intend to operate his business, he need not have a triennial certificate, but he will remain licensed.

Proper records, including a separate register, must be maintained for licensees not holding triennial certificates.

The Bill makes provision for the charging of an annual fee against such licensees.

Authority is also provided to cancel a licence in default of payment of that fee.

It is proposed to strengthen that section of the Act which prohibits charging and paying for keys or for information relating to tenancies. The purpose is to deter unscrupulous operators from receiving or seeking key money.

Another amendment seeks to eliminate inconsistency in the section dealing with the issue of receipts for money received by an agent. Provision is made for specific information to be included in the receipt and for a carbon duplicate of the receipt to be retained by the agent.

In accordance with part IX of the Act, agents are required to deposit a prescribed percentage of their trust accounts to the credit of the deposit trust account, or to lodge a declaration of exemption from this requirement.

It is intended to require that the annual audit verify that the amount deposited, or exemption declared, is in accordance with the Act.

It is proposed to repeal an existing provision which requires agents to keep trust accounts, books, and records at a branch office. An agent will have the right to decide whether he keeps all records at his principal place of business, or at a branch office, or both.

Under the Act as it stands, a licensee, whether he holds a triennial certificate or not, is subject to the inquiry and investigation provisions of the Act.

The Act treats sales representatives differently because they are not licensed on a continuous basis but hold annual certificates of registration. Where a current certificate of registration is not held, the board cannot exercise disciplinary action against the sales representative, and only court proceedings can be taken. It is considered appropriate that a sales representative who continues to operate after the expiry of his certificate of registration should be subject to disciplinary action by the board.

It is, therefore, proposed that an application may be made to the board for an inquiry into the conduct of a sales representative not later than 12 months after the day on which his certificate of registration expired. If the board is satisfied that cause exists for disciplinary action, it will be authorised to exercise the powers given by the Act.

An inconsistency is removed from section 114. This section should refer to subsections (1) and (2) of section 113. At present, section 114 refers only to subsection (1) of section 113.

The proposed amendment will make it clear that both agents and sales representatives do not

have to make further contributions to the fidelity guarantee fund when the fund exceeds \$1 million.

Under the Act as it stands, the board has had no discretion whatsoever to make a refund of fees paid by agents in respect of licences or triennial certificates. In the event of death or other unusual occurrence, the board will be empowered, under the proposed amendment, to refund a part or the whole of any fee paid for a licence or triennial certificate, or any sum paid to the board by way of a contribution or levy to the fund.

The temporary continuation of business by an agent, firm, or body corporate, following the death of an agent, a partner in a firm or director of a body corporate is permitted under the Act, but there is no provision to cover the situation of retirement or withdrawal of a director or partner.

The Bill suggests provision for continuation of business, subject to terms notified by the board, for a period of three months after the death, retirement, or withdrawal of a director or partner.

In several places, the Act refers to the obtaining of licences within two or three years of the appointed day, which was 1 December 1979.

To qualify for the grant of a licence, an applicant must have passed the prescribed examinations. Examinations for a certificate in real estate management are conducted by the Education Department in November and December, and results are available early in the following year.

So that the results of annual examinations, and, if necessary, any associated supplementary examinations, may be considered, the various time limits set by the Act for obtaining a licence are proposed to be extended by four months.

Branch managers are required under the Act to be licensed and to hold a current triennial certificate. However, transitional provisions permit the continuation of certain unlicensed persons acting as branch managers for a period of up to three years from the appointed day.

The Act as it stands might be construed to permit an agent to appoint anyone as a branch manager during the transitional period, and the proposed amendment seeks to eliminate this weakness from the Act.

The Bill proposes that during the transitional period, only a person who is licensed or who meets the criteria for continuation may be a branch manager.

By 1 April 1983 when the transitional provision ceases to have effect, all branch managers will be required to be licensed and hold current triennial certificates.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Jamieson.

BILLS (2): MESSAGES

Appropriations

Messages from the Administrator received and read recommending appropriations for the purposes of the following Bills—

1. Rural Industries Assistance Amendment Bill.
2. Transport Amendment Bill.

BILLS (3): RETURNED

1. Marine Navigational Aids Amendment Bill.
2. Business Franchise (Tobacco) Amendment Bill.
3. Rural and Industries Bank Amendment Bill.

Bills returned from the Council without amendment.

WESTERN AUSTRALIAN MARINE AMENDMENT BILL

Second Reading

Debate resumed from 9 October.

MR PEARCE (Gosnells) [9.57 p.m.]: This Bill seeks to do three things. Firstly, it will give to the Harbour and Light Department a greater power to close off waters considered dangerous in temporary circumstances in a fairly rapid way. At the present time there is a lapse of three days before waters can be closed off because an order must be published in the *Government Gazette*. In essence, this amending provision will allow the department to direct its officers to close off waters to private, and indeed, to professional boats. If people choose not to obey such an order, they will be subject to a \$500 fine.

Secondly, the Bill seeks to exempt certain craft from the necessity to carry safety gear. For example, in a yacht race it may not be necessary for competitors to wear safety gear because of the close proximity of rescue boats.

Thirdly, the Bill seeks to clarify the regulation-making powers under the Act.

At the outset I must say we are not opposed to the Bill. However, I do not believe it is necessary to clarify the regulation-making powers in the Act. We will not quibble with this provision. It is our opinion that over the years the Minister for Transport has introduced many Bills containing provisions for such unnecessary changes. It seems fair enough that the power ought to be in the Act in the first place.

We have no objection to the exemption of people competing in yacht and catamaran races from wearing safety equipment. We will be watching carefully to see that these provisions are not abused by the department or the Minister.

I now return to the first point—I seem to be dealing with the amendments in reverse order. The provision to close off waters in what appear to be dangerous circumstances will give a great deal of power to the Minister, and the giving of this power ought to be treated with a great deal of caution.

If I can instance the example the Minister himself used in his second reading speech—namely, the dangerous situation which presently exists at the Mandurah bar where members will appreciate a short time ago there was an accident involving a small boat in which two people were drowned—I can indicate the ban on the use of the bar effectively applies only to amateur boat users and not professionals.

This leads me to an example of which I have personal knowledge. Recently, a crayfishing boat was purchased in Mandurah and had to be sailed to Perth. Approval could be obtained for the boat to leave the estuary only by obtaining the services of a professional crayfishing boat skipper from the Lancelin area. I know the person involved; in fact, he is my brother. He is a very competent crayfishing boat skipper and a competent seaman. Nevertheless, he has never crossed the Mandurah bar in his life; they were brand new and potentially dangerous waters to him, whereas the local amateur boat users who in many cases have been in the area for over 20 years know the waters intimately but are precluded from crossing the bar because of its dangerous situation.

I hope the Harbour and Light Department is going to be a fraction more careful about the way it applies the ban on certain people not using the bar or other dangerous waters; I hope it does not simply discriminate between amateur and professional boat users.

In the case of the Mandurah bar, this ban should be directed towards specific groups of people. However, the people who have lived for many years in the area and know the waters should be exempt. My understanding of the present situation is that the only people who are exempt are the professional fishermen. While I am not opposed to that, I simply say it is not necessarily the best or the most commendable criteria on which such a judgment should be made.

The Opposition does not oppose this Bill. However, I hope the observations I have made will be noted by the Minister so that the very wide powers which we are agreeing to give him and his department will be used and applied with a degree of discretion.

MR RUSHTON (Dale—Minister for Transport) [10.02 p.m.]: I thank the Opposition for its support of the legislation. I will certainly make sure the Harbour and Light Department is made aware of the remarks of the member for Gosnells.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Rushton (Minister for Transport) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 16D inserted—

Mr PEARCE: I should like to amplify the point I made during the second reading debate. This clause will give the department power to authorise a person to turn back boats from what might be considered to be dangerous waters. However, it is negatively phrased in that, while giving a turning-back power, it does not allow for circumstances where somebody may apply to use waters which he believes he may be competent to use. It does not give that person the opportunity to satisfy the officer or the department that he is in fact competent to deal with dangerous waters.

Let us take the practical situation of somebody in a boat moving into waters which are declared closed and wishing to argue with the officer who has been instructed to turn boats back. The way the legislation currently is drafted, the officer has no discretion in the matter to exercise a judgment as to whether the person concerned has sufficient experience or qualifications to enable him safely

to navigate what are considered to be dangerous waters. The Bill contains no provision which would allow a person to establish his qualifications prior to the turning-back point.

This is a two-sided provision. The department instructs an officer to so act, and the officer instructs the boat user to turn back. However, the boat user has no right or ability to establish that he ought not to turn back.

We are not opposing this clause; we are simply drawing the Minister's attention to what we believe is a drafting discrepancy; perhaps a further amendment to the legislation may be necessary.

Mr RUSHTON: The department considers the legislation provides a discretion to enable it or an officer to make an order and conditions. I believe the point the member for Gosnells raised is accommodated in the legislation, but to make sure there is no doubt about the situation I will refer his remarks to the Harbour and Light Department. I thank the honourable member for his remarks.

Clause put and passed.

Clauses 6 to 14 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

RECORDING OF PROCEEDINGS BILL

Second Reading

Debate resumed from 9 October.

MR BERTRAM (Mt. Hawthorn) [10.08 p.m.]: For many years in this State and elsewhere, proceedings before tribunals were recorded exclusively by the tribunals themselves. The judge or the magistrate as the case may be used to take down the notes of evidence in long hand. Sometimes his notes were in a very legible and comprehensive form, at other times they were quite illegible and incomprehensible, while on still other occasions they virtually did not exist at all. That system continued for many years.

We then saw the advent of the recording of evidence on magnetic tapes. I recollect that this form of recording of evidence was first used in the Supreme Court in the 1950s or 1960s. Initially they were used principally in criminal proceedings and occasionally in civil proceedings. However, as the years have gone by tape recordings of

evidence have improved and are now made even in the Local Court. There is no point in improving recording techniques if we do not avail ourselves of such improvement.

In 1975 the Government introduced the Recording of Evidence Bill; apparently, that legislation has never operated. Now that same Act is to be repealed by this Bill. In that situation, the Opposition finds it difficult to see that there is any need for this Bill.

When introducing the 1975 legislation, the Minister did not provide much justification for the Bill. However, the Opposition, co-operative as always, nonetheless decided to support it. Apparently the Government has been unimpressed by the 1975 legislation because it now is to be repealed.

No real evidence has been given to the Opposition to suggest there is a need to legislate in respect of the recording of proceedings. Evidence has been recorded on tapes now for over 20 years in Western Australia and no evidence has been brought before this Assembly as to why it is necessary now to legislate to that effect. We have not been told of any difficulties which have been encountered. The transition from the manual recording of evidence to the tape recording of that evidence seems to have gone quite smoothly; certainly, if there have been problems the Assembly has not been told of them, as it should have been told.

Whilst the Opposition supported the 1975 Bill, it is not necessarily bound to support this Bill five years later, just as the Government is not precluded from changing its mind from 1975 by repealing the earlier legislation. I would hope that in future, the Government will give the Opposition more information and justification for the legislation it presents to this place.

I wish to raise another area of concern regarding the use of tape recorders. It may well be that the use of tape recording devices will increase the cost of litigation—costs which already are very considerable—and therefore further disadvantage those people of limited means. I am told that powerful litigants with a strong financial base very readily ask for the transcript of evidence of proceedings which has been recorded on tapes, whereas other litigants think a long time before they make such a request.

It is a very real advantage to a litigant to have that transcript of evidence available to him. We

could have a situation, once again, of a person who has means having a considerable advantage over a person who does not have means. This situation causes the Opposition concern. I ask the Minister whether the use of tapes will have the effect of increasing the already very considerable cost of litigation.

As I have intimated, the Opposition is not really impressed with the Bill. However, with some reservations, it supports the measure.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [10.16 p.m.]: I thank the member for Mt. Hawthorn for his brief comments. As members know, the 1975 Act was not used because of the problems with regulations and it is being repealed with the introduction of this Bill.

It is my understanding that there would not be any additional costs and litigants would not be disadvantaged because of the provisions contained in this Bill. I will check on this matter further with the Attorney General and will refer back to the member for Mt. Hawthorn. The reason the Bill was introduced is simply to modernise and to speed up the proceedings in the various courts concerned.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Sibson) in the Chair; Mr O'Connor (Deputy Premier) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Interpretation—

Mr BERTRAM: In various clauses in the Bill reference is made to the Supreme Court, the Family Court, and the District Court, in that order and together. However, when one looks at this clause it is interesting to observe that there is an interpretation of the District Court and, similarly, there is an interpretation of the Family Court; but there is nothing, as one would ordinarily expect, in respect of the Supreme Court. Why does this apparent omission occur?

Mr O'CONNOR: On information I have from the Attorney General, the term does not extend to include tribunals other than the Supreme Court, the District Court, and the Family Court. Therefore, on that understanding the Supreme Court is included.

Mr BERTRAM: I will not pursue this matter any further, although the Bill does contain a number of errors and omissions. I believe the

members of the other place have no work to do and that it has not met on some Thursdays. Since the Opposition is extraordinarily well equipped with legal talent in the other place, the best thing to do is to get this measure up there so there can be a confrontation between the Opposition's legal people and others and the Attorney General, who is responsible for this Bill. We will allow the Bill to go through the Committee stage in order to give members in the other place some work to do.

Clause put and passed.

Clauses 6 to 22 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10.24 p.m.

QUESTIONS ON NOTICE

ROAD

Paraburdoo-Tom Price

1138. Mr McIVER, to the Minister for Transport:

- (1) Is it fact that the estimated completion date for the Tom Price-Paraburdoo road sealing will now be August 1981?
- (2) Is it also fact that the completion dates have been December 1979, June 1980, December 1980, and August 1981?
- (3) Will he explain the reasons for the delay?

Mr RUSHTON replied:

- (1) to (3) In December 1978 the Government announced a commitment to a \$24 million five-year programme to upgrade roads in the Pilbara. Part of this proposal was a commitment to seal the Tom Price-Paraburdoo road. It was clearly stated at that time that the Main Roads Department would as a result be able to fund the Tom Price-Paraburdoo Road in 2½ years instead of five.

Subsequently I indicated that the blacktop between Tom Price and Paraburdoo would be completed by December 1980.

In answer to question 115 of 3 September, 1980 by the member for Pilbara, I gave the reasons for the adjustment of this date.

At this stage it is anticipated that the work will be completed by August 1981.

EDUCATION: SCHOOL

Bramfield Park

1144. Mr BATEMAN, to the Minister for Education:

- (1) Is the Yule Street access road to the Bramfield Park Primary School in Maddington in a shocking state of repair?
- (2) If "Yes", will he have this access upgraded immediately before a child is injured?
- (3) If not, why not?

Mr GRAYDEN replied:

- (1) Yes.
- (2) No.

- (3) Because the access road forms part of the road reserve and is therefore a shire responsibility.

COURTHOUSE

South of River Area

1145. Mr BATEMAN, to the Minister for Police and Traffic:

- (1) In view of the ever-increasing demand for policemen and law enforcement in the area south of the river, including the development of the Canning Vale gaol, will he advise if plans have been considered for the establishment of a courthouse in the south of the river area to cater for the area's needs, especially in view of the possible overcrowding of the East Perth and Beaufort Street courts?
- (2) If "Yes", where and when is it anticipated construction will start?
- (3) If not, why not?

Mr HASSELL replied:

- (1) Funds have been provided this year to purchase land in Armadale for construction of a new courthouse.
- (2) Construction of a courthouse building will depend on a further allocation of funds for this purpose. This project is a high priority in the Crown Law Department's building programme.
- (3) Not applicable.

SMALL BUSINESS SERVICES PTY. LTD.

Charges

1146. Mr DAVIES, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

- (1) Is it a fact that Small Business Services Pty. Ltd. will operate basically as a referral service to avoid competing with specialist consultancy agencies in private enterprise?
- (2) Are the Premier's comments correct as reported in *The West Australian* on 5 July that Small Business Services "would use special consultants in addition to its own staff"?

- (3) If the Premier's statements are correct, is it a fact that small business owners will be charged at commercial rates for the services of the special consultants to which they are referred?
- (4) Does the Minister recall stating that no charges would be imposed for the services of Small Business Services Pty. Ltd.?

Mr MacKINNON replied:

- (1) I am advised that referrals are currently made as an extension of the expert advice available from the present counselling staff, and that such service will continue.
- (2) No. The Premier's press release stated "The company would have the capacity to draw on the expertise and experience of specialist consultants in addition to its own staff, which include a manager and four counsellors."
- (3) Not applicable.
- (4) Unless the Board of Small Business Services Pty. Ltd. desires to administer specialist services for which it considers that a share of these costs should be borne by the individual business benefiting therefrom there is no charge for counselling services.

SMALL BUSINESS SERVICES PTY. LTD.

Implementation of Government Policy

1147. Mr DAVIES, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

- (1) Is the board of directors of Small Business Services Pty. Ltd. responsible for the implementation of all the Government's policies relating to small business as announced prior to the State election in February?
- (2) Is he aware that his Government promised to have the Small Business Service established and ready to operate before June 1980?

Mr MacKINNON replied:

- (1) No.
- (2) The Liberal Party policy statement stated that it was expected that the Small Business Service would be established, ready to operate, before June 1980.

PETERS ICE CREAM (WA) LTD.

Takeover

1148. Mr BRIAN BURKE, to the Minister representing the Attorney General:

- (1) Is the Attorney General aware of share buying operations which threaten the ownership and control of Peters Ice Cream (WA) Pty. Ltd.?
- (2) Is the Attorney General aware that this company is a Western Australian company which is operating profitably without any obvious need for the injection of risk capital?
- (3) What is his Government's policy to any proposed takeover—or loss of control by present owners—of this company?

Mr O'CONNOR replied:

- (1) The Board of Peters Ice Cream (WA) Limited announced a possible takeover in April 1980. No formal takeover documents have been lodged with the Corporate Affairs Office. Newspapers have reported that Asian interests have been building a holding in the company. Stock Exchange records show that an Asian interest now holds 16 per cent of the shares of the company. When holdings exceed 19 per cent, the provisions of the Company Takeovers Act 1979 will apply.
- (2) The company is incorporated in Western Australia and profit performance has been reported in newspapers. *The West Australian* newspaper reported on 22 October that there was a 64 per cent profit slump and the annual dividend rate was reduced from 7c to 5c a share.
- (3) Government policy is reflected in the Company Takeovers Act 1979. The Act was introduced to control takeover activity in Western Australia pending introduction of a uniform code. This code will be administered by the National Companies and Securities

Commission through its delegates—in WA the Corporate Affairs Commissioner. The Act does not discriminate between companies. It does, however, regulate takeover activity to ensure that all parties, including management of target companies and shareholders, are informed and that the market place is a fair market place. If any party is proceeding with a takeover, as soon as its holding exceeds 19 per cent, it is obliged to comply with the Company Takeovers Act.

1149. *This question was postponed.*

HEALTH

Meat Inspection

1150. Mr STEPHENS, to the Minister for Health:

- (1) Further to question 948 of 1980 relevant to meat inspection, if the Public Health Department raised \$243 300 in meat inspection in the past year, and \$177 300 was from prime inspection of carcasses committed to the local market, from where was the remaining \$66 000 in fees raised?
- (2) What minimum qualifications are required of meat inspectors employed by the Public Health Department?
- (3) (a) With these qualifications can they be utilised in other areas of public health work;
(b) if so, what areas?

Mr YOUNG replied:

- (1) Inspection of carcase and packaged meats imported from other States.
- (2) (a) Royal Society of Health—Diploma of Meat and Other Foods Inspection.
(b) Bentley Technical College Certificate or equivalent.
- (3) (a) No.
(b) Not applicable.

POLICE

East Perth Lock-up: Bail

1151. Mr BATEMAN, to the Minister representing the Attorney General:

- (1) With reference to the Minister's answers to me on questions 943 and 1014 of 1980, relative to bench warrant procedures, in which he advised that a person arrested on a bench warrant No. 10 cannot be released on bail, does it appear in variance with the statement in *The West Australian* of 30 July 1980 in which the Commissioner of Police is quoted that "it had to be recognised that Mr Latter was arrested on a bench warrant issued after he had refused to answer his bail"?
- (2) In cases such as this, do not the police have the power to admit an arrested person to bail?
- (3) If Mr Latter had asked for bail, would arrangements have had to be made for a justice of the peace to be brought to the lock-up so that bail application could be made to him?
- (4) With reference to (1) and (2), will the Minister advise if the Commissioner of Police has been advised of his apparent error which could arouse doubt in the minds of justices of the peace and defendants as to the correct procedure?
- (5) Could the Minister also advise in respect of the answer that bench warrants are only issued in exceptional circumstances such as when a prison sentence or other compelling circumstance is involved, why, for a simple offence as reported in *The West Australian* on 11 October 1980, bench warrants were issued for offences which would attract either a \$5 or \$20 fine for being on a gaming premises without lawful excuse?
- (6) Will the Minister further advise that when these bench warrants are executed, does this mean the defendants will be held in custody without bail until they are brought before a court again?

Mr O'CONNOR replied:

- (1) No. The Commissioner of Police, as reported in *The West Australian* of 30 July, 1980, did not say that a person arrested on a bench warrant No. 10 could be released on bail.
My advice therefore is not at variance with the commissioner's reported comment.

- (2) No.
- (3) Yes, but the justice of the peace would in the terms of the warrant be obliged to decline to consider the application.
- (4) No. As no error is apparent.
- (5) The issue of a bench warrant pursuant to section 91 of the Justices Act is discretionary. In some instances where minor offences are involved and cash has been deposited, the courts may estreat that sum forthwith and take no further action. In other instances, the court may require the presence of the defendant to answer the charge, and to show cause why bail should not be forfeited.
- (6) Yes.

COURT: FAMILY

Appeals

1152. Mr CRANE, to the Minister representing the Attorney General:

Since the appointments of Judges Anderson and Ferrier to the Family Court of Western Australia, please advise the number of appeals against each of the five judges listed and finalised—

- (a) by females;
- (b) by males;
- (c) against interim orders?

Mr O'CONNOR replied:

- (a) to (c) The Family Court of Western Australia does not keep statistics on the matters outlined in the question. All appeals under the Family Law Act are heard by the Full Court of the Family Court of Australia. All notices of appeal are required to be lodged with the Principal Registrar of the Family Court of Australia. Inquiries will be made to obtain the information sought by the member from the Principal Registry of the Family Court of Australia and the member will be separately advised when the information is to hand.

COURT: FAMILY

Appeals

1153. Mr CRANE, to the Minister representing the Attorney General:

- (1) What number of complaints has the Attorney General received against each individual judge of the Family Court of

Western Australia with respect to cases listed and finalised since Judges Anderson and Ferrier were appointed—

- (a) by females;
- (b) by males;
- (c) against interim orders?

- (2) How many of the abovementioned complaints has the Attorney General—

- (a) put to State Cabinet;
- (b) put before the inquiry of the Federal Select Committee;
- (c) referred back to the court; or
- (d) dealt with in any other manner?

Mr O'CONNOR replied:

- (1) and (2) The information is not readily available. In addition, the question implies a criticism of judges and is therefore considered to be inappropriate.

POLICE

Drugs: Search of Vehicles

1154. Mr T. H. JONES, to the Minister for Police and Traffic:

- (1) Is it fact that in some towns in the north of the State police are stopping motorists in the street, searching their cars for drugs in front of the general public and after all the seats and incidentals in the cars have been placed on the roadway, the police drive away requiring the innocent motorists to replace all the articles back in the vehicle?
- (2) If "Yes", then under the routine checking provisions, could not the vehicles be taken away from the public areas for inspection, especially in view of the fact that the present mode of inspections are causing embarrassment in many instances to innocent people?

Mr HASSELL replied:

- (1) I am unaware of this occurring.
- (2) Answered by (1).

ELECTORAL

Kimberley: Charges

1155. Mr JAMIESON, to the Chief Secretary:

- (1) In view of the fact that Electoral Department records show—with one exception; i.e., a mistaken instruction to

the Crown Law Department when the Hon. A. V. R. Abbott was Minister in charge—that prior to this year's election no action had been taken by police or the Crown Law Department without the approval of the Minister with respect to offences against the Electoral Act, who authorised the action against those charged in Kimberley with reference to postal vote activities?

- (2) Would he table the Electoral Office file containing details of inquiries made by police and/or the officers, dealing with these alleged postal vote offences?

Mr HASSELL replied:

- (1) The Chief Electoral Officer received a complaint alleging malpractice in connection with the handling of postal votes in the Kimberley district. He referred the complaint to the police for investigation.
- (2) No.

SHOPPING CENTRES

Committee

1156. Mr TAYLOR, to the Minister for Urban Development and Town Planning:

- (1) Who are the members of the Government committee on shopping centres?
- (2) What are the terms of reference of this committee?
- (3) Have submissions been invited from various organisations and, if so, which organisations?
- (4) Will submissions be welcomed from organisations not formally invited?
- (5) Are hearings to be conducted?
- (6) If so, when and who may attend?
- (7) When is the committee to report?

Mrs CRAIG replied:

- (1) to (7) The Chairman is Mr A. M. Trethowan, MLA, and the member might like to discuss with him the matter raised.

HEALTH

Trachoma: Incidence

1157. Mr HARMAN, to the Minister for Health:

- (1) What is the degree of the incidence of trachoma among Aborigines in Western Australia?

- (2) Will he detail the areas of all action being taken by the Government to combat this disease?

Mr YOUNG replied:

- (1) In country towns and urban areas incidence is between 0-10 per cent in children under 15 years. In rural areas between 10 and, in some instances, as high as 70 per cent. These cases are essentially mild and respond to treatment.
- (2) Screening programmes by local regional teams of doctors, nurses and health workers on an on-going basis.

Treatment for individuals and community as required.

Consultant ophthalmological services provided in conjunction with the Royal College of Ophthalmologists, WA Branch.

Training and health education by consultants for health workers, community leaders, and other interested persons. Such programmes have been held in Wiluna, Meekatharra, Cue, and Mt. Magnet in April, and in the goldfields in November at Kalgoorlie, Cundeelee, Norseman, Leonora, Laverton, and Warburton.

Improvement of environmental conditions in housing, water supplies, and sewerage in co-ordination with my ministerial colleagues.

Very considerable assistance in the screening, treatment, and follow-up was provided to the national trachoma and eye health programme.

HEALTH: PATHOLOGY

Private Laboratories and State Health Laboratory Services

1158. Mr HODGE, to the Minister for Health:

- (1) Is it a fact that under the Commonwealth medical benefits schedule, private pathology laboratories may charge one third more than Government laboratories?

- (2) Does any form of accreditation or licensing exist in Western Australia to ensure that the standards and quality of performance of private pathology laboratories is monitored in the public interest?
 - (3) Is it a fact that it was agreed, in principle, by the Health Ministers Conference in July 1976 that legislation should be introduced in each State to provide for a system of accreditation of private pathology laboratories?
 - (4) Has a survey ever been conducted in this State to ascertain the anticipated future needs for the services of specialist pathologists, medical technologists, and laboratory technicians?
 - (5) Which hospitals in Western Australia use the services of the State Health Laboratory Services and which ones have their own laboratories or rely on private laboratories?
 - (6) Do the State Health Laboratory Services receive payment for all work done for Government hospitals recognised under the cost sharing agreement with the Commonwealth?
 - (7) If the answer to (6) is "Yes", is the payment received always sufficient to cover the cost of the service?
 - (8) Is it a fact that there is no legal impediment in Western Australia to any general practitioner establishing a private pathology laboratory?
 - (9) Is it a fact that there is no impediment in Western Australia to prevent any person, even one with no medical qualifications, from establishing a private pathology laboratory?
 - (10) What range of services are performed by the State Health Laboratory Services?
 - (11) Are the State Health Laboratory Services involved in research work and, if so, in what fields?
 - (12) Do any country or regional hospitals rely upon the State Health Laboratory Services for pathology services?
- (5) (a) All non-teaching public hospitals and special service to any hospital or any private pathology laboratory.
 - (b) The teaching hospitals and the St. John of God Hospital maintain their own laboratories.
 - (c) Private hospitals rely on private laboratories.
 - (6) No.
 - (7) Not applicable.
 - (8) No, but approval by the Commonwealth as a pathology provider is required to enable patients to receive a medical benefit rebate.
 - (9) Yes.
 - (10) The most comprehensive in Western Australia and these are outlined in the annual reports of the Commissioner of Public Health.
 - (11) Yes, in most fields of pathology and these are also described in the annual reports of the Commissioner of Public Health.
 - (12) Yes.

HOSPITALS

Laundry and Linen Service

1159. Mr HODGE, to the Minister for Health:

Does the Government regard the hospital linen and laundry service at Murdoch as an essential service?

Mr YOUNG replied:

Yes. It is essential to the operation of the hospital service.

HEALTH: NURSES

Royal Perth Hospital

1160. Mr HODGE, to the Minister for Health:

- (1) Has he seen newspaper reports—*The West Australian* of 11 October—which claim that morale among the nursing staff at Royal Perth Hospital is at an all time low and that young, inexperienced nurses are being called upon to shoulder responsibilities for which they have not been trained?
- (2) Are the claims made in the newspaper article accurate?
- (3) If "Yes" to (2), what steps are being taken to rectify the position?

Mr YOUNG replied:

- (1) Yes, but in fact apart from services to patients in public hospitals, there is no restriction on what private laboratories may charge.
- (2) No.
- (3) Yes.
- (4) No.

- (4) If the newspaper article is not accurate, would he provide details of the inaccuracies?

Mr YOUNG replied:

- (1) Yes.
 (2) All Royal Perth Hospital staff have had in recent years to deal with a steadily increasing workload with almost no increase in resources.
 It is not true that morale is at an all time low and this reflects well on the staff concerned.
 (3) Answered by (2).
 (4) Answered by (2).

HOSPITALS

Funds

1161. Mr HODGE, to the Premier:

Since he announced recently that the State Government would be seeking talks with the Federal Government immediately after the election on ways of easing the accommodation pressure on Western Australian hospitals, will the State Government be seeking—

- the re-introduction of a means test;
- additional funds to allow hospitals to employ adequate numbers of staff;
- additional funds to allow construction to recommence on the Royal Perth Hospital north block extensions;
- the introduction of a fair, equitable, less complex and cheaper system of health insurance?

Sir CHARLES COURT replied:

- (a) to (d) I have already made a request to the Prime Minister to convene as a matter of urgency a special meeting of Ministers and/or Premiers to review the total situation in respect of hospitals, including changes to the health insurance systems, to make private health insurance more attractive, the payment of premiums tax deductible, and to encourage greater use of private facilities.

HEALTH: NURSES

Sir Charles Gairdner Hospital

1162. Mr HODGE, to the Minister for Health:

- Has he seen a letter to the Editor of *The West Australian* of 17 October, signed by 57 senior nursing staff from Sir Charles Gairdner Hospital which claims that it has become impossible to provide the supervision required for junior registered nurses and students and that patient safety cannot be ensured?
- Does he now acknowledge that a crisis exists at the major teaching hospitals, or is it that the 57 signatories to the letter are all wrong in their assessment of the situation?

Mr YOUNG replied:

- Yes.
- No. Nursing staff are under pressure, but no crisis situation exists. Positive action has been taken by the hospital to defer non-urgent elective admissions to reduce bed occupancy. Occupancy is now less than 90 per cent.

HOSPITAL

Royal Perth: Pharmacy Staff

1163. Mr HODGE, to the Minister for Health:

- Is it a fact that pharmacists at Royal Perth Hospital are having to work long hours under stress because of staff shortages and increased patient demands?
- Is it a fact that some outpatients have been required to wait for up to four hours for prescriptions to be made up at the Royal Perth Hospital pharmacy?
- Is it a fact that a decision by hospital authorities that patients should be given only a month's supply of drugs, instead of the usual three months' supply, has aggravated the position at Royal Perth Hospital?
- Is it a fact that the normal staff requirement for a pharmacy as busy as Royal Perth Hospital's would be at least 10 pharmacists and other trained support staff?
- Is it a fact that Royal Perth Hospital pharmacy has only four pharmacists and two trained support staff?

Mr YOUNG replied:

- (1) It is true that the workload at the Royal Perth Hospital continues to increase. Pharmacy staff are no more affected by this than those in many other departments. Overtime worked by pharmacy staff in the first two months of this financial year is substantially the same as that worked in the first two months of last financial year.
- (2) Yes.
- (3) It is standard policy among all the teaching hospitals for a maximum of one month's supply of drugs to be provided. This measure was introduced to reduce expenditure on drugs and drug wastage. It is true that there has been an increase in the number of prescriptions to be dispensed.
- (4) Yes.
- (5) No.

HEALTH: MEDICAL PRACTITIONERS

Training Posts and Specialists

164. Mr HODGE, to the Minister for Health:

- (1) Is it a fact that one of the reasons the 27 second-year medical residents are not being re-employed next year is because the Government has decided to cut back on the number of specialists being produced in this State?
- (2) Is it a fact that the Government has decided that a re-orientation of training programmes in teaching hospitals for specialists is now necessary?
- (3) Is the Government concerned at the rising doctor-patient ratio in Western Australia?
- (4) Is the Government giving consideration to reducing the medical school intake or the number of training posts available in public hospitals?

Mr YOUNG replied:

- (1) No.
- (2) The matter is complex and is currently under discussion.
- (3) The latest figures made available for Western Australia are one per 594 of population. This is below the average reported in other States. There is no agreement as to what constitutes an appropriate supply of doctors for Australian conditions nor are there accepted methodologies for establishing optimal supply levels.

- (4) Yes. A meeting was held in Melbourne on 16 October, 1980 at which it was agreed each State health authority would confer with the faculty of medicine in the State and report back by February 1981.

HOSPITAL

King Edward Memorial: Staff

1165. Mr HODGE, to the Minister for Health:

Is it a fact that King Edward Memorial Hospital is restricting the admission of certain categories of patients because of staff shortages and bed shortages?

Mr YOUNG replied:

Yes. There is some limitation of private obstetric patients who are not at risk and who can be accommodated in other hospitals.

PUBLIC WORKS DEPARTMENT

Employees: Maintenance and Construction Sections

1166. Mr HODGE, to the Minister for Works:

- (1) Is it likely that there will be any redundancies in the work force employed by the Public Works Department, Fremantle maintenance section, in the immediate future?
- (2) If "Yes", how many positions and what classifications are involved?
- (3) Is it likely that there will be any redundancies in the work force employed by the Public Works Department, Perth maintenance section, in the immediate future?
- (4) If "Yes" to (3), how many positions and what classifications are involved?
- (5) Is it likely that there will be any redundancies in the work force employed by the Public Works Department, construction section, in the immediate future?
- (6) If "Yes" to (5), how many positions and what classifications are involved?

Mr MENSAROS replied:

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

- (5) It is most unlikely that there will be any redundancies.
- (6) Not applicable.

EDUCATION: SCHOOL

Samson-Somerville Area

1167. Mr HODGE, to the Minister for Education:

- (1) When is the Government going to provide a primary school for the Samson-Somerville area?
- (2) Does the Government realise that there are already at least 120 primary school children in the area who are forced to travel to schools located in other districts?

Mr GRAYDEN replied:

- (1) No definite decision has been made as to when the proposed Samson Primary School will be established to serve the Samson area.

The decision to construct the school will depend on the future availability of loan funds and competing needs for new pupil places in the other rapidly-developing residential areas in the State.

- (2) Yes.

HOSPITALS

Public: Parking

1168. Mr HODGE, to the Minister for Health:

- (1) Which public hospitals provide parking areas for visitors?
- (2) Why do some public hospitals impose a parking fee on visitors?
- (3) Does the Government consider that it is absolutely necessary to impose parking fees on all hospital visitors, as in some cases this action creates some hardship?

Mr YOUNG replied:

- (1) All public hospitals in the metropolitan area, with the exception of King Edward Memorial Hospital for Women, provide parking areas for visitors.
- (2) At present Sir Charles Gairdner Hospital is the only hospital which imposes a parking fee. A fee is charged to provide some funds towards the upkeep of the parking area.

- (3) Yes, it is considered necessary to impose parking fees. The charge is minimal, but it does discourage over use of parking facilities and the use by the public other than hospital visitors. In cases where hardship is claimed, free parking is available on request. In time it is expected that all major hospitals will impose a parking fee.

FRUIT

Banana Industry Compensation Fund

1169. Mr H. D. EVANS, to the Minister for Agriculture:

- (1) How many banana growers voted for the proposals put to them in the referendum referring to changes in the banana industry compensation fund?
- (2) What was the total number of growers who voted in the referendum?

Mr OLD replied:

- (1) 55.
- (2) 96.

LAND: AGRICULTURAL

Pingerup Plains and Mt. Chudalup

1170. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

- (1) Has any decision to release land in the Pingerup Plains and Mt. Chudalup areas on the south coast region for agricultural purposes been made by the Government?
- (2) If "Yes"—
 - (a) does the Government intend to release land in such areas;
 - (b) when will subdivision commence;
 - (c) what precise areas will be released?

Mrs CRAIG replied:

- (1) No.
- (2) (a) to (c) Not applicable.

LAND

Broke Inlet

1171. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

- (1) Is it intended to allow the owners of cottages built on Crown land on the

shore of Broke Inlet to obtain a lease of the land they occupy as has been done at Donnelly River?

- (2) If "Yes", when is it expected such lease arrangements will be made?
- (3) If "No" to (1); what is the reason for the rejection of the request of the cottage owners?

Mrs CRAIG replied:

- (1) No.
- (2) Answered by (1).
- (3) The situation remains unchanged since the answers to questions 958 and 2020 of 1979.

HEALTH: DENTAL

Perth Dental Hospital

1172. Mr HODGE, to the Minister for Health:

- (1) Has the Perth Dental Hospital recently increased its scale of charges?
- (2) If "Yes", will he please provide details of the increases and when they came into operation?
- (3) If "Yes" to (1), was any public announcement made and, if so, when?

Mr YOUNG replied:

- (1) Yes.
- (2) A general increase of between 16 per cent and 18 per cent was applied as from 1 July 1980.
- (3) No, but patients are given an indication of the charges prior to treatment.

QUESTIONS WITHOUT NOTICE

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Act: Amendment

319. Mr DAVIES, to the Premier:

- (1) Is it a fact, as reported in tonight's issue of the *Daily News*, that the Cabinet has already discussed changing the Environmental Protection Act?
- (2) If so, has the Cabinet authorised the drafting of legislation and what was the substance of the legislation authorised to be drafted?

Sir CHARLES COURT replied:

- (1) and (2) As I understand the question asked by the Leader of the Opposition, he would like to know whether the matter has been discussed by Cabinet.

Mr Davies: As reported in the newspaper.

Sir CHARLES COURT: The question of the possibility of amendments to the environmental protection legislation and a number of other Acts, as the Leader of the Opposition will realise, has been before Cabinet. The Minister concerned is in the process of making up his mind as to the submissions he wants to make to the Cabinet.

I repeat what I said the other day: there is no Bill before Cabinet and, until the Minister has completed his deliberations on the matter, I could not hazard a guess as to what its contents will be, when it will be approved, whether in fact it will be approved, and when it will be introduced into the House.

Anyone who says there is a Bill before the Cabinet does not know what he is talking about.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Act: Amendment

320. Mr H. D. EVANS, to the Premier:

- (1) Has the Government engaged Dr Brian O'Brien to draft proposals for altering the Environmental Protection Act?
- (2) If Dr O'Brien was engaged, by whom was he engaged, what instructions has he been given, and by whom?

Sir CHARLES COURT replied:

- (1) and (2) As I understand the position—again it is an arrangement made by the Minister concerned—Dr Brian O'Brien, who was formerly a Director of the EPA, has been engaged as a consultant by the Minister. To the best of my knowledge, Dr O'Brien is not himself a lawyer or legal draftsman; but I understand he has been engaged as a consultant to the Minister to assist him in this total review of the legislation. As far as I am aware, that is the role he plays.

I do not know precisely the briefing of Dr O'Brien, because that is a matter between him and the Minister. In broad terms, as far as I understand it, Dr O'Brien is acting as a consultant to advise the Minister in his review of the legislation, which seems to be quite right and proper in view of the fact that the legislation has been in operation for quite a few years. It is not a bad idea that the legislation should be subject to review. I cannot imagine anyone with more practical experience than Dr O'Brien undertaking such a task in this area.

PINBALL PARLOURS

Community Concern

321. Mr BRYCE, to the Minister for Police and Traffic:

- (1) Has the Minister seen the front page story in tonight's issue of the *Daily News* concerning the anxiety expressed by at least one local government authority in regard to the impact of the spread of electronic amusement machines, particularly "Space Invaders"?
- (2) Is the Minister aware concern is spreading throughout the metropolitan area in regard to this particular matter?
- (3) Is the Minister still of the view that the situation does not warrant a serious inquiry?

Mr HASSELL replied:

- (1) to (3) I have not read the story to which the member for Ascot referred, which appears on the front page of tonight's issue of the *Daily News*, so I cannot comment on it. If the member wants a detailed answer in regard to that particular story, I suggest he puts the question on notice and I will give him one.

I can only repeat the answer I gave previously to the House on this issue when it was taken up by the member for Ascot earlier in the session. He raised a number of questions and I said at the time I would have the matter checked. I told him, and I told the House subsequently, that the matter was referred both to the Police Department and the Department for Community

Welfare. If there is a problem in this area, both these departments would be involved.

Both departments advised me that, so far as they had evidence before them, there was not a significant problem, but there were some isolated cases of children who became greatly involved with these machines.

Mr Bryce: Isolated cases! Everyone who knows anything about the matter knows they are not isolated.

Mr HASSELL: I am simply reporting to the member what I was advised. Both departments told me there were isolated cases of children who became caught up with these machines and overspent money or were truant from school; but whenever such cases were drawn to the attention of the departments, they were followed up. The Department for Community Welfare said it would keep a watch on the matter. If the member wants me to check further to see whether the department has further evidence, I shall do so.

In these sorts of issues it must be recognised that neither the Department for Community Welfare nor the Police Force has the manpower available—nor should they—to undertake the responsibilities of all families. The basic responsibility for children is with their parents. If a child is absent from school, presumably it is reported to the parents and they have an obligation to do something about it. If the parents are unable to cope with the matter themselves, they are always able to call on the Police Department or the Department for Community Welfare for assistance.

Let me assure the member if there is a real problem, we will do something about it within our limits, but we must expect that parental responsibility should be exercised.

PINBALL PARLOURS

Licensing

322. Mr BRYCE, to the Minister for Police and Traffic:

The question is supplementary to the question I have just asked the Minister.

During the course of his inquiries with the Police Department and the Department for Community Welfare, was serious consideration given to the licensing of premises in which these machines are installed and used?

Mr HASSELL replied:

The issue of licensing was not considered as part of those investigations, because licensing of such premises would be a matter for local authorities.

As far as I am aware, there is no restriction on the availability of these machines other than the hours during which they can be used. Other than that, there is no system of licensing for either the machines or the premises.

POLICE

East Perth Lockup: Complaints

323. Mr T. H. JONES, to the Minister for Police and Traffic:

This question is supplementary to question 1136 which I directed to the Minister on Tuesday, 21 October. It concerns the conditions at the East Perth lockup. In reply to that question the Minister said—

However, recent investigations and advice have all indicated to me that the East Perth lockup, whilst not a choice place of residence, is well and properly conducted, and of a satisfactory overall standard.

In view of the Press report which appears in today's issue of the *Daily News* headed, "Lockup has rats—woman", would the Minister have the complaint examined? The woman concerned, Mrs Helen Sinclair, was held in custody last Monday night and she complained of rats and other rodents in the lockup. Will the Minister have the complaint examined further and report back to Parliament?

Mr HASSELL replied:

If Mrs Sinclair puts before me or the Commissioner of Police a specific complaint containing the details of what it is she is concerned about, the matter will be investigated.

However, I should like to comment on the East Perth lockup, because a

campaign seems to be in the process of being mounted in regard to it. Ever since Mr Latter was confined in the East Perth lockup and was confused about the difference between asbestos and vermiculite, the campaign has gone on.

Several members interjected.

Mr HASSELL: The Opposition seems to have a vested interest in the position at the lock-up. I should point out the member for Collie did not give the whole of the answer I gave to the question he referred to.

Mr T. H. Jones: I can give it to you, but I was saving time.

Mr HASSELL: I said conditions were satisfactory, having regard to the number of people who go through the lockup each year—there are thousands of them—and the state of health and cleanliness of many of the people accommodated there. It must be acknowledged a number of the people who are confined in the lockup are in a rather bad way. They are drunk and filthy.

In New South Wales, where as I understand it the offence of drunkenness has been abolished, there have been representations by many welfare organisations, particularly the churches, to reintroduce that offence, because the effect of its abolition has been that all the people who were accommodated in lockups previously are left out overnight in appalling conditions.

Mr T. H. Jones: What has that got to do with rats?

Mr HASSELL: It has a great deal to do with the lockup, because it is providing a kind of community welfare service to indigent people.

Mr Parker: Surely there are other ways of doing that.

Mr HASSELL: There may be; but I ask the member what they are.

Mr Parker: Some form of hostel could be provided.

Mr HASSELL: Hostels are in existence already, but these people do not go to them.

Mr Parker: They could be taken.

Mr HASSELL: I ask the member on what authority these people could be taken to hostels?

Mr Parker: You are the Minister.

Mr HASSELL: The member should come up with some practical answers.

Mr Parker: I will, given time.

Mr HASSELL: These problems are not easy to solve. At the moment the Police Department is providing a welfare service in the lockup. It has a number of other functions also. However, it is not an easy place to run and it has many functions. The member has raised the point about the conditions of the lockup and I should like to mention it is inspected regularly by magistrates and justices whose reports are recorded. This is done without the lockup receiving prior notice. The magistrate or justice simply visits the lockup and looks at it. There is no time for a clean-up to take place.

Mr T. H. Jones: When do the rats come out? They come out at night.

Mr HASSELL: The reports which have been made indicate the lockup is in a rather good condition.

MEMBER FOR SUBIACO

Conduct

324. Mr PEARCE, to the Premier:

Will the Premier table a copy of the code of personal conduct to which the Government parties have caused the member for Subiaco to adhere in order that—

The SPEAKER: Order! The question asked by the member is not one which is within the jurisdiction of the Premier.

Mr Pearce: In fact, I can establish that it is.

Several members interjected.

Mr Davies: He is pre-empting the member.

The SPEAKER: Order! The question appears to me not to be within the area of responsibility of the Premier. Therefore, unless the member can very quickly show me there is some relevance to it, I shall rule it to be out of order.

Mr PEARCE: My concern is that this code of personal conduct, depending on its terms, may contravene section 28 of the Parliamentary Privileges Act and section 25 of the Criminal Code.

The Premier does have a responsibility in this sense, if he has been party to an action which contravenes the two Acts I have mentioned, to produce the particular code in force for a member of Parliament so that members of the House who are not privy to it, can make a decision.

The SPEAKER: Order! The member draws an extremely long bow. However, I will allow the Premier to answer the question.

Sir CHARLES COURT replied:

It is unfortunate for the member for Gosnells that he happens to live in the tyrannical atmosphere of a Labor Caucus.

Opposition members interjected.

Mr Bryce: Listen to him, after all the bluff and intimidation!

Mr Clarko: A very good answer.

The SPEAKER: Order! I ask the Premier to resume his seat. I ask members of the House to allow the Premier to make his reply without further interjections.

Sir CHARLES COURT: The honourable member assumes that the members of the Government are subject to the same iron-clad discipline to which members of the Labor Party are subject. It would mean expulsion if they dared to defect a little from the course of the policy of their party. That happens if one is a member of the Labor Party.

Several members interjected.

The SPEAKER: Order! If the barrage of interjections continues I will have no alternative but to bring question time to a close.

Sir CHARLES COURT: The question of a code of conduct is, so far as I am concerned, interpreted as just good plain common sense and good manners between people. It has nothing to do with the question of direction of people, the disciplining of people, or any such thing as the honourable member has mentioned, and which he is so used to in his own party.

I remind the honourable member that no member of the Liberal Party has ever been invited to attend a party meeting to answer questions on his attitude towards

particular pieces of legislation and that type of thing, even though he may have acted contrary to the wishes of the majority of his colleagues either publicly or in another way. We do not have the sort of discipline or restriction which resulted in the resignation of the Hon. Ron Thompson from the Labor Party. We do not have that.

Mr Davies: He was criticised only.

Sir CHARLES COURT: So far as we are concerned and in view of the distortion that often takes place in the representation of matters of this kind in the media, at no stage has the member for Subiaco been called on to answer for his attitude in connection with matters such as the Fremantle-Perth railway.

Needless to say, being a team—and politics is a team effort—we would prefer that the members who sit with the Government support the Government's view and the view of the majority of its members. However, from time to time we do have people who decide otherwise. We do not take them out and shoot them at dawn!

The honourable member might not know this fact but there have been complaints made to me from members of the Opposition side of the House regarding the same member and his personal attitudes.

I hope that is all behind us now. We held a meeting this morning and the member for Subiaco has given certain undertakings which are purely related to his personal conduct in relation to his parliamentary colleagues and having nothing to do with direction as to how he will behave in respect of legislation as a member of this Chamber.

STOCK: CATTLE *Mistreatment*

325. Mr BLAIE, to the Minister for Agriculture:

- (1) Has the Minister seen the report of the RSPCA and cattle on page 3 of today's

issue of the *Daily News* which said that the Byford farmer Arthur Holmes' prize bull was given more freedom today than it has known for 10 years? The report went on to say that the bull had a trip to the Midland Saleyards. Would the Minister advise the House whether this was an out of the frying pan and into the fire exercise, as the bull has possibly ended up at an abattoir?

- (2) As the confiscation of the Holmes' herd was an extremely harsh penalty, would the Minister have the matter investigated to ensure that genuine bona fide primary producers will not be unduly concerned over the action of the RSPCA and subsequent court decisions?

Mr OLD replied:

- (1) and (2) Yes, I have seen the article referred to. Maybe the member should have said, "Out of the fire, into the frying pan". However, I have not seen the animal, only a photograph, and therefore am unable to appraise it, but I would consider that it may not be one which would attract great competition from the trade.

I hope that matters such as this which involve cruelty to animals will not be condoned in any way, but as the cruelty to animals Act does not come under my jurisdiction, I am unable to comment on that subject.

However, I will give an assurance to the member that the Government is firm in its resolve to ensure that groups dedicated to the disruption of the meat industry by undue interference with rangeland livestock husbandry and well-conducted intensified animal industries will not succeed. I know that many well-intentioned people have been encouraged by others with not so well-intentioned aims to campaign against legitimate farming practices, and this campaign will be resisted vigorously.

APPRENTICES

Motor Mechanics

326. Mr WILSON, to the Minister for Labour and Industry:

This question is of great concern to several people who have contacted me. My question is—

- (1) Is the Minister aware of a report that there were 2 300 applicants for three apprenticeship positions for motor mechanics at Westrail recently?
- (2) Does the Minister agree that this indicates a critical lack of trade apprenticeship available to young people in Western Australia?
- (3) What lead is the Government giving by the creation of additional trade apprenticeships in its own department to overcome this great lack of opportunity?

Mr O'CONNOR replied:

- (1) No.
- (2) and (3) I thought the honourable member would have known that at the present time we have the greatest number of apprentices in Government departments that there has ever been in this State.

For instance, Westrail took on 40 per cent more apprentices over and above the normal allocation of last year. If the member would like to put that part of the question on the notice paper I will be able to answer it more specifically for him.

Because of problems in certain areas, last year many Government departments were encouraged to take on a number of apprentices and the total number of apprentices was an all time record and in excess of 14 000.

The Government, with the Commonwealth, has taken up the opportunity to attempt to employ another 1 000 people in trades, both young people and mature people, for the North-West Shelf project. There was an intake of 114 people last June, in September there was an intake of 154 people and we expect there will be another intake before the end of the year.

If the member had done his homework it would have been very clear to him that we have the largest number of apprentices ever in this State and we are doing everything we can to create more opportunities.

MINISTER FOR CONSERVATION AND THE ENVIRONMENT

Environmental Protection Authority: Role

327. Mr BARNETT, to the Premier:

My question relates to a question this evening about environmental protection. Has the Minister for Conservation and the Environment been placed in the position he now holds to act as a hatchetman with the express purpose of emasculating the EPA which appears to have embarrassed the Government on a number of occasions in the past on matters such as the Alcoa refinery and Cockburn Sound?

Sir CHARLES COURT replied:

I find the honourable member's question offensive—

Mr Barnett: I thought you would!

Sir CHARLES COURT: —because there is no Minister in the position of being a hatchetman. The Minister has the responsibility of the administration of his portfolio and should not only be closely in touch with the whole of the operations of his portfolio but also keeping the legislation under review. The Minister is carrying out his normal responsibilities and is not doing what he is told but is doing what he would naturally do if he were a good Minister.

Mr Barnett: He is just a puppet.

Sir CHARLES COURT: Although I find the honourable member's question offensive I wish to say this: Whatever the Government's decision in connection with the environmental protection legislation it will provide for an adequate protection of the environment.

Mr Davies: Famous last words!

EDUCATION

Eastern Goldfields Federation of Post-Secondary Education Institutions

328. Mr E. T. EVANS, to the Minister for Education:

- (1) When will a decision be reached regarding the structure of the Eastern Goldfields Federation of Post-Secondary Education Institutions?

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- (2) Can the Minister explain to the Parliament why this decision has been delayed so long, in view of the fact that he requested all concerned parties to make submissions by 16 June 1980 and that these submissions were to be reviewed, summarised and assessed so that the Minister could make his decision before mid-July 1980, and especially in view of the fact that this matter has been going on since October 1977?

- (3) Is he aware that the morale is so low at both tertiary institutions in Kalgoorlie that the head of Mining and Engineering Department of the Western Australian School of Mines has submitted his resignation and there has been a rash of applications for transfers from staff members of both institutions?

Mr GRAYDEN replied:

- (1) to (3) I am aware that the matter is causing a great deal of concern amongst the staff members of the School of Mines and also in the technical education division. As the honourable member has mentioned, the matter has been so for some years and just recently the department has put forward a number of working models and we have received submissions on these working models. These submissions have been analysed over the past few weeks. There is a recommendation currently before the Cabinet and hopefully a decision will be made within a fortnight.

ELECTORAL

Kimberley: Charges

329. Mr JAMIESON, to the Chief Secretary:

My question appertains to question 1155 on today's notice paper. Am I to understand by the Chief Secretary's answer to part (1) of that question where I asked who authorised the action against those charged in the Kimberley with respect to the postal vote activity, that section 5 of the Electoral Act gives him absolute authority over the Act and that he authorised the actions concerned?

Mr HASSELL replied:

I suggest the question be put on the notice paper.

GRAIN

Oats

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

- (1) Is it intended to permit the warehousing of oats in the forthcoming season?
(2) Is there to be any change made to the voluntary oat pool, and if so, what is the nature of such changes?

Mr OLD replied:

- (1) and (2) This matter is currently under consideration.

GRAIN

Rapeseed

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

- (1) Are rapeseed growers who forward seed direct from Boyup Brook to Perth being charged the same amount of rail freight as though it had been sent to Albany and then to Perth?
(2) If "No" to (1), how are the two amounts of rail freight debited to growers arrived at?

Mr OLD replied:

- (1) No.
(2) Individual grower freight deductions for all grains and seeds including rapeseed, are calculated on a "natural port terminal basis".

Therefore, if a grower delivers to Boyup Brook there would be a direct deduction from his actual payment of an amount equal to the freight rate from Boyup Brook to the natural port terminal, which in this case is Bunbury. In 1979-80 this rate for rapeseed was \$8 per tonne.

If a grower delivers to Albany there is no individual freight deduction as this is a port terminal. However, if the rapeseed is not exported and the rapeseed is transferred from Albany to Perth the additional freight charges that are incurred are shared by all rapeseed poolers.

POLICE*Demonstrations: Non-violent Activities*

332. Mr DAVIES, to the Minister for Police and Traffic:

As regards the additional information regarding non-violent activities other than that which was tabled this afternoon: Is it a fact that all the matters the Chief Secretary mentioned were reported in the *Daily News* in October 1978, May 1979, and September 1979, as well as January 1979? In fact, one of the letters which were sent out said, "Finally, we would like to stress there is no secrecy and no sinister intention regarding the training programme." Does the Chief Secretary have any additional information and if not does he suggest there is nothing sinister in the papers he has tabled?

Mr HASSELL replied:

I believe I do have additional information but I did not have time this morning to go through my file.

However, the material which I used for my comment seemed to me to be quite sufficient because it was not simply a newspaper report. The newspaper reports quoted people from these groups, so they were direct quotations of what was said and the people did not deny them.

Mr Davies: They did not have to.

Mr HASSELL: They did not want to deny them. I did not ever say it was sinister and I have not suggested that what they were doing was so.

Mr Davies: You were trying to make it appear otherwise.

Mr HASSELL: I did not.

Mr Davies: Is it not a fact that was in the instruction?

Mr HASSELL: There was nothing sinister. I have never suggested that that was done. As I said last night, I was speaking from memory of the newspaper reports.
