Legislative Council

Wednesday, 12 November 1980

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

QUESTIONS

Questions were taken at this stage.

CLOSING DAYS OF SESSION

Standing Orders Suspension

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.55 p.m.]: I move—

> That during the remainder of the current session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages at any one sitting, and all Messages from the Legislative Assembly to be taken into consideration forthwith.

In moving this motion, I should like to say that members will no doubt appreciate, from this motion and the following one, that the first session of this Parliament is drawing to a close. Although no precise timetable has been set, it is necessary to be prepared for any possible emergency situation which may arise in the remaining days of the session.

It can be anticipated that little further Government business will be presented, other than that which is on the notice paper. Members can possibly draw their own conclusions as to the time required to deal with work which is currently on the notice paper. When I say members can draw their own conclusions I mean that their guess is as good as mine as to the time which is required to deal with this work.

However, we have to be prepared to make some special arrangements to accommodate not only our own members, but also the members in another place. I do not hesitate to say that adequate consideration, where it is duly required, will be given and this may be achieved by a spirit of co-operation from both sides of the Chamber.

I acknowledge that this is the attitude which has always prevailed and that has always been the attitude of the Hon. Des Dans. Of course, that is within the limits of our different views on certain matters, but nevertheless in regard to the co-operation of the House, it has always been forthcoming.

I should mention that the reception for the new Governor will be held at Parliament House on the evening of 25 November. The Premier has indicated already that it would be impractical for Parliament to meet on that day. If we are still sitting just prior to that time I will move a special adjournment of the House, on the preceding sitting day.

Another matter I wish to raise relates to the commencement times of the sittings of the House. Consideration has been given to the closing days of the session and it may be desirable to align our commencing times with those of the Legislative Assembly to enable an efficient transmission of business without any loss of time.

It is my intention to suggest to the House that we commence proceedings on Wednesdays at 2.30 p.m. and on Thursdays at 11.00 a.m., at an appropriate time; not immediately, but depending on the circumstances as they become apparent towards the end of the sitting.

I wish to add that I would be the last person who would wish anyone to feel that the constraint of time will cause that person to curtail speeches or statements he wishes to make in the House. That is certainly not my wish and I would propose to sit indefinitely until members have the opportunity to say the things they think they ought to say in this House.

It is sometimes possible to say things in less time than that in which it may be said on other occasions. Members may take that in the right spirit because there are sometimes ways of curtailing comments which perhaps already have been said by other members or by the member himself or herself on previous occasions. Unless there is something to be gained I would suggest that perhaps members may take that message in the spirit in which it is intended.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 117

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.00 p.m.] I move—

> That during the remainder of this session, Standing Order 117 (limit of time for commencing new business) be suspended.

Question put and passed.

BILLS (3): RETURNED

1. Wildlife Conservation Amendment Bill.
2. National Companies and Securities Commission (State Provisions) Bill.
3. Foreign Judgments (Reciprocal Enforcement) Amendment Bill.

Bills returned from the Assembly without amendment.

WESTERN AUSTRALIAN OVERSEAS PROJECTS AUTHORITY AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.02 p.m.]: I move—

That the Bill be now read a second time.

The Western Australian Overseas Projects Authority Act was passed by Parliament in 1978 and is primarily aimed at assisting the export of Western Australian goods and technology overseas.

In presenting the Bill in this Chamber on that occasion, it was stated that—

> The object of the authority is to facilitate the export of expertise, services, equipment and capital goods through the participation on contract basis through private organisations and to the extent approved by the Minister, through public authorities or consortia of private organisations and public authorities, in the development of overseas projects.

To date the contracts which the authority has signed have been in the public authorities category, and this resulted largely from preliminary work which had been undertaken prior to the formation of the authority.

One contract has been signed for an agricultural project in Iraq and one for the examination and development of a collection of medic varieties with the Libyan Government.

The Iraq contract is the larger and is worth approximately $A7 million over a four-year period.

It involves the export of substantial quantities of agricultural equipment, sheds, fencing, and houses manufactured in Western Australia, together with an agricultural development programme, including research and development of pasture and pasture cereal rotations. Despite the current situation in Iraq, this contract has commenced and is proceeding satisfactorily.

However, experience has shown that there are dificiencies in the legislation and this Bill proposes six amendments to the principal Act to overcome these deficiencies.

The first amendment is to section 13 which concerns the membership of the board.

It seems advisable to allow for a widened membership of the board and provision has been made for the appointment of up to two additional members from private industry. This is effected by amending 13 (1) and 13 (1) (d). Other legislation will cover the appointment of the person replacing the Co-ordinator of Industrial Development in 13 (1) (b).

A consequential amendment is required to section 14 (2) by amending the quorum of the board from three members out of four to a majority of the board, which may consist of four to six members.

A third amendment concerning the board of the authority is to section 18 subsection (1) of the principal Act. This subsection currently requires the board to appoint an advisory committee for any project under consideration.

It is considered preferable to leave such action to the discretion of the board. In a project such as the Iraq project, an advisory committee is desirable, but there is no need for an advisory committee with the Libyan project. The amendment, therefore, leaves the appointment of an advisory committee to the discretion of the board.

An important amendment has been found necessary to section 31 of the principal Act which concerns banking. The existing section requires all funds to be paid into an account at the Treasury.

However, in receiving money from overseas and sending money overseas it has been found necessary to use the services of a commercial bank in Western Australia. Furthermore, some of the money received as part of the contract price from Iraq has to remain and be spent in that country. It is therefore necessary to maintain a bank account with a bank in that country.

It is expected that this would occur in other cases in future. The proposed amendments will therefore enable the use of banks both within and outside the State of Western Australia.

An amendment is proposed to section 35 of the principal Act. This section currently requires any contract exceeding $100 000 in value to which the authority is a party to be ratified by the Governor before it has effect. This has proved to be awkward in relation to overseas contracts because it can be necessary to initiate action in respect of guarantees coincident with the signing of the contract in an overseas location.

In practice it is essential in the negotiation of a final contract for the negotiator to be in a position

to make a firm commitment. In order to overcome this problem, the amendment replaces this provision with one of prior approval by the Governor.

The amendment also raises the limit from $100 000 to $500 000 which is considered more appropriate in proportion to the scale of operations envisaged.

The final amendment refers to the provision for audit in section 36.

The amendment is not considered to make any material change to the responsibilities of the Auditor General, but clarifies his responsibilities in relation to financial operations undertaken by the authority outside the State.

It is not considered that any of these six amendments vary the policy or principles under which this authority will operate. The authority has made a successful commencement to its operations, and these amendments will assist and simplify some of its procedures without reducing the safeguards presently included in the legislation.

I commend the Bill to the House.

THE HON. R. HETHERINGTON (East Metropolitan) [5.06 p.m.]: When the Bill for this Act was introduced into this Parliament, I commended the Government for introducing it, and I supported it on behalf of the Opposition. It was expected that with experience the Government would have to make some amendments to the Act. The Opposition appreciates that this has to happen, and supports the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY AMENDMENT BILL

Receipt

THE PRESIDENT (the Hon. Clive Griffiths): Message No. 74 reads—

> The Legislative Assembly having this day passed the Industrial Lands Development Authority Amendment Bill now presents the same to the Legislative Council for its concurrence.
>
> Signed: Leon Watt
> (Acting Speaker).

Point of Order

The Hon. R. J. L. WILLIAMS: As I understand it, Mr President, when a message is received in this Chamber, the presiding officer reads only what is printed on the message. I wonder whether I am correct in interpreting that the signature appended to the message, and more importantly, the title of the signatory, is incorrect under the Standing Orders of the Legislative Assembly. There is no such office as Acting Speaker of the Legislative Assembly as there is no such office as Acting President of this House. I ask for your ruling on that, and if indeed I am correct, I ask that you inform the Legislative Assembly.

The Hon. D. K. Dans: I knew we were going too well!

The PRESIDENT: It is not my practice to make rulings on the Standing Orders of the Legislative Assembly. I find I have quite enough to do in interpreting the Standing Orders of the Legislative Council. I am not in a position to say whether or not the term "Acting Speaker" conflicts with the Standing Orders of the Legislative Assembly. However, even if that were the case, it would not rule the message out of order.

Bill received from the Assembly.

First Reading

Bill read a first time on motion by the Hon. I. G. Medcalf (Leader of the House).

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.12 p.m.]: I move—

> That the Bill be now read a second time.

This Bill seeks to amend several provisions of the present Industrial Lands Development Authority Act, both to reflect current policy and to facilitate the working of the existing legislation.

At the same time, the opportunity has been taken to review the present Act, which has been amended on a number of occasions since the original legislation was passed in 1966, and to

restate some of the existing provisions more clearly.

A major element in the Bill is designed to remedy a weakness which has become apparent in the existing Act relating to unauthorised dealings in land subject to the Act, and unauthorised changes in the use of such land.

The amendments proposed will put beyond doubt the power of the Minister to prevent such dealings by, amongst other things, expressly rendering them invalid. They will also strengthen the Minister's ability to prevent unauthorised changes in use, and penalties for abuse on either score will be increased.

The proposed new section 7B deals with the restrictions on dealing in land acquired and subsequently sold or leased by the authority—matters which were previously covered in the present section 8.

However, the redrafting incorporates also some new provisions strengthening the Minister's control over land to which the Act applies, and generally clarifies the intention of this part of the Act.

Section 7B(1) extends the Act's coverage to land which has not been exempted from its provisions, but which has been transferred, with the Minister's consent, to a person other than the one who originally acquired it from the authority.

The present wording of the Act inadvertently caused land which was transferred in this way to be excluded automatically from the provisions of the Act and therefore from the Minister's control. This will no longer occur, and such land will now remain subject to the Act until such time as the Minister expressly exempts it in the normal way as provided for in new section 7B(5).

This same subsection increases the penalties for contravention of the Act by dealing in land or changing its use without the Minister's consent.

In the existing legislation the penalty was $1 000. This is now increased to $2 000 and a new on-going penalty of $100 per day has been prescribed for continuing defiance of the Minister after he has required an offender to desist.

Section 7B(4) makes it clear that the Minister's control of the land would cease to be effective if a mortgagee exercised a power of sale under a mortgage contracted previously by the purchaser with the Minister's consent. The provisions of the Act therefore do not impede a purchaser from using the land as security for borrowings in the normal commercial way.

Other provisions of section 7B merely re-enact existing provisions of the Act.

Proposed new section 7C incorporates the major provisions strengthening ministerial control of land subject to the Act, and are new provisions which do not have counterparts in the present Act.

The PRESIDENT: Order! Would members cease their private conversations! It is bad enough when members talk to the persons next to them, but it is going a bit too far when they talk to members on the other side of the Chamber.

The Hon. I. G. MEDCALF: The need for these new provisions stems from the fact that the present Act, while forbidding a purchaser to deal in the land, or change its approved use, without the Minister's prior consent, does not go on to provide the Minister with any remedy for non-compliance, other than to impose a penalty of $1 000.

The offending dealing such as, sale, assignment, subdivision, or change of use, would remain effective. Obviously, in view of the fact that the authority sells land at prices based on cost of acquisition and development, which are often below open market prices, it can be an attractive proposition to purchase land from the authority and, after transfer of title, sell or otherwise dispose of it to a third party, whilst still under-developed, at a considerable profit, incurring a once-and-for-all penalty of $1 000. The latter would be insufficient to deter such abuse of the Act in many cases.

The amendments proposed in this new section 7C provide that such transactions not approved by the Minister are simply null and void. The section has been based on similar provisions in the Industrial Development (Resumption of Land) Act. Section 7C(1) therefore provides that dealings in land without the Minister's prior consent are null and void.

Subsections (2) to (6) of section 7C make provision to catch unauthorised dealings which might occur during the preparation of this Bill and its passage through Parliament, once public attention has been drawn to this weakness in the present Act.

The new section 7D is a somewhat technical section which reinforces control of the land subject to the Act by providing a mechanism—the memorial system—whereby the Registrar of Titles notes that the specified land is subject to the Act, and refuses to register any dealing relating to it unless the Minister specifically authorises it.

The memorial system is similar in some respects to the *caveat* system, but is considered

superior to the latter in achieving the aims of this particular legislation.

Also, new section 8 contains a provision enabling the Minister to obtain a Supreme Court injunction to prevent deliberate abuses of the Act's prohibition on unauthorised dealings or changes in the use of land. It offers an alternative to other remedies now available to him, and would be more appropriate in some cases, such as continued unauthorised use of land even after the new $100-a-day penalty has been invoked.

It is also proposed to enlarge the membership of the authority by including a representative of the Confederation of Western Australian Industry. In addition, the Bill provides measures to facilitate the development authority's internal workings by enabling any member of the authority to appoint a deputy to attend a meeting in his place when he is unable to do so, and by providing a mechanism for the resolution of any tie in voting at meetings of the authority.

Section 8 of the principal Act is repealed and completely redrafted, principally to restate the existing provisions in a more logical sequence and a clearer form; it also enacts a number of new provisions.

Frequent amendments to the existing section 8 had made it somewhat garbled and confusing. The addition of the further substantive amendments now proposed would have aggravated the situation.

Importantly, a clause is included in the Bill to give effect to the concept of sunset legislation, by providing that the legislation will automatically terminate, and the development authority be dissolved, unless positive action is taken by Parliament to extend their life before the nominated date.

This amendment is included in clause 8, which provides that the Act—as amended—will cease to have effect from 31 December 1990. Unless Parliament passes amending legislation before then, the Act—and the authority—will automatically expire.

The clause further contains provisions for the situation which would exist after 1990 if the Act ceased to apply. In effect, all the authority's rights and liabilities would devolve upon the Minister, who would proceed to wind up the affairs of the authority.

The opportunity has been taken to introduce some purely technical amendments, and to redraft and restate some of the provisions already contained in the existing legislation, to render them clearer and in a more logical sequence. This has been necessitated by an accretion of amendments over the course of time.

I commend the Bill to the House.

THE HON. R. HETHERINGTON (East Metropolitan) [5.19 p.m.]: It is obvious there are loopholes and anomalies in the Act, and that they need to be closed. I hope the amendments now before the House fulfil the Government's intentions, which seem to be entirely laudible. Certainly, it is not desirable that people should take advantage of the Act in the way they have been able to do in the past.

The Opposition therefore supports the Bill and wishes it a speedy passage through the House.

THE HON. R. G. PIKE (North Metropolitan) [5.20 p.m.]: I rise to speak briefly to this Bill and draw the attention of the House to the fact that, to the best of my knowledge, this is the first time the Government has incorporated in a Bill a positive and practical sunset clause. It augurs well for the future of legislation in the Parliament of Western Australia that the Government at long last has seen fit to incorporate a sunset clause in such legislation.

I refer members to the second reading speech of the Leader of the House, where he said—

> . . . by providing that the legislation will automatically terminate, and the development authority be dissolved, unless positive action is taken by Parliament . . .

It is very important to realise we at last acknowledge the fact that whereas at times it may be important to structure a Government agency, it is equally important to include in the establishing legislation a built-in clause whereby that agency comes up for review by the Government and will, in fact, automatically terminate if the reason for its existence ceases to exist.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.22 p.m.]: I thank the Opposition for its support of the Bill, and the Hon. Robert Pike for his comments.

I have examined this Bill. I must say that I was concerned at the situation to which the Hon. Robert Hetherington referred; namely, that people were taking advantage of the fact that land had been designated for a particular purpose, and the land was then sold or transferred to somebody else, who could not be prevented from disposing of that land at an enormous profit. I was concerned that we should endeavour to work out some means of preventing this.

It was at that stage that we adapted the system which is already in use in the Industrial

Development (Resumption of Land) Act. I hope it will carry out the intention of the Government; I believe it will.

I commend the Bill to members.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

STAMP AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.26 p.m.]: I move—

That the Bill be now read a second time.

Amendments to the Stamp Act were passed by Parliament in 1979, following a comprehensive review of the stamp duty legislation and have now been operating satisfactorily for nearly a year.

Whilst interested parties did express concern about the possible effect of those changes on various business transactions, at this point of time those fears have proved groundless.

Nevertheless, representations have been made mainly concerning legal technicalities, as a result of which the Government has appointed a committee to examine and report on those submissions. Any amendments which may arise out of that examination will be considered at a later date.

In the meantime, there is an urgent need now to consider a proposal to further amend a section which came before this House in the amending Bill last year. There is the need, also, to correct a minor anomaly that has recently come to notice.

When considering the 1979 Bill, it was thought that the proposed amendment to prevent the operation of a duty avoidance scheme effectively would eliminate the practice.

However, a subsequent decision on appeal to the Supreme Court has revealed that a deficiency still exists in the law and it is imperative the situation be rectified before the matter gets out of hand.

The State Taxation Department already has had a number of these arrangements produced for assessment which, because of the court precedent, can be assessed with only a nominal amount of duty.

Briefly, the scheme consists of a mortgage being given by the registered proprietor of the property as security for a very nominal loan. A condition of the mortgage provides for the property to be transferred to the mortgagee "to better secure the loan he has made". A transfer giving effect to this condition is completed and registered in the Titles Office.

Subsequently, the property is sold to the mortgagee either by oral arrangement or an agreement completed outside Western Australia. As the property is already registered in the name of the mortgagee, who is also the purchaser, nothing further need be done in the State.

The payment of *ad valorem* conveyance duty of 1¼ per cent to 1½ per cent of the value of the property transferred is thereby avoided and nominal duty of only $5 is paid on each conveyance.

Therefore, the need for immediate remedial action to prevent the loss of revenue and preserve equity as between taxpayers is required.

Provision is made in the Bill to allow the Commissioner of State Taxation to have a discretionary power to ensure that any genuine case, such as a mortgage under the pre-Torrens system of title registration, is not caught by the proposed new section.

There is also to be a right of appeal to the Treasurer when a taxpayer is dissatisfied with the decision of the commissioner. However, the normal objection and appeal procedures will continue to apply to the main provision of the proposed section.

Discretionary power is normally an undesirable feature in any legislation. However, it should be clearly borne in mind that the discretion in this case is in the interests of the taxpayer. The provision in the proposed section is only for the sake of expediency as the matter will be referred to the committee of review, mentioned earlier, to examine the possibility of a more satisfactory manner in which to prevent the loss of revenue from this form of duty avoidance scheme.

The second point which is a minor anomaly relates to an exemption from stamp duty on cheque accounts operated through the savings bank division of any bank. Broadly, the

regulations to the Banking Act restrict the use of this type of account to any company, society, etc., not formed for the purpose of trading or operating for a pecuniary profit.

This normally covers all charitable institutions and minor sporting bodies and, in the main, there is no problem with these types of organisations. However, it has now been discovered that some credit unions and terminating building societies are seeking to take advantage of the situation. It was never intended that such an exemption would apply to these organisations, especially when permanent building societies are required to pay duty on their cheques, and it is proposed to remove this anomaly.

The Hon. H. W. Gayfer: What is the pre-Torrens system?

The Hon. I. G. MEDCALF: It is the old system of title registration which was used before the Transfer of Land Act titles came into operation.

I commend the Bill to the House.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.33 p.m.]: Both provisions of this Bill are supported by the Opposition. In respect of the measure to close off the blatant duty avoidance scheme referred to by the Minister, my only comment is that, if anything, this Bill does not go far enough. Frankly, I would not be concerned if the measure were given some retrospective effect, but I know this raises tender considerations in some quarters and I do not pursue that possibility. I would say that at the very least the legislation ought to be given effect from the date of its introduction into Parliament, after which no-one reasonably could complain that he proceeded in the use of this scheme without proper notice.

The Minister's own argument, and very proper argument, as to the need to preserve equity among taxpayers, supports a more swift and strict application of this measure and of similar measures to cut off duty loopholes. If the Government were prepared to advance an appropriate amendment, we would support it. After all, it seems that this scheme must have been in operation some time before 1979 when the ineffective attempt was made to close it off.

There ought to be some limits to the extent to which duty avoidance ingenuity should be rewarded. I think the very least we might do by way of limiting those rewards is to make this legislation effective from the date of its introduction into Parliament. If the Government is not inclined to take up our invitation to amend the legislation in the way I have suggested, I go further to propose that at least for future reference it ought to take some guidance from its colleagues in the Federal Government.

The Hon. R. G. Pike: Do you support retrospective legislation?

The Hon. J. M. BERINSON: I am not very hot on it one way or the other. I do not think it is a terrible thing if people who are inequitably avoiding duty at the expense of the revenue are subjected to retrospective legislation. I am not excited about retrospective legislation to amend that situation, but I am not pursuing that possibility; my argument does not need to rest on that.

What I was about to say was that the Government at the very least should follow the example of the Federal Government. There a very proper course has been followed which at least limits the effect of avoidance schemes. The simple procedure there is for the Federal Treasurer to announce an intention to legislate and a further intention that that legislation when it is brought forward is to take effect from the date of his announcement.

Among other things, when Parliaments are in recess for up to six months or more it would limit the possibilities over the time of the recess for people to continue to take these inequitable advantages.

Again I stress that it is not an inequitable advantage against the State; it is an inequitable advantage against other people subject to the same sort of duty. I do not think the very modest amendment which I have proposed to the Attorney General could in any way be regarded as unreasonable. I urge him to consider that possibility even at this late stage, with the assurance it would have the support of this side of the House.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.36 p.m.]: I appreciate the degree of support which the Hon. Joe Berinson has indicated on the part of the Opposition. I trust he will not think me mean when I say it was not always thus. I have stood in this House on many occasions and had to argue with members of the Opposition in relation to this very question of retrospectivity. Indeed, the Government has been very sensitive about this. I will not bother to quote illustrations, but many of them are recorded in *Hansard*. The Government has become extremely sensitive about legislating retrospectively.

There are various bodies in the community which take an extraordinarily dim view of this sort of thing, even when we are protecting the

revenue of the State. I have been a member of the Government long enough to take a different view about protecting the revenue of the State than I might have done previously. I share the honourable member's concern.

I understand there are about 21 or 22 current arrangements which the Commissioner of State Taxation has held for some time and has not assessed; but they are backdated and he will be forced to assess them on the old basis rather than the new one. But even if we were to backdate this legislation to the date of introduction in the other place, we would not catch those particular transactions. Therefore, unfortunately, I do not think we would gain anything. I have joined the group of people who believe we should be a little more severe as a Government in dealing with this kind of person. I think we take a very libertarian view of this type of transaction, and all Governments have done this for some time.

The Hon. J. M. Berinson: Could you tell me whether there was any announcement of the Government's intention to introduce this Bill prior to its introduction?

The Hon. I. G. MEDCALF: There may have been; I do not know. It was certainly not made very long ago.

The Hon. H. W. Olney: The Government was pretty severe when it retrospectively amended the workers' compensation legislation a couple of years ago.

The Hon. I. G. MEDCALF: Perhaps that is the reason for our being careful on this occasion! The Government has incurred criticism as, indeed, did the Tonkin Labor Government, for the same kind of thing. I may have been one of that Government's critics.

There is a good deal to be said for the proposition put forward by the Hon. Joe Berinson. I think we might well take a leaf out of the Federal Government's book with respect to its view of making a statement and then backdating legislation to the time of the public statement. Perhaps State Governments have been a bit conservative in that respect. I would be prepared to concede that perhaps we might have another look at this. I do not know whether we will achieve anything by deferring the legislation, but I am prepared to defer the Committee stage and discuss the matter with the Treasurer. I rather doubt that we will achieve anything for the reason I have indicated, but, nevertheless, I think in those circumstances, when the Bill has been read a second time, I will move to have the Committee stage deferred to a later stage of the sitting.

Question put and passed.

Bill read a second time.

SKELETON WEED (ERADICATION FUND) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.40 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to provide for the setting up of a fund to enable the control of certain grain insects.

The export value of Western Australian cereal produce is approximately $500 million and therefore the control of grain insects is very important to this market. A nil tolerance for insect contamination exists for export grain and to achieve this objective the effective control of insects at all stages in the handling and transport system is necessary.

The Agriculture Protection Board has developed an on-farm inspection service as part of its overall programme, and grain insects have been declared animals under the Agriculture and Related Resources Protection Act.

In summary, the approach has been—

to inspect properties and advise farmers on control measures aimed at cleaning up sources of weevil infestation;

to sample insect populations for testing of resistance to insecticides used for grain insect control; and

to enforce on-farm control where resistance to insecticides is found by imposing strict hygiene and the use of appropriate insecticides.

Although the policy has been working successfully, it is considered desirable to establish a contingency fund to enable eradication work to proceed on farms where multiresistant insects are found. The treatment of resistant insects can be carried out effectively only by using expensive fumigation techniques. The farmer, as a result, is involved in heavy expenditure in the interests of the entire industry. It is, therefore, appropriate that these costs be met from a common fund.

The most appropriate way to establish such a fund is to amend the Skeleton Weed (Eradication Fund) Act to provide that a certain amount be reserved for the control of resistant grain insects.

The Skeleton Weed Eradication Fund has been established from grower contributions. Growers delivering 30 or more tonnes of grain and/or seed in aggregate in any one year contribute $30 towards the fund. Contributions amount to approximately $250 000 a year and a balance of approximately $250 000 had accumulated in the fund at 30 June 1980.

Both producer organisations support the use of moneys in the Skeleton Weed Eradication Fund for the control of resistant grain insects.

The Bill therefore provides for—

the setting up of a special fund known as the "resistant grain insects eradication fund" and the payment of contributions to this fund from the Skeleton Weed Eradication Fund;

the "resistant grain insects eradication fund" to be limited to a maximum of $20 000 at any one time and expenditure from it limited to $20 000 in any one year; and

application of this fund for the payment of expenses directly related to the eradication of resistant grain insects.

I commend the Bill to the House.

THE HON. J. M. BROWN (South-East) [5.43 p.m.]: The Opposition has no objection to the Bill. We are fully aware that the original legislation was for the control of skeleton weed when provision was made for a contribution of $30 from every primary producer towards the fund for which criteria were set out. This followed the 1973 outbreak of skeleton weed in the Narembeen region and, as a result, ever since farmers have been contributing to that fund.

It is noticeable that there is a sum of $250 000 to the credit of the fund and up to $20 000 of this amount will go forward for the control of grain insects. No doubt growers will be wanting to look at that in the future. The amount available for the control of insects in grain is of vital importance to the industry, and this is certainly recognised by members in this Chamber. There is only a $20 000 maximum allowance which can be spent in a full year and it can be spent on one or more projects. This limits the operation of the fund, but it does enable the control of these insects which may occur outside a farmer's gate. The Opposition supports the Bill.

THE HON. H. W. GAYFER (Central) [5.45 p.m.]: I support the Hon. J. M. Brown in his words in respect of this Bill. I will attempt to make my remarks as brief as possible. In the first instance the Skeleton Weed Eradication Fund has done a good job, as the Hon. J. M. Brown said. I had some reservations about the principal Act when it was first introduced because it virtually made Co-operative Bulk Handling Ltd. a vehicle for taxation purposes. Of course, now the same facility is going to be used to collect money for the fund to eradicate insecticide-resistant insects. However, the necessity for the fund outweighs my objections to the manner in which it is collected.

I think it fair that the House should realise exactly what insects do to the grain industry in Australia, let alone in the world. When one looks at a country like Nigeria which has 33 per cent of its total annual harvest ruined by insect infestations and realises that Nigeria seeks assistance from all over the world, and, in the main, from Western Australia in an endeavour to bring into being a means of eradicating, holding, or suppressing the problem, one realises what effects that type of infestation would have on the Western Australian grain industry.

Of course, in biblical days the same problem existed. In those times for the seven bad years which followed the seven good years grain grown during the seven good years was buried. I suppose that is the only ultimate way in which we can eradicate weevils and overcome the problem which besets our huge grain industry. However, that is not possible in the short term, and we are now investigating other measures in an attempt to contain the spread of weevils and other insecticide-resistant insects.

If we can bring about these improvements we will have more economical handling and storing of grain. Last year the company which handles all the grain in Western Australia—Co-operative Bulk Handling—spent $1.9 million on fumigants alone so that it could prevent weevils and present clean grain. This year the amount, if the harvest was comparable, is estimated at $3.6 million. The cost will double.

We are running into problems which never have been seen before by the Australian marketers, and one of those is the resistence by overseas countries to accept any grain that has a chemical residue in it. This is all the more reason for greater awareness of the problems and greater policing of this area of the industry.

As said by the Minister in his second reading speech, grain can be shipped out only if it has a nil tolerance, which means that not one live insect can be found in any hold of any vessel carrying grain. If one live insect were found the hold would be subject to fumigation or rejection. In observance of this practice we must have greater vigilance in all areas where weevils may be found. Co-operative Bulk Handling is carrying out experiments at present with inert gases, and four

country grain terminals are being covered completely with polyurethane type material for the purpose of pumping inert gases into the horizontal silos. In the main, for experimental purposes carbonmonoxide will be used, but hydrogen could be used. Certainly, experiments will be carried out with other fumigants at sites such as the terminal in the Bullfinch area.

I believe the purpose of this Bill is an honest attempt by the authorities to try to track down and eradicate chemical-resistant or insecticide-resistant weevils.

The job has proved difficult. At one farm not far from Perth insects were observed and were found to be of a heinous type that could possibly infiltrate this State. It seemed as though the infestation would spread to the nearby township and would be rampant within a short time. The Agriculture Protection Board with CBH now have fumigated the farm and were able to eradicate the particular type of insect, but not without considerable expense being incurred. It is now felt that if this problem besets any one farm, factory, set of silos, or even a house which may have insect contamination in the pantry or in the kitchen, there should be a means by which money is available to perform the duties involved with fumigating the area. In this regard the industry has agreed to tax itself; indeed, as it did to eradicate the skeleton weed which first made its appearance in Western Australia in the Hon. J. M. Brown's area. Unfortunately it has spread and is not now peculiar to that area.

I support the effect of the Bill. I must repeat that I am not happy that Co-operative Bulk Handling will be used as a vehicle by which taxes can be collected, but nonetheless, my principles will have to be suppressed so that the end result manifested within the Bill can be attained.

THE HON. R. T. LEESON (South-East) [5.53 p.m.]: I could not resist the opportunity to speak to a Bill such as this. It was probably six or seven years ago when I first spoke on a Skeleton Weed (Eradication Fund) Bill.

I have spoken on this matter on a number of occasions in this House. We continually say that such legislation comes in one door and out the other; we say what we have to say and sit down. I wonder whether somebody could inform me as to the present situation with skeleton weed. I notice that $20 000 will be provided in one year for the eradication of a weevil outbreak if it occurs. I have no opposition to that, but when one realises from where that money will be obtained, one can see that the skeleton weed fund exists and has X amount of dollars in it. Probably we can take $20 000 out of that and use it if necessary, but I wonder what the present position is with skeleton weed. Is its number increasing, or is its number decreasing? Has the situation stabilised? Are we making any headway or progress after spending $320 000-odd each year?

The Hon. H. W. Gayfer: In a dry year the weed is less significant than in a wet year—that is one of the reasons.

The Hon. R. T. LEESON: I thank the member for that information because the levels of weed have never been explained in this House. While farmers are prepared to pay $30 each into the fund, some people will continue to spray, whether or not they have to do so. When the Minister replies perhaps he will give an indication as to where we are with the situation.

I certainly support the attempt to control a weevil outbreak if and when that is necessary.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.56 p.m.]: I thank members for their support of the Bill which is of course an important piece of legislation. I thank particularly the Hon. Mick Gayfer for his great knowledge and understanding of the problems. Perhaps there is no better person in this State to comment on the dangers that could exist if proper care were not taken in relation to insects. I think we have learnt a great deal as we always do from his comments. I note that the Australian standards for storage of grain are important to the huge grain industry, not only in this State, but also in this country.

In answer to the Hon. R. T. Leeson, I am afraid I do not have a reply for him. I will ask the appropriate Minister to forward directly to him the details he required, if that course is acceptable.

With those few comments I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Sitting suspended from 5.58 to 7.30 p.m.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

RECORDING OF PROCEEDINGS BILL

Third Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [7.34 p.m.]: I move—

That the Bill be now read a third time.

I have given some further consideration to some of the points made during the second reading debate. I am not able to suggest that we should make any changes in this Bill, but I believe perhaps some further explanation is merited in relation to the points raised by the Hon. Howard Olney who referred to the method of certification of transcripts. I am informed that under clause 13(2) the regulations could provide for two kinds of certification according to the degree of checking to be performed: firstly, that the recording and transcription were made in accordance with the Act and that the transcript is a correct transcript of the legal proceedings; or, secondly, that the recording and transcription were made in accordance with the Act and the transcript is a correct transcript of the legal proceedings, and that the transcript has been examined and checked against the record from which it is transcribed. A further certification is necessary where a reproduction is required; that certification is to the effect that the reproduction is a reproduction of a transcript which has been certified in accordance with either of the other provisions. So there is a variety of certifications, and it is proposed that they be dealt with in the regulations.

Another point made by the Hon. Howard Olney, and with which I indicated I had a lot of sympathy, was the use of the phrase "for sufficient cause" in relation to the supply of transcripts to persons not parties to the proceedings, who must satisfy the registrar they have sufficient cause. We did discuss some of the situations which might occur in relation to certain types of proceedings, and reference was made to family law proceedings, adoption proceedings, child welfare proceedings, and so on.

Clearly there will be cases where there is a sufficient cause; but the honourable member's concern was not so much with that as with the fact that there is no way of defining what a sufficient "cause" is. Of course, it is most difficult to define this in the Bill in a way which will satisfy all cases. I know the honourable member is aware that under the Supreme Court rules at present a discretion is conferred which is even wider than would be proposed here where a transcript may be obtained under order 67, rule 11, only by leave of the court.

Even so, there is a fair degree of discretion. All I can suggest is that it would be appropriate for the Attorney General to suggest to tribunals that they should provide guidelines. It may well be that we could provide model guidelines in respect of what "sufficient cause" might be. That might be the best way to overcome the problem.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

BILLS (2): THIRD READING

1. Rural Industries Assistance Amendment Bill.

   Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

2. Housing Bill.

   Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Second Reading

Debate resumed from 5 November.

THE HON. J. M. BROWN (South-East) [8.40 p.m.]: Firstly I would like to thank the Leader of the House for the consideration he extended to me yesterday by deferring the debate on this Bill until today. After listening to his remarks this afternoon about wanting to get on with the business of the House and not indulging in tedious repetition, it is in a spirit of co-operation that I acknowledge what the Leader of the House did.

The Hon. H. W. Gayfer: All that philosophy will come to an end soon.

The Hon. J. M. BROWN: The relevant sections of the Real Estate and Business Agents Act came into operation on 1 December 1979, and the reasons for the introduction of the Act are well known to members. It is relevant to note that the amendments in the Bill before us make many changes within a complex Act of some 147 sections. Of course, it would be very difficult to summarise the entire Act and its implications. However, in the main the purpose of the Bill is to allow business agents—and particularly those who are not qualified—to continue their operations.

When the Act came into being on 1 December 1979 unqualified agents were given a 12-month period in which to continue their existing operations, with the possibility of an extension of two years. After that time it was necessary for

them to qualify. The Government has seen fit to allow such business agents to carry on under what we call a "grandfather" provision. This is contained in clause 24 of the schedule on page 6 of the Bill, which states—

> 24. (1) Where immediately before 1 December 1980 a person or firm is carrying on the business of a business agent pursuant to a Business Agent's Permit granted under clause 21 of this Schedule and the Board is of the opinion first that during the period from the date of the grant of the permit to 1 December 1980 that person or firm has performed the function of a business agent in a satisfactory manner and secondly that the person or firm has sufficient material and financial resources available to him or it to enable that person or firm to comply with the requirements of this Act, the Board shall—

So it continues on; and it allows such people to carry on *ad infinitum*.

That in itself is a most generous proposition, and the Government has explained the reason for it in the second reading speech of the Minister. I am of the opinion that if we are going to let one section of this industry have a special provision, then that provision should be extended also to people involved in the field as managers. I have received requests from some members of the Real Estate Institute of WA regarding a problem faced in the operations of its members. I refer in particular to country areas. Places such as Manjimup, Merredin, Kalgoorlie, Bridgetown, and Collie have had the services of real estate agents, but have never had qualified managers as defined in the Act to operate the businesses. They have operated successfully in the country areas for many years.

I am not aware of the full situation in the metropolitan area; but I am aware there is a great deal of difficulty in obtaining skilled staff in the real estate industry. That information was given to me by a person with whom I became acquainted. I have had various opinions from three real estate agents, and they have indicated that that is a particular problem.

The Hon. Neil Oliver: Incidentally, keeping in mind the original Real Estate and Business Agents Act passed last year a further nine branches in the metropolitan area will come under the grandfather clause. That is just from my own memory.

The Hon. J. M BROWN: Mr Oliver's recollection of the situation does not coincide with my facts. I say that quite advisedly because my understanding, from the Minister's second reading speech, was that there were 13 to whom it would be applicable. If the member has another nine, that means there are 22 for whom provision was made.

The Hon. Neil Oliver: It was also tied up with the stock agents.

The Hon. J. M. BROWN: The stock agents are another matter to which I will make reference during the course of the debate on the second reading. At present I am referring to the people who operate in the country.

The legislation was designed to put the industry on a very sound and fair basis. That relates to the operations of real estate and business agents. The Parliament has agreed to that. I am saying it is unfair to penalise the people who are managers of estate agencies, particularly in the country areas, who have qualified according to the schedule in the Act.

Clause 16 of the schedule defines how a business agent can continue his operations. Of course, the amendment I propose will delete the reference to a particular time, and allow the agents to continue as managers for as long as they want.

The Hon. N. E. Baxter: Branch managers.

The Hon. J. M. BROWN: The Hon. Norman Baxter is quite right. I want to define it because it may be quite confusing. The branch manager of an agency is the one to whom I am referring. Previously a person was defined as a branch manager for the three-year period, and he has the opportunity to operate for up to six years. After 1 April 1983 he will be out of business unless he becomes qualified.

We acknowledge the qualifications required by the Act and the amending Bill. We agree they are sound. The philosophy behind them is to maintain the industry at the highest possible level.

The amendment I want this House to support is designed also to maintain the industry at the highest level, and retain the people who are within the industry, particularly in the country areas, in the job they are doing. If they are deprived of this opportunity they will not be replaced, particularly in country branches.

The amendment I am suggesting does nothing that is not in the best interests of promoting goodwill for real estate and business agents. Whilst I have strong opinions about the 13 business agents who will be allowed to continue, for reasons which have been outlined, members will realise that an agency with a branch manager in a country area has a certain protection for the pastoral companies. If the pastoral companies are

allowed to continue their operations uninhibited, without any concern for clause 16 of the schedule, they will be permitted to continue their transactions.

I refer the House to subclause (3) of clause 8 in the schedule as follows—

> (3) A pastoral company to which this clause applies shall establish and maintain a Real Estate and Business Agent's Section specified as such and—
>
> (a) on and after a date two years after the appointed day that Real Estate and Business Agent's Section shall have a manager who is a licensee and the holder of a current triennial certificate;
>
> (b) on and after a date three years after the appointed day, the company shall have as the manager of—
>
> (i) each branch office of the company within the metropolitan region at which transactions are negotiated or controlled; and
>
> (ii) each branch office of the company outside the metropolitan region which, in the opinion of the Board, is engaged substantially in the negotiation and control of transactions other than those involving rural and agricultural properties,
>
> a person who is a licensee and the holder of a current triennial certificate, but in the case referred to in subparagraph (ii) of this paragraph it shall be deemed to be sufficient compliance with this paragraph if the person in control of the real estate and business agency component of the branch is licensed and is the holder of a current triennial certificate; . . . .

I take that to mean that the transactions involved in relation to rural and agricultural properties can be conducted as long as the pastoral company is licensed at its head office. Therefore, in my representations on behalf of some very valuable people in the community, we ought to give favourable consideration to my amendment on the notice paper.

Having made those comments, I point out that the necessity to bring the Bill before the House has been enunciated quite clearly by the Minister. The Bill gives equality to the business agents in the contributions they must make to the fidelity fund. If they are to be allowed to operate, it is fair that they should operate at the same level of contributions as the real estate agents.

One clause deals with the tidying up of the key money provisions. It is essential that this matter be dealt with.

The audit requirements must be of tremendous benefit to the real estate and business agents. They will have to have the audit carried out only at their head office. This is a sensible move in the computer age.

The provision of receipts is only a small matter. Clause 7 on page 3 of the Bill amends section 69, which deals with the issue of receipts. Apparently there was some confusion about this. It was not spelt out that there should be a duplicate. I do not know whether members realise this, but in most agencies triplicate receipts are issued. The Bill spells out that duplicates should be issued. I wonder whether it would be in the interests of all to provide that triplicate receipts be issued. It is not a great issue, but I thought it proper to mention that to the House.

The conduct of the agencies is a matter which would take a great deal of time to discuss. The code of conduct would require a lot of investigation to consider it fully.

One of the amendments in the Bill is to remove the provision about a member of the board missing three meetings. To miss three meetings, a member must have the approval of the Minister. Now it is clearly spelt out that that provision applies to a period of eight weeks; and this is reasonable.

The Bill is designed to impose ethical standards on business agents and real estate agents. The Opposition supports it in general. In the Committee stage we will ask for support for the people who have been involved in that industry.

We support the Bill.

THE HON. N. E. BAXTER (Central) [7.57 p.m.]: On an occasion like this I could not do any less than have a look at the history of the original Land Agents Act 1921. From that time, until 1974, there were 12 amendments to that Act; and one of those amendments was in relation to metric conversion.

After World War II and in the 1950s, a number of new people moved into the business of land agencies. There was a question whether the ethics of the land agency business were all they should have been; but we went along with it, and there were not a great number of serious problems.

Suddenly, in 1978, it was decided to repeal the Land Agents Act and introduce a new Act called the Real Estate and Business Agents Act. This was Act No. 72 of 1978. Section 5 was to operate from 1 December 1979; sections 54, 55, 57-100, 102-131, and 135 were proclaimed on 1 December 1979; but the balance of the Act was to operate from 1 September 1978. The Act was amended in 1979.

I wonder why, under the legislation, there was the need to put such restrictive conditions, not only on land agents or real estate agents, but also on business agents, business managers, and real estate salesmen.

When the amendments were made in 1978 we felt the situation could be improved as far as the control of real estate businesses was concerned. It appears now the provisions which were introduced then have become very restrictive. People who have been in the real estate business for many years find themselves in a position where they cannot obtain a licence as real estate salesmen, agents, or business managers. Business agents have now been introduced into this legislation and we find 13 people will receive special consideration not only under a grandfather clause which has been included in the legislation, but also in regard to certificates of registration as real estate agents. This gives them the right to act as real estate agents for three years and they may then reregister, under their triennial certificates, without an examination.

A real estate sales representative has to go through a particularly stringent course to obtain his licence as a real estate salesman. Anybody else applying for a real estate agent's licence also has to go through a course before obtaining the licence. As a result of this legislation, we will have a monopolistic situation in the real estate industry.

The Hon. Neil Oliver: A closed shop.

The Hon. N. E. BAXTER: As the Hon. Neil Oliver says, we shall have a closed shop. I should like to refer to the qualifications which are required before a certificate will be issued. The diploma course includes the following qualifications—

Stage 1—

Real Estate Practice I
Real Estate Law I
Communication I
Real Estate Accounting.

Stage 2—

Real Estate Practice 2
Real Estate Valuation I
Building Construction IR.

NOTE: after completion of stages 1 and 2 students are given a Certificate of Real Estate Management which is the prerequisite for a Real Estate and Business Agents Licence.

Let us look at the life of a real estate salesman. He works from early in the morning until well into the night on many occasions, trying to sell real estate in order to make a decent income. He is expected then to undertake a course of instruction which will qualify him, even though he has been a real estate salesman for years. He will have to undertake this course to obtain a licence as a real estate salesman.

Not only does that situation exist, but there is also a proposal which has been put forward by the technical education department which will mean a person who wishes to obtain a licence will have to go beyond stage 1 and 2 to stage 3 and 4. This has not been introduced yet; but it is in the offing, so it is damn dangerous. A person who undertakes stage 4 will need to pass Economics 1. What they will do with that qualification, I do not know. I cannot see it would be relevant to a person operating as a real estate agent or salesman. Such a person will also require Real Estate Law 3 and Regional Planning.

This is beyond a joke. We are supposed to live in a free enterprise State and yet these people are being told they will not receive a licence unless they complete the course of instruction I have outlined.

I should like to refer to the wording of the Act. Clause 16(1)(a) of the schedule reads as follows—

Continuation of Certain Office Managers

(1) A person, who immediately before the appointed day—

(a) was registered as a land salesman under the Repealed Act and had been so registered for a period of not less than three years; and

(b) was the manager of a branch office of the business of an agent and had been the manager of such a branch office for a period of not less than one year,

may be nominated by a licensee as manager of a registered branch of the licensee's business and may continue to act as such a manager if the Board so approves and the person continues to be registered as a sales representative.

This means people who have been managers of real estate businesses for a number of years—for example the managers of some of the old established businesses such as Peet & Co., Joseph Charles Learmonth Duffy, and Justin Seward—and who have managed some of the branch offices in the country, will have to obtain these qualifications. According to the amendment, they will not be able to operate as branch managers unless they apply for a certain certificate or go through a course of instruction.

However, we have the situation in which it is proposed business agents should come under a grandfather clause and not only will they be allowed to have a licence, but they will also receive a triennial certificate to operate. I ask members where the justice is in that situation. There is no justice or reason in it.

It appears 13 people have had enough push to get this Bill before Parliament. At the same time, the activities of approximately 28 managers of real estate businesses in Western Australia will be curtailed under the legislation.

The Hon. D. K. Dans: Why can't the business managers be put under the grandfather clause as well as everybody else?

The Hon. N. E. BAXTER: I ask you, Sir, why cannot business managers have a grandfather clause? Clause 13(g) of the Bill, reads as follows—

after clause 10, by inserting the following—

> " *Transitional requirements as to persons appointed branch managers.*
>
> 10A. Notwithstanding clauses 9 and 10 of this Schedule, until 1 April 1983, a licensee shall have in his service at any branch office of his business, as manager of that office,—
>
> (a) another licensee who is the holder of a triennial certificate; or
>
> (b) a person of the kind referred to in subclause (1) of clause 16 of this Schedule.

No such restriction is placed on business agents, but it is a very severe restriction for branch managers.

In a number of cases with which I am familiar, some of these people have tried to obtain licences and have been refused by the Real Estate Advisory Committee. I know sales representatives who have operated for some years and have been told they must go through the course I outlined earlier before they will be registered.

I support the amendments proposed by Mr Brown. We must bring some sense into the situation. We should not restrict people in their honest business operations by making it difficult for them and, in some cases, forcing them out of business. That is what will occur. Some people who have been in the real estate business for a number of years will be forced out of it as a result of these provisions. Is that what we want to do to people? Until I studied the Bill, I was not aware this was the situation. Unfortunately one does not know exactly what is in the Bill until the Minister's second reading speech is presented to Parliament. I was staggered when I read the provisions in the legislation. I looked at the Act and saw what had happened as a result of the provisions passed in 1978.

We must have another good look at the legislation to see what is being done to people who have been in the real estate business for years. Although I support some provisions in the Bill, I cannot support those which relate to business managers and business agents.

THE HON. W. M. PIESSE (Lower Central) [8.09 p.m.]: I support the remarks of the Hon. N. E. Baxter. I do not wish to delay the House—

The Hon. D. K. Dans: You will get the cuts if you do.

The Hon. W. M. PIESSE: —but I should like to refer to the plight of people in country areas. It is unrealistic in a State the size of Western Australia with uneven population distribution to try to impose legislation over the whole State without taking into account the differences in the lifestyles of people in country areas as opposed to those in the city.

I imagine there was a reason for the amendments contained in the Bill. However, they will cause a great deal of hardship to certain business managers in my area. There is a need for real estate agents to be scattered around country areas. It is impossible to manage all real estate business from major centres, such as Bunbury, Albany, Geraldton, and various other regional centres. It is necessary to have real estate representatives in smaller country centres also.

It is not possible for such real estate offices in small country centres to be staffed in the manner required by the legislation. It is not practical to have fully qualified people—as laid down by the legislation—in all small centres. However, a service is needed in those areas.

The amendments contained in the Bill will cause many problems and a great deal of hardship for people in country areas. It will probably mean some offices will have to be closed down and this will result in yet another service being lost to country people. Members may say, "We will give them time to complete a course of study and

obtain qualifications. If they have been business managers for years, they will know it all." If, in fact, they have been business managers for years and know it all, why do we have to put them through the performance of attending night school and participating in correspondence courses in conjunction with running an agency?

The job of a country real estate agent does not consist of working from 9.00 a.m. to 4.30 p.m. with two hours off in the middle of the day. Country agents have to travel long distances and they must be on tap when people want to examine properties they intend to purchase.

The Hon. H. W. Gayfer: Not only that, they are a part of the community in the same way as P & Cs are a part of the community.

The Hon. W. M. PIESSE: I agree with the Hon. Mick Gayfer. They are experienced people.

The Hon. H. W. Gayfer: Mr Masters should go out into the country and see exactly what it is like. There are so few people in country towns, that everybody has to participate.

The Hon. G. E. Masters: I have been to country towns.

The Hon. W. M. PIESSE: It is true that they participate in the running of the district in which they live. They are permanent residents of the district. The situation may be different in metropolitan areas where a business manager in Floreat Park may, in fact, live in Victoria Park.

The Hon. H. W. Gayfer: Or in Mundaring.

The Hon. W. M. PIESSE: A business agent may work in Floreat Park, but may live in Mundaring or any other part of the surrounding district. However, in country areas these people are solid citizens in the district in which they live. They have to be, because part of their job is to keep a finger on the pulse of what is going on in the area around them.

The Hon. H. W. Gayfer: It is discrimination, and it is terrible!

The Hon. W. M. PIESSE: I agree with the Hon. Mick Gayfer! However, joking aside, I deplore the amendments which exclude business managers from continuing in their positions simply because they cannot travel miles to a technical college. They do not have the time to do that and the only option open to them when the time expires is for them to close up the business and go elsewhere.

I support the remarks of the Hon. N. E. Baxter.

THE HON. NEIL OLIVER (West) [8.14 p.m.]: I support the remarks made by the three previous speakers. I should like to foreshadow the way in which the closed shop situation will operate further. I refer to the definition contained on page 5 of the principal Act. A "developer" is defined as follows—

> "developer" means a person whose business either alone or as part of or in connection with any other business, is to act on his own behalf in respect of the sale, exchange, or other disposal of real estate;

Frequently "development" is regarded as a dirty word.

Prior to the introduction of the Real Estate and Business Agents Act in 1978 I met with the full council of the Real Estate Institute of Western Australia. I asked its intention with regard to developers because a developer is a person who in a sense develops and sells land. However, that is not the way the definition reads in the legislation which encompasses builders, and builders are already subject to the Builders' Registration Act. The definition states in part—

> . . . to act on his own behalf in respect of the sale, exchange or other disposal of real estate . . .

This means that ultimately in this closed shop arrangement, a builder in a country area—or in the city—who builds a speculative home in say, Albany or in the great southern area, will be precluded from selling that property because he is not registered.

This is a forerunner of a further enlargement of the closed shop situation. When I put the question to the Real Estate Institute of Western Australia the answer was "No" because members were of the opinion that they would like to enlarge the grandfather clause.

I must support the interjection from the Hon. Mick Gayfer, which was, "Where do these people stand on their time and age?" A person of, say, 56 years of age and with some 35-odd years of real estate experience will now be required to pass a technical education examination. However, it is interesting to note that if we refer to the definition of a real estate sales representative the interpretation is that a person who on behalf of an agent or a developer negotiates a real estate transaction, irrespective of whether or not the agent is the owner of the real estate involved, is included.

It means that a builder will be required to employ, for the sale of his own property, a real estate salesman who has passed the almost Bachelor of Commerce qualification which was outlined by the Hon. Norm Baxter.

Therefore, this is a forerunner of the closed shop situation. I have been informed by the Real

Estate Institute of Western Australia that it intends to enlarge its grandfather clause. I was advised that in 1978. However, I now note that with this legislation, it will not be enlarged. It will be curtailed and will restrict the very right of people—who have advanced themselves in their position—to make a sale.

A person working in a country area does not need such a degree as a Bachelor of Commerce because in a country area one lives on one's reputation. And if one does not have a good reputation in a country area, one is run out of town.

The Hon. D. K. Dans: I do not believe it is needed in the city.

THE HON. P. H. WELLS (North Metropolitan) [8.20 p.m.]: Not being one of those who spends his time in the real estate business, I have some queries on several aspects of the legislation which I do not understand, but I am certain the Minister will answer them for me.

I was not even a twinkle in my father's eye when the Land Act was legislated in 1921, but it does amaze me that when we start off with boards, regulations, and the like we gradually build into their operations more and more conditions. I would hate to think what our children's children will have to do to go to the "little house"; they will probably have to qualify.

I accept that the purchase of a house is perhaps one of the largest transactions a family makes and the Government has a responsibility to ensure that the people in the industry are responsible.

Several issues have been raised in respect of the grandfather clause and in regard to branch managers and I would be pleased to receive an explanation on those points also. I have received several complaints from people in my electorate about those matters and many of the people who were present in the gallery last evening were real estate agents who had expressed their concern about the matter.

The idea of a grandfather clause has some attraction, but I guess it will be rather dangerous, especially if anyone thought about a grandfather clause applying in this House. We would never be able to change it.

I have been advised that with the Land Agents Act there was a grandfather clause which had an allowance where a person could apply to be registered at that time. I would like to know the reason for legislating for one section of the community and not another, and the reasons for our not recognising the people who have made a contribution to the business.

Some real estate businesses are rather small, they are not all big monopolies. Some are family businesses which would like to continue their name. However, the Real Estate and Business Agents Act requires not only the owner to have a current triennial certificate in his own name, but also the company or partnership so registered to have a triennial certificate. That is an anomalous situation. It is a duplication and I would like to know the reason for this duplication. There must be some reason for it; perhaps we need more money. I have been asked that question by people in the real estate business and I could not find an answer within the Act.

From my reading and limited knowledge of the Real Estate and Business Agents Act it appears it is responsible legislation and the Bill has made certain allowances which were not made before. However, I have a few doubts about the legislation but I am certain the Minister will be able to reply.

Debate adjourned, on motion by the Hon. M. McAleer.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

Debate resumed from 5 November.

THE HON. G. C. MacKINNON (South-West) [8.24 p.m.]: I wish to discuss several subjects under this general heading.

On a few occasions my attention has been drawn to the small tag type of driver's licence; that is, the identity card licence which I am holding in my hand. On each occasion this matter has been brought forward it has been said that people may dislike the idea because it smacks a little of an identification tag or that it would be politically unacceptable.

The card came into my possession through the mail. I think it was sent out as part of an advertising campaign by people who manufacture instant cameras. It is one of those cards which are placed into a machine and a photograph is superimposed onto the card.

The card I have shows an attractive young lady who is called "Sample". It also shows a road traffic driver's licence number, the date of birth, and whether spectacles or contact lenses are worn, and the signature of the person as well as a name and address.

The Hon. D. J. Wordsworth: Are you sure they were advertising a camera company?

The Hon. G. C. MacKINNON: The card also shows the date on which the licence expires. I

have been carrying this card in my pocket for some time and showing it to people in order to gauge their reaction. I have been pleasantly surprised that the acceptance has been total. People seem to think it is a good idea.

If we consider our ordinary licences, and I have just taken mine out of my pocket—

The Hon. J. M. Brown: Have you signed it?

The Hon. G. C. MacKINNON: I wish to make that point too. Anyone could show this licence and say, "My name is Graham MacKinnon." There would be no way that could be proved.

Someone asked me recently whether I had signed the back of my driver's licence. I had not, so I signed it on the spot. The sample card contains both a signature and a photograph and it seems to me to be a first-class idea.

The Hon. D. K. Dans: Do you think you might receive a free camera as a result of this?

The Hon. G. C. MacKINNON: I have about three so I do not need another one. It seems to me that this card has been well accepted, and it would save a great deal of trouble with identification and the like. The card also could indicate the blood group of the person concerned. However, that would be a matter for authorities to decide. Some argument has been put forward that it would be difficult to show the years of licence, but I am sure that we could overcome that problem.

Last year quite a support for flag flying was indicated and all sorts of groups have decided to display the national flag over the past few years. It has been done more so now than was the wont in times gone by. Recently there has been an increase in the demand for the State flag as well. A year or so ago, I wrote to Senator R. G. Withers in an effort to find out from the authorities whether it would be possible to adopt the practice which is carried out in the United States of America; that is, the flying of the national and State flag from the one flagpole. Whilst flags are quite expensive—the standard price is $45—the overall cost would not be significant, because of the flagpoles.

I do think we should be able to fly our flags as the Americans fly theirs. I received a reply from a Mr G. A. Low who sent me a couple of books on flags—*The Australian Book of Flags* and *Flags Across The World.* He explained to me in great detail that in regard to flag flying the Australian custom was to fly the State flag only on a yardarm or gaff if the national flag is also flown. I had told him this already in some detail, but he told it all to me again. I wrote back to the Right Hon. Reg. Withers, and I pointed out to him that Mr Lowe had told me exactly what I knew, and that I was persisting in my inquiries. Mr Withers must have been getting a little sick of me by then, I admit, but this is the reply I received from him—

> I refer again to your letter of 23 September and to our reply of 15 October concerning representations by the Honourable G. C. MacKinnon, CMG, MLC, about the flying of the Australian National Flag on the same halyard as State and other flags.
>
> Inquiries with some State Premiers' Departments have indicated that it is not the practice of their Government's to fly their State flags below any other flag.

I was fully aware of that fact; that is what I wrote about in the first place. He continued—

> Perhaps Mr MacKinnon may wish to consider raising this matter within the Western Australian Government. Should that Government forward the proposal with its support to the Commonwealth the matter would receive appropriate attention.

So I am now bringing this matter to the attention of the Government. I know it probably will be said that we do not want to seem to be inferior to the Commonwealth. Might I suggest that, if it can be done in the United States of America, it can be done here without any real loss of face.

In spite of the fact that we claim to be part of Asia, I am sure we are not completely Oriental in our concern to save face. It ought to be possible to fly more than one flag from a flagpole with dignity, and without a yardarm or gaff. I suppose that a decent flagpole would cost well over $100.

The Hon. Neil Oliver: Flagpoles can cost up to $300.

The Hon. G. C. MacKINNON: It depends on the size. A little while ago, I bought the material for a flagpole for a scout troop. It was made by volunteer labour. The material cost $30, so that proves I can be right some of the time. However, Mr Oliver tells me that a flagpole can cost up to $300, and in that case, I believe he ought to consider flying one flag above the other.

From what I have discovered from Mr Launder of the Department of Administrative Services, it is now up to the Premier's Department to take this matter up. We are anxious to have our State's flag flown, and it seems we could easily follow the custom adopted in the United States of America. I thought this custom was followed also in Canada, but I am told that is not so. It must have

been in the United States only that I saw two flags flying from the one pole.

Mr Harry Butler, in making the keynote address at a meeting of an association recently, made a statement about feral cats. He elaborated on that statement and referred to domestic cats kept as pets. His statement excited some comment. I was delighted, not only with what he said—and I thought his comments were very sensible—but also with the fact that the matter was taken up. It was not the first time such a comment had been made, but certainly it was the first time it had been taken up in quite that way. Indeed, it received Australia-wide coverage.

I thought the time might be opportune to enlarge on Mr Butler's comments, and to perhaps underline them. Something will have to be done about the domestic and feral cat situation, although I believe it is a problem Mr Masters and the Department of Fisheries and Wildlife cannot handle. The department has had very little increase in its funds over the last three years. Although its staff has increased a little, it is not large enough to initiate anything like the programme needed to keep feral cats at bay. These cats have done an incredible amount of damage.

There has not been a great deal of research into feral cats, but some has been undertaken. Some members may recall seeing a photograph taken of me some years ago, when I was the Minister for Fisheries and Wildlife. I was shown holding the skin of a feral cat, and it illustrates that this animal was about as big as a small lynx. Some of these animals reach quite an amazing size, and their spread throughout the continent of Australia is almost total. They are extremely efficient in the wild, in contradistinction to the dog. Although we think of dogs as going wild, wildlife officers here and in other States tell us that domestic dogs which have gone wild generally present a scruffy or mangy appearance when caught or shot. Unless they breed quickly with the dingo, they do not seem to do very well in the wild. That is not to say, however, that dogs do not do a tremendous amount of damage. Indeed, some years ago, a member of this House was chairman of a committee which undertook a survey into the damage caused to sheep by dogs. That member was Jack Cunningham, one of the last Liberal Party members to represent the goldfields area. Co-members on his committee were Jim Garrigan and George Bennetts.

The loss to farmers from dogs was estimated at about £50 000 in those days, and very little of that damage was attributable to wild dogs. The bulk of the damage was caused by the ordinary domestic pet, the dog which greets one on the doorstep on the morning, having spent the night running in a pack to kill sheep.

Mr President, you may recall that one of the best authorities on this matter was the Hon. Frank Willmott who ran sheep himself. He had frequent trouble with dogs at his property on the outskirts of Bridgetown.

I would like to refer to an article which appeared in *Wildlife Conservation*, a publication of the Department of Fisheries and Wildlife. The article is written by Harry Firth, and appears on page 154, reading as follows—

> The domestic cat is widespread in the bush. My own most remote records include the Gibson Desert, the Arnhem Land escarpment, and monsoon forest edge near the Jardine River on Cape York Peninsula. Most CSIRO wildlife research parties encounter free-living cats, no matter where their operation is based. One such party found them widely distributed in the Kimberley Region and destroyed seventy in a few weeks around their camps. I have no doubt that cats are distributed throughout the whole country, although they are probably commonest around towns where kindly but misguided people evade their responsibilities by loosing unwanted animals in the bush.
>
> There are no data on the effect of these efficient predators on small native fauna. It is usually assumed to be severe.

Another article is entitled, "The feral cat in Australia". The authors of this article are Wally Davies and Jack Prentice. It states—

> The disappearance of a number of smaller relatives of the kangaroo in inland Australia similarly seems to be due primarily to pasture changes.

The article goes on to say that cats have probably cleaned up almost all the rest. Indeed, it underlines the efficiency of these animals. It continues—

> In the 1880's thousands of cats were released away from settlements to help control the exploding rabbit population, especially in the Riverina district between 1883 and 1888. The N.S.W. Government sent 400 cats by rail to Bourke in 1886, for use at Tongo Station on the Paroo. This newspaper advertisement appeared in 1888:—

And there is an advertisement put in by a man who offered to supply cats.

I can recall that while I was the Minister for Fisheries and Wildlife I visited a small town on the coastline. A man there had a most amazing set of wire pens. The whole structure covered an area about half as big as this Chamber. The top was completely covered over, and the pens were very strong. The empty pens were all that remained of an experiment. This man started to catch all the feral cats he could and to breed them to use for crayfish bait. The cats were a little too good for him, and they got out of the pens. Of course they would live on small animals around the place. It is interesting to read John Gilbert's comments in the same article. The average wild cat can weigh up to 11 kg; that is, 1½ to two times the average weight of domestic cats. It may produce up to eight kittens per year. Adult cats eat 5 to 8 per cent of their body weight per day, and females feeding kittens, up to 20 per cent. The article continues—

> Feral cats are opportunistic in their selection of prey and will eat mammals, birds, reptiles, amphibians, fish, insects, carrion, human garbage and plant material, depending on their availability, relative ease of capture and abundance.
>
> The Western Australian Museum has recorded 32 species of mammals in the stomachs of feral cats. These comprise 10 species of bats, 9 species of rodents, 10 species of dasyurids, the honey and pigmy possums, bandicoots and rabbits. Because of lack of research on the problem there is no quantitative evidence to show the extent to which populations of such mammals are threatened by cat predation. In areas where small marsupials are the most available prey for cats there is some evidence . . . that these form the bulk of the diet. The general consensus of anecdotal reports is that cats drastically reduce populations of many marsupial species and have caused extinctions in some areas.

So the belief is that cats living in the wild anywhere should be regarded as vermin. It is a pity we could not extend that description to a great number of cats kept in private homes. Most of the problems that arise with pets are caused not by the animals, but by the people who claim to be animal lovers, but who will not look after them properly. These people will not have their cats neutered, and when the entire animals produce litters, they do not have the kittens destroyed, but get rid of them in the bush. The article continues—

> To eliminate the loss of pets from eradication programmes the following measures are suggested—
>
> Neutering of female cats should be compulsory so that pets would become available only from authorised breeders. These would also be innoculated against feline enteritis before sale. This is not as drastic and uneconomic a step as it may appear. In 1971 in Britain 70 per cent of the estimated 3 500 000 cats were neutered by their owners (compared to 45 per cent in 1963). The legislation would be therefore directed to the irresponsible minority of cat owners. Pet owners in America in 1972 spent $4.5 billion annually on food, goods, and services for pets.

The suggestion is made that a small tax on cat food would cover the initial cost of a campaign on public education, and indeed, it could be used to subsidise neutering and spaying clinics.

The article continues—

> In 1971 Los Angeles set up a low cost spay clinic charging $17.50 per spay and $11.50 per castration, about $3 below true cost. (In Brisbane cost of spaying a female cat is $27.50, castrating a male is $16.50 and euthenasia is $12.50). The Los Angeles Council provides this subsidy because:
>
> (1) It costs $20 to handle each animal in the city pound.
> (2) Impoundment dropped by 18.9 per cent, and 21.7 per cent fewer animals have had to be destroyed up to 1973.

The article continues—I suppose sooner or later all problems come back onto our plate—with the following statement—

> This experience suggests that if politicians are unwilling to implement compulsory neutering, an interim measure of subsidised neutering clinics will save the community money and would therefore prove popular with voters, especially when the value to wildlife conservation is made more widely known.

I believe we should do something about the very serious problem of cat control. Members will recall having seen in the newspaper stories about the "Cordering cougar"; it was supposed to be in the Hon. A. A. Lewis' territory.

The Hon. H. W. Gayfer: And Wyn Piesses' electorate, too.

The Hon. D. K. Dans: Have they caught the cougar?

The Hon. G. C. MacKINNON: These stories always have been reasonably common around Australia. We have a quiet spell, such as we are having now, and then somebody sees something he does not recognise. Perhaps someone wants to obtain a special licence for a high-powered rifle. For whatever reason, all of a sudden stories of some strange animal appear in the newspapers—for example, the "Cordering cougar" belonging to Mrs Piesse and Mr Lewis.

The Hon. W. M. Piesse: They do not really belong to us.

The Hon. G. C. MacKINNON: Either the Agriculture Protection Board or the WA Wildlife Authority sent officers to the area, and their reports make interesting reading. Suffice it to say that nothing even remotely resembling a cougar has ever been caught in any part of Australia—nor, in my opinion, is there likely to be. Certainly, the research and examination carried out by these officers indicate with total clarity that no such creature exists in Australia.

Many people believe the atomic tests carried out on the Monte Bellos Islands caused the loss of wildlife in the area. However, it has been stated authoritatively that this is not so and that those animals which were living there and which now are extinct in fact were killed by cats.

The sheer efficiency of the animals is indicated by the fact that some of them are still living on MacQuarie Island. They were left there many years ago by sealers, and whilst the bitter cold has kept the numbers down, they have survived until today.

What is really needed is a great deal of research—although there is not enough money in the wildlife vote for that—both on the biology of cats and on possible control measures. Perhaps if the Government were to institute a licensing scheme for cats, the funds collected could be channelled into research on wild cats.

I think I have said enough to indicate I believe the suggestions of Mr Harry Butler should be followed up. A tremendous amount of material has been written on the subject. Mr Butler did the native animals of this country a great service by bringing the matter to the attention of the public; such is his fame that whenever he raises a subject such as this it attracts a great deal of attention. I hope in the fullness of time something is done about the matter he raised.

One of the problems besetting us in the south-west of the State at present relates to environmental protection. Three matters currently are exciting a considerable amount of attention—the Mining Bill, the Borden chemical plant in Bunbury, and the aluminium smelter. Objections have been mainly on environmental grounds, although the Mining Bill has excited a tremendous amount of opposition from farmers in the area who believe their inherent rights to the ownership of their land are being infringed.

The Minister has done a great deal of work on this matter; many letters have gone out to the Farmers' Union and the like to explain the purpose of the legislation.

It is surprising how many people are convinced we have already made the switch from the old Mining Act to the new legislation. It takes quite a bit to persuade them that this is not the case. It has been my experience that whenever people become emotional on certain matters, it is almost impossible to explain things to them. When that emotion relates to the property they own, it is infinitely worse.

I have had some experience with such emotions over the salt land clearing controls we implemented last year, and which we discussed here only recently, and I had experience with it again recently with regard to the Mining Bill. People believe their property rights are being markedly infringed.

I do not wish to speak at any great length on this subject tonight; however, there is certainly need for some public relations work to be carried out in the south-west area.

The problem has mainly to do with the mining of black sand which, as members would know, is a surface mining operation. I am sure that you Mr President, have driven past this mining operation, and possibly have called in to see it. The old shoreline is bared by surface excavation, and the black sand is removed from where the waves have lapped for centuries gone by. After all the minerals have been washed out of the sand, the surface sand is replaced.

Most of the farmers are concerned because of a great deal of trouble caused by that type of sand mining. It does not do any good to tell them how co-operative and helpful the companies have been; they do not seem to be in a frame of mind to listen. I suggest there is need for the Minister to take action in that regard.

Currently, the Minister for Industrial Development and Commerce is negotiating on the matter of the Borden chemical plant.

I would like to say a few words about the proposed aluminium smelter. I understand it was proposed that the Department of Agriculture would produce a pamphlet explaining the situation. I was hoping the pamphlet would be available by now, but apparently it is not.

The main fear expressed by people about the establishment of an aluminium smelter is that one of the by-products of the process is the manufacture and emission of fluoride. I have with me some technical information relating to the smelting procedure, which reads as follows—

> Alumina, a compound of aluminium and oxygen, is dissolved in a molten bath of cryolite (a complex salt composed of sodium, aluminium and fluorine) at a temperature of 940-970° celcius. An electric current is passed through the bath and causes decomposition of the dissolved alumina into aluminium and oxygen. The aluminium metal is deposited at the negative electrode (cathode) and oxygen is released at the positive electrode (anode). Because of the high temperature oxygen combines with carbon of the anode to form carbon monoxide and carbon dioxide. By this process the anode is gradually consumed and must be replaced regularly.
>
> This smelting process is carried out in a reduction cell containing carbon blocks acting as the anode and cathode. The cathode is usually located at the bottom of the vessel where the molten aluminium collects and drained off from time to time. The anode is suspended from the roof of the cell and contacts the surface of the molten alumina-cryolite solution.

A number of these pots are arranged in a line, and make up the smelter. The information continues—

> Fluoride Emissions
>
> During the smelting process reactions between water vapour and volatilized fluoride salts can occur and give rise to a gas called hydrogen fluoride. Some of these volatilized salts may also recondense after escaping from the cell to form fine solid particles.
>
> The amount of solid and gaseous fluoride given off can vary substantially according to the method of cell operation and the type of cell. Without pollution control equipment—

I repeat: Without pollution control. To continue—

> —it is generally estimated that between 18 and 40 kilogrammes of fluoride (total of gaseous and solid fluorides) is evolved per tonne of aluminium produced.

I want to say as close to that information as I can that in no way does that happen; that will occur only without pollution controls. I know how people become emotionally upset about these things, and I do not want someone quoting my remarks out of context. The information continues—

> The proportion of solid to gaseous fluoride can vary with time and cell operation, but on the average is thought to be equal . . .
>
> Hydrogen fluoride is a colourless gas and is the most phytotoxic (poisonous to plants) of the more common air pollutants (i.e. ozone, sulphur dioxide). Being a gas hydrogen fluoride can easily enter the leaves of plants by diffusing through the stomata.

In fact, it does have a very marked effect on plants if sufficient levels are allowed to escape; however, it does not escape because pollution controls have been implemented. The information continues—

> This gas is extremely irritating to the eyes and skin and is also corrosive. The level below which adverse health effects are not expected to occur in workers is 3 parts per million (ppm), a level very much lower than this would be present in the vicinity of an aluminium smelter.

Obviously, it is kept at a very low level. Nowadays, the dangers of these things are well known. Unfortunately, people talk about these dangers, and always bring up all sorts of examples. Members would know they used to paint radium on watch faces and nobody knew this had any dangerous side-effects. Nowadays, of course, the dangers of chemicals such as fluoride are well known, and all sorts of controls are instituted. Indeed, under the heading of "Control of Fluoride Emission" the following can be found—

> In modern smelter plants, fluorides emissions are reduced by efficient collection of fumes from the reduction cells and passing these fumes through wet or dry scrubbers. Wet scrubbers use water or lime water mixtures to remove particulate and gaseous fluoride, whereas dry scrubbers employ alumina to absorb gaseous fluoride. The latter method is more often employed in new smelters.
>
> Even with the most sophisticated control system, some percentage of fluoride escapes from the cells and is emitted to the atmosphere through roof vents. Also, scrubbers are not 100% efficient and therefore some fluoride is emitted from these sources.
>
> If the smelter uses prebaked anodes, fluoride emissions can be controlled by wet scrubbing or a combination of wet scrubbing

and electrostatic precipitation. New techniques employing dry scrubbing with alumina have been developed.

The United States Environmental Protection Agency (EPA) has set standards for fluoride emissions from new smelters based on consideration of available technology and efficient cell operation. This Authority maintains that an overall emission of 1 kilogramme of fluoride per tonne of aluminium capacity is possible. To meet this standard, dry scrubbing of anode bake furnace and reduction cell emissions would be necessary.

The agency claims it can get any modern plant down to that level. Even then, if it is a plant working on 100 tonnes a day, it means there will be 100 kilograms of fluoride a day produced and dispersed over a large area in the form of gas. To continue—

Fluoride levels in air near aluminium smelters are dependent upon the degree of emission control and local meteorology and topography.

Further on—

As a rough guide, a smelter on the WA coastal plain with an average emission rate of 1 kilogramme of fluoride per tonne of aluminum produced, the gaseous fluoride levels in air may average (over 3 summer months) up to 0.3 microgrammes in each cubic metre of air at a distance of 5 km in the downwind direction from the smelter.

Over the period, November to April, the average gaseous fluoride levels in air could be as high as 0.2 microgrammes in each cubic metre of air at 5 km.

I would like to indicate just how widespread this is. There is a number of ways in which fluoride can reach the soil and I shall quote as follows—

The continual application of fertilizers (such as superphosphate which contain up to 3 per centum by weight of fluoride) to soils can lead to high levels of fluorides in such soils.

Further on—

Where fluoride is added to soil either in rainfall, fertilizer, plant decomposition or as a contaminant, it reacts readily with iron, aluminium and calcium to form insoluable compounds. These are relatively unavailable to plants and explains why on most soils the vegetation—trees and pastures—contain less than 10 ppm fluorine.

This is despite the fact that most of our clay soils are quite heavy with fluoride. To continue—

Although plants accumulate fluoride, it is not an essential element for plant growth.

The following is found under the heading "Fluoride in Animals"—

In contrast to plants, fluorine is an essential element for animal growth and reproduction and is a major constituent of bones and teeth.

The PRESIDENT: Order! Would the honourable member identify the document from which he is quoting?

The Hon. G. C. MacKINNON: It is a paper entitled "Fluoride in Alumina Smelters". I shall supply a copy to *Hansard* on the strict undertaking that it is returned to me at a subsequent time.

The people in my electorate are concerned because the company has been talking of taking up land which is currently used for dairying purposes. Their concern is that the fluoride emission may fall onto the grass which may be eaten by the animals and, subsequently, cause fluorosis. This would affect their milk. As I have said, fluoride is a constituent of an animal's diet; it is essential to animal life; we all need a certain amount of it. Many members will recall the arguments put forward during the days when we were discussing the move to put fluoride in our water supplies. People were reminded of the need for trace elements in agriculture. I shall quote from the document further as follows—

Milk quality is not significantly affected. The fluoride content of milk is generally in the range 0.1 to 0.5 ppm and rarely exceed 0.5 ppm even when the cattle have consumed high levels of fluoride for prolonged periods. This compares with 0.8-0.9 ppm F considered desirable for drinking water.

Most of the time the fluoride which would fall onto the grass would be washed off into the ground, where it is normally found in any case in combination with other elements, and it becomes an insoluable constituent of the soil which is not taken up by plants. It is the powdered remains on the pasture which provide a danger. This would be more so in our climatic conditions than those in England or Tasmania. It is considered to be a fairly large problem.

The paper goes on to talk about fluoride in the air and its effect on humans and the like and it gives lists of how much is ingested by humans. Whether the publication of this material will help the people in my electorate, I am not too sure.

People seem to read into these things what they wish to read; they make up their own minds as they go along. Nevertheless, I wanted to put some of the material on record.

I am advised that before any such plant is built, a total examination of the micrometeorology of the area would have to be made; there would have to be an extremely close examination carried out. The environmental report would have to be made in detail, having special regard for the conditions at the particular spot.

Of course, one of the problems is the attitude which appears to be taken by some of the organisations which set themselves up as having a particular interest in environmental matters, and I refer in particular to the Conservation Council of Western Australia. In this regard I believe the media plays a significant role.

The PRESIDENT: Order! Would the person standing in the gallery please be seated!

The Hon. G. C. MacKINNON: It is not unusual for the Conservation Council of WA to indicate its support to the Government or the Environmental Protection Authority for certain Government action. Indeed, it has so indicated with regard to a number of matters such as the coastal policy, the clearing controls of which we have been speaking recently, the off-road vehicle legislation, the revised charging method for water, the conservation through reserves concept, and so on. Its approval has been indicated by way of letter or by personal visits.

The media makes no fuss of this sort of thing, but when there is a protest march a great deal of fuss is made. Naturally enough it is played up on the same principle, I imagine, that it is not worth writing about a dog biting a man; however, if a man bites a dog it is worth some coverage. It is that sort of principle. Nevertheless, the council itself is also at fault because there is an indication that it is anti-Government in that it elects someone like Mr Bartholomaeus as its president.

The Hon. Neil Oliver: Who is he?

The Hon. G. C. MacKINNON: He comes to our mind as a defeated ALP candidate. He brings images of party political bias into the council.

The Hon. Peter Dowding: How does he do that any more than the Hon. Phil Pendal brought such bias into the Government's Press machine?

The Hon. G. C. MacKINNON: Of course, he does.

The Hon. P. H. Lockyer: You honestly could not be that dumb!

The PRESIDENT: Order! Would the honourable member cease inducing other members to interject on him and proceed with his speech.

The Hon. G. C. MacKINNON: The situation with regard to a number of these organisations is that the public get the impression they are being party political when they probably should not be.

The Hon. Peter Dowding: Do you think Bob Rowell makes the State Shipping Service a Liberal organsiation?

The PRESIDENT: Order! The honourable member knows he is out of order asking those sorts of questions.

The Hon. G. C. MacKINNON: The question does not apply; the gentleman in question is meticulous in his behaviour and he does not go around one week standing in front of this building making the most outlandish statements for public consumption and then talking about the Conservation Council of WA.

Let us consider another group of people. It seems to me the Government of the day is quite entitled to look with a jaundiced eye at the Conservation Council of WA when it is represented by an ALP candidate, be he a hopeful candidate or a defeated candidate.

The Hon. G. E. Masters: There are two of them; Ric Grounds is one of its vice presidents.

The Hon. Peter Dowding: Does that mean Sir Garfield Barwick brings politics to the High Court?

The Hon. G. C. MacKINNON: No more than Murphy does. Let me indicate these organisations which are members of the Conservation Council of WA: the Albany Conservation Society and the Amateur Canoe Society of WA—a friend of mine, John Hay, is associated with that body.

The Hon. D. J. Wordsworth: He has even brought the fly fishermen body into it.

The Hon. G. C. MacKINNON: There is also the Binningup Progress Association.

The Hon. Peter Dowding: Is the appointment of a politician to be Agent General in London political?

The Hon. G. C. MacKINNON: It is not a political appointment. The Minister for Lands is quite correct. The WA Trout and Freshwater Angling Association is another body.

There are two aspects of this which I think ought to be looked at. I think the council itself ought to look at who it elects as president. I think Mr Bartholomaeus could make a very good member of the association. Who was the other gentleman?

The Hon. G. E. Masters: Ric Grounds—the Save Our Railways man and defeated candidate for Cottesloe.

The Hon. G. C. MacKINNON: I am not saying they are not concerned people.

The Hon. Peter Dowding interjected.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: I think the people of the conservation council are unwise because other people are doing a fair amount of protesting. Because of their actions, because the protests are blown out of proportion, and because not much of their accord receives much mention, the public have the impression that these protestors always abuse the Government.

The Hon. Peter Dowding: What is wrong with that.

The Hon. G. C. MacKINNON: They tend to encourage the Government to show its prejudice.

The Hon. Peter Dowding: What does that mean?

The Hon. G. E. Masters interjected.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: With all this cackle going on it has become increasingly difficult to make a point. I thought I was making a very good point. The protesting behaviour by people in the organisations tends to encourage the Government to show and exaggerate its prejudice.

The Hon. Peter Dowding: They do not get that response.

The Hon. G. C. MacKINNON: Oh, shut up! I think some of the actions which the Government will take in regard to environment are merely matters of prejudice; they are not much else.

The Hon. D. K. Dans: You are being political now. I would stop that if I were you.

The Hon. G. C. MacKINNON: I am saying that these sorts of protest encourage the Government to display its prejudice. It could well be, as the Hon. Peter Dowding said, Mr Bartholomaeus is a reasonable fellow. I have known a few in the Labor Party.

A Government member: Very few!

The Hon. G. C. MacKINNON: I have not known the fellow, but he could well be a nice fellow. What I am saying is that one gets the impression that his organisation does nothing but abuse Government policy. I carried out enough research to ascertain that is not the case, because when I looked at the list of organisations I could see that the Vasse Conservation Committee was amongst them. Not one person in Vasse is not a good, sensible, and conservative person.

The Hon. A. A. Lewis: What about Don Cooley?

The Hon. G. C. MacKINNON: I forgot about him. He is the most conservative person there. However, the people involved in these organisations get themselves tarred with a brush because of Mr Bartholomaeus' political affiliations and because he says a good deal about them. He stood for Parliament on behalf of the ALP and followed the platform of conservation.

The Hon. P. H. Lockyer: He got thrashed.

The Hon. Neil Oliver: He not only did that, but he also got thrashed in an electorate which is environmental and conservation conscious.

The PRESIDENT: Order! The member knows he cannot make a speech by interjecting.

The Hon. G. C. MacKINNON: Mr Bartholomaeus is using an organisation made up of people to whom I referred a moment ago to stand for Parliament on behalf of a political party. That is something the organisation ought to consider. At the risk of tedious repetition I point out that Mr Bartholomaeus' actions have exaggerated for the organisation not one of the major projects it has tried to carry out. It receives publicity for some things, but not for others. It did not receive anything like the publicity it should have for its support of conservation, but it got more than it deserved for its objection to whaling.

The Hon. A. A. Lewis: It just got rid of many jobs.

The Hon. G. C. MacKINNON: Yes, and probably did not save a whale.

The Hon. V. J. Ferry: We are losing more whales now than we did before.

The Hon. G. C. MacKINNON: I understand the Department of Agriculture—the Minister would know about this—is working on a pamphlet which will be extremely handy in areas where the smelter is discussed. I ask him to make some inquiries about that and follow it up.

I wish to make one final point. After an invitation from the Minister for Water Resources, as he is now known, I today attended the seminar on stream and soil salinity. It was probably the most powerful seminar on those subjects that has been held anywhere in the world. Some nice things were said about the research being carried out in Western Australia and some very erudite papers were delivered.

The Hon. W. R. Withers: Very technical papers were delivered.

The Hon. G. C. MacKINNON: Yes, they were technical. One would have to be a scientist in

one's own right to understand some of them. The most interesting aspect of the day was a talk by two Americans about their experiences in the plains country of the United States of America. They enunciated a problem and showed slides to demonstrate it. They showed by theoretical models what could be done and showed by photographs what had been done. They indicated quite clearly that with careful thought, expenditure of a reasonable amount of money, and a lot of work and careful analysis of each situation, some positive steps could be taken to ameliorate salt scalling.

The Hon. A. A. Lewis: Mainly agroforestry.

The Hon. G. C. MacKINNON: The main part of their experiment related to alfalfa—the use of a deep-rooted plant in the recharge areas where the water enters the soil.

The Hon. H. W. Gayfer: What about the interceptor banks?

The Hon. G. C. MacKINNON: They had tried interceptor banks and found them to be failures. Their idea was to lower the quantity of water in the soil and put the salt back where it should have been—in the rock formation. I will get out the appropriate papers and explain the concept to the Hon. Mick Gayfer at his leisure and not take up the time of the House.

THE HON. NEIL OLIVER (West) [9.23 p.m.]: I assure the previous speaker that in our area we do not have any feral cats. We do not have wild dogs, but we have dogs which do not like feral cats or any other cats.

I believe the Government should be congratulated on this Budget. For three successive years the Budget has been balanced and in the two previous years there was a slight surplus; responsible management for five years. Naturally some adjustments were required to be made, particularly because there was an additional $11.3 million from Treasury cash balances and, I suspect, from the short-term money market. I will refer later to stamp duty collections.

The Hon. D. K. Dans: How much later?

The Hon. NEIL OLIVER: From memory I think it is from $77 million to $88 million.

The Hon. D. K. Dans: How much later in your speech will you make a reference to the Stamp Act?

The Hon. NEIL OLIVER: I will move as quickly as I can. The stamp duty collections, together with the additional increases in revenue, provide $41.5 million to enable the payment of $45.2 million for salaries and wages. Of course, the Budget already had made provision for increases. I appreciate the Premier's concern in his Press statement of 3 September 1980. The official paper states—

> "The Government cannot continue to pay increasingly higher wages to the present staff numbers and if necessary staff will be reduced to bring the budget into balance", Sir Charles said.
>
> "We are not prepared to take the disastrous course of borrowing to fund a deficit when the borrowed funds would be expended on paying wages of government employees and not on capital works of a lasting nature.
>
> "Nor are we prepared to make provision in the budget for wage increases in excess of the indexation guidelines. To the extent that increases of this nature are awarded by tribunals, staff numbers will be reduced to bring the wages bill back into line", the Premier said.

That statement must be read in conjunction with page 5 of the 1980-81 Financial Statement which states—

> Stamp Duty collections were $5.1 million higher than expected reflecting the increased level of activity on property conveyances and transfers and on marketable securities.
>
> Payroll Tax was up to $3.9 million as a result of higher salary and wage increases than had been assumed in the estimate.
>
> Probate Duty exceeded the estimate by $2.0 million arising from higher estate values and the speeding up of assessments with the abolition of the duty from 1 January 1980.
>
> Land Tax collections increased by an additional $1.5 million as a result of higher valuations.

Members are already aware of the problems associated with this matter which is being examined by the McCuskey committee. Our present policy is to review all rates and taxes. The Financial Statement continues—

> Additional Treasury revenue amounted to $5.1 million mainly reflecting the receipt of $2.4 million from the State Government Insurance Office as a contribution in lieu of corporate income tax. This contribution was not expected when the Budget was framed.

The DEPUTY PRESIDENT (The Hon. V. J. Ferry): Order! There is too much audible conversation.

The Hon. NEIL OLIVER: The greatest area of concern to the taxpayer is the growth of Government, a matter about which I have spoken

on many occasions. It is interesting to note that Western Australia has the highest number of State Government public servants compared with any other State in Australia; in fact, 2.4 of every 10 persons in the State are public servants. I base these figures on the Australian Bureau of Statistics Catalogue No. 6213.0 of 8 July 1980 which is entitled "Civilian Employees: Principal Industries and Private or Government Employment, March and April 1980 (Excluding Agriculture and Private Domestic Service)".

It is not intended to suggest that the surplus-using sector is in any way less significant to the well-being of a society than the surplus-producing sector. Health, education, and reduction of poverty are of vital importance to all societies, and particularly to one as rich as ours. In fact, some may argue that they are far more important than additional material production. Nevertheless, it is the surplus-producing sector—private—that makes the social welfare programmes possible. If this sector fails to produce an adequate surplus and to expand with sufficient rapidity, the financing of the social services will be reduced.

I am particularly concerned at the amount of revenue raised by stamp duty. I will refer again to the Financial Statement which at page 5 states—

> Stamp Duty collections were $5.1 million higher than expected reflecting the increased level of activity on property conveyances and transfers and on marketable securities.

I find this difficult to understand because there has been a reduction in property conveyances and transfers. The statement continues—

> Payroll Tax was up to $3.9 million as a result of higher salary and wage increases than had been assumed in the estimate.
>
> Probate Duty exceeded the estimate by $2.0 million arising from higher estate values and the speeding up of assessments with the abolition of the duty from 1 January 1980.

Additional Treasury revenue amounted to $5.1 million mainly reflecting the receipt of $2.4 million from the State Government Insurance Office as a contribution in lieu of corporate income tax. This contribution was not expected when the Budget was framed.

Members will recall that amendments were made to the Stamp Act in 1979. Since the amendments have been in operation various comments have been made. The Commissioner of State Taxation suggested the need to introduce amendments which were the subject of legislation passed recently.

The Government intends to have all the submissions on the Stamp Act carefully studied. I suggest it should be done at an early date. It must be acknowledged that stamp duty is one of the few effective revenue sources available to the State, and that our rates of duty are the lowest in Australia, but I believe the encompassing requirements of stamp duty cover far more documentation in this State than in any other State in Australia.

I know the Commissioner of State Taxation would have been co-operative towards the committee. Quite frankly, I believe the legislation which was introduced was similar to a sledge hammer being used to crack a walnut.

We recently passed legislation with respect to a subsidy of approximately 4c per litre on LPG gas. The Hon. John Williams was most concerned that inspectors are able to move onto properties and examine invoices, and take readings of LPG containers without the permission of the owners. Inspectors are able to seek documentation without a warrant, and request that any evidence be given to them.

I can assure the Hon. John Williams that the powers of the Commissioner of Stamps under his term of office far exceed the powers of those inspectors in respect of the administration of the Stamp Act. In this regard I will not deny that stamp duty is one of the few effective revenue-raising sources available to the State, and our rates are the lowest in Australia, as was stated by the Treasurer in his financial statement.

I applaud the move by the Government with regard to land tax, and I can appreciate the dilemma which it now faces. I will quote from the Liberal Party policy document dated February 1980. At page 23 under the heading "New deal for small businesses", it states—

> We will take a series of important steps to tackle small business taxation problems:
>
> We will eliminate the 1½ % Stamp Duty now applied to loans with an interest rate exceeding 14%—recognising that small loans often attract higher rates of interest than large ones, and this affects small business.

Currently, interest rates charged by finance companies and brokers are in excess of 14 per cent. The present ruling rate ranges from 15 per cent to 16 per cent or higher. I was in Melbourne recently and I had discussions with the corporate manager of the Australia United Corporation, possibly one of the largest merchant banks in this country. I was told that interest rates will be up to 18 per cent by 30 June next year.

If the Government is fair dinkum about holding down interest rates, it must look seriously at this iniquitous tax which adds a further 1.5 per cent to all loans in excess of 14 per cent.

When an advertisement appears in our Press stating that CAGA loans are available at 15 per cent or 16 per cent, members should not believe that figure includes the transaction duty. It does not. In addition to the lending rate advertised, the loan attracts 1.5 per cent stamp duty.

When our interest rates were 8 per cent or 9 per cent in 1971 or 1972, the impact of the additional 1.5 per cent applicable in Western Australia was reasonable. But, in this day and age, it is inequitable and it is an iniquitous tax. I believe it should be spread more evenly over the entire borrowing community.

Most of the funds are advanced over secured assets. Unfortunately, finance companies are a part of our everyday life, but to me it is a case of the rich getting richer, and the poor getting poorer, particularly in the area of small businesses. If this iniquitous tax cannot be eliminated during the current year, the revenue raised from it should be spread more equitably over funds advanced by banks, financial companies, credit unions, and building societies. Irrespective of the interest rates, it should attract stamp duty. I hazard a guess it would amount to .02 per cent over all borrowings.

Tax avoidance was mentioned, but I trust that the banking fraternity in its advances to major companies would be obliged to pay stamp duty, and they would not try to avoid that duty which applies in Western Australia by advancing it in other States. Frankly, I do not know of a more inequitable form of stamp duty. If it is to apply over the next eight months it will spell disaster to many small businesses. It is easy for large corporations to meet the additional cost. I think Mr Gayfer will bear me out on that statement. If one is an exporter executing bills of exchange, and there is a variation in the exchange rate, the exporter or his bank is able to take advantage of it.

The exchange rates published in our daily newspapers show the buying rate of the Australian dollar, for example, as X and the selling rate as X plus Y. So, the banking fraternity is in a position of being able to take advantage of exchange rates on international bills of exchange by matching export against import clients. I do not know why the large corporations should be exempt from stamp duty whilst the small business people who offer security are obliged to pay 16 per cent to 17 per cent, plus 1.5 per cent.

I will move on to the State Shipping Service. I notice that two vessels are to be commissioned in mid-1981. I have already indicated to the previous Minister for Transport, when he began negotiations in 1977 for the lease to purchase the MV *Kimberley*, it had no military strategic capabilities. I thought that with the problems associated with our Western Australian coastline, and our lack of rail facilities, we would be looking for State Shipping Service vessels with some form of military configuration. However, that does not seem to be the case. We are to commission two additional vessels with no strategic military capabilities or configuration.

Frankly, with the increase in defence expenditure announced by the Federal Liberal-National Country Party Government, in its last policy speech, something is wrong if we cannot get a subsidy for these vessels. Much defence emphasis has been placed on the Indian Ocean, and to me it seems we must have a case for some funding to subsidise strategic vessels.

I will refer briefly to my electorate. Naturally, I am pleased to see in the Budget Estimates an amount for the extension of the Lesmurdie High School. Stage 1 was completed and it was not expected that stage 2 would be implemented this financial year. However, the contractors who are still on the site and who are experienced in the terrain peculiarities from stage 1 have successfully tendered for stage 2.

The Hon. G. E. Masters: It is a beautiful school.

The Hon. R. Hetherington: We are hoping to get one at Belmont.

The Hon. H. W. Gayfer: I suppose it is handy to have a Minister in the area, too!

The Hon. NEIL OLIVER: That is so. I must say he was very much involved in the planning stages of the school, prior to his elevation to Cabinet, but he would not use his ministerial influence to ensure its completion.

The Hon. H. W. Gayfer: I could not imagine Mr Masters doing that.

The Hon. NEIL OLIVER: I am sure he would not.

More importantly, I would like to draw attention to the upgrading of the Bullsbrook Junior High School. It is on the western edge of the West Province. I know that the Hon. M. McAleer is also interested to see this school extended. People who live in the Gingin-Bindoon area are not able to send their final year children

to the Bullsbrook Junior High School. They are required to billet their children at Midland so that the children can attend the Governor Stirling High School, and other educational institutions in the Midland area. The extension of the Bullsbrook school will alleviate the problem in that area.

The same situation applies to the Northam West School which is on part of the eastern boundary of my electorate. I am pleased to see work going ahead there. The Eastern Hills High School, in the eastern corridor, is reaching completion and should be ready by February next year. Only last Friday I had the opportunity to inspect the new assembly hall which is well advanced.

The final subject on which I wish to speak has been mentioned by me on previous occasions. One of the greatest concerns I have in my province—and the concern is shared by my colleague, the Hon. Gordon Masters—is the lack of consideration by the Metropolitan Region Planning Authority, the Town Planning Board, and the Metropolitan Water Board because I believe their operations are not carried out in an efficient or a commercial manner. I know they are bound up with red tape, but, frankly, about 90 per cent of what those authorities are doing is against the wishes of the public, rather than to cater for public demands for places in which to live. The delays and the escalation in costs are scandalous. The result causes concern to the property owners.

I would like to draw attention to a few of the problems that concern my constituents. I might add that my information has been prepared by private town planning consultants—people whose work is of a high professional standard.

I refer to the eastern hills corridor plan commissioned by the MRPA, which has a commercial zone on the Great Eastern Highway comprising approximately seven shops of which five were condemned. The area is surrounded on all sides—north, south, east, and west—by commercial areas; and by some miraculous situation the seven owners came together to pursue a commercial project including a pharmacy, a doctor's surgery, a carpet retailer, and sundry other retail outlets. At the same time, to the rear of the property, which is on Great Eastern Highway, an access way was proposed so that unduly heavy traffic would not be moving onto Great Eastern Highway.

Plans were drawn up at great expense, and they were submitted to the Shire of Swan. During the objection period, would you believe, Mr President, the people who objected to the scheme? There were only two objections—one came from the MRPA which commissioned the scheme, and the other came from the Main Roads Department which provided one of the major inputs for the scheme! That is an example of what is happening in the MRPA.

The Hon. A. A. Lewis: Shocking!

The Hon. NEIL OLIVER: Let us hope it does not spread to Mr Lewis' area. I will now quote a typical submission of an appeal to a shire. The following are the grounds of the appeal—

(a) The document on display entitled "Scheme Amendment Report" is not a Scheme Report within the meaning of the Regulations.

(b) The responsible authority failed to make available for inspection at the office of the Town Planning Board a copy of the document entitled "Scheme Amendment Report".

(c) The Town Planning Board has failed to comply with the requirements of Regulation 15(5) of the Regulations in that the period for inspection of the Scheme document and the making of submissions thereto prescribed in the notice published in the Government Gazette is less than three months . . .

. . . The period of time fixed by the notice is a period from the 5th September 1980 to the 10th October 1980. Regulation 15(5) requires that a period of not less than three months from the date of publication in the Government Gazette be prescribed. The Minister's power to fix a lesser period does not extend to a scheme involving the zoning or classification of land.

Another constituent in 1953 purchased some land in Albany Highway near the Brookton Highway. The land runs from River Road to Albany Highway, and has become unsuitable for residential purposes because it is directly opposite the junction of Brookton and Albany Highways. It is impossible to erect premises which could be let or purchased, because of the noise and lights shining on them from Brookton Highway. For a number of years the constituent has been asking the shire whether he could erect commercial buildings on the site. On each occasion he has been advised by the shire's town planning section and by the Town Planning Department that it is a waste of time making application as this portion of Albany Highway is to be retained as a residential area.

The constituent made application for rezoning, which was refused. He now finds the shire is allowing redevelopment of land only 200 metres away on Albany Highway, at the corner of Rundle Street, which is directly opposite Brookton Highway. The land in question is to be permitted to be developed for the purpose of shops, a real estate agency, and a doctor's surgery. This has been done without any recourse to the application lodged by my constituent some years earlier.

How can we as a Parliament justify those sorts of actions by local authorities, the MRPA, and the Town Planning Department? If that is to happen we might as well disband the Town Planning Department and find some other method of doing this.

Here is another example: A constituent bought a duplex block. Eventually it was decided the land would become industrial land under the control of the Industrial Lands Development Authority, in respect of which we have passed a Bill in this place tonight. My constituent cannot do anything about his land because ILDA does not have the funds to purchase it. So in October 1980 he is required to pay tax of $106.50; improvement tax of $8.88; $30 to the Metropolitan Water Supply, Sewerage, and Drainage Board; and $10.65 in land tax. Incidentally, the property has no dwelling on it. Furthermore, the gentleman recently received a letter from the shire asking him to arrange for fire breaks around the property. That will cost approximately $250.

I wrote to the Government and in reply to my letter I was told insufficient funds are available for ILDA to purchase his property. There is no way in which he can mortgage the property because a caveat has been lodged against it to the effect that eventually it will be purchased by ILDA. At the same time, the person has been told he will not receive exemption in respect of any of the taxes levied against the land. That is also a totally inequitable situation.

The final matter to which I wish to refer concerns the eighth annual report of the Consumer Affairs Council and the Bureau of Consumer Affairs recently tabled in this Parliament. The report refers at page 33 to complaints against the company known as Pauls Outdoor Leisure Centre. The company trades under that name, but is known as the Nicholls Outdoor Corporation Pty. Ltd. The report states—that it operates from

> ... centres at 380 Wanneroo Road, Balga, 145 Rockingham Road, Hamilton Hill, 79 Russell Street, Morley, 1425 Albany Highway, Cannington and 203 Balcatta Road, Balcatta. The Directors of the company are recorded as Paul Nicholls of Dianella, Derek George Nicholls of Willetton and Clive Mark Laskie Read of Bullcreek.

I have spoken to one of the Mr Nicholls and I find he has something like 10 000 clients a year. Only 23 complaints were lodged against him last year. He advised me today that when a dispute occurs he sends the person concerned to the Consumer Affairs Council in order that the matter might be settled. In exchange for that, what does he get? He is named in the eighth annual report of the Consumer Affairs Council, and I understand this has had a considerable effect on his business.

Recently another report was tabled in this Parliament; I refer to the report of the Parliamentary Commissioner for Administrative Investigations. One of my constituents, in desperation, appealed to the commissioner. I quote as follows—

> ... I have had several exchanges of correspondence with the Town Planning Department on the subject of your complaint concerning the improper use of statutory powers by the Town Planning Board to enable the Metropolitan Water Board to require headworks contributions as a condition of approval of subdivisions.
>
> In its initial report the Department indicated on the basis of further consultation on this matter with the Metropolitan Water Board, the Town Planning Board would continue to exercise discretion in favour of the Water Board when requested to do so.
>
> This report caused me some concern and I expressed the view this use of powers by the Town Planning Board to assist another instrumentality was unwise to say the least and I also pointed out the Board was probably using its powers in a way never intended by Parliament.
>
> In addition to your complaint to me I am also aware you appealed to the Honourable the Minister for Urban Development and Town Planning against the offending conditions of the Town Planning Board approval dated the 30th May 1979.
>
> In further consideration of your complaint and subsequent appeal to the Honourable Minister the Town Planning Board considered advice from the Crown Law Department and reviewed its own policies and procedures concerning the conditions under which Metropolitan Water Board

headworks charges should be imposed. At the risk of over simplifying through brevity, the Town Planning Board had resolved only to impose conditions which could be justified on planning grounds and would generally be reluctant to impose conditions requiring payment of headworks charges in developed areas.

Having received a copy of the Honourable the Minister's advice to you of 1st November, 1979, I am aware your appeal has been substantially upheld.

Apart from the specific benefit for your own subdivision application, this complaint has been of some general benefit in making the path of the governed somewhat easier to tread. In these happy circumstances, on a formal note I will simply regard your complaint as justified and close my file on the matter.

If it is good enough for the Consumer Affairs Council and the Bureau of Consumer Affairs to print criticism of Pauls Outdoor Leisure Centre, it is good enough for that to be printed in the report of the Parliamentary Commissioner for Administrative Investigations. If the Commissioner for Consumer Affairs has no compunction in respect of reporting situations against private companies which, while they may or may not be true, are still not proven according to normal rules of law, then in my view the errors made by statutory bodies also should be highlighted to a similar degree.

This applies particularly to the Metropolitan Water Board which, prior to the change of policy by the Town Planning Department, managed to collect thousands of dollars from persons who rightly required approval for subdivision, and who were held to ransom by the misuse of statutory powers. To my knowledge the Metropolitan Water Board has made no attempt to repay the funds it demanded from those persons; instead it had similar conditions imposed prior to the change of policy of the Town Planning Department. To me that is a very serious offence. If we are going to have collusion between the MRPA, the Town Planning Department, and the Metropolitan Water Board, let us get it sorted out once and for all.

There have been frustrations, delays, files lost. There used to be a great saying that when one received a reply from a Minister saying, "We have the matter under consideration", it meant the file was lost. When one wrote again and received the reply, "We have the matter under consideration and we anticipate reaching a decision in the very near future", that meant the file had been found.

I have seen examples of files submitted to the Town Planning Board where people had great faith in government and in the Public Service, and allowed time to pass for the application to be dealt with. After eight months, an inquiry showed that the file was sitting in the "In" tray of an officer who was on six months' long service leave. If that is the way the Town Planning Board operates, I will have no part of it.

I am not talking about rattling skeletons; because if one rattles the skeletons, one will finish up with the same skeletons. It requires a total reappraisal.

The Hon. R. Hetherington: Why not start rattling a sabre to fix the skeletons?

The Hon. NEIL OLIVER: All I can say is that this type of law is stifling private enterprise and stifling the private home buyers.

I was amused to read a book called *A Mansion, or no house* written by John Paterson, David Yencken, and Graeme Gunn. David Yencken is an architect in Melbourne. There are cartoons throughout the book. On page 131 a tombstone with a cross on top is shown, and a person is placing a wreath upon the tombstone. The epitaph on the tombstone reads—

Peace at last Bill Smith. This tombstone has been approved by the Council.

THE HON. P. H. WELLS (North Metropolitan) [10.03 p.m.]: Firstly I will raise a number of unrelated points, but they are points that I think are important not only to this House but also to the community in general. Then I will deal with some areas of concern within my electorate, relating to the Government's creation of a climate for better living.

I want to deal with drugs, censorship, and pornography. It is rather disturbing to hear reports from within my electorate that young school children are going to chemists and buying large quantities, or seeking to buy quantities, of motion sickness pills which they mix with drinks and, I am told, with alcohol to create some simulated experience or some high feeling. I received a report from one of my constituents, and I had a discussion with the principal of the school. It was confirmed by a local chemist that young people had purchased these pills, and he believed they may be using them for drugs so he stopped supplying them. On one occasion, he found one of the children trying to encourage adults outside the shop to buy the motion sickness pills for a child at school.

We need to be aware of this. The parents of our children need to be aware that there is some danger. Members should be always on guard within their own electorates, because when children begin with something reasonably soft this is the start of the drug run. As a parent, I consider that I need to be always on my guard.

I have discussed this problem with the Minister for Health. Officers of his department are investigating and considering what action should be taken. We have to make regulations and restrictions continually in the effort to protect other people and to protect the children who are in our charge. We have to prevent from happening in Australia the type of situation that occurs overseas. I am rather concerned about the report that came from within my electorate in the last week. I will be following up that report; and I ask that members take due care within their own electorates because this is a matter of concern.

The second area with which I want to deal is censorship. It is always said to a person who disagrees with certain types of films that he has a choice. However, I visited a service club in which another member moved a motion that the club protest about his being subjected to R-rated films and his family being subjected to these films despite the fact that they never attended a theatre. This arose from the fact that drive-in screens are visible throughout the community. There are types of films that are restricted to certain people, and we allow those films to be shown at drive-ins. There are a number of drive-ins within my electorate. I have heard disturbing reports from people within the community who think it is wrong to have censorship on the one hand and on the other hand to allow that type of film to be shown in the open, on a screen larger-than-life size, when any person driving down the main street can see it. We say there are films that should be restricted, and only adults and children over 18 should be allowed to attend. That makes a mockery of the censorship laws.

The drive-in industry needs to look at the way the screens are positioned. They should not be available to be forced upon the rest of the community, particularly that section of the community we do not want exposed to that type of film, and which we protect by censorship.

One has only to drive down Odin Road to see one such situation. There are others out in Duncraig, but I have not seen them. On the evening I attended the service club the man who moved the motion said that when his children went to the front door, as large as life they could see nudity, and everything else that one could imagine, appearing on the screen. He said it was an affront to him. It is wrong to allow screens such as that to show films that the Censorship Board has said should not be shown to young people.

The Government created the Censorship Board, and we should accept its decisions in relation to restricted films. We should ensure that such films cannot be seen.

I have heard reports of what some young people do to avoid coming up against the censorship laws. An older person with a CB radio goes into the film, and the young people stay outside where they can see the screen, and hear what is going on. That is an area of great concern to us all.

Now I want to touch on pornography because it is a great problem. Because of technology, we are almost on the edge of great strides in pornography to such a degree that it should be of concern to us. We should find some way of ensuring that it does not have the undesirable effect that it has on the younger generation. I suggest that pornography also has undesirable effects on people other than the younger generation.

We have entered an age in which video recorders are readily available. There are large-as-life advertisements for "R"-rated movies on tape. As opposed to the situation in the cinema in which there is control with ratings and children under a certain age can be excluded, that is not possible with the video tapes because people can buy them and they can be shown in a home. Some people do not exercise the degree of responsibility that they should. They allow large numbers of children to view these films.

I understand that in the next 10 years we will move into cable television. If we have the same experience as they have overseas, we will find that at least one of the lines is tied up with this type of film. One might say that nobody needs to watch it; nobody has to plug in; but the question I raise is that we should recognise a problem with the censorship laws.

We have said that certain sections of the community should not see such films. However, how are we going to police that when the films are taken right into the loungeroom? How are we going to ensure that the censorship laws are observed if the person showing the film allows a child to be present?

If a person is discovered allowing a child to watch such a film, we will take action. It is up to the authorities to watch this problem. We should try to avoid such a situation, because some rather frightening changes are coming.

Already we are subjecting our younger children to many more pressures with our modern

technology. Our children live in an age of computers. They know the speed with which we can store information and retrieve it. That is tremendous. There are more exciting developments; but they create many problems. We create so many evils that are likely to befall our children.

I suggest to the House that there is medical evidence that pornography has an effect upon children, sometimes for many years. It does almost irreparable damage to their lives. Some people may claim that pornography is of assistance in preventing rape; but one has only to buy a Kalgoorlie newspaper to see that rape has not been stopped in Kalgoorlie, yet all the facilities are available in towns like Kalgoorlie. There are places overseas where they still seem to have rape.

The Hon. R. Hetherington: I suggest rape has nothing to do with sex, but rather power.

The Hon. P. H. WELLS: Sometimes the argument is that we should have pornography to prevent rape; but that is a myth.

We should consider the irreparable damage that can occur; and we should consider the type of community we are creating. We in this place have a responsibility because the community we leave behind is the one in which our young children will grow up.

Having raised those matters, I now want to deal with a number of small ones which have been brought to my attention. The first relates to hire purchase.

Hire purchase gives people the ability to buy a lot of things. It would be very difficult for a young couple just married to exist without hire purchase. What concerns me is that some people are accepted as guarantors for hire-purchase agreements who, if their financial affairs were examined properly, could not show an ability to pay. That applies particularly to single mothers. There is no guarantee that such people will be able to meet the obligations of the hire-purchase agreement.

A great deal of heartbreak is caused when a person who acts as guarantor is left with a large bill which he or she must spend the rest of his life paying. Quite often they can pay only a small amount each month. It is particularly difficult when such a person does not have a salary adequate to enable him to pay the account.

The hire-purchase industry has a responsibility to ensure the people it accepts as guarantors have the ability to meet the payments if necessary. The argument is put forward that the person who acts as guarantor has never had a bad debt; therefore, he should be accepted. I suggest a bank does not lend money on that basis and although hire-purchase agreements are not as difficult to obtain as bank loans, the hire-purchase industry should have responsibility in this area.

I am not sure whether all members received the pamphlet which relates to Western Australia Week. In 1981 the days on which Western Australia Week is to be held have been changed so that it will commence on Foundation Day, 1 June, and will end on 7 June.

Western Australia Week should be supported by everyone in this State. It is an idea which has developed over the years and it is envisaged that Monday is Foundation Day; Tuesday should be a day of friendship and flowers; Wednesday should be a day of pioneers; Thursday should be a day of all nations; Friday should be a day of trees; Saturday should be a day of sport; and Sunday should be a day of thanksgiving.

I should like to point out that the dates were changed for 1981 so that school children could participate. The Chairman of Western Australia Week (Mr Richards) would like the 1981 celebrations to be seen as a "week of youth". I hope members of this House will support the concept and promote the idea that it should be a week of youth. In that way, perhaps we can present an alternative proposition to the negative approach which at times the media adopts to young people.

The Chairman (Mr Richards) makes the following comments on the front of the pamphlet to which I have referred—

> The Emphasis Will Be on Youth
>
> Many parents, teachers and schoolchildren have expressed the view that Western Australia Week could be better served if it started a week later. Until now, it has begun on the day most schools return from holidays. However, my Council has decided to run the 1981 programme to fit in with the school calendar. We will start Western Australia Week 1981 on Foundation Day. In the past this has been the culmination point.
>
> The Day themes were a great success this year and they will be maintained and enhanced in 1981. Some have now been combined to streamline the programme.
>
> The change of dates and days will give everyone a chance to participate and we will be disappointed if the many teachers and parents who sought the changes do not give their wholehearted support. We want Western Australia Week 1981 to be

remembered as a "week of youth". We hope you will join in.

I trust all members will endeavour to obtain copies of this pamphlet and will distribute them to the young peoples' organisations in their electorates. If members were to make contact with the youth in their electorates, through forward planning of the celebrations during Western Australia Week, they could ensure its success in relation to youth. In this way, as a result of forward planning, the celebrations during Western Australia Week will be able to make contact with the youth in our electorates.

I should like to refer now to the Royal Show. Protests have been made about the abolition of the Royal Show holiday for children and I believe it has been proposed that, on a trial basis, the holiday should be reinstated to accommodate some of the protests made.

Many school groups attended the Royal Show this year and took advantage of the concessions available to school parties. From the reports I have heard it is clear a great deal of educational value was gained as a result of the change in the school holidays and the benefits outweighed the loss of a holiday on Children's Day. Parents and children combined in a systematic approach and educational advantages were obtained, because the children went home and became involved in projects. If we are to succeed in bridging the gap between country and city people at least to some extent through the Royal Show, greater emphasis should be placed on the educational benefits to be gained, instead of simply having a day on which everybody goes to the side-shows.

I believe the Royal Show this year resulted in great educational benefits for children. I do not go along with the argument that, because we need to increase the numbers who attend the Royal Show, we should have a school holiday on Children's Day.

There is a feeling in the community that the trend started this year was of value and the Royal Show officials and schools co-operated with each other to the advantage of all. We should develop along these lines.

A number of members watched a film shown in the Parliament recently by the St. John Ambulance Association. The film related to drunken-driving and I imagine all members join with me in the hope that it will be shown in the schools, particularly in high schools.

The Hon. P. G. Pendal: That is going to happen.

The Hon. P. H. WELLS: I believe drunken-driving is a growing problem and it is probably more advantageous for the film to be shown to people in the younger age group than perhaps to members of this House. People who are approaching adulthood should be aware of the responsibilities which go with a driver's licence.

One of the other areas in which both Federal and State members of Parliament should become involved is the Regularisation of Status Programme. We are fast approaching the date on which the amnesty granted under this programme will cease. It is disturbing to note that although in the beginning a number of applications were made in this State under the programme, there has since been a reduction in the number of applications received. It is possible some members of the community are fearful of Government agencies and, therefore, have not submitted applications. All members of Parliament should examine how they can use their abilities and connections to encourage the community to get behind the programme.

It is interesting to read the questions and answers contained in the R.O.S.P. newsletter of September. Indeed, the answers given certainly extended my knowledge in this area.

One of the questions asked was—

> Does the R.O.S.P. apply only to illegal immigrants?

The answer reads as follows—

> No. People here legally as well as illegally may apply.

A further question reads—

> Will it be difficult for those who apply under the R.O.S.P. to be approved?

The answer to that question reads as follows—

> No. The great majority will have no difficulty in meeting the health and character requirements of R.O.S.P. Moreover, only the Minister for Immigration and Ethnic Affairs himself can reject any person under R.O.S.P.

Another question reads—

> What about those who arrived on or after 1 January 1980, unsuccessfully applied for change of status and who remained here illegally?

The answer to that question was—

> People in this situation would not be eligible to apply under the R.O.S.P.

The Hon. P. G. Pendal: What is that programme?

The Hon. P. H. WELLS: It is the Regularisation of Status Programme which is encouraging people who are here illegally to register.

The Hon. P. G. Pendal: If someone is here illegally, would he be eligible to apply under this programme?

The Hon. P. H. WELLS: The question is—

> Does the programme apply only to illegal immigrants?

It is pointing out that it is possible for someone to apply in any case.

The Hon. J. M. Berinson: I think they are talking about people who have overstayed their visas and whose status is now illegal.

The Hon. A. A. Lewis: They originally entered legally.

The Hon. P. H. WELLS: This newsletter of September last is available to all members and I suggest they take copies of it into their electorates. There would be a great deal of value in members using the contacts they have in an endeavour to assist the programme. In eight weeks' time the amnesty granted to illegal immigrants will lapse. Perhaps by word of mouth members can assist people to take the opportunity offered by the Federal Government to legalise their residence in Australia. It would be a good gesture on our part to extend the hand of friendship and show there is nothing sinister about the programme.

I believe the Government's revenue and expenditure should be aimed at helping people. It is through the expenditure of its revenue that the Government helps to make this State a better place in which to live. The areas in which we spend our money are particularly important. I intend to address myself to the areas which I believe are of vital importance to people who need Government assistance. Provision for such people is included in the Budget papers in areas such as transport expenditure where concessions are given to pensioners who may travel at reduced rates. Government concern in this area is reflected also in the expenditure on health where we try to care for those in need. It is reflected also in payments to Government instrumentalities and local authorities which cover pensioner concessions on motor vehicle licences and in the area of legal aid. Subsidies are provided for the construction of bus shelters and senior citizen centres.

These are areas of social concern and the expenditure by the Government in providing for the needs of the less fortunate people in the community recognises that it accepts its obligation to try to help such people.

I suggest all members consider the benefits given to people in need in our community. The setting up of the State Government Information Centre in St. George's Terrace enables people to obtain information about State Government services. People will be available on a continuous basis to answer questions and provide a wide range of information. Although such a centre costs the Government money, it contributes to the understanding people have of the Government of this State.

I should like to consider concessions provided, in particular, to pensioners. Transport concessions are given to people in this State who hold a concessional fare certificate which is issued to all people who qualify for a pensioner health benefit card. It is issued by the Department of Social Security and it is recognised by State Government agencies and transport instrumentalities in this State. I suspect the concessional fare certificate as such is quickly approaching redundancy to some degree.

There was a time when people obtained the pensioner health benefit card, but only some of those who held that card received a concessional fare certificate. For example, at one time I believe single parents did not receive it. According to the information available to me at the moment, I believe a concessional fare certificate is issued to every holder of a health benefit card. The concessional fare certificate card is recognised in this State as a means by which concessional fares may be granted under the Transport Act. The card is recognised also by the MTT, Westrail, and some private bus operators, particularly in country areas.

I have been talking about the method of identification of people for concessions and that matter becomes extremely important when we relate it to the reciprocal arrangements with other States. The reciprocal transport arrangements are available to pensioners from this State who wish to go to the other States and pensioners from other States who wish to visit this State. Every State, except Queensland—this has been confirmed—is involved in this reciprocal arrangement. With this arrangement pensioners qualify for the benefits of travel on public transport in other States.

Identification is by way of a concessional transport certificate which has been issued in this State. This identification is accepted in other States. In Victoria the tramways have issued an identification card to pensioners in that State so that they may benefit from the travel concession.

I hope that in the long run the Pensioner Benefit card held by pensioners will be recognised throughout Australia for pensioner concessions. Because Queensland has not joined the scheme,

pensioners who visit Western Australia from Queensland and Western Australians who visit Queensland may not officially participate in pensioner benefits.

The pensioner benefit reciprocal scheme was initiated in 1979 in readiness for the 150th year celebrations in this State. The Press release from the Premier's Department on 20 September 1978 stated—

> The Premier, Sir Charles Court, announced today that Cabinet had agreed to join the reciprocal concession scheme with other States.
>
> Western Australian pensioners visiting other States would be able to enjoy whatever concessions were available provided they carried their pensioner travel cards.
>
> Similarly, pensioner visitors from the other States could enjoy the Western Australian concessions on the same condition.
>
> Sir Charles said that the introduction of the scheme at the beginning of the State's 150 anniversary year would be most appropriate.
>
> It would enable pensioners visiting the State for the celebrations to enjoy the concession.
>
> Sir Charles said that the reciprocal agreement in other States applied only to metropolitan public transport services and the same restriction would have to apply to visitors in Western Australia.
>
> It was difficult to be precise about the cost of the scheme, but it was accepted as something we should agree to in the interests of our own pensioners as well as those in other States.

That was the announcement made to indicate this State's participation in the scheme.

I wish to highlight certain areas of the scheme because some pensioners are confused. This was indicated during a visit to Parliament House by a group of the Hon. Bob Pike's constituents and my constituents. A question was asked as to why we do not have reciprocal arrangements. It appears that some pensioners are not clear about the arrangement and are not clear that it is available to them provided they carry their certificate when they are travelling to other States.

Travel outside the metropolitan area was not covered in this scheme, but I have discussed the matter with people in outer city areas, and country areas such as Albany, Bunbury, Busselton, Geraldton, Kalgoorlie, and Mandurah.

The Hon. A. A. Lewis: And Collie?

The Hon. P. H. WELLS: I did not check with the private bus operators in Collie; perhaps Mr Lewis will. It was indicated to me that the private bus operators in the areas I have mentioned do accept a pensioner's health card and provide concessions on their bus runs, regardless of where the person resides.

So, despite the fact that the scheme was to cover only the metropolitan area, it would appear that other operators recognise that pensioner benefits should be provided. I have been advised by a member of the department that even if the operators do provide this concession and include it on their claim, it would be a hard knock-back to subsidise the private operators who provide the concession to the pensioners.

I must compliment the people of Geraldton on the scheme they operate to transport people to the shops in that town. I think the bus service runs once or twice a week and has been in operation since 1976. They have held their fare at 40c for adults. Pensioners still travel on that bus service because the operators in the town of Geraldton recognise that the senior citizens are part of that town. They have been able to hold the fare at 40c since 1976.

I wish to make reference to travel in Perth.

The PRESIDENT: Order! Would all honourable members refrain from their current audible conversations!

The Hon. P. H. WELLS: In Perth, pensioners enjoy all-day travel for 35c and from the feed-back that I have received, I would say the service is well patronised and appreciated by pensioners. A pensioner from Balga or Whitford can visit friends in Fremantle for the day and they can join together for a trip to the hills or Rockingham. For shorter trips the charge is 10c for up to two sections and 20c for more than two sections or two hours of travel.

One aspect of the travel which is not very well known is that in the event that a pensioner may have a doctor's appointment and that appointment may take a little longer than expected—therefore the two-hour limit is exceeded—the MTT will extend this period on the return journey if the doctor endorses the pensioner's appointment card.

The Hon. A. A. Lewis: I am sure the Hon. Clive Griffiths has been responsible for this.

The Hon. P. H. WELLS: That may be; I do not know, but I am glad the honourable member is helping me to traverse the facts because I think many pensioners would benefit from this travel if they were aware that they would not lose that concession in the circumstances I have mentioned.

The Commonwealth Department of Social Security, in its pensioner benefits pamphlet, states the following under the heading "Hospital Visits"—

> The Department for Community Welfare may issue a "Pensioner Destinatiom Pass" which enables a pensioner travelling for out-patient hospital treatment to use MTT services without having to meet the cost of the homeward journey, even though the two-hour time limit on the ticket has expired.
>
> The Department for Community Welfare can approve the issue of a concessional pass for metropolitan travel in cases of financial hardship.

That is another case which indicates that the Government is helping those who are in need. The allowance for travel concession is shown in the 1980 Budget—under division 21—as a service provided by the Government. Westrail receives for pensioner travel concessions a subsidy of $1 079 000 and the MTT receives $2 505 000. A sum of $100 000 is the allowance provided for the yellow "Clipper" service in the city.

The City "Clipper" is a rather unique system and it has been tremendously successful. This has been indicated by the large number of people who have used the city "Clipper" services. For instance, the yellow "Clipper" service in 1979-80 carried a total of 76 800 passengers. The yellow "Clipper" operates in the inner city area between Wellington Street and St. George's Terrace, along William Street, Barrack Street, and Victoria Avenue and between St. George's Terrace and Hay Street. This service operates from 9.00 a.m. to 4.00 p.m. on Monday to Friday. It is a service which operates every 10 minutes and many city people have indicated that they enjoy the access they have to the city "Clipper".

The red "Clipper" transported 36 200 passengers in 1979-80. That service operates every 10 minutes on a wider city circuit between Milligan and Plain Streets. This service cost $240 100 in 1979-80 and fortunately that cost was met by the City of Perth.

The Hon. H. W. Olney: Don't you believe that free buses is socialistic?

The Hon. P. H. WELLS: No, because it is selling a service and it will attract people to use public transport. It would appear that the honourable member should perhaps travel in the blue "Clipper", it may improve his culture.

The Hon. H. W. Olney: Do you ever use it?

The Hon. P. H. WELLS: I have used the buses and the "Clipper" service quite regularly. I often travel to the city in buses and on occasions I have travelled to my home in Balga on the MTT bus service. It operates a service to my front door. The MTT provides a good service and if this service was not provided for people in remote areas they would be very much disadvantaged.

The Hon. F. E. McKenzie: However, there are not enough of them.

The Hon. P. H. WELLS: The blue "Clipper" carried 47 000 passengers in 1979-80 and the cost of that service was $65 432. Again the cost was met by the Perth City Council. That service covers the area of the Art Gallery, the Museum, and the Perth Technical College and operates Monday to Friday from 7.00 a.m. to 5.30 p.m. at 10-minute intervals.

The MTT has considered members of this House and we have a West Perth "Clipper" which travels along Hay Street to Outram Street, West Perth, returning along Kings Park Road and Malcolm Street. That is a new service and some changes are being considered to the service in order to attract more people to the public transport system.

The Government, the Perth City Council, and the MTT, have provided an excellent service to the areas I have mentioned.

The Treasury refunded over $2 073 000 to the MTT in 1979-80. A sum of $220 000 was provided for disabled soldiers and a sum of $561 000 was provided for scholars' concessions.

These indicate means by which pensioners—and not only pensioners when we consider the city "Clipper" service—might be attracted to the transport systems of this State.

I notice that the Perth City Council makes an allowance for the disabled. The information I have on this matter is as follows—

> The Perth City Council offers disabled drivers and drivers of disabled passengers free two-hour parking in certain bays in shopper car parks. You need to apply through the Western Australian Committee on Access for the Disabled, 27 Windfield Road, Melville. A disabled driver would also be allowed a 30-minute grace period for kerbside parking of one hour or more. Similar concessions are offered through the committee by the Fremantle City Council and the Bunbury Town Council.
>
> Paraplegic or quadriplegic members of the Paraplegic-Quadriplegic Association are eligible for a grant towards the cost of a new car which is needed for travel to and from work.

So other benefits are offered to these people to help make their lives a little easier. If I were to range through them all, I could well be here for quite some time.

The Hon. P. G. Pendal: Would you be able to remind the Opposition that it was this Government which brought in the rebate for pensioners for local government and sewerage rates? That was something probably far superior to the pensioners' travel concessions.

The Hon. P. H. WELLS: I am glad the honourable member brought that to the attention of the House. I like it when members assist and bring out these little kernels of information—

The Hon. R. Hetherington: Are you suggesting he is a nut?

The Hon. P. H. WELLS: —that suggest we are a Government of compassion.

The other night in this House we discussed the Housing Bill. The graph in relation to welfare housing indicates to me that the Government is meeting the demands of those in the greatest need. The State Housing Commission is providing concessional accommodation for a group of people in need. The SHC accommodation is provided to people on low incomes, and even within this group of people needing assistance, the Government recognises that some require more assistance than others. I believe that accommodation is provided to some for as little as $10 a week at the bottom of the scale.

At 30 June 1980 the figures show that 53.9 per cent of all the people renting SHC homes were receiving rental rebates. That figure was 26 per cent in 1975, and it indicates to me that the Government is helping a large number of people in the greatest need.

The Hon. J. M. Brown: Is there an increase in the number of houses built?

The Hon. P. H. WELLS: I know that many people want something for nothing, but the Government is trying to assist the ones who have a real need. I discussed welfare housing recently with a welfare officer, and he told me that some people try to exploit the system. Despite the fact that they have no real need, they go from one welfare officer to another, seeking assistance. A welfare officer in my electorate told me last week of a person who demanded welfare and who said, "Either provide it for me or I will tell the Department for Community Welfare." He did not get any welfare, and according to the information I have, he has not received assistance from anywhere else. Some try to exploit the system.

The Hon. Peter Dowding: Is that like tax avoidance?

The Hon. P. H. WELLS: If the honourable member fits into that category as he indicates, he may well accept that assistance.

The Hon. Peter Dowding: I said, "Would you put tax avoidance in that category?"

The Hon. P. H. WELLS: The Government is doing better than any previous Government has done in regard to welfare housing.

The Hon. R. Hetherington: I think your facts are wrong there.

The Hon. P. H. WELLS: The graph indicating the number of people assisted continues to rise. I have mentioned before that very nearly $10 million is allocated for housing.

Of course, I wish to refer tonight particularly to the people in my province. During the year 1980-81, it is planned to build about 216 units in the northern city area, although some of those units may be in the area of the Hon. Joe Berinson. We are not given the exact addresses of these houses, and it is sometimes difficult to know just where they are.

In the Girrawheen area, a total of 57 units will be built, and of these 24 will be for aged persons. In Innaloo five units for the aged will be constructed, 20 units in Nollamara, and 28 units for the aged in Balga out of a total of 32 units. In the North Metropolitan province alone there will be something like 114 units built.

The State Housing Commission should be complimented. It operates not only in the city, but also in country areas, despite the high costs involved there. It recognises that people in country areas have just as much of a claim upon social welfare funds as do those in city areas. So the Government has made great inroads into meeting our housing demands.

The Hon. Peter Dowding: It has increased the number of poor—is that what you mean?

The Hon. P. H. WELLS: I did not quite catch the babble from the back there. Perhaps the honourable member has a problem in not being able to be understood; but that is normal in his profession. It keeps a great many other people employed.

The Hon. D. K. Dans: I find no problem in understanding the Leader of the House.

The Hon. P. H. WELLS: I now wish to refer to water supplies. In my electorate at least three programmes are planned, and these will benefit people in the north metropolitan area. The Joondalup distribution main at Osborne Drive

will be of particular benefit. I am advised, through a departmental letter, as follows—

> Joondalup Distribution Main Osborne Drive
>
> This water main (3,000 metres of 900 millimetre diameter cement lined mild steel pipe) forms part of the Wanneroo gravity distribution system. It was commissioned in December 1979 to supply the Shire Offices and Regional Hospital and will ultimately serve the Joondalup Regional Centre.

Certainly this is an important planning move for the early development of this area. It will be well accepted. The letter continues—

> Scarborough 11A and 1B Sewerage Reticulation Areas and Clifton Street Pumping Station.
>
> This project is part of the Metropolitan Water Board's infill sewerage program of providing a reticulated sewerage service to unsewered developed areas; 285 lots totalling 40 hectares are included in areas 11A and 1B.
>
> The pumping station conveys wastewater from these lots to the Karrinyup Main Sewer.
>
> Albert Street Main Drain
>
> Market gardeners in the area use surface water flows for irrigation but have experienced problems of flooding due to development of the surrounding area. Control stations are being built to deviate excess flows but ensure sufficient water for irrigation.

These programmes are pleasing.

I would like now to speak about the important area of health, and this is part of the Budget to which I referred in my initial comments. Major development is important to the State, but the sections of the Budget such as health recognise that we must help people and we must make this State a better place in which to live. Item No. 87 in division 21 is an allocation of $4 million to the St. John Ambulance Association. According to the information I have, the St. John Ambulance Association charges half rates to aged and invalid pensioners for an ambulance. A voluntary transport service is provided by the Royal Perth Hospital for patients who cannot otherwise get to the hospital. The Sir Charles Gairdner Hospital also has a free transport service.

The Hon. Peter Dowding: What are you reading from?

The Hon. P. H. WELLS: I am reading a note from the department to back up this allocation of $4 million to the St. John Ambulance Association. It is a pensioner note from the Department of Health and Medical Services. I would be happy to provide the member with a copy if he would like to show it to the pensioners in his district.

Dental treatment is available for pensioners at the Perth Dental Hospital and its clinics in the metropolitan area. Dental treatment is subsidised by the State Government. The overall cost of this service is $470 000. These funds are covered by item No. 6 in division 4.

A number of items indicate a Government that shows concern. One affecting my constituents is a subsidy for bus passenger shelter sheds. These are subsidised by the Treasury to local government. Although the MTT is consulted as to positioning, the actual control and distribution of the shelter sheds is the responsibility of local government. A sum of $31 000 is made available to subsidise passenger shelter sheds.

I trust the local government will take due care in the positioning of these shelter sheds, and that it will consider the people using the service, and particularly the pensioners. Where there are large blocks of flats, the people are more likely to patronise the bus service than are those in the more affluent suburbs, where most people have cars.

The Hon. F. E. McKenzie: Why not give some to the railways? They don't have any.

The Hon. P. H. WELLS: I am not too sure whether local government looks after the railways, but there is an allowance in regard to the buses.

The Hon. F. E. McKenzie: The railways have to provide their own.

The Hon. P. H. WELLS: Who has to provide their own?

The Hon. F. E. McKenzie: Westrail.

The Hon. P. H. WELLS: Those items that appear on page 52 of the Premier and Treasurer section of the Estimates indicate to me the compassion the Government is showing. I have picked out a number of these items which indicate that the Government, combined with individuals, is helping to alleviate needs within the community. Also, the Government is capturing the spirit of making the State a better place in which to live. A grant of $10 000 is to be made to the Jesus People Welfare Services. This association helps the homeless youth within our community, and members will realise this is an ever-growing problem.

The Hon. Peter Dowding: They are homeless because they cannot find work.

The Hon. P. H. WELLS: That is interesting. If the honourable member had waited for me to finish the statement, he would have known it happens to be a matter of great concern to the organisation itself that large numbers of people who use its facilities come from good homes—homes in which they are probably welcome to stay.

I suggest we should examine some of the causes of young people leaving the security of their homes where, in the past, they have been happy to remain. I am concerned that perhaps, in providing funds to alleviate a problem, we are in fact exacerbating the problem. Young people today leave home and, when they cannot find work, they go on the dole and their pride will not let them return home.

The Hon. Peter Dowding: Are you suggesting we cut out the dole?

The Hon. P. H. WELLS: I am not suggesting that. However, what I am suggesting is that the break-up of the family unit should attract our attention. The Government recognises that the Jesus People is an organisation interested in maintaining the family unit. It is better to fund such an organisation than to establish a Government instrumentality to handle the problem as, no doubt, the Hon. Peter Dowding would recommend.

I have had personal experience of these problems with The Salvation Army. I am sure Mr Dowding would support the policy to which his party subscribes; namely, that of keeping our young people within the family unit.

The Hon. R. Hetherington: Sometimes it is a good idea to keep some families separate. We should have a look at the whole problem, not simply talk in cliches.

The Hon. P. H. WELLS: I agree; we should examine the whole problem. Some welfare officers—not all—without bothering to check out the family situation, advise children that they should leave home, despite the fact that their parents have spent 15 or 16 years rearing them. Some of these welfare officers say, "It would be better for you to leave home now, because it will take your parents two or three years to catch up with you." All welfare officers have a responsibility to check out the family situation, and to recommend such drastic measures in only extreme cases.

The Hon. R. Hetherington: How "extreme" do you want them to be?

The Hon. P. H. WELLS: I accept as "extreme", cases which even the Family Court finds difficult to resolve.

Rather than have welfare officers recommending to young people that they leave home, it is better to adopt the current approach, where we have a number of voluntary organisations and church groups which have a vested interest in terms of their dedication to the cause to look after young people and seek to return them to the family environment.

The Hon. Peter Dowding: Are you saying that creating refuges encourages people to leave home?

The Hon. A. A. Lewis: That is not what he is saying. Why don't you listen?

The Hon. P. H. WELLS: I believe that, rather than open up a number of refuges and creating an attraction for young people to leave home, we should have selective agencies to look after the problem.

The Hon. Peter Dowding: Do you consider that refuges are an attraction?

The Hon. P. H. WELLS: I did not say they were an attraction; perhaps the honourable member should check that out.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): There is far too much conversation across the Chamber.

The Hon. P. H. WELLS: The Country Women's Association emergency housekeeper scheme is to receive $5 000, and the League of Home Help is to receive $14 000 this year. Such grants indicate the Government is aware of the major contributions these voluntary organisations make to this State in helping to make Western Australia a great place. Such organisations assist elderly people who wish to remain in their own homes, rather than be admitted to an institution. Some people, of course, are extremely happy to move into a nursing home or some other institution, but others would prefer to remain in a familiar environment. Such organisations as the League of Home Help recognise this, and assist them to do so, thus saving considerable funds in not having these people admitted to an institution.

The Hon. R. Hetherington: At the moment, the State Housing Commission is increasing rents paid by widows in order to push them out.

The Hon. P. H. WELLS: Some elderly people in our community are happiest in their own homes.

The Hon. R. Hetherington: I agree with you, but the Government does not always see it that way.

The Hon. P. H. WELLS: As I mentioned earlier, the Budget contains a large number of areas which indicate the Government has a heart

in terms of the way it provides for people in the greatest need. Therefore, I support the motion.

THE HON. A. A. LEWIS (Lower Central) [11.07 p.m.]: I congratulate the Hon. Peter Wells on his discussion of the Estimates, because he highlighted some of the areas we—particularly the Opposition—tend to forget, where the Government provides for people in need. Perhaps during the course of my remarks I will not be as kind to the Government as was the Hon. Peter Wells.

The Hon. R. Hetherington: We would be disappointed in you if you were kind to the Government.

The Hon. A. A. LEWIS: Also, I may not be kind to the Hon. Robert Hetherington because if I have ever heard nonsense spoken on education, it was in his contribution to this debate; he just about reached an all-time low. He attacked the Hon. Phillip Pendal for knocking education. The Hon. Phillip Pendal in fact did not knock everything to do with education.

The Hon. R. Hetherington: I did not say he did; I made that quite clear.

The Hon. A. A. LEWIS: Mr Hetherington can interject as much as he likes; his words are on record. He was simply trying to score political points from the Hon. Phillip Pendal's speech.

In fact, the Hon. Phillip Pendal praised technical education, and education for handicapped children. He is not anti-education. As a matter of fact, he was a prime mover in setting up a journalism centre at WAIT, which is probably one of the less "academic" institutions in this State.

We heard a lot of guff from Mr Hetherington about the problems in education not being solved by returning to the "three Rs". I think it would be a first-class step to return to the "three Rs" and to get back to some basics. I will deal step by step with a few of the things I believe should happen in education, and then we will find whether the Opposition has anything to say about the matter.

Mr Hetherington said this Government was only now introducing courses for gifted children. We have had such courses for a long time.

The Hon. Peter Dowding: For how long?

The Hon. A. A. LEWIS: Mr Dowding is entering the debate. I remember a place called Perth Modern School; it was a fairly good school. The Hon. Howard Olney would back me up.

The Hon. Peter Dowding: What have you done since it ceased to operate as a scholarship-only school?

The Hon. A. A. LEWIS: We have moved away from that concept. The Opposition claims that gifted children have not been looked after.

The Hon. Peter Dowding: That is fair comment.

The Hon. A. A. LEWIS: No, it is not.

The Hon. Peter Dowding: What have you done since Perth Modern School changed?

The Hon. A. A. LEWIS: It shows the new member's total ignorance of the subject. His peers on the front bench will not tackle me on education matters because I happen to know something about the subject. Despite the fact that Mr Dowding thinks he knows everything, he knows very little about education.

The Hon. H. W. Olney: Were you at Perth Modern School?

The Hon. A. A. LEWIS: No, I went to "the" school in Australia. Perth Modern School was a good school, but I went to the best school in Australia.

The Hon. R. Hetherington: He attended St. Peters in Adelaide.

The Hon. A. A. LEWIS: The Hon. Robert Hetherington has named that school as the best school in Australia, and he is dead right.

Let us look at Labor's education policies. The Hon. Joe Berinson was part of a Government which wasted more money on education than did any Government in the history of Australia. I do not blame that Government because it was new and untrained; it did not know anything about government. The public soon woke up to that. The Whitlam Government wasted an enormous amount of money on education, and gave tied grants which told people what to do with the money they were given.

The Hon. Peter Dowding: You would not get the Catholic schools to agree with you.

The Hon. A. A. LEWIS: Would not we just! We know about Catholic schools; we know what they thought about tied grants, when they were told by the Whitlam Government how they should spend their money. It was what the Whitlam Government wanted, not what the schools wanted.

The Hon. Peter Dowding: It was what the Schools Commission wanted.

The Hon. A. A. LEWIS: Do not talk about the Schools Commission to me, because I happened to be on the advisory committee to the Schools Commission. We constantly hear this "ratbaggery" from the backbench of the Labor Party; really, it is not worth answering. I will go on to discuss education.

The Hon. R. Hetherington: That will be a pleasant change.

The Hon. A. A. LEWIS: It will, because nobody in this debate has yet discussed it. Mr Hetherington has read long letters from the Minister for Education to the Belmont Senior High School. The three members who represent that area should be absolutely ashamed of themselves that they did not bring this matter forward before this debate took place. Mr Hetherington tabled pieces of white ant-eaten wood. It took him that long after the bubble burst to do anything about the matter, yet he was on the building committee of the school.

If I had been on the building committee of a school like that, those pieces of wood would have been in this place within a week of my entering the House. Yet here we see Mr Hetherington trying to score political points on the matter of education. He has simply jumped on the bandwagon behind everybody else, and is trying to make the Minister seem a fool when in reality the fools in this situation are the three members who represent the area. They have not been doing their job and they have endeavoured to use this debate as a vehicle to salve their consciences. They have realised they have failed miserably in their duty. Like the speech of the Hon. Bob Hetherington, it has been a miserable affair. It is a disgrace that they should allow a school in their electorate to reach that state of disrepair. So, let us not have this nonsense of throwing things on the Table of the House.

I would like quietly to move on to education. I inform the Hon. Howard Olney that the present Government is not doing a bad job, especially when compared with the waste of money which occurred when the Whitlam Government was in office in Canberra and compared with the neglect of the Tonkin Government in this State. The Hon. Graham MacKinnon, who was a Minister for Education, was one of the best Ministers we ever had. He was also a good Minister for the environment. He is a first-class administrator, but perhaps he does not know enough about the bush.

The Hon. J. M. Berinson: He had the advantage of Whitlam Government funds.

The Hon. A. A. LEWIS: He had the disadvantage of trying to ascertain what the Whitlam Government intended doing with its funds. The waste of some of the committees established was incredible.

The Hon. Peter Dowding: Did you resign in protest?

The Hon. A. A. LEWIS: The Hon. Peter Dowding has hit the nail on the head for the first time since he has been a member of this House. I was a member of a committee, the members of which moved a motion to dissolve the committee. I was not being paid a sitting fee although other members were. We decided the committee's work was a waste of taxpayers' money. Every other State followed suit. They were waiting only for someone to take the lead, to show the guts, and to jack up against the Whitlam system of manipulating people.

The Hon. J. M. Berinson: How many State Governments rejected those Commonwealth funds?

The Hon. A. A. LEWIS: I am not talking about that; I will deal with Commonwealth funds later if the member wants me to do so. I am talking about the advisory committee set up by the Schools Commission and from which the Hon. Peter Dowding asked whether we had resigned. I explained that we had not resigned, but had voted ourselves out. We made a mistake in doing that because the Federal Whitlam Government continued to use taxpayers' money in a flamboyant and wasteful manner. Kehmlani would have been surprised.

The Hon. Neil Oliver: Did they print it?

The Hon. D. K. Dans interjected.

The Hon. A. A. LEWIS: Now the Leader of the Opposition wants to come into it. It seems it is starting to hurt members opposite.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! The honourable member should address his remarks to the Chair.

The Hon. A. A. LEWIS: I am trying to do so, but I have all sorts of distractions. I will move on to education.

The Hon. D. K. Dans: He knows it starts with "e".

The Hon. A. A. LEWIS: If we look at the Budget we find the amount allocated for capital expenditure is $26 million and the amount for salaries and administrative services, which is mainly salaries, is $337 595 000.

The Hon. J. M. Berinson: That is only allowing for indexation, is it not?

The Hon. A. A. LEWIS: The Hon. Joe Berinson has had a chance to read the Budget papers. This amount is above indexation.

The Hon. J. M. Berinson: But not for salaries.

The Hon. A. A. LEWIS: The member should read the Budget and see how much the figure has increased. He will find he is wrong.

What worries me about this allocation is that during the week I received a journal from the

Teachers' Union which indicated that 2 000 jobs would be lost to education in this State if teachers were granted their 15.7 per cent rise over the CPI. Yet teachers want an extra $38 million in wages when the wages take nearly 80 per cent of the education vote.

The Hon. J. M. Berinson: Salaries are always 80 per cent of the education budget.

The Hon. A. A. LEWIS: No, they are not. If the Hon. Joe Berinson would like to go back to the times of the Brand Government he will find the figure was around 72 per cent.

The Hon. H. W. Olney: And class sizes were twice as large.

The Hon. A. A. LEWIS: That is not what the union says. The Hon. Howard Olney may be an extra good lawyer, but he does not know anything about education otherwise he would not be making statements like that.

The Hon. J. M. Berinson: It was a correct statement. Staff-student ratios have declined.

The Hon. A. A. LEWIS: The Hon. Howard Olney said the student-teacher ratio was double what it is now. Class size and student-teacher ratio is virtually the same thing.

The Hon. D. K. Dans: Don't try to be rational, Mr Olney, or we will be here all night.

The DEPUTY PRESIDENT: Order! The member should address his remarks to the Chair.

The Hon. A. A. LEWIS: What I am trying to point out to the House is that school teachers are making a lot of fuss in an effort to look after their own pockets. There does not seem to be much inclination on their part to look after their kids.

The Hon. H. W. Olney: What a lot of nonsense.

The Hon. A. A. LEWIS: I am very lucky to have good school teachers in my electorate. Their aim is to look after the students. Although the union claims to be without political affiliation, it always seems to be pushing a barrow which is aimed at increasing teachers' salaries. We heard the Hon. Robert Hetherington speak about this subject. The teachers seem to be pushing this barrow to have more money allocated for education when their salaries are the problem.

Would it not be a magnificent thing, as has happened in one private school which looked like closing, for the teachers to go to the head of the school and indicate they would be prepared to accept the same salary for the next two years in order to keep the school solvent. They would be prepared to have the money spent on capital works instead of other items that Mr Hetherington and I disagree on and what I call "fancies", such as teaching aids and what-have-you. Of course, some of these aids are needed; but members can visit the Secondary Teachers College at Nedlands and see seven television sets in one lecture theatre which were ordered because the college was told by the Whitlam Government that it should buy television sets with the money allocated to it.

If we were to approach the teachers themselves—not the union—I believe they would be prepared to say they would support a moratorium on wages for 12 or 18 months in order to bring the system up to what we all believe it should be. The Hon. Fred McKenzie would get his high school in Belmont and all of us would get what we were after. The only time we did go forward with education in this State was when the Hon. Graham MacKinnon was the Minister. This is twice in a week I have complimented him. When he was Leader of the House he did not get any such compliments; I am certainly making up for it.

The Hon. G. C. MacKinnon: I am getting quite embarrassed.

The Hon. A. A. LEWIS: I would like to refer now to an interjection made when the Hon. Peter Wells was commenting about the Jesus People and refuges. An interjector brought up the topic of unemployment. As is the wont of members of the ALP who seem to think they are the only people in society with consciences—we hear it so often it is becoming sickening—the member spoke about unemployment. It is amazing to find that many people in my electorate cannot get people to do the most menial of tasks; they just cannot employ people. We need to look at the situation. It applies across the board from tradesmen to car cleaners. Week after week people advertise for workers. They go to the Commonwealth Employment Service and to private employment agencies, but they cannot get people to work. Conditions are not bad. Workers can live in some of the best towns in the State, if not Australia. They get houses provided and their salaries are very adequate. So I begin to wonder about unemployment.

The Hon. D. K. Dans: Are you saying unemployment is a myth?

The Hon. A. A. LEWIS: No, I am saying that genuine employers try week after week to get people to work for them without success. The Leader of the Opposition has the habit of putting words into people's mouths—words which are not quite accurate.

The Hon. F. E. McKenzie: Who are these employers?

The Hon. A. A. LEWIS: If the Hon. Fred McKenzie knows of people who want jobs, I will give him the names of the employers. They would be only too pleased to find workers.

The Hon. F. E. McKenzie: Another member told me he had positions to be filled, but when I came up with the names the jobs disappeared.

The Hon. A. A. LEWIS: If the member wants to talk to me after the debate and give me the names of these people, I will join the two parties. If people are unemployed I will get my employers to go and see the member. There is a lack of communication in this regard. There may also be a lack of people who want jobs.

I will refer now to the Department of Youth, Sport and Recreation. On 5 November we were honoured to have tabled in this House the 1978-79 report of that department, which means that from 30 June 1979 to 5 November 1980 we have no information in regard to that department. If one reads the cover one may think that that situation is all right. If one opens the book and looks at what matters were handled during that period one sees that the Youth, Community Recreation and National Fitness Council is mentioned in regard to its statement of income and expenditure for the six-month period ended 31 December 1978. I have looked through the book presented to me and have found that the 1979 bit is a myth. The verbal report might be there, but certainly the financial report is not.

Mr Deputy President (the Hon. V. J. Ferry), I think you will remember that some years ago I spoke about the cost of producing these reports. I think a number of members in this place agreed with me that the cost was excessive. If we can have our Budget printed on fairly low-cost paper, why cannot Government departments print their reports on the same paper? Who are they trying to kid by the "glossies"?

The Hon. N. E. Baxter interjected.

The Hon. A. A. LEWIS: In reply to the Hon. Norm Baxter, I would say that probably the cost would be about $1.80 a copy.

The Hon. W. R. Withers: One department lost $1.2 million on the publication of its report.

The Hon. A. A. LEWIS: The Hon. Bill Withers is correct. I think the meat commission lost $1.5 million on the printing of its report. The Department of Youth, Sport and Recreation, Lord help us, is meant to give grants to help people but it spends money on things like this report which could well be done on plain paper.

The Hon. F. E. McKenzie: They are only doing what private enterprise would do.

The Hon. A. A. LEWIS: If the Hon. Fred McKenzie was a shareholder in such a company he would complain. I happen to be a taxpayer and a shareholder of this department, and I am complaining. If a private enterprise company produced such a report its shareholders would ask questions.

The Hon. Peter Dowding: It is a tax lurk.

The Hon. A. A. LEWIS: That is another idiotic interjection.

The Hon. Peter Dowding: What I said happens to be true.

The Hon. A. A. LEWIS: I represent the taxpayers. I am a board member and must ensure that we do not spend tax money unnecessarily.

The Hon. F. E. McKenzie: Will you go on with the Treasurer's report?

The Hon. A. A. LEWIS: I will. I am just warming up. The Department of Youth, Sport and Recreation is one item to which I can say that I heartily endorse the comments of the Hon. Phillip Pendal when he said that the cost of staffing—particularly the staffing at Perry Lakes—as compared with the services and grants provided, is way out of kilter. The administration of the department costs $501 101. The cost of administration involves the salaries of the director, the deputy director, the public relations officer, the publicity assistant, the secretary-stenographer and the clerks and the typists. The people who work for us within our electorates in the country cost only $661 000. The grants provided for in this Budget total only $678 000.

It is about time we got rid of this idea that the city-based person at Perry Lakes, or wherever else he is—some Ministers may like to listen to this theory—is the person who should run the department. We should let people out in the field make decisions. The Education Department was the first department to place people in regional areas. However, I found to my horror that all the decisions are still made in Perth; the regional blokes are not making them. I call that duplication, not regionalisation. I believe the Government ought to consider this matter.

I suppose we have gained a lot of money out of charging dear old ladies $2 to pick wildflowers.

We should allow administration out in the field to handle the country regions. It would not matter whether this involved community education or recreation. It is what decentralisation is all about. I am absolutely horrified to see the cost of the new Education Department building. I say to Mr McKenzie, with that money we could build two new high schools, maybe even reconstruct the

Belmont Senior High School with the savings. I think the Hon. Peter Dowding mentioned the Roman Catholic schools. I ask members to think about the administration of Roman Catholic schools and compare it—I challenge honourable members to do this—with the administration of State schools. It must be seen that the administration of State schools is a failure.

The Hon. F. E. McKenzie: What is the difference?

The Hon. A. A. LEWIS: I always say that one good Father and two secretarial assistants carry out the administration for 20 per cent of the children educated in the State. That may not be quite right, it may be a little more than that. However, the numbers are available in the Budget. I wonder whether we are following the right practice in regard to the administration of the State education system.

The Hon. F. E. McKenzie: There are too many fat cats.

The Hon. A. A. LEWIS: I do not know about fat cats. If I said that, the Hon. Robert Hetherington would say I am being rude to the administrators.

The Hon. R. Hetherington: Do not put words into my mouth.

The Hon. A. A. LEWIS: I am not criticising the personnel, I am criticising the bureaucracy that the Government has built. The situation is not the fault of the Director General of Education in this State; he is a superb director general, and so are many of his officers superb administrators.

I do not know why we cannot decentralise the education system, even in Perth, and allow people in regional centres to make decisions. We should allocate funds to regions. The superintendent of each region could allocate funds to individual schools. The same situation should apply to the Department of Youth, Sport and Recreation. In future Budgets we must see more of that.

In passing I mentioned other reports, the cost of which should be scrutinised; and the cost of, say, the reports which go across the desks of each member in each year is something of which we ought to be ashamed—it is a waste. We should consider the saving of money.

I am reasonably interested in national parks. Whether I am *sub judice* at the moment talking about them is another matter. I ask members to compare the expenditure which went into the more than four million hectares of national parks with the expenditure which went into the arts in this State. I found that the arts will receive about $6.2 million and national parks will receive about $1.9 million, which is near enough to $2 million.

But why is this State Government still funding the Elizabethan Theatre Trust. I can see the reason the Art Gallery, the Australian Environmental Protection Council, and several other bodies are funded by the Government, but I cannot see why we should be funding Federal bodies which do not send their artists to Western Australia. We get very few over here. The Hon. Robert Hetherington may remind me of the number of trips; I think we discussed this earlier. The amount this State puts into these Federal bodies is absolutely ridiculous. We would be far better off bringing in overseas companies, instead of using our own national companies, because we are not getting the performances from our own companies.

I did mention the Cat Welfare Society in a question to the Minister. I wonder whether the Hon. Graham MacKinnon noticed my question, after his speech about feral cats. Perhaps we should be providing more than $20 000 so that the society can follow Harry Butler's idea. I might have some difficulty getting into my home tonight because my wife is a cat lover! I wonder at things like this when we have an expert saying we should be licensing cats, and then we give a sum of $20 000 to the Cat Welfare Society.

I wonder also about other items such as the Royal Agricultural Society. Why do we give that society $72 000 in a year when prices for agricultural products are fairly high. I am talking about the State Budget. I wonder why the farmers—the primary producers of this State—cannot keep the Royal Agricultural Show operating without that sort of money from the Government.

But, there is an even worse example. Why in the name of heaven do we run a Festival of Perth every year. Adelaide can afford to hold one only every second year, but in this State where we are in a tight budgetary situation we are giving $218 000 to the Festival of Perth. I happen to be one who is beginning to think that the Festival of Perth is becoming an elitist show. I love many forms of art and culture, but when I look through the programme for the festival there seems to be less and less, year after year, which I feel I would like to see.

The Hon. J. M. Berinson: But that is a different question from holding it only every second year.

The Hon. A. A. LEWIS: If it were held every second year it is probable the quality could be improved. At a cost of $350 000, there would be a

saving of $100 000 every second year, and quality probably could be built into the festival. It is a different argument and I apologise to the Hon. Joe Berinson.

When the festival first started I thoroughly enjoyed going to the various performances. Perhaps it is a case of old age, but I am tending not to find as many things of interest as I found in the past. I find my friends feel the same way, and perhaps it is a case of old age with them too. However, I do not think so. I think basically it is to do with the core of the Festival of Perth.

I am sorry to keep the House so long but there are a few small matters I would like to mention. I had a quick look at the Department for Community Welfare, and it was interesting to find that the eight top officers are paid salaries in excess of the salaries of members of Parliament.

The Tertiary Education Centre, which I understand is the centre which places people into tertiary education centres throughout the State is costing $786 000. When we are looking at a tight budgetary situation, I imagine that the figure of $786 000 is a little excessive.

I have spoken in this place previously about the State Emergency Service and the Bush Fires Board. Between them this year they have been allocated $1 690 000. For many years I have been stating loudly and clearly that I cannot see any justification for the money provided to the Bush Fires Board. I had something to do with the State Emergency Service during cyclone "Alby", and I believe the two organisations could be joined together and carry out an emergency role. They have a dual administration, whereas I believe they could operate under a single administration.

I was horrified to see that the Forests Department has been allocated only $60 000 for land purchases. I was also horrified to see nothing in the Budget for the purchase of land in the salinity control areas. I hope the Minister will advise me about that.

The Hon. D. J. Wordsworth: For the Forests Department budget?

The Hon. A. A. LEWIS: I could not find any allocation in the Budget either for the Public Works Department, the Department of Agriculture, or the Forests Department for the purchase of land under clearing restrictions. That seems to tally with what I am learning in my province.

I will now move on to adminstration expenses, and I will deal with the Attorney General's Department first. Crown Law administration expenses have risen from $1 145 000 to $1 416 000. I believe that is completely unwarranted; it is an increase of about 25 per cent. I would like to know the reason.

In the case of the Premier's Department, for postage, cables, and telephones—with a staff of 65 which was mentioned by the Hon. Fred McKenzie—the amount is $290 000. The allocation for the Joint House Committee covering telephones, water, insurance, etc. for all the electorate offices of members of Parliament, and the offices in this place, amounts to $326 000.

The Hon. J. M. Berinson: Cheapskates!

The Hon. A. A. LEWIS: It is cheap compared with the Premier's Department, and I believe there should be some explanation.

The administration of resources development has risen from $120 000 to $135 000. That is an increase of 10 over per cent. The departments should not present their budgets thinking that some of us are not going to make inquiries. If a department intends to spend over the inflation rate, it should come out honestly and give its reasons. Everybody else in the community is asked not to go beyond the guidelines, and I do not believe the administration of departments should go beyond the guidelines either.

We should have a special look at the Estimates for mines and for health. One of the greatest horrors in the Estimates is the fact that the Government Printing Office will cost $13.5 million to operate this year. I wonder whether we are really trying to cut back on expenditure.

Members of Parliament would be the first to grizzle at cuts in their own areas. Mr McKenzie and Mr Hetherington will grizzle if they get only half the Belmont Senior High School built this year, and I will grizzle if I get only one-tenth of what I have asked for. However, we must be dinkum about staying within guidelines and holding increases down to indexation levels.

I want to know why some departments believe they can produce a budget to this House that is way above the indexation guideline level.

I would like to conclude by mentioning my visit to Murdoch University this afternoon to attend the stream salinity conference. I thoroughly enjoyed it, and I gained some knowledge from it, although I must admit some of the mathematics and physics formulas were way above my head. Some excellent speakers, however, came down to practicalities; they realised some of us could not follow the highly technical language and they addressed their remarks to our level of comprehension.

I think we should be proud that the last speaker of the evening—a Victorian who spoke about

salinity in that State—said that his Government had not been game enough to do in Victoria what our Government sensibly had done in Western Australia in regard to restricting land clearing. That brought a wry grin to the faces of some of us, but certainly it was a compliment from an expert in the field. The Americans also complimented our people in the department. Too often we believe a home-grown product cannot do the job as well as an imported one. It is good to hear that the work of some of our people is recognised.

Personal Explanation

THE HON. R. HETHERINGTON (East Metropolitan) [11.52 p.m.]: I would like to make a personal explanation. I have been grossly misrepresented by the member who has just resumed his seat.

I will not be unduly long, but I merely want to point out that the remarks made by the Hon. Alexander Lewis about the part I played and the part played by my two colleagues in regard to the issue at the Belmont Senior High School bore no relation to the facts. I have explained to the House at some length the role I played, and I have pointed out that because the Minister and his department were negotiating in good faith, we took great care not to make the matter a public party political matter. We went public only when the present Minister attacked people connected with the school. I think the member must have misunderstood what I said, or he is accusing me of lying to the House.

The Hon. A. A. Lewis: No way—I wouldn't do that.

The Hon. R. HETHERINGTON: Members who have listened to what I said and who can read what I said will realise that the honourable member's remarks bore no relation to the facts. After two years' negotiation we have managed to extract a promise from the Minister that we will obtain a better school than the department had been prepared to give originally. I think the part played by the members of that particular district will bear examination, and I regret very much that the member sought to make the kind of remarks he made about me.

The Hon. A. A. Lewis: I was just reciprocating the remarks he made about the Minister for Education.

Debate Resumed

THE HON. H. W. GAYFER (Central) [11.56 p.m.]: I thank the Leader of the Government for not adjourning the debate at this stage. He has saved me the embarrassing situation of having to speak on the adjournment debate—something I do not believe in.

The Hon. R. Hetherington: Feel free.

The Hon. D. K. Dans: It is available to you if you want to use it.

The Hon. H. W. GAYFER: I looked for an opportunity to say a few words on one subject and one subject alone. I believe in the future it may be regretted that the Estimates have been tabled here for our consideration. Some members believe they should make a walking excursion throughout their electorates!

I must express my shock and disbelief at the headlines in tonight's edition of the *Daily News* which read "Road block traps for drivers". If this newspaper article is based on a Press release, then I am very disappointed to be associated with the Government. This is a headline aimed at putting fear into people. We should be attempting to educate the public about proper driving conditions. This is the most severe warning—perhaps it is not even a warning—that could possibly be given to any community. It implies that the Road Traffic Authority will set up road blocks in the metropolitan area in new moves against drunk drivers. It implies that everyone travelling along that road is a potential drunk driver. We can imagine cars put across the road and barricades at the intersections to stop moving vehicles. It is implied that all drivers will be examined to determine whether they can stand up straight, and a bag will be placed over the motorists' heads to see whether the breathalyser will register more than 0.08.

It seems that this action is to be taken under the provisions of section 66 (1) of the Road Traffic Act which reads—

> ... Where a patrolman has reasonable grounds to believe that—
>
> (c) a person while driving a motor vehicle had alcohol in his body ...

So a road block is to be set up on the reasonable belief of a police officer. At the same time the Police Force is saying that it will make the widest possible use of its powers to demand further tests in all situations, including road blocks. It then goes on to say that road blocks will be used in the metropolitan area mainly to check drivers' licences and the roadworthiness of vehicles. What subterfuge to make a statement like that and then to say in a Press article that the main reason is to be able to test everybody's breath under section 66 of the Road Traffic Act!

The same phrase—"reasonable grounds"—is in the new Mining Act. My God, if it will be used in that manner, I would be very happy to see the Mining Act and its regulations thrown out the window, because the farmers will not stand a chance!

It is suggested that road blocks be set up and cars stopped willy-nilly at the behest of patrolmen who are ostensibly checking on drivers' licences and vehicle roadworthiness. Then, with the belief on "reasonable grounds" that a person has been drinking, they will put the bag on the driver. This is getting right back to a police State situation; it is something which should not exist in Western Australia.

I notice this morning's issue of *The West Australian* carries a story under practically the same headline. It leads me to suspect this is a Government news release. If the article is based on a Government news release, I am not proud to be associated with that Government.

The Hon. F. E. McKenzie: What is the difference between this and section 54B of the Police Act? It is the same thing in another form.

The Hon. H. W. GAYFER: Mr McKenzie can stand and talk as much as he likes about section 54B; he should leave me to handle this matter.

This news item will go down in the country areas like a lead balloon. Already, country people view patrolmen not as friends or helpers, but virtually as members of the Gestapo. They are learning to hate the patrolmen as they go about their duties. I am sure those officers would not relish being placed in such a situation.

It is envisaged that these road blocks will apply only in the metropolitan area, but it is inevitable that eventually they will extend into the outer areas. This will put a fear into everybody who drives in country areas. People will be afraid to drive into a country town on a weekend, or even drive along a country road, because they may be pulled up on the belief on "reasonable grounds" that they have been drinking.

I know of a woman in the country who has never had a drink in her life who was pulled up a month ago in the belief on "reasonable grounds" that she had been drinking. She was asked to blow into the bag. Is that a reasonable thing? I also know of a truck driver who was pulled over because one of his headlights was slightly high; he too was asked to blow into the bag. He had not been drinking. Do members consider that that was a "reasonable ground" for the belief?

The Hon. H. W. Olney: There is a moral there somewhere.

The Hon. H. W. GAYFER: There may be, with the bright lights; I do not know. If that is what gives a patrolman "reasonable grounds" to hit somebody over the head with a big stick, I am not happy to be associated with such a measure.

I heard Mr Brown in his maiden speech in this House discuss virtually the same problem, and everything he said was true. People in country areas already dislike and fear patrolmen; the Minister should not inflame the situation even further.

If the Road Traffic Act permits the police to stop drivers on a belief on "reasonable grounds", for God's sake let them do it. Do not talk about road blocks and blockades. If the Government wants to introduce random breath testing, let it bring the matter to this place, and let us give the police permission to carry out such a policy, so that the police can act with confidence. They will not get my support, but if they have the support of Parliament behind them, they can introduce random testing with confidence.

Let us allow the police to go about their duties honestly, without resorting to the subterfuge implied in this proposal. If the Government is using this type of subterfuge to bring random breath testing out from under the carpet, I am totally against it, because the whole proposal is absolutely abhorrent to me.

The *Daily News* article goes on to state—

> Mr Larsen said: "We are sick of pussy-footing around."

The people in the country areas are sick of being pushed around. If the Government wants to introduce random breath testing, let it have the guts to bring the matter before Parliament so that we can make it law. If the Government wants to reduce the legal blood-alcohol limit from 0.08 to 0.05, let it bring the matter before Parliament. It should not resort to the subterfuge of having patrolmen stop vehicles, ostensibly to check drivers' licences and vehicle roadworthiness, but in reality to implement random breath testing.

I have never heard anything like it; the whole thing stinks. As John Tonkin would say, it is political subterfuge—trying to get somebody else to do our work for us. The rights of the individual should be supreme. If it is the rule of the Parliament that such a policy be implemented, so be it; however, it should not be introduced in this disgusting fashion.

I repeat that this article must be based on a Government news release because the article which appears in this morning's paper is almost identical to the *Daily News* article, although it contains slightly more information. If the

Minister for Police and Traffic is looking to have a virtual riot on his hands, he should continue with this proposal, because he will get a riot if his patrolmen set up road blocks on our streets. People just will not accept being pulled over at a road block on the patrolman's "reasonable grounds" that they have been drinking. They will not like being told to put their heads into a bag because they might have had a drink.

Is it suggested that simply because a vehicle has rust in a mudguard, it automatically follows that the driver has been drinking to excess? What a lot of poppycock! As far as I am concerned, "reasonable grounds" apply when a person is seen to be incapable of handling his motor vehicle or has been involved in an accident, and is suspected of having been drinking.

I was a director of the National Safety Council for nine years. We believed that courtesy and education could solve a great deal in the field of accident prevention. That philosophy seems to have gone out the window. I left the council at the time the 65-miles-an-hour speed limit was imposed; it was considered that speed was the major factor in accidents. We now have that 65 miles an hour speed limit, and we are getting as many accidents today as we had before.

Then we brought in the compulsory wearing of seatbelts. Again this was thought to be one of the things that would reduce the accident rate. Now it will be the drinking that is blamed.

Okay, they have a point; but it should not be brought in under the guise that the Act already caters for random testing. It does not; and nor should it be attempted to imply that section 66(1)(c) gives the RTA the right to test at random.

Debate adjourned, on motion by the Hon. M. McAleer.

ELECTORAL AMENDMENT BILL

Second Reading

Debate resumed from 6 November.

THE HON. J. M. BERINSON (North-East Metropolitan) [12.11 a.m.]: On election day this year there was a blatant and self-confessed attempt by a supporter of the Liberal Party to intoxicate a group of Aborigines at Turkey Creek. The idea was to incapacitate them to such an extent that they would be unable to implement their previous intention to vote for the Labor Party candidates.

The Hon. W. R. Withers: That is incorrect. He was not in the Liberal Party.

The Hon. J. M. BERINSON: I said there was an attempt by a supporter of the Liberal Party.

The Hon. W. R. Withers: Where did you get that from?

The Hon. J. M. BERINSON: That was substantiated by the comments of the person concerned. He claims to be a supporter, not a member, of the Liberal Party.

The Hon. P. H. Lockyer: What absolute nonsense!

The PRESIDENT: Order!

The Hon. J. M. BERINSON: That was one of his many public statements, and I accept it.

The Hon. P. H. Lockyer: If they are saying something like that—

The Hon. J. M. BERINSON: It was not only the ALP which has been surprised to learn the opinion of the Commissioner of Police since those events that no offence was constituted by that action. My colleague, Mr Olney, may be commenting further on that.

Whether that judgment by the commissioner was correct, this Bill specifies that in future any such action will be an offence. Of course, the Opposition supports the Bill on that basis. If our support lacks any enthusiasm, it is for two reasons.

In the first place, this is the sort of offence which, once it has been specified, is most unlikely ever to lead to a prosecution. If the Bill has any effect at all, which I doubt, it simply will be to make the people who engage in this sort of conduct a little more circumspect about their public statements. In effect, we are dealing with a matter of form and not with a matter of any real substance.

The more serious reason for concern about this Bill is the narrowness of its approach. The fact is that the democracy of the entire State is cast over with the shadow of a corrupt electoral system. Of course, every vote is to be valued and protected; but while the Government sets out to protect the relative handful of votes involved in the Turkey Creek incident, how can it blithely ignore the vast slabs of people whose votes are deliberately manipulated and depreciated?

The Hon. N. F. Moore: Are you going to give us Bertram's speech?

The Hon. J. M. BERINSON: The Opposition makes that point; and yesterday we say the most recently available figures to demonstrate the point that has now been reached. In round figures, we find that in the Assembly seat of Whitford there are 32 000 enrolled electors, against which may be compared—

The Hon. W. R. Withers: That has nothing to do with this Bill.

The PRESIDENT: Order! I ask the honourable member to give me some idea of how he can associate this with the Bill.

The Hon. J. M. BERINSON: I will do that.

The Hon. P. H. Lockyer: Typical randomness.

The PRESIDENT: Order! If the honourable member would cease his interjections, we could make some progress.

The Hon. J. M. BERINSON: It will be my approach that this Bill supposedly sets out to protect the rights of individual voters. I am putting it to the House that there is a much more serious attack on the rights of individual voters involved in our current electoral distribution.

By way of example, in the seat of Whitford we now have an enrolment of 32 000 compared with 2 000 for Murchison-Eyre. To give one other example, in the North Metropolitan Province there is an enrolment of 102 000, compared with about 6 000 for Lower North Province.

It is bad enough that the Government collectively apparently is immune to any democratic sentiment. Even worse, if that is possible, is the attitude of individual members opposite to the downgrading of the rights of their own constituents. I wonder, for example, how members such as Mr Pike or Mr Wells from North Metropolitan Province can continue their support of a system which reduces the influence of their electors to one seventeenth the influence of electors who live elsewhere. I wonder how the Hon. Bill Withers supports a system that has an effect on his Pilbara constituents—a system which goes in the face of his own Government's pretentions about securing the interests of people in remote areas.

Compared with this scandal perpetuated by the Government, the incident at Turkey Creek, serious as it is, can be seen as a mere sideshow.

The Hon. W. R. Withers: In other words, you are asking us to do something about the distribution rather than about correcting the Turkey Creek situation?

The Hon. J. M. BERINSON: I am suggesting that it is all right to do something about Turkey Creek; but it is vastly more important to do something about the electoral distribution. That is what I am saying.

What amazes me is that it is thought by the Government that legislation on the limited issue of the Turkey Creek incident can be justified, while the basic and screaming need for reform of the malapportionment of our electorates should be ignored completely.

In that sense, this Bill is not a measure of electoral reform, but a grotesque mockery of it.

THE HON. P. H. LOCKYER (Lower North) [12.17 a.m.]: I too support the Bill, but I believe that in supporting it I should not let the comments of the Hon. Joe Berinson go unanswered. What he said was absolute nonsense. He led this House to think that the Liberal Party had something to do with the incident at Turkey Creek.

The Hon. R. Hetherington: He did not say that.

The Hon. P. H. LOCKYER: He implied it. If the honourable member will listen for a moment he will—

The Hon. R. Hetherington: You should have listened. You are misrepresenting him.

The Hon. P. H. LOCKYER: I believe he implied that the Liberal Party had something to do with—

The Hon. Peter Dowding: You are feeling guilty.

The Hon. P. H. LOCKYER: The Hon. Peter Dowding is the one who should feel guilty. If the member implied that, I put to him that that is unmitigated lies, he should rise and say so.

Point of Order

The Hon. J. M. BERINSON: I take objection to that statement, and I ask that it be withdrawn.

The PRESIDENT: What does the honourable member want withdrawn?

The Hon. J. M. BERINSON: The term "unmitigated lies" in respect of anything which I might have said or implied.

The PRESIDENT: The honourable member will withdraw that comment.

The Hon. P. H. LOCKYER: I withdraw it.

Debate Resumed

The Hon. D. K. Dans: It is very difficult for Mr Lockyer to understand anything.

The Hon. J. M. Berinson: If it helps you, let me remind you that I neither said nor implied that that person was a member of the Liberal Party.

The Hon. P. H. LOCKYER: I am sorry, but my colleagues believe that Mr Berinson implied it.

The PRESIDENT: Will the honourable member proceed with his comments?

The Hon. P. H. LOCKYER: Thank you, Mr President. I shall.

I just make it clear that immediately this incident became public, the Liberal Party dissociated itself from the matter. It made it quite clear that it was a disgraceful thing to be done, and that it was something that nobody in his right mind would support.

I am very sensitive about this, Mr Berinson, because I know how people such as the member operate.

The PRESIDENT: Order! The honourable member should stick to the Bill and cease his conversations with other members.

The Hon. P. H. LOCKYER: I agree with you, Mr President, but it is very difficult when I hear the sorts of comments that are made.

Even though I personally think the Turkey Creek incident was a terrible thing, there are some people who believe the person concerned should be knighted.

The Hon. H. W. Olney: He probably will be.

The Hon. P. H. LOCKYER: His explanation for doing this act was that he believed those people should not be manipulated to vote. In his own quiet way—wrong though it was—he was attempting to get his message across. We have to give him credit for having no compunction about what he did. In fact, to this very day he is not the slightest bit upset by his effort.

The Hon. J. M. Berinson: You seem to be implying admiration for him.

The Hon P. H. LOCKYER: I am trying to make it clear I do not support his actions.

I am sure other members would have heard me indicate that previously.

The Hon. Peter Dowding: Plenty of people in Kununurra supported his action.

The Hon. P. H. LOCKYER: That is probably right. I believe T-shirts were printed in the member's province in connection with this incident.

As the Minister has quite rightly explained, the Bill takes action to stop this sort of thing happening again. There is no question of any political party being involved in the incident. It is a good Bill and it will stop this sort of thing happening again. I support the measure.

THE HON. PETER DOWDING (North) [12.22 a.m.]: The views expressed by the Minister introducing the Bill in this House and the Minister introducing the Bill in the other place are a welcome comment on the sort of conduct which brought about the necessity for the legislation. There are two points I wish to make and one is that the Hon. Phil Lockyer mentioned T-shirts. It is a regrettable situation that in Kununurra a group of businessmen got together to produce and sell T-shirts which glorified this situation. The Hon. Bill Withers will know of what I am talking. They glorified the incident in the most appalling bad taste by the use of T-shirts which had on their front "Turkey Creek Wine Festival 1980" with a picture of a 44-gallon drum with a beer spear coming out of it. It seems the Hon. Norm Moore thinks it is funny.

The Hon. N. F. Moore: Just as does Mr Dans.

The Hon. W. R. Withers: You are wrong.

The Hon. PETER DOWDING: The Hon. Bill Withers obviously does not read the *Kimberley Echo*. It had a picture of a rather pretty girl wearing one of the T-shirts.

The Hon. W. R. Withers: You cannot bring in any evidence to back up what you have said.

The Hon. PETER DOWDING: I shall bring in an edition of the *Kimberley Echo* with that photograph if I can persuade some of my supporters to find one in some of the rubbish bins. The member cannot deny that the T-shirts were organised by a group of businessmen in Kununurra in what I regard as the most appalling bad taste. It is worthwhile noting that members opposite, and particularly the Minister, have expressed the view that it was an appalling incident, and with that I respectfully agree.

THE HON. W. R. WITHERS (North) [12.24 a.m.]: When speaking to this Bill, the Hon. Joe Berinson said something to which I objected. If he did not wish to imply that the Liberal Party had something to do with the Turkey Creek incident he should not have mentioned that it was carried out by a supporter of the Liberal Party.

The Hon. P. H. Lockyer: And then tried to squirm out of it.

The Hon. W. R. WITHERS: He knows full well the Liberal Party had nothing whatsoever to do with it.

Several members interjected.

The PRESIDENT: Order! I ask the Hon. Phil Lockyer to cease his interjections and to respect the fact that he has already had an opportunity to speak on the Bill. He will facilitate the business of the House being handled expeditiously by remaining quiet while other speakers take advantage of their opportunity to speak to the Bill.

The Hon. W. R. WITHERS: If the Hon. Joe Berinson did not mean to impute that the Liberal Party was associated with this incident in Turkey

Creek he would not have mentioned that it was a supporter of the Liberal Party who offended.

This Bill was brought forward to correct that situation so it cannot happen again. Members of the Liberal Party in the district and my colleagues in this House thought that the action concerned was despicable and that it was the act of a very silly man.

We have a rough type of humour in the Kimberley, and some people thought the incident was funny. I did not and many others in the Liberal Party felt the same way as I did.

The Hon. Peter Dowding: But some did.

The Hon. W. R. WITHERS: Yes, and some Labor people also thought it was funny, because they are human beings who have failings like everyone else. To say all members of the ALP are lily white would be stupid, and it would be just as stupid for me to say the same thing of members of the Liberal Party.

The Hon. Peter Dowding spoke about T-shirts. Yes, T-shirts were produced. I do not know whether they were produced in the Kimberley or outside the Kimberley. But many things the honourable member says sound correct and they are partially right, but not completely so. He described the T-shirts as having printed on them the words "Turkey Creek Wine Festival 1980" with a picture of a 44-gallon drum with a beer spear through it. That was not the situation at all. I saw a picture of a drunken turkey with crossed legs and the words "Turkey Creek Wine Festival 1980". I believe one person thought it was a good idea to have these T-shirts printed.

The Hon. Peter Dowding: Do you want to name him?

The Hon. W. R. WITHERS: It is strange that the member who is making all the accusations about the people in Kununurra who seemed to think the incident was funny does not understand that we have a pretty crude sense of humour up there. He does not realise there were many Aboriginal people who saw the humour to it and who wore the T-shirt. It was not meant to be taken as a racial slur against the Aborigines. They saw it as the act of a silly man and so a joke was made of it. People of both races belonging to different political parties saw the humour in the situation and other people did not, and that is their right.

I do not agree with what happened; my party does not agree and nor do my colleagues. The Government has presented this Bill so that if such an incident occurs again the people concerned can be punished. I support the Bill.

THE HON. H. W. GAYFER (Central) [12.29 a.m.]: Turkey Creek is a terribly long way from my electorate and perhaps the people who spoke with some authority about the incident which occurred there are wondering why someone from the south of the State would want to add his observations. Clause 2 states in part—

> A person who does any act or engages in any course of conduct intending that as a result thereof another person—
>
> (a) will be rendered; or
>
> (b) will be encouraged or assisted to render himself,
>
> unable to vote or mentally incapable of voting commits an offence.

That is the subject of the legislation before us, and not the incident at Turkey Creek, which I think has nothing to do with the Bill at all.

The Hon. N. E. Mr Baxter interjected.

The Hon. H. W. GAYFER: I was just about to say I do not believe T-shirts have anything to do with it. I am in some doubt as to whether a beer spear in a 44-gallon drum of port is an effective instrument for dispensing wine. I do not think it would be possible.

The other amusing aspect about it is that Mr Dowding was annoyed, because somebody said he thought it was funny. For Mr Dowding's information, everyone thought it was amusing. Right throughout my electorate, everyone who read about it in the newspaper thought it was a laugh. Mr Dowding should make no mistake about that; everyone thought it was a laugh.

The Hon. Peter Dowding: That is disgraceful!

The Hon. H. W. GAYFER: It may be disgraceful in the mind of the Hon. Peter Dowding; however, most of these people say now, "He should not have done it, but it was quite humorous."

The point is that some people preferred to drink than to vote. Nobody poured the stuff down their necks.

The Hon. Peter Dowding: Don't be silly.

The Hon. H. W. GAYFER: Would Mr Dowding tell me, if there were a party on in a gravel pit and he went there and got stoned, that he went there because he was forced to go there?

The Hon. Peter Dowding: That has nothing to do with it.

The Hon. H. W. GAYFER: It has a great deal to do with the matter. In my opinion what was wrong was that somebody was said to have prevented someone else from voting when in fact, nobody was prevented from voting. The person

who got the port out of the end of the beer spear—if that is possible—was responsible for his getting drunk.

The whole situation goes back to the parent Act which makes voting compulsory. It is possible this amendment is totally wrong and instead perhaps we should be looking at an amendment to the provision relating to compulsory voting. I have carried out some research on the speeches made at the time legislation on compulsory voting was introduced in another place in 1936. A private member (Mr Patrick of Greenough) introduced the measure. There was only one speaker in reply and that was the Minister for Justice of the day. They were the only two speakers on the measure. It had a very lazy passage through the Committee stage and only two points were raised.

The first point was that compulsory voting was good, because it gave a greater percentage of the vote at an election. Compulsory voting was introduced in Queensland in 1915 and at the next election 92 per cent of those eligible to vote actually voted. In the same year that Queensland recorded a 92 per cent turn-out, 45 per cent of those eligible to vote actually voted in Western Australia. It was felt a similar measure should be introduced here. Tasmania introduced compulsory voting in 1942.

The Hon. Peter Dowding: What is the relevance of that?

The Hon. H. W. GAYFER: The member who has just interjected can have a go in a short time. The main reason compulsory voting was introduced was to obtain a better percentage of the vote. Does that mean it is better for the candidate or better for the people?

The second point was that it provided an opportunity to clean up the electoral lists which were in circulation at the time, because many of the names on the lists were not current.

The fault we should be trying to correct here is the anomaly of compulsory voting in Western Australia. In the *Dictionary of Parliament* reference is made to compulsory voting where at page 162 it says that Australia is one of the few places in the world in which compulsory voting is enforced. The point is made that compulsory voting tends to make people vote in an irresponsible manner.

The PRESIDENT: Order! I do not want to stop the member's line of discussion; but I must say he was the only one initially who spoke about the Bill. However, I am having to exercise my imagination rather widely now to associate his remarks with anything contained in the Bill. I hope he will quickly advise us of the relationship of his comments to the Bill.

The Hon. H. W. GAYFER: The point I am trying to make is that it was said as a result of the Turkey Creek incident people were prevented from voting and they had to vote, because it is compulsory to do so. I am saying we should be looking at an amendment to the provision in the Act which refers to compulsory voting and not the part this Bill proposes to amend. Perhaps we should delete from the principal Act the necessity for compulsory voting. A group of people in fact showed their objection to voting by preferring to enjoy a party instead of going to the polling booth and this is the circumstance surrounding the introduction of the Bill. As a result of that incident, we are further restricting the movements of people and applying more compulsion to make people vote in this State.

I believe that is wrong. Therefore, the compulsory part of the Act is what should be amended, and not the provisions covered by the Bill.

In support of my case I should like to quote comments made by Professor Crisp in the *Dictionary of Parliament*. Professor Crisp is an authority on politics and Parliament in Australia and he said as follows—

> The effects of compulsory voting cannot be assessed with precision or certainty, but it has certainly not contributed to the serious political education of the electorate, and may even have discouraged it.

Those words ring true when we consider the particular case which has been referred to. Because voting is compulsory, these people adopted as a let-out a means by which they could avoid voting, because they had been discouraged by the compulsory aspects of it. They preferred not to record their votes at that particular election.

Professor Crisp pointed out that, as time goes on, a growing number of people will regard voting as a burden and not as a privilege of democracy.

Much can be said in regard to the attributes or otherwise of compulsory voting; but when people prefer not to exercise their right to vote and probably had they exercised it they would have done so in a rather derogatory manner—

The Hon. Peter Dowding: To your party.

The Hon. H. W. GAYFER: —they should be able to do so. Had they exercised their vote, it may have been difficult to obtain a faithful record of it, because they desired so much to keep away from that area. We in turn now are to bring about

an alteration to the Act to make it compulsory that they do just what they did not want to do in the first place.

The Hon. F. E. McKenzie: Who said that?

The Hon. H. W. GAYFER: I said that.

The Hon. F. E. McKenzie: They did not vote for your mob.

The Hon. Peter Dowding: They did not vote for the Liberal Party.

The PRESIDENT: Order!

A Government member: Who said that?

The PRESIDENT: Order! It is difficult enough for the *Hansard* reporter to hear the member without the interjections.

The Hon. H. W. GAYFER: I am mystified by the interjections because I think it was in 1882 that the British Parliament passed the Ballot Secrecy Act. Is that right, Mr Pendal? Here we have a member who has just informed us that the people who voted did not vote for the Liberal Party.

The Hon. Peter Dowding: It is in the *Government Gazette.*

The Hon. W. R. Withers: The ones drinking the wine?

Several members interjected.

The Hon. Peter Dowding: No.

Several members interjected.

The PRESIDENT: Order! I say again that the interjections have nothing to do with the Bill. However, I find it difficult to associate the member's comments with the Bill.

The Hon. D. K. Dans: It is impossible.

The PRESIDENT: The Bill is quite simple in that it proposes to provide for a penalty against people who purposely render a person unable to vote, and that has absolutely nothing to do with compulsory voting.

The Hon. H. W. GAYFER: I say that people should not be compelled to vote; therefore we should not have a need for this Bill. That is my argument, and that is the point to which I will stick.

THE HON. H. W. OLNEY (South Metropolitan) [12.43 a.m.]: Far be it from me at this late stage to introduce party politics into this place.

Several members interjected.

The Hon. H. W. OLNEY: I do not intend to. I propose to reply to some of the comments that have been made and to do so briefly. I must say at the outset that I am and always have been a great supporter of the concept of compulsory voting, unlike the Hon. H. W. Gayfer.

In my submission, compulsory voting is some protection to the community that votes will not be bought and sold and that people with the means of inducing people to vote will not be able to place themselves at an advantage that those without that means may not have.

Of course, the argument that Mr Gayfer has put forward is not one based on logic. First of all, I think he was inaccurate as to the historical events. As I understand the particular incident, the Aborigines concerned told the gentleman with the wine or the drink—with whatever it was that was free—to go away and that they did want to vote whether or not it was compulsory for them to vote. The fact of the matter is that they expressed a desire to vote. Mr Gayfer implies that if voting had not been compulsory then this wine merchant would not have engaged in his activities.

A member: That is inaccurate. He was not a wine merchant.

The Hon. W. R. Withers: He was not a wine merchant, he was something else.

The Hon. D. K. Dans: A distributor?

The Hon. H. W. OLNEY: A donor. The suggestion is that if voting had not been compulsory, these people would not have voted; therefore there would have been no enticement to this particular gentleman to try to stop them from voting! I suggest that is not logical and is not in accordance with the facts. As to the member's point about the secrecy of the ballot, I believe it was a good point. However, if we have, say, just taking a figure, 50 people voting at a ballot box and the count shows that all those people voted for the one candidate, we destroy the secrecy of the ballot. I think that is the point the Hon. Peter Dowding was making when he interjected.

A member: Impeccable logic.

The Hon. H. W. OLNEY: Earlier in the debate some mention was made of the manipulation of voters. It was suggested—I forget who suggested it—that people associated with the Labor Party manipulated the Aboriginal inhabitants in a particular area to vote in a certain way. Apparently, if an ordinary citizen decides to vote one way or another he does so as a matter of free will, but if an Aboriginal decides to vote for one party or another he is being manipulated. We heard recently from the Hon. N. F. Moore about an incident that he regarded as disgraceful. It involved a number of Aborigines who went in a bus to vote. The implication was that they were taken somewhere and instructed on how to vote,

and that they were being forced to vote for a Labor candidate.

The Hon. N. F. Moore: Nobody said they were forced.

The Hon. H. W. OLNEY: It was suggested that somehow they were manipulated to vote against their will for a Labor candidate. Before I succeeded on my fourth attempt to enter Parliament I had occasion to run for election in the less responsive seat of Cottesloe which two members here represent as part of their province. I recall that in 1971, the year in which Mr Williams was elected, going around at the first available time to certain hospitals in this Labor strong-hold called Peppermint Grove! I wanted to see whether anyone was interested in seeing me as one of the candidates. If anyone had wanted arrangements made for absentee voting I would have made the necessary arrangements. I never got past the door on a couple of occasions and at one hospital the matron of the establishment said that a lady from the Electoral Office had been there and had fixed up the voting. The title "lady" was correct, but she was not from the Electoral Office. I will not mention her name because she is no longer with us.

The Hon. W. R. Withers: I hope she never was with us.

The Hon. H. W. OLNEY: I was about to say that there is a medal for the best and fairest guess as to what is her surname. The point is that we had a situation of a well-known person supporting a particular political party creating the impression that she was from the Electoral Office and fixing the votes for people in that area.

A Government member: I can tell you the reversal of that.

The Hon. H. W. OLNEY: The honourable member probably will—at great length.

The Bill we have before us is of course supported by the Opposition. It is another one of these bits of legislation about which one wonders what they will ever do and whether they will ever result in any prosecution being launched. The circumstances this Bill envisages are so nebulous that I would suggest it virtually would be impossible for it ever to be effective.

One wonders why it is necessary to have this amendment. I suggest, it is probably a bit of window dressing because the Minister was embarrassed over this incident which received national publicity on television and caused all sorts of screams and disparaging comments to be made by people in other States about our electoral system in this State which permitted this type of conduct to go unpunished.

When one looks at section 98 of the Criminal Code one finds that it is already part of our law that any person who causes or threatens to do any injury or causes or threatens to cause any detriment of any kind to an elector in order to induce him to vote or refrain from voting at an election is guilty of a misdemeanour and is liable to imprisonment with hard labour for nine months or to a fine of $200.

It seems to me that although the proposed new section 187A is to be inserted into the Act, that section is already covered quite adequately by the existing provisions of the Code. Therefore, I suggest that this is a bit of window dressing by the Government to make it look as though it is getting tough on people who manipulate the electoral system.

As my learned friend Mr Berinson has said, the electoral system is permanently manipulated by malapportionment, so we can take with a pinch of salt this minor effort to make it look respectable.

THE HON. N. E. BAXTER (Central) [12.51 a.m.]: I wish to raise a few queries on this Bill and they relate particularly to clause 2 which states in part—

> (1) A person who does any act or engages in any course of conduct intending that as a result thereof another person—
>
> (a) will be rendered; or
>
> (b) will be encouraged or assisted to render himself, . . .

There is no parsing in this sentence. The words "A person who does any act" should be followed by a comma. If it is to be in proper English it should have a comma because when one reads it, one notes that it can be interpreted in several ways. I do not know what is intended at all. For instance there could be a situation where a person who does any act could be a licensee on licensed premises serving liquor over the counter. If someone is under the weather or gets drunk and does not vote then that licensee, in my opinion, with this wording, could be liable under the Bill. He could be quite innocent and not know that the person he is serving is drunk. He may not know that until the person is at that stage and if that person failed to vote then it could be interpreted that—and that is because of the parsing in this clause—the publican would be liable under this clause of the Bill. I would like the Minister to explain what is meant by those words.

Does it mean the person who does the act will, as a result, be rendered liable for that act? Does it mean that the person doing the act would be liable? It can be interpreted whichever way one

likes. The draftsmen do not put commas in the legislation.

The Hon. Peter Dowding: It means to "intend".

The Hon. N. E. BAXTER: It can be read either way.

The Hon. Peter Dowding: It says, "intending".

The Hon. N. E. BAXTER: It may be read either way because there is no parsing. I think I learnt enough English at school to know that. We used to learn parsing at school, but students do not do that today and that fact has been shown in our legislation. It has been like this for years because parsing is not taught in our schools. I am doubtful about this part of the clause because I think it could make a publican liable—

The Hon. Peter Dowding: I cannot imagine anyone else would be doubtful about it.

The Hon. N. E. BAXTER: The Hon. Peter Dowding has no imagination and no ideas and it is just the same when something is explained in the House; he is too dense to understand what one is getting at. I believe there should be some type of legislation whereby people who attempt to interfere—

Point of Order

The Hon. PETER DOWDING: Mr President, I object to the reference indicating I am dense.

The Hon. R. G. Pike: Surely that is a subjective comment.

The PRESIDENT: If the honourable member said that the member was dense, I ask him to withdraw it.

The Hon. N. E. BAXTER: I withdraw, if the honourable member objects.

Debate Resumed

The Hon. N. E. BAXTER: I think there should be some sort of legislation which appears in a proper manner so that it is made very clear what is intended because there is no phrasing and no parsing in this clause.

THE HON. R. G. PIKE (North Metropolitan) [12.54 a.m.]: I rise reluctantly because I must do so in defence of the Bill. I have to disagree with the Hon. Norman Baxter, but do so with deference to his years of experience.

If one reads the marginal note one will realise that it states, "Purposely rendering person unable to vote or incapable of voting". If it is meant to be a person who purposely does an act it would be no more in terms of the expression of the English language than what the words mean and, that is, it would be any course of conduct which was intended. The clause is very clear and it means purposely setting out to do an act. I say to the member his interpretation is simply not correct.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [12.55 a.m.]: I thank members for their support, although if they are in support it has taken some extracting.

I will deal with the Hon. Norm Baxter's comment. I believe he dwelt on the Bill a little more than other speakers and I agree with the comments of the Hon. Bob Pike and the Hon. Peter Dowding. The interpretation is clear enough and the intention is clear. It appears to me to be a reasonable explanation. So, I think if I can support one speaker from each side I will be able to save a considerable amount of time in the future.

I am sorry that the lead speaker for the Opposition (the Hon. Joe Berinson) used the words "a member of the Liberal Party" or "a supporter of the Liberal Party". In saying "a supporter of the Liberal Party" he indicated that the Liberal Party may possibly be involved. He is much too astute a politician to have said that accidentally.

Let us get the record straight. We are certainly sorry, as the Labor Party members are and as everyone else is, that this is the intent and that it did take place. What we are doing is genuinely putting forward what we think is a proper solution to prevent such an occurrence in the future. With those few words I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 187A inserted—

The Hon. N. E. BAXTER: I still disagree with the Minister and the Hon. Bob Pike. The marginal note does say "Purposely rendering person unable to vote or incapable of voting". However, when a publican serves liquor to a person, we have no evidence to prove whether he is purposely rendering him incapable.

The Hon. Peter Dowding: The police have to prove it.

The Hon. N. E. BAXTER: And the publican can be accused—because of the lack of parsing in this clause—that he has purposely set out to

render a person unable to vote or incapable of voting.

I thoroughly disagree with the Minister, the Hon. Bob Pike, and the Hon. Peter Dowding in this respect. I would like this point to be tested by a really good lawyer, and I think I would be proved right.

The Hon. G. E. MASTERS: I do believe it is clear enough. I am not a trained lawyer and, therefore, I am not able to fulfil the Hon. Norm Baxter's requirements. The intent and expression is clearly set out and seems to me to say what it means.

The Hon. H. W. OLNEY: I rise to comment that I view this clause with more enthusiasm now than I did a few moments ago. The Attorney General has quite rightly pointed out the particular section from which I quoted, and he pointed out that it does not apply to certain elections. To that extent, the proposed new section will add something to the Statute.

The Hon. R. HETHERINGTON: I cannot let this opportunity go by without putting on record that I agree with the Hon. Robert Pike.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

ELECTORAL AMENDMENT BILL (No. 2)

Second Reading: Defeated

Debate resumed from 6 November.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [1.03 a.m.]: The Bill now before us was presented by the Hon. Peter Dowding. It was presented in a manner which, it is fair to say, I have never previously seen in this House. It was a sorry day when the Bill was presented in that way. It was disgraceful. No attempt was made to make a properly presented second reading speech. The Bill was not explained properly.

I think it was the intention of the member to gain the maximum possible publicity. No regard—or very little regard—was given to any explanation. Very few members of this House were able to do little but listen to the tirade and attempt to sort out an explanation which would be nothing more than rough.

As far as I am concerned, at least, I think the House was entitled to an explanation of the Bill which, obviously, must have been of some importance for it to be introduced.

The Hon. J. M. Berinson: It was fully explained between interjections.

The Hon. G. E. MASTERS: I will not answer that sort of comment. If members opposite would like me to read to the House some of the speech they would find it quite clear that the member came in cold. Again, I say he was seeking nothing more than maximum publicity. I guess we should be getting used to his activities, even after the short time he has been in this House.

If the member was genuine in his wish to persuade members in this House to support him, bearing in mind that he had a minimum number of members able to support him—the Labor Party does not have a large number of members in this place—and if he intended to get his Bill through it was necessary for him to persuade some Government members from the Liberal Party and the National Country Party to support him. He made no effort whatsoever to achieve that end.

In fact, the member abused some members, and he pursued that policy right throughout his speech. Again I say he had no intention and, it seems to me, no wish to try to persuade some members from the Government parties to support him in an effort to get the Bill through. He showed a complete lack of sincerity and desire to win his argument. It was a most disgraceful presentation to this House, if he had any true intention of winning his argument. He presented no logical argument to support the Bill.

The honourable member, of course, did suggest that members from our side had no regard for the Aboriginal community. He entered into that argument and named a few people in this House. I will not bother to repeat those names.

The Hon. P. G. Pendal: That was quite unjustified.

The Hon. G. E. MASTERS: It was quite unjustified. It is sad that that sort of accusation should be made without any real foundation. I am aware that the Hon. Peter Dowding has some strong views, and he has made them clear in the short time he has been here. It is fair to say most of us respect some of his views, but some of them are slightly distorted and he cannot help that. Of course, he feels strongly.

We have a regard for the views of some of his own party; that is, some members of the Labor

Party. I hope he nas a similar regard for the views we hold. Perhaps it is a totally different philosophy in many areas, but I believe most members in this House have a regard for the Aboriginal community and they would do all they could to help those in great need.

Again, I understand the Hon. Bill Withers and the Hon. Peter Dowding represent an area where they have a great regard and a great feeling for these people, and would work equally in their best interests. They are members from both sides of the fence, and they both have a very high regard for the Aboriginal community and wish to help in whatever way they can. So, I do not think it is necessary to berate members for their views and feelings. I do not think it is necessary to abuse members of this House, and the privileges of this House by attacking people individually and by attacking their motives and their beliefs.

I am aware that I cannot mention the clauses of the Bill at this stage; if we were to go into Committee we would discuss each clause. I will refer to the Bill generally. One clause looks to reverse a recent Government decision whereby when people seek to be enrolled for the first time they need to have their enrolment card witnessed by certain people. Mr Dowding is seeking to expand on the witnessing of that document. When a person first is enrolled, and that person has some difficulties, he should have his enrolment witnessed by a responsible person—by someone who understands the law as far as is possible and is regarded fairly highly, or highly, in the community.

The Hon. Peter Dowding: Like a public notary or a judge or a commissioner of affidavits.

The Hon. G. E. MASTERS: I do not intend to get into a slanging match with Mr Dowding. I think he did himself enough harm without my entering into an argument with him. I believe members are quite sickened by the way he continually abuses and berates members of this House. In this particular case we are opposed to the proposition which has been put forward. I think the attitude of the Government is reasonable. We have demonstrated quite clearly that a responsible person needs to witness a first enrolment in the circumstances about which we are talking.

Indeed, the honourable member is always keen to quote reports of one kind or another. When we look at the report of Judge Kay, we see quite clearly that he supports this proposition. I will not read this to the Hon. Peter Dowding because I am sure he has read some of the judge's comments.

Judge Kay supports the system, and he gives reasons for that support. He sets this out clearly on pages 10 and 11, and finally he gives his recommendation on page 13. It reads as follows—

> the Electoral Act be amended to provide that the enrolment cards of all claimants to be put on the roll be signed before one of the following persons—
>
> an Electoral Officer;
> a Justice of the Peace;
> a Clerk of Courts; or
> a Police Officer.

The Hon. J. M. Berinson: You did not implement that recommendation though?

The Hon. G. E. MASTERS: We took some notice of Judge Kay and his recommendation. His was a fair and reasonable report, and we took some notice of it. The Hon. Peter Dowding has referred to this report in the House on occasions, and perhaps he will take notice of it now.

The Hon. J. M. Berinson: Does the Government believe that those recommendations still stand up in the light of experience?

The Hon. G. E. MASTERS: We oppose the proposal put forward by the Hon. Peter Dowding, and I support Judge Kay's comments on that proposition.

The Hon. R. Hetherington: Now let us hear you develop an argument.

The Hon. G. E. MASTERS: I am not going to rise to the bait of Mr Hetherington's proposition, although I would be quite happy to stand here for two or three hours if that is what he wants.

The Hon. R. Hetherington: Be my guest.

The Hon. G. E. MASTERS: I suggest to him that he should read the report; that will save me the trouble.

The Hon. Peter Dowding put forward the further proposition that we should require Aborigines to vote. That is fairly unreasonable at this stage. The Aboriginal people are going through a transitional period, and great pressures are on them. They really do not know what is going on.

The Hon. Peter Dowding: Rubbish! There is no evidence of that.

The Hon. G. E. MASTERS: The Hon. Peter Dowding's suggestion would force them to shoulder a responsibility they do not really want. This should be developed over a period of time.

The Hon. Peter Dowding: How long?

The Hon. G. E. MASTERS: How would I know?

The Hon. Peter Dowding: How long would you say?

The Hon. G. E. MASTERS: It will be a fair while before we can really implement the honourable member's proposal. No doubt it will happen over a period of time. The Hon. Peter Dowding is being unreasonable by proposing to place this burden on some of these people. I am quite sure that in his heart he supports what I am saying.

The Hon. Peter Dowding: I don't, and *Hansard* can record that you are wrong.

The Hon. G. E. MASTERS: One of these days he will agree with me.

The Hon. Peter Dowding: I have.

The Hon. G. E. MASTERS: The honourable member represents that area and I believe he has a greater knowledge and understanding of the situation than he pretends to have.

Another clause seeks to impose on the Minister the duty of authorising all prosecutions under the Electoral Act. I really do not think the honourable member is serious about this proposition.

The Hon. Peter Dowding: Of course he is serious.

The Hon. G. E. MASTERS: It would be quite ridiculous to apply that proposition to the Criminal Code or to the Police Act. What a ridiculous situation that would be.

The Hon. Peter Dowding: It is in the Criminal Code.

The Hon. P. G. Pendal: Could not that be construed as applying political pressure?

The Hon. G. E. MASTERS: He is not serious about it. I am quite sure he is not serious about the Bill.

The Hon. Peter Dowding: You are wrong there.

The Hon. G. E. MASTERS: If the honourable member had put this Bill forward in the proper way, he might have got a better response and a better understanding. If he had not set about to upset people, to posture, and to treat the subject in such a cavalier fashion, we would have taken it a great deal more seriously, and so would have the public. If he wants to succeed in the future and to have such a measure passed, he must take the issue a great deal more seriously. I oppose the Bill.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [1.15 a.m.]: I rise to support the Bill, and I commend the Hon. Peter Dowding for introducing it.

The Hon. G. E. Masters: And the way he introduced it?

The Hon. LYLA ELLIOTT: I am rather shocked at the personal attack on the honourable member from a person who is supposed to be a responsible Minister of the Crown. That attack represents a very unhealthy and unwholesome trend on the part of the Government. When a Minister cannot answer points raised, he resorts to a personal attack. This is what happened when the Hon. Peter Dowding spoke on the adjournment debate about the Environmental Protection Authority last night. The Minister did not answer the point at all; he simply indulged in a personal attack. That is just typical of this Government when it has no answers. It is disgraceful.

The Hon. W. R. Withers: I am pleased to see you have not lost your sense of humour!

The Hon. LYLA ELLIOTT: There is nothing wrong with a second reading speech being made without notes. The Hon. Peter Dowding was attempting to explain the Bill. He gave valid reasons for the amendments, but the interjections from Government members produced some of the comments that those same Government members did not appreciate. If they give it they must be able to take it.

In this Chamber some 12 months ago I, along with other members of the Labor Party, strongly opposed the amendments to the Electoral Act. In our opinion many of those amendments were designed for one purpose only; to make it difficult for persons who happen to be illiterate, Aboriginal, and live in remote areas, to enrol and to vote.

In our opinion, and in the opinion of many other people, that legislation represented the culmination of a campaign commenced in 1976 by the Liberal Party, and aimed at restricting the Aboriginal voter. One need only look at the evidence of the Kimberley Court of Disputed Returns to discover the truth of what I am saying. I do not intend to repeat all the things I said last year when the amendments were before the House.

The Hon. P. H. Wells: Not even for the benefit of the new members?

The Hon. LYLA ELLIOTT: I make those comments as a preamble to what I want to say on the Bill before us which I believe is an attempt to undo some of the damage of the 1979 amendments.

Clause 2 of the Bill seeks to restore some sanity, practicality, and fairness, into electoral enrolment. Last year's amendment to section 42

of the Act placed this State out of step with every other State and the Commonwealth in regard to enrolment. In no other State do we find the suggestion that there is something wrong with an elector witnessing a signature on a claim card. So there is no Australian precendent for that.

I am glad that the Minister quoted from Judge Kay's report because I was reminded of another part of it. Although Judge Kay recommended a restriction on the kind of people who could witness claim cards, he could not point to any evidence of abuse of the enrolment procedure.

Not only did he not produce any evidence of fictitious names on the roll, but also the Chief Electoral Officer is reported as saying there was no undue duplication of names of nomadic or illiterate people or of any other type of elector.

The Hon. W. R. Withers: Come on! One bloke was on the roll three times in my home town.

The Hon. LYLA ELLIOTT: I repeat: There was no undue duplication. With regard to the small amount of duplication which was evident, the Electoral Department accounted for 84 per cent, and the remainder was due to incorrect spelling or to Christian names being added or deleted. In his conclusion on the question of duplication on the roll, Judge Kay said there was no evidence of any wilful effort to enrol a person twice. He said it usually occurred through the spelling of difficult names and misspelling by energetic party workers. He went on to say, "I find there is no undue duplication of names."

That is the judge whom Mr Masters likes to quote as his justification for the changed enrolment procedures. He must accept that what I am quoting is just as valid as what he quoted.

The Hon. G. E. Masters: Judge Kay came to a conclusion, though, at page 13.

The Hon. LYLA ELLIOTT: Yes, and the conclusion was that there was no evidence of undue duplication. I cannot understand why he suggested the amendment for the restriction of witnesses when he could find no evidence in that respect.

I repeat what I said last year: Surely if there is to be manipulation for foul play in respect of the enrolment of illiterate Aboriginal voters, one would have thought it would occur in this area, but there was no evidence of it. Therefore one can assume only that the amendment to section 42 was not designed to stop abuse of enrolment procedures, but to make it difficult for people to enrol, particularly in remote areas.

As the Hon. Peter Dowding pointed out, the Government has been made to look rather ridiculous in its admission, in reply to a question asked by the Hon. Howard Olney on 29 October, that no check was made of the qualifications of witnesses who had signed cards since the amendment to the Act last year.

It seems to me we have the worst of both worlds. Firstly, a person seeking to enrol is now faced with a lot of unnecessary inconvenience; and in fact I would suggest in some cases they would be put off enrolling altogether. At the same time the new provision is a farce because there is no protection against hypothetical abuse.

The amendment in Mr Dowding's Bill will restore the sensible and practical situation which obtained prior to the 1979 amendments.

Clause 3 in the Bill amends a discriminatory piece of legislation which says there shall be a different law for Aborigines. I believe that is no longer acceptable in 1980. I have Aboriginal friends who for a long time have objected to this discrimination in respect of enrolment. They find it offensive and have suggested on a number of occasions that it should be changed.

I would admit that probably not all Aborigines would agree with that, just as not all non-Aboriginal people would support compulsory enrolment. However, I still think it is a discriminatory piece of legislation which should be repealed.

Clause 4 will write into the Act a safeguard to prevent a recurrence of the disgraceful and frightening events which occurred in the Kimberley at the last State election when people who merely assisted others to obtain a postal vote were treated like dangerous criminals. Although I was not involved in the last State election in that I was not up for re-election, I knew I would be active in the campaign and this would include requests for assistance with postal voting. As I did not want to be imprisoned for three months or fined $200, I decided to write to the then Chief Electoral Officer (Mr Foreman), and ask him for a ruling on the meaning of the new provision.

I remember quite clearly what he said, but I do not have to rely on my memory because at the time I wrote a letter to the Leader of the Opposition (Mr Davies) and to the State Secretary of the Australian Labor Party informing them of the ruling I received from Mr Foreman. I wish to quote a portion of my letter to Mr Davies in respect of the ruling I received from Mr Foreman. It is as follows—

> I have requested the Chief Electoral Officer, Mr Foreman, for a ruling on two aspects of Postal Voting, following the recent Amendments to the Electoral Act. His reply

to me was firstly, it is not an offence to assist a person who genuinely requires a postal vote. It will only be an offence to "persuade or induce" an able bodied person etc., to obtain one. In other words, the position is much the same as in previous elections. Secondly, he says that political parties will be able to go into nursing homes or hospitals to assist patients with postal voting where those institutions are not "declared". A "declared" hospital will have a mobile ballot box and Parties can appoint scrutineers to be present when votes are taken.

That was on 7 January. I wonder how many members recall receiving a circular from Mr Foreman dated 14 January 1980. It was headed "Conjoint Legislative Assembly and Legislative Council General Election—23rd February 1980". I will read only the first paragraph, as follows—

> I should be pleased if you would make the accompanying forms 'State Elections—Application for a Postal Ballot Paper' available to any person desirous of applying for a postal ballot paper for the abovementioned State Elections. The forms are for individual issue and the whole of the stock should not be given to any one person. Supplies will be replenished upon request. The new forms are endorsed '1979 Print'. Also enclosed is a supply of envelopes, one of which should be issued with each application form.

I will not read the rest because the point I am making is contained in that paragraph.

It was therefore with a great deal of shock and disbelief that I learnt that people in the Kimberley were charged with doing something illegal when they were doing something which in my opinion was ruled by the Chief Electoral Officer to be within the law; and that was subsequently shown to be the case in the finding of Magistrate McCann after hearing charges against Jennifer Gardiner. I might add that Jennifer Gardiner was incarcerated with her baby and treated like a common criminal. She was fingerprinted and photographed. The case against her was that she was accused of giving a postal vote application form to an Aboriginal woman on Mirrima Reserve at Kununurra. The Aboriginal woman apparently was suffering from ill-health and was unable to go to the polling booth. Jennifer Gardiner possibly helped her to fill in a form, although that was never proved.

That is nothing different from what takes place in every State electorate by dozens of party workers from all parties, including the Liberal Party.

I have in my hand two Liberal Party advertisements from the last State election. In a full page advertisement inserted in *The West Australian* on 22 February, under the heading "Let's leap into the eighties. Vote Liberal." the following appears—

> For information or assistance on sick or absentee votes, phone the Liberal Party Information Centre on 321 7875 . . .

Another full page advertisement in *The West Australian* of 5 February 1980 contains a photograph of no less a person than Sir Charles Court, right next to which is a message which reads as follows—

> For information or assistance on sick or absentee votes, phone the Liberal Party Information Centre on 321 7875 . . .

It is quite obvious that all political parties—including the Liberal Party—in every electorate assisted people with postal votes at the last State election. People were actively encouraged to contact the Liberal Party so that someone could go out and give them a postal vote form and in fact do exactly the same as Jennifer Gardiner did. She was requested by that Aboriginal woman to help her with a vote; indeed, a number of people in the Kimberley made such a request.

Why was such callous, vindictive action taken against a handful of people in the Kimberley? It was quite outrageous. It is obvious the action was discriminatory, intimidatory, and irresponsible, and the Act must contain some safeguard to prevent a repetition of this occurrence.

A precedent for such a provision is contained in sections 121, 166, 421, 423, and 545 of the Criminal Code, which provide that proceedings must be authorised or initiated by the Attorney General. So, Mr Dowding's suggestion is not breaking any new ground.

That is all I have to say. I believe Mr Dowding's Bill contains three very sensible suggestions which should be adopted by this Chamber. However, in view of the remarks of the Hon. Gordon Masters, there is little chance of that happening.

THE HON. W. R. WITHERS (North) [1.32 a.m.]: Some of the remarks made by the Hon. Peter Dowding in presenting his Bill to the House were unrelated to the Bill; in fact, they were very provocative, and unnecessarily so.

The Hon. D. K. Dans: Who provoked him?

The Hon. W. R. WITHERS: I am about to point out that Mr Peter Dowding's remarks were made without any provocation whatsoever. Mr President, some of his remarks were so unnecessarily provocative that if I were asked by somebody in the Kimberley how he behaved on that night, and I were to answer in the Kimberley vernacular, I would have to say, "He acted like a fair bastard." I would not be allowed to make such a statement in this Chamber, and I would have to withdraw it if I did. However, the people in the Kimberley would understand what I meant.

In his second reading speech, Mr Peter Dowding attempted to create fear and fantasy. He made—for Mr Dans' benefit, without provocation from anybody in this Chamber—the following statement—

> It was never intended by the Government that the section do anything but inhibit people from seeking to become enrolled.

The Hon. Peter Dowding: That is correct; I do not think that created fear.

The Hon. W. R. WITHERS: This was an opinion held by the Hon. Peter Dowding; however, it is not fact; it is an impression held by him. He went on to say—

> If it is the case that the witness is intended to interrogate the aspiring elector, and to ask him his understanding of enrolment procedures, his understanding of electoral procedures, and his understanding of the political situation, in my submission that would be an unlawful inquiry and one which the witness was neither obliged nor entitled to make.

Once again, Mr Dowding brings his opinion into play. He seeks to imply what he is criticising is fact, but it is not. He is offering a criticism for something which is in his own mind. It is not a part of the Bill, and it is not a part of Government policy.

The Hon. Peter Dowding: The Minister suggested that is one of the purposes of having a responsible witness.

The Hon. W. R. WITHERS: Mr Dowding showed his confusion when he said—

> The question is: Is the person who witnesses a card a person?

What a question! Surely he must have meant, "Is the person who witnesses a card a person who may be identified?" This indicated his state of confusion when he presented his Bill.

Again, Mr Dowding made the following statement, completely without provocation from any member in this Parliament—

> The witness is not there to make inquiries as to the level of understanding of the political system or the facility with the English language of the person seeking enrolment.

Later on he says—

> I would regard it as an attack on democracy if this Government sought to impose some sort of IQ test or to gauge the understanding or knowledge of electoral procedures of the person seeking enrolment.

Once again, Mr Dowding expresses a view which brings into play figments of his imagination. The Government has never hinted at anything like that. Mr Dowding has dreamt it up, and criticised us here as if the Government had said it.

He goes on to say—

> In my view, this provision was introduced in an attempt to disfranchise the Aboriginal voter in line with the policy adopted by Government members and supporters in 1977.

This is a shocking display; again, the statement is not based on fact.

The Hon. Peter Dowding: That is what the judge said.

The Hon. W. R. WITHERS: It is not in the Act; it is not fact; it is only in Mr Dowding's mind.

The Hon. Peter Dowding went on to make a shocking attack on a past member of this House, the Hon. John Tozer. I consider my past colleague was an honourable member in this House. Although he had an honorary title, he certainly deserved the expression "honourable" because that is what he was. Yet the Hon. Peter Dowding, with reference to the litigation against him, had this to say—

> I suggest that he knew as we all know, that there was not one iota of substance in the allegations.

Mr Dowding used the words, "as we all know". I do not know, and I am quite sure other members in this House do not know. I am equally sure Mr John Tozer did not know because, as I said, he is an honourable man. Once again, what Mr Dowding put to this House was not fact, but was pure supposition.

I will not deal with all of the non-facts given to this House through the views of the Hon. Peter Dowding. I will move on to that part of the Bill with which I agree. I refer to clause 3 which seeks to repeal section 45 of the principal Act. I do not agree with the Hon. Gordon Masters in his remarks relating to this section of the Bill.

The Hon. R. Hetherington: That makes several of us.

The Hon. W. R. WITHERS: Members would know that in the past, I have put forward the same amendment in this House. However, it was unfortunate Mr Dowding did not do sufficient homework, because had he done so, and had he wanted to make his amendment meaningful—instead of simply grabbing the momentary glory of moving a private member's Bill so that he could get his name in the Press and over the ABC many times—he would also have sought to amend sections 4, 181, 182, 183 and 184 of the Act. In fact, if he had checked the amendments I put to this House on the same subject, he would have found that was so.

Although I disagree with other clauses of the amending Bill, I realise that the honourable member needs assistance to achieve what, in my view, is the only good clause of the Bill; that is clause 3, which seeks to repeal section 45(5). Therefore, I will vote for the second reading of this Bill.

I hope the honourable member will receive sufficient support from his colleagues; because when I put a similar amendment to the House, when it came to the vote the members did not vote for the repeal of that section.

I thank Mr Dowding for acknowledging the fact that I had endeavoured to remove racism from the Act by a previous amending Bill. As I said, I will vote for the second reading, with the reservation that I do not agree with the rest of the Bill. I will speak against the clauses with which I disagree in the Committee stage. If the Committee stage reaches the point where clause 3 is discussed, I will assist Mr Dowding with the experience I gained before, in an endeavour to have that clause passed through this House. I will also support the other amendments that are required to make that clause effective.

With those reservations, I support the second reading.

THE HON. P. G. PENDAL (South-East Metropolitan) [1.42 a.m.]: I want to make a couple of brief points—and they will be brief—only to respond to and refute some of the fairly offensive remarks directed at me in this House late last week when the Bill was being introduced. Those offensive statements related not only to me, but also to the attitudes that one honourable member seems to think I hold.

In particular, a reference was made on a number of occasions about an alleged gulf that would exist between me on the one hand and the Hon. Peter Dowding on the other. To some extent I would support that assertion because on most matters on which the member has spoken in this House, and in the way that he has expressed his views, I have no doubt whatsoever that a fairly wide gulf exists between us. However, in talking about that gulf and in reflecting on my attitudes to the Aboriginal people of this State, he made totally unfounded comments—ones that I thought I had dealt with in earlier debates when matters relating to Aboriginal people were raised, and raised in a most hysterical fashion.

Perhaps that particular honourable member might be interested one day to visit the electorate of the South-East Metropolitan Province which is the province I happen to represent in this Place. It is a province that does have a large number of Aboriginal people. It might be somewhat ironical from his point of view to learn that a lot of those people, as recently as two or three weeks ago, came to me as one of their members of Parliament, seeking the help and representation that they required at Government level. Indeed, on one recent occasion, when I took the trouble to pursue a matter on behalf of one Aboriginal family—a matter in which, ultimately, I was not successful because a decision was made against me and against that family—the family nonetheless was very glowing in its praise of me as their representative in this Parliament, and as someone who handled their problem, not because they were an Aboriginal family but because they were my constituents.

During the second reading speech, such as it was, the Hon. Peter Dowding referred, on page 3137 of *Hansard*, to the contempt in which I and other members on the Government side of this House held the Aboriginal people. Members might recall it was at that point that the Hon. John Williams asked to be dissociated from that sort of all-embracing comment being directed towards Government members. I now ask to be dissociated from that all-embracing comment made by the Hon. Peter Dowding. If there was any vestige of truth in the suggestion that this Government, or members here as part of the Government, held the Aboriginal people in contempt, I would have to ask the question: How was it that this Government was the first to introduce a system of Aboriginal police aides? If we are members of a Government which holds the Aboriginal people in contempt, how was it that this was the first Government to proceed with the introduction of Aboriginal justices of the peace?

The Hon. R. G. Pike: And the administration of their own laws.

The Hon. Peter Dowding: And the destruction of the Aboriginal Heritage Act, and the refusal to grant pastoral leases to Aborigines.

The PRESIDENT: Order!

The Hon. P. G. PENDAL: It is interesting to note that the supposedly great social reformer in Australian State politics in the last 10 years, the former Premier of South Australia, Don Dunstan, throughout the period in which he led so-called enlightened reforms in South Australia, never appointed one Aboriginal justice of the peace. When he was Premier of South Australia, he never appointed one Aboriginal police aide.

The Hon. F. E. McKenzie: Did he not appoint an Aboriginal Governor?

The Hon. Lyla Elliott: He gave them land rights, and that is much more important.

The Hon. P. G. PENDAL: Throughout the period of the Tonkin Labor Government in Western Australia, which is not all that long ago but which is a period that is unlikely to be repeated for a long, long time, that Government granted no pastoral leases to the Aboriginal people of Western Australia in three years in office. Every pastoral lease that has been granted has been granted since the Court Government took office in 1974.

The Hon. Peter Dowding: Are they still doing it?

The PRESIDENT: Order!

The Hon. P. G. PENDAL: They are not doing it, and the honourable member knows the reason. In this House, the Minister for Lands quite properly said, if my memory serves me correctly, that there would be no more pastoral leases granted to Aboriginal communities until the nonsense concerning Noonkanbah was over and settled amicably.

The Hon. Peter Dowding: The refusal came long before Noonkanbah, and the Minister knows it.

The Hon. P. G. PENDAL: That was a good decision, to return sense to the manipulators by whose actions the Aboriginal people of this State have suffered grievously.

The Hon. Peter Dowding: Who are they?

The Hon. P. G. PENDAL: Throughout the second reading speech the person introducing the Bill made inferences that sections of the present Act needed to be removed in order to remedy the situation so that Aboriginal people did not have to approach a policeman or a justice of the peace because, in his estimation—that is, in the estimation of the Hon. Peter Dowding—there were some Aboriginal people who were frightened of policemen, or who were frightened of justices of the peace or other people in authority.

The Hon. W. R. Withers: I do not think he mentioned justices of the peace.

The Hon. P. G. PENDAL: I beg the member's pardon. He did not; but he certainly mentioned policemen. If that was correct—

The Hon. Peter Dowding: Well, it is correct.

The Hon. P. G. PENDAL: If it is correct, how is it that the Aboriginal people who are so—

The Hon. Peter Dowding: Some.

The Hon. P. G. PENDAL: —frightened and apprehensive about approaching a policeman, have no apprehension and no reluctance to approach a police officer to gain access to motor vehicle and motor cycle licences. Many of those people live in the north of the State. The fact is that those same Aboriginal people do not feel any sort of apprehension about approaching a police officer. The only apprehension is in the mind of people like the Hon. Peter Dowding.

The Hon. Peter Dowding: That is just wrong.

The Hon. P. G. PENDAL: During another section of the member's second reading speech I tried to ask him a question by interjection about the schooling of Aboriginal voters.

The Hon. R. Hetherington: Does this have something to do with the Bill?

The Hon. P. G. PENDAL: These matters were brought before the House by the member sitting behind the Hon. Bob Hetherington, who will have to bear with us while we reply to his colleague's nonsense. During the member's speech I interjected and asked, "Was there any schooling in how to vote by the Labor Party? There was schooling all right. There is evidence of it." The Hon. Peter Dowding then went off with his tirade of abuse concerning the alleged contempt with which I and other members of this House held Aboriginal people. He seemed to take no exception—quite properly—to a proper process by which any voter, Aboriginal or non-Aboriginal, could be educated in the mysteries of voting; what a ballot paper is; why certain names appear on it; and why certain numbers have to be placed on the paper. I have no objection to that unbiased educative process in which any person, migrants included, is taught how to cast a mature vote in a State or Federal election. However, that was not what I was taking exception to. I ask the Hon. Peter Dowding whether he is aware that after the election an Aboriginal person was asked to write the numerals 1, 2, and 3 in their usual sequence. It was rather interesting—and totally coincidental—that the Aboriginal person had

been schooled. That is not his fault, but the fault of people pressing in on him and manipulating him. He did not write them in the usual sequence, but in the sequence, coincidentally, of the Labor Party's how-to-vote card for the Kimberley election!

The Hon. Peter Dowding: Who asked him?

The Hon. P. G. PENDAL: I do not have to answer the member and explain where my information comes from. I assure the member that I will be taking it up with the Minister in this House who represents the Chief Secretary and I will be asking for inquiries to be made to determine whether there is truth in that allegation, because I believe there is truth in it. If there is truth in it, it means that the educational process and the schooling process which is defended by the Hon. Peter Dowding is a process by which manipulating does occur.

The Hon. Peter Dowding: Don't be silly.

The Hon. P. G. PENDAL: The whole of the member's second reading speech is nothing more than a vile attack by the Labor Party on the Aboriginal people of this State. Mr Dowding's Bill does nothing whatsoever to advance the cause of the Aboriginal people in this State. The Bill is a disgrace and ought to be defeated.

THE HON. R. HETHERINGTON (East Metropolitan) [1.54 a.m.]: I wish to support this Bill. Before I address myself to the reasons I want to support it I have a couple of things I wish to say. The first is that I was sorry to hear the Minister for Fisheries and Wildlife spend a large part of his speech on personal attacks and very little of it on the Bill itself.

The other thing to which I should advert is the fact that when my honourable friend Mr Peter Dowding rose to deliver his speech he pointed out that he had been caught out as some of us have been on occasions. His Bill had gone up on the notice paper quicker than he had expected. He apologised that he did not have notes available, although he need not have made an apology.

I wish to point out to the newer members of the House that a member introducing a Bill without speech notes is no innovation. I have introduced at least three Bills without the use of notes. I remember, in reply to an interjection by the Hon. Graham MacKinnon to the effect that I appeared to have no notes, I indicated that although we were permitted to have them, it was not mandatory.

The other thing I would like to mention is that when I introduced my Bills and gave the second reading introduction extemporaneously, I received far more courtesy than my honourable friend received the other night when he delivered his second reading speech. I think it would be a good idea if some of the new members learnt a few tricks from the old master and had a look at some of the interjections made by the Hon. Graham MacKinnon when he was Leader of the House. When I was introducing my Bills he used a little bit of subtlety instead of the bludgeoning kinds of interjection experienced by the Hon. Peter Dowding.

The Hon. G. C. MacKinnon: I am becoming a little overcome by all these kind comments.

The Hon. R. HETHERINGTON: I did not always enjoy the interjections and I sometimes momentarily disliked the Hon. Graham MacKinnon when he made them; but at least he was a professional and had some finesse. I give credit where credit is due. It would be a good idea if some of the newer members learned this lesson, because it is very difficult for a member to introduce a second reading, particularly when it is a first time. He is not helped by continual interjections and he can be provoked. Then, of course, members take the provocation and ignore the argument.

I want to support the Bill and point out that although we are concerned with Aborigines we are not concerned only with them. I would like to point out something which my friend did the other night. He thought that as far as the Aborigines in the north were concerned, most managed to get enrolled; the people who were really suffering were the fringe dwellers around the city. The other people who are suffering are the young, the poor, and the migrants; all the people who find it difficult to approach people in authority.

I do not intend to reply to what the Minister said about Judge Kay's report. I have analysed that report in the House previously. I believe many of the conclusions are not supported by sufficient evidence. I have also pointed out that when the Government introduced its legislation last year it was very inconsistent in that it selected only certain recommendations.

As far as I am concerned, I am one of those people who take this Bill very seriously. It is a desirable Bill and I think if the Hon. Bill Withers is correct and amendments to it are necessary, they could be introduced in the Committee stage were the Bill to receive a second reading.

I note his spirit of intelligent co-operation on this matter and I am glad he can appreciate this, even if he does not always like some of the things members on this side of the House do. He can understand the spirit of the matter and I am glad at least one member opposite can do that.

I hope members will think about what is involved. In the past I have argued it would be a good idea if we returned to the kind of witnessing which would make possible a joint Commonwealth-State roll.

I point out also that if we intend to follow what Judge Kay said in his report, we should bear in mind he mentioned a number of people who were easy to find, including commissioners for declarations; but his list was not translated into the recommendations. Therefore, the list is unnecessarily short, even if we accept it; but I believe any elector should be able to act as a witness. It has been revealed in this House already that people do not check to see who has witnessed the card anyway. Therefore, what is the real purpose of the witnessing provisions, if the qualifications of the witness are not checked? Is it now intended that the witnesses' qualifications will be checked? This situation puts people off enrolling which is undesirable.

The aspect I find rather ironical, and I point out this to the Hon. Norman Moore, is that there seems to be a certain amount of inconsistency amongst some members opposite. Perhaps the Hon. Norman Moore intends to support clause 3 of the Bill, because I believe he is one of the members who said there should be one law for all when some of us on this side of the House were arguing that there should perhaps be special laws for Aborigines under special circumstances.

The Hon N. F. Moore: When did I say that?

The Hon. R. HETHERINGTON: If it was not the Hon. Norman Moore who said that, perhaps it was someone on this side of the House.

The Hon. N. F. Moore: It was someone else.

The Hon. R. HETHERINGTON: An argument has been advanced by Government members in another place that we should have one law for all and here was a chance to introduce one law for all by removing the compulsion to vote, but making it compulsory to enrol, so that Aborigines are under the same compulsion as the rest of the community.

It is rather odd that people who believe in non-discriminatory legislation want discriminatory legislation here. When the Minister replied on behalf of the Government he seemed to indicate he believed we should have discriminatory legislation here, but as far as pastoral leases are concerned, no allowances are made for Aborigines.

I would reverse the position and here is one situation in which we could have one law for all. There should be compulsory enrolment for all.

The third point I wished to mention was this: I did not really expect the Minister to accept the argument that prosecutions under the Act should be on the prior written authorisation of the Minister, but it is not a matter to be dismissed as being completely foolish. It happens under other legislation and on some matters a politician is less likely than anybody else to behave in a party-political manner because he is aware of the sensitivity of these kinds of prosecutions and he is more likely to be very careful about them.

A Minister should be able to be held responsible for prosecutions under the Electoral Act. It is a serious and sensible suggestion and I cannot see why the Minister dismissed it out of hand. It is possible he did so because he did not like the person who suggested it, but certainly he advanced no real argument against it. At no stage did the Minister advance an argument in regard to this matter except to say that we should not vote for the Bill, because he did not like the person who introduced it.

I hope other members in this House will not adopt that attitude and will look at the Bill on its merits. Perhaps they will see, as the Hon. Bill Withers has seen, that it has some merit. I hope members will at least vote in favour of the second reading so that during the Committee stage we can sort out what the House likes about the Bill.

I support the measure and commend it to the House.

THE HON. H. W. OLNEY (South Metropolitan) [2.05 a.m.]: I support the Bill. I was delighted to hear Mr Withers commit himself to voting for the second reading of it.

One of the first amendments I moved after I became a member of Parliament was in relation to the Aboriginal Heritage Amendment Bill and Mr Withers indicated, during the course of his speech, his wholehearted support for my amendment. I thought he intended to vote for it and called for a division. However, tonight the Hon. Bill Withers said he would vote for the second reading of the Bill.

There is good reason for all members to vote for the second reading of the Bill and that is to enable the real issues to be thrashed out in Committee.

I wish to touch only briefly on one aspect of the Bill and to deal at greater length with another aspect of it. The aspect on which I shall touch briefly is the witnessing of claim cards. Members have referred to the provision which requires that a witness to an electoral claim card must have certain qualifications. It is clear it is just so much nonsense to say there is a need for a qualified

person to witness a claim card for enrolment. In practice, the electoral office takes no notice of it. All it is interested in is whether "JP" or "police constable" is written on the card or something else which comes within the ambit of the qualifying provision.

In answer to a question which appears at page 2753 of *Hansard*, the Minister made a rather remarkable statement which reads as follows—

> The department assumes, as it is entitled to do, that a witness to a claim who certifies that he has a certain capacity has that capacity. It is, of course, an offence for a person to make a false statement on an enrolment claim form. In this case, as in many other cases of legal proceedings and government administration, compliance with the law on pain of penalty for non-compliance and on the basis of a specific claim of status is assumed in the absence of evidence to the contrary.

That may well be the experience of the Chief Secretary, but I wonder whether perhaps the Attorney General recalls a situation not too long ago when instruments under the Transfer of Land Act required qualified witnesses to signatures or instruments and the name of the witness and his qualifications were checked against the records of the Titles Office to make sure he was competent.

I am sure the number of electoral claims which are submitted in any one year is far less than the number of instruments registered under the Transfer of Land Act.

The Government has set up this requirement, but it does nothing to police it. Therefore, the Bill aims at returning to the situation which existed prior to the provisions relating to the qualifications of witnesses being passed.

The justification for requiring a person to have these qualifications to be a witness is apparently to prevent multiple enrolments by an individual elector. I cannot see, however eminent and qualified the witness may be, how this will stop a person either by accident or design signing more than one electoral claim card.

Therefore, it seems to me the provision Mr Dowding seeks to remove does absolutely nothing and I suggest it is an impediment not only to the Aboriginal vote about which we have heard a great deal, but I can assure the House also it is an impediment to many would-be electors in the South Metropolitan Province who find it irksome to have to visit a policeman or justice of the peace to have their claim forms witnessed.

As we are aware, many claim forms are completed in the period just prior to the calling of an election. My experience prior to the last election was that many people either came to me or telephoned me and said, "I have been to the police station with my card." Frequently these people went to the police station after work, because they could not go there during working hours. They found a time clock on the door saying, "Back at nine o'clock." It would then be 9.15 and they would not know what to do about getting a policeman to witness the claim cards.

I suggest to the House that the amendment brought in a couple of years ago—it required these qualified witnesses—which was thought would remedy the then mischief, was illusory. In any event, the amendment has not applied effectively.

I do not propose to speak on the question of the compulsory registration of Aboriginal voters; that has been dealt with and I support the proposal. What I wish to refer to is clause 4 of the Bill. It is the one that proposes that prosecutions be not instituted under the Act except with the written consent of the Minister. Nothing is sinister or unique about such a provision. Perhaps members can better understand the significance of such a provision if, first of all, I refer the House to the provisions of section 41 of the Interpretation Act which states—

> Subject to the provisions of the Fines and Penalties Appropriation Act, 1909, any person may sue for, or take proceedings to recover, and may recover any fine, penalty, or forfeiture imposed by, or which is authorised to be imposed or awarded under, any Act, unless by such Act the right to so sue or take proceedings is vested in an officer or person thereby indicated.

So, the general rule is that any person can take proceedings in respect of breaches of an Act. The position with the Electoral Act is that any person, including a police officer—when he makes a complaint he does so as a person rather than as a police officer—can file complaints for alleged breaches of the Act. As I understand the scenario of the recent Electoral Act allegations, certain complaints were made to the Chief Electoral Officer. They were referred to the police for investigation and the police, apparently on investigation, shot from the hip, as it were, and proceeded with their prosecutions, all of which turned out to have, apparently, no legal or factual foundation.

The proposal the Hon. Peter Dowding put forward is that the decision to prosecute should not rest with an investigating police officer. I suggest that this area of electoral law is very

delicate and sensitive and is one in which the police should not be seen to be the initiators of penal provisions.

I said earlier that it is not a novel provision that the right to prosecute for an offence is restricted. In the Road Traffic Act, section 107 provides that only certain people—they are patrolmen, police officers and the like—can prosecute for a breach under the Act and its regulations, and that is as it should be. Private citizens just cannot launch a prosecution for an offence under the Road Traffic Act. The Act sets out who can prosecute, and under the Interpretation Act, section 107 of the Road Traffic Act has the effect of limiting the right to prosecute to the named persons.

I believe an amendment to the Nurses Act will be before this House for consideration in due course. Section 42 (3) of the Nurses Act provides—

> All complaints for offences against this Act shall be laid by the Registrar or by some other person appointed by the Board generally or in relation to any particular complaint.

The board referred to is the Nurses Board. It is thought to be appropriate that the prosecution of offences against the Nurses Act should have the authority of the registrar of the board before they are launched. Obviously a good policy is written into that Act.

A moment ago I happened to pick up the Pharmacy Act, an amendment to which is to be considered by this House later on—perhaps not tonight. One finds that in section 42 of that Act the right to prosecute for offences is vested in the Pharmacy Council. The Commonwealth's Trade Practices Act in section 163 provides that prosecutions or proceedings before any court under that Act cannot be instituted except by the written authorisation of the Minister or a person authorised so to do. One can go to the Statutes and find dozens of provisions which limit the right to prosecute for breaches of the particular Acts to people who or bodies which have the virtual control and management of the Act.

Some comments have been made about the desirability or otherwise of the authorisation of prosecutions under the Electoral Act being left with the Minister in charge of that Act. In order to meet that objection and, perhaps, in order to satisfy some members of the Government who may have some reservations about that, I have prevailed upon my colleague to accept as a proposal that in Committee his Bill be amended by replacing clause 4—that is proposed section 206A—with a slightly different clause in the following terms—

> All complaints for offences against this Act shall be laid by the Chief Electoral Officer or by some other person appointed by the Chief Electoral Officer generally or in relation to any particular complaint.

I have taken those words from the Nurses Act. I would suggest that what I propose is a suitable alternative if there is some reservation as to the desirability of the ultimate decision to prosecute being left in the hands of a Minister.

If this proposed provision is adopted then under the scenario which I recounted before and which arose out of the recent election, the inquiries directed by the Chief Electoral Officer and made by the police would have been referred back to the Chief Electoral Officer who, after all, is the person with the primary responsibility for ensuring that the electoral laws of this State are carried out properly. He is the best person and is best equipped to study the results of a police investigation with a view to possible prosecution; and no doubt he would study the matter with the availability of the Crown Law Department to advise on legal issues. I suggest with the greatest respect to the Minister that perhaps my proposal, as an alternative to the proposal put forward by the mover of the Bill, might find some favour with the Minister. It is one which ought to be considered by the House in the Committee stage.

THE HON. J. M. BERINSON (North-East Metropolitan) [2.18 a.m.]: It has often struck me that democracy is very much like industrial arbitration. Both systems depend much less on legislation than on their general acceptance. It is important in trying to secure and reinforce this sort of acceptance that the widest possible degree of participation is encouraged. That is why we have the full adult franchise, and it is also an important justification for compulsory voting.

In that respect I disagree quite fundamentally with some of Mr Gayfer's comments earlier this evening in regard to another Bill. The same reasons which justify compulsory voting support the view, firstly, that voting should be as easy and as simple as possible, and, secondly, that it should be compulsory for all.

The latter proposition supports that part of the Dowding Bill which calls for compulsory Aboriginal enrolment. Whatever the historical reasons for Aborigines being relieved of this obligation—and none of them do the general community any credit—they simply no longer apply.

They are inconsistent with every other recent development for Aboriginal people, whether it be in respect of legal political or social rights. They are incompatible with the practice in the Northern Territory and indeed they ought to be brought into line with the electoral practice in that area.

The other major proposal in the Dowding Bill involves the same principle. Mr Dowding proposes that we abandon the requirement that an application by a new elector must be witnessed by a justice of the peace, an electoral officer, or a police officer. He has proposed that we revert to the earlier practice whereby any elector can function as a qualified witness.

Whatever else may be in doubt, I believe that experience has borne out fully the predictions of the Opposition that the current enrolment system could serve and would serve no useful purpose. As we have seen, it has not even been capable of serving the discreditable purpose of hindering Aboriginal enrolments.

They enrolled in large numbers and to good effect.

All the measure has achieved is to make the process a little more confusing and cumbersome. How that could be seen as a useful let alone proper service is impossible to discern. The Government has already acknowledged that the restricted group of witnesses involves more checking of the accuracy or validity of an application than the present system. That is, the system sought to be reinstated by Mr Dowding. To be honest, both systems are equally useless in this respect, yet, the system works. Why does it work? It works, to paraphrase the Chief Secretary in his answer to a question a couple of days ago, because it is morally safe to assume that the majority of the population will act honestly with or without a penalty and with or without a special witness to their signature.

People will not cheat on the enrolment provision because they support the system and they want it to work. There is not reason to put any barriers or burdens in their way. The Dowding Bill should be supported as one small step in that direction. Why the Government should even bother to support the present enrolment system is beyond comprehension. It is ineffective for its purpose and in any event the Government members are well protected by gerrymandered electorates.

Mr Dowding, with his Bill, is not even seeking to move to a fairer electoral system. All he is after is a more efficient and less cumbersome system. Mr Dowding's approach in this matter is characteristically moderate and modest and it ought to be supported.

THE HON. PETER DOWDING (North) [2.24 a.m.]: The difference between some members opposite and the members on this side of the House is that we may both believe in the rights of Aborigines but the members of the Opposition believe in the rights of Aborigines to choose for whom they wish to vote.

That was the lesson of the Court of Disputed Returns and the lesson of the Bridge *v.* Tozer case in the Supreme Court. It should be a lesson to intelligent people such as the Hon. Phillip Pendal who listens to the platitudinous mouthings of members from areas which have large Aboriginal populations and when there are allegations that they are manipulated.

The fact is the evidence is not there. The belief of the Labor Party is that Aborigines should be able to vote for the Labor Party if they so wish. People should have the right to choose and if a person asked me how to vote for the Liberal Party I would help him. I have taken Liberal how-to-vote cards to an Aboriginal community at the request of a Liberal scrutineer. People should be able to make a choice.

The Minister spent little time on this Bill. I must comment on his constant good humour. I criticised him properly as to his conduct in relation to this matter previously. However it is a fact that he did not come to grips with what this Bill is about.

The Act as it stands not only inconveniences people who have never voted before, but also those who wish to re-enrol. There may be instances where a person has been on a roll in another State and he has voted all his life but when he arrives in this State he has to go through all this rigmarole to be placed on the roll here.

I believe that on the evidence before him Judge Kay had no justification for his comments, just as there was no justification for the absurd comments about people in hospitals. I do not think the members on the other side of the House would seek to listen to the fatuous and unkind comments Judge Kay made in this case. If anyone wishes to know the true position about the election in the Kimberley in 1977, a Senior Puisne Judge, Mr Justice Smith,—

The Hon. N. F. Moore: You accept in toto what he says?

The Hon. PETER DOWDING: Mr Justice Smith was listening to facts and Judge Kay who is only a District Court judge was listening to a whole range of comments, innuendo, and scandal in respect of the matter. He also listened to such matters as those which the Hon. Phillip Pendal

came out with about an Aboriginal person—unnamed—who said "132" or whatever it was.

The Hon. P. G. Pendal: That statement is simply without foundation or fact.

The Hon. PETER DOWDING: I am suggesting that the Hon. Phillip Pendal does not know what happened. If so, why will he not tell us where, when, and what was said.

The Hon. P. G. Pendal: I would not be game.

The Hon. PETER DOWDING: The honourable member has never been game and neither has his party. When a member of the Liberal Party made an allegation in the Court of Disputed Returns about a situation in Derby, he said that he had seen a Labor supporter take a Liberal card from an Aboriginal and tear it up and put it in the rubbish bin, as if that were evidence of manipulation, I must add that we were able to find that Aboriginal. The Aboriginal concerned had been a Labor Party man all his life and he had wanted to vote Labor but a very rude member of the Liberal Party had thrust a how-to-vote card on him and he did not want to be confused and asked a Labor Party man for assistance. Members of the Government may not like that but they have to believe it.

Several members interjected.

The Hon. PETER DOWDING: If they do not then they are flying in the face of evidence on oath. That just indicates that if we analyse some of these rumours, there are always all sorts of explanations. When it is suggested that Aborigines are schooled against their will, that may not be so. They may be very nervous as a result of the knowledge which is sifted around the community which purports to state what the Labor Party did in 1977.

The Hon. P. G. Pendal: But it is now 1980.

The Hon. PETER DOWDING: What happened in 1977 is very fresh in people's minds. Mr Pendal's party hired lawyers and they were sent to the Kimberley for the express purpose of obtaining as many informal votes as possible. Mr Justice Smith said that this action was to disfranchise the Aboriginal voters.

The Hon. R. J. L. Williams: When was he appointed Senior Puisne Judge?

The Hon. P. G. Pendal: He was and he is a puisne judge.

The Hon. PETER DOWDING: He is a senior judge. He spent a lot of time in the Kimberley hearing evidence, and he heard all of this riffraff, as the Hon. Phil Pendal referred to it. I want to say that no-one in this Chamber would find persons more diabolically, or more diametrically opposed—

The Hon. P. H. Lockyer: That was a slip.

The Hon. PETER DOWDING: No, I meant it. No-one would find two persons with more opposite philosphies in many areas than the Hon. Bill Withers and I; yet he, with his experience in the area—and he has spent a lot more time than I have—

The Hon. P. H. Lockyer interjected.

The Hon. PETER DOWDING: We occasionally hear little squeaks from the seal looking for his ball. I think it is a pity the Government is not prepared to take the advice which comes from two members, both with a familiarity of the area, and both of whom say that it is time for enrolment to be compulsory for Aboriginal people. It would not be possible to get a more reliable point of view. It is the case in the Northern Territory, and I venture to say it will soon be the case in the Commonwealth.

I find this paternalistic comment from the Minister unfortunate. I think he does his best. He is a very charming, good-humoured fellow, but I am sorry he made his paternalistic comment.

I am sure many Aboriginal people will be offended by his comment, that they really do not know what is going on. I ask the Minister whether it is a fact that there are people in his own electorate who do not really understand politics. Those people will be found, whether they are Aboriginal or non-Aboriginal.

The tragedy is it is that this sort of ill-informed comment that they do not really know what is going on which is, in truth, such a shame in the terms of comments about Aboriginal people. It is said it is too early; they will be ready in the future. They have waited for a long time and they have displayed political awareness. They understand their position and they know in many areas for whom they want to vote. It is interesting to look at the statistics in the Kimberley because there are Aboriginal communities there in which a significant proportion vote Liberal. I do not suggest those people are manipulated by some Svengali-like creature, the Kadaitcha man.

I believe misinformation is spread during political campaigns. I am sure all members of the Liberal Party think the same about members of the Labor Party. We have propaganda machines and some are good, and some are bad. It is a reality that Aboriginal people ought to be free to choose. They should be free of this paternalistic comment made by the Minister, and they should be free to choose who should show them and assist them when they prepare to vote. It is a nerve-

wracking experience, especially when the Liberal Party has created this environment.

The Hon. P. H. Lockyer: That is not true.

The Hon. PETER DOWDING: If the Hon. Phil Lockyer had gone north in 1977 he would know the position.

The Hon. P. H. Lockyer interjected.

The PRESIDENT: Order!

The Hon. PETER DOWDING: If the member has heard a lot about me I suggest he put it in a letter and send it to me. If there is any truth in it I will be delighted to reply.

The Hon. P. H. Lockyer: You would love me to do that.

The Hon. PETER DOWDING: The member should do it.

The Hon. P. H. Lockyer: We saw what happened to the Hon. John Tozer.

The Hon. PETER DOWDING: I have been accused by the Hon. Phil Lockyer of making some adverse comment about the Hon. John Tozer. In my defence, I say the Hon. John Tozer made a series of very serious allegations about the conduct of the poll in Halls Creek which he was not prepared to seek to prove true. Look it up: that is a fact.

The Hon. P. H. Lockyer: That is how the court found it.

The Hon. PETER DOWDING: It is not how the court found it.

The PRESIDENT: Order!

The Hon. PETER DOWDING: The performing seal rises again.

Point of Order

The Hon. P. H. LOCKYER: On a point of order, Mr President, that comment is unparliamentary and I ask for it to be withdrawn.

The Hon. D. K. Dans: You are not a performing seal!

The Hon. PETER DOWDING: I withdraw.

The PRESIDENT: Order! The honourable member has withdrawn. I ask the honourable member who is speaking to ignore interjections. He has an opportunity to close the debate.

Debate Resumed

The Hon. PETER DOWDING: The Hon. Phil Lockyer is not correct when he says that is how the court found it. I am saying that is what the Hon. John Tozer set out to prove. He did not try to prove the truth of it; he did not allege the truth in his case. He simply said it was a fair comment. But, it was a falsehood and that is a fact of the judgment. The Hon. John Tozer was well represented by Terry Walsh, now QC and Parker & Parker.

Members opposite have very short memories. They forget the actions of some members of their party which caused fear and trepidation in the Kimberley in 1977. They forget that some fear and trepidation has existed in other parts of the State, not because of manipulation and not because of any sinister activity, but because people heard about what happened in 1977.

The Hon. P. G. Pendal: And in 1980.

The Hon. PETER DOWDING: The Hon. Phillip Pendal should speak when he has some evidence, and not a little anecdote.

The Hon. P. G. Pendal: It is not an anecdote.

The Hon. PETER DOWDING: I ask members to give some consideration to the question of facilitating the democratic system; that is all that the first two amendments propose to do.

In relation to the third amendment, the Hon. H. W. Olney suggested that perhaps it should be the Chief Electoral Officer. I am prepared to compromise; that is in my nature. I am concerned that there has been a blatant misuse of power. The prosecutions in the Kimberley had no foundation in law, and no-one has been able to persuade me that they have. It is a shocking case, and I think it is another black mark in the Liberal Party's attack on elections in the Kimberley.

Question put and a division taken with the following result—

Ayes 9

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

Noes 18

Hon. V. J. Ferry	Hon. N. F. Moore
Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. T. Knight	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. R. J. L. Williams
Hon Neil McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. M. McAleer.
	(Teller)

Pair

Aye	No
Hon. Lyla Elliott	Hon. I. G. Pratt

Question thus negatived.

Bill defeated.

BANANA INDUSTRY COMPENSATION TRUST FUND AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [2.41 a.m.]: I move—

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

Question put and passed.

House adjourned at 2.42 a.m. (Thursday)

QUESTIONS ON NOTICE

ROAD

Beechboro-Gosnells Freeway: Bayswater

423. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Transport:

With reference to the news release by the Minister dated 26 September 1980 concerning the construction of 3.7 km of the Beechboro-Gosnells controlled access highway between Guildford Road and Morley Drive, will the Minister advise—

(1) Have discussions between the Main Roads Department and the Bayswater Shire Council on this matter taken place yet?

(2) If not, when is it anticipated such arrangements will be made?

(3) What proportion of the $2.2 million estimated as the cost of the work, will be met by—

(a) the Commonwealth;
(b) the State;
(c) the local authority;

and over what period?

(4) What time scale does the Minister have in mind by his statement "that construction could be considered in the reasonably near future"?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) Not applicable.

(3) and (4) The questions of funding and timing are interrelated and a commencement date has not yet been decided. Further discussions with the Bayswater Shire Council will be necessary before decisions on funding and construction can be made.

COURTS: LIFE SENTENCES

Number

424. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

How many persons, including those subject to the commutation of a death penalty, have been sentenced to life imprisonment—

(a) in the last 10 years; and

(b) in the last 20 years?

The Hon. G. E. MASTERS replied:

(a) and (b) The figures provided in answer to this question have been derived from departmental annual reports. It should be noted that the exact outcome of death sentences is difficult to assess from earlier reports and there is also some uncertainty as to whether life sentences were shown separately or included in sentences of five years and over. Taking the figures at face value, the following results—

1/7/60 to 30/6/70 — 14
1/7/70 to 30/6/80 — 36
1/7/80 to 12/11/80 — 1.

CULTURAL AFFAIRS

State Library Board: Queens Park Library

425. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Cultural Affairs:

(1) Has the State Librarian suggested to the City of Canning that a library be not built at Queens Park during the 1980/81 financial year?

(2) Was it the intention of the Government in cutting funds for the Library Board that this library should not be built?

(3) Has the City of Canning been offered, should the library be built, 5 000 books that are in fact Library Board discards?

The Hon. D. J. WORDSWORTH replied:

(1) No. The State Librarian has written to the City of Canning stating that 5 200 additional stock will be available for the libraries of that city and asking the city council to suggest the best ways of using those books.

(2) No.

(3) No. The books being offered will be in good condition and relevant to the needs of a modern public library. There will not be as large a proportion of new books among them as the board would like, but stocks supplied to new libraries always consist of 50 per cent or more used books.

EDUCATION: TECHNICAL COLLEGE

Perth

426. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

(1) Has the first stage of the new Perth Technical College building been constructed with a view to its being air-conditioned?

(2) Has air-conditioning equipment been installed?

(3) If not, is it intended that the air-conditioning of stage 1 is to await the completion of stage 2?

(4) When will stage 2 be—

(a) commenced; and

(b) finished?

(5) Pending the air-conditioning of stage 1, what arrangements are made for the ventilation and cooling of the building?

(6) Have complaints been received from either staff or students as to the lack of ventilation and cooling in the stage 1 buildings during summer months?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) Yes.

(3) Not applicable.

(4) (a) and (b) Not known—dependent on the availability of funds.

(5) Not applicable.

(6) Yes.

COURTS: LIFE SENTENCES

Prisoners

427. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

How many persons are at present serving life sentences and, of these, how many have been in prison for—

(a) 10 years or more;

(b) 12 years or more;

(c) 15 years or more; and

(d) 20 years or more?

The Hon. G. E. MASTERS replied:

(a) to (d) As at 12 November 1980, a total of 39 prisoners were serving life sentences.

Of these, all had served less than 10 years as at 12 November 1980, except for one prisoner who had served 12 years 11 months and one who had served 11 years five months.

EDUCATION: COLLEGES OF ADVANCED EDUCATION

Academic Staff Tribunals

428. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

(1) Has any progress been made with regard to the establishment of an academic staff tribunal for the colleges of advanced education?

(2) If "Yes"—

(a) what progress has been achieved; and

(b) when is it expected that legislation will be introduced?

(3) Has the Minister's attention been drawn to a Bill introduced into the Victorian Parliament recently dealing with the same subject?

(4) Are the proposals for this State likely to follow the line of the proposed scheme in Victoria?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) I am informed that discussions have reached a point where agreement between the staff associations and the colleges should be reached by the end of this year. Hence I—that is the Minister for Education—should receive a report early in the new year from the WA Post-Secondary Education Commission and the Government will then give consideration to the proposals for possible legislation in the autumn session of Parliament.

(3) and (4) I am informed that the WA Post-Secondary Education Commission has been studying the legislation proposed in Victoria, but at this stage it seems unlikely that the Western Australian proposals will be along the lines of those in Victoria.

ELECTORAL

Electors: Failure to Vote

429. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

(1) At the 1980 State election, how many electors in the State—

(a) were enrolled; and

(b) voted?

(2) Since the election, how many enrolled electors who failed to vote have been—

(a) requested to explain;
(b) prosecuted; and
(c) fined?

The Hon. G. E. MASTERS replied:

(1) (a) 714 724.
(b) Legislative Assembly 609 418
Legislative Council 631 915.
(2) (a) 66 899.
(b) and (c) 917 electors were fined by the Chief Electoral Officer. Of this number 58 elected to be dealt with by a court of summary jurisdiction and in respect of these cases prosecutions are in hand.

COURT: PETTY SESSIONS

Fitzroy Crossing

430. The Hon. H. W. OLNEY, to the Attorney General:

What number of complaints has been issued in the Court of Petty Sessions at Fitzroy Crossing in each month for the period January to September 1980?

The Hon. I. G. MEDCALF replied:

January	101
February	89
March	47
April	170
May	128
June	106
July	97
August	286
September	72.

HOSPITAL

Royal Perth

431. The Hon. J. M. BERINSON, to the Minister representing the Minister for Health:

Referring to the suspended building extensions to Royal Perth Hospital—

(1) When was the building commenced, and what was its anticipated cost and completion date?
(2) When was construction suspended, and what was the cost to that date?
(3) What, if any, were the penalty costs resulting from the suspension?
(4) What is the estimated cost at current prices for completion of the building?
(5) Does the Government propose to complete the building and, if so, when?
(6) How are the purposes for which the building was intended now being served?

The Hon. D. J. WORDSWORTH replied:

(1) Commenced January 1976, estimated cost of total project $49 million anticipated completion 1981.
(2) The contract for the first stage of construction was completed on 29 February 1980, at a cost of approximately $8 556 000.
(3) Nil.
(4) $54 500 000.
(5) Yes—January 1985, subject to funds being available.
(6) It is planned to accommodate the present therapy, diagnostic and support services in the new building. These services are currently being provided in the older sections of Royal Perth Hospital.

COURT: STIPENDIARY MAGISTRATE

Mr C. N. Boys

432. The Hon. H. W. OLNEY, to the Attorney General:

Arising out of the answer to question 308 of Tuesday, 21 October 1980, when did Mr C. N. Boys cease to sit as a stipendiary magistrate?

The Hon. I. G. MEDCALF replied:

Magistrate Boys ceased duty at the Beaufort Street Court of Petty Sessions on 23 May, 1980. Since that date, he has completed certain matters which were already part-heard.

FUEL AND ENERGY: ELECTRICITY

Power Station: Kwinana

433. The Hon. J. M. BERINSON, to the Minister representing the Minister for Fuel and Energy:

Referring to the Minister's answer to question 327 of Wednesday, 22 October 1980—

(1) On what date were tenders requested for precipitators at Kwinana power station from each of the invited tenderers?
(2) What was the closing date for tenders?
(3) Who was the successful tenderer, and at what price?

The Hon. I. G. MEDCALF replied:

(1) to (3) Tenders were called on 12 August this year with a closing date of 10 September 1980. Further information was sought and final offers received on the 22 September 1980. The successful tenderer is due to be announced within the next few weeks when the necessary approvals have been finalised.

EDUCATION: SCHOOL BUSES

Dampier, Roebourne, and Wickham

434. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

(1) Is the school bus for Wickham air-conditioned?
(2) Is the school bus for Roebourne not air-conditioned?
(3) Is the school bus for Dampier not air-conditioned?
(4) What facts justify the air-conditioning of some and not other school buses?
(5) Will the Minister give consideration to air-conditioning the Roebourne and Dampier buses?

The Hon. D. J. WORDSWORTH replied:

(1) There are two Karratha-Wickham services each travelling approximately 108 kms daily. Both buses are air-conditioned.
(2) Yes.
(3) Yes.
(4) The following policy applies to air-conditioning of school buses—
    (a) air-conditioning units are to be installed only when a new bus is put into service;
    (b) following submissions from affected school groups and the local members of Parliament, the policy was changed to facilitate services in the Kimberley and Pilbara regions which have a total minimum loaded distance of 90 kms daily—excluding shuttle runs—to be considered for air-conditioning.
(5) As the Roebourne and Dampier services are all less than 90 kms they do not qualify for air-conditioning.

COURTS: SUPREME AND DISTRICT

Jurors

435. The Hon. H. W. OLNEY, to the Attorney General:

(1) Is a list of jurors supplied to the prosecution and all accused persons a few days before the commencement of each criminal session in the Supreme Court and District Court?
(2) Is it the practice for the police to vet the background of all jurors listed?
(3) What inquiries are made by the police concerning jurors?
(4) Is the Crown Prosecutor instructed to object to, or stand aside all jurors thought by the police to be unsuitable?
(5) What are the criteria adopted by the police in giving instructions to object to or stand aside jurors?

The Hon. I. G. MEDCALF replied:

(1) Such a list is supplied to the Crown Prosecutor and is available to all accused persons a few days before the beginning of the week in which such accused persons are to be tried.
(2) No.
(3) Inquiries are made to ascertain whether any person whose name appears on the list of jurors has been convicted of a criminal offence. It is a provision of the Juries Act that a person is not qualified to serve as a juror if he or she has been convicted of a crime or misdemeanour unless he or she has received a free pardon.
(4) No.
(5) The police do not give such instructions.