

Legislative Assembly

Wednesday, the 19th April, 1978

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

WORKERS' COMPENSATION

Reduction in Payments: Petition

MR HODGE (Melville) [4.33 p.m.]: I have a petition from 95 residents of Western Australia praying that, on humanitarian and economic grounds, the Government make no reduction in the weekly or lump sum payments of workers' compensation.

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

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

(See petition No. 9).

QUESTIONS

Questions were taken at this stage.

DECLARED ANIMALS

Gazetted Regulations: Grievance

MR HERZFELD (Mundaring) [5.16 p.m.]: My grievance is directed to the Minister for Agriculture and relates to the gazettal on the 20th January this year of declared animals under the Agriculture and Related Resources Protection Act. In accordance with the requirements of the Act, the gazettal lists all living things other than human beings which are required to be controlled in some way or another; if they are not to be controlled, they are listed as such. The list is very comprehensive and includes mammals, birds, insects, amphibians and so on.

I wish to concentrate solely on the question of mammals. The list is set out in tabular form under seven different headings. One of the most significant things about this list is that with very few exceptions, all animals not native to Western Australia—commonly referred to as "exotic" animals—in future will be excluded.

The history of the Agriculture and Related Resources Protection Act goes back to 1976, when this Parliament brought the Act into being to replace out-of-date legislation such as the Vermin Act, in an endeavour to update the powers of the Agriculture Protection Board. I read with some interest the speeches made at the time to try to see whether members understood they were giving fairly absolute powers to the board, but I saw no reference to that point. I did

see reference to animals which were regarded as vermin in Western Australia, and a great deal of concern was expressed as to their proper control. However, I say again that I saw no reference to the fact that members understood they were giving the Agriculture Protection Board the power to disallow the keeping of exotic animals and, in fact, to order the eradication of virtually all exotic animals in Western Australia.

When the board took this action this year it gave no reasons to support its actions. I suppose we have here a classic case of conflict of interests between the agricultural industry of this State and people interested in collecting these animals. I must say right at the outset—otherwise the Minister for Agriculture will take me to task—that the agricultural industries are of vital importance to the economy of Western Australia, and need to be protected.

The declaration had a number of effects. For instance, no private collections were to contain any exotic animals. In addition, it had virtually the same effect on the handful of wildlife parks which are commercially operated in this State. One such operator, seeing the gazettal, wrote to me and said, "Yes, we need controls of the standards maintained by collectors, but not almost total suppression."

This is the problem I wish to bring to the Minister's attention because it is fairly obvious that in this field of enterprise, unless a reasonable range of animals is available for the public to see, the handful of commercial wildlife parks no longer will be able to survive.

Over the last decade I have observed an increasing tightening of controls on the entry and keeping of exotic animals. I refer specifically now not to imports from overseas—because, under Commonwealth legislation, that is not allowed—but to the entry from the Eastern States of exotic mammals which are in existence there and which are kept in private collections. I detect in the history of the tightening of the regulations a determination to eradicate all exotic animals from Western Australia. The gazettal to which I referred effectively is a *coup de grace* in that process.

I put to the Minister for Agriculture a plea on behalf of these commercial wildlife parks, only six of which are operating in Western Australia. I believe they serve a most important function by providing a service to the public of Western Australia and I further believe many of the fears held relating to the possibility of animals escaping from these collections, going wild, and acclimatising to the bush and thus becoming pests

are very remote. Unfortunately, I have not a great deal of time in which to expound the reasons for this, but certainly I have had discussions with various experts in the field, and they support my view on this.

Mr Skidmore: One well-known sanctuary in the metropolitan area has a terrific security fence.

Mr HERZFELD: These people are required to have not only one security fence, but two security fences to provide double protection.

Every declared animal that is kept at a commercial wildlife park—or, in fact, in any private collection—is required to be licensed. The commercial wildlife parks must comply with extremely stringent conditions. Their cages and methods of caging are controlled; their methods of display are controlled; the numbers they may keep are controlled; they are required to indicate the origin of any acquisitions; they are required to declare any breeding; they are required to seek permission for any disposals; and every move they make is subject to frequent inspection.

In those circumstances I find it hard to understand that there can be much danger of the few animals they keep becoming feral. However, more than that, if there were a major problem it could be overcome. The provisions of the Act could be applied simply to specific animals; and certain animals desired to be kept could be required to be sterilised. I know this would not be a situation the wildlife park keepers would like, but nevertheless it would overcome my main objection to the declaration, which is the principle that a total ban has been placed upon the keeping of various exotic animals in Western Australia without taking into consideration alternatives which may be much more satisfactory.

In the few moments remaining to me I would point out that one of the incredible things about the declaration is that it is discriminatory. Under table D it is stated that lions and monkeys—specifically *rhesus macaques*—are not permitted to be brought into Western Australia, and are not permitted to be kept in this State, with one exception, which is the Wanneroo Lion Park. I find this strange, and I have tried to seek the reason for it from the Minister but I have been unable to obtain a reasonable explanation. In my opinion if monkeys, in particular, are likely to be a danger in Western Australia, then no-one should be allowed to keep them.

I have great reservations about the power that Parliament gives to statutory bodies, enabling them to exercise absolute powers without reference to Parliament.

(30)

MR OLD (Katanning—Minister for Agriculture) [5.26 p.m.]: The member for Mundaring has raised a matter which he and I have discussed, quite obviously not to his satisfaction. I know he has severe reservations about the fact that these mammals have been excluded from being imported into Western Australia.

I would point out that three Acts cover the importation of exotic animals; they are the Agriculture and Related Resources Protection Act, the Wildlife and Conservation Act, and the Commonwealth Quarantine Act. Those three Acts are administered in theory by three different bodies, although in practice the Agriculture and Related Resources Protection Act, which is administered by the Agriculture Protection Board, and the Commonwealth Quarantine Act, which is administered by the Department of Agriculture, could really be grouped together; whereas the Wildlife and Conservation Act is administered by the Department of Conservation and Environment. There are responsibilities on both the Department of Agriculture and the Agriculture Protection Board—grouped together—and the Department of Conservation and Environment.

In the first instance, the responsibility of the Agriculture Protection Board is to ensure that any animal, with known pest qualities which may in some way affect the agricultural industry, is not admitted into Western Australia. The Department of Conservation and Environment, on the other hand, has a duty to protect native fauna in Western Australia; and to do this it is keen to see that no animal, bird, or vertebrate is admitted into Western Australia which may upset the balance of our fauna situation.

I remind the member for Mundaring that had the Agriculture and Related Resources Protection Act been in operation when the first settlers came to Western Australia, or to Australia, we probably would not have had the plague of rabbits and foxes we currently have. Whilst I cannot give the figure off the top of my head, the amount of money that rabbits have cost Australia is well known to all members of this House, and would amount to billions of dollars. Foxes are also a grave threat to the pastoral industry and the grazing industry in the south.

I would suggest any move to control in Western Australia pests which have the potential to disrupt any part of our essential primary industries should be welcomed. I suggest also that the introduction of an animal which may have a deleterious effect on native fauna should be controlled, because we are seeing trouble today

with the bird population within the environs of Perth, inasmuch as domesticated water birds are wreaking havoc amongst native bird life.

I am very conscious of the fact that private collections provide a service in Western Australia, and I acknowledge this. I also acknowledge the fact that they probably assist the tourist industry, and provide an avenue for people to take children to see wildlife. Originally it was my understanding that wildlife parks were established to show children the native wildlife; that is, wildlife which is indigenous to Western Australia.

However, they have widened their scope to some degree and now require to import exotic animals. We have a very well conducted and administered zoo in Western Australia which has the right to introduce exotic animals into its collection under the Quarantine Act, and it is also able to send animals out of the zoo to approved bodies, which would be other zoos. I feel we have a very fine collection of exotic and native animals which can be observed by families, and I see no reason to take any risks under the Agriculture and Related Resources Protection Act which may have a deleterious effect on our primary industry.

The fact that we have banned virtually all exotic mammals is the primary move. If people wish to import exotic animals it is their prerogative to prove to the APB that these animals will not become indigenous and harmful either to the environment or to agriculture. While I admit that the risk of escape from well controlled wildlife parks is probably remote, I point out that the human element must be considered and that irrespective of how responsible the owner of the wildlife park may be he does employ labour as he gets bigger and as he places more exotic animals within the park. This is where the weakness occurs. As remote as it may be, we cannot afford to take the risk of having a repetition of the rabbit plague for which this country has been well noted and which rural industries will remember for a long time.

The honourable member mentioned sterilisation. If people are prepared to import animals which have been sterilised, I see no reason that this matter could not be considered by the APB and I feel quite sure that consideration would be given to allowing them to be introduced to wildlife parks. In fact, from memory I am quite sure this situation is provided for. However, I cannot be firm about that, because I may be getting myself mixed up. But I feel quite sure that if this proposition were put to the APB favourable consideration would be given to it.

Finally, the honourable member mentioned that

we have a lion park which is able to keep some monkeys. All I can say in this regard is that two wrongs do not make a right. The wildlife park was set up under Commonwealth quarantine regulations virtually in defiance of the wishes of the Agriculture Protection Board; and if the Act had been properly administered it is doubtful that it would actually be in existence, although I do not say it is not a good and desirable thing to have. We have a lion park and within that lion park there are monkeys. They were admitted under the Commonwealth quarantine regulations prior to them being administered by the Department of Agriculture. I repeat: Two wrongs do not make a right.

STATE ENERGY COMMISSION ACCOUNTS

Inaccuracies: Grievance

MR HODGE (Melville) [5.34 p.m.]: I wish to take this opportunity to draw to the attention of the House a very questionable and unsatisfactory administrative practice by the State Energy Commission. The practice I am referring to is the commission's habit of sending out accounts that purport to be true and factual accounts and to contain actual readings of people's electricity meters, but in fact contain figures that are estimates and not accurate readings.

This matter was drawn to my attention by a very angry and frustrated constituent who owns a small property in Jandakot. My constituent, Mr Kevin Feeney of Bicton, bought a small farm at Jandakot which was not connected to the electricity supply. He negotiated with the SEC and came to an arrangement whereby for the payment of a lump sum and a certain amount each quarter the electricity could be extended to his property.

When he received his first account it contained actual readings of the electricity meter and showed that he had consumed 500 units in the first quarter. That amount of money was duly paid and nothing more was heard about it. Then after another quarter he received a second account which again purported to contain accurate readings of the meter and showed that he had again used 500 units. That amount was paid without question.

The trouble occurred when he received the third account which showed a dramatic increase in the amount of electricity that had been used. It suddenly jumped from 500 units in the previous two quarters to 2 260 units in that quarter. Mr Feeney considered that this was very strange considering that the house had been unoccupied for almost the entire period of that quarter. Mr

Feeney was very perplexed and confused about this, so he contacted the SEC and asked it to investigate the matter. The matter was investigated and in due course he received a further account which had increased by another \$28.

Mr Feeney then came to me and asked whether I could help. I contacted the Parliamentary Liaison Officer at the SEC and, while he was very courteous and polite, I found that I got precisely nowhere. It turns out from what he told me that the meter readings which Mr Feeney had been given were not in fact accurate. Someone at the head office had plucked a figure out of the air, put it on the accounts, and then sent them out. When the SEC eventually got around to actually going out and reading the meter, they found that the estimates, the amounts that had been plucked out of the air, were wildly inaccurate. So to make it all correct, as far as the SEC was concerned, the difference was loaded onto the third reading.

Mr B. T. Burke interjected.

Mr HODGE: Apparently the explanation was that the meter reader could not find the property. I find this to be really unbelievable. The SEC found the property when it connected the electricity and the wires actually run down the road leading to the property. I find it very hard to believe the SEC inspector could not locate the meter.

Mr Blaikie: Has your constituent been back to check that he is on the right property himself?

Mr HODGE: He is on the right property. The SEC eventually found it, and then Mr Feeney received this massive account.

Mr MacKinnon: He has not consumed that much?

Mr HODGE: The amount of electricity was consumed but I am coming now to a mitigating circumstance. For the first five months when the power was connected Mr Feeney was not living at the house. Because the house had been burgled several times as a result of its being empty, Mr Feeney agreed to allow a family which he knew to be in dire financial difficulties to live in the house rent-free for five months on condition that they paid for any electricity they consumed. They quite happily agreed to that and when these accounts were received they agreed to pay the amount of electricity they had consumed.

After five months this family got itself on its feet, moved out, and returned to the Eastern States. The sad story is that Mr Feeney, after doing a good turn for these people, has now been left with a very substantial electricity bill. I wrote to the Minister for Fuel and Energy hoping that

he would use his position to see that a bit of justice was brought to bear in this situation. I received a fairly long letter from the Minister more or less telling me what the Parliamentary Liaison Officer had told me, and also that the reason the commission does not put on accounts the words "estimated account" or other words to that effect is that there is not a hole on the computer to programme this.

I believe this is a most unsatisfactory arrangement. If this had been anything but a Government instrumentality—if a private company had been doing this—I would be suggesting that it is bordering on a fraudulent business practice. When people receive an SEC account they believe that it is a true and factual account and that the figures typed on the account are true readings of the meter. There is no indication on these accounts that the figures are estimates and are not accurate.

Surely, if it is impossible for the computer to indicate an account rendered has been merely estimated a member of the office staff could be employed to write on the account that it is only an estimate. It would need only a rubber stamp with the words "Estimate Only" or something similar to warn a consumer that an account was not accurate. I believe in this case my constituent has been unfairly penalised.

The Minister does not seem to be prepared to give any consideration to Mr Feeney's plight. Under the circumstances some thought should be given to waiving the amount in dispute and immediate steps should be taken to ensure other people do not get caught in this way. I understand there are probably some occasions when an inspector cannot get to a meter; perhaps a property is locked up or there could be a vicious dog on the premises. I do not think an inspector should have to risk his life or be forced to climb fences but this has not been the case with Mr Feeney. It seems a fairly weak excuse to say that the inspector could not find the property. After the second account was rendered another inspector was able to locate the property and read the meter to enable the third account to be submitted. I am sure if Mr Feeney did not pay his account the SEC would be able to find the property and soon disconnect his power.

This is a genuine grievance and the Minister should reconsider his views contained in the letter he sent to me and give consideration to waiving the account presented to Mr Feeney. Further, the Minister should take immediate steps to ensure that this unsatisfactory practice is discontinued.

MR MENSAROS (Floreat—Minister for Fuel and Energy) [5.42 p.m.]: I listened with interest to the member's grievance concerning the SEC. In all fairness I think it must be said that the SEC by and large provides a very good service. If on this occasion we have one account rendered to which there is an objection out of the hundreds of thousands that are sent to various consumers this grievance does not paint a general picture.

The honourable member said that justice should be done in this case. The only understandable grievance is that on this computerised invoice the units consumed shown do not indicate it is an estimated rather than an actual meter reading. This could be accepted as a legitimate complaint and from memory—I do not have the benefit of the relevant files with me—in my letter to the member I intimated that this matter is being looked at.

Mr Hodge: This will not help my constituent.

Mr MENSAROS: It is not fair of the member to say that I was not doing anything about this matter when the member was told that I was in fact looking at the problem. The honourable member gave the wrong impression. In the circumstances the best thing that could be done was to give an estimate based on similar consumptions. The alternative would have been to wait until the meter was read less frequently and then issue the whole account; not for a second quarter but for three quarters or a year. Had that been done the member would have complained even more fiercely because the account would have been a lot larger.

Perhaps it was bad luck that more electricity was consumed during the period when the estimate submitted was for only 500 units. Perhaps it was bad luck but it was a fact and therefore when the final reading was made with an aggregate total of 2 260 units little more could be done than to forward a new account.

Obviously, the member cannot expect the consumer not to pay for the power used merely because the previous two invoices were estimates.

Mr Hodge: Do you not think the customer should have been told it was an estimate?

Mr MENSAROS: When the query was received the honourable member was told in the first instance that the figure was an estimate. If I were to receive an account such as an electricity account from any public utility or authority and then I received two subsequent bills showing the consumption to be exactly the same figure I would be suspicious. I would consider this coincidence unlikely and I would lay odds of one

to a million that I had used the same amount of electricity in two quarters. I would query the account before a third estimate or invoice arrived.

As I have assured the member in the letter I sent to him, this matter is being looked at. It is not a simple matter to reprogramme a computer or to find facilities to overcome this problem. At the same time it is a proven fact that computers have saved millions of dollars for the SEC and this subsequently benefits the consumer.

If a consumer is really concerned and wants to do some checking, as I always do when I receive an invoice, he could go to his meter which is probably not far from where he is sited to look at the invoice and check whether the units shown are right or wrong.

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Federal Government's Legislation: Grievance

MR BLAIKIE (Vasse) [5.47 p.m.]: I rise in this debate to place before the House a matter that has been of concern to me—concern heightened by investigations I have carried out—involving the Federal Government's copyright legislation and the association known as the Australian Performing Artists Association Limited. Perhaps at this point I should say that I believe the intention of APAA to be reasonable.

My concern is that this association collects many millions of dollars per year throughout Australia, yet when people who are paying either licences or fees to the association for the use of copyright material visit the association they find there is no index; no list of the material it is using is kept. If this association is collecting money on behalf of authors, musicians and so on, the money collected and distributed should be properly recorded. As I said, there is no listing submitted by the people using copyright music and I have been unable to determine how the relevant composers receive the appropriate fees as they have been collected.

The SPEAKER: Order! I ask the member to resume his seat. It appears to me that the matter raised by the member is one for the Commonwealth Government to consider and, in accordance with the Standing Orders, the member does not have the right to raise the matter in this House. Is it in fact, in the member's view, a matter that is under the control of the Commonwealth?

Mr BLAIKIE: It does involve Commonwealth legislation but my reason for speaking on the matter is to ask the Minister for Consumer Affairs to have my query investigated on behalf of those citizens of Western Australia who have

sought my help. I believe there is a real grievance in this regard and I wish to continue if I am allowed.

The SPEAKER: I do not think the member can continue, because the matter is clearly one for a Minister in the Federal Parliament and the whole rationale behind the grievance provision is to enable members to raise a grievance which concerns a Minister of the Crown who is responsible to this Parliament. I believe, in the circumstances, the grievance is out of order.

RSPCA AND CAT HAVEN

Financial Assistance: Grievance

MR WILSON (Dianella) [5.51 p.m.]: My grievance relates to a number of concerning aspects to do with the welfare and prevention of cruelty to animals. These matters have been raised with me by a number of my constituents. At the end of last year I received a letter from a constituent drawing my attention to a letter to the editor of *The West Australian* which appeared in that newspaper on the 15th December from the General Secretary of the RSPCA. This letter pertained to conditions in which sheep are carted and pointed to the society's inability to deal with carriers who disregarded the provisions of the Prevention of Cruelty to Animals Act, particularly section 4(1)(e) of that Act which deems it "an offence to convey, carry, or pack any animal in such a manner or position as to subject or be likely to subject such animal to unnecessary pain or suffering".

The general secretary went on to say that the RTA should be giving this breach of the Act more attention. The letter concluded by saying—

It is a common sight to see dead sheep thrown out of trucks on arrival at Midland saleyards, and few people if any seem concerned at their loss, not to mention the cruelty involved.

From information received it would appear that truck drivers are not inspecting stock carried at frequent intervals but are more intent on getting from A to B in the shortest time.

Subsequently I raised the matter with the Minister for Police and Traffic. In that Minister's reply he assured me that comprehensive instructions had been issued to all traffic patrolmen regarding action against any driver breaching the Prevention of Cruelty to Animals Act. In his reply the Minister went on to say—

Unfortunately, it is very difficult for an untrained person to be able to assess whether

section 4(1)(e) of the Prevention of Cruelty to Animals Act is in fact being breached, as animals (particularly sheep), must be loaded in such a way as to prevent excessive movement during transportation. If these animals are not restricted in their movements, they tend to fall down and are trampled on by the other sheep. It could then be argued that the animals were being subjected to undue suffering by not being loaded in the correct manner so as to prevent unnecessary movement.

My information is that the majority of complaints in relation to breaches of this section of the Act concern stock down in vehicles with legs protruding and such evidence would require little knowledge of any Act to question the driver.

I was contacted by the General Secretary of the RSPCA who advised me that years ago he had written to the Commissioner of Police suggesting that inspectors of the society, or he himself, should attend the training academy and lecture cadets on the essential sections of the Act relating to animals. The general secretary informed me that this practice is carried out in Victoria and possibly in other Eastern States; but he indicated that unfortunately his suggestion had never been taken up.

He referred to a recent case of a constable shooting a dog on its owner's property as another instance of ignorance of the relevant Act. He indicated this was the third case over several months. The general secretary commented further as follows—

Legal action may be taken against the constable for causing unnecessary pain and suffering as he only wounded the dog with the first of two bullets.

The general secretary indicated that his society's present situation with respect to Government co-operation is ludicrous. He stated that his society polices an Act, prosecutes offenders, and the total fines are paid into Consolidated Revenue under the provisions of the Fines and Penalties Appropriation Act of 1909. He indicated further that no costs are allowed for his society for investigation and witness expenses. He said that every time he has requested an interpretation of a section of the Act from the appropriate Minister he has been advised to refer it to the society's legal adviser, again incurring costs to the society. Should the Police Department, however, require such information it is able to obtain it from the Crown Law Department.

All that I have said indicates clearly the precarious situation of this society which is

providing such a valuable and essential community service; but which unfortunately is taken very much for granted by the public and receives very little acknowledgment from the Government.

In this year's Budget the State Government grant was increased from \$5 000 to \$7 000. When such a grant is measured against a total expenditure last year of \$320 000, including a salaries bill of \$140 000, it amounts to completely inadequate recognition of the work of this society especially as the majority of people who make use of its essential services do so simply as a matter of convenience.

Mr Calvert informed me, and this was subsequently confirmed by the Premier in answer to a question asked by the Leader of the Opposition, that in South Australia the Government increased its grant this year from \$40 000 to \$56 000.

Last year the society was not even able to obtain a Government guaranteed loan to cover a mortgage payment of \$120 000 on its building in Havelock Street. All this, of course, restricts the capacity of the society to employ inspectors to help with the necessary extension of its service. At present only three full-time inspectors can be employed. In fact they spend most of their time answering requests to deal with cats, dogs and other pets which have been run over. It means also that the service offered by the society which formerly operated until midnight can now be operated only until 8.00 p.m.

An associated area of concern is the precarious state of the Cat Haven in Shenton Park which has been raised with me by another constituent. This organisation receives no Government support whatsoever. It is dealing with an ever-increasing number of dumped, strayed, unwanted, and injured cats. Although annual statements of this organisation indicate that it costs in excess of \$55 000 to run the haven, this, of course, does not take into account all the voluntary work that is done by helpers. If salaries and wages had to be paid to meet this sort of bill the costs would be doubled.

The actual costs of operating the haven show it costs in excess of \$5 for every cat and kitten handled. Donations received from people amount to something like only \$2 per kitten or cat handled. Of course, this does not take into account all those cats and kittens which are dumped at the haven and for which the people responsible do not make any significant donation.

In past years the major source of income has been legacies from deceased estates. However,

this income has now dwindled to the extent that it is almost non-existent, whilst at the same time wages and other costs have increased dramatically.

In view of the fact that these are matters which concern a significant number of people in Western Australia, and in view of the fact that matters to do with kindness and prevention of cruelty to animals have always been regarded as a sign of humanity and civilisation in a community, I hope due note will be taken by the Ministers concerned and that real consideration will be given to adequate funding for the very necessary and essential community work which these various organisations perform.

MR O'NEIL (East Melville—Chief Secretary) [6.00 p.m.]: Some of the matters referred to by the honourable member are my responsibility as Chief Secretary, but a number of others are not. The honourable member has simply requested that consideration be given to the items he raised and I will undertake to obtain a copy of what he has said and refer it to the appropriate Ministers for attention.

I personally cannot recall having received any of the many submissions which appear to have been made by the RSPCA. It could well be that some have come to me, but others may have been referred to the police or other departmental officers.

However, the honourable member has my assurance that the matters to which he has referred will be given consideration, and in due course I assume the Ministers responsible will provide appropriate replies.

The **SPEAKER**: Grievances noted.

BILLS (7):

INTRODUCTION AND FIRST READING

1. **Factories and Shops Act Amendment Bill.**

Bill introduced, on motion by Mr Grayden (Minister for Labour and Industry), and read a first time.

2. **Real Estate and Business Agents Bill.**

Bill introduced, on motion by Mr O'Neil (Chief Secretary), and read a first time.

3. **University of Western Australia Act Amendment Bill.**

4. **Art Gallery Act Amendment Bill.**

Bills introduced, on motions by Mr Old (Minister for Agriculture), and read a first time.

5. Alumina Refinery (Wagerup) Agreement and Acts Amendment Bill.

6. Alumina Refinery (Worsley) Agreement Act Amendment Bill.

Bills introduced, on motions by Mr Mensaros (Minister for Industrial Development), and read a first time.

7. Reserves Bill.

Bill introduced, on motion by Mrs Craig (Minister for Lands), and read a first time.

INDUSTRIAL SAFETY AND HYGIENE

Inquiry by Select Committee: Motion

MR HARMAN (Maylands) [6.07 p.m.]: I move—

That a Select Committee be appointed to investigate all aspects of industrial safety and hygiene, the effectiveness of present legislation and administrative practices, the current industrial safety training programmes, the foreseeable needs and report accordingly.

Every year one in 10 employees in Western Australia suffers an industrial accident. Every year an injured employee is absent from work for an average of 2.8 weeks. Every year an average of 27 employees lose their lives as a direct result of industrial accidents. Every year an untold number of employees contract industrial diseases which ultimately cause their deaths. Every year the injured and their families suffer physical and mental anguish.

Unfortunately, every year we fail to take some positive action to reduce industrial accidents. Every year the costs of industrial accidents escalate at an alarming rate, which means added costs to every person in the community. Every year more time is lost through industrial accidents than as a result of industrial strikes.

By supporting my motion Parliament has the opportunity to stem the extent of the increase in the rate of accidents, and reduce the costs involved in this State. I hope Parliament will grasp the nettle and approve of this particular motion.

Nearly four years ago, on the 2nd October, 1974, I moved a motion identical with the one I am moving tonight in this Assembly.

Mr H. D. Evans: The Minister concerned is not in his seat.

Mr HARMAN: I assume the Minister for Labour and Industry will appear shortly.

When I introduced my motion in 1974, I referred to the fact that during the year to June, 1972—the only figures available on that occasion—there were 30 deaths and 30 000 non-fatal accidents. In that year the cost to Western Australia was in the vicinity of \$10 million. During the course of moving my motion in 1974 I pointed out that there were 12 safety officers covering all Government departments. The inspectorate of the Department of Labour and Industry consisted of 76 officers who were divided between the factories and shops branch, the construction branch, and other branches.

During the previous debate the present Minister for Labour and Industry made great play on the fact that the number of fatal accidents was being reduced each year. In order to get that statement in perspective, I researched the number of deaths which had occurred during the previous 12 years. I found the total number to be 332 deaths through industrial accidents in a period of 12 years. That is an annual average of 27.6 fatal work injuries. The total number of fatalities which were reported during the last three years, to the 30th June, 1977, was 83. That means the annual average during the last three years was precisely the same as it had been in the preceding 12 years—27.6. So, there was no point in the Minister trying to claim some advantage in the fact that the number of deaths caused as a result of industrial accidents was decreasing. In fact, the average has remained around 27.

Members may recall that in 1974 the Minister stated—

I suppose you know that the figures are improving year by year.

That statement appears at page 1895 of *Hansard*, Wednesday, the 2nd October, 1974. There were 28 fatalities in 1972, and there were 40 fatalities during the last year. Does that suggest the situation is improving? At the same time, in 1974, the Minister for Labour and Industry asserted that a tremendous amount of work was being done to prevent accidents in the work place. Another interjection made by the Minister was—

We have all the answers.

Another interjection made by the Minister during the course of that debate—which I was not able to include in my remarks at that time but which I think should be stated now—was—

Have you been to Chamberlains or to the railways to see what they are doing?

Later I was able to read the annual report of the

Western Australian Government Railways—as they then were—and under the heading “Industrial Safety” the report stated—

Safety training was continued in an effort to avoid or at least minimise the incidence of industrial accidents.

Although additional safety officers were appointed and publicity was stepped up there was a disconcerting increase in the number of reported accidents

We intend to continue looking for ways and means of coping with the problem.

I do not know what the Minister was going on about when he interjected and asked whether we had been to Chamberlains or the railways to see what they were doing. It was actually stated in the annual report put out by the railways that the department was really concerned with the increase in the number of reported accidents.

Sitting suspended from 6.15 to 7.30 p.m.

Mr HARMAN: Mr Speaker, before the tea suspension I was addressing myself to the motion I had moved asking this Parliament to appoint a Select Committee to inquire into all aspects of industrial safety in Western Australia. I had been referring to the same motion which I moved in 1974 and is to be found on page 1895 of *Hansard* on the 2nd October, 1974.

On that occasion I thought that on behalf of the Opposition I had made out a case for the Government to agree to the appointment of a Select Committee, but the motion was defeated by the Government on party lines and the Government's reply was quite lamentable. All the Government could say in reply was that it was quite satisfied with the position at that time and could not see any need to have a Select Committee inquiry into industrial safety in Western Australia.

One may have had some sympathy with the members on the Government side at that time because in October, 1974, the Government had been in office for only six or seven months, and I suppose it could be claimed the Government should have been given some time to demonstrate that it could reduce and minimise the rate of industrial carnage in Western Australia. So although I was critical at the time, the decision the Government made then may well have had some foundation; but that position does not apply now.

I want to refer to the position which obtained up to the end of June, 1977. The source of the figures I am using is the Bureau of Statistics, and the figures show that in 1975-76 the total number

of industrial accidents causing death was 33, and for 1976-77 the total was 20. The total number of non-fatal accidents in 1975-76 was 31 202 and in 1976-77 the number had risen to 34 565, which represents an increase in non-fatal accidents of 3 363, or 11 per cent, in one year.

It is also interesting to note from the statistics that the average time lost per accident had decreased from 3.4 weeks in 1975-76 to 2.8 weeks in 1976-77, but the total cost had increased from \$18.474 million to \$19.278 million, an increase of \$1.196 million or 7 per cent.

It may be argued by the Minister for Works that there has been an increase in the work force. In order to satisfy him on that aspect, the figures show that in 1975-76 the work force numbered 385 200, and in 1976-77 it numbered 396 700, which is an increase in the work force of 11.5 per cent.

The important figure to note is the increase in non-fatal accidents of 3 363 or 11 per cent.

In order to compare Western Australia with the rest of Australia and some other countries of the world, we can turn to some figures published in the March issue of the *Local Government Journal*. I have checked the source of these figures and they come from the various national safety councils of the countries mentioned.

In Australia the injury rate per 1 000 members of the work force was 76; in Western Australia it was 81. So Western Australia is a bit higher than the Australian average. In the United Kingdom the injury rate per 1 000 members of the work force was 44; in the United States it was down to 21; and in Japan it was down to six. So it can be seen Western Australia has probably one of the worst rates of injury in the work place among all the highly industrialised countries of the world. That is not a very satisfactory position for this State to be in, and it is a position of which we are obviously not very proud. However, the situation is even worse when we learn that Western Australia has a higher accident rate than the average of the other States. That should cause us to be really concerned about what is happening in Western Australia.

To gain some idea of the position, it is interesting to read what is said in the report of the Jackson committee, which is sometimes more correctly termed the Report dealing with Policies for Development of Manufacturing Industry. It is a green paper which was published in October, 1975, and I quote from page 81 of that report—

To get a view of work life as seen from the factory floor, we arranged for studies to be made at thirty-two factories in seven

industries, carefully selected out of the 1974 official industry groupings to be illustrative of the diversity of manufacturing. Interviews on the factory floor were the basis of the studies and they were conducted with the goodwill of the managements, unions and employees.

Dealing with that survey, the report goes on to say on page 82—

Our consultants found enormous differences in physical working conditions. In some plants conditions are very good, with strict attention paid to such matters as plant layout, safety, noise, smells, temperature, lighting, cleanliness and facilities. Others are dirty, unpleasant and unsafe. To illustrate, in the oil-refining industry:

Conditions of work are clean and dry inside the control rooms. Each room usually has an adjoining kitchen, locker and shower facility. In some refineries shift workers may drive their own cars into the plant and park next to their control room.

All refineries provide overalls and protective clothing, and during the day a fully-equipped medical centre is manned by a qualified industrial Sister.

Apart from good physical environment, workers in refineries have (by their own judgment) liberal sick leave schemes and superannuation funds.

That is one area. Let us look at the next one referred to. The report reads—

In the '...' shops the noise is absolutely deafening. In the '...' shop, filth is the problem as the thick grease covering the ancient weaving machines finds its way onto the hands, faces and clothes of the men operating them.

In the '...' shop the men find they must wear clothes with a high proportion of wool or else their clothes will be rotted by the acid in which they become soaked. Even in the present economic downturn, it's hard to get people to stay in the '...' shop.

Mr B. T. Burke: And this Government says it is doing so much in this area.

Mr HARMAN: To continue—

If working conditions in the older areas are bad then amenities are no better. Some men said they try to restrict their body functions till they get home, rather than use the toilet block in the Wire Products Department.

Quoting again from the report, page 83 reads as follows—

The Australian and State governments work together in research, the collection of information, and development of standards for physical working conditions and occupational health matters. Independent organisations such as the Standards Association and the National Safety Council have also produced standards and guidelines for safety and the work environment. Our consultants report that implementation of existing standards is incomplete in many instances. Furthermore a wide range of hazards has yet to be adequately covered by legislation and standards.

This is a report that the then very authoritative committee published in 1975. It goes on to say—

Although firms and unions have become increasingly concerned with occupational health hazards in recent years, the National Health and Medical Research Council suggests that this is an area where Australia lags well behind other developed countries.

Finally, Sir, the committee in its final summation has this to say—

Working conditions in Australian factories range from good to archaic, unhealthy and unsafe. Migrants and women on whom some parts of manufacturing depends are disadvantaged and even exploited. Many workers are frustrated and dissatisfied with jobs that offer them little interest or sense of personal involvement. Many are unable to adjust easily to change.

So very broadly that shows the position overall in Australia, and it could be claimed to represent the position in Western Australia. Obviously we do have some very good companies which have given the State and other industries in the State an indication of what can be accomplished if management really decides to devote some attention to industrial safety.

Our present legislation is really a carry-over of the English legislation which was framed during the last century. It should be noted that much of that legislation has been abandoned in England where there has been a completely new approach to industrial safety.

Our legislation seems to emphasise physical safety, but it ignores health risks resulting from the use of chemicals and gases. Very little attention is paid to such matters as poor ventilation, poor lighting, noise, dirty work areas, dust, and the use of fibres. The legislation was framed really without the involvement of workers,

employers, and management, and because of this it seems to me that management and employees have little interest in the laws and they are not really concerned about whether or not the law is upheld and obeyed.

I believe a committee such as I have proposed could examine this situation to see whether employees and management could be involved in the process of improving the safety of their own work places.

I must again refer to the impetus given to safety by some of the more enlightened companies in Western Australia. I do not want it to be thought by members of this Chamber that no companies in this State are pulling their weight and taking a proper course in regard to safety. There are some, but in the main these are very large firms with fairly extensive resources and quite enlightened managements. They are able to see the benefits of taking such action. Some of these firms are self-insurers; in other words, they do not pay insurance premiums to a company but rather they carry the insurance themselves. In the main the employees of Western Australia are scattered throughout a whole host of small employers and it is in that area we seem to have most of the problems in relation to industrial safety.

In an earlier debate on this subject I mentioned the problem relating to statistics, and I mention it again on this occasion. This problem is apparent right throughout Australia. The figures are provided by the Australian Bureau of Statistics, and even from State to State the method of collation of the figures seems to vary. In some States a person must lose three days' work following an accident before the accident is notifiable, whereas in other States the period is one day. In this State the figures are collected by the Department of Labour and Industry and of course the figures supplied vary from those collected by the Australian Bureau of Statistics here in Western Australia.

I have told the Chamber already about the type of legislation we have in Western Australia, and I think a committee such as I have suggested could examine the way the legislation is enforced. Is it enforced with a great deal of enthusiasm and dedication, or is some other attitude adopted by the departmental inspectors?

I must bring also to the attention of the Chamber the fact that many of the problems which exist in the industrial safety field stem from the fact that many migrant workers are involved in our industries. In the first report of the Commissioner for Community Relations in 1976,

the commissioner relied upon a survey which had been conducted in Melbourne by the Centre for Urban Research and Action on Migrant Women in Melbourne Industry. I believe the results could be used to indicate what is happening in other parts of Australia. The problems may not exist to the same degree in other States, and it may be that the problem is worse in some other States. However, certainly the findings of the survey will have application in Western Australia. On page 26 the report reads—

The physical conditions observed by the researchers ranged from reasonable to appalling. In most factories where migrant women worked conditions were extremely poor in terms of temperature, noise, odour, ventilation, lighting, pollution and physical danger. Canteen and toilet facilities were often quite inadequate and unhygienic. Unguarded machinery without multilingual warning signs posed a safety hazard, while the difficulty of receiving medical attention represented a further degree of discrimination.

It is not surprising therefore that another recent survey found that 40% of all industrial accidents in Australia involved migrant workers.

A Select Committee appointed by the Parliament would have an opportunity to observe what is happening to migrant employees in the industries of Western Australia.

Some of the industries in Western Australia present problems. In the construction industry there is the problem of contract labour and in some cases the problem of what is known as fly-by-night labour, which means the worker is there one day and gone the next. These are not actually employees in the sense that they work for a boss, but they come in as contractors to do a certain piece of work and then move on.

Another factor in industries in this State is that management seems to be ignorant of the cost of accidents. My impression is that this is the result of the structure of insurance premiums, whereby the premium is spread over the whole of the industry concerned. Management does not seem to have a healthy regard for accident costs; it seems to rely on the fact that its compensation liability premium has been paid.

Management does not seem to give any thought, nor does the Government, to the possibility put forward by my party at the 1977 elections that some system of workers' compensation premium policy be instituted whereby if a firm were interested in doing

something about industrial safety and demonstrates that it is able to reduce its accident rate, it would receive a rebate on its premium payment in the following year. That is something we on this side have been suggesting for some time. I suggested it in 1974, and others have raised the matter on previous occasions; but the Government seems to take no action along those lines.

The other point I want to stress to the Chamber is that it appears not much industrial hygiene research is being carried out in Western Australia. I pose the question to the Minister—who is not in the Chamber at the moment—whether any research is being carried out into the reasons that thousands of workers die of heart attacks; lung, liver, and bladder cancers; respiratory complaints; and other disorders. Is any research being undertaken into this? I suppose this matter really comes within the responsibility of the Minister for Health, because occupational health research is within his jurisdiction.

Perhaps we might ascertain to what degree that sort of research is being undertaken in Western Australia. I suggest to members that is an area which a Select Committee should examine in order to establish exactly what is happening in this State and to make recommendations regarding what should happen; because a great deal of death and injury results from exposure to dangerous gases and chemicals, poor ventilation, and high levels of dust and fibres.

To illustrate the changing nature of industrial accidents and what can happen to employees in industry, and particularly those associated with the new chemicals and gases now in use, I would refer members to *The National Times* of the 6th February, 1978, in which appears a small item headed, "Industrial Cancer". In order to make my point, I would like to quote as follows from that article—

LAST YEAR, a medical survey worker was astounded to see two laboratory technicians in a Sydney commercial laboratory pipetting by mouth solutions containing alpha-naphthylamine. This is used for testing water impurities and is known to cause cancer of the bladder.

Sixty other laboratories were surveyed in universities, hospitals and industry, and in all of them known carcinogens (cancer-causing agents) were freely handled.

Spills were only cursorily mopped, hands infrequently washed. Benzidene, an organic solvent that also causes bladder cancer, was used without particular safety controls.

The report goes on to mention a large number of different chemicals which are now being used in industry and which have already been proven to cause cancer in animals in laboratory tests; and in some cases it has been shown these chemicals cause cancer in human beings. However, there we had those people using dangerous chemicals without any safety programme or training.

As we in Western Australia are witnessing an increasing amount of these sorts of gases and chemicals being used, I propose the Select Committee should have the opportunity of establishing the number of chemicals being used here, and the various programmes in use to train the employees handling such chemicals and gases in safety precautions.

Another aspect the Select Committee should consider is the type of safety training officer employed by Government departments and, hopefully, the type of training officer employed in private industry. Recently the Safety Institute of Australia was formed. This is a body of safety practitioners who have adopted certain standards which safety officers must attain in order to be accredited as safety practitioners by the institute. The Safety Institute of Australia believes safety training should be provided at tertiary level and that persons employed as safety officers should have this qualification before being employed by Government departments and private industry.

A Select Committee should examine just what training methods are in use in Western Australia, what tertiary training is available or could be available, and the qualifications held by safety officers already operating in Government departments. We should also ascertain what qualifications are sought when Government departments advertise for safety training officers.

For too long it has been the case that safety officers treat the results of accidents rather than plan and manage a safety programme. With the right sort of training and background it would be possible to provide encouragement to management to organise safety programmes. That is an aspect which the Select Committee should examine.

At present the safety programme in Government departments—and private industry too—relies to a large extent on inspections by officers of the Department of Labour and Industry. In all I think something like 76 inspectors are employed by that department, and those officers are attached to different branches within the department. Their role is to make the necessary inspections and to give necessary advice to management regarding what should be done to

bring whatever is at fault in a work place up to the standard required by the legislation. I do not know what qualifications these officers are required to possess in order to be appointed as inspectors.

In any investigation of the functions of the Department of Labour and Industry and of whether it is successful in its operations, one probably would need to examine the department's latest report. Firstly, a board called the Factory Welfare Board has been established, and in its 1977 report the department said this—

Factory Welfare Board

The Board considered a range of subjects pertinent to the Act and Regulations. Further action was taken toward promulgating regulations for Asbestos, Abrasive Blasting and the Plastics Industries, but these had not been finalised at the end of 1976. However, early acceptance is anticipated.

I want members to note these matters had not been finalised at the end of 1976. On the 24th November, 1976, I asked the following question of the Minister for Labour and Industry—

Since 1st January, 1976, how many times has the Factory Welfare Board met?

The Minister replied—

None.

For almost a whole year the Factory Welfare Board had not met. The Minister's answer continued—

Following a decision taken at a meeting of the Board on the 16th December, 1975, propositions to draft regulations and amendments relating to asbestos, abrasive blasting, isocyanates, glass re-inforced plastics, work in confined space, and hearing conservation, have required extensive discussions with other statutory authorities and industry to achieve uniformity and compatibility. There have been no matters raised requiring urgent deliberation by the board. The next meeting has been arranged to be held on the 3rd December, 1976.

I suppose if I had not asked the question, even that meeting would not have been arranged. But there it was: In November, 1976, the Minister's answer indicated that at its meeting in December, 1975, the board decided it was going to do something about drafting regulations relating to sandblasting, cement, the plastics industries, and asbestos. It was going to do a lot of other things, too, including drafting regulations relating to work in confined spaces, hearing, conservation,

and so on. But the board did not meet at all in 1976. I wonder how many meetings the board held in 1977. I am informed that it did have one or two meetings. Certainly, the board has not met in 1978.

What is more important and distressing, however, is that the regulations the board talked about in 1975 concerning asbestos, abrasive blasting and the plastic industries still have not been gazetted. That was in December, 1975, and we are now in the month of April, 1978, and still we have no regulations concerning those industries. Surely that is a distressing scene for this Chamber even to contemplate.

Mr Hodge: Disgusting.

Mr HARMAN: It is absolutely disgusting, and I am sure all members agree with me.

Mr Grayden: It does not mean a thing and you know it only too well.

Mr HARMAN: The Minister for Labour and Industry says it does not mean a thing that the Factory Welfare Board does not meet for 12 months, that in 1975 it decided to do something about drafting regulations dealing with certain industries but up to April, 1978, nothing had been done. It does not mean a thing!

Mr Grayden: What are you talking about nothing being done? We have been making representations on this matter in that time.

Mr HARMAN: That is a nice attitude for the Minister for Labour and Industry to adopt—a Minister who is supposed to be concerned about the welfare of employees in the work place, where they spend one-third of their lives.

Let us have a look at the attitude of the Minister in regard to another matter. Those members who were here in 1973 will recall the great deal of trouble I ran into as Minister for Labour when I introduced a Bill titled the Machinery Safety Bill.

Mr O'Neil: It was a good Bill, too.

Mr HARMAN: One of the problems I had was the present Minister for Labour and Industry who was then sitting on the Opposition benches as the member for South Perth. The Bill was supported by the Opposition spokesman on that occasion, and now Deputy Premier (Mr O'Neil), but I ran into trouble with some farmer members and the member for South Perth, who at one stage even suggested we were going to put roller bars on lawn mowers.

Mr Grayden: You were, too.

Mr HARMAN: That is how ridiculous the debate became. After trying for several hours to convince our farmer members of the merits of the

Bill, I decided the best thing to do was to withdraw it.

Mr Grayden: And we fixed it up in two minutes flat.

Mr HARMAN: Twelve months later, the Minister for Labour and Industry brought the same Bill back to Parliament and it went through both Houses without any trouble whatsoever.

Mr Grayden: Do not kid yourself; it was not the same Bill.

Mr HARMAN: It was the same Bill.

Mr Bryce: Was the member for South Perth more entertaining in Opposition than in Government?

Mr HARMAN: Unfortunately I was ill at the time, and was absent when the Bill went through, so I was unable to take advantage of the position. The point I wanted to make was that the Minister's Bill was passed in October, 1974, yet 3½ years later it has not been proclaimed and the regulations have not been gazetted.

Mr Grayden: It was a strange thing that the matter was so complex. Negotiations have been going on with manufacturers, the unions, etc. But everybody is happy about the situation, so do not concern yourself.

Mr HARMAN: The Minister says they are all happy about the situation, yet it has taken his department 3½ years to draw up a set of regulations.

Mr Grayden: They are virtually completed.

Mr HARMAN: I am disgusted that it should take so long to draw up regulations to an Act which was passed in 1974 and which certainly was studied by the department long before 1974. In fact, I can well recall the matter being raised in 1973. Quite obviously, regulations should have been gazetted well and truly before this time.

Mr Grayden: Strangely, they were so complex we had to consult all sections of industry.

Mr HARMAN: It should not take 3½ years.

Mr Grayden: Strangely, it did.

Mr Bryce: Is the Minister paid by the hour?

Mr HARMAN: That is one of the reasons I am seeking the establishment of a Select Committee to examine all these aspects; in fact, the motion specifically refers to the effectiveness of present legislation and administrative practices. Why is it necessary there should be this great period of time before the regulations are gazetted? Lord knows when they will be gazetted; it might be another 3½ years before they see the light of day.

Mr Grayden: No, they are completed now.

Mr HARMAN: After 3½ years!

I refer back to the 1977 annual report of the Department of Labour and Industry, and I turn to the factories and shops section of the report where, on page 44, the following statement appears—

Non-fatal accidents reported under the provisions of Sections 64 and 98 of the Factories and Shops Act, totalled 2 549 in 1976, compared with 2 951 in 1975.

The point I wish to make is that members will find there is a great disparity between the figures supplied by the Bureau of Statistics and those appearing in the annual report of the Department of Labour and Industry. I will indicate the reason for that disparity shortly.

The Minister may try to use the argument that there has been an increase in the work force in this area, so I should like him to look at schedule No. 2 on page 54 of this report which shows the total work force in factories in 1975 as being 84 869 and in 1976 as being 84 396. According to these figures there has been a reduction in the number of employees in factories in the years 1975 and 1976.

It is also interesting to look at page 56 of the report. In schedule No. 3 there is an item of "Radios and Accessories, Gramophones etc." That is the description of a shop. I do not know any shop in Western Australia which makes gramophones, so this expression must be a carryover from years ago when a shop would have had such a description. That gives an indication of the way these departmental reports are presented to this Parliament. They use such names, which were obviously used before the Second World War but hardly ever since.

In referring back to the construction safety branch of the Department of Labour and Industry, I wish to quote from page 37 of the report as follows—

The Act requires main contractors and employers to report any accident involving a lost time injury of three or more working days. The campaign to inform employers of this responsibility has not resulted in any marked improvement in accident reporting and alternative arrangements to obtain notification in conjunction with workers' compensation claims are being investigated. As a final resort it may be necessary to place greater emphasis on prosecution action for failure to report accidents.

Only 83 accidents involving injury to persons were reported to the construction safety branch, but if we look at the figures supplied by the Bureau of

Statistics for the same period we will find that there were 5 492 accidents. No wonder the department is becoming a little upset that no reporting is taking place.

Mr Grayden: This is in respect of the construction industry?

Mr HARMAN: Yes. This is what it says in the report of the Department of Labour and Industry on page 38.

Mr Grayden: I know, but we are dealing purely with the construction industry.

Mr HARMAN: That is right. The report says that the department might have to resort to prosecution action to get employers to notify it of accidents.

Mr O'Neil: Where does the Commonwealth Government obtain its information from?

Mr HARMAN: I believe from the insurance companies.

Mr Grayden: You are not suggesting that the total you read out for the construction industry—

Mr HARMAN: I am telling the Minister only what is in the department's report. It says that 81 accidents were reported to the department; but the Bureau of Statistics says there were 5 492.

Mr Grayden: In the construction industry?

Mr HARMAN: In the construction industry. In 1976 there were 5 909, which is the correct figure for this period to compare with the 81. Obviously there is something wrong here. If employers are required by law to report accidents and they are not doing so, does that not indicate that management does not give a damn about this aspect? What action is the Government taking to make sure that its own laws are obeyed? That is what I want this Select Committee to investigate. There may be some other way of ensuring that accidents are reported. That would be for the Select Committee to investigate. But it must be stupid for the department to carry on reporting such a small number of accidents, as it does in these annual reports, because that reflects the attitude of management in not reporting accidents.

Mr Grayden: There is something wrong with your argument somewhere, but what it is I am not certain.

Mr HARMAN: There is something wrong with the Minister, I think!

Mr Grayden: You will hear a complete explanation later.

Mr HARMAN: I wish to reinforce the point I made a moment ago by quoting from page 11 of

the 1977 annual report where the department said this—

Inspection of Machinery Act, 1921.

(i) Inspection of Machinery Regulations, 1922.

The Machinery Safety Act, 1974, has not yet been proclaimed. Regulations have not yet been finalised. This Act and Regulations will repeal and replace the Inspection of Machinery Act and its Regulations.

The department admits that the regulations have not yet been proclaimed. I am not telling anything out of school when I say that 3½ years after the Act was passed in 1974 the regulations have still not been gazetted.

Mr Grayden: They will be very shortly, I can assure you.

Mr HARMAN: I bet they will be!

Mr Grayden: This has been a most complex matter. It is a matter of negotiating with all the parties concerned—

Mr HARMAN: I think it is the responsibility of this Parliament to learn about this complex matter which takes the department 3½ years to draw up a set of regulations. Perhaps the Select Committee might be able to find some other way of getting it done more quickly.

In the same report the department pointed out the number of eye injuries. It said that in 1976 there were 391 and in 1975 there were 466. It was put in such a way as to indicate that there was an improvement in 1976. But if we look back to previous years we see that in 1972 there were 215 and in 1973 there were 267. So, there has not been very much improvement; the number has almost doubled in the space of two years.

If we study the accidents reported to the Department of Labour and Industry and have regard for the number of inspectors in the department, we come to the conclusion that during the past four years only 9.6 per cent of all accidents which occurred in Western Australia in the year ending in June, 1977, were reported to the combined Department of Labour and Industry inspectorate. That means that 90.4 per cent of all accidents in Western Australia are beyond the knowledge, the scope, and the activities of the Department of Labour and Industry.

Before I refer to page 19 of the annual report I wish to quote a statement made by the Minister for Labour and Industry in the course of an address he gave at the opening of the

Occupational Safety Seminar on the 20th September, 1977. He said—

The invitation to be with you this morning gives me the opportunity to remind you of the very active role the Government has seen for itself in the field of occupation safety. Last year—

That would be 1975—

—I brought together—with Cabinet's approval—all permanent heads of departments.

The Conference was called to stress as vigorously as possible—

Members can imagine the emphasis the Minister would give to that. To continue—

—the Cabinet's desire to see a reduction in the accident rate within the Government service.

There was a need to co-ordinate our thinking more effectively—and I think that was achieved.

We also had in mind the symbolism of such a top-level conference.

Mark those words. To continue—

We felt that a gathering together of such senior personnel would in itself serve to highlight the role top management has to play.

I turn now to page 19 of the Department of Labour and Industry's annual report for 1977 and quote as follows—

The four weekly accident prevention report that was introduced for Government Departments and Instrumentalities has continued to operate. Whilst some Departments have shown a marked improvement, there has been an overall tendency to overlook the importance of this programme. It is hoped that efforts to increase the awareness of the need of planned prevention activities at Senior Levels will result in a general improvement.

Does that not indicate the attitude to industrial safety held by some top-level senior public servants; that they are not interested? These men do not even ensure the elementary and basic function of reporting accidents in their departments. I repeat the words of the Minister who said, "We felt that a gathering together of such senior personnel would in itself serve to highlight the role top management has to play."

If we cannot get senior public servants, the top level management of our departments and instrumentalities, to co-operate then there must

be something drastically wrong. It is for this Parliament to establish a Select Committee and find out what is going on. Why is it necessary for 27 persons to lose their lives every year in industrial accidents? Why is it necessary for 35 000 employees to sustain a nonfatal injury; that is, one in 10 of our employees are injured every year? I believe there is something drastically wrong in Western Australia with our approach to industrial safety.

Mr Bryce: Hear, hear!

Mr HARMAN: The Government now has had four years to take some sort of positive action but except for some "jawboning" by the Minister nothing positive has been done. I believe Parliament has a duty to all employees—as the Government has failed—to set up a Select Committee and make the appropriate investigations into all the aspects of the problem I have mentioned. Parliament should appoint a Select Committee which should report its findings to the Parliament.

I indicate to the Deputy Premier that I do not want to have the kudos of being the chairman of this Select Committee. I would be happy if a Government member moved an amendment to my motion so that a person on the Government side of the House could have the opportunity of being the chairman.

I would like to see the committee structured in the same way as the Select Committee formed to examine the meat industry. We had a very good committee on that occasion, we were able to delve right into the problems of the meat industry in Western Australia, and we brought down a very comprehensive report.

Mr T. H. Jones: What did it achieve?

Mr Skidmore: What has happened to it?

Mr HARMAN: The committee submitted its report to the Government and it is the role of every member of this Chamber to see that those recommendations are implemented. It was within the power of the Parliament to investigate the meat industry; it is a complicated industry but we had the ability to investigate it and make a very thorough report.

In the same way all members of this Chamber will agree they have a similar ability to investigate the industrial accident scene in Western Australia; it is not beyond their capabilities as they are all quite versatile. It would only require them to put in a little more time so as to attend the meetings and carry out inspections to see what is going on.

I say to the Premier that it is not unreasonable

for me to request a Select Committee be formed. I realise his track record on approving the formation of Select Committees is not good. He has given approval on one or two occasions in the past, and as he has cemented himself in the position of Premier for the time being he need not fear that a Select Committee would embarrass him in any way; nor would it be costly, if in fact the Premier is worried about the costs. The formation of a Select Committee would provide the members concerned with the opportunity of getting down to tin tacks with the industrial accident scene.

I ask the Premier to give every consideration to the proposal I have put forward. I am quite sure I have presented a case where all the evidence is supported by facts which have indicated that the industrial accident scene in Western Australia is in a very dangerous position.

Mr Grayden: That is not so.

Mr HARMAN: Unless we can get to the bottom of the problem and establish what is happening we will see an increasing number of nonfatal accidents occurring each year. It is in the interests of the State to ensure that management takes positive steps towards reducing accidents, as this will mean a reduction in the cost of producing goods; and this saving will be passed on to the consumers.

Further, it will mean there will be fewer people suffering from physical injuries or mental anguish in relation to their ability to work or find employment. Many people in the community are fit for light duties but are unable to find suitable jobs.

I thank the House for its indulgence and I hope every member of the Government will give this matter strong consideration. I hope the Parliament will approve the appointment of a Select Committee in the very near future.

Opposition members: Hear, hear!

MR JAMIESON: I second the motion.

Debate adjourned, on motion by Mr Grayden (Minister for Labour and Industry).

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

MR CARR (Geraldton) [8.30 p.m.]: I move—

That the Bill be now read a second time.

Local government is an integral part of the Australian system of three-tiers of government. It is a most important tier in that structure, because it is very close to the people. In particular it is

close to the people in a physical sense of actually having a large number of local government politicians closer to the people than their State and Federal Government counterparts.

For a long time local government has been the poor relation of the three tiers of government. However, in more recent times—in say the last five years or so—local government's role has emerged to be a much more vital and a much more significant one in government. This has happened because local government is providing now a greater number of services for a bigger number of people. This has caused a new closeness on the part of local government to the people. It is not just a physical closeness, but a closeness in terms of involvement of many more people being more closely involved with local government.

Local government authorities are providing a much more comprehensive range of services to the people who live within their districts. For example, in recent years local government has become involved in such activities as providing recreation facilities—not just sporting facilities, but recreation facilities for everybody, old people and young people alike.

Local government has become more involved in welfare, providing social facilities especially for young people and providing cultural facilities. It is becoming involved in community development generally. This may not be totally new, but there has certainly been a great increase in the amount of involvement by local government in these types of activities.

This is a very welcome change from the role local government has played in the past when it has confined itself to more narrow fields such as roads, footpaths, and property matters generally. I consider that the new vital role that local government is playing derives from two main reasons. The first of these reasons has come as a result of the activities of enlightened people. There are a number of enthusiastic and enlightened people working at the present time to advance local government. These include those in local government at both officer and elected level; people in State Governments who are dedicated towards local government; and Federal people also.

It could perhaps be said when I refer to "State Government enlightened people inspiring local government" that this is perhaps less true in Western Australia than in other States. It seems to me that the Governments in Western Australia during recent years, and that includes all colours, have not really done very much to inspire local

government to take up these new roles. Much of the inspiration which has come to local government in Western Australia has come through local government itself and through Federal bodies such as, for example, the Australian Centre for Local Government Studies at the Canberra College of Advanced Education. There is a course there which a number of Western Australian shire clerks have attended. It has certainly done much to inspire local government in Western Australia and has brought about a much greater awareness of the widening fields that local government can become involved in.

I might say, while talking about these enlightened people who have inspired local government, that the shires and the local government authorities generally have responded very well to this inspiration and are increasing their range of activities.

I believe the second main reason which has led to this increased involvement of local government has been the financial capacity to do more. The last five years or so have seen the financial capacity of shires greatly enhanced and this in particular has come from the efforts of the last two Federal Governments. The Whitlam Government introduced grants for local authorities on a scale never previously undertaken and the Fraser Government has continued also since 1975 to provide substantial funds to local authorities.

This has given local authorities the capacity to continue and to involve themselves in issues far beyond the older realms of roads and footpaths. As a result of this people's expectations of local government have grown very considerably and, at the same time, local governments' expectations of themselves have grown very considerably also. Local government has developed a new self-image and an appreciation of its own role in the system of government which we have in this country.

In fact, nowadays it is very much a government for all of its residents. It is arguable that in other times it catered for only certain categories of residents. Nowadays it is very much a government for all of the residents who live within its district.

This State Parliament has a responsibility to keep right up with the progress that is taking place in local government. In fact, we have a responsibility to show leadership to local government. It is our responsibility to amend the Local Government Act whenever necessary to keep it in touch with the aspirations of local government and with the progress being made in local government.

It is not the role of the State Government to follow mildly and meekly behind local government and, quite frankly, that is my impression of what is happening in this State at the present time. It is our responsibility to be at the forefront as local government faces the new challenges which are unfolding before it.

The Opposition is very concerned that the Government in this State is abrogating its responsibility to show leadership to local government. Consequently, we intend to take a lead in the House tonight and introduce an initiative which I believe will do much to bring more people into the ambit of local government. It will give more people the opportunity to be involved in local government and it will give more people the opportunity constructively to contribute to local government.

In explaining the intentions of the Bill, I should like to point out that its prime aim is to provide one vote each for all residents residing within a local government area. In so doing, of course—

Mr Nanovich: Even if they are not ratepayers?

Mr CARR: That is correct. The member for Whitford has asked whether this includes also people who are not ratepayers. I will continue in some detail to make the point that it certainly does apply to people who are not ratepayers in the shire, provided they reside in the shire area.

Mr Blaikie: Following on from this you would be quite delighted to give communal dwellers equal opportunity to vote as well, I suppose.

Mr CARR: If they reside within the shire area, and if they come within the responsibilities of the shire, that would certainly be the case. I believe it would be better if I proceeded to explain what is intended in the Bill, and if members opposite have points they wish to raise they can contribute to the debate at a later stage and I will reply when they do so.

We want to provide one vote for all residents at all local government elections and also on all loan polls.

Mr Clarko: They have to be citizens though.

Mr CARR: Also in the case where a poll is conducted to decide whether a particular loan should be proceeded with, it is the intention of this Bill that all citizens in the area should have a vote in such a loan poll. The procedure for enrolment permits any resident who is on the State Government electoral rolls for that district to request his enrolment on the local authority roll. It is proposed that we would remove the reference to property from the electoral provisions of the Local Government Act.

Finally, it is proposed that we will amend the schedules to be consistent with the amendments we are making to the sections of the Act.

Briefly I shall compare the Bill which has been introduced tonight with a similar Bill introduced in 1976. There are some simplifications in this Bill compared with the one I have just mentioned. In 1976 the Bill that was introduced included a number of other provisions such as first-past-the-post voting, placing a cross to vote, eliminating the Borden system of voting for fulfilling multiple vacancies, and so on. At that particular time the Minister for Local Government directed a great deal of criticism, and perhaps not all of it was particularly rational, to many provisions of the Bill. It appeared to me that he was directing most of his criticism to some of the measures I have just mentioned, such as first-past-the-post voting. As a result, we have excluded a number of issues which we think perhaps could be used to enhance local government.

We are not making all of the changes which we believe are desirable. We are in fact leaving out a considerable number of measures we think are desirable in order to concentrate on one issue only. For example, we are leaving out the provision that people be automatically put on the local government roll. We would like to see a situation where there was only one roll, where people filled out one enrolment card which led to their being enrolled on the State Government roll, on the Federal Government roll, and on the local government roll. It seems to me to be rather strange that we cannot even have a common roll for State Government and Federal Government elections. We on this side of the House are looking forward to the day when people who are enrolled on one roll automatically become enrolled on all three rolls.

However, we are not mentioning that in this Bill. We are simply saying that anyone who is on the State roll may request to be placed on the local government roll. We are not dealing with the question of compulsory voting in this Bill. I believe that would enhance local government and bring more people out to vote, but we are not dealing with that in this Bill either.

We are also not dealing with either the first-past-the-post system or optional preferential voting. We are not doing anything about abolishing the Borden system used to fill multiple vacancies, and we are not dealing with absentee voting reforms which are needed.

We have not included those things, because we do not want to obscure debate from the one essential issue—the crux of the Bill which is the

equal right of all Western Australian citizens within a municipality to vote for elections in that municipality. We would like a clear, constructive debate in this House on just that one issue. If the Government disagrees with that issue it can submit its arguments. However, I hope that the Government will confine its arguments to that issue and that we do not have the sort of irrational nonsense we had last time. To indicate what I mean, I will make a brief quote from what the Minister said two years ago. It is as follows—

If legislation of this type were passed, it would enable the Labor movement to perpetuate its intentions upon local government. It would seek to remove local government and replace it with regions. . . .

Once the regions are established, the Labor Party would draw finance from them and take the powers back to Canberra.

That is the type of paranoid nonsense we do not want. I seriously hope that the debate on the Bill will be conducted on a more intelligent level to assess the particular issue at hand.

The Bill before us has been redrafted. The last time we presented similar legislation a number of criticisms concerning the drafting were made by the Minister, and some of the criticisms were valid. We have corrected those anomalies in the Bill before us. Last time the fifth schedule was queried by the Minister; in the Bill before us we propose to amend the fifth, sixth, seventh, and eighth schedules to make them consistent with the rest of the legislation.

On the previous occasion the Minister referred to inconsistency between loan polls and elections. The previous Bill proposed one vote for each election, but did not refer to loan polls. We have amended that anomaly on this occasion, too.

The Minister also stated previously that although we said we were bringing local government enrolment into the same category as State Government enrolment we were not providing a qualifying period for residents. Once again we have corrected that error to bring the situation into line with that which prevails for State elections.

We have completely removed the red herrings used in the previous debate and I hope we can discuss the important issue of whether all people are entitled to have an equal say as to who should govern them.

There is one other reason the Opposition has introduced the Bill at this stage. It is that we are sick of the Government's delay. Two years ago, on the 26th May, 1976, the Minister said—

A review is taking place of part IV of the Act, which contains the electoral provisions.

That was good to hear two years ago, but we have been disappointed that nothing has happened since. A year later, on the 4th May last year in *The West Australian* under a heading, "Bid to improve Local Government Act", the following appeared—

Amendments to the electoral section of the Local Government Act would be presented to the next session of Parliament, the Minister for Local Government, Mr Rushton, said yesterday.

Then we went for another year until on the 3rd April this year in *The West Australian* the following appeared—

Mr Rushton said he hoped to be able to complete his review in time to have it introduced in the spring session of Parliament.

We find we may get the electoral review before Christmas, which is 2½ years after the Minister first indicated in the House that the review would take place. The Opposition does not want to be kept waiting that long for a review of the electoral provisions. I am sure that local authorities do not want to be kept waiting that long, and I am certain the people of Western Australia are sick of being kept waiting for so long to have necessary reforms made to the Act.

I want to turn now to the principal arguments in support of the Bill, and the first and most important concerns democratic justice, by which we mean the simple principle of a democratic system under which every person who is to be governed within the society should have a right to contribute towards saying how the local authority will govern that particular community.

It is quite horrifying to realise what we have in place of that democratic principle in Western Australia at the moment. For instance, some people can have up to eight votes. In a mayoral election a person can have four votes based on his own property holdings in his personal name, and another four votes as a nominee of a company, making a total of eight votes. There are others who have no votes.

I know there is a suggestion that, as occupiers have a vote, everyone has a vote, but it does not work that way at all. There can be a maximum of two occupiers having a vote for any ratable premises or part thereof. That means that in any house or flat there can be only two occupiers having a vote. Let us consider the situation where a couple live in a house and one of their parents lives with them. That means a third person is in

the house and is affected by the decisions the local authority makes. However, that third person does not have a vote in a local authority election.

Mr Blaikie: What about 10 hippies living in a house?

Mr CARR: I will be pleased to hear the member for Vasse discuss the matter when he participates in the debate, and I will pursue it further then.

Let us also consider the situation now under which 18-year-olds are allowed to vote. Supposing a couple of people have children who are 18 years of age or older. Once again those children are affected by the decisions made by the local authority, but they are not able to participate in selecting the members of the local authority.

The ALP believes that all people are of equal democratic importance, irrespective of whether or not they are of equal financial importance, whatever that means. We believe people are equally subjected to the decisions made by the local authority of the day, and we believe it is the democratic right of each person to have a say as to how he or she is governed.

It seems to me that to argue against that principle is to say that local government represents property. I know that in the past it has been said in the House that local government represents property and not people. However, I do not believe that most responsible members of the Government are of that opinion and I would be very interested to know whether any member of the Government does hold that view.

It is worth pointing out that local government does govern everyone. It has been argued that local government deals only with ratepayers, but it does govern everyone. Section 531 of the Local Government Act specifically provides that, in applying its ordinary revenue, a council shall have regard to the needs of the inhabitants of the municipal district. I ask members to note that the word is "inhabitants" not "ratepayers". Further, it is the inhabitants who constitute the actual municipality, and not the ratepayers. This is indicated in section 9.

Having dealt with the question of the democratic justice of everyone having a vote, I would like to turn now to the economic reality of local government financing at the present time. As long as I have been interested in politics—and I am sure even before that—the argument has been used that he who pays the piper should be able to call the tune; in other words, only those who pay for local government should have any say in how it is operated. Personally I have never accepted that principle, but I have acknowledged

that there is some validity in it for those who concentrate more on financial issues than on democratic issues.

However, the economic situation has changed so that now rates no longer constitute the major portion of council revenue. I mentioned earlier that greatly increased contributions have been made to local government in recent years by both the Whitlam and Fraser Governments.

It is interesting to quote a comment by the Minister for Local Government made during the previous debate. He said that when the situation reached the stage where quite a substantial sum was coming from the taxpayers, that would be the time to consider this proposal, not before. On the basis of that statement I asked the Minister for Local Government what were the various sources of funds which were made available to local authorities. He gave me the figures for the 1976-77 financial year indicating that local authorities in this State received \$52 million. A sum of over \$52 million was made available to local authorities in this State from both Federal and State sources. I wonder whether or not that is a substantial contribution!

Mr Rushton: What was the grand total?

Mr CARR: I will come to that. Firstly, I will restate what the Minister said: when the situation reached the stage where quite a substantial sum was coming from the taxpayers, that would be the time to consider this proposal, not before.

We are talking about a sum of \$52 million. The Minister asked me, by way of interjection, the total for the 1976-77 financial year. The total turnover of local authorities was \$205 million. Rates comprised almost \$70 million of that total. In percentage terms, that means less than 34 per cent of the revenue of local authorities, in that particular year, came from rates.

Mr Rushton: What about loans?

Mr CARR: The rest of the revenue for local authorities came from taxpayers, or residents who are not necessarily ratepayers but who have to pay for dog licences and general charges. I appreciate that in many cases the people who pay those charges are not ratepayers, but they reside in the area.

Mr Rushton: What about loan funds?

Mr CARR: Local councils borrow funds to build swimming pools and other facilities, and the people who use those facilities pay for them.

Mr Rushton: I am talking about loans paid for by ratepayers.

Mr CARR: Certainly some of the loans are paid for by ratepayers. The ratepayers pay a little

less than 34 per cent in straightout rates, but a little more allowing for loans. The reality of the situation is that every person who pays taxes is helping to pay for local government. We are all helping to pay the piper. Therefore, is it not reasonable that we should all have a say in what tune the piper is asked to play?

This fact has been clearly established in the last year or so since a definite percentage of income tax has been returned to local government. I refer to the 1.52 per cent of income tax which is returned to local government. Not only does that happen, but each person who pays income tax is able to see how much goes to local government. All members are aware that their last income tax assessments indicated the amount of tax they had to pay for that financial year. There were also two other figures on the assessment. The first figure, indicated by an asterisk, showed the proportion of money the taxpayer paid to the State Government. The second figure, indicated by two asterisks, showed the amount of money which was returned to local government. Each taxpayer was able to see that he had contributed \$120 or \$150 to local government. Every single taxpayer throughout the community made a contribution to local government. Therefore, do not let us have the argument put forward that we do not all contribute to funds for local authorities.

To conclude that point, many years ago in North America there was a hectic political argument on the question of, "No taxation without representation". Precisely the same argument can be used here because the residents of local authority areas, who pay taxes, are not having a say in who can be elected to local government. Surely it is a democratic right that there should be no taxation without representation.

Mr Rushton: Are you advocating that there should be no rates, and that all revenue should come from taxation?

Mr CARR: No, I am not. I am advocating that every person who lives in an area should have the right to vote.

Mr Rushton: I am going back to the equity, not that situation. Would you advocate that the people should not pay rates and that all revenue should come from taxation?

Mr CARR: The Minister wants to debate this at the level of financial arrangements. He can put forward his views when he speaks in the debate. I will be interested to hear them.

The third major argument I submit for the introduction of this Bill is I believe it will eliminate the confusion at the present time about

the eligibility of people to vote. There is some difficulty with regard to the interpretation of an occupier's right to vote. The Minister did refer me to section 6 of the Act but, quite frankly, I did not think the definition cleared up the problem at all. My information is—and I would be happy if the Minister is able to prove me wrong—some shires interpret an "occupier" to be any person who lives in a particular dwelling, while other shires interpret a person as being an occupier only if he is legally on the premises. In other words, he has to sign a rental agreement. Under the latter interpretation both husband and wife would have to sign a rental agreement as joint tenants in order to be able to vote as occupiers. If they were not joint tenants, whoever signed the rental agreement would have a vote, but the spouse would not have a vote.

This matter was first raised when I was in the Pilbara last year. It appears the mining companies will not allow a wife to be a party to a rental agreement. Apparently the companies have a problem in the case of a male employee leaving the company, leaving the town, and leaving his wife. If the wife was a joint tenant the company would have difficulty in recovering possession of its home. For that reason wives are refused the opportunity to enter into rental agreements or joint tenancies. It then transpired that some shires refused to allow the names of the wives to be placed on the electoral roll because they were not occupiers; they were not parties to a rental agreement.

When I returned to Perth I raised this matter with an officer of the Department of Local Government. I spoke to him over the telephone, and he led me to understand that the interpretation as to whether or not a person was an occupier varied in different shires throughout the State. I recently asked the Minister for Local Government for the correct interpretation of an "occupier". Because of the rules of this House, which did not allow me to ask for an interpretation, I had some difficulty. I have had to try to reword my questions in order to receive the correct interpretation from the Minister, and to find out whether local authorities are abiding by that interpretation.

I do not know whether the Minister misunderstood my questions; he has been skirting around the information I required. I do not cast any aspersions on him, but I am keen to know the correct interpretation and I now ask the Minister again. I hope he will be able to give me that interpretation when he responds to the debate. My question is: What is the correct interpretation of an occupier? Is a wife, who is not a party to a

rental agreement, entitled to vote as an occupier? Also, is the interpretation applied in the same way by all local authorities throughout the State?

It appears to me there is considerable confusion, and this Bill will certainly eliminate all that confusion. If the House does not agree to the Bill, that confusion will still have to be sorted out; but if the House agrees to the Bill the confusion will be eliminated.

I also found, along similar lines, a problem existed with the single men's quarters in the mining towns. Difficulty has been experienced in interpreting that part of the Act which refers to "a separate part of a ratable premise". Where a part of a ratable premise can be defined, two people in that premise are entitled to vote, so that two people in a block of flats could have a vote. Apparently difficulty arises with single men's quarters and I understand some shires are interpreting this provision differently from others. I would be interested to know whether or not that is true, but this Bill would eliminate that confusion.

The next reason for introducing the Bill is to point out that Western Australia is lagging behind the other States. Perhaps that is not unusual, because this State seems to lag behind in some other matters as far as the Government is concerned. All the other States of Australia with the exception of South Australia have provided a vote for 18-year-old citizens, and my understanding is that South Australia is proposing changes in the near future to bring it into line.

The fact that South Australia is the last State in that category, alongside Western Australia, shows that this is not, or should not be, an ideological issue. I would have thought all parties would agree that each person has a right to vote.

I want to refer specifically to the position in Victoria, where the Liberal Minister for Local Government (Mr Hunt) has made very strong representations on behalf of local government, and I think they are worth bringing to the attention of this House. I will quote from *The Australian Municipal Journal* of October, 1977, to which Mr Hunt submitted an article. He made it very clear in his article that he wanted local government upgraded, he wanted it given more independence from State Government control, and he wanted it to be specifically referred to in the Victorian Constitution as a means of upgrading the status of local government. The most interesting point arises when we look at what he actually wants included in the Constitution. I will read an extract from it—

A person who has attained the age of 18 years and—

- (a) is a resident in the district or sub-division for which representatives are being chosen . . .

shall be entitled to be enrolled as an elector at elections of members of the municipal council but no person shall be entitled to exercise more than one vote at any such election.

So it certainly should not be seen by this Government as an ideological question when the Liberal Victorian Minister for Local Government makes the point so clearly and wants it enshrined in that State's Constitution. Mr Hunt then said in his article—

This proposal was circulated at the recent Local Government Ministers' Conference and is being considered by the individual Governments.

Perhaps he should have said he thought it was being considered by the individual Governments, because when I asked a question of the Minister in this House whether it was being considered by the Western Australian Government he said it had not been considered. I hope the Minister in this State will give consideration to the matter and take the action which seems to be so appropriate.

Finally, I want to make the point that the Government should not be frightened of the results of this Bill if it is passed. It will not very much alter the results of local government elections. We will not have the situation where hundreds of radical left-wing communist members will suddenly be elected to councils all over the State, or anything like that. That appears to be a conservative fear in all discussions on electoral matters.

I compare the situation with that of the Legislative Council. For many years the Liberal and National Country Parties in this State opposed any move to introduce adult franchise into the Legislative Council elections, until finally in the 1960s they took the terrible risk of introducing adult franchise for elections to that Chamber. It seems to me, from my political awareness, there is no evidence of any radical left-wing takeover in that place, and that the introduction of adult franchise for local government elections will not cause any terrifying results from the conservative parties' point of view.

Adult franchise in local government elections will bring about a few constructive results. It will bring a reduction in the alienation which some

people feel in relation to local authorities. It is true that local authorities are growing closer to the people, but some people feel alienated from them. They are affronted that while they think they are equal to anybody else in the community they are not entitled to have a vote. If these people are given the vote, it is possible not all of them will use it, but it would give them an opportunity to enrol if they so desire, and to have closer involvement with local government.

I believe we in this House have a responsibility to take a lead on behalf of local government. I believe we should be at the forefront of the advancement of local government, doing what we can to make local government an even better organisation than it is at the present time. I commend the Bill to the House.

Debate adjourned, on motion by Mr Rushton (Minister for Local Government).

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th April.

MR T. H. JONES (Collie) [9.06 p.m.]: This is a Bill for an Act to amend the Police Act, 1892-1977. The Opposition was surprised to find last night that this Bill had been moved so high on the notice paper when it was not introduced into the Parliament until last Thursday. In accordance with common practice at this stage of the session, one would assume that Bills which have been on the notice paper for some time would be debated before a measure which was introduced less than a week ago.

Members of the Opposition wondered why it was necessary for the Government to bring this Bill up on the notice paper so hastily, but a close investigation of the Bill clearly demonstrates what the Government is up to. The Bill is an attempt to override the provisions of union awards in Western Australia. It envisages sweeping changes, and it is quite evident to us on this side of the House that during the debate on amendments to the Address-in-Reply it has been stated here and in the Press that within one week the Minister for Labour and Industry could bring to the Parliament legislation which would override the disputation that has been occurring on the waterfront. Right here we have the legislation to which the Minister has been referring for some time.

The first clause in the Bill is a bit of window dressing. It is nothing. It amends the provision in relation to police cadets and there are some provisions relating to the jurisdiction of the police.

The main essence of the Bill is to be found in the last clause which entails sweeping changes, particularly to the trade union movement in Western Australia.

As I mentioned when I commenced my remarks, it is now clearly visible why the Government or the Premier has seen fit to move the Bill up so high on the notice paper. Members on the other side of the House would agree with me that, except at the end of a session, it is usual practice, once a Bill is placed on the notice paper, for the Opposition to be given at least one week to investigate the provisions of the Bill so that its members are qualified to speak on it, and can indicate the matters they support and the weaknesses they consider to be contained in the legislation.

We appreciate the situation in which the Government finds itself. We on this side of the House have asked, and the trade union movement has been asking for some time, that the Government withdraw the charges against the picketers on the waterfront. The Premier has said it is outside the jurisdiction of the Government to do that and that it is a matter for the Commissioner of Police in Western Australia to carry out the provisions of the Police Act as they read at this point of time.

I will clearly demonstrate that the amendment to section 67 contained in this Bill will bring about the situation the Government desires, because it will remove from the Government the onus in relation to disputation and will allow the Commissioner of Police to act in strikes in certain circumstances. The amendment will override union awards. It will have the effect of introducing scab labour into Western Australia. It is a very far-reaching Bill.

Mr O'Neil: You have a vivid imagination.

Mr T. H. JONES: It might appear to the Minister that I have a vivid imagination, but if he will listen until I have concluded my remarks, he will understand why I say these things. If I am wrong he can tell me so when he replies to the debate.

Mr O'Neil: Cabinet approved this Bill last February.

Mr T. H. JONES: Cabinet approved it, but it could have been changed since. We do not know what goes on in Cabinet. Can the Minister tell me why the second reading of the Bill was moved last Thursday, and yet the debate is resumed in the House tonight?

Mr O'Neil: Because it happens that we want it to be passed before I leave, and I will not be

present during the last two weeks of this part of the session.

Mr T. H. JONES: The Minister must anticipate some trouble if he believes it will take so long.

Mr O'Neil: No, there are other Bills which the Government needs to get through before the suspension of the session.

Mr T. H. JONES: The Minister may get away with telling that to his colleagues.

Mr O'Neil: Everybody knows I will not be here for the last two weeks of this part of the session.

Mr T. H. JONES: If the Minister died tomorrow, somebody would carry on with the work. The Government would not close down because of that. None of us is indispensable. Surely the Minister is not suggesting he is irreplaceable and that no-one can act in his stead.

Mr O'Neil: I do not know how many sitting days are left, and the Bill has to pass through two Houses. Can you do your arithmetic?

Mr T. H. JONES: I have done my arithmetic all right, as the Minister will see when I have finished my submission. It is passing strange, and the Minister cannot deny it, that six days' adjournment before the resumption of the second reading debate of a Bill is unusual. We know what to expect at the end of a session, however.

Mr O'Neil: It is a very simple Bill; you are misinterpreting it.

Mr T. H. JONES: Usually the Opposition is given a week to study a Bill. If we look at the Minister's second reading speech, we see that he took seven minutes to introduce a Bill which, in our opinion, will make radical changes.

Mr O'Neil: That is how simple it is. You cannot understand it in six days.

Mr T. H. JONES: I will prove in a minute that the Minister, when introducing the Bill, told us very little about what it will do. He spoke about police cadets and the power of policemen in regard to boarding vessels, but he said very little about the amendment to section 67 of the Act. I ask the Minister: Were the trade unions consulted about this measure?

Mr O'Neil: Of course not; it is an amendment to the Police Act; it is to do with the police.

Mr T. H. JONES: It is certainly an amendment to the Police Act.

Mr O'Neil: It has nothing to do with unions. What are you talking about? You are reading something into the Bill that is not there.

Mr T. H. JONES: As we have found out with other legislation—

Mr O'Neil: Unlike you, we do not have to submit our legislation to the Trades and Labor Council. Thank God we do not have to do that.

Several members interjected.

The SPEAKER: Order!

Mr T. H. JONES: The trade union movement has had a fairly good bashing from the Government over the last fortnight. I have not even discussed the Bill with the Trades and Labor Council, because I have not had the opportunity to do so.

Mr O'Neil: But you are grizzling, because I have not done so.

Mr T. H. JONES: The Government should have discussed this with the trade union movement, because it will interfere with that movement.

Mr O'Neil: It has nothing to do with the trade union movement.

Mr Jamieson: Oh no?

Mr O'Neil: You show us.

Mr T. H. JONES: If the Minister will be patient, I will prove it to him. I have unlimited time anyway so I have the opportunity to prove it. The Minister has been very toey over the last week or two, but if he gives me a chance to make my submission, then under our Standing Orders he will have ample opportunity to reply. That is all I ask.

Mr Pearce: He has had his tail twisted by the Donnybrook Shire Council.

Mr O'Neil: It is the member for Collie who is in trouble with the Donnybrook Shire Council.

Mr T. H. JONES: The member for Collie is in no trouble with the Donnybrook Shire Council, and the Minister knows it. He should ask my leader what the president of the shire council said to him and to the deputy leader the other day, but I do not want to mention this in Parliament. The Donnybrook Shire Council has no problems with me as its member, as my leader will indicate. I will return to the Bill, Mr Speaker.

The SPEAKER: Please do.

Mr T. H. JONES: Perhaps I could proceed without the interjections that have been so evident since I commenced my speech.

Firstly, the Minister had this to say—

This Bill makes provision for the Commissioner of Police to enforce discipline upon commissioned officers of the Police Force.

At the present time the only way this can be accomplished is by reference to a board appointed

by the Government. Of course under the Act at present the commissioner may deal with constables for misdemeanours, and noncommissioned officers may be fined, reduced in rank, or dismissed. Of course, any officer aggrieved by a decision as determined by the Commissioner of Police may appeal to the Police Appeal Board.

The Bill proposes also to amend the provision in relation to the employment of police cadets. At the present time police cadets are not under the direct jurisdiction of the Commissioner of Police and the amendment will extend the commissioner's powers. Any misdemeanours committed by police cadets will be dealt with under the provisions applying to other members of the Police Force.

The only disciplinary action which the commissioner may take in regard to cadets is to dismiss them, but that is too severe. In other words, the police cadets will be brought within the general disciplinary conditions of other police officers. I am not arguing about that; I am just referring to the provisions contained in the Bill.

Mr O'Neil: I said that when I introduced the Bill.

Mr T. H. JONES: I was simply commenting on the Bill.

Mr O'Neil: Do you agree with that?

Mr Bryce: This is one part we agree with.

Mr T. H. JONES: The Opposition agrees with certain amendments contained in the Bill. I was simply mentioning this matter in passing to show that I have researched the Bill. I do not want the Minister to say that I have not discussed the contents of the Bill; I am handling this measure on behalf of the Opposition.

Another provision contained in the Bill will give the Commissioner of Police the power to divide the State into regions. At the moment the Governor may, by notice in the *Government Gazette*, extend a police district. The Opposition does not argue with the proposed amendment, but I would like to point out that in his second reading speech the Minister did not prove that this change was necessary. There may be good reason to place this power in the hands of the commissioner, but the Minister gave no evidence of it.

The Opposition agrees with the amendment which will allow a police officer or constable to enter any ship without warrant if he has reason to believe that that ship may be used to do something which would constitute an offence within the State. We realise this provision is

necessary because of the problems associated with drug trafficking, and it will allow a police officer to board a vessel without the warrant which is required under normal circumstances.

While the Opposition agrees with the principle contained in this amendment, we would like to know why the precept was not widened to include aeroplanes and helicopters. No-one will deny that our law-enforcement officers are concerned about vessels dumping drugs along our coastline. The provision contained in the measure will permit officers of the Police Force to take over vessels, so I wonder why police officers should not have the same power with respect to air transport. In the case of an officer boarding a vessel without a warrant the owner of the vessel will have recourse to a magistrate, but this could apply also with respect to aeroplanes. It seems to me that while we are amending the legislation it would be a good idea to tie up the loose ends. Everyone is aware of the problem in relation to drug trafficking, and if there is some reason that the provision has not been extended to include air traffic we would like to know about it. We have no criticism of this part of the Bill.

The only criticism we have is that the Bill does not go far enough, and the provisions which apply to vessels should apply equally to aeroplanes and helicopters so that if it is thought drugs are being brought into Western Australia the police will have the power necessary to intervene. I would like the Minister to indicate the reason that reference to aircraft does not appear in the Bill.

Another point that worries us is the question of the time involved. When a ship is taken over by a police officer, how long will it be before the ship is freed? I am aware application may be made to a magistrate to free the ship. Let us assume a passenger liner is suspected of carrying drugs and action is taken against it. Members of the Opposition would hate to see some days elapse before the action is heard, so that the passengers are delayed. I do not raise this matter just for the sake of talking; I think it is a serious matter. Will the Minister guarantee that the machinery will be put into operation very quickly so that when the police detain a boat on the grounds indicated in the Bill, any inconvenience to passengers booked on the vessel will be taken into account?

Of course, the provision extends to other areas. *The West Australian* has mentioned the matter of interference to whale chasing, and the powers of the Bill may be exercised in that case.

I would like to refer now to the main argument we have with the Bill. The Minister for Police and Traffic indicated earlier that he does not agree

with the interpretation we have obtained from our legal officers. If anyone reads the Bill he will find the clause to which I refer is very hard to understand. In order to make my point, I will quickly read clause 12 of the Bill. It reads as follows—

12. Section 67 of the principal Act is amended by inserting after paragraph (3) in line twenty a new paragraph as follows—

(4) Every person who, without lawful authority and with intent—

- (a) to compel another person to abstain from carrying on any activity which pursuant to any law of the State or of the Commonwealth that person is by virtue of a licence, permit or authorisation issued thereunder empowered to do; or
- (b) to prevent such an activity being carried on; or
- (c) to obstruct any such activity,

manifests that intention by doing any act in relation to that other person, the property of that other person or the activity so empowered, or by failing or omitting to do any act in relation thereto which he is lawfully required to do.

I think the Minister would agree that very little reference to this amendment was made in his speech. His reference to this particular clause was, to say the least, very scant. We are supposed to understand what the clause does after hearing the Minister say this to the Parliament—

Provision is also made in this Bill for a new offence to be created in that a person shall not compel another to abstain from carrying on or prevent or obstruct any activity which pursuant to the law of the State or the Commonwealth that person is permitted to carry on by virtue of being the holder of a licence....

Mr O'Neil: You said that is all I said; there is plenty more; read the lot.

Mr T. H. JONES: Very well. The Minister said—

...to carry on by virtue of being the holder of a licence, permit or other authority.

That is what the Bill states.

Mr O'Neil: Yes; now continue to read.

Mr T. H. JONES: All right, just be patient. The Minister continued—

This is a general offence which will have the object of preventing coercive interference

with activities which are being carried out under a State or Commonwealth licence. It is felt that the Government has a duty to protect a licence issued by it, and that the person acting under its authority is free to go about his authorised business.

That is all we were told by the Minister. I am a layman, and the Opposition has consulted with lawyers—not lawyers on our side of the House—

Mr O'Neil: That is good.

Mr T. H. JONES:—but practising lawyers. By that I mean they are not members of Parliament. Those lawyers say it is difficult to know what the Minister was trying to say in his second reading speech.

Mr O'Neil: I would not want them to represent me if they cannot read English.

Mr Jamieson: You want to write English for a change.

Mr T. H. JONES: There is no problem in reading it; the problem is in knowing the intention after one has read it.

Mr O'Neil: That is the problem of the person who reads it.

Mr T. H. JONES: Yes, that is the problem; the lawyers were confronted with it today and they said, "Leave it with us because we do not know what it means; we will ring you back." These are prominent lawyers in Western Australia. If they cannot understand it, what chance have members of Parliament who are not legally qualified to understand it? I wonder whether members on the Government side find themselves in the position in which members of the Opposition find themselves.

Mr O'Neil: It seems you are guessing at what it means.

Mr Jamieson: You didn't say what it means.

Mr O'Neil: I said it is to protect a licence issued under a State or Commonwealth law.

Mr Pearce: What sort of a licence? Give an example.

Mr O'Neil: A hotel licence or a noxious industry licence.

Mr Pearce: Who is preventing people from carrying on noxious industries?

Mr Watt: I will give another example: a licence to carry on whaling.

Mr O'Neil: The member for Welshpool can understand it, yet your legal advisers say they cannot.

Mr T. H. JONES: I get my advice from lawyers, not from the member for Welshpool.

Mr Jamieson: It doesn't mean what you say it means.

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

Mr T. H. JONES: The problem that we on this side face in interpreting this provision will be appreciated when it is realised that experienced lawyers in Western Australia are facing the same problem. They came up with the answer as late as this afternoon, and it is now quite clear what the Bill intends to do.

Clause 12 proposes to amend section 67 of the principal Act. Let us consider what that section has to say, because it is most important. It says—

Every person who shall commit any of the next following offences shall, on conviction before two or more Justices, be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for any term not exceeding eighteen calendar months with hard labour:—

- (1) Every person who shall break or escape out of any legal custody.
- (2) Every person committing any offence against section sixty-six of the Act, having been previously convicted of an offence against that section.
- (3) Every person apprehended for an offence against section sixty-six of this Act and violently resisting any constable or other peace officer so apprehending him, and being subsequently convicted of the offence for which he shall have been apprehended.

Then new subsection (4), contained in clause 12 which I have already read out to the House, is to be inserted. Section 67 then concludes as follows—

Provided that nothing shall prevent such offender being committed to the nearest gaol, there to remain until the next Sessions of The District Court of Western Australia to be held in the district wherein or nearest to which the said offence shall be committed; and every offender who shall be so committed as aforesaid shall be there kept to hard labour during the period of his imprisonment.

The amendment simply adds another proviso.

Mr O'Neil: It creates another offence.

Mr Jamieson: It creates another unlimited number of offences.

Mr T. H. JONES: It creates another offence which is punishable.

Mr O'Neil: That is right; most offences are punishable.

Mr T. H. JONES: It becomes a crime under the provisions of section 67 as amended.

Let us have a look at what the Government is up to. A dispute may occur on the waterfront or in a number of areas, and all the Governor has to do is bring down a regulation under the power vested in the Commissioner of Police under section 138A of the Act. The Governor may make regulations inconsistent with the Act. So, there is no problem about bringing down a regulation. He can then make regulations to say that the Commissioner of Police shall issue certain authorisations. This Bill will give him that power. The Bill states—

... that person is by virtue of a licence, permit or authorisation issued thereunder empowered to do—

Mr O'Neil: Yes, under a Statute of the Commonwealth or the State.

Mr T. H. JONES: And the State.

Mr O'Neil: That is right, or the State.

Mr Jamieson: And the State Act happens to be the Police Act.

Mr O'Neil: But it is a licence issued under a Statute.

Mr T. H. JONES: The Bill states—

Every person... by virtue of a licence, permit or authorisation...

So, all the Governor has to do in the case of a strike on the waterfront is to say to the Commissioner of Police, "We want you to bring down a regulation saying that the following workers shall carry on work on the waterfront." What is to prevent that from being done?

Mr O'Neil: We did not need it during the last strike.

Mr T. H. JONES: That is not the point.

Mr O'Neil: It is a figment of your imagination.

Mr T. H. JONES: It has nothing to do with my imagination. The Minister cannot deny that this could happen under the provisions of this Bill. It does not have to be a licence; it need be only an authorisation. The Minister well knows it is a very simple procedure for Governments to bring down regulations. The matter has only to be referred to Executive Council and, "Bob's your uncle", it becomes law the next day.

Only time will tell, but it appears to us this legislation is a deliberate attempt on the part of

the Government to override industrial awards in Western Australia, which will result in further industrial unrest.

Let us take the case of the recent live sheep export dispute. If a similar dispute arises in the future, it will be easy for the Commissioner of Police to seek regulations to cover this situation. This is the legal interpretation we have had placed on this part of the Bill.

Mr O'Neil: I would love to know who advised you.

Mr T. H. JONES: We obtained a legal opinion on the Bill this afternoon.

Mr O'Neil: So have we; the legislation was examined by the Crown Law Department.

Mr Jamieson: That does not make it right.

Mr O'Neil: What you are saying is that your legal adviser is better than the Crown Law Department. Yet you are not prepared to tell us who he is. Who is he?

Mr T. H. JONES: I am not going to tell the Minister.

Mr O'Neil: The member for Welshpool says that your legal adviser is better than the Crown Law Department.

Mr T. H. JONES: Crown Law has been wrong on many occasions. Even the Court Government has been wrong.

Mr B. T. Burke: Oh, no!

Mr T. H. JONES: I would go so far as to say that even the Minister for Police and Traffic has been wrong.

Mr B. T. Burke: You are drawing the long bow now. That is ridiculous!

Mr T. H. JONES: Lawyers have been wrong many times before. That is why we have so many challenges in the Supreme Court, and that is what keeps lawyers going. It is a very profitable arrangement for them. If members opposite do not believe me, let them telephone a lawyer, just to see how much he will charge them to answer the phone. A person can go to one lawyer, and he will say, "You are quite right in your interpretation of this law", while another lawyer will say, "Quite wrong, we will go to court and fight it out." This is the process of law not only here but generally throughout Australia.

The Opposition is concerned about the intention behind this amendment. If it is not designed to operate in the way I have suggested, I would like an assurance to that effect from the Minister.

Mr O'Neil: I have already said it is not the

intention. This section of the Bill was drafted long before the waterfront dispute.

Mr T. H. JONES: I want the Minister to assure me that the circumstances I suggested could occur will not be put into operation by the Government.

Mr O'Neil: Allowing for your imagination, I give you that assurance. It was never intended that would be the case. You have misinterpreted the legislation.

Mr B. T. Burke: What would be the situation if there was a change in the Ministry?

Mr O'Neil: I have given you an assurance, but you will not accept it.

Mr Jamieson: Just be careful on this one. You could say, "I had no authority over the Commissioner of Police."

Mr O'Neil: As you well know, the Commissioner of Police cannot gazette regulations.

Mr Jamieson: I know he cannot, but you could put them up that way and say you could not control him.

Mr O'Neil: That late night must have unsettled you fellows.

Mr T. H. JONES: We look like having an even later one tonight, so the Minister had better have a cup of coffee now. Irrespective of the views expressed by the Minister for Police and Traffic, that is the legal interpretation we have had placed on the Bill.

Mr O'Neil: You have just told us you do not think legal interpretations are worth two bob.

Mr T. H. JONES: The Minister has put his point of view, and I do not decry it, but surely I am allowed to put the point of view of the Opposition; that is what it is all about. The Minister says he is better informed than our legal adviser, but time will tell. He has given us an assurance that the Government does not intend to use the legislation in the manner I have suggested but, of course, Ministers and Governments change.

The Minister cannot deny the Bill will amend the section of the Act which deals with penalties, where people can be held in gaol, fined, or imprisoned. We see this Bill as an attempt to overcome the industrial provisions presently operating in Western Australia so that scab labour can be introduced when necessary by the bringing down of a regulation. In that way, strikes on the waterfront, the railways, or any other area of industry can be overcome by the Government.

I suggest it would be in order for the

Commissioner of Police to ask for an order to be made to permit certain individuals to carry out this function. It cannot be denied that the Bill will allow this to happen.

The Opposition is concerned at the wide-ranging ramifications of this legislation, whereby scab labour could be authorised to go onto the waterfront and anywhere else in industry. In the event of a fuel strike, the Government could bring down a regulation providing for the transport of fuel from point A to point B by certain authorised drivers and, if those people are interfered with, the person or persons obstructing them can be dealt with under section 67.

Mr O'Neil: Do you think regulations can be promulgated under the Police Act which can deal with the control of fuel?

Mr T. H. JONES: They do not have to be, and the Minister knows it. I am putting forward a fuel strike only as an example to show what can occur under this legislation. If the Government wants to take on the trade union movement, this is not the way to do it.

As I have said before, Western Australia is fast becoming the police State of the Commonwealth. I made this statement when we were debating the fuel and energy legislation, which provided for the overriding of industrial awards in Western Australia. Rather than amend the Industrial Arbitration Act, the Government saw fit to draft entirely new legislation taking away the rights of the workers. The provisions of that legislation may not have been put into operation, but the effect is there.

We have also seen the police State mentality reflected in the legislation which made ordinary, private conversations in the street a crime. If five or more people are having a talk in the street, they can be charged under certain provisions of the Police Act. People now are not permitted to march or hold a meeting in public without the authority of the Commissioner of Police.

Mr Clarko: Do you know that in the United Kingdom all marches have been banned for about three months?

Mr T. H. JONES: Is that so? What is the reason?

Mr Clarko: Following on the recent disputes—

Mr T. H. JONES: I think it has been too cold to march, anyway.

Mr Clarko: But nobody over there argued it was an interference with the rights of the ordinary citizen.

Mr T. H. JONES: The honourable member is

probably right. Nobody likes to march when the snow is falling.

Mr Clarko: The people who protest about what happens in Australia when they ban political marches do not object to the fact that the United Kingdom Labour Government has done that thing precisely at this moment.

Mr Bertram: You are supporting Bjelke-Petersen, are you?

Mr Clarko: I am saying that the Labour Government in the United Kingdom has banned street marches for the last three months.

Mr T. H. JONES: If the member has finished, I shall continue my speech. The people of the United Kingdom probably have a better understanding of government than we in Western Australia and Queensland. The point I was making is that we are fast becoming a police State because of the amount of permission we have to obtain, and our freedom is being taken away from us. This is another example. Where is it going to end?

In conclusion, we have made our position clear. Despite the views expressed by the Minister, we feel this is an attempt to permit the Government to do certain things under the provisions of the Police Act. This week the Government was asked whether it would withdraw the fines which have been inflicted on picketers and the Premier said that he had no authority to do so. If the Commissioner of Police takes action under this amending legislation the Government will be let off the hook again. For these reasons we strongly oppose this piece of legislation.

MR JAMIESON (Welshpool) [9.42 p.m.]: One has learnt over many years to be very wary of legislation which is brought forward rather quickly and seems to be very innocent; and this occasion is no exception. This situation is also strange because usually when the Premier has a reason to bring forward an item he consults the Opposition and explains why the matter must be debated early. We have had some sort of explanation from the Deputy Premier concerning his absence during the last two weeks of this part of the session, but if the legislation is as weak and washy as the Minister claims it is, as my colleague who has just resumed his seat indicated, anybody could have handled it for him.

We have known for a long time now that the tactician on the other side of the House is the Deputy Premier. We have watched him at work. We have seen the way he goes about overcoming objections and getting round the actions of the Opposition when it tries to use the Standing Orders for its own purposes. We have noticed how

he has always been the one who is able to overcome such problems. So, it is not surprising that we should be suspicious of the situation when we are faced with a provision such as this which has been innocently presented and dressed up in the way the Deputy Premier presented it to the House. If the situation is as we believe it to be—and we have no reason to believe that it is not, after having examined the Bill more fully—this legislation is deceptive.

I wish to deal firstly with a few of the less heinous provisions of this legislation; that is to say, the disciplining of officers and cadets. One of the changes envisaged in this provision will give a right of appeal by commissioned officers to the Police Appeal Board. This will give them the same right that is now enjoyed by non-commissioned officers and constables. This legislation also gives the Commissioner of Police the right to mete out to cadets the same punishment which he can now impose on other members of the Police Force.

However, I can find no provision in this legislation which will enable a cadet to appeal to the Police Appeal Board, no matter how badly he has been done by. If cadets are to be put into the same category as other members of the Police Force with regard to punishment, they should have access to some form of appeal because there may be personality problems between officers and cadets which need sorting out.

Mr O'Neil: You read clauses 4 and 7 conjointly. You will see that they cover the situation.

Mr JAMIESON: Unfortunately they do not give this right to the cadets.

Mr O'Neil: You read clauses 4 and 7 conjointly, not a bit at a time.

Mr JAMIESON: The Minister is again reading something into this Bill which does not appear to be there.

Mr O'Neil: That you cannot see in it.

Mr JAMIESON: All right, we know the Deputy Premier can see everything. He has those multi-focal glasses which enable him to see things which do not exist in the Bills he introduces and which give him far better vision than those on this side of the House. If he has the ability, good on him.

Mr O'Neil: I shall not interject. I shall continue to let you make a fool of yourself.

Mr JAMIESON: Do that. But the Minister should make sure that this provision covers cadets because in no way can we marry that clause to allow it to cover an appeal for a cadet. It gives the

right of punishment but no right of appeal. The Minister had better have another look at it.

Mr O'Neil: I am just pointing out to somebody who has more intelligence than you that you are wrong.

Mr JAMIESON: Here we have the wonderman of the age! The mastermind of the Government can be as critical as he likes, but he still has to overcome the point.

With regard to police districts, I wonder why there is a necessity to allow their cases to be determined by the Commissioner of Police. I should not have thought that districts would need to be changed every week, and having the Governor approve them did not seem to create any great problems, although the Minister put that matter forward as a problem for the commissioner in equalising the division of his forces in the State. I do not see how this problem has occurred because populations do not alter so rapidly between one area and another. One wonders where the request came from for this change to take place. If it came from the commissioner, I think he is over-stretching his case.

The provision to allow an officer to take charge of a vessel if it is suspected of being used for an unlawful purpose puts a rather heavy onus on the officer taking the action. He may hear a suggestion or a strong rumour that a vessel on the river is to be used for gaming or some other purpose, and just as it is about to leave he may seize it. He can seize it without warrant and the vessel cannot be released until an appeal to a magistrate is made. Presumably if this were to occur on a Friday evening there would be very little chance of the vessel being released until some time on the following Monday. If this sort of thing is likely to happen, more attention should be given to this provision. The citizens must have their rights and a person should be able to approach someone who is readily available—perhaps a senior police officer above the rank of the officer making the seizure—so that the vessel can be released to the person requiring such a release and he is not forced to apply to a magistrate.

Let us consider section 67 as it is to be amended; and this is causing all the problems. In looking at this section one would be hard pressed not to agree with the member for Collie because the right of the Governor to make regulations under this Act is the same as he has under most other Acts; usually at the recommendation of the Minister. Certainly this section gives the Commissioner of Police certain powers he did not

have before this time. One wonders why these powers should be so far reaching.

The Minister, when speaking from memory, agreed with his speech notes. He referred to licences issued by the Commonwealth and the State. But the Bill goes further than that; it very clearly states licences, permits, or authorisations, which cover any sort of situation that could occur, and there are all sorts of authorisations. If the authorisation is there for a person to take action and we tried to inhibit that person in his actions we would offend against the provisions of this Bill and the penalties applying under section 67 as amended would apply to persons so offending.

It is a rather badly presented piece of legislation. One might accuse the officers of the Crown Law Department for this; they drafted the Bill which was presented by the member for Geraldton which was severely criticised by the Minister for Local Government. So the Crown Law officers are not always the wisest people in the world.

It would appear to me that section 67 as amended implies that if a person with a licence to drive a car had his keys taken from him by someone who considered he had been over-indulging in alcohol that person could be taken to task because he has offended against this proposed amendment. That would be a ludicrous situation and surely it would never be the intention of the Government to use this section in that manner.

Mr O'Neil: It says without lawful authority or intent.

Mr JAMIESON: Of course, without "lawful authority". A person would have lawful authority to drive a motorcar because—

Mr O'Neil: I am talking about the fellow who tries to stop the driver; if he has a permit or authority to do anything.

Mr JAMIESON: If he stops him. The Minister has shown that he has pushed the Bill forward in this Parliament; if he has not researched the matter it is his fault. The Minister said the Bill came before him last February so he has had plenty of time to study it; but it would seem the Minister has not realised what this section makes possible. Sometimes legislation can be trusted but it is best to be sure what the intent of the legislation is.

It is passing strange that the Minister for Labour and Industry said last week that legislation to cover last week's strife could be passed through Parliament within a week. He made the statement openly and freely in the Press. It is not surprising that the Opposition

examines legislation that comes before Parliament to make sure the Government is not trying to pull a swift one in respect of the provisions of the Police Act.

It must be remembered that the Government has given the Commissioner of Police the power to control people who assemble in groups of more than three, and has given him the authority to approve marches and so on. I do not believe the commissioner is very keen on having these powers but nevertheless the Government has given them to him and if anything goes wrong the Government says it is the commissioner's problem. The Government is supposed to be a responsible Government elected by the people. Government members should stand up and be counted by the people rather than brush their responsibilities off onto the Commissioner of Police.

Mr Davies: They can duck for cover any time they like.

Mr JAMIESON: They do just that. The Government's obligation is to see that the law is carried out; not only the letter of the law but also a sensible application of it in meeting the wishes of the people. The Government should remember that it is the mentor of the people, at least for the time being.

It is of no use the Government passing a law and then saying it was not supposed to have been used in a certain way. It is of no use the Government saying the Commissioner of Police was given powers to do certain things but was in fact allowed to do more, such as union bashing. That is no excuse. Decisions on legislation must be made now.

Despite the Minister's assurances given by interjection the Opposition is not satisfied. We want a very clear indication and undertaking that there is no intention in this legislation to have another go at the unions as the Government is so fond of doing. For these reasons I am opposed to the legislation.

MR SKIDMORE (Swan) [9.57 p.m.]: As previous speakers have mentioned this Bill, on the surface, has been brought into the House by the Minister in good faith. We do not believe it will achieve the objectives intended. We believe the Bill should be studied closely because of the far-reaching effects it will have on the workers of this State. It should receive close scrutiny even by the Minister who introduced it.

When the Minister introduced the Bill one would have thought there were no inherent dangers in it but on studying section 67 as amended one perhaps could sympathise with the

Minister's intention. I believe the Minister is honestly saying that the intent of this proposed section 67 is only to cover those offences where people have offended against the holders of State or civil licences and permits.

An example has been given of individual rights in protesting about the whaling industry. I believe the law should be made to cover the situation in Albany where people endeavoured to put their point of view that whaling should not be permitted. My understanding is that under our present Statutes the police at Albany had no way of taking action. I believe the police showed admirable restraint at that time and acted only to protect the people concerned.

Mr O'Neil: To protect them against themselves.

Mr SKIDMORE: If that is the intention of this section as amended I would sympathise with it. Unfortunately, as with most things that are presented here, a critical examination would show that what has been said by Opposition members tonight is true. It was patently clear to the Opposition that it was necessary for this legislation to be looked at by solicitors. We considered there definitely was fault with the Bill and the legal people substantiated our doubts.

In essence the Bill says that a person who prevents any activity being carried out or obstructs any such activity which is lawful by virtue of a licence issued under Commonwealth or State Statutes can find himself in trouble. The whole force of the law could be brought down on him and he could be thrown into goal for up to 18 calendar months and possibly face a fine of \$1 500.

We have referred to the fact that it could affect workers in industry. The Government introduced a Bill to look after the dispute of the flour millers; it moved that infamous piece of legislation which allowed—using a rather twisted phrase—"legal scabs" to move into the milling industry to transport flour from the mill. That would not have happened if the police had had the power which obviously arises out of the proposed amendment. I do not believe we have moved far from the general considerations in force when arbitration was first brought into being in 1912 for the control of the conditions of working people in this State.

It is well to remember this. On the 6th August, 1912, at page 877 of volume 1 of the *Parliamentary Debates* the then Attorney-General, the Hon. T. Walker, introduced the legislation which gave birth to the Industrial Arbitration Act. I believe some of the Attorney-

General's remarks in his second reading speech should be noted in this House and they bear repeating in order that the effect of that Act, which is to control the working conditions of workers, should not be lost upon us.

I quote from the second reading speech of the Attorney-General at that time as follows—

The dreadful pestilence of 1348, by greatly reducing the number of the new class of hired labourers, nearly doubled the value of their labour—to the great loss of those landed proprietors who had commuted the predial services of their tenants. The landlords, with an utter disregard of the rights of the labourers, had recourse to the Statute of 1349, and to a series of similar Statutes between that year and 1368, by which every able-bodied man, not living of his own nor by any trade, was compelled to hire himself to any master who should demand his services, at such wages as were paid three years previously, or for some time preceding. These Statutes, whilst failing in the object which they had in view, as appears by the frequent complaints of the Commons that they were not kept, greatly increased the general discontent of the peasantry.

That passage was a quotation from a well known and great historian, and it was from the works of that great historian that he took the quotation. The Attorney-General then went on to speak about various issues; but I should like to quote the following section of his second reading speech which is as follows—

We are yet governed by those old statutes that came down from the days when the serfs were the property of their masters, when men could be captured and taken back into the employment of their masters, when wanderers could be taken at any place, and when they escaped they could be branded with hot irons, whipped, and compelled to serve in dire servitude. From those days we have received laws that live in the common law of the country, in the interpretation of our courts, and in the customs and habits that regulate our social conditions.

I believe I should now leave the speech of the Attorney-General of the day when he introduced the Industrial Arbitration Act in 1912. I read those two small passages merely to illustrate that the intention of the Act was to take care of the livelihood of workers under an Act which was to apply to the worker in industry, whichever industry it may be.

The Attorney-General concluded his speech by

indicating to the House his reasons and sincere desire that this Act might bring about industrial peace. It may even be suggested at one place that he felt it might get away from a strike situation in the future. Maybe he was not that lucky with the legislation, but I should like to quote part of his concluding remarks as follows—

It is for the purpose, I repeat once more, of banishing strikes for ever from our midst. It is for the purpose of the recognition of the manhood of the working world and putting toilers on an equality of real citizenship with those they call employers, of recognising that in this State class distinctions do not exist.

I certainly do not want to see class distinctions coming into legislation in this country by virtue of proposed amendments to section 67 of the Police Act.

I do not wish to bandy about and badger the point which has been made by previous speakers, by both the member for Collie and the member for Welshpool, because they have adequately dealt with it; but there can be no shadow of doubt in my mind that all that is needed to take care of a situation in the industrial scene is for an Act to be used. It could be the Bread Act, the Milk Act, the Factories and Shops Act, or the Industrial Arbitration Act. Any of the Acts could be used to give the Minister in charge of the Statutes the authority to issue a directive compelling workers to do certain things; and if they did not they would not be subject to the control of their own industrial legislation, but to the control of the Police Act.

The situation could have applied in the waterfront dispute between the farmers who wished to ship their sheep out and the workers who said they had a right to employment. A new regulation would not have been needed in that case had this piece of legislation been in force, because the police could have moved in and done what they wanted to do without fear of contradiction.

For those reasons, and very briefly because the matter has been debated already by other members on this side of the House and I do not wish to be repetitive, I can offer no support whatever to the amendment to section 67 of the principal Act as proposed by the Minister. If one looks at the Minister's second reading speech one will see that in a seven-minute speech he would have spent no more than 30 seconds on this particular part of the Bill. I arrived at the 30 seconds by taking a quick look at the speech and performing a mathematical calculation of the

words of wisdom; that is, the sum total of them. He said as follows—

It is felt that the Government has a duty to protect a licence issued by it and that the person acting under its authority is free to go about his authorised business.

I take that to mean nothing more or nothing less than the Liberal Government's programme of issuing licences; and such licences can be stretched to many industrial disputes which could place workers in this State at an extreme disadvantage. For those reasons I cannot support the proposed amendment.

MR McIVER (Avon) [10.08 p.m.]: I feel I would be failing in my duty as a legislator if I did not rise and oppose the Bill that has been presented to this Parliament in relation to proposed amendments to the Police Act, particularly as those amendments relate to section 67(1)(c). In fact this piece of legislation takes me back to my youth. I can remember years ago—

Mr Pearce: How many years?

Mr McIVER:—quite a few years ago—when the open-air pictures first commenced in my electorate in the town of Northam. As young men attending school we used to go to the pictures in a group. On the way we passed a big Chinese market garden, and in this garden were magnificent watermelons. On the way home we would inadvertently take a few because we were very partial to watermelons.

Mr Davies: Inadvertently?

Mr McIVER: This went on for some time and then one day a big sign appeared at the market garden. It said, "Boys and girls: take as many watermelons as you like but please mind the poisoned ones." That was the sign that appeared, and after that the owner of the garden did not lose a melon.

We treated that watermelon patch with caution and, as an Opposition, we have a responsibility to treat this Bill likewise. It must be considered with a great deal of caution.

On the surface it appears that it contains an ordinary amendment and the Minister's second reading speech gave us no cause for worry. However, as my colleagues who have preceded me in this debate have said—the member for Collie, the member for Welshpool, and the member for Swan—the Bill contains dangers.

I do not want to delay the House, but I do desire to support their views, particularly on clause 12 which amends section 67. I do not know why this clause has been included. I cannot understand why the Minister, with the experience

he has had previously as Minister for Labour in the Brand Government, has allowed it to be included. He knows what it means, and the Government does not fool the members on this side of the House.

In essence what it means is that if there are any ructions or strikes in the future by any organisations, a tougher line will be adopted.

Last night it saddened me to hear new members on the Government side speak as they did on the amendment then before the House. It was quite apparent to me that they did not understand what the trade union movement has done for people over a long period of time. In fact, many are here in this Parliament now only because of the trade union movement and its actions.

It also saddens me to know that the words "union" and "labour" seem to be an obsession with some members. They have become dirty words and apologies must be made for them. We on this side of the House have no intention of apologising. We are very proud indeed to be part of a movement which, for years, has stood by the workers of Western Australia to ensure that they get a fair deal.

I wish to refer to those who, in the past few weeks, have rubbished the member for Fremantle. We read on the front page of the newspaper today about the passing of one of the greatest unionists in Western Australia. Because he always said he was a communist and made no secret of the fact, this was considered to be a shocking state of affairs in Western Australia. But what a wonderful man he was, and I am sure that underneath the political humbug involved, all members of the House join with me in expressing sympathy to the member for Fremantle on the passing of his father who was, we might say, the pioneer of the trade union movement in this State.

Returning to the Bill, it is obvious that, when we look at the fine print involved, it will have a devastating effect on the people of Western Australia and I just cannot understand why the Government has introduced it at this time. What is the reason? What is the rush? Why has the Bill been introduced at this particular time? Certainly no reason is included in the Bill. However, what my colleagues have said is spot on. The member for Collie was a trade union secretary and he has had a great deal of experience of these matters, so the Government is not dealing with any novice. The same thing can be said about the member for Swan and the member for Welshpool.

If the Government wants to tackle the trade union movement let it come out and say so now instead of hiding the fact under clause 12 which

amends section 67. We will take the Government on. What can we lose? We are so far behind now, we cannot go back any further; and full marks to the Government for the deceitful means it used during the election campaign.

Last night one Government member said that we would be in Opposition for 20 years—a statement I certainly challenge. I do not believe we will be in Opposition for 20 years.

Mr Shalders: Do you think it will be longer?

Mr McIVER: I consider we will be in office in 1980, but it will not be because of the policies of the Labor Party. It will be because of the growing arrogance of the Government, because it is getting away from the ordinary people; it will be because of its conceit; and it will be because of its genuine belief that it is the only Government which is born to rule. They will be the three main issues and will be the three reasons the Government will be defeated at the next elections, not because of any policies of the ALP.

We can see the people's dissatisfaction with the Government growing day by day. It is in the same position we were in when the Whitlam Government was in power. The Government has the bandits in the Federal sphere who every day look upon it as if it is nothing. The Federal Government gives the State Government nothing and intends to give it nothing.

Mr Stephens: You are admitting that the policies of the ALP have no appeal.

Mr McIVER: Here is the Country Party back into the debate. It has been missing for four hours on this important issue, but is now back on the scene. The whole two members of the Country Party are back in the Chamber and one of them by way of an interjection is making a contribution to this very important Bill before the House. I thought that the NCP members had resigned and had departed from the Parliament, but it is wonderful to see them back because I feel that underneath they are sincere in their representation of the people of their electorates and they try to do a good job. It is most unfortunate that they are under the will of the Premier and the Liberals and must do as they are told. We witnessed a lot of humbug in the last couple of days when the NCP members spoke about the fuel tax, but in plain words they were told to sit down and shut up. So it is wonderful to see at least two of them come into the House even if it is to make a contribution only by interjection.

The Minister is a very genuine man so I ask him to explain the reason this legislation must be put through tonight. Cannot it be deferred so that it can be studied further and the statements of my

colleagues can be examined? Will the Government use its numbers like a tank and crush a little section of people just to override them and to prove its strength? That is what the Government can do; we know that. However, I ask the Government in all sincerity to reconsider the legislation, and particularly clause 12. Irrespective of what the Minister might say in reply to the debate, in his heart he knows that what we say has some merit.

The trade union movement is like a tinderbox at the moment. I am the first to admit that the farmers have had a victory, and good luck to them, in one sense. I represent an agricultural area and I know the hardships they face and the returns they receive.

That is only on the surface; what is the situation for the few? Will this unite the nation? Of course, it will not, and if ever a State is looking for unity at the moment it is Western Australia. We are sensible members of Parliament; we are paid a good salary and we are expected to try to guide the people. We pass legislation which we feel is for the betterment of the people of Western Australia. However, if we allow this Bill to go through in its present form it will be detrimental to the people of Western Australia. If the Government wants to provoke the unions, let the measure pass in its present form.

The member for Collie quite ably pointed out that the Government can get a person to drive a truck; the Government can conscript a person and even allow him to drive a locomotive. Good God, I hate to think of a Liberal driving a locomotive; it could finish up anywhere. The Government can put people on the wharf, the Army can be called in, and any other person can be called in and stampeded to provoke and instigate actions by the majority of the trade union movement.

Is it not time we got together? There is fault on both sides; it cannot be said that the meatworkers are without fault, and it cannot be said that the farmers are without fault. One side cannot be set against the other. The situation has to be looked at collectively. Naturally, it suits the Government to provoke a situation such as that which arose over the live sheep issue. I feel that now is the time we have to go beyond our political philosophies.

While speaking last week I said it was wonderful to observe how the people banded together during the natural disaster. They cast aside the barriers of neighbour opposing neighbour. They worked together, and helped one another in an endeavour to overcome their

problems caused by the devastation confronting them. Is that not what Parliament is all about? We should not be here to rubbish each other in respect of one clause of a Bill.

It will not matter whether or not we speak until four o'clock in the morning; that will not alter the situation. The Government has made up its mind and it does not matter what we say; it is determined to push the Bill through. We see no reason that the Bill cannot be deferred so that it can be looked at further in consultation with the Crown Law people.

In answer to interjections, the Minister has stated quite categorically that the Bill will not be deferred. We have had assurances previously from the other side of the House, but we want a double assurance. The way to give us that double assurance is to defer the Bill. It would not matter if this Bill were held over until the August session. Why the haste? No doubt the reason is the high feelings of the people with regard to the situation we have just witnessed between the unionists and the farmers. It is possible the Government will derive some political capital, but it does not need that political capital because it has a majority of 10. It is up to members from this side to prove the Government wrong when the occasion arises.

It is with pleasure I join with previous speakers from this side of the House in their opposition to the Bill. I ask the Minister, when he replies, to explain the contents of clause 12 which will amend section 67 of the principal Act. That amendment is causing us concern. We want to be able to pass on the Minister's comments to the people we represent. Those people are not all trade unionists; three-quarters of them vote for the Liberal Party. If they did not, we would be in Government. We want to be able to pass on the Minister's comments to the other 25 per cent of the people and we want to be able to assure them that this Bill will in no way intimidate them.

We want to be able to tell the people that the purpose of this Bill is not to frighten them, as they were frightened by the introduction of the fuel and energy legislation. We want to be able to assure the people that this legislation will be of benefit to everyone.

With those remarks, I sincerely hope that what we have said from this side of the House tonight will be given genuine consideration. What we have said is not political garbage, but is sincere and has come from the hearts of the members of the Opposition. I sincerely trust the Minister will see his way clear to defer this legislation about which we have grave doubts.

MR BERTRAM (Mt. Hawthorn) [10.26 p.m.]: To summarise, I think it can be said that the Opposition supports this Bill with the exception of clause 12. We have considerable argument with that clause, and we do not accept it at all.

Clause 11 is designed, amongst other things, to give the police—acting on behalf of the public, of course—a greater opportunity to bring to book, amongst other people, the people who are dabbling in drugs. We in the Opposition are particularly pleased to see that the Government is introducing legislation of this kind, even if it is doing so somewhat belatedly.

The sad thing about drugs, of course, is that this Government concerns itself with the one variety and does not do very much, if anything, about other varieties of drugs. I have touched on that point previously and I do not propose to go into it again at this stage.

Mr Jamieson: Are you referring to alcohol and tobacco?

Mr BERTRAM: I could get onto cigarettes without any trouble, but I gave a sermon on that subject just recently.

It is a poor state of affairs when we treat drugs in different categories, when all drugs are perfectly capable of taking people's lives most effectively. That is happening but this Government is sitting idly by and, in the main, is doing very little about some varieties of drugs.

Previous speakers from this side have urged the Minister to defer this Bill. Those members might as well have saved their breath, because that is not on. The Premier has given a direction to the Minister that the Bill is to go through; that is all there is about it.

It is all very well for the Minister to say that the fears expressed from this side are not in keeping with the intention or the interpretation of clause 12. It is all very well to say that, but the fact of the matter is that the interpretation of clause 12, as expressed by previous speakers from this side, is a reasonable and proper interpretation and understanding. It is a clause which is aimed directly at the trade union movement and the workers—the people we are striving to protect. We are trying to protect their position in a competitive society, with all that that means.

The employers have their ways and means of achieving their objectives. In the main, they can do it lawfully but the main weapon of the workers—the main apparatus for protecting their positions within the law—is very limited. As a matter of fact, for them to strike is still unlawful in this State in 1978.

The Minister was somewhat aghast at the proposition that if a Bill touched on workers the Government should confer with the TLC in respect of it. What an unusual course that is! Is it not usual for Governments to confer on legislation with people who are interested in it, even if it is legislation which is aimed at pulling those very people into line and requiring them to act in a social manner?

How well we remember Sir Billy Snedden—he was not in that category then—who, when I came into this Parliament, was doing a course of roundabouts discussing legislation on restrictive trade practices with people who were the very anti-social element at whom the legislation was directed. In his ministerial role he was actually conferring with them as to how he could pull them into gear. That went on for months and years.

As a matter of fact, Governments very often confer with people who are directly concerned with legislation before they introduce it. Can anyone think of a better system than that? Yet here the Minister dismisses out of hand the proposition or even contemplation of the thought that clause 12 of this Bill should be referred to the TLC when its impact will probably affect that body more than it will affect anybody else.

The Premier has said this Bill is to go on, and that is the end of that. On previous occasions I have complained about the short time given to the Opposition to prepare for debate on Bills, and I have seen very little result or improvement in the circumstances as a consequence. One needs to remember that in respect of legislation the Government has all of its departments and experts behind it, and at its own leisure and in its own time it prepares its Bill. The Minister studies the Bill, sends it back to the department, studies it again, takes it to Cabinet, and debates it again. The Minister has many opportunities to look at legislation and come fully to grips with it.

With all that background knowledge, study, and research, for a Minister to introduce a Bill and expect his opponent, the speaker on the Opposition side, to be ready within seven days is very often a complete absurdity, and it does nothing for the reputation or the dignity of this House—so much as remains after some of the performances we have seen here of recent times. When legislation is brought in with obscene haste—I am speaking particularly with respect to clause 12—any Opposition would sit up and take notice, and wonder what is going on. This Bill was brought in last Thursday, and here we are debating it on Wednesday night.

If this particular clause belongs anywhere—we reject it out of hand, anyway—it is in the Industrial Arbitration Act, not in the Police Act. This legislation should be handled by the Minister for Labour and Industry, not the Minister for Police.

Mr B. T. Burke: I think you are starting to convince the Minister, too. He is very quiet.

Mr BERTRAM: That proposition appears to be confirmed by section 104 of the Industrial Arbitration Act, which in effect requires that all matters to do with workers, employers, industrial disputes, and so on, should be dealt with under that Act and dealt with by the machinery of that Act. Section 104 of the Industrial Arbitration Act provides some confirmation of that philosophy, if we need any more confirmation. I think it is generally known that matters to do with arbitration should be dealt with in the Industrial Arbitration Act and certainly not in the Police Act.

Let us see how section 67 of the Police Act will read when this Bill becomes law.

Mr O'Neil: The member for Collie has already done that.

Mr B. T. Burke: You will benefit from a second reading.

Mr Jamieson: It is a second lesson.

Mr B. T. Burke: It is a police State. You want to cut out the second reading now.

Mr BERTRAM: When this amendment is carried, section 67 of the Police Act will read as follows—

Every person who shall commit any of the next following offences shall, on conviction before two or more Justices, be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for any term not exceeding eighteen calendar months, with hard labour:—

Then subsections (1), (2), and (3) follow, and this proposed new subsection will come in—

(4) Every person who, without lawful authority and with intent—

- (a) to compel another person to abstain from carrying on any activity which pursuant to any law of the State or of the Commonwealth that person is by virtue of a licence, permit or authorisation issued thereunder empowered to do; or
 - (b) to prevent such an activity being carried on; or
 - (c) to obstruct any such activity,
- manifests that intention by doing any act in

relation to that other person, the property of that other person or the activity so empowered, or by failing or omitting to do any act in relation thereto which he is lawfully required to do.

Section 67 then continues with the following proviso—

Provided that nothing shall prevent such offender being committed to the nearest gaol, there to remain until the next Sessions of The District Court of Western Australia to be held in the district wherein or nearest to which the said offence shall be committed; and every offender who shall be so committed as aforesaid shall be there kept to hard labour during the period of his imprisonment.

If we look at the Industrial Arbitration Act—I think it is section 132—we find provision is made in respect of people who take part in lockouts or strikes, and this particular clause 12 now before us seems to be fairly obviously directed towards and at people who take part in pickets. Therefore it seems to be clear enough that section 132 in part IV of the Industrial Arbitration Act is the place where this clause should be.

I believe it is readily understandable why we, in the Opposition, are highly suspicious of the Government. One need only look at the Government's performance over the last few years and its double standards to understand our attitude. We see the way the Government treats its friends as opposed to the way it treats the people who ordinarily would be supporting us. The Government has had opportunities to do something about the electoral laws of the State, but it has opted to do nothing, leaving the people who support us in an extraordinarily disadvantaged position. The Government decided to prosecute a person who supported us for the most petty type of offences under the Electoral Act, whilst at the same time closing its eyes to substantial breaches of the same Act by members of Parliament.

The Government is now contemplating reducing workers' compensation payments from 100 per cent of a workers' award wage to 85 per cent, while the Premier and members of Parliament go full speed ahead collecting their fairly substantial parliamentary salaries. These people will suffer no reduction in their remunerations.

I have given these illustrations of the way in which the Government treats one class of people as against the other. It is currently in the process of introducing legislation to allow one small

section of the community to dodge a proper imposition of income tax whilst allowing the mass of the people to be subjected to income tax without any respite at all.

Mr MacKinnon: What is that one?

Mr BERTRAM: I will explain that one to the honourable member in due course. The Government plans to remove probate duty so that one favoured group will have an advantage. It is straight arithmetic; there will be a loss of income so that the people who make up the mass of our citizens will be required to bridge the gap.

Mr Cowan: How will they lose income?

Mr BERTRAM: If the Government does not collect probate duty, it will have to collect this money from somewhere else. I agree it is almost impossible to imagine how our taxes over the last few years could have been any greater.

Mr B. T. Burke: What do you think the State income tax will be for?

Mr BERTRAM: We are now in danger of having a second income tax imposed upon us. We have seen the case where a member of Parliament has entered into litigation and his costs have been paid for him. Not only were his costs paid for him, but his opponent's costs were paid as well. What will happen to the defendants who may be prosecuted under the provisions of clause 12 of the Bill? Will we pay their costs too? Will the "evenhandedness" of the Government extend to all these people, or is it just for a handful of our citizens? It may be that one would need to have a rip-roaring bill of costs before one could be granted assistance.

As we look around we see how the law is being pressed rigidly and firmly—to use an election phrase—against the people we represent. The chosen people receive gentle treatment, and in the main the people who do not support the Opposition have received all sorts of legislative aids. Another example of this type of thing occurred when the Government chose not to prosecute councillors all around the State who had breached the provisions of section 37 of the Local Government Act. We all know that there were many examples of such breaches.

Mr Cowan: They were all very trivial.

Mr BERTRAM: Were they? I wonder who told the honourable member that.

Mr B. T. Burke: Ask the member for Vasse about all the money wasted on the Cape Naturaliste deal.

Mr BERTRAM: That is an instance of a different set of standards being applied to different sections of the community.

I have given examples of a few of the more obvious cases of discrimination on the part of the Government. We on this side of the House are very suspicious when legislation such as this is introduced, particularly when it is introduced like a bolt out of the blue. The reasons for the inclusion of clause 12 in the Bill were so poorly outlined by the Minister that we became extremely suspicious about what is happening. Therefore, we say that clause 12 should not have been included in the Bill. It does not belong in the Police Act. It is aimed at the workers as opposed to the employers. It is unnecessary, and for all those reasons we oppose that provision in this Bill.

MR WATT (Albany) [10.46 p.m.]: I feel I should rise to speak briefly to this Bill and to indicate my support of it. Members will recall that last year I made a speech in this House and indicated my concern about problems which confronted the police during the attendance at Albany of some protest groups who opposed the whaling industry. In that particular speech I asked the Government to give consideration to extending the powers of police officers so that they had adequate opportunity to take action against such groups of people should we have a similar occurrence in the future. I followed up my speech with representations to the Minister, and I would like to think that my representations were partly responsible for the legislation which is before us today.

I want to comment fairly briefly on the timing of the debate on this Bill, because this point has been criticised greatly by Opposition members. I must say I am surprised at their attitude about it.

Mr Bertram: You know the custom of the House, don't you?

Mr WATT: For nearly 12 months I made representations to the Minister about the very matter that is covered in clause 12. As the Minister indicated earlier, Cabinet approved the Bill in February of this year, so all this tilting at windmills we have seen tonight that this provision is aimed at the trade union movement or trade unionists as individuals is something I cannot accept at all, because I know it to be untrue.

The Labor Party's opposition to clause 12 of the Bill probably reflects the basic difference between the philosophies of the Opposition and those of the Government. When I say this I am not referring to the earlier provisions in the Bill dealing with the disciplining of police cadets and the establishment of administrative police districts for the Police Force. However, when we come to clauses 11 and 12 we are talking about provisions which are designed to protect the rights of

individuals, groups of people, companies, and indeed the rights of anybody at all to carry out a legitimate operation, and to go about his business protected by the law and without any interference from unlawful groups.

That is what it is all about. For the life of me I cannot understand why anyone—let alone members of a parliamentary party who claim to be responsible in these matters—would be prepared to stand up and say that he opposes protection for somebody going about his legitimate business.

Mr T. H. Jones: We do not oppose every section of the Bill.

Mr WATT: I was just about to make the point that some members opposite have said they oppose the Bill.

Mr T. H. Jones: We oppose certain sections of it.

Mr WATT: We hope that members opposite support the Bill. If they feel as strongly about clause 12 as they say they do, I suggest that they oppose this clause during the Committee stage. However, I would like to think that all clauses of the Bill will receive their support during the Committee debate.

Probably those who made the strongest representation to me in connection with the problem faced by the whaling industry were the crews of the whale chasers and employees of the company. On an evening just before Christmas last year I was engaged in conversation with a group of these men and they really felt very strongly about being afforded the sort of protection which was not available to them at that time.

Those men were concerned not only for their own safety but for the safety of the people who were putting their own lives at risk; and they were concerned that something might occur which could well finish up in legal action, with the decision going against them. They did not see why they should be in the position of being faced with legal action through no fault of their own. Of course, I thoroughly agree with them.

Therefore, without labouring the point, I consider this to be an excellent Bill, especially in so far as it deals with protecting the rights of people to carry on their legitimate business. I give it my full support.

MR O'NEIL (East Melville—Minister for Police and Traffic) [10.51 p.m.]: If there is an apology to be made to the House and someone to be blamed for the fact that this Bill appears on the notice paper to be discussed today instead of

tomorrow—which I have to admit has been the traditional procedure on this side; that is, when a Bill is introduced it is not brought up for debate until one complete week has elapsed—then I make that apology and I accept the blame.

Mr Speaker, you and your Clerks would be aware that in an endeavour to ensure that Bills are not considered in less than one week after introduction, except in exceptional circumstances, your Clerks agreed to place in brackets after the order of the day the date upon which the second reading introduction of the Bill took place.

All members will realise there is a finite end, we hope, to this part of the present session of Parliament. It has been announced it is proposed that the House should adjourn on the Thursday of the week prior to the school holidays; if it runs into Friday morning for some reason or other, that is too bad. In fact, I will not care, because I will not be here. It is also a fact that I have made it quite clear that I will be absent from the Parliament and the State between the 29th April and about Sunday the 14th May, to enjoy a well earned holiday at my own expense.

For that reason, and having regard to the fact that the Parliament will not be sitting next Tuesday—it being Anzac Day—there remains as far as I am concerned only three working days of the Parliament apart from today, which because of a very late sitting early this morning, became private members' day. There was not much business on the notice paper for private members' day; however, it seemed to take an unconscionable amount of time.

I would perhaps have expected that in view of the late sitting early this morning we may have adjourned a little earlier tonight and that perhaps item No. 2 of the Orders of the Day on the notice paper may well have been taken tomorrow. However, that is merely a matter of conjecture, and a matter of a few hours. Coincidentally, I believed we would have an early night, and I made arrangements to pick up my wife, who is out with some friends, and take her home. She does not drive. I had to phone her and tell her to find her own way home.

Mr T. H. Jones: You can't blame the Opposition for that.

Mr O'NEIL: I will; as a matter of fact I might even think of blaming Gough Whitlam!

However, that is by the way; and as I have said, if there is any blame attaching to what has happened in respect of the position of this item on the notice paper, or any apology to be made, I unreservedly accept the blame and make the apology. However, it is quite clear that the

Opposition has had some time to make up its mind in respect of what this Bill is about.

I want to tell the Opposition—and I am sure members opposite will believe me, because if they do not they can elicit the truth by the process of questioning on the notice paper—that when I became the Minister for Police and Traffic there were a number of proposed amendments to the Police Act none of which in itself warranted the introduction of a Bill. So I told the Commissioner of Police and his officers to prepare all the appropriate amendments which had been considered and approved but not introduced because they were not in themselves sufficiently important to warrant a Bill, and I undertook to have the matter considered by Cabinet and to introduce a Bill containing a number of amendments to the Police Act in this session of Parliament.

That is precisely what happened. In fact, the original proposal to amend the Police Act—and I want to say that if I misled the House slightly it was through no intent—was presented to Cabinet on the 28th February, and Cabinet approved of the amendments on the 7th March.

It also happened that about the same time some concern was felt about a number of matters, one of them being the probability of the use of small craft in respect of drug trafficking and other things as well as, of course, the problem in respect of interference with the legitimate operation of the Cheynes Beach Whaling Company, which has a licence under a Commonwealth Statute to carry on the business of taking whales.

If a Government of any colour or of any State under a Statute approved by its Parliament issues a permit or a licence for a person to carry on an occupation, then the Government ought to be in a position to ensure that it is a good permit or licence. By way of interjection I was asked, "What sort of licence?" I can think of thousands of them. Firstly, a hotel licence; a person obtains from the Licensing Court a permit to operate a hotel or tavern, and if someone without lawful reason or intent tries to prevent that person from operating under the permit granted to him under a Statute of the State, that should be unlawful. It is believed that should be included in the number of offences already covered by section 67 of the Police Act.

Mr Skidmore: There is sufficient in the Liquor Act to cover that situation.

Mr O'NEIL: That is just one instance; there are others. A number of noxious trades have to be licensed, including fish shops.

Mr Skidmore: What is the new offence?

Mr O'NEIL: The new offence which is being created is that if a person, without lawful intent or purpose, tries to prevent another person who is operating under a permit issued under the law of the State or the Commonwealth from doing so, then he commits an offence.

Mr Skidmore: That is already covered.

Mr O'NEIL: It is not covered in every respect.

Mr Skidmore: Tell us where it isn't.

Mr O'NEIL: I will tell the member of the one relating to the practice of whaling. There has always been a great deal of concern regarding the authority of the State law as far as it extends to the law outside the territorial waters. Members who have been in this Chamber for some time will realise laws have been passed extending the civil law of the State—in respect of workers' compensation and the like—to off-shore structures, and to ships operating under the control of the State authorities, and the like.

We are moving into a new dimension in respect of the extension of the area of water which is Australian territorial waters, and we want to be absolutely certain that we are able not only to apprehend or take action in respect of people who are operating small craft for drug activities—which, I have to admit, is covered by another section—but also that we are able to take action against those people who may attempt to prevent the Cheynes Beach Whaling Company from operating. We want to be absolutely certain not only that the company can operate under the approval given to it by a Statute of the Commonwealth of Australia, but also—and probably more importantly—that we are able to protect some of these people against themselves.

We all saw the television coverage of the small craft—not particularly safe, in my view—which tried to place themselves between the whale and the whale chaser. Those people certainly put themselves in very grave danger, and tried to interfere with the genuine right of people to carry out their lawful business.

Mr T. H. Jones: We did not argue this one, you know.

Mr O'NEIL: This is the clause we are talking about. The permit is issued under the Statute of the State or the Commonwealth to allow a person or industry to carry on working, and the State or the Commonwealth has the right to make sure that permit is observed.

Mr Davies: Are you satisfied that the wording is sufficiently restrictive?

Mr O'NEIL: Yes, I am. However, I want to continue and lay to rest the suspicions held by the

Opposition. I have made a little note about the Opposition "wallowing in a sea of suspicion" regarding this matter. It is perhaps rather interesting that when I introduced this Bill I immediately received a call from the Press people operating upstairs. They rushed down and said to me, "Does this enable you to deal with pickets on the wharves?" I said, "Of course it does not. In fact the pickets on the wharves have been dealt with." There was no need to introduce amending legislation to deal with that situation, because it did not exist.

Mr Skidmore: Then there is no need for this amendment, because you can alter the Statute.

Mr O'NEIL: I am altering a Statute which already exists, and creating an offence under the Police Act to prevent people from obstructing anyone who is going about a business which is subject to a licence or permit of a Statute of the State or Commonwealth.

Mr B. T. Burke: Or authorisation.

Mr O'NEIL: Or authorisation. Again, in an endeavour to refute the suggestion that this legislation has been drawn up in haste and rushed in here for the purpose mentioned by the Opposition, and for that purpose alone, I inform members that, as a result of meetings between the Solicitor-General, the Commissioner of Police, representatives of the Harbour and Light Department and of the Department of Fisheries and Wildlife, a recommendation was made to Cabinet that, as well as the other amendments to the Police Act which had been approved on the 7th March, this further amendment be made.

Mr Davies: Do you not think that is a little bit sloppy?

Mr O'NEIL: Approval was given for that amendment to be made and inserted in the Bill which had already been approved for printing. I trust that lays to rest the implication that this Bill was hastily prepared and rushed forward when it was, for the sole purpose of doing something about the Industrial Arbitration Act, as the member for Mt. Hawthorn seemed to suggest.

Mr T. H. Jones: It appeared that way to us.

Mr O'NEIL: I am giving members opposite an assurance on this point. They can ask me questions on notice as to whether these dates are correct, and I will be happy to answer them. However, I assure members opposite that there is no need to ask questions, and I hope they will accept that this is a fact. I therefore lay to rest those fears that this Bill suddenly burst out of the woodwork in order to do some devious and devilish thing.

Mr Speaker, a couple of other matters need explaining. The member for Collie said he did not object to police going aboard ships, but he wanted an assurance it would cause no major delay, for example, in the sailing of an ocean-going liner under the provisions where a magistrate can remove an embargo to allow a ship to sail, under certain conditions.

Having been Minister for Works and administered port authorities, let me say that a vessel of that nature or size will not be affected by the provisions of this legislation, although we use the normal, legal definition of a thing that sails on the seas. Those ships, once moored in the harbour, are under the control of that port, that harbour master, and that port authority. One has often seen ships being arrested in port for various sorts of things, but never on police initiative.

The type of vessel, ship or boat we are talking about certainly does not pull up at a wharf and moor alongside. They would be relatively smaller craft which are not under the control of the harbour master, and if the police had reason to believe the vessel was going to be used for a purpose such as interfering with a whaling operation or for a purpose which, if committed on land, would be an offence—such as drug trafficking—action could be taken to apprehend that vessel. It may be only a 20-ft. boat. So, that covers the area the member for Collie was talking about. In respect of the larger vessels, of course, the provisions of this legislation would never be required to apply, because there are other rules and laws under the Marine Act and port authority legislation which cover them.

Mr B. T. Burke: In which way would they not control smaller craft as well? They are all subject to the regulations, are they not?

Mr O'NEIL: Yes, but mainly to what are known as navigable waters regulations. They come under port authority regulations only when they are within the jurisdiction of that port. However, in respect of traffic in non-navigable waters, we need separate legislation to give police the right to board smaller craft, because at the moment there is no such power. If this legislation is passed and a vessel is travelling along the deserted northern coast of Western Australia where there are no navigable waters regulations or port authority regulations which can be imposed upon them, the police will have the authority to board that vessel if they believe that vessel is involved in the commission of an offence.

In respect of helicopters and aircraft, very much the same thing applies, due to the fact that major airports within Australia are under the

jurisdiction of the Department of Transport, formerly the Department of Civil Aviation. So, in exactly the same way in respect of the movement of aircraft from recognised places, those aircraft are subject to those kinds of controls, rules, and regulations. In respect of the illegal use of airstrips, since it is an illegal use it is an offence, no matter what one is doing.

Mr T. H. Jones: But it does occur, does it not?

Mr O'NEIL: Yes, it certainly does. Disobedience of air traffic regulations also is covered in the same way. However, rest assured there is no specific need for a policeman to be able to take action in that case. I cannot imagine him trying to board an aircraft in the air or a vessel on the high seas. Members opposite can rest assured that the covering of those other two forms of transport is not necessary.

I have one further point on which to comment, and that is the concern expressed by the member for Welshpool in respect of police cadets.

Mr Jamieson: They are covered. I will deal with it later.

Mr O'NEIL: I thank the honourable member. I am sure that, having read the clause very closely, he realises now that a cadet, while becoming a member of the police organisation, is not specifically a member of the force but in fact, wherever reference is made to penalties which may be imposed and to appeal provisions, it covers members of the force, including police cadets. I am sure the Opposition appreciates we are not wielding the big stick. In fact, it is really a softening of the disciplinary provisions which already exist.

Currently, if a police cadet commits a relatively minor misdemeanour, the commissioner can either let him go scot free, or fire him. That is pretty rough in some cases. Police cadets are young fellows, much like we used to be when we were young. Perhaps they were amongst the people who were sampling the watermelons the member for Avon sampled. It is not felt that the ultimate penalty of dismissal should be imposed, and this legislation will enable the commissioner to apply a lesser penalty and, at the same time, provide for appeals where the case warrants it.

I have covered in general terms the principal provisions of the Bill. I want to give members of the Opposition my assurance once again. If they believe—and I am sure they do—my account of the chronological events which led up to the introduction of this Bill they will see, I hope, that it had nothing to do with and was completely outside the concept of giving further control in respect of the loading of live sheep. The Bill was

conceived, planned, and prepared long before that event occurred. Furthermore, although I know it is very difficult for members of the Opposition to accept this, they have my personal assurance that in no way was it ever intended that this Bill be used for those purposes and, as far as I am concerned, it will never be so used.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Neil (Minister for Police and Traffic) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Sections 23, 24, and 25 repealed and re-enacted—

Mr JAMIESON: I have had the chance to double-check this matter and it appears I committed the cardinal sin of relying on the Minister's speech, which one should never do in this sort of situation. The Minister said that this provision would extend the right of appeal of persons and would allow commissioned officers to use the same machinery. There was no mention of cadets.

However, on referring further to this clause I find that it includes this matter and confirms what the Minister said. My cardinal sin has caused me to be misled and I assure the Minister that it was not my intention to score a point. I read his speech and made up my notes accordingly.

Clause put and passed.

Clauses 8 to 11 put and passed.

Clause 12: Section 67 amended—

Mr T. H. JONES: I thank the Minister for his assurance during the second reading debate that this clause has nothing to do with live sheep. I accept the assurance that he gave but we have a job to do. The Opposition has to protect the interests of the people it represents, not only the trade union movement. Once the Bill goes on the Statute book it becomes law, but there may be a change of Ministers, a change of Government, or a change of opinion.

The opinions we have obtained about this matter are not in line with the thinking of the Minister. He could be wrong or the legal opinion we obtained could be wrong. The Minister indicated the reason it is necessary to debate the Bill tonight and we appreciate the situation in which the Minister finds himself, but he must appreciate that he did not give us much time to discuss the Bill and to decide on an attitude to it.

We assumed that the usual procedure would apply and that the Bills which have been on the notice paper for some time would have been debated before this Bill.

I can remember an occasion when because of an error on the part of an Opposition spokesman a Bill concerning increased charges for purchases of State Housing Commission homes was allowed to pass because we did not think there was anything in it. In fact there turned out to be quite a lot in it. Therefore, it would have been remiss of me, as the Opposition spokesman on police matters in this Chamber, if I had not drawn attention to this matter.

We accept what the Minister has said, but our bone of contention is whether the machinery could be used in the manner I outlined in relation to disputation generally. Is it not possible for regulations to be brought down to meet a special set of circumstances, whether it be a ship on the wharves or a general strike in Western Australia? This is still a grey area. We have the assurance of the Minister but it remains to be seen whether he is wrong; and this is why the Opposition has strongly opposed this clause.

I hope it is not necessary for any Government to use clause 12 in the manner I outlined at the second reading stage. Could not the machinery be used in circumstances which would be prejudicial to the trade union movement of Western Australia? I do not think anyone can blame us for putting forward that point of view.

Mr O'NEIL: I understand the concern of the honourable member. It is easy for me to give an assurance which I believe the Opposition would accept, but it is true that somebody may be able to put a different meaning on it in 20 or 30 years' time. I have given my personal assurance that I will undertake to have this provision examined again to ensure that if the fears of the Opposition are right—and I do not believe they are—an appropriate amendment will be prepared to ensure that it does not do the diabolical things which the Opposition imagines it might do.

Because I am sure that if an amendment were made to this Bill at this stage in this place it would be an ill-prepared amendment, I ask the Committee to accept the assurance that if an amendment is deemed to be necessary to allay the Opposition's suspicions I shall have that amendment prepared and moved in another place. The Standing Orders enable me, by leave of the House, to have this Bill read a third time tonight. Under the Standing Orders in another place the Bill may be introduced there on Thursday and at the earliest can be proceeded with the following

Wednesday. With those assurances and undertakings I trust the Committee will not vote against this clause and will enable the Bill to proceed to the conclusion of the third reading tonight.

Mr SKIDMORE: I would like to be able to accept the assurances given by the Minister but if this legislation becomes effective he will be bound by the laws of the land. No assurances whatsoever will help me if I face a magistrate and plead that my client is not guilty because the Minister gave an assurance in this Chamber.

Mr O'Neil: I said I would move an amendment if your fears were valid.

Mr SKIDMORE: I know; the Minister said he was not satisfied with the proposed amendment in the Bill if it could be used against workers in industrial situations. In the Minister's own words it can be seen that the Industrial Arbitration Act, being a State law, could allow the commission either in court session or as a commission in the singular, to bring down an order in an industrial dispute requesting the union to do certain things.

In a strike situation the commission could bring down an order, which is an authority, to the workers that they were not to picket, for example, an abattoir and were required to report for work. Whether or not the Minister likes it and whether or not assurances are given the law then says it must be obeyed because clause 12 would be substantive. If a law gets onto the Statute book, no matter what hullabaloo it caused, the Commissioner of Police could move in and there would be no recourse to the Minister or Parliament.

If the Minister does not want confrontation with unions—and we are trying to avoid this in the early stages of legislation—the Minister must pay heed to what I have said about the inherent dangers in this clause. There is no shadow of doubt about it; assurances will be of no use and for those reasons I oppose clause 12 in its entirety.

The Minister was perhaps unfortunate in that he used the example of a hotel or tavern which is covered by the Liquor Act.

Mr O'Neil: Show me where in the Liquor Act you can stop a hotel keeper from operating.

Mr SKIDMORE: I would like to pose a hypothetical question—

Mr O'Neil: It is not hypothetical; I want you to tell me where it is.

Mr SKIDMORE: The Minister should not get testy. I mentioned earlier the situation of the people in Albany who protested about the whaling industry. I mentioned that those people who

endangered their lives could have been taken into protective custody.

We do not quarrel with the Government's intention regarding boats and drug trafficking. For my part the Government could not come down hard enough on the matter of drugs. I accept the Minister's assurances because of the man he is but I feel the assurances are insufficient if in fact the Bill becomes law. I oppose the clause.

Mr T. H. JONES: I am glad to see the Minister is ready to change his attitude. When I rose to speak during the second reading debate the Minister was not prepared to consider changing his attitude. If he had indicated such a willingness the Opposition may have changed its attitude.

Mr O'Neil: It was not my turn to talk until you had finished.

Mr T. H. JONES: What worries me with this clause is that it could be used against the trade unions. I ask the Minister: Could not the Bill be modified to do precisely what we want it to do?

Mr O'Neil: I have indicated that I will have it examined. I understand your problem and if it is necessary to modify it I assure you it will be done.

Mr T. H. JONES: Can the clause be amended to remove the fears we have?

Mr O'Neil: Yes.

Clause put and a division taken with the following result—

Ayes 23

Mr Blaikie	Mr O'Neil
Sir Charles Court	Mr Ridge
Mr Cowan	Mr Rushton
Mrs Craig	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr Nanovich	Mr Young
Mr O'Connor	Mr Shalders
Mr Old	

(Teller)

Noes 14

Mr Barnett	Mr Harman
Mr Bertram	Mr Hodge
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Wilson
Mr H. D. Evans	Mr Pearce

(Teller)

Ayes	Pairs	Noes
Mr McPharlin	Dr Troy	
Mr Crane	Mr Taylor	
Mr P. V. Jones	Mr Grill	
Mr Coyne	Mr T. D. Evans	
Mr Mensaros	Mr Tonkin	
Mr Spriggs	Mr McIver	
Mr Herzfeld	Mr Bateman	
Dr Dadour	Mr Davies	

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Minister for Police and Traffic), and transmitted to the Council.

House adjourned at 11.31 p.m.

QUESTIONS ON NOTICE ROADS

Marangaroo Drive and Uganda Road

468. Mr WILSON, to the Minister for Urban Development and Town Planning:

- (1) Can the Minister detail the extent of the road works referred to in his answer to question 425 of 1978?
- (2) Can the Minister say how these road works will improve north-south and east-west access in this part of the metropolitan area when proposals to connect the roads being developed with Alexander Drive to the south and Beach Road to the west appear to be possibly remote prospects at this stage?
- (3) When is it anticipated that the existing sections of Alexander Drive and Beach Road will be extended to link up with these new roads?

Mr RUSHTON replied:

- (1) Alexander Drive is being extended from its present northern extent to Kingsway. Marangaroo Drive is being extended from its present eastern extent to the boundary of MRPA improvement plan No. 8.

- (2) The Alexander Drive extension will be a north-south route to Gngangara Road which will therefore provide an alternative to Wanneroo Road. The Marangaroo Drive extension will provide an additional east-west route to Wanneroo Road.
- (3) The Alexander Drive extension is part of a present contract due to be completed in September this year. The Beach Road extension eastward will be provided as needed and is a matter for decision by the Shire of Wanneroo and the City of Stirling.

SEWERAGE

Extensions in Metropolitan Area

469. Mr WILSON, to the Minister for Water Supplies:

- (1) What are the priorities for determining the extension of sewerage services to long established sections of the metropolitan area which continue to remain unsewered?
- (2) Are there special problems involved in extending sewerage services to remaining unsewered areas of Dianella and the eastern section of Nollamara?
- (3) If "Yes" to (2), will he outline these problems?
- (4) What, if any, special consideration is given to the extension of sewerage services to areas such as south Dianella which have been established for 30 years or more?

Mr O'CONNOR replied:

- (1) Generally the highest priority is accorded to areas in which problems with septic tanks occur. Other areas are considered on their merits, having regard to views expressed by the appropriate local authority and the availability of the board's trunk sewerage facilities to accept additional areas.
- (2) and (3) The main problem associated with the extension of sewerage services to unsewered areas of Dianella and east Nollamara is the availability of finance.

- (4) Sewering of south Dianella is contingent on construction of the Bedford main sewer from Alexander Drive to Walter Road at an estimated cost in excess of \$3 million. Consideration of reticulation sewers would follow. It is hoped that this work will be commenced shortly—subject to finance being available—and construction is expected to extend over a period of years.

TRAFFIC

Off-road Vehicles: Legislation

470. Mr WILSON, to the Minister for Local Government:

- (1) Is he aware of moves by the City of Stirling and the Shire of Mundaring to enact by-laws to control the use of recreation vehicles?
- (2) Can he now state definitely when he proposes to introduce legislation in respect of recreation and off-road vehicles?

Mr RUSHTON replied:

- (1) No, but I am aware of moves by the City of Stirling to amend its by-laws relating to the use of vehicles on land owned or controlled by that municipality.
- (2) Legislation will be introduced in the current session.

EDUCATION

Albany Technical College

471. Mr DAVIES, to the Minister for Education:

- (1) Referring to question 392 of 1978 relevant to the staffing of Albany Technical College, when is it expected that the review will be completed?
- (2) Will he let me know the outcome of the review?

Mr Old (for Mr P. V. JONES) replied:

- (1) The officer responsible for staffing will be visiting Albany Technical College on Monday, the 24th April, and appropriate action will follow from this visit.
- (2) Yes.

EDUCATION

Albany Technical College

472. Mr DAVIES, to the Minister for Education:

- (1) Referring to question 395 of 1978, when is the next building programme at Albany expected to be undertaken?
- (2) When will it be known whether covering walkways at the Albany Technical College will be included in the programme?

Mr Old (for Mr P. V. JONES) replied:

- (1) The schedule has this college for consideration in 1978-79.
- (2) The college will be consulted as soon as any consideration is given to proceeding with such a project.

EDUCATION

Albany Technical College

473. Mr DAVIES, to the Minister for Education:

- (1) Referring to question 394 of 1978, have planning officers consulted staff at the Albany Technical College?
- (2) If not, will they do so?

Mr Old (for Mr P. V. JONES) replied:

- (1) and (2) Yes. Any follow-up action will be governed by the priorities of the Technical Education Division building programme.

EDUCATION

Spencer Park School

474. Mr DAVIES, to the Minister for Education:

- (1) What is the enrolment at the Spencer Park primary school in Albany?
- (2) What is the average enrolment at primary schools throughout the State?

Mr Old (for Mr P. V. JONES) replied:

- (1) 596 primary pupils.
- (2) 256.8 average enrolment in primary schools.

EDUCATION

Flinders Park School

475. Mr DAVIES, to the Minister for Education:

- (1) Referring to question 399 of 1978, why was a sealed car park laid before the road pattern around the school was known?
- (2) Is the scheme now being used the one proposed by the parents' and citizens' association before any car park was laid?

Mr Old (for Mr P. V. JONES) replied:

- (1) As outlined in answer (2) to question 399 of 1978, no road pattern around the school site has been developed. To provide access for off-street parking a right-of-way was negotiated with the owner of property on the east boundary.
- (2) I am aware that the parents' and citizens' association expressed concern at the original proposal and actively sought changes.

RAILWAYS

Freezer Vans

476. Mr McIVER, to the Minister representing the Minister for Transport:

- (1) Since the termination of Westrail freezer van services, have any refrigeration units previously used in the vans been sold?

(2) If "Yes"—

- (a) how many;
- (b) to whom;
- (c) for what price?

(3) If "Yes" to (1), to what purpose have the new owners put the units?

(4) Since the termination of the services, have any units been disposed of other than by sale?

(5) If "Yes" to (4)—

- (a) how many;
- (b) to whom;
- (c) for what purpose;
- (d) for what consideration?

Mr O'CONNOR replied:

(1) Westrail's freezer services were operated by both refrigerated vans and refrigerated containers—the containers predominating. Not any refrigerated vans or their units have been disposed of but the containers, including the refrigeration units, have.

(2) (a) to (c) As per the attached schedule.

(3) Unknown.

(4) No.

(5) Not applicable.

Westrail
Stores Branch
Midland

LIST FOR SCHEDULE No. 456

Item No.	Container No.	Description	Price each \$	Successful Tenderer
1	2007	Working condition but minus batteries— Unit pumped down	2 600	Brambles Manford
2	2008	Container only	1 307	K. S. & J. A. Blond—Cow- aramup (Sale subsequently cancelled)
3	2009	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
4	2010	Working condition but minus batteries— Unit pumped down	2 250	Sergio Divitini—Norseman
5	2011	Operating condition—batteries fitted	4 100	Brambles Manford
6	2012	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford

Westrail
Stores Branch
Midland

LIST FOR SCHEDULE No. 456—continued

Item No.	Container No.	Description	Price each \$	Successful Tenderer
7	2013	Working condition but minus batteries— Unit pumped down	4 100	Brambles Manford
8	2014	Working condition but minus batteries— Unit pumped down	2 400	K. Grieves, R. Read & Co. Esperance
9	2015	Working condition but minus batteries— Unit pumped down	4 100	K. Grieves, R. Read & Co. Esperance
10	5601	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
11	5602	Operating condition—minus batteries	3 600	Brambles Manford
12	5603	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
13	5604	Operating condition—batteries fitted	7 100	Brambles Manford
14	5605	Operating condition—batteries fitted	8 100	Brambles Manford
15	5606	Operating condition—batteries fitted	7 100	Brambles Manford
16	5607	Operating condition—batteries fitted	3 600	Brambles Manford
17	5608	Not working—fan shaft, radiator and condenser to refit. Parts stored inside container	3 100	Jamieson Transport Ltd
18	5609	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
19	5610	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
20	5611	Operating condition—batteries fitted	7 100	Brambles Manford
21	5612	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
22	5613	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
23	5614	Operating condition—batteries fitted	7 100	Brambles Manford
24	5615	Working condition but minus batteries— Unit pumped down	3 030	Kojonup Polo and Polocrosse Club
25	5616	Operating condition—batteries fitted	8 100	Brambles Manford
26	5617	Operating condition—batteries fitted	4 000	Varley Holdings Pty Ltd (OD Transport)
27	5618	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
28	5619	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
29	5620	Operating condition—batteries fitted	3 600	Brambles Manford
30	5621	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
31	5622	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
32	5623	Operating condition—batteries fitted	4 000	Varley Holdings Pty Ltd
33	5624	Working condition but minus batteries— Unit pumped down	8 100	Brambles Manford
34	5625	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
35	5626	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
36	5627	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
37	5628	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
38	5629	Operating condition—batteries fitted	7 600	Brambles Manford
39	5630	Working condition but minus batteries— Unit pumped down	7 100	Brambles Manford
40	5631	Working condition but minus batteries— Unit pumped down	3 600	Brambles Manford
41	5632	Working condition but minus batteries— Unit pumped down	7 100	Brambles Manford
Total 41			\$181 487	

RAILWAYS

Perth-Armadale

477. Mr McIVER, to the Minister representing the Minister for Transport:

- (1) Is it a fact that a rail car departing Perth 4.50 p.m. for Armadale on the 13th April, 1978 broke down at Stokely holding up road traffic for three quarters of an hour and did not arrive at Armadale until 6.20 p.m.?
- (2) (a) If answer to (1) is "Yes", would the Minister advise what caused the breakdown; and
(b) is the rail car which caused the delay back in service?
- (3) Is it also a fact the rail car on the 7.38 a.m. ex Armadale to Perth would only move in reverse, resulting in transferring the passengers to a three-set car creating overcrowding?
- (4) Is it a fact that overcrowding of suburban trains will create a dangerous situation for passengers?
- (5) As the suburban rail service would appear to be deteriorating rapidly as evidenced in questions (1) and (3), would the Minister advise when the Government intends to purchase new rail cars?

Mr O'CONNOR replied:

- (1) No, but a diesel locomotive hauling a suburban carriage set broke down at Stokely on 12th April resulting in a late arrival at Armadale.
- (2) (a) Complete failure of the governor on the diesel locomotive.
(b) No.
- (3) Yes, but in an effort to alleviate overcrowding buses were organised from Cannington.
- (4) No. Overcrowding does not necessarily imply a dangerous situation for passengers.
- (5) Finance for additional rail cars has been sought under the provisions of the Commonwealth Government's urban public transport improvement programme, but to date, no indication has been given by the Commonwealth if any funds will be made available for rail cars.

EDUCATION

Kenwick School

478. Mr BATEMAN, to the Minister for Education:

- (1) Is it a fact that his department requested the Public Works Department to carry out necessary ground improvements to the Kenwick primary school oval?
- (2) If "Yes" is he further aware that this oval needs urgent attention?
- (3) If answers to (1) and (2) are "Yes" will he issue an instruction to have the work commenced immediately?
- (4) If not, why not?

Mr Old (for Mr P. V. JONES) replied:

- (1) and (2) Yes.
- (3) and (4) No, because there are no funds currently available for this type of work. However, this project has been listed at high priority for attention from 1978-79 funding.

TRANSPORT

MTT Buses: New Purchases

479. Mr McIVER, to the Minister representing the Minister for Transport:

- (1) Would the Minister advise if it is the Government's intention to purchase any new passenger buses for the MTT this financial year or in the 1978-79 financial year?
- (2) If "Yes"—
(a) how many; and
(b) what is the estimated cost?

Mr O'CONNOR replied:

- (1) Yes.
- (2) (a) and (b) In 1977-78 bodies have been built on 22 chassis purchased in the previous year, at a cost of \$8 million, and 42 complete buses have been purchased at a cost of \$3.3 million. Requirements for the 1978-79 financial year have not yet been finalised.

RAILWAYS

Wongan Hills and Perenjori Crews

480. Mr McIVER, to the Minister representing the Minister for Transport:

- (1) Where will train crews now stationed at Wongan Hills and Perenjori be transferred to when the Mullewa-Meekatharra line closes on 1st May?

- (2) When will the respective crews be notified of their transfers?

Mr O'CONNOR replied:

- (1) and (2) No crews will be withdrawn from either Wongan Hills or Perenjori as a result of the closure of the Mullewa-Meekatharra line.

CEMETERY BY-LAWS

Moslem Burials

481. Mr CARR, to the Minister for Local Government:

- (1) Is he aware of any difficulty being experienced in the past with regard to cemetery by-laws or health by-laws preventing a Moslem person being buried in accordance with Moslem custom?
- (2) Is he aware of any existing by-law which would prevent a burial occurring in accordance with Moslem custom?
- (3) If "Yes" to (2), will he please advise of the details?

Mr RUSHTON replied:

- (1) No.

- (2) and (3) Section 15 of the Cemeteries Act provides as follows—

The trustees of any cemetery shall not, by any by-law or rule, or by any act or thing, at any time interfere, directly or indirectly, with the performance of any religious ceremony in the burial of the dead according to the usage of the denomination to which the deceased belonged, and the Ministers of any denomination, for which any portion of the cemetery has been specially set apart may have free access to such portion at all reasonable times, and may freely exercise their religious functions therein without disturbance by the trustees or any person whomsoever.

HOSPITALS

Royal Flying Doctor Service and St. John Ambulance Aerial Service

482. Mr CARR, to the Treasurer:

- (1) Is it a fact that all flights by both the Royal Flying Doctor Service and St. John Aerial Ambulance, carrying patients, are paid for by the State Government?
- (2) If "No" will he please advise the correct position?
- (3) Is the Government satisfied that there is no wastage of funds caused by the duplication of services where two planes carry out services that could safely and conveniently be carried out by one?

Sir CHARLES COURT replied:

- (1) No.
- (2) The Royal Flying Doctor Service is jointly funded by Federal and State Governments, with some revenue being derived from public subscription, members' fees, and insurance payments. The St. John Ambulance Association Aerial Ambulance fees are met by the Government if the patient is being transferred between hospitals. In other cases, the patient is charged if he is not covered by the contributory fund set up by the St. John Ambulance Association.
- (3) No. The introduction of a new service poses problems which the Government is endeavouring to resolve.

HOSPITALS

Royal Flying Doctor Service and St. John Ambulance Aerial Service

483. Mr CARR, to the Minister for Health:

- (1) What policy prevails at hospitals throughout the southern half of the State with regard to choosing whether to call the Royal Flying Doctor Service or the St. John Aerial Ambulance for the movement of patients?
- (2) Are instructions issued by his department to hospital personnel as to the choice between RFDS and St. John's?
- (3) If "Yes" will he please advise the nature of the instructions?

- (4) Is his department satisfied that the present relationship between St. John's and RFDS is in the best interests of health services in this State?

(5) If "No" to (4)—

- (a) will he please indicate the extent to which health services are being impeded;
- (b) What action does the Government propose to take to rationalise aerial ambulance services?

Mr RIDGE replied:

- (1) The method of transport of patients from hospitals in the southern half of the State is usually determined by the doctor in charge of the patient. Whether he chooses the St. John Aerial Ambulance or the Royal Flying Doctor Service is left to his discretion.
- (2) No.
- (3) Not applicable.
- (4) No. The introduction of a new service poses problems which the government is endeavouring to resolve. This may result in an instruction to hospitals as to the circumstances regarding which services should be used.
- (5) (a) There is no evidence that health services are at present being impeded;
- (b) discussions are continuing with the parties involved.

REGIONAL DEVELOPMENT

Administrators: Population Projections

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

- (1) Has a demographic study been undertaken by the regional administrator for Kimberley?
- (2) If "Yes" does the study show population projections?
- (3) If "Yes" to (2) will he table a copy?
- (4) Have any other regional administrators undertaken similar population projections?
- (5) If "Yes" to (4), will he please provide details?

Sir CHARLES COURT replied:

- (1) A study of the Aboriginal population in Kimberley was carried out by the Office of the North West for the Kimberley Regional Development Committee.

(2) and (3) Yes.

(4) and (5) No.

The paper was tabled (see paper No. 159).

REGIONAL DEVELOPMENT

Committees: Reports, Terms of Reference, and Composition

485. Mr CARR, to the Minister for Industrial Development:

- (1) Is it a fact that regional development committees report to his department rather than to the Department of Regional Administration?
- (2) Will he please provide a copy of the current terms of reference for regional development committees?
- (3) Does a regional development committee have the power to change or recommend changes to the basis of its composition?
- (4) If "No" to (3), who or what body has the power to change the basis of composition of regional development committees?

Mr MENSAROS replied:

- (1) Yes.
- (2) Yes, the terms of reference are as follows—
- (a) The preparation of plans for increased population and production within the region, including:
- (i) The examination and recommendation of means by which production may be increased.
- (ii) The examination and recommendation of means by which secondary and other industries, particularly those associated with the primary products and resources of the region, may be established or extended.
- (b) Consideration of communications and transport and projects which may assist in development.
- (c) Examination of the possibility of extension of amenities and essential services.
- (d) Investigation of any matters referred to the committee by the Government.

It is desired that the regional development committee should concentrate on major and long range development projects rather than on routine matters coming within the scope of existing organisations.

- (3) and (4) A constitution has been adopted by all committees. A committee could make recommendations for change which would receive my consideration. However, I believe the representation has proved satisfactory to date.

EDUCATION

Waggrakine School

486. Mr CARR, to the Minister for Education:

With reference to the proposed Waggrakine primary school, to be built at Nanson Highway for the 1979 school year, will he give an assurance that the entrance to the school will not face onto Nanson Highway?

Mr Old (for Mr P. V. JONES) replied:

Yes.

DAIRYING

Milk: Freight Rates

487. Mr CARR, to the Minister for Agriculture:

- (1) Is his department aware of the freight rates charged for cartage of milk to each of the following centres:
- (a) Geraldton;
 - (b) Carnarvon;
 - (c) Port Hedland?
- (2) If "Yes" will he please provide me with the details?

Mr OLD replied:

- (1) and (2) The freight rates are not known to my department, being confidential to the companies concerned.

CONSERVATION AND THE ENVIRONMENT

Star Swamp Area

488. Mr BARNETT, to the Minister for Housing:

- (1) Is it a fact that recommendations have been made to his department by the Environmental Protection Authority to the effect that the area of reserve proposed by the State Housing Commission in the Star Swamp area should be extended?
- (2) What action has been taken by him or his department subsequent to that recommendation?
- (3) What decisions for enlarging the reserve area have been made to date?
- (4) If there has not been a decision to extend the reserve along the recommended lines what are the reasons?

Mr O'CONNOR replied:

- (1) Yes.
- (2) The State Housing Commission has placed certain recommendations before me.
- (3) None.
- (4) The complexity of the subject, and the need for further interdepartmental discussions in the light of the report.

CONSERVATION AND THE ENVIRONMENT

Star Swamp Area

489. Mr BARNETT, to the Minister for Local Government:

- (1) Has the City of Stirling been requested to consider—
 - (a) the vesting as a flora and fauna reserve and for public recreation the Star Swamp location 218;
 - (b) that reserve No. 21406 vested in it be amalgamated within a new reserve for the above purpose?
- (2) (a) Which Government department made the request; and
 - (b) on what date?
- (3) What action has been taken by the City of Stirling on the requests?
- (4) What is the result of such action?

Mr RUSHTON replied:

- (1) to (4) The matter does not come under

my jurisdiction and I am unable to provide the information sought.

The member may be able to obtain this information from the City of Stirling.

CONSERVATION AND THE ENVIRONMENT

Star Swamp Area

490. Mr BARNETT, to the Minister for Lands:

- (1) Has she or her department received a recommendation from the Environmental Protection Authority to have Star Swamp and an area surrounding Star Swamp vested for the purpose of preservation of flora and fauna and recreation purposes, jointly in the City of Stirling and the Western Australian Wild Life Authority?
- (2) What are the precise areas and boundaries in the recommendation?
- (3) What action has been taken on the recommendation?
- (4) What decisions have been reached, and why?

Mrs CRAIG replied:

- (1) to (4) Yes, but the areas nominated for the proposed reservation comprise freehold lands of the City of Stirling and the State Housing Commission and an existing Reserve No. 21406 for recreation vested in the City of Stirling as shown on the sketch submitted for tabling. Lands Department could not give effect to the recommendation.

HEALTH

Defoliants 2, 4-D and 2, 4, 5-T

491. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

- (1) Is the defoliant 2, 4-D or 2, 4, 5-T purchased by any Western Australian Government department for use in this State?
- (2) (a) Which Government departments;
(b) how much; and
(c) for what purpose?
- (3) (a) How is the defoliant applied in each instance; and

(b) what are the precise locations of each application by a Government department over the last two years?

- (4) What research has been conducted by his department into the possible harmful effects to the ecology and human life caused by the use of 2, 4-D or 2, 4, 5-T?
- (5) Will the Minister provide me with copies of any research documents and conclusions reached?

Mr OLD replied:

- (1) to (3) The Department of Conservation and Environment does not keep statistics on the purchase or use of 2, 4-D or 2, 4, 5-T.
- (4) and (5) None.

HEALTH

Defoliants 2, 4-D and 2, 4, 5-T

492. Mr BARNETT, to the Minister for Agriculture:

- (1) Is it a fact that the defoliants 2, 4-D and 2, 4, 5-T are used in agricultural areas of Western Australia?
- (2) (a) In what quantity; and
(b) in what locations is it used?
- (3) What restrictions are applied to its use?
- (4) What research has been done by his department into the use of 2, 4-D and 2, 4, 5-T and the possible harmful effects?
- (5) Will he provide me with copies of any research done and conclusions reached?

Mr OLD replied:

- (1) Yes. They are used as herbicides and not as defoliants.
- (2) (a) 2, 4-D—approximately 300 tonnes per annum;
2, 4, 5-T—approximately 4 to 5 tonnes per annum;
(b) 2, 4-D—mainly used in cereal growing areas;
2, 4, 5-T—used for the control of woody regrowth in the higher rainfall areas.
- (3) Restrictions apply under the Noxious Weeds Act to protect commercial tomato crops and grape vines. Ester formulations cannot be used within 10 km of commercial tomato gardens and vineyards while within 5 km is required for the use of amine formulations.

Three areas around Geraldton, Kununurra, and the Swan are proclaimed hazardous spraying areas under the Aerial Spraying Act to protect susceptible crops there from aerial spray drift damage.

- (4) and (5) Both herbicides have been used throughout the world for the past 30 years and research has been carried out in many countries. My department assesses herbicides only for their effectiveness in agriculture. These results have been made available in numerous publications dating from the initial availability of these herbicides.

HEALTH

Defoliant 2, 4-D and 2, 4, 5-T

493. Mr BARNETT, to the Minister for Health:

- (1) Has his department examined the possible effects to humans in the vicinity of areas where 2, 4-D and 2, 4, 5-T is—
 - (a) manufactured;
 - (b) used as a defoliant?
- (2) What is the result of such investigation?
- (3) Will he provide me with details of the research and conclusions reached?
- (4) What other defoliant or chemicals containing the same properties or like properties are available for sale to the Western Australian public?
- (5) What restrictions are placed on its sale and use?

Mr RIDGE replied:

- (1) (a) Yes.
(b) They are not used as defoliant in Western Australia.
- (2) There is no health hazard.
- (3) Chemical analysis has been conducted of the raw materials used in the manufacture of these substances, of the manufactured products, and of the waste. There have been repeated inspections of the plant. In addition, officers of the department are discussing with the University of Western Australia investigations on the possible dissemination of chemical odours from the plant.
- (4) Chemicals having the same agricultural use and available in Western Australia are—
in the case of 2, 4-D in cereal

crops—Linuron, and Bromoxynil mixed with MCPA;

in the case of 2, 4, 5-T, alternatives are Arsenic Pentoxide, Picloram.

- (5) 2, 4-D is classed in the fifth schedule in Appendix "A" to the Poisons Act and is required to be packed and labelled in accordance with the requirements pertaining to that schedule.

2, 4, 5-T is classed in the sixth schedule of Appendix "A" to the poisons Act, and is required to be packed and labelled in accordance with the requirements of that schedule. Sales of 2, 4, 5-T are restricted to licensed retail sellers of sixth schedule poisons.

In addition, all products containing 2, 4-D or 2, 4, 5-T are required to be registered under the pesticides regulations.

Further controls are applied under the Noxious Weeds Act and Aerial Spraying Control Act.

Under the Noxious Weeds Act—

- (a) ester formulations of either 2, 4-D or 2, 4, 5-T cannot be used within 10 kilometres of a commercial tomato garden or vineyard;
- (b) amines or salts or acids of 2, 4-D and 2, 4, 5-T can only be used within 5 kilometres of a commercial tomato garden or vineyard if prior approval is obtained from the Director of Agriculture.

Under the Aerial Spraying Control Act further restrictions apply—

three areas are proclaimed as hazardous spraying areas under this Act; around Geraldton, Kununurra, and the Swan Valley. These restrictions are to protect susceptible crops from spray damage.

CONSUMER PROTECTION

Listerine

494. Mr BARNETT, to the Minister for Consumer Affairs:

- (1) Is he aware of reports in the press relating to the company marketing Listerine and the United States spending some millions of dollars over the next few years to rectify misleading advertising implying Listerine cured or stopped colds and sore throats?

- (2) Is it a fact that Listerine marketed in Western Australia is labelled with a similar claim?
- (3) Is it a fact that this claim is false and misleading advertising?
- (4) What action does he propose to take in relation to claims by the marketers of Listerine in the light of the U.S. decision?

Mr GRAYDEN replied:

- (1) Yes.
- (2) It is not known at this stage whether the labelling of Listerine in Western Australia is similar to the labelling in the USA.
- (3) Not necessarily.
- (4) I understand that the Trade Practices Commission has instigated an investigation into the labelling and advertising claim of the product. The Bureau of Consumer Affairs is maintaining a liaison with the commission and is presently awaiting its findings.

EDUCATION

Warnbro School

495. Mr BARNETT, to the Minister for Education:

- (1) Is he aware of the extreme concern being shown by parents of children who attend Warnbro primary school due to the absence of a controlled crosswalk over the Currie Street access to Axminster Street?
- (2) Will he authorise the establishment of an attendant controlled crosswalk in the abovementioned area?

Mr Old (for Mr P. V. JONES) replied:

- (1) Yes.
- (2) The school should apply to the Road Traffic Authority to have the need for a controlled crosswalk investigated.

EDUCATION

Warnbro School

496. Mr BARNETT, to the Minister for Works:

- (1) Is he aware of the number of signs on approaches to Warnbro primary school indicating "Children Beware"?

- (2) Will he please authorise an immediate investigation with a view to erecting more signs at suitable locations?

Mr O'CONNOR replied:

- (1) No.
- (2) Yes.

HOUSING

Rental Accommodation: Aborigines

497. Mr DAVIES, to the Minister for Housing:

- (1) Is it State Housing Commission policy that flats should not be let to Aborigines or Aboriginal families?
- (2) If there is such a policy, why and who was responsible for instituting it?

Mr O'CONNOR replied:

- (1) and (2) No.

HOUSING

Rental Accommodation: Aborigines

498. Mr DAVIES, to the Minister for Housing:

How many Aboriginal families are occupying State Housing Commission flats?

Mr O'CONNOR replied:

This information is not known, as the State Housing Commission does not distinguish race, colour, or creed in tenants of its rental accommodation. The only identifiable group are those occupying Commonwealth grant-funded dwellings specifically for Aborigines, and those funds have not been applied to purchase or construction of apartments.

HOUSING

Rental Accommodation: Aborigines

499. Mr DAVIES, to the Minister for Housing:

- (1) During:
 - (a) 1977;
 - (b) the first three months of 1978,
 how many applications have there been from Aboriginal families for State Housing Commission flats?
- (2) How many of these applications have been accepted?

Mr O'CONNOR replied:

- (1) and (2) This information cannot be supplied since the State Housing Commission does not take applications for any specific accommodation type, but solely for housing assistance.

FISHERIES

Hunts Canning Company

500. Mr DAVIES, to the Minister representing the Minister for Fisheries and Wildlife:

- (1) How much tuna has been delivered to Hunts Canning Company so far this year?
- (2) For what part of the year is tuna caught and delivered to the company?

Mr OLD replied:

- (1) 834 tonnes since December, 1977.
- (2) Esperance area mainly December to April;
Albany area mainly January to June.

SALES TAX

Representations to Federal Government

501. Mr T. D. EVANS, to the Minister representing the Minister for Federal Affairs:

- (1) Is it competent for the Minister for Federal Affairs to make representations to the Federal Government in respect of the operation of Federal legislation which appears to impose anomalous effects on citizens of Western Australia who live in centres distant from the Capital city?
- (2) If the answer to (1) is other than "Yes", why?
- (3) If the answer is in the affirmative, has he or someone else on behalf of the Government made representations to the Federal Government or the Federal Treasurer re the operation of the Commonwealth Sales Tax legislation whereby sales tax on a commodity is calculated on the landed cost (including freight) on the commodity at the place and date of sale to the ultimate purchaser?
- (4) If the answer to (3) is "No" will the Minister initiate such representations as the legislation possibly imposes an unfair burden on people living in remote areas?

Mr O'NEIL replied:

- (1) and (2) Yes, with the Treasurer.
- (3) and (4) A meeting of the standing committee of Ministers to industry in July, 1975, referred a matter of a similar nature concerning Commonwealth sales tax to the Commonwealth Minister for Manufacturing Industry, who in turn referred it to the Commonwealth Treasurer.

TRANSPORT

Southern Western Australian Transport Study

502. Mr McIVER, to the Minister representing the Minister for Transport:

- (1) Would the Minister advise when the Southern Western Australian Transport Study report will be made available to Parliament for the information of members?
- (2) Would the Minister advise why the Southern Western Australian Transport Study report when completed was not referred back to country people as promised?

Mr O'CONNOR replied:

- (1) and (2) The Minister for Transport will shortly make the Southern Western Australian Transport Study report available for public consideration. The report will be available not only for the information of members and country people but also for the many industrial, commercial, and union bodies who have a vital interest in a rational and efficient transport system.

ENERGY

Gas: Cost

503. Mr T. H. JONES, to the Minister for Fuel and Energy:

Will he advise the relevant cost of gas supplied by—

- (a) the State Energy Commission; and
- (b) the Fremantle Gas and Coke Company?

Mr MENSAROS replied:

- (a) I presume the member is querying the sales prices of gas to the customer and not the cost to the respective utilities. On this presumption the answers are—

Table GS:

Available for general purpose, domestic, commercial and industrial use. A fixed charge at the rate of—

\$0.68 per month or part thereof;
plus all metered consumption at the rate of—

1.80 cents per unit for the first
3 000 units per month;

1.20 cents per unit for the next
67 000 units per month;

1.00 cents per unit for the next
70 000 units per month;

0.80 cents per unit for the next
140 000 units per month;

0.65 cents per unit for all over
280 000 units per month.

Table HT:

Optional and available for domestic use only.

A fixed charge at the rate of—

\$2.55 per month or part thereof;

Plus all metered consumption at the rate of—

1.20 cents per unit for the first
1 000 units per month;

0.75 cents per unit for all over
1 000 units per month.

- (b) Ordinary rate:

Gas for Power Purposes—

Monthly charge for gas is 75c
first unit;

next 6 999 units 2.3c per unit;

next 400 000 units 1.25c per unit;

all over 407 000 units .7c per
unit.

Gas rate for approved hot water storage or space heating (BTU rating 16 000 and over)—

Monthly charge for gas is \$2.00
first unit;

up to 6 999 units 1.6c per unit;

thereafter 1.25c per unit.

LOCAL GOVERNMENT

Finance

504. Mr CARR, to the Minister for Local Government:

With reference to his answer to question 368 of 1978 concerning sources of funds for local government, will he please indicate the major items which are included in the category "All other sources"?

Mr RUSHTON replied:

This category would include such items as—

- (1) Licence fees and fines.
- (2) Reimbursements for works.
- (3) Sanitation and garbage charges.
- (4) Income from property.
- (5) Self-supporting loan recoups.

NATURAL DISASTER RELIEF

Potato Growers

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

- (1) Is it intended to compensate potato growers who sustained crop losses during cyclone "Alby"?
- (2) If "Yes" what level of compensation is it proposed to pay?

Mr OLD replied:

- (1) and (2) Growers who experienced such losses are eligible for the concessional loans applicable in cases of disaster relief. A loan is granted on the assessment of the grower's financial need. No upper limit has been fixed at this stage. This of course is independent of any immediate relief for which the individual farmers concerned may qualify on the grounds of personal hardship and distress.

BAUXITE MINING

Alcoa's Environmental Review and Management Programme

506. Mr H. D. EVANS, to the Minister representing the Minister for Conservation and the Environment:

- (1) When is it expected that the environmental review and management programme currently being prepared by Alcoa will be received by the Government?
- (2) Is it intended that any Bills to proceed with bauxite mining agreements will be introduced into Parliament before the programme is evaluated?

Mr OLD replied:

- (1) It is understood that the company is finalising the document which is expected to be presented to Government in four to six weeks' time.
- (2) Yes, notice was given in the House on the 18th April, 1978.

RAILWAY BRIDGES

Boyup Brook-Asplin Line

507. Mr H. D. EVANS, to the Minister representing the Minister for Transport:

- (1) Has a decision regarding the repair and replacement of the two bridges on the Boyup Brook-Asplin section of railway line been made?
- (2) If "Yes" what is the nature of the decision?
- (3) If "No" to (1), when is it expected that such a decision will be made?

Mr O'CONNOR replied:

- (1) No.
- (2) Not applicable.
- (3) A full assessment cannot be made until it is ascertained what the Commonwealth's assessment of its liability under cyclone "Alby" will be. In the meantime, services will be maintained on the line by operation from both the Bunbury and Katanning ends, which is proving quite satisfactory from the public's point of view.

LAND

Manjimup

508. Mr H. D. EVANS, to the Minister representing the Minister for Transport:

- (1) Is it intended to use any of the land between Giblett Street and the railway line in Manjimup for installations of any kind, or for any other purpose?

- (2) (a) If so, for what purpose is it intended to use the land referred to; and
- (b) when is it expected that work will commence?

Mr O'CONNOR replied:

- (1) and (2) There are no immediate plans for use of the area. However, it is held for possible future railway development at Manjimup.

CROWN LAND

Alienation: Restriction

509. Mr H. D. EVANS, to the Minister for Lands:

- (1) Has State Cabinet placed a restriction on the alienation of Crown land in the south-west this year?
- (2) If "Yes"—
 - (a) when was such a decision made;
 - (b) to what specific areas does this restriction apply;
 - (c) what were the reasons for this restriction;
 - (d) were the future needs for agricultural land to meet the economic production of foodstuffs in Western Australia considered before this decision was made, and if so, what were the conclusions reached through such considerations regarding future food requirements?

Mrs CRAIG replied:

- (1) Yes. Restrictions have been placed upon the release of forested Crown land in the area described in response to (2) (b) of this question.
- (2) (a) 10th January, 1978.
- (b) Generally the catchment areas of Preston, Donnelly, Warren, Shannon, Deep, and Gardner Rivers, and other streams in the area delineated within a red border in the plan tabled.
- (c) To protect fresh water resources.

- (d) Most of the area concerned is already committed to forestry usage but all factors were considered and it was deemed desirable to withhold further releases until the result of salinity research in the Wellington Dam catchment area was known. Further alienation of land in catchment areas was not favoured as it could prejudice the only fresh water supplies of the future while existing farmlands were capable of more intensive agricultural development.

The plan was tabled (see paper No. 160).

DIRECTOR OF FISHERIES AND WILDLIFE

Appeals Against Decisions

510. Mr DAVIES, to the Premier:

- (1) Further to my question without notice on Thursday, 13th April, in which I asked the Premier to instruct his Ministers from commenting on matters before courts, has he yet researched the particular case brought to his notice concerning the Minister for Fisheries and Wildlife?
- (2) If so, is he now in a position to comment on the matter?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) From my inquiries, it would appear that one of the Minister's statements, taken out of context, might have given the wrong impression of the general tenor of his remarks at the meeting in question. I am satisfied that the portion of the Minister's remarks quoted in the Press report would not have affected the magistrate in the exercise of his judgment.

STATE INCOME TAX

New Federalism Tax Plan: Stage 2

511. Mr DAVIES, to the Premier:

In view of the opposition by the Premiers of four of the six States towards introduction of State income taxes for their States, will he explain what Western Australia can expect to

gain from introduction of stage 2 of the new federalism tax plan?

Sir CHARLES COURT replied:

There is a lot of confusion about stage 2 of the income tax sharing plan.

For many years the States have wanted the right to levy their own income tax.

Mr Bryce: Some States.

Sir CHARLES COURT: I am answering the question, not the honourable member, and if he does not like the answer he can make his own arrangements.

To continue—

This is more a clarification of State rights than a desire to actually impose a tax in the immediate future.

The present situation is that the Commonwealth Government is introducing legislation which would enable the States to introduce a State income tax—or grant a rebate.

My support of that legislation indicates that I am pleased to have this States rights issue cleared in this way.

It is important that the State has the right to raise revenue by levying an income tax, or give Western Australian taxpayers a rebate, even though we have no immediate plans to do so.

It is a strange thing that many States which have complained about the Commonwealth Government keeping to itself the income tax powers—and thus carrying all the odium of income tax raising—now shrink away from the right to raise or rebate income tax when the opportunity is offered them.

There could be circumstances where a State and its people could be better off with an income tax in return for getting rid of some taxes which might be irksome, inequitable, or anomalous.

I wish members of the Opposition would make up their minds whether or not they want State rights.

Mr B. T. Burke: When are you going to give a rebate of tax? When does any Government rebate tax?

The SPEAKER: Order!

MAGPIES

Killing in Nedlands

512. Mr SKIDMORE, to the Minister representing the Minister for Fisheries and Wildlife:

- (1) Has an inspection been made by any departmental officers arising out of a complaint made to the department by Mrs J. Roper, 31 The Avenue, Nedlands, that people had killed magpies on or in the vicinity of her home?
- (2) (a) Would the Minister advise the details of any inspections, if made; and
(b) what action was taken by the inspectors?

Mr OLD replied:

- (1) Yes.
- (2) (a) and (b) A number of complaints have been investigated over the years. On the last occasion two wildlife officers interviewed persons in the vicinity but no evidence to sustain the making of a complaint under the Wildlife Conservation Act could be adduced.

FISHERIES

Fisherman's Assault of Fisheries Officer

513. Mr SKIDMORE, to the Minister representing the Minister for Fisheries and Wildlife:

In *The West Australian* newspaper, under date 6th February, 1978, the Minister made certain allegations against a fisherman who was alleged to have assaulted a fisheries officer. Would the Minister please advise as follows:

- (1) Has the department taken out proceedings with a view to having the person concerned prosecuted?
- (2) If "Yes"—
(a) what was the result of the prosecution; and
(b) did the person concerned lose his licence?
- (3) If no action has been taken, will the Minister ensure that the person concerned is issued with a fisherman's licence and thus allow him to continue in the industry?

Mr OLD replied:

- (1) The report has been studied by the Crown Law Department and the department has been advised to refer the matter to the Commissioner of Police for possible action under the Criminal Code. This is being done.
- (2) (a) Answered by (1).
(b) The person did not have a current licence to lose.
- (3) A final decision on whether or not to grant the person's application for a licence will not be made until the legal situation and any action arising therefrom concerning the alleged assault has been determined.

MTT

Payment to Railways

514. Mr COWAN, to the Minister representing the Minister for Transport:

- (1) Does the \$10 617 000 received in 1977 by Westrail from the Metropolitan (Perth) Passenger Transport Trust cover the cost of—
(a) wages and salaries;
(b) fuel oil;
(c) depreciation;
(d) maintenance and operation of rolling stock;
(e) maintenance of track and structures;
(f) a share of the accumulated loss, that would be attributed to the metropolitan rail passenger service?
- (2) If not, can the figures be provided?

Mr O'CONNOR replied:

- (1) (a) to (e) Yes.
(f) Accumulated losses on rail passenger services up to the 30th June, 1974 remain in Westrail's accounts.
From 1st July, 1974 the MTT has met the cost of operation of the suburban rail passenger service and has received the amounts collected in fares. The losses from that date are therefore reflected in MTT accounts.
- (2) Not applicable.

TRANSPORT

Bus Services in Country

515. Mr COWAN, to the Minister representing the Minister for Transport:

With regard to country road bus services, can the following figures be provided for 1976-77:

- (a) Income from passengers, parcels and mails;
- (b) expenditure, including separate figures for—
 - (i) road maintenance tax;
 - (ii) fuel tax;
 - (iii) salaries and wages;
 - (iv) depreciation on road buses?

Mr O'CONNOR replied:

The information requested by the member is not readily available and I will forward to him what can be collated.

HEALTH

Asbestos Fibres

516. Mr SODEMAN, to the Minister for Health:

- (1) Has the Government called for a report on the alleged effects of asbestos fibres on inhabitants both past and present living in and around the town of Wittenoom?
- (2) If so, has the report been finalised, and when will it be available for release?

Mr RIDGE replied:

- (1) Yes.
- (2) No, but the Government has had a continuing interest and concern regarding Wittenoom. A statement on the situation will be issued following Cabinet consideration of the report.

TRADE UNIONS

Names and Federal Awards

517. Mr SODEMAN, to the Minister for Labour and Industry:

- (1) What are the names of the registered unions currently operating in Western Australia?
- (2) Of the above, which unions operate under Federal awards?

Mr GRAYDEN replied:

- (1) Attached is a list of industrial unions and associations registered under the Industrial Arbitration Act, 1912, and trade unions registered under the Trade Unions Act, 1902, currently operating in Western Australia.
- (2) The Commonwealth Industrial Registrar advises that no statistics are kept on the name or number of Federal unions which have members operating under Federal awards in Western Australia.

The papers were tabled (see paper No. 161).

DRAINAGE

Dianella

518. Mr WILSON, to the Minister for Water Supplies:

What plans does the Metropolitan Water Board have for grassing, reinstating and otherwise maintaining lot number 201 Lilac Place, Dianella, as a result of recent drainage works and the re-positioning of the compensating basin?

Mr O'CONNOR replied:

Redevelopment of this area is being carried out jointly by the Metropolitan Water Board and the City of Stirling. Earthworks have now been completed by the board. The local authority will now proceed with reinstatement of the disturbed area, fencing common with the adjacent council reserve will be provided, and tree planting will follow during the 1978 planting season.

TRAFFIC

Prosecutions under Regulations

519. Mr WILSON, to the Minister for Police and Traffic:

- (1) Can he say how many prosecutions have been recorded for offences against the following regulations during the past 12 months:
 - (a) Road Traffic Code—regulations 1614 and 1619;
 - (b) Vehicle Standards Regulations—106, 107, 1008, 1009 and 1203;

(c) Road Traffic (Infringements) Regulations—First Schedule Item 71;

(d) Road Traffic (Drivers Licences) Regulations—Second Schedule Item 22?

(2) Is he aware that there are mufflers on sale which comply with the appropriate noise regulations but which when fitted to the vehicles make the owners of such vehicles liable to prosecution?

(3) If "Yes" to (2), what action is he proposing?

Mr O'NEIL replied:

(1) (a) and (b) No, not without a great deal of research. Offences against regulation 1619 of the Road Traffic Code are tabulated on pages 27, 28, and 29 of the Road Traffic Authority, 1977 Annual Report.

(c) and (d) These are not offences in themselves but simply the penalty for an offence under regulation 1619.

(2) There are mufflers on sale which when fitted to a vehicle used on a public road do not comply with the regulations.

(3) No action is proposed at present to alter the situation.

QUESTIONS WITHOUT NOTICE

NATURAL DISASTER RELIEF

Farmers

1. Mr DAVIES, to the Premier:

Yesterday he gave us to understand that there were some restrictions on the use of Commonwealth funds that had been made available for emergency relief loans inasmuch as those farmers who could be accommodated by banks or by stock companies would not be eligible to obtain money from the Commonwealth because of that restriction. My question is as follows—

(1) Could he confirm whether that is correct?

(2) If so, is there any chance of approaching the Commonwealth Government to have the existing restrictions eased or lifted?

Sir CHARLES COURT replied:

(1) and (2) I cannot understand or agree with the first part of the honourable member's question because he refers to

something I am alleged to have said yesterday.

Mr Davies: I said you gave us to understand.

Sir CHARLES COURT: I cannot recall that I did give any understanding, or imply any understanding of the particular point he mentioned. However, I say to the honourable member that if he knows of cases where people believe they are entitled to consideration for relief and which are outside the normal rules that apply in regard to these disaster relief concessional loans, please encourage the people concerned to apply.

Mr Davies: We are.

Sir CHARLES COURT: As I have explained to the House, it may help these people to obtain assistance from other sources additional to the normal ones, and perhaps some forms of assistance could be even better than those known to members. So rather than form judgments about these things, I suggest members encourage people to apply so that at an official level their cases can be examined quickly, and any special cases can be dealt with locally or referred elsewhere. The Leader of the Opposition knows the conditions of drought relief loans.

Mr Davies: I do not.

Sir CHARLES COURT: The Leader of the Opposition should know this.

STATE INCOME TAX

New Federalism Tax Plan: Stage 2

2. Mr BATEMAN, to the Premier:

My question follows question 511 asked by the Leader of the Opposition, and I advise that plenty of notice has been given of this. As the Premier has rejected the call by Mr Wran and the Federal Government about the States passing complementary legislation to allow all States to raise their own income tax, and has made comments that this did not have to be used in this State and that Mr Wran was just grandstanding, will he advise—

(1) Is it a fact that electricity accounts and all other Government accounts which add a surcharge are in point of fact another form of State taxation?

(2) If the answer is "No", then what is this obligatory impost classified as?

Sir CHARLES COURT replied:

I must apologise to the honourable member for not bringing with me information that I had here yesterday. I understood that his question was to be replaced by a question from the Leader of the Opposition and that it would be on the notice paper.

Mr Bateman: That was not so.

Sir CHARLES COURT: I have answered that question. As I recall, it referred to a charge imposed in respect of undertakings such as the State Energy Commission, port authorities, and the like. I remind the honourable member that there is a reason for the imposition of these charges. The surcharges are imposed in respect of the SEC and the port authorities—to name two of these instrumentalities—because they do not pay any income tax.

Mr Bateman: They never have.

Sir CHARLES COURT: I remind the honourable member that this State is not peculiar in imposing such charges; I think all States impose such a charge in respect of energy commissions. If I recall correctly, this State imposes either the lowest charge or the equal lowest charge in the Commonwealth, and we were one of the last States to impose such charges. So there is nothing peculiar or novel about the situation in this State as compared with other States in respect of the particular charges to which he refers. I submit to him these charges have no relationship at all to the proposal that has been made in respect of the second stage of the new tax-sharing arrangements.

NATURAL DISASTER RELIEF

Apple Growers

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

Is it intended that the Government will compensate apple growers for fruit losses suffered during cyclone "Alby", and if so, what level of compensation is it proposed to pay?

Mr OLD replied:

I suggest to the honourable member that

he knows as much about this as I do because he has attended the meetings at which the matter was discussed. Also, he knows the submissions that have been made.

Several members interjected.

The SPEAKER: Will the Minister resume his seat? Earlier in this session I asked members to restrain themselves from interjecting while Ministers are answering questions. In my view ample opportunity is given by me during the questions without notice period for members to ask their questions. Members ought to remain silent while these questions are being answered.

Mr OLD: I will continue by saying that personal representation has been made to the Commonwealth Government as well as a written submission, and the honourable member is well aware of these facts.

ALUMINA REFINERY BILLS

Debate

4. Mr BRYCE, to the Premier:

In regard to the two alumina refinery Bills of which notice is given on today's notice paper, Opposition members are interested to know whether it is the Government's intention to allow the debate on these measures to be held over during the winter recess, or is it the Government's intention to proceed in the next few weeks to conclude the debate on these measures?

Sir CHARLES COURT replied:

As I have announced publicly, the intention is to introduce the Bills on Thursday and then to adjourn the debate for one week so that the Opposition will have ample time to study the measures. The second reading debate will then proceed on that day. The intention is to have the Bills passed by the Parliament before the recess.

I remind members opposite that the mere passing of the legislation, in spite of what has been said to the contrary, does not of itself clear the way for the projects to proceed. However, it does clear the way for a number of other things to happen so that the raising of finance, and so on, can proceed in a

meaningful way rather than being held up until final approval is given.

As the honourable member will find when the Bills are introduced, not only do the agreements impose very severe restrictions on production, but also they impose very severe restrictions so far as environmental matters are concerned, now and for the future. The Government of the day—of any political colour—will have complete control over the rate of expansion of this particular industry. When the ERMP has been submitted and considered by all concerned, the final approval for the go-ahead will be given. I remind members opposite that the ERMP not only has to satisfy the State Government, but also it has to satisfy the Commonwealth Government.

GOVERNMENT DEPARTMENTS

Contracts to Hugall and Hoile

5. Mr B. T. BURKE, to the Treasurer:

I wish to ask the Treasurer a question without notice following my question 463 on yesterday's notice paper. My question is as follows—

Would the Treasurer please undertake to table in this House evidence to allow members to assure themselves that the quotations referred to in his reply to my question 463 and other quotations were sought and received by the Architectural Division of the Public Works Department?

Sir CHARLES COURT replied:

I thank the honourable member for asking the question because it enables me to complete part of the answer given to him yesterday. So far as the tabling of papers is concerned, my own answer off the cuff would be, "No". However, if the honourable member has any specific matters which he wants answered in relation to queries he has raised, I suggest that either he gives notice of them to the Minister directly by correspondence, or he puts them on the notice paper. I had a statement here which I intended to seek permission to give to the House in regard to my

answer to question 463, but as the honourable member has now raised the matter again, with your permission, Sir, I would like to add the following comments—

When I answered question 463 yesterday I advised the member for Balcatta of the contracts awarded to Hugall and Hoile as set out in the attachment to the answer I gave. I have subsequently been advised that there was a contract outside of the normal departments, and that was a contract let by the Urban Lands Council to Hugall and Hoile.

It was the lowest of four tenders submitted.

I am advised that the contract is worth \$60 112, and is still in progress.

The omission is regretted by myself and by those who prepared the information for the answer given yesterday to question 463.

I am assured by those who undertook the research that the above should complete the list of the contracts. As the honourable member will appreciate, they covered a fairly wide range. The officers worked very hard to obtain all the information they could in the time available.

GOVERNMENT DEPARTMENTS

Contracts to Hugall and Hoile

6. Mr B. T. BURKE, to the Treasurer:

Perhaps I did not indicate to the House my reasons for asking the previous question. Adverting to the Treasurer's answer to my question yesterday, will he undertake to look closely at the awarding of these contracts, based simply on his supplying information to the House that many of the contracts let to this company were not satisfactorily fulfilled?

Sir CHARLES COURT replied:

I will certainly discuss the matter with the Minister directly concerned and obtain his explanation of the situation in respect of which the honourable member has complained.