Legislative Assembly

Tuesday, the 8th August, 1978

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

QUESTIONS

Questions were taken at this stage.

BILLS (3): INTRODUCTION AND FIRST READING

1. Rights in Water and Irrigation Act Amendment Bill.

   Bill introduced, on motion by Mr O'Connor (Minister for Water Supplies), and read a first time.

2. State Energy Commission Act Amendment Bill.
3. State Energy Commission (Validation) Bill.

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

ZOOLOGICAL GARDENS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

MR H. D. EVANS (Warren) [5.11 p.m.]: The Opposition certainly raises no objection to the Bill which is currently before the House. In the first instance it involves an area of land which is about half the size of this Chamber, but it is of very great importance and has a very significant effect for the purposes for which it is to be put.

It is a matter of excising a small portion of Class "A" Reserve No. 8581, the area being 98 square metres, or just about the size of the area I have indicated. The location of this piece of land is at the front of the new entrance to the Zoological Gardens in Labouchere Road, South Perth.

It was pointed out by the Minister that something like 28 000 children in organised trips attend the Zoological Gardens and use this entrance each year. It does not take much imagination to realise the numbers, beyond the total that attend in organised school trips of this kind. So, there could hardly be any objection to this excision, particularly as the Metropolitan Transport Trust feels that it is a very desirable measure. The Main Roads Department, likewise, is of the same opinion; and this is understandable because it has the interests of safety, well and truly to the fore.

The opportunity has been taken to regularise several other aspects of the operations of the Zoological Gardens. Firstly, there is the excision of a bus bay at the old entrance being taken from another reserve, No. 22503. That occurred in February, 1972. The MTT desires to retain the area for its use. Once again in the interests of safety and the effective operation of the transport system in that area, this is a desirable move.

An additional reason that this Bill is before the House is to delete the purposes of the two reserves, No. 8581 and No. 22503, as they no longer apply, both being areas designated as Zoological Gardens at this time.

The fourth reason for the Bill is simply to update into metric terms the land referred to in the second schedule; and, in addition to that, to correct the impression given by the wording in the Act that Reserve No. 22503 and Perth suburban lots 108, 121, 122, and 326 to 330 inclusive are separate areas of land. The lots referred to represent one single reserve.

The purpose of the Bill is to regularise certain actions and certain situations, and certain designations which apply at the present time to the Zoological Gardens.

It would be apposite at this stage to make reference to the Zoological Gardens Board. It is one of those bodies about which we do not hear very much unless something such as a polar bear eating a child occurs. Such an event causes the wrath of the heavens to descend, and the unaware bystanders suddenly take a very close interest.

The work carried out at the Zoological Gardens has been very considerable and very steady. In some respects, particularly with regard to birds, we have a facility in our metropolitan area which is of world standard.The development which has taken place by way of the introduction of new cages, and various matters of this kind with regard to overall designing, has been very carefully considered and implemented, not only from the point of view of the humane treatment of animals, but also for the aesthetic effect. The gardens have benefited. For that reason, I do not think we should sell ourselves short in the type of facility we do possess, nor should we fail to recognise those directly responsible for it.

The Opposition would join with the Government in that observation, as I am sure the Government would be happy to make it. It is on those grounds that the Opposition supports this Bill.

MRS CRAIG (Wellington—Minister for Lands) [5.17 p.m.]: I wish to thank the Opposition for its support of the Bill. As has been indicated by the member for Warren, it is purely a machinery measure. It is really to portray an accurate description of land comprised in the Zoological Gardens.

I do not think there is any need to add to the comments already made because the honourable member has reiterated much of what I said during my second reading speech. I would like to say that I certainly support the remarks which the member for Warren made in relation to the Zoological Gardens Board, and to the facility we are fortunate enough to possess in Western Australia. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mrs Craig (Minister for Lands), and transmitted to the Council.

STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd May.

MR H. D. EVANS (Warren) [5.21 p.m.]: The Minister is unfortunately and unavoidably absent from the Chamber at the moment, but I do not think that is of very grave concern. That is no reflection on the Minister, of course, but rather an indication that the Bill before us is one that will give rise to no great disputation.

Again, it is rather a matter of implementing two provisions which are thought desirable in their particular fields in the rural industry. The first one deals with the compulsory cull marking of female bovine cattle. In other words, heifers must show a cull mark to indicate they are spayed animals.

The problem arose several years ago at the time when there was an excess number of cattle, particularly in the south-west and along the south coast. The practice of spaying developed very rapidly so that breeding programmes could be curtailed. Obviously, spayed heifers find their way into the saleyards, and are purchased inadvertently by other graziers on the basis that they will become part of a breeding herd. However, those graziers very soon realise that an error has been made.

To obviate the difficulty arising in the future, a provision is to be inserted in the Act whereby the marking of spayed animals will be required before they can be put up for sale in any auction yard. The designation, or identification, is indicated in the Bill. Owners wishing to identify spayed animals will use a cull mark in the form of a circular hole not less than 20 millimetres nor more than 40 millimetres in diameter in the ear not allocated for the registered ear mark. Cull marking was optional up till now, but as I have said this requirement of indicating a spayed animal will be mandatory.

The other provision in the Bill is in connection with swine, and the pig industry. The recommendation has come from the pig industry which put a submission to the Department of Agriculture which, in turn, made the recommendation to the Minister. Although there is a requirement at the present time for the branding of pigs it has been found difficult to identify animals as they go through for slaughter. In the case of swine, a registered brand will consist of numerals only as an alternative to the present two letters and a numeral. Not only has the new system been suggested, but also it has been put forward to become a mandatory requirement.

It is not hard to find the reason for the new requirement. A survey disclosed that 30 per cent of brands can be read correctly. If only 30 per cent of brands going through an abattoir can be read, it means a vast number of farmers do not have access to feedback information after their animals are slaughtered. That means the branding system virtually is useless, and the value to the producer by way of an indication as to whether his methods are efficient is entirely lost. Obviously, carcase classification must become an increasingly accepted practice. It is an initiative that surely must benefit all pig producers. As I mentioned, the organisation controlling the industry actually originated the introduction of the new system.

The other matter with which the Bill deals, and this probably takes up the bulk of the measure, covers computerisation. Computerisation has become a fact of life and it is emerging in most industries in one way or another. Computerisation of the branding register will provide much easier access to the controlling authorities. It has to be borne in mind that the origin of the stock brands legislation was to provide a means of identifying livestock through a system of identification

marks, and to provide some control with regard to the stealing of livestock.

The purpose of the legislation was that stock being moved off a property could be correctly identified and certified as belonging to the owner in whose name the brand was registered.

It has been the practice in the past to publish a register every 10 years. As members will appreciate, changes have occurred in that time. It has been a fairly onerous task not only to publish the register each 10 years but also to publish annually alterations which occur between compilations. It is a problem which I imagine everybody in this House would recognise.

Computerisation, therefore, will result in considerable clerical savings and in a more efficient updating of the information, which is essential. Proposed new section 57 will require a certificate to be produced as prima facie evidence in a court of law containing a statement as to the registration, transfer, or cancellation of any brand. This will facilitate the operation of our branding system, for which it was intended.

In view of the nature of the amendments before the House, the Opposition raises no objection.

MR O'NEIL (East Melville—Deputy Premier) [5.29 p.m.]: I thank the honourable member for indicating the unavoidable absence of the Minister for Agriculture who is attending an Agricultural Council meeting in the Eastern States. I also thank him for the support of this legislation, which he has indicated.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Deputy Premier), and transmitted to the Council.

LIMITATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st March.

MR DAVIES (Victoria Park—Leader of the Opposition) [5.31 p.m.]: In case members have forgotten what this amending legislation is all about, I would like to remind them that although it is a small Bill, it is a very important one.

It was introduced to the House on the 21st March of this year, and it deals with the responsibility of the Government to protect the Consolidated Revenue Fund where taxes, fees, or other charges imposed by the State Government are shown to be invalid.

We are all aware that from time to time it becomes necessary for the Government to put imposts of one kind or another onto the community. Sometimes, as has happened in the past, it has been shown that these imposts have been raised illegally. I suppose the Government never likes to lose a challenge in regard to a tax, but if it finds itself in the position where it may be called upon to refund any of those taxes that may have been imposed illegally onto the community for X number of years, up to a maximum of six years, the Government could be in serious difficulties as its budgeting could be greatly upset.

While this may not be a very real threat, and we know of no reason for its being a threat at the present time, it could easily be a threat in the future. As members know, there have been successful challenges one way or another to State Government legislation, and indeed to Federal Government legislation, over the years. This Bill provides that any person who wishes to challenge an impost put onto the public must do so within 12 months, and it will mean the Government is responsible for up to 12 months only, if it is responsible at all. So really it makes for much safer budgeting, because the Government knows that if there is a successful challenge to any legislation, its finances will be affected for a period of 12 months only.

Members might think that the Government is accepting some special privilege or it is being afforded some special protection, but in this instance I believe the circumstances are special because we are dealing with the State Budget and the Government is entitled to protection in such instances.

The parent Act refers to a limitation of six years, and this legislation proposes to amend that period to 12 months. All members can understand that a Government could be in a serious position if it were forced to repay moneys collected for up to six years. We have to ensure that the State's financial resources are not exposed to such a risk, but at the same time there is a very strong onus on the Government of the day to ensure that its charges and taxes are properly imposed. Very often legislation to impose a tax passes through this House and we are given insufficient time to examine it properly. In the past people have had six years to challenge the impost of a tax, and if this legislation is passed, they will have 12 months

only to make any necessary challenge. We do not like to think that we pass bad legislation through Parliament, and so I say the onus is on the Government of the day, and of course, also on the Opposition of the day, to ensure that all such legislation is vetted properly.

There is no real procedure available within the House to study such legislation. I do not know whether it would be possible for the Public Accounts Committee to take it upon itself to give consideration to it, and certainly we have no committee system that would enable a detailed examination of legislation before it is proceeded with. Once again we are leaving everything to the Government, and that means leaving everything to the Cabinet. The Opposition, with its limited resources—and certainly it does not have the resources that any Government has—may have some difficulty in assessing properly whether or not a tax is legal. So this may be a good opportunity to point out that we could develop a committee system for a proper review of proposed legislation. I do not believe that the Legislative Review and Advisory Committee which was set up officially some 12 months or so ago would be a proper body to undertake such a task, so we must revert to Parliament itself as the highest court in the land having this authority. A committee of the Parliament would have the proper authority to examine legislation, and to report on it to the Parliament.

Of course there have been occasions when charges are imposed illegally, and we have seen the recent spectacle of the State Energy Commission charges being under challenge. I do not believe that the commission was quite frank with the public in that case, although I can understand its reluctance to say, "Yes, the charges were illegal." Obviously they were illegal, because we have been given notice of amending legislation to tidy up the situation. We know that such things slip through from time to time, and I imagine in a case such as a slip-up within the department, the legislation would have to provide for some retrospective effect.

In the situation to which I have referred, I do not think the commission was quite honest when it informed the Minister about this matter. He has told us, "I have no comment to make on this aspect. I do not think I need to say anything more about it; the matter is being investigated, the matter is being reviewed." He did not say that the charges were illegal, but obviously they were because of the steps taken to correct the situation. I do not see why the Minister, and indeed the commission, could not have been more open. Such an attitude would have attracted more public sympathy. However, we have seen the situation highlighted over a number of weeks and it has caused a great deal of distress to many people. Some of my constituents have visited my office because they have paid the $15 registration charge only to find that the charge was illegal. It has been pointed out to me that the people who did not pay the charge have not been pressed to pay it, and those who did pay the charge feel they have been discriminated against. I do not know what the situation will be when the proposed legislation comes into effect, but at least in that case the illegality of the charge was pointed out within a reasonably short time, and action is being taken to remedy the situation. If this Bill presently before the House passes through the Parliament, within 12 months of its passage, action has to be taken to challenge any existing charge, and the Government can be held responsible only if challenges are made within a 12-month period.

The Premier pointed out that similar legislation was introduced in Victoria and New South Wales in the 1960s, and we are following action taken there. I am quite certain that 12 months is a reasonable period, because if such charges raise any furore, then any challenge would probably be made as quickly as possible.

I do not believe we are being too harsh by limiting this period to 12 months; it is sensible government. Certainly it is putting the Government in a privileged position, but a position to which it is entitled. As the Premier pointed out, very often a tax is paid on goods such as alcohol and tobacco. If the imposition of such a tax were challenged successfully, any refunds would revert to the paying agent, the person who actually paid the tax to the Government. However, this would not mean that the money would find its way back to the people who paid the tax initially. Such a situation would be completely unfair, and some people would be at an advantage because of the present legislation.

The Bill itself is small; it consists of two clauses only. I hope that the position as I have explained it is correct, and I am quite certain that if it is not, the Premier will let me know where I am wrong when he replies. I have much pleasure in supporting the Bill.

MR HASSELL (Cottesloe) [5.42 p.m.]: I rise to support the Bill, and, with respect to the Leader of the Opposition, may I say that I do not believe he has explained quite correctly the effect of it. On a number of occasions during the course of his speech he said that the legislation would permit a challenge to a State Government charge or to State Government revenue legislation within

12 months of its being adopted. My understanding of his remarks was that if a taxing measure were adopted today, then 12 months from today it would become beyond challenge.

Mr Davies: I am sorry; I did not mean it to come out that way.

Mr HASSELL: That is not the case, and it is not the effect of the legislation. The legislation provides a limit to the period in regard to the right of recovery, and not a limit to the period on the right of challenge. The real point is—as the Leader of the Opposition said correctly—the State revenue needs to be protected from a capacity to recover moneys paid under invalid legislation, and which were paid by people who did not know the legislation was invalid. The difficulty arises because of the terms of the Commonwealth Constitution which contains specific limitations on the power of the States to levy taxes. Under section 90 of the Commonwealth Constitution, the levying of duties of customs and excise is conferred exclusively on the Commonwealth Parliament. That brings me to the other point made by the Leader of the Opposition; his suggestion that the Parliament should be vigilant to ensure that legislation it passes is proper, legal, valid, and enforceable. He said that perhaps we could have some machinery to ensure we are, and that that machinery could involve the Parliament.

The difficulty with that suggestion in relation to this context is that the Constitution cannot be authoritatively interpreted by anybody but the High Court of Australia, and the High Court of Australia itself has had the greatest difficulty over the years in determining precisely what is meant by section 90 of the Constitution and, in particular, in relation to the word "excise" because at the time the Constitution was adopted the meaning—even the common meaning—of that word was not settled. Since then there have been many cases concerning the imposition of taxes by the States which have been found to be valid or invalid, and in nearly every one of those cases, the High Court itself has been divided as to the true interpretation of the Constitution.

Therefore, no doubt it is a vain hope that we in this Parliament—or even the State Government, hard as it may try—are always correct in our interpretation and in the imposition of taxing measures.

The House will know that one of the most important cases in that respect in Western Australia and in relation to that section of the Constitution concerned receipts duty, which was declared by the High Court to be invalid. As a result, the State theoretically became liable—although there were some difficult legal questions involved—to pay back all receipts duties which it had collected over the preceding six years, the Statute of Limitations preventing any further retrospectivity. Almost certainly the State was liable to those people who had paid out under protest.

What this legislation does in protecting the revenue is simply to limit the period during which recovery may be made. It remains open to a person to challenge any impost and refuse to pay it at any time, whether or not the 12 months have elapsed; and, it remains open to any person to bring an action to seek a declaration of invalidity, at any time, whether or not the 12 months have elapsed. So, the public as well as the revenue are adequately protected.

However, if after many years someone suddenly decides—through some development in the judgments of the High Court or some direction a particular court is taking—that an impost, a charge, or a tax is challengeable, whilst he can bring an action and win that action in the High Court, this legislation will protect the revenue by limiting the retrospectivity of recovery to a period of 12 months. That is the importance of the legislation to the State revenue. Perhaps its strongest point is that it does not take away—and probably could not lawfully take away—the right of an individual to challenge the legislation after any period at all.

So, I support the Bill, which appears to be perfectly balanced and to provide a proper protection, both to the revenue of the State and to any taxpayer who believes that any State Government tax or charge is beyond the constitutional power of the State.

SIR CHARLES COURT (Nedlands—Premier) [5.50 p.m.]: I appreciate the support given to the Bill by the Leader of the Opposition and the member for Cottesloe. The Leader of the Opposition, in a responsible way, referred to importance of protecting the revenue, as did the member for Cottesloe. In fact, the member for Cottesloe went further and referred to some specific features of the Bill and I believe it is important that we note and record them. I refer specifically to the provisions regarding the rights of individuals, as covered by this Bill.

Some apprehension was expressed in one quarter that the rights of individuals might be impaired by this legislation. I have had this matter checked with the Attorney General and he has assured me that the position is fully protected; in this respect, I draw members' attention to

subsection (4) of new section 37A, to which the member for Cottesloe referred.

I appreciate the support given to what is an important Bill for protecting the revenue so that it will not be exposed to disastrous effects which could completely bankrupt the State.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

AUCTION SALES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th May.

MR T. H. JONES (Collie) [5.54 p.m.]: This Bill proposes a very minor amendment to section 11 of the Auction Sales Act. Under the Act at the moment, anyone wishing to apply for an auctioneer's licence must insert a copy of his application in a newspaper circulating in the locality of the court appointed for the hearing of the application. The Act also prescribes that there shall be application for annual renewals, which shall also be published in a newspaper.

The amendment will in no way affect the conditions presently applying to the initial application for a licence, but will remove the requirement to advertise in the case of renewals. No opposition has been expressed from the trade; in fact, I understand the industry asked for the amendment. Accordingly, the Opposition does not oppose the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Deputy Premier), and transmitted to the Council.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th April.

MR PEARCE (Gosnells) [5.57 p.m.]: This Bill has as its main intention the extension of some of the powers of the University of Western Australia to make by-laws with regard particularly to matters of parking and control over students. From the Minister's second reading speech, it appears there have been some deficiencies in the university's ability in this respect under its by-laws and regulations and we are told that the university cannot in fact enforce the payment of monetary fines which it levies—I might say, in quite substantial numbers—on people who flout the parking regulations.

At the outset, I should indicate the Opposition does not intend to oppose this legislation. However, we would like to point out that the levying of parking fines is really approaching the problem by trying to attack only the symptoms, to make the symptoms go away. There have always been parking problems at the university; certainly, during the 15 years of which I have personal knowledge, this has been the case. The reason is that it is a very large institution on a restricted campus, and it is not possible to make available parking space for all students.

In addition, the University of Western Australia is a little out of the way from the main transport system and for most people to get to the university from their residences it requires catching at least two buses, and in some cases, three buses. The public transport system—a matter on which I have spoken in this place many times in the past—in the metropolitan area is remarkably inadequate for almost all areas, particularly in the university area.

In order to stop people from driving their cars to the university, what the university does is to restrict those people who are permitted to take vehicles onto the campus. However, of course, it cannot restrict people from taking vehicles and parking them near the campus. Anyone who has been down to the university over the last year or two will understand it is almost impossible to move through that area because cars are illegally parked up to a half-mile radius on all sides of the university.

I am pleased to note that a large new parking area has been constructed near the university, in Hackett Drive adjacent to the boatshed, and provides parking for I would guess some 200 vehicles. That is a very pleasing—if a rather late—move on behalf of the authorities.

Nevertheless, most of the time cars are still parked illegally on both sides of Hackett Drive. Until quite recently cars were parked on the median strip, which created a very serious, and hazardous problem.

Whilst the Opposition does not intend to oppose this Bill which will give the university authorities rather more control over vehicle movement and parking on its campus, I should point out both to the Government and to the university authorities, that the Bill, in itself, will do very little to solve the parking problems experienced at the university.

I hope the university authorities and the Government can put their heads together in a greater spirit of co-operation than we have seen in the past few years, and find a real solution to the problem. Of course, if the parking needs of people were satisfied, they would not park illegally and the need for parking fines, further legislation, and stronger disciplining would not exist.

With those brief remarks, pointing out the path the Government should take in this matter, I should like to say the Opposition does not intend to oppose this legislation.

MR P. V. JONES (Narrogin—Minister for Education) [6.02 p.m.]: I thank the member for his comments. I should just like to point out that I hope the member is aware the Hackett Drive situation is not referred to in this Bill.

Mr Pearce: I am aware of that.

Mr P. V. JONES: For many months discussions have been continuing between the university, the City of Subiaco, the Town Planning Department, and local government regarding the situation in Hackett Drive. Although it is not covered in this Bill, I should like to indicate the matter is under consideration at the present time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

MR BERTRAM (Mt. Hawthorn) [6.05 p.m.]: This Bill is made up of two clauses. The first clause relates to the short title and citation, and the second clause contains the subject matter of the Bill. I have been considering how I can deal with the Bill on a one-vote-one-value basis.

Mr Sodeman: Talk to the member for Collie about that.

Mr BERTRAM: I would be endeavouring to satisfy the Minister Without Portfolio and trying to make his day more interesting during the time he is in limbo. However, try as I may, I have had little success. Therefore, I propose to confine my remarks even more directly to the Bill than I would normally.

The Bill is designed to facilitate the determination of the precise time of sunrise and sunset in various areas of and places in the State. It is purely an administrative amendment. I cannot see any political significance in it. If we had a far more desirable Government in power, the same Bill could be coming forward for the same purpose. After due deliberation, the Opposition has decided to support the Bill and seeks in no way to amend it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

ACTS AMENDMENT (CONSTITUTION) BILL

Second Reading

Debate resumed from the 22nd March.

MR JAMIESON (Welshpool) [6.08 p.m.]: Last year when I addressed myself to this Bill, I indicated the Opposition was opposed to it and I reiterate that. However, because we realise the Government has the numbers and will force the issue through Parliament if it so desires, we will attempt to introduce some amendments which will be on the notice paper tomorrow.

This Bill is before us as a result of a

misinterpretation by the Premier of the Australian Labor Party's platform, aims, and ideals. The Premier wants to give the impression to the public at large—and he did so at the last election—that the Australian Labor Party would like to do away with all the establishments in existence in this country. The Premier successfully induced a degree of fear into the people of this State and encouraged them to believe what he was saying was correct.

Of course, this is not so and the Australian Labor Party is loyal to the Constitution of the State which is in operation at the present time. However, we always reserve the right, if and when we have a majority of members in the Parliament of this State, to carry legislation introduced in order to change the Constitution, the Constitution Act, or any other measure dealing with the electoral system and the Constitution of the State. This is the unbounded right of any party elected to power.

The Legislative Council, by an inglorious act as far as the Premier was concerned—but by an act of extreme charity from our point of view—failed to pass this measure on the last occasion it was introduced, because it required a constitutional majority. As this Bill affects vitally the position of the Legislative Council, perhaps the Government should reflect and say "Well, if the Council was not over-keen on it, why the hullaballoo and why the necessity to proceed with a Bill such as this?"

The Bill deals also with our attitudes towards a Governor. At the present time, one might argue on reading the Federal Constitution that it does not matter what the Constitution Act of this State says. It would require now an amendment of the Federal Constitution to dismiss a Governor in a State, because it gives the Governor of a State certain powers. My understanding is, that position cannot be altered without a referendum. We know how difficult it is to get a consensus view on a matter such as this, even before it goes to the people by way of a referendum.

It looks as if the Government is using a sledge hammer to belt in a small tack. It is unnecessary to take to task a different attitude expressed by an opposing political party. For that matter, better informed Liberal-Country Party Governments of the future may want to amend a situation without conducting the referendum which is proposed in this amendment. It is an unnecessary piece of legislation.

Surely the Government has sufficient legislation with which to proceed. It is unnecessary to tackle this Bill. It is particularly time-wasting when one bears in mind the fact that the Government has not shown a genuine endeavour to amend other parts of the Constitution Act in order that Parliament may have a better standing. A number of other matters need to be rectified. A number of matters concerning both Chambers should be resolved. These are far more important than the lesser matters contained in this Bill.

If the Government of the day, as a result of its numbers in the House, introduces legislation and passes it, the people of this State would believe it was the Government's prerogative to do so. However, this Bill involves Governments possibly 10, 20, 50 or 100 years hence, and I feel it is not our job, as legislators, to take such action at the present time.

The possibility of a Labor Party ever having the required numbers to perform the heinous deeds the Premier predicts is very doubtful. During the period of its existence, the Labor Party has never had a majority in both Chambers of Parliament. One cannot see this changing in the future unless the Constitution of the Parliament is altered.

Sitting suspended from 6.15 to 7.30 p.m.

Mr JAMIESON: The policy the Government came up with at the last election, indicating it would legislate to prevent a future Labor Party or other Government—presumably of the extreme left or of some other calibre—damaging or destroying the rights and status of the Western Australian Parliament, seems to be one of the figments of the Premier's imagination. As he grows older he seems to imagine more and more. He pointed out that at its last conference the Australian Labor Party decided not to appoint any Governors in the future. Of course, even that statement is not correct. The Premier picks out something, puts his own words to it, and leaves it at that. Perhaps it looks good to the people but he should ensure his statements are correct when they are likely to be printed.

Under the heading "State Governor", the decision of the 1976 State Conference of the ALP in regard to electoral and constitutional matters was—

> For so long as the Constitution prevents the abolition of the office of State Governor, the office be left unfilled and Government House be closed as a Vice-Regal residence and handed to an appropriate body for public use.

I see nothing wrong with that proposal. It is very open and has been proclaimed to the people, but it certainly does not say the office of Governor will be abolished; nor can it be abolished. I pointed out earlier that there is a constitutional bar. As a

matter of fact I think the State Governor is mentioned no fewer than five times in the Australian Constitution. Without the removal of those references, I do not know how we would function.

The Federal Constitution is binding and would limit any amendment in that regard. However, it would not prevent leaving the position of Governor unfilled. It is very clear that until such time as the office is filled another functionary—an Administrator or Lieutenant Governor—must occupy the position of titular head of the State of Western Australia and perform those functions which are required to be performed by the Federal Constitution.

In regard to some of the Premier's other suggestions in respect of the abolition of the Legislative Council, it is true many people have ideals for the future, 200 or 300 years ahead. One might wonder whether any progress at all would be made if we did not have such ideals. In view of the conservative attitude of the present Government and its followers, it seems they want to deal with present day matters but they do not want to look to the future. They want to live in the past. As a matter of fact, they want to live further back than the framers of our present Constitution and our Constitution Act. It seems that to have in one's platform the reform of the Legislative Council with the eventual aim of establishing a single House of Parliament is a heinous crime. I do not see it as such. I see it as a very clear statement of where we would like to go.

If cementing the second Chamber on this occasion is so important, it is amazing that the Premier's great champion in Queensland has not seen fit to reintroduce the Legislative Council in that State to protect the State against himself, because surely that is what it needs. But he has not dared to do that because he has control, in a conservative way, of the only Chamber which exists in that State.

One could argue all night about whether a policy of a political party might be detrimental or advantageous to the people of the future. One could argue whether the present Government and its forces, if it is still on the Treasury benches many years hence, will not be creating a problem for itself.

If the Premier really thinks the people of this State gave him a specific mandate in this matter because he made reference to it in his policy speech, let him bring forward legislation to refer to the people by way of a referendum the matter of cementing in these provisions. I guarantee it will not be passed. From their experience with referendums the people well know it is very easy to excite public opinion against politicians and political action. Some of the initiative referendums which have taken place in the United States in the last few months have clearly indicated that; and the decisions of the people, although made in a democratic way, one might say, are very often less than responsible when they are examined, because they sometimes require the elected members to undertake certain actions which they are not able to carry out when they have had the will of the people superimposed on them.

To reform the legislative chambers of this State progressively should not be a crime in anybody's philosophy or political manifesto. One wonders why the Premier has taken the bit between his teeth in this regard and adopts this harsh type of attitude.

The Premier mentioned in his speech the Queen's sole right to appoint a Governor or issue instructions with which the Governor must comply in performing his duties. That is a lot of hogwash. In my memory, with the exception perhaps of Governor Kendrew, no Governor of this State has had to make a decision which was not in response to the advice of his Ministers. A Governor would not do so; nor would the Queen do so.

The people of Great Britain are still marvelling at the event which took place in Canberra in 1975. Members on both sides of the British Parliament openly say that if ever the monarch attempted to do what was done on that occasion her marching orders would arrive very quickly the next day. But the Queen would not try to do that because she would have people to advise her against it, and she would accept the advice of her Ministers.

Indeed, the only time a constitutional decision had to be made in Western Australia, Governor Kendrew did exactly that. Why did he do that? He contacted Whitehall prior to making his decision and was given the correct advice; that is, to accept the advice of his Ministers. The advice of his Ministers on that occasion—it will be recalled it was brought about by the sad death of Speaker Toms—was to prorogue Parliament while a by-election was held. My colleague the Deputy Leader of the Opposition came into Parliament to take the late Mr Toms' seat, and when that occurred everything was in order again and the Parliament proceeded as it should. The Governor did not necessarily have a power to do that. He may have had the technical power. He may have signed the paper for the proroguing of Parliament but in the ultimate he accepted the

advice of the elected people of the State, and that is the vital point on all occasions.

We must remember that the Governor is only a figurehead. He opens a lot of shows, attends a lot of race meetings, and patronises a lot of good causes. He is the final person in so far as our set-up requires the assent of the Queen to Acts of Parliament, and the Governor signs them as Her representative. But without the action of the Government of the day none of this would happen. Nothing could go so far.

So it is nonsense for the Premier to come in here and say the Queen's right must not be interfered with. It is interfered with. The Governor does not even have the right to tell the Parliament what he thinks when he is opening it. The whole Speech is written for him and handed to him with a ribbon tied around it, and away he goes. If he is lucky he may see it a couple of days beforehand. One Governor did see such a Speech. I remember that when we were determining what should be in the address to Parliament, I suggested in the Cabinet that as the Governor was about to leave he might like to write a few paragraphs at the end of the Speech. Cabinet thought it was not a bad idea on that occasion and gave the Governor that prerogative. That is the only time a Governor of this State has ever had the prerogative to come into this Parliament and use his own words.

Indeed, on some occasions the Government of the day has used in the verbiage of the Speech very unfortunate words which have tongue-tied some Governors. If one is out from the Old Dart and strikes a placename like Gnowangerup one is likely to finish up saying anything, as one Governor did.

These things are set up for the Governor. He has no real authority of his own. So when the Premier tries to indicate in this Chamber that the Governor, the Queen, or somebody else has that authority, it is not so.

If the Premier cements in this situation, what will happen in the event that at some future time Australia becomes a republic? All the Liberals will throw up their hands and say, "Heaven forbid", but I must remind them there are some loyal republics. I refer to the bi-monthly journal of the Royal Commonwealth Society for April-May, 1978, which contains the following—

Do you know?

(a) That 21 countries of the Commonwealth are republics and 15 monarchies.

(b) All Commonwealth countries accept Her Majesty Queen Elizabeth as Head of the Commonwealth of Nations.

(c) That the Queen is Head of State of Britain and in ten other member countries she is represented by Governors-General.

(d) Four other member countries have their own monarchies.

That is strange but it is true. Anyone would think it was important. To continue—

(e) The offices of Head of State and Head of Government are combined in 15 member countries which are republics and the two offices are separate in the remaining six republics.

They all get on quite well, and they are all loyal to the British Commonwealth of Nations. All are accepted on an equal basis at conferences of heads of State, be they presidents of republics or Prime Ministers of States with or without a Governor General.

Therefore, one wonders what great virtue this has. I do not disregard the monarchy as such because of its basis and its association with our origins in Australia, when this country was settled by English people. We have always had and always will have an affinity with the monarchy. However, I do not think we should still be so presumptuous as to use the national anthem of the United Kingdom for our national anthem. All the other countries I have mentioned do not use it. I know the Premier thinks they are completely disloyal, and he will not have a bar of our having our own national anthem which could be defined as something belonging to a nation in true spirit, something of a national character. One wonders how old-fashioned the Premier can get in respect of these things, and why it is necessary to have such an attitude.

The Premier went on about not being able to exceed the power given to Parliament by the people, and he said the Governor is the protector of that power. Again, I say he is not nor can he be. The Westminster system will not allow him to be. The Kerr incident is the exception to the rule; it has not occurred anywhere else before, nor will it occur again because no Governor would be foolish enough to put himself in that situation.

The Premier said the Bill also deals with the problem of the Government being forced to hold a referendum of the people if it wishes to reduce the numbers of either House of Parliament. Since responsible Government it has always been the prerogative of the Parliament of the day to increase its numbers if it felt that was necessary. It has not been done very often; from about 1890 onwards the number in this Chamber has crept up by about five, and the number in the other

Chamber has increased by about two—not very exciting increases. We have never gone backwards, but on the other hand we have not varied the numbers by much.

There may come a day when for some particular reason we want to change the representation in the Legislative Council to a form of proportional representation, and we may need to have an odd number of members being elected to that Chamber at each election. Of course, at the moment we have 32 members. If we wished to vary the number of Legislative Councillors we may have to go to a referendum; alternatively, the number could be increased by two to achieve an even number. But why should that be necessary? If the people at an election indicate they are satisfied with the Government they elected, then that Government should be free to reform the legislative Chambers of this Parliament without facing the turbulence of fighting another referendum at goodness knows what cost to the electors, merely to satisfy the whims and desires of the present Premier.

Then the Premier has included a clause which provides that after enabling legislation for a referendum has been passed by the Parliament, the referendum must be held within the period of between two and six months. I do not know that that is any great improvement, except it provides that the referendum must be held whereas previously it has always been open for the Government of the day after passing such legislation to choose not to go ahead with it. So presumably if a Labor Government were in office and got to the stage of thinking it should go to a referendum and then after passing the enabling legislation decided it would be a waste of time and taxpayers' money, under the proposed amendment it would still have to go ahead with the referendum. I do not see that has any great virtue for the people of Western Australia.

I have quoted several of the policies of the Australian Labor Party, and to ensure that nobody upstages me and finds something objectionable in the Federal platform to quote, I intend to quote sections of that platform which might have reference to State Governments. Under the heading of "Constitutional Reform" on page 2 of the Australian Labor Party Federal Platform, Constitution and Rules, the following is found—

> The National and State Constitutions to provide for
>
> (a) the powers of Heads of State, so long as such offices remain, to be more precisely defined by Statute or otherwise and in particular restricted so as to prevent the dismissal or frustration by a Head of State of any Government maintaining the confidence of the lower, or only, house of parliament;

Again, that is fair enough; we should not put a Governor in a position in which he has to make himself unpopular with 50 per cent of the population by instructing him to do something which will obviously put him in a bad position with half the people. He should be above having to make such determinations, otherwise a divided electorate can be produced, with half the people thinking he is all right and the other half thinking he is not so good. I would hate to see the present Governor put in that situation; I do not think he would like to be in that position, and I hope he never will be. The attitude of the Australian Labor Party is clearly indicated in its platform. We also provide that any move towards reforming Houses of Parliament shall be considered to be a move forward and not one to which objection can be taken.

The drafters of the Constitution saw no great problems regarding what might happen in the future. I have always indicated at Constitutional Conventions and in this Chamber that from time to time Constitutions require amendment and bringing up to date. This is something which should always be borne in mind, and I will quote the opinion of somebody else in respect of it a little later.

On various occasions when he has spoken at Constitutional Conventions, on television, and in other places, the Premier has said the Federal Constitution is well drawn up and does not require any amendment. He always says the people who drafted it were very smart, and well versed in the laws of the land and, therefore, we should not interfere with it too much. I do not agree with that opinion, and I never have. I have always thought we must amend the Constitution from time to time when we consider it is necessary, and we should not be frightened to be open about it.

I do not know what will be the future policy of the Liberal Party on this matter. Members opposite do not seem to have a policy on this; it seems to be something thay want to leave in limbo. As a matter of fact, when one refers to their Federal platform one finds they seem to forget that States exist, in contradistinction to the Federal Labor Party platform in which the States

and their responsibility are referred to on every other page.

The Premier also made much of the fact that the Parliament must remain an instrument of democracy. Of course, this Parliament can remain an instrument of democracy only so long as the Premier or the Executive of the day desires it to be. One can hardly regard the Parliament as an instrument of democracy when the Government abuses its authority as it has in the past by steamrolling Bills through the Houses. You will recall, Sir, that in the dying moments of the first part of this session a number of Bills were steamrolled through the Parliament; among them measures to authorise extended bauxite mining, to change the workers' compensation law, to ratify a new Commonwealth and State Housing agreement, to institute a new system of charging for water, to provide for a fuel equalisation scheme, to clarify the powers of the Taxi Control Board, and to provide for night shopping. All those Bills had a great deal of public interest and should have been allowed to be debated and dwelt upon by the people of this State.

One might say that the Premier is particularly lucky that he has this Executive power and is able to move such legislation through the Parliament so quickly, but it is certainly an abuse of the instrument of democracy—as he calls it. If it were an instrument of democracy we would be looking at something like the American system, under which all those Bills would have been referred by the Governor of the State to open inquiry by committees of the Parliament, and they would have had to wait their turn until those committees had sufficient time to consider them at public hearings with everyone who wished to do so having time to put his case for or against the matters.

The Premier does not have to put up with that; but, of course, he sees any amendment to the present situation as interfering with the instrument of democracy, as he calls it. The way he uses this instrument of democracy to gerrymander electorate boundaries to cause disproportionate representation whether it be in respect of the Legislative Council or in respect of certain seats in this House does not seen to matter to him; he does not see that as a breach of his instrument of democracy. That is the funny attitude the Premier has adopted in his own mind, and one wonders what went wrong in his upbringing to make him do that. There must have been some damage done along the way because knowing something of his background I am sure his forebears would not have held that opinion; they were reformists and people who would want changes for a better social order and a better democracy.

In this day and age if the Government decides to put a Bill through the Parliament it can do so, with few exceptions. We had an exception last year when a Bill met a rather unusual fate, but that was purely by accident and not by design. The desire of the Government was to see the Bill passed, and I do not think the leader of the other House has stopped blushing about that. Probably he has good reason not to because I am sure the Premier would have lectured him fast and furiously in respect of that accident.

I have mentioned that the present Government is quite happy to use this so-called instrument of democracy to fiddle the electoral laws to stay in office. Let it put a referendum to the public asking whether we should be elected on a one-vote-one-value basis, and see what the result is. There would be an outstanding "Yes" vote throughout the State. One would get about an 80 per cent "Yes" vote. We are not very interested in that sort of democracy; we are more interested in the democracy the Premier thinks will keep his people in office as permanently as possible.

I have pointed out the policy of the Australian Labor Party previously, but it is well to repeat that at the last election, when I was leader of the Labor Party, I made no promise to abolish the Legislative Council. I think that is too big a step to take too quickly. The only legislative reform with regard to electoral matters that I promised we would take if we were elected for those ensuing three years was to introduce proportional representation in the Legislative Council. Of course, if it is to be a House of review, why should it not represent the opinion of the whole of the State; why should it be the type of House it is? Even *The West Australian* had a lot to say about that and that paper is not very often on our side. However, it did suggest to the Premier that before he introduced Bills such as the one before the Parliament at present he should be looking at certain reforms of the Legislative Council to give the people of this State a more authoritative say in who the legislators of this State should be.

We get back to the old facts and figures which are well worth repeating. There have been changes of majorities in this House but there has never been a change of majority in the whole Parliament. In the 39 elections since 1890 the Legislative Council has returned a conservative majority to that Chamber on each and every occasion. That is too good even for the best horse which never wins 39 races in a row. That is what it has done when the will of the people is to change the Administration and the Government

by the majority number in this House. We see very clearly what it has done in the past.

The Legislative Council is a cipher for the Liberal Governments. The Brand Government during its 12 years in office had just one Bill rejected by the Legislative Council. In the three years of the Tonkin Labor Government 21 Bills were rejected. The Legislative Council is there merely to protect the interests of the conservatives of this community; not for the interests of the people in this State. That is a very interesting point to note.

I will be finishing on this note because there will be some amendments placed on the notice paper in the name of my leader tomorrow, but I think it is essential that one knows the thinking of the Queen on matters such as those we have been dealing with. I am again obliged to the bi-monthly journal of April-May of the Royal Commonwealth Society from which I will quote as follows—

> *Our relationships will naturally change with the changing times. The Commonwealth is an inheritance to each succeeding generation who must decide how they can make it relevant to their problems. But if the spirit persists, such relationships will respond to the needs of the modern world and will be powerful in their influence for good.*
>
> *Elizabeth R.*

The Queen even feels that from time to time we need to reform and to modernise, not to go backwards and put some further impediments in the way of the Government of the day in its aim to reform, legislatively or otherwise, the system in a State. I believe this should be well left alone and the Premier should have another think on this. There is no necessity for it.

The Premier is entrenched in the immediate future and as far as we can see beyond that with the present system, without the need to put this verbiage, this mumbo jumbo, into the Constitution Act, asking for additional protection.

No-one is going to do damage to the Queen. No-one at any Labor Pary conference I have attended has ever thought anyone else should be head of the British Commonwealth other than the Queen. Her position is rather sacrosanct but, as to whether her deputy should hold her authority State by State and county by country, surely that is a determination for the people of that State or country rather than someone else who has made a decision in some other year. In 50 years' time I would not like to be a party to trying to sort out the mess created by the Premier in this State should we find this country then to be a republic and there was no way a Governor could be appointed. One would then have to look to Canberra for some sort of commission.

Until then, how could we get on an equal bearing with the Northern Territory, the new emerging State? With respect to any emerging States, under the present Constitution they would not have Governors; they would have administrators appointed by the Commonwealth, and the other States would still have their Governors appointed by Whitehall. I suggest that until we get to that time where every State is prepared to start off on an equal basis again and receive a commission from Canberra, in a similar way that the States in the United States receive their commission from Washington, we should not be looking to alter this sort of proposition to cement us more closely with the monarchy than we are at present. The present system works well although it is not doing so well in Canada, from what I can judge at the present.

The system is held in reasonable respect in Australia so long as its representatives observe that respect. When they go off the rails and cause problems there is a reaction to the loyalty which causes further problems for the Administration.

I cannot see any good in this Bill at all. I said so last year and I was glad that Bill was defeated. I hope this Bill before us is removed from the legislative Chambers so that we will retain what we have at present and do not go backwards into some other form of antiquated type of so-called democracy which is not really democracy, but conservatism being imposed on us by a Premier who does not really understand the Australian Labor Party's constitution and rules, is not prepared to understand them, and is primarily concerned with putting fear into the public of Western Australia.

I oppose the Bill.

MR MacKINNON (Murdoch) [8.09 p.m.]: I rise to make a few comments on this Bill following the mumbo jumbo delivered by the member for Welshpool. He endeavoured to gloss over what is written into the Constitution, both Federally and State-wise, of the Australian Labor Party. He read to us tonight the clauses contained in the Federal and State constitutions of the ALP and endeavoured to convince us that, really, they are not that bad; they do not mean what they say. I think the Opposition is agonising over its stand on socialism stated in its platform which Opposition members are finding embarrasing. They cannot take what is in there.

I will quote from their Western Australian State policy document of the 2nd September,

1976, as approved by their State conference. Nothing can hide the fact that under point 2 headed "Constitutional" it states "Reform of the Legislative Council with the eventual aim of establishing a single house of Parliament." That says nothing other than, eventually, the Legislative Council will be totally abolished.

We as a Government believe in a bicameral system of Parliament and we totally oppose any suggestion of abolishing the upper House. The former Leader of the Opposition tried to gloss over the fact that in his policy for the last election, in which he was soundly defeated, he said, "Labor is committed to a unicameral legislature for Western Australia, but recognises that this must be achieved in the long-term." That last bit, that it must be achieved in the long term, was merely a sop to the people of Western Australia which they saw straight through.

Mr Jamieson: It was a statement of fact.

Mr MacKINNON: The people realised a bicameral system is far better.

Mr Pearce: In other words, you will have no problem in winning an election on that issue.

Mr MacKINNON: The member for Welshpool also said the Federal platform did not mean what it said. I shall read out part of that platform and emphasis should be given to the fact that it is binding on the Opposition and is really made partly by the members sitting here tonight. It is binding on them whether they are in Opposition or in Government. I quote as follows—

> 2 The National and State Constitutions to provide for (a) the powers of Heads of State, so long as such offices remain, to be more precisely defined by Statute or otherwise and in particular restricted so as to prevent the dismissal or frustration by a Head of State of any Government maintaining the confidence of the lower, or only, house of parliament;

Mr Tonkin: That is the British system.

Mr MacKINNON: Obviously what the Opposition is saying here is that the Governor or the Governor General, if the Opposition should come to power, would have his position abolished. They have said so clearly. They have also said they would abolish the upper House.

Mr Pearce: We would have to win elections on those policies to do that.

Mr MacKINNON: We obviously oppose that stance. It appears to me unusual that the Opposition should be opposing such relatively minor changes. What the legislation is seeking to do is to ask the people of this State to amend the Constitution, after it passes through both Houses of the Parliament, requesting the people to have a referendum and to vote on the issue.

I shall quote the words of the present Leader of the Opposition (the member for Victoria Park) when he spoke to the Bill introduced last year. His comments can be found on page 2038 of *Hansard*, as follows—

> We are not concerned with what political parties or Cabinets think; we are concerned with what the people think.

That is what this Government is concerned about also and, if any changes are proposed to this Bill or to the position of Governor, we believe the people should have the right to say whether or not they accept those changes. In the same debate last year, recorded at page 2030 of *Hansard*, the member for Welshpool said—

> The position in this State is such that this Parliament is not truly democratic.

He seems to be rather confused. If we believe that the Parliament is not democratic, which we do not, the member should be supporting the premise that we should put the proposition to the people in a truly democratic way and have a referendum. He does not seem to know whether he is coming or going. That is why he is no longer the Leader of the Opposition.

I also share the sentiments of the Premier.

Mr Bryce: We are not surprised at that. There is no way for you to be promoted unless you share his views!

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr Pearce interjected.

The DEPUTY SPEAKER: Order! I would urge members to take notice of me when I call for order. I had to repeat the call for order.

Mr Pearce: I apologise for interjecting after your call for order.

Mr MacKINNON: I share the Premier's sentiments when he was speaking on a similar Bill previously, as reported at page 2044 of the 1977 *Hansard*, where he said—

> ... the cold hard fact is when the final crunch comes on the ALP in this State it will not necessarily be from the decisions of the State parliamentary party; it could be either from the lay wing of the organisation in Western Australia or from Canberra itself.

Several members interjected.

Mr MacKINNON: What the Opposition says is quite clear. They do not judge their own destiny in this House; they are dictated to by the lay

members of their party; and any hint of democracy in changing the Constitution affecting these matters is purely hogwash, because they are being dictated to by other people.

Several members interjected.

Mr MacKINNON: They try to demonstrate that as democracy.

The member for Welshpool made very few points which are of any note. He did imply that we as a party are opposed to reform of the Legislative Council. The fact is we are not opposed to reform of the Legislative Council, but we are opposed to the reform of the Legislative Council in the way he proposes because in his own words "Labor is committed to a unicameral Legislature for Western Australia".

This Government and this party are not committed to that policy and never will be.

The member for Welshpool also endeavoured to bring into the debate tonight the age-old argument used by the Opposition that the Government has rigged the electoral laws, and that is why the Opposition is sitting in opposition. I would ask the member for Welshpool to look at the various electorates in this State, and particularly those north of the 26th parallel. I would ask him to explain how we have rigged all those electorates in which there are many more working men and women than there are in the professions in, say, the Pilbara as compared, for example, with the numbers in my electorate.

Several members interjected.

Mr MacKINNON: The former Leader of the Opposition has been talking mumbo jumbo.

I conclude by saying that I give my support to this Bill. I am sure this time it will pass through both Houses of this Parliament successfully.

Debate adjourned, on motion by Mr O'Neil (Deputy Premier).

PARKS AND RESERVES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st August.

MR H. D. EVANS (Warren) [8.19 p.m.]: The principles behind this Bill are laudable enough, but there are several aspects of its implementation and operation which are not very clear and about which we, on this side of the House, have some apprehension.

The predecessor to the Bill before us was given a second reading last year, but drafting difficulties became evident and the measure in the form then drafted was permitted to lapse.

I am wondering what were the difficulties which were encountered in the previous Bill, why it lapsed, and what sort of problems became evident and appeared to be insurmountable.

It is necessary for us, firstly, to get an understanding of what is proposed in the Bill before us, and then to have a look at the areas which are quite grey and of which there must be some further examination, or at least some explanation.

In the provisions of the Bill before us, some sad reflection on the community and on human nature at large exists. It is an endeavour to cope with the problems that are confronted in practice. I refer to the problems of vandalism, speeding and parking offences, uncontrolled dogs, littering, and incendiarism of bushlands.

That has been the experience and is still the experience of the Kings Park Board in controlling the area under its jurisdiction. The Minister pointed out in her introductory remarks that the cost of vandalism in Kings Park is in the order of $40 000 per year. Of course, that is the cost incurred in repairing the damage—and the time involved in that—through various forms of vandalism which have taken place.

That is most regrettable. We all agree measures must be taken to rectify the situation or at least to give the controlling authorities the best possible chance of apprehending and dealing with offenders to ensure the parks and reserves are maintained in a suitable condition for the use of the public.

This Bill introduces a provision under which parents shall be liable for acts committed by their children. In many cases children who receive training at home are remiss and commit acts which would no doubt surprise their parents. On the other hand, a little discipline and child training would be appropriate and very helpful in a number of cases. The liability of parents for the actions of their children is a principle which should be covered in the Act.

The next point concerns the validation of the existence of the restaurant which is currently gazetted as a tearooms. In this day and age a restaurant is obviously needed. I do not think anybody would disagree that one of the better restaurants in Perth is located at Kings Park. It has a great deal in its favour. It should be encouraged and made one of the attractions of the city.

A further point concerns the definition of the Kings Park boundary in order to strengthen the powers of prosecution. This is virtually a technical

or administrative problem. There is no concern in that regard.

We are concerned with the interpretation of the phrase "authorised person", which reads as follows—

> Section 2 of the principal Act is amended—
>
> (a) by inserting before the interpretation "Board" an interpretation as follows—
>
> "authorised person" in relation to any park or reserve committed to a Board, or any by-laws made by a Board, means—
>
> (a) any member of the Police Force;
> (b) any member of the Board; or
> (c) any ranger appointed by the Board pursuant to section seven of this Act. ' ;

There are three classifications. The Police Force automatically comes into the interpretation of "authorised person". Rangers come under that interpretation also. Two rangers have been appointed at Kings Park in an endeavour to overcome the problems confronted in the management of the park by the board. The problems experienced by these rangers are recognised. Rangers in other reserves along the south coast, where bikie gangs have created disturbances over holiday periods, face problems similar to those encountered possibly more frequently, at Kings Park or for that matter, at Rottnest.

The third classification covered by the interpretation of "authorised person" is that of "any member of the board". I shall depart for a moment and look at the powers given to these authorised persons. These powers are very extensive, and I should like to quote them as follows—

> 5. The principal Act is amended by adding after section 7 sections as follows—
>
> 7A. (1) An authorised person who is not a member of the Police Force and who finds a person committing an offence against any by-law made by a Board, or who on reasonable grounds—

The term "reasonable grounds" has created difficulty in courts of law irrespective of the situation to which it pertains. To continue—

> —suspects that such an offence has been committed or is about to be committed, may without warrant other than the provisions of this section—
>
> (a) remove any vehicle, animal or other thing from a park or reserve;
> (b) stop, detain and search any vehicle, vessel or conveyance;
> (c) enter and search any hut, tent, caravan or other erection which is not a permanent residence; and
> (d) require any person to give to him the person's name and address and detain the person if, when required to do so, he does not give to the authorised person his name and address, or gives to the authorised person a false name and address, until he can be delivered to a member of the Police Force, or the authorised person may take him into custody himself to be dealt with according to law pursuant to section fifty of the Police Act, 1892, as if he had not given his name and address, or had given a false name and address to a member of the Police Force,

Members will appreciate the extent of the powers held by an authorised person up to this point. There is a safeguard which is as follows—

> . . . an authorised person shall not exercise any power specified in paragraph (a), (b) or (c) of this subsection unless he has first taken all reasonable steps to communicate to the owner or person in charge of the vehicle, animal, vessel, conveyance, hut, tent, caravan or other thing concerned his intention tc exercise the power and his reasons for believing that he is authorised to exercise the power.

The authorised person must identify himself as a person with the appropriate authority. To that end he must have, as set out in the *pro forma* at the end of the schedule, an authorising document which states he or she is an authorised person.

A further extension of the powers of authorised persons is contained in proposed section 7A (2) which reads as follows—

> (2) An authorised person may examine any vehicle on a park or reserve and require the person apparently in charge of the vehicle to inform him whether the vehicle is the subject of a licence or permit under the Road Traffic Act, . . .

I imagine vehicles provide the most consistent area of concern to park administrators. We live in a very mobile community and it is logical that there should be a provision to deal with offences involving vehicular traffic.

A person driving a vehicle has to inform the authorised person whether the vehicle is subject to

licence or permit under the Road Traffic Act, 1974, and to give him the name and address of the owner of the vehicle. In other words, that is consistent with the powers of an RTA officer in that case. Proposed new section 7(3) reads—

> An authorised person who has reason to believe that a vehicle has been used, driven, parked, stood or left in breach of any by-law made by a Board may require the owner of the vehicle and any person to whom for the time being the possession or control of a vehicle may be entrusted to give any information which it is in his power to give . .

So, it goes beyond the normal parking offence, to insist on the full clarification of the ownership of the vehicle and the identity of the owner. Proposed new subsection (4) reads—

> As regards an authorised person who is a member of the Police Force, the provisions of this Act relating to authorised persons are not in derogation of but are in addition to those of other Acts relating to members of the Police Force.

That is fair enough, and very necessary in order to clarify the point that the police do have full powers in the "parked" situation, as they do elsewhere, and are not limited to the powers of a ranger or board member.

The penalties which are to be imposed have been increased substantially, and at this juncture I think some consideration has to be given to the overall position.

Clause 6(2) reads—

> A Board may, by such by-laws, impose pecuniary penalties, not exceeding a fine of one thousand dollars, for breach of any by-law and prescribe sums not exceeding fifty dollars payable by way of penalty by persons who proceed in the manner described in paragraph (d) of subsection (2) of section fourteen of this Act.

We will examine the second part of that subclause in a moment. With regard to the first part, when the penalty was originally introduced in 1955 it was $40. In 1972 the penalty was increased to $150, and under the terms of this amending Bill it will be increased further to $1 000. That is a substantial deterrent. When it becomes necessary to impose a penalty of $1 000, there should be every safeguard to ensure that the position, or the offence, is clear and the situation is regular.

Under the terms of "authorised person", as I have pointed out, the three categories involve the police, an appointed ranger, or any member of a board. The Kings Park Board and the Rottnest Island Board were created under particular Statutes. However, under section 310 of the Local Government Act local governing authorities are empowered to set up boards to control reserves. As the Minister indicated in her introductory remarks, these boards would have the same powers as those boards which have their own particular controlling legislation.

The Minister also said that a meeting had been called—presumably at the initiative of the Minister following the failure of the previous legislation—to consult with the Kings Park Board, the Rottnest Island Board, the Country Shire Councils' Association and the Local Government Association. The Minister also indicated that other reserves are controlled by local authorities under the Local Government Act, similar to those under the Parks and Reserves Act. That means parks set up under the Local Government Act could be in a comparable position.

I asked a question of the Minister but, unfortunately, it was not answered today for the obvious reason it was not lodged within the prescribed time limit. In that question I asked the Minister how many authorised persons there would be under this particular legislation, should it become a Statute.

I can think of several boards which have been created by local governing authorities, and I am wondering whether such bodies as the South Coast Advisory Committee, in its advisory capacity, will become involved. Another advisory board has been set up by the Walpole-Nornalup National Park Authority. The Windy Harbour Board of Control comprises 12 individuals, and that board was set up under the Local Government Act. The Manjimup Shire Council gives authority to it. I am presuming that in those instances the boards would have precisely the same powers of administration, and the same powers to create by-laws providing for a maximum penalty of $1 000.

I am wondering whether the Minister is in a position to say how many such boards exist in Western Australia, and how many boards there are which would be able to take advantage of these powers, and just how many individual board members would be involved. That is the nature of the question to which I sought an answer.

As the powers of the authorised persons are to be so wide sweeping, it seems to me that a certain amount of caution is required before allowing a great number of people the same powers which this board will have. I can visualise quite a

number of situations concerning the apprehension of individuals in this "authorised person" situation. I can visualise quite a number of situations which might give cause for concern when it comes to dealing with an offence.

I also refer to the term "with reasonable cause". An authorised person, on reasonable grounds, can proceed to exercise the powers which have been bestowed on him under the terms of this Act. Those powers are considerable.

If it is a restrictive situation and the powers are exercised by people who have some training—either legal or by way of a background of some control of persons in their vocations—by people with a degree of stability and maturity, that will be quite reasonable. I come back to the members of the Kings Park Board. I know those people would be perfectly able to exercise the powers contained in this measure. However, I am concerned at the number of reserves and parks under the control of local government. I am wondering whether by way of interjection the Minister could give an indication how many there are.

Mrs Craig: There are many of them. I cannot tell you the exact number.

Mr H. D. EVANS: That is the point. The Minister has said there are many of them, and for that reason I become apprehensive as to the full ramifications of legislation of this kind. I would prefer that some further research be done on this matter, but hopefully the Bill can be delayed in some way. The Minister might be prepared to withhold the Bill until a few of these further facts can be established and we can have some indication of the total implications.

There is no objection to the powers going to authorities such as the Kings Park Board and the Rottnest Island Board. They are in a different position. However, I think the matter should be looked at a little more closely.

Mr Bertram: Hear, hear! It is too dangerous.

Mr H. D. EVANS: It does have some legal overtones. Two courses are open to me. The first is to seek that the Government withdraw the Bill or defer the passage of the legislation until such time as some of the queries and areas of concern have been cleared up. The second alternative is to seek to move an amendment requiring an examination of the position by a committee before the Bill is passed. I would be prepared to move that the word "now" be deleted from the motion with a view to adding the following words at the end of the motion—

> after receipt of a report of a Select Committee of the Legislative Assembly appointed to inquire into and make recommendations regarding the powers which it is proposed to vest in people who will be designated "authorised persons" under the provisions of the Bill.

Amendment to Motion

I now move an amendment—

> That the word "now" be deleted with a view to adding further words.

MRS CRAIG (Wellington—Minister for Lands) [8.44 p.m.]: I make it clear at the outset that I completely oppose such an amendment. I believe the reasons I am able to give the House will completely satisfy members that the member for Warren has not done his homework as well as he may have done it. He has subjected us to a recitation of the section of the Act which defines authorised persons, and he has also queried the drafting problems which arose after the Bill was introduced on a previous occasion.

I state quite clearly that the difference between the earlier Bill and the present Bill is that the one now before the House has narrowed the powers of authorised persons and has defined those powers much more succinctly. The member for Warren suggested it might have been a good idea to confer with those persons on the Rottnest Island Board, the Kings Park Board, the Local Government Association, and the Country Shire Councils' Association. All those persons had a marked preference for the earlier Bill and believed that in this Bill we are not giving them quite the strength of powers they ought to have.

As to the number of boards, I posed that question to the department at the time I was considering bringing this legislation forward. The department was unable to tell me the exact number of boards constituted under the Parks and Reserves Act, because it would have taken an enormous amount of research, as the member for Warren would well know.

Mr H. D. Evans: I think it is a fairly important fact. You are going to hand out these powers.

Mrs CRAIG: The member for Warren suggested that if a country shire or a local government body decides to constitute a board under the Local Government Act, the powers of an authorised person within that Act are somewhat less than the powers the authorised person has under the Parks and Reserves Act. That is not quite correct. The powers are not less but the definition of an authorised person under this Bill is more specific.

The DEPUTY SPEAKER: Order! I advise the House that the motion relates to the deletion of the word "now"; that is, whether or not this matter should be proceeded with now. I ask members who contribute to the debate to confine their remarks to that aspect and not to deal with the particular issues of the Bill.

Mrs CRAIG: I will attempt to confine my remarks to the deletion of the word "now", and I hope the explanation I have given so far will indicate to the member for Warren that the things I am proposing to do now with this legislation are things which need to be dealt with now and should not be dealt with at a later date. I am not entirely sure whether the member for Warren is suggesting these authorised persons should or should not now be given this power. He is making much of the fact that I am unable to tell him now how many boards are at present operating under the Parks and Reserves Act. I have clearly indicated to the House that I am not able to give that information because it is not readily available within my department.

Mr H. D. Evans: It should have been researched.

Mrs CRAIG: If it would placate the honourable member in any way to know in the near future how many boards there are, and if he would indicate to me the real necessity for this information, perhaps I would be prepared at a later date to supply to him the information he is *requiring* now.

In suggesting to the House that this piece of legislation was not entirely suitable to enter the House at this time, the member for Warren questioned the fact that parents would now be responsible in some situations.

Mr H. D. Evans: I do not think you were listening.

Mrs CRAIG: He said it was a commendable matter to bring forward, but I think at the same time he raised some doubts as to the validity of that provision.

Another point which seemed to be worrying him in relation to whether the Bill should be proceeded with now or at a later date was the increase in the penalty. He quite rightly said that in 1895, when the original Bill was enacted, the maximum penalty which could be imposed at that time was £20.

I remind the member for Warren that a penalty of £20—or $40—at a time when weekly wages could be counted in shillings, was a most significant fine. It was the maximum, just as we suppose that the $1 000 proposed in the Bill will become the maximum. The honourable member well knows that any court imposing a fine would consider that to be the maximum, and a fine of that magnitude would not be imposed unless the court felt it was necessary to do so.

I believe I have made the point that I certainly am opposed to the amendment proposed by the member for Warren.

Amendment put and a division taken with the following result—

Ayes 14

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr Skidmore
Mr T. J. Burke	Mr Taylor
Mr Carr	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr Grill	Mr Pearce *(Teller)*

Noes 25

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Sibson
Mr Crane	Mr Sodeman
Dr Dadour	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Grewar	Mr Tubby
Mr Hassell	Mr Williams
Mr Herzfeld	Mr Young
Mr MacKinnon	Mr Shalders
Mr Mensaros *(Teller)*	

Pairs

Ayes	Noes
Mr Davies	Sir Charles Court
Mr Wilson	Mr Old
Mr B. T. Burke	Mr Laurance
Mr Bateman	Mr Watt
Mr T. H. Jones	Mr Rushton
Mr Harman	Mr P. V. Jones
Mr T. D. Evans	Mr McPharlin

Amendment thus negatived.

Debate (on motion) Resumed

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mrs Craig (Minister for Lands) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 2 amended—

Mr H. D. EVANS: During the second reading debate the Opposition referred to the powers to be vested in authorised persons. The essential aspect of this provision has not been clarified to the satisfaction of the Opposition.

If an unspecified number of persons who are members of an unspecified number of boards have powers as anticipated in the Bill, situations will arise where there will be very doubtful circumstances of apprehension. It is not possible

that every board member will be trained in controlling impartially his own area of responsibility, as a trained officer of the law would be. Certainly it is desirable that people in the remote areas should be able to exercise such powers; that is fair enough, and we do not question it. It is most desirable that those concerned with the administration of the parks in remote areas should have the support of the law so that they can fulfil those duties competently, particularly in view of the increasing problems they are facing. However, it is possible to imagine many difficulties that may arise.

I am certainly not happy with the explanation given by the Minister. For that reason I again express my concern about the powers of "authorised persons".

Mr SKIDMORE: I am concerned about the interpretation of the term "authorised person" as it appears in this amending Bill. Many powers are to be vested in authorised persons, and my main concern is that any member of a board will be vested not only with the powers as set out in the Bill, but also with the powers set out in the parent Act.

The powers that will be given to a board are so far-reaching that the mind boggles. Some powers are contained in section 8 of the Act, and when one considers that section one wonders how far members of boards would go in the pursuit of their duty.

I am also concerned that the lack of expertise of these people in respect of handling the public has caused a considerable amount of trouble to a considerable number of people for a considerable number of years. One can well envisage that a shire in this State which is vested with the responsibility for controlling certain areas of water could exercise its powers in a remarkable way; and it could happen that board members could similarly exercise their powers in a way in which they should not have the right to exercise them.

I believe that deleting the reference to any member of a board being an authorised person would surely be a reasonable way of overcoming the problem of people without expertise dealing with members of the public. That would go at least some of the way towards alleviating the doubts that I have. I know we must have rangers, and I would be happy if we could increase their numbers. However, I certainly do not believe that we should remove power from those people who have expertise in handling the public and give it to a member of a board, who could be just anybody. I do not say that disrespectfully, but that member of the board could be a person who has never dealt with the public. If such a person is suddenly given power we would probably find him in his particular bailiwick using his powers in a way that would not be in the best interests of all concerned.

Let us not have any doubts about the fact that some people in the country have a vindictive nature when it comes to local government. If we create a local board and give its members these powers we could find a situation in which a member of that board is vindictive enough to line up anybody that he does not like; and do not say that it does not happen, because it happens today in many avenues of local government. Vindictiveness creeps in and people are held to ransom by the attitude of a member. Therefore, I feel the deletion of this reference would at least partly solve the problem.

Mrs CRAIG: Again I would refute what has been said. I think we ought to take a careful look at the authorised persons. Firstly, they include any member of the Police Force and any member of the board. The member for Swan and the member for Warren seem to be going on as though the boards comprise a great number of people. As most of the debate earlier related to the Kings Park Board, let us talk about that board. It has six members. So we are talking about any member of the Police Force—and please remember they are not always on duty or able to be on duty in Kings Park, unless the board is able to pay them to come in at specific times—and six members of the board, who would not be there all the time. We also have any ranger appointed by the board. Those are the authorised persons.

At the moment the Kings Park Board has two rangers who are fully paid employees of the board. They are persons who are considered to be suitable persons; and "authorised person" as defined in the Bill means we will allow only suitable persons to become authorised persons. The board members, of course, will be responsible for appointing other rangers. The board is made up of people who are considered to be most responsible. I think it would generally be thought in this Chamber—and I would be disappointed if I thought the Opposition suggested otherwise—that local authorities—

Mr H. D. Evans: Did we not say that we admired, respected, and approved of the board members?

Mrs CRAIG: Yes, but the member said at the same time that he was fearful of them having this power.

Mr H. D. Evans: Not them.

Mrs CRAIG: The member for Swan for the last five minutes has been indicating that members of the board ought not be allowed to be authorised persons, because he does not consider they are competent to handle the authority given to them in this Bill.

I really believe the arguments put forward by the members of the Opposition in this case hold no water at all. This Bill is an attempt to control a situation that all members must realise is getting out of hand. It is an attempt to control the situation in a manner which will be of least expense to the board and will enable persons who wish to enjoy parks in Western Australia at least to enjoy them without having to suffer some of the indignities and uncomfortable situations that now occur. These situations occur because we have not been in a position satisfactorily to ensure that the status of authorised persons who I am proposing be appointed now is such as to enable them to apprehend people who are making it unpleasant for others to enjoy our parks.

Mr H. D. EVANS: The Minister has been trying by some distortion to evade the essential issue. My opening remarks were that we agreed with and strongly supported the principle and concept underlying the Bill and the need to strengthen the law in respect of controlling parks and reserves. I hope that is accepted.

Secondly, the Minister referred to the Kings Park Board and suggested that we denigrated its members. That is so much nonsense. If every board member in the State was of the calibre of the members of the Kings Park Board there would be no question. However, the Minister does not even know not only the board members, but also how many boards she has. That is the point we make.

Mr SKIDMORE: I want to take up the Minister's comments in respect of what I said about board members. Let me make it clear that the remarks I made were in respect of this nebulous business of the many boards in this State. The Minister is not able to tell us how many boards there will be, nor can anybody else, because it will be up to the authorities to elect the boards. We could have one board like the Kings Park Board, or we could have many boards. We could have one board or 1 000 boards. My proposition is that amongst all those boards there could conceivably be a board member with a vindictive nature who could possibly use his position to act vindictively against another person. Even just one instance of that would be sufficient for me to say board members should not be given this power.

So far it appears all the Minister's comments, in an effort to denigrate what we have said, have been in respect of the Kings Park Board. I again say to her that I see no reason for the members of that board to have the power that this Bill suggests they should have. Again, I simply say it is an area of expertise.

It is not an easy matter to lay down regulations empowering a person to go up to somebody who throws a can of beer, knocks down a tree, or parks in the wrong place in Kings Park and say, "You are breaking the by-laws of this park, therefore I will have to ask you to move on" or something of that nature. I am worried that such a power could be wrongly used.

If each board comprises six members—I understand it could be more—and 100 boards are established, we will have 600 people running all over the country acting out their powers in a way which would not be in the best interests of the community. How would those people know what was best for the national parks in their areas, or what was the attitude of the Environmental Protection Authority to that area? How would they know what instructions the EPA has given to the various rangers to protect the environment? I believe the rangers are better qualified to control this area because they are trained, advised, and informed by the EPA as to what is required.

This Bill proposes to establish boards comprising members without any special expertise in environmental protection and, in their ignorance, they could apprehend people who are not even breaking the law. It is beyond comprehension that this Committee should support such a proposition. Certainly, I would agree to appointing more rangers.

I do not take this matter lightly; I am extremely concerned about protecting the environment of our national parks and reserves and I do not wish to see people without the necessary expertise running these parks to the point where they will do a lot more damage through their ignorance than if the boards had never been established. We need a person who knows what he is talking about; we need a ranger to do this job. I oppose this clause.

Mrs CRAIG: For the edification of the member for Swan, perhaps I should indicate to him the sorts of reserves we are talking about. We are not talking about national parks but about an area which may be vested in a local authority. It may be only half an acre or two hectares; there may be some occasions on which we are talking

about a greater area, but it would not be very much greater. The local authority may decide to constitute a board to look after a specifically defined area, and that would be a board constituted under the Parks and Reserves Act. We are talking about the appointment of responsible persons.

I concede it would be very nice to have fully paid rangers—paid for by local authorities—on duty at every single little reserve vested under the control of local authorites. However, that is a practical impossibility. It is a practical impossibility to have a full staff of paid rangers on duty at Kings Park; I understand at least six rangers would be required.

Mr Skidmore: What about other parks and reserves?

Mrs CRAIG: If the member for Swan will only listen to what I am saying, I told him that in the first instance.

Mr Skidmore: You keep going back to Kings Park.

Mrs CRAIG: Yes, because that was the subject principally under discussion earlier in the evening, and it is one of the boards which most of the public understand as being a board administered under the Parks and Reserves Act.

I find it passing strange that the member for Swan sees a difference between the board that is constituted under the Parks and Reserves Act—which comprises authorised persons—and a board which is constituted under the Local Government Act which has somewhat more power vested in its authorised persons. Therefore, I do not know why the member for Swan is objecting to this clause of the Bill.

Mr SKIDMORE: I accept the concept put forward by the Minister that if the various shires have accepted their responsibilities over the years, they should be responsible enough to establish boards. However, I challenge that some of those shires have in fact been responsible in the way they have administered their areas. I refer particularly to shires in coastal areas which have allowed the rape of our coastline over the years. I do not believe they are responsible people who should have the right to establish a board to control a reserve vested in them.

I can quote at least half a dozen instances where the shires have abrogated their duty to protect the coastal dunes. In fact, I could narrow it down to one particular shire. Recently, I paid a visit to an area of land vested in that shire and found the shire could not care less about what was going on there. One could well imagine a board established by that shire to administer and look after that coastal reserve showing any responsibility and having any regard for what the EPA had advised its rangers!

This is the very crux of my argument. Quite frankly, it would be a damned disaster if some of the shire members I know were placed on boards to administer these areas. In the first place, they should not be placed on such boards and, in the second place, they should not be allowed to control people who wish to enter those reserves or drive through them or use them for their own activities. I say again that the board members should not be authorised under this clause of the Bill.

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Sections 7A and 7B added—

Mr H. D. EVANS: I suggest to members that they read the powers contained in clause 5, which seeks to amend section 7 of the parent Act. Members will notice that an authorised person may—

(a) remove any vehicle, animal or other thing from a park or reserve;
(b) stop, detain and search any vehicle, vessel or conveyance;
(c) enter and search any hut, tent, caravan or other erection which is not a permanent residence; and
(d) require any person to give to him the person's name and address . . .

I would like the House to be aware of the extent of the powers which authorised persons will possess as a result of this clause.

Mr SKIDMORE: I am dismayed at the wide powers to be given to people under this clause. I am concerned that people who may be going about their lawful business on a reserve may be faced with their tent or caravan or vehicle being searched by a member of a board. We need to ensure a reasonable amount of effort is made by the person seeking to make a search to inform the occupier of the particular hut, or whatever, of his rights. The clause says he has the right of entry or removal if he takes all reasonable steps to indicate to the person concerned his intention to exercise the power and his reasons for believing he is authorised to exercise that power.

He does not have to tell the person why he is doing it; he does not have to say he suspects that person has removed a protected plant or that he suspects the person concerned has destroyed some fauna. All he has to do is to say he is authorised to do it and therefore he is going to do it. That is not a very good thing. It is a dangerous power for

people who have no knowledge of handling the public. We could be faced with a situation where people could be harassed under this Act without perhaps knowing why that harassment has taken place. I cannot condone this sort of thing.

The clause is badly worded. The intention was that the person who was going to apprehend someone's caravan was to say, "I am here as an officer of the board and I have to tell you you have broken the law." It concerns me that an officer of the board might not know or understand the authority he will have. The power this clause gives him should not be vested in anyone. At least a person to be apprehended should know why the apprehension is to take place. I protest against this clause.

Mrs CRAIG: If the member for Swan looks at subclause 7A (1) (d) he will find that an authorised person shall not exercise any power specified in paragraphs (a), (b), or (c) of this subclause unless he has first taken all reasonable steps to communicate to the owner or person in charge of the vehicle etc. his intention to exercise the power and his reasons for believing that he is authorised to exercise the power. At the same time he would also be required to produce his certificate of authorisation which would indicate to those concerned that he was the person responsible and in whom such power was vested.

Mr SKIDMORE: That does not satisfy me at all although I agree with the Minister that that is what the clause says. I am saying that the powers are vested in that person for him to give his intention to exercise the power. What is the exercise of the power? The power is under paragraphs (a), (b), and (c). It does not say why an officer wants to exercise those powers. It simply allows him to say he is going to exercise those powers.

Is that a fair and reasonable proposition? Should I possibly be forced into a position of having to move my caravan from a reserve because an officer comes along and tells me I have to move my caravan as he has powers vested in him which do not force him to give any reasons?

I thought the Minister was going to suggest that the intent was for the officer to tell the person why he was exercising his powers, but she did not. I do not believe anyone should have power under the Statutes of this country enabling him to force his will upon anyone else merely because he is an officer with certain authority and because he feels he has the right to search someone's caravan.

I would not like to be caught in such a situation as a member of Parliament. I might be in trouble because I could possibly get a little angry at the thought of being summarily moved along because someone says he has certain power.

Mr H. D. EVANS: The crux of the issue is that we could have untrained persons exercising these powers that are enumerated, with the penalties they contain, on "reasonable grounds". What constitutes reasonable grounds? It is difficult to define reasonable grounds to an untrained person. This is the problem that will arise.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 12A added—

Mr H. D. EVANS: The penalties we had regard for in dealing with clause 6 are up to $1 000. I indicated my support for the principle of parents being responsible for their children. Does this mean that a situation could arise where the penalties could be similar to the maximum of $1 000 in that case?

Mrs CRAIG: Yes; I believe it does mean that in that case, if it is tried in the court. The last act of vandalism in Kings Park of which I am aware in one night resulted in damages costing approximately $980. Bearing that in mind, it is probably a suitable fine to be imposed.

Clause put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Section 14 added—

Mr H. D. EVANS: This is one aspect which has not been raised in the discussions on the Bill. It concerns notice of proceedings; in other words, similar to a parking fine. It should be pointed out the penalties under proposed new subsection (2)(d) are referred to in section 6 as being that of $50. It seems to me this type of offence, which is a general one, would be more appropriately served by a fine of that amount.

Basically the Bill has much merit in its intent and content but we feel a certain amount of apprehension with regard to certain portions of it. I hope the Minister will not move the third reading this evening in order that the answers to questions asked tonight may be received, as they may result in further comment during the third reading debate.

Clause put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st August.

MR H. D. EVANS (Warren) [9.33 p.m.]: The history of the Camballin area is contained in the previous debates on the subject and reported in *Hansard*. The original agreement to permit experimental rice growing on the Fitzroy River in the Camballin area was signed in 1957.

The background is as follows: In 1959 Mr Farley from the Eastern States met with Mr Kim Durack of the Kimberley area who was and had been involved in experimental growing of rice. Mr Durack had grown rice on behalf of Mr Farley under an agreement. He was conducting experimentation for at least six other firms. In the main, these firms were rice processors and distributors in the Eastern States.

In 1956, the year before the original northern development agreement was signed, Mr Durack had succeeded in growing an area of 60 acres of rice which produced a yield of 2 tons 3 cwt. per acre. That was considered to be remarkably good by any standards. Subsequent crops returned a yield of approximately 30 cwt. per acre. The reasons for this were numerous. They included the ravages of birds, brolgas and wild geese in particular, and the fact that the Murrumbidgee area had come into full production at that time. This affected the economics of rice growing throughout the whole country. Obviously it was more economical as a result of the transportation situation offered by the Murrumbidgee area. A further reason for the lower yield was the fact that the varieties had not yet been fully determined in the Kimberley area. I suspect also when Mr Durack was replaced by Mr Gorey, as manager, some of the expertise which had been available previously for the growing of the crop was no longer present.

In the period 1957 to 1968 Northern Developments Pty. Limited acquired progressively purchased shares in Liveringa Station as a part of its operation in the area, gained the leasehold, and in this manner expanded its operations.

The provisions regarding irrigation of the Camballin project came under regulations after the first subdivision had been granted by an Act of Parliament. Therefore, the company could proceed with the development of certain areas and, after the development had been achieved, it had the right to subdivide, freehold, and develop areas. It could then sell parcels of land if it so desired.

The question of irrigation is always important and inevitably it is a legal problem. A board was set up in the same manner as in other places, with the nominee of the Minister, the company, and the purchaser. The three members determined irrigation problems which arose. The company was given the right to subdivide parcels of land in the manner I have indicated. A parcel was understood to be an area of 5 000 acres.

Mr O'Neil: Are you going to support this Bill?

Mr H. D. EVANS: Why?

Mr Young: He has not got around to it.

Mr H. D. EVANS: Before I support the Bill, perhaps I should obtain the answers to one or two questions.

Mr O'Neil: Do not worry. I just want to mark the notice paper for tomorrow.

Mr H. D. EVANS: To put the Minister's mind at ease, I should like to tell him I will support anything that is in the interests of development in a remote area.

Mr O'Neil: Do not worry. I will wait until you have finished to find out.

Mr H. D. EVANS: The Minister should not be anxious.

Mr O'Neil: He cannot take a broad hint.

Mr H. D. EVANS: It is important to follow the development of this area, because it involves an amount in excess of $3 million contributed by the Government in numerous ways. That should not be disregarded completely. I hope Parliament is accountable to the people of the State when it spends money of this magnitude. At least the people should know where the money goes.

Returning to the establishment of the project, I should point out thousands of dollars were spent by the company in the experimental growing of rice. In April, 1969, concern was expressed in this House regarding the economic capacity of the company which had taken over from Northern Developments Pty. Limited. But the underlining theme was, and I should say still is, that any project aimed at promoting development in the northern areas should have the support of this House as far as possible.

There was an amendment to the original Act in 1969 which allowed the growing of grain sorghum, the original agreement being confined merely to rice. That amendment allowed the company to take up irrigable land in 10 000-acre lots to the extent of 55 000 acres.

At that time, in 1969, it was pointed out that something in the order of $3.25 million of taxpayers' money was spent in developing

Camballin. That should help the Deputy Premier in considering the problem he raised. The area does have implications as far as the State is concerned, and the physical problems of development are still there.

If a levee is to be developed to protect the 55 000 acres from the Fitzroy floods, that could involve between 14 and 17 miles of levee bank. The cost of that development would be considerable, and when added to the outlay of $3.25 million in 1969, and converted to present day costs, it is a fairly significant sum.

The purpose of planting grain sorghum was an attempt to develop lot feeding in that area. The operations of the Australian Land and Cattle Company were fairly efficient. In the fattening of stock it had scales and kept accurate records. It was able to determine fairly precisely the amount of grain required for a 60 to 90-day fattening programme.

The problems associated with the growing of sorghum are still not resolved but the plant breeders will eventually discover the variety which will lead to economic growing in that area. However, in the meantime the price of beef dropped drastically and so we have the problem of the rather stagnating condition of the project at Camballin.

The present amendment concerns four matters. Firstly, it will redefine the boundaries of the first parcel to comprise the land so developed which contains 4 693 acres 1 rood 31 perches—a fairly exact definition of the area—now surveyed as Fitzroy location 39 as shown on Lands and Surveys Department original plan 13560. That first parcel will be redefined, and that is no cause for concern. It is within the confines of the original definition of a parcel, which was 5 000 acres.

Secondly, the amendment will cover the situation that no provision was made in the 1969 amendment, when the area of parcels was increased from 5 000 acres to 10 000 acres, to adjust the price per acre for parcels to be granted subsequent to the first parcel. As it is in the interests of the State to increase the price to bring it up to a fair and equitable figure, to present day values and standards, I think that is commendable to the extent that the State's interests are being looked after.

Thirdly, there is to be a new definition of "parcel" as it applies, to give more control over the land in that henceforth it will be the Minister who will determine the parcel of land—the boundaries and the planning of it—and this will have regard for future occupiers of that land which, if left without the control of the Minister and advisers, would place the subsequent landowner at a disadvantage in some way. The company could well opt for its own preference to the distinct disadvantage of the landowner coming in. Again, on the third provision I do not think there is any disputation; certainly, there is no objection from this side of the House.

Fourthly, the Minister is given discretion to vary boundary fencing requirements. Once again, when dealing with an area of this size and in its present locality, and having regard for topography, it is a provision that will have advantages administratively.

I was a little disappointed with the lack of information I was able to glean by way of questions, and the answers I received to them. When I asked what had been the total cost to the Government of the Northern Development Pty. Limited project at Camballin since its inception, I was informed that the information was not available in the Lands and Surveys Department. Well, possibly it could reasonably be argued that most of the cost would rest with the Public Works Department, and perhaps the question could have been directed to the Minister for Works.

In my second question I asked how many parcels of land the company had subdivided under the terms of the agreement with the Government since 1957, and the reply was there was no record either in the Lands and Surveys Department or the Titles Office of the company having subdivided any parcel of land since entering into the original agreement with the Government in 1957. So, apart from the original parcel, there has been no further subdivision and that is a reflection on the difficulties confronting agriculture in the Camballin region.

There is no doubt about the potential of the Fitzroy area, and given reasonable prices and a breakthrough in plant genetics, it could eventually be a "goer".

I also asked the Minister what developmental work and agricultural operations had been carried out at Camballin during the past three years. The reply was simply that the first parcel of land conformed with the requirments of the agreement. An extension of that answer was that the extent of subsequent developmental work and agricultural operations is not known. I was under the impression that before any subdivision could be acknowledged the Lands and Surveys Department would have to be satisfied with the progress.

In leasehold areas the Lands and Surveys Department conducts an annual survey to

ascertain the level of development which has been achieved, and whether the conditions of purchase have been complied with. I am surprised that the same conditions did not apply at Camballin, because it would have been of interest to have some up-to-date authoritative statement on just what is prevailing in the Camballin area.

There is no objection to the amendment before the House. I have no doubt that the members on the Government side share the view of the Opposition, that ultimately a breakthrough will be achieved. However, the overall information would have been appreciated and I have no doubt it would have been appreciated not only by members on this side of the Chamber but also by people outside this Chamber.

We support the Bill.

MRS CRAIG (Wellington—Minister for Lands) [9.49 p.m.]: I thank the Opposition for its support of the Bill. I do not think it is necessary to add much to the remarks of the member for Warren, because he has carefully repeated what I said in my second reading speech. He has also given a good background history from previous *Hansard* reports.

The one matter he did query was the reply to his question which I gave, not today, but on Thursday of last week. The honourable member said he was disappointed that the Lands and Surveys Department was not able to give him the information, and he also indicated quite clearly that the information was available from the Public Works Department. It was an irrigation project about which he was speaking and, in fact, as he proceeded with his remarks about his disappointment he indicated he knew it was a matter involving the Public Works Department anyway.

Mr H. D. Evans: I thought the Lands Department might have retained the efficiency of the old days.

Mrs CRAIG: We do not see ourselves as a research bureau for members of Parliament.

Mr H. D. Evans: Do you not carry out inspections?

Mrs CRAIG: The history of the land we are talking about, as the member for Warren would know very well, has been difficult to say the least, and in recent years, in any event, little or no development has taken place. That is really the reason the agreement is before the House today. It has been possible for the company to raise some funds and it is now interested in proceeding with the development. The amendment before the House will make that possible but it makes the Government's situation far better, in that it does the four things which have just been indicated by the member for Warren.

Mr H. D. Evans: What is the company going to do with the land?

Mrs CRAIG: That which is defined in the agreement. I do not think there is any need for me to say more. I commend the Bill to the House.

Mr H. D. Evans: You do not even know what they are doing with your land.

Question put and passed.

Bill read a second time.

In Committee, etc,

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mrs Craig (Minister for Lands), and transmitted to the Council.

House adjourned at 9.54 p.m.

QUESTIONS ON NOTICE

ABORIGINES

Housing: Lockridge

947. Mr SKIDMORE, to the Minister for Community Welfare:

Prior to Parliament rising for its recent recess period, I asked him a series of questions regarding the Government's attitude towards the housing of Aboriginals and, in particular, those Aboriginals living in tents at Lockridge. Would he now advise the House:

(1) What action has been taken to house those people?
(2) How many of them have been housed and how many are still to be housed?
(3) How many families are involved?
(4) How many children are involved?

Mr RIDGE replied:

(1) Negotiations are currently under way to secure a specific area of land in order to set up a camping park for those families who do not wish to live in conventional homes.
(2) Of the original Lockridge campers, three families (9 children) have been rehoused and the remaining family (9 children) do not wish to live in a conventional home.

(3) and (4) In the whole Swan Valley area, including Lockridge, 10 families (32 children) have been rehoused, 11 families (18 Children) have applications lodged with the State Housing Commission. Twelve families (16 children) desire to live in a camping situation.

LOCAL GOVERNMENT

Endowment Land

989. Mr BLAIKIE, to the Minister for Lands:

(1) What shires and/or town councils have "received Endowment Land" made available from State resources in each year since 1974?

(2) What was the area involved, cost and purpose of land, or otherwise in each case?

Mrs CRAIG replied:

(1) No endowment reserves have been created since 1974. A sale in freehold of portion of endowment reserve 670, which was created in 1884, was made to the Bunbury Town Council on 27th January, 1976.

(2) The 1976 sale referred to in (1) involved 35.679 8 hectares of land for industrial usage and the purchase price was a nominal $2.

OFFICIAL SECRETS

Clarification of Law

991. Mr DAVIES, to the Minister representing the Attorney General:

(1) Adverting to the answer given to part (2) of my question 845 of 1978, is it correct that neither the Minister nor the Public Service Board intends to hold separate examinations on the need for confirmation or qualification of the law relating to the disclosure of official secrets?

(2) In view of the justice's suggestions that the law needs to be changed in this respect, why is the Government providing simply for the Public Service Board to further examine the situation when new regulations are being prepared instead of moving amendments to the Criminal Code to improve the current situation?

(3) Is the Minister aware of the considerable disquiet amongst public servants over the present laws because they are unsure of the nature of an official secret?

Mr O'NEIL replied:

(1) and (2) No. The Attorney General has already given careful consideration to the decision of the Supreme Court. In the light of that consideration it has been decided that the ruling of the court has clarified the law in a satisfactory way, and that there is therefore no necessity to amend the Criminal Code. The effect of that ruling is that the scope of the duty of a member of the Public Service to preserve the secrecy of official documents is determined by the regulations.

(3) No.

NATURAL DISASTER RELIEF: CYCLONE "ALBY"

Farmers in South-west

992. Mr H. D. EVANS, to the Premier:

(1) What is the total amount of finance made available by way of emergency relief loans to farmers in the southwest of Western Australia following cyclone Alby?

(2) Of this amount what sums were from—

(a) Commonwealth sources;

(b) State sources?

(3) What is the amount of loans at a concessional rate of 4 per cent interest which has been made available by way of emergency relief loans to farmers in the southwest of Western Australia following cyclone Alby?

Sir CHARLES COURT replied:

(1) $1 522 800.

(2) The financing of natural disaster relief measures is met by a mixture of Commonwealth and State moneys and consequently, it is not possible to say which loans were financed by either party.

(3) $1 522 800.

LAND

Cape Naturaliste

993. Mr BRIAN BURKE, to the Premier:

(1) Did Cabinet during the first half of 1976 consider the circumstances in which the English Wake partnership sought to appeal to a town planning court against the rejection of a proposal to develop land at Cape Naturaliste?

(2) If "Yes" on what date was this consideration given?

Sir CHARLES COURT replied:

(1) Yes.

(2) 22nd March, 1976.

HEALTH: ASBESTOS DUST

Balga Technical College

994. Mr WILSON, to the Minister for Works:

(1) Is it a fact that large quantities of asbestos are being used in the extensions presently being made to the Balga technical college?

(2) Is it also a fact that sheets of asbestos being used in this construction are being cut in close proximity to where students gather so that the students concerned are possibly being subjected to contamination by asbestos dust?

(3) Can he say whether the department has laid down any special provisions for the handling and use of asbestos in new buildings and on construction sites?

(4) If "Yes" to (3), can he say whether such provisions are being observed at the Balga technical college?

Mr O'CONNOR replied:

(1) Approximately 600 sheets of asbestos-cement have been used on this project for ceilings, eaves and fascias, mainly on covered ways.

(2) The majority of sheets are cut by manual shears or scraper in the builder's compound, approximately 70 metres from the existing building. Thicker sheets, which are factory cut to size, have been cut on three occasions with a power disc in open areas accessible to students but without danger to them.

(3) No, but workers on the site handling the sheets generally use gloves and, when cutting the sheets with a power disc, use masks.

(4) Masks and gloves are available on site at all times and are used.

PUBLIC SERVANTS

Eligibility for Permanent Appointment

995. Mr WILSON, to the Chief Secretary:

(1) In view of the recent action of the South Australian Government in amending the Public Service Act to remove the requirement that a person must be a British subject to be eligible for permanent appointment to the Public Service, what consideration is the Western Australian Government giving to similar provision?

(2) If the Government is opposed to such action what reasons does it have for such opposition?

Mr O'NEIL replied:

(1) and (2) This matter will be dealt with in public service legislation now in course of preparation.

LOCAL GOVERNMENT ELECTIONS

Migrants

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

(1) In view of the recent action of the South Australian Government in amending the Local Government Act in that State to allow all migrants, whether naturalised or not, to vote in local government elections, what consideration is the Western Australian Government giving to similar provision?

(2) If the Government is opposed to such action, what reasons does it have for such opposition?

Mr RUSHTON replied:

(1) and (2) The review of part IV of the Local Government Act has this issue under consideration at the present time. I will have regard for the member's views in bringing forward any amendment.

IMMIGRATION

Good Neighbour Council of WA

997. Mr WILSON, to the Acting Minister for Immigration:

(1) Is he aware of the opposition of the Good Neighbour Council of W.A. to the implementation of the Galbally Report by the Federal Government?

(2) What is the attitude of the State Government towards the phasing out of the Good Neighbour Council of W.A.?

(3) Has the State Government made any representations to the Federal Government on the issue?

(4) If "Yes" to (3), what has been the response?

Mr O'CONNOR replied:

(1) Yes.

(2) The matter is currently being examined.

(3) No.

(4) Not applicable.

SECURITIES INDUSTRY

Private Companies: Complaints by Employees

998. Mr BRIAN BURKE, to the Minister for Police and Traffic:

(1) How many complaints have been made against private security companies by employees or former employees of private security companies in each of the past five years?

(2) Will he please provide details of each complaint together with action taken as a result of each complaint?

Mr O'NEIL replied:

(1) and (2) The Security Agents Act came into force on 1st October, 1977. The Commissioner of Police advises that since that time there were two incidents which might be termed complaints.

On one occasion a former employee of a security agent lodged a formal objection to the licensing of an applicant. The objection was withdrawn at a Court of Petty Sessions and the court granted the licence.

On the second occasion a person who had been issued with a licence complained that an offer of employment was withdrawn. This latter case was not a matter to be dealt with under the Act. It is understood that the licensee was ultimately employed.

SECURITIES INDUSTRY

Private Companies: Government Departments and Instrumentalities

999. Mr BRIAN BURKE, to the Treasurer:

(1) How many Government departments, authorities, institutions and bodies employ the services of private security companies?

(2) What is the cost of employing these services?

(3) Which companies are employed?

(4) How much is paid to each?

(5) Has his Government ever checked to ensure that the services paid for are actually performed?

(6) If "Yes"—

(a) what was the nature of these checks; and

(b) what was the result of each?

Sir CHARLES COURT replied:

It would not be customary to give information of this kind because of its implications so far as overall security is concerned.

However, if the member has reason to believe that some of the agencies employed are not effective or performing their duties properly, I suggest he seeks an early opportunity to advise me or the Deputy Premier, and the matter will be followed up expeditiously.

LAND

Cape Naturaliste

1000. Mr BRIAN BURKE, to the Deputy Premier:

(1) Did he meet with Mr D. L. Wake, Mr R. L. English and Dr David R. Thomas on 22nd March, 1974?

(2) Was he at that time presented with details and a schemetic plan of a proposal to develop a landholding at Cape Naturaliste?

(3) If "Yes" did he indicate to Messrs Wake, English and Thomas that difficulties expected with Town Planning Department approval could be overcome and that the proposal should be proceeded with?

The SPEAKER:

This question relates to events which took place before the Deputy Premier was appointed to the Ministry and the question is therefore inadmissable.

LAND

Cape Naturaliste

1001. Mr BRIAN BURKE, to the Deputy Premier:

(1) Did he attend a meeting with Dr B. J. O'Brien, former Director of the Environmental Protection Authority, K. Hyde, D. L. Wake and R. L. English on 10th June, 1974?

(2) If "Yes" did he convene the meeting?

(3) For what purpose was the meeting convened?

(4) Did he then—or later—suggest that Messrs Wake and English attend the Environmental Protection Authority offices for further talks?

(5) If "Yes" why did he make this suggestion?

Mr O'NEIL replied:

(1) Yes.

(2) Yes, at the request of Messrs Wake and English.

(3) To discuss negotiations by the Government to purchase Sussex locations 1340 and 1341.

(4) No.

(5) Not applicable.

LAND

Cape Naturaliste

1002. Mr BRIAN BURKE, to the Minister for Urban Development and Town Planning:

(1) Did planning officer John Griffiths meet with D. L. Wake, and R. L. English on 17th March, 1974?

(2) Were their discussions at that meeting of plans to develop a landholding of D. L. Wake and R. L. English at Cape Naturaliste?

(3) Did Mr Griffiths indicate at that meeting that he and the Department of Town Planning would oppose any form of development at Cape Naturaliste?

Mr RUSHTON replied:

(1) to (3) No record has been found on departmental files of a meeting between Planning Officer J. Griffiths, D. L. Wake and R. L. English on 17th March, 1974, and Mr Griffiths is no longer with the Town Planning Department.

LEGISLATIVE REVIEW AND ADVISORY COMMITTEE

Fremantle Port Authority Regulations

1003. Mr DAVIES, to the Minister representing the Attorney General:

(1) Did the Legislative Review and Advisory Committee review the Fremantle Port Authority regulations which are currently the subject of an appeal to the Full Court?

(2) If not, why not?

Mr O'NEIL replied:

(1) No.

(2) The regulations were made and gazetted prior to the proclamation of the Legislative Review and Advisory Committee Act.

Although the committee has considered other regulations which were made and gazetted prior to the proclamation of the Act, it did not consider the Fremantle Port Authority regulations because they were before the Court.

LOAN COUNCIL

Submissions

1004. Mr DAVIES, to the Premier:

Adverting to the answers to parts (2) and (6) of my question 850 of 1978, can he advise how he was able to outline in part (2) of the answer the submissions which Western Australia has put before the Loan Council when the answer to part (6) of the question indicates that information of this nature is confidential to the Loan Council?

Sir CHARLES COURT replied:

I have informed Parliament of the proposals which Western Australia has submitted to the Loan Council, as is my prerogative.

It would not be proper of me to give details of other State's submissions as that is a matter for the Governments of those States.

EDUCATION

WA Institute of Technology: Radio Station 6NR

1005. Mr DAVIES, to the Acting Minister for Immigration:

Further to my question 848 of 1978, concerning funds for ethnic broadcasting, can he now advise how much the State Government has provided in the year 1978 for this purpose?

Mr O'CONNOR replied:

No funds have been provided by the State Government in 1978.

The member will appreciate that funding of this area is the responsibility of the Commonwealth Government through the special broadcasting service which has been specially created for the purpose of developing and looking after ethnic broadcasting in Australia

It is pointed out that, as a result of urgent representation by the State Government, senior officers from the special broadcasting service visited Western Australia earlier this year to discuss with interested parties the future of ethnic broadcasting in W.A., including such matters as funding.

ABATTOIR

Southern Western Australia

1006. Mr H. D. EVANS, to the Minister for Agriculture:

(1) Was the decision of the W.A. Meat Industry Authority to grant a permit to Pope Exports Pty Ltd. to construct an export abattoirs in the North Dandalup area a unanimous decision?

(2) If not, how many members of the authority were opposed to it?

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

A decision by the authority was taken in accord with the Act and it would be improper of me to request how individual members voted.

EDUCATION

Bachelor or Diploma Graduates

1007. Mr HERZFELD, to the Minister for Education:

Would he tabulate the capital, recurrent and total cost to produce a bachelor or diploma graduate from the —

(a) University of Western Australia;
(b) Murdoch University;
(c) Western Australian Institute of Technology,

in the following disciplines as applicable to each institution:—

(i) veterinary science;
(ii) dentistry;
(iii) medicine;
(iv) agricultural science;
(v) engineering;
(vi) architecture;
(vii) arts;
(viii) economics;
(ix) law?

Mr P. V. JONES replied:

Information to answer this question cannot be accurately determined. The practices for distribution of funds vary with the institutions.

It would be difficult in any analysis to decide how to allocate expenditures on such items as central administration, grounds, maintenance, specialised service centres, libraries, research, travel, etc.

As a guide towards identifying public funding on a per student basis, for the 1978 academic year, the following grants for recurrent expenditure under the current States' Grant (Tertiary Education Assistance) Act were made:—

University of WA, $35 033 000;

Murdoch University, $10 428 000;

WAIT, $29 627 000.

These figures on 1978 undergraduate enrolments represent—

$5 310.44;

$9 377.70;

$6 020.52,

per full-time student at the University of WA, Murdoch University and WAIT respectively.

LAND SETTLEMENT AGENCIES

Statutory Control

1008. Mr BERTRAM, to the Chief Secretary:

Further to question 920 of 1978, and his answer thereto, for how much longer is the public to be denied statutory control of Land Settlement Agencies?

Mr O'NEIL replied:

An organisation known as the Settlement Agents Association advised me on 22nd May this year that it would be submitting to me a proposal for a draft Bill.

The submission has not yet been received.

ABORIGINES

Homeless

1009. Mr HARMAN, to the Minister for Community Welfare:

How many Aborigines are presently without homes in the metropolitan area?

Mr RIDGE replied:

Estimates vary—the numbers are not static therefore no precise figures are available.

A report (December, 1977) from my own department's "Special Project on Aboriginal Homelessness" suggests there may be up to 500 families inadequately housed in the metropolitan area. Not all of these families desire to live in conventional homes.

I am advised that the State Housing Commission currently has 439 applications from Aborigines seeking homes in the metropolitan area. Of this number 206 have been formally listed and 233 are currently under investigation.

TRAFFIC

Motor Vehicles: Number Licensed

1010. Mr HARMAN, to the Minister for Police and Traffic:

What was the number of licensed vehicles for the years 1976-77 and 1977-78?

Mr O'NEIL replied:

1976-77, 770 057;

1977-78, 844 511.

1011. *This question was postponed.*

SUITORS' FUND ACT AMENDMENT BILL (No. 2)

Indemnification of Costs

1012. Mr BERTRAM, to the Minister representing the Attorney General:

With reference to the Suitors' Fund Act Amendment Bill (No. 2) how many applications for idemnification of costs

have been refused and when, by reason of the defect in the said Act now sought to be corrected by the present Bill?

Mr O'NEIL replied:

No applications have been made to the Appeal Costs Board. However, one case has been referred to me and is under consideration for an *ex gratia* payment.

STATE GOVERNMENT INSURANCE OFFICE

Advertising

1013. Mr BERTRAM, to the Acting Minister for Labour and Industry:

(1) Is it a fact that the State Government Insurance Office has recently eased down on its advertising effort?

(2) If "Yes"—

(a) to what extent in terms of expense; and

(b) why?

Mr O'CONNOR replied:

(1) and (2) There has been no decrease in the advertising effort of the State Government Insurance Office.

WATER SUPPLIES

Water Purity Council

1014. Mr WILSON, to the Minister for Water Supplies:

(1) When was the Water Purity Council formed?

(2) Who are the present members of the Water Purity Council, what qualifications do they have, and who do they represent?

(3) What changes have there been in representation on the council since its inception and when did the most recent changes occur?

(4) What is the naximum period of time for which a member may serve and for what periods have the present members been appointed?

(5) By whom are members appointed to the council?

(6) To whom and how often is the council required to report?

(7) How many reports has the council submitted since its inception?

(8) When was the last report issued?

(9) Are the council's reports available for public scrutiny?

(10) If not, why not?

(11) What are the terms of reference for the council?

(12) Have these terms of reference been revised at any stage?

(13) If "Yes" to (12), when did such revisions occur and what form did they take?

Mr O'CONNOR replied:

(1) If the member is referring to the Advisory Committee for the Purity of Water, this body was formed in September, 1925.

(2) The present members, their qualifications and the authority they represent are as follows (also shown are their present representative(s) on the committee):—

Metropolitan Water Board:

Members—

H. E. Hunt, Chief Engineer, B.E., A.M.I.E. Aust.

W. D. Benson, Deputy Chief Engineer, M.B.E., B.A., B.E., D.I.C., M.I.E., Aust.

Public Works Department:

Member—R. M. Hillman, Director of Engineering, B.E., F.I.E. Aust.

Representatives—

V. F. Taylor, Engineer for Operations South, B.E., M.I.E. Aust.

J. E. Davis, Engineer for Operations North, B.E. Hons., M.I.E. Aust.

Government Chemical Laboratories:

Member—

R. C. Gorman, Director, B.Sc., A.R.A.C.I., M.A.I.A.S.

Public Health Department:

Member:

J. C. McNulty, Commissioner for Public Health, M.B., B.C.H., B.A.D., D.I.H., R.C.B. and P Eng.

Representative—

P. Psaila-Savona, Physician Occupational Health, D.P.H., M.Sc., M.D.

Forests Department:

Member—

B. J. Beggs. Conservator, B.Sc. For., Dip. For.

Representative—

E. R. Hopkins, Chief of Division, Ph.D., B.Sc. For.

Department of Agriculture:

Member—

E. N. Fitzpatrick, Director, M.Sc. Agric.

Representative—

C. V. Malcolm, Research Officer, M.Sc. Agric.

(3) The Original 1925 committee comprised 3 officers:—

Chief Engineer of the Metropolitan Water Supply, Sewerage and Drainage Board;

The Commissioner of Public Health; and

The Government Analyst.

Since the committee was formed, and as circumstances required, the Conservator of Forests and the Director of Agriculture have been invited to be represented on the committee.

The most recent structural change occurred in 1954 when a similar advisory committee in the Public Works Department (advising on the Country Areas Water Supply System) was combined with the 1925 committee. The effect of this change was to bring the Director of Engineering P.W.D. or his representative on to the committee.

(4) As the positions are held on an *ex officio* basis, there is no maximum period, although there may be changes in the representative to the committee.

(5) The original 1925 committee was constituted by the Public Service Commissioner at that time. Later members have come on to the committee by invitation.

(6) The committee was formed to advise the Minister for Water Supplies on questions relating to the purity of water from metropolitan and country supplies. Its normal role is to review regular chemical and bacteriological reports from the two water authorities on a bi-monthly basis and to make recommendations on specific matters referred to it involving, among other things, the management of water supply catchment areas. It does not issue formal reports on a regular basis.

(7) It is not possible to answer this question specifically, but departmental records list more than 120 important recommendations made by the committee.

(8) In 1977 to the System 6 Inquiry a report on water catchment areas.

(9) to (11) See (6) above.

(12) Yes.

(13) In the early 1930s the area of concern of the committee was extended to include "the effects of the discharge of (sewage) effluent into the ocean."

STATE EMERGENCY SERVICE

Funds and Equipment

1015. Mr WILSON, to the Deputy Premier:

(1) What funds have been allocated to the State Emergency Service in each of the last six financial years, including 1977-78?

(2) Will he list the items of equipment with their costs, issued to local emergency services, through the State Emergency Service during the last six years?

(3) Would the Government be sympathetic towards local emergency services being registered as charitable organisations to allow them to raise their own funds?

(4) If not, why not?

Mr O'NEIL replied:

(1)

Year	State	Commonwealth
	$	$
1972-73	90 083	40 069
1973-74	97 310	45 560
1974-75	124 458	50 101
1975-76	177 542	152 769
1976-77	229 365	196 697
1977-78	300 775	193 266

(2) Detailed statements are tabled.

(3) and (4) In accordance with section 11 of the Charitable Collections Act, all applications for licences must be referred to the Charitable Collections Advisory Committee for consideration and report to the Minister. Each application would be dealt with on its merits.

The statements were tabled (see Paper No. 290).

LAND

Kalbarri-Carnarvon

1016. Mr WILSON, to the Minister for Urban Development and Town Planning:

(1) Further to the answer given to question 890 of 1978, if the Town Planning Board is concerned with the overall land use problem including the conflicts in land use arising from noise and other nuisance factors, and are in consultation with appropriate State and Commonwealth authorities, has the board taken up with any Commonwealth authority such problems in association with the development of the Bullsbrook estate?

(2) If "Yes" with which authority has the matter been raised and with what results?

(3) If "No" to (1), why has the board not taken any such action?

Mr RUSHTON replied:

(1) to (3) No. The Town Planning Board has no statutory powers which can be used in the circumstances where development is proposed on existing subdivided lots. Discussions have taken place between the State and Commonwealth concerning development at Bullsbrook and the State's position as indicated in part (6) of Question 890 of 1978 has been made clear.

QUESTIONS WITHOUT NOTICE

TOWN PLANNING

Orrong Road

1. Mr RUSHTON (Minister for Urban Development and Town Planning):

I would like to advise the House that I regret an error was made in the typing of the answer to question 968 of the 3rd August. In the answer to part (1) of the question, the number 179 should be 170.

MINING

Iron Ore: Prices

2. Mr DAVIES, to the Premier:

(1) Will the Premier advise me whether he has seen a report in yesterday's issue of *The Australian Financial Review* stating that the Fraser Government has told the Japanese Government that it is dissatisfied with the recent iron ore prices negotiated between Australian producers and the Japanese steel mills?

(2) Does he know whether such a protest has in fact been made?

(3) If so, is it also his Government's view that the prices recently negotiated are too low?

Sir CHARLES COURT replied:

(1) to (3) In answer to the Leader of the Opposition, I advise that I have not seen the report in *The Australian Financial Review*. However, if it referred to the subject matter he has mentioned, I can say that I have heard that the Australian Government has made it known to the Japanese Ministry—I think the MITI Ministry—that it is not satisfied with the prices, and that in turn we have made made it known to the Commonwealth Government that we do not welcome its intervention.

HEALTH

Herbicide 2, 4-D: Effects of Manufacture at Thornlie

3. Mr HERZFELD, to the Minister for Health:

(1) Did he note a report in last night's issue of the *Daily News* which reported a Mrs Essie Coops of Spring Road, Thornlie, as stating that—

(a) fumes from a factory manufacturing 2, 4-D in 1956 had made residents nauseous, caused headaches and muscular spasms;

(b) had caused strong men to collapse?

(2) Were any cases of the nature described reported to his department from the vicinity of the factory while it was in production?
(3) If "Yes", were the reports investigated and with what results?
(4) Do any airborne residual fumes or poisons affect the Thornlie area now?
(5) Do any residual chemicals contaminate the groundwater in the area, and, if so, would he name the type and concentration?
(6) Would these concentrations make the water poisonous as claimed?

Mr RIDGE replied:

(1) Yes.
(2) No. There is no record of any complaints of this nature, but I understand that there were complaints of smell and nuisance which led to the closure of the factory and its transfer to Kwinana.
(3) Not applicable.
(4) No.
(5) A recent test of a bore in that area revealed the presence of 2, 4-D at less than 0.002 milligrams per litre and phenols at 0.34 milligrams per litre.
(6) No.

MINING

Iron Ore: Prices

4. Mr JAMIESON, to the Premier:

Is it a fact that the appreciation of the Japanese yen against the US dollar means that the Japanese steel industry is now paying the lowest prices ever, in real terms, for Australian raw materials?

Sir CHARLES COURT replied:

Superficially, that would appear to be correct, but one would have to know the exact nature of the contract involved and the other circumstances surrounding the method of settlement to be able to say "Yes" or "No" to the question. In the light of past experience and so as to minimise the effect of currency fluctuations, these contracts are not always written in what might appear to be an obvious way.

MINING

Iron Ore: Prices

5. Mr TAYLOR, to the Premier:

(1) Is it a fact that recent iron ore deals negotiated between Australian producers and Japanese steel mills are not as good, in terms of price, as those agreed to with Brazilian producers, especially after allowing for freight differentials?
(2) Is it also a fact that these prices are not as good as those obtained by the Brazilians in Europe?

Sir CHARLES COURT replied:

(1) and (2) I do not think the honourable member could reasonably expect me to be precise in answering those questions. First of all, I do not have the exact figures of the Brazilian negotiations or the final figures reached in Japan or Europe. I would be surprised if their prices, in terms of net return to Australia which is what we are interested in, are better than those offered to our people or the prices they have negotiated.

MINING

Iron Ore: Prices

6. Mr BRYCE, to the Premier:

(1) Has the tactic of Japanese steel mills, in negotiating the most recent iron ore deals with individual Australian producers and offering some producers better deals than others, pushed the overall price lower than it would have been if the Australian producers had been dealt with collectively?
(2) Is it a fact that the deal negotiated by Mt. Newman for lower prices forced Hamersley and Goldsworthy to accept lower prices, without the concessions which were made to Mt. Newman for early renegotiation of other contracts?

Sir CHARLES COURT replied:

(1) and (2) I want to say in all kindness that when one starts to deal with matters as complex as this, one cannot reduce them down to a series of so-called simple questions; one has to know the full facts of the matter. It so happens that different companies have different contracts expiring on dates that do not coincide with those of other companies and there is a good and desirable reason for this. When negotiations are taking place at a time like this one is not necessarily comparing like with like.

When I was last in Japan I negotiated certain understandings with the Japanese steel industry and one of them was that the Australian companies would negotiate on a commercial basis. In other words, they would get away from the idea that has grown up and which has given us a very bad name internationally, that if the companies do not get what they want the first time around they go to Canberra where they are told to go back and renegotiate, otherwise they will not get an export licence.

This situation goes back to the days of R. F. X. Connor in the Whitlam Government, which earned for Australia a very bad reputation. The people buying from us are not so silly as to overlook that when dealing with Australian companies one does not give us the best deal the first time around because the companies go back to Big Brother who tells them a deal is not good enough and that they must go back and renegotiate. This has done Australia a lot of harm; we must break away from it

One of the things we want to work out of the system as quickly as we can—and this has the support of the companies and the Commonwealth Government—is the protectionism that went on in Canberra which made us the laughing stock of the world. At the moment it is necessary that the contracts be negotiated on a basis which the companies believe is commercially satisfactory to them. The companies are all experienced and competent and I cannot imagine any of them accepting a deal that is not commercially viable as far as they are concerned.

I have told them they would not get any marks at all from me for making settlements which were not commercially viable. That is why we resent the intervention of the Commonwealth when companies arrive at deals they believe are commercially viable. I refer to the start of my answer where I mentioned the complexity of these problems, because one cannot pluck the situation out of the air as the honourable member did and compare one against the other and say that one company negotiated something better than another. For example, one could not compare the situation surrounding Robe River contracts and the type of ore that company has with the deals worked out by Hamersley, Mt. Newman, or Goldsworthy.

MINING

Iron Ore: Prices

7. Mr BRYCE, to the Premier:

I preface my question by saying that I have listened with care to the Premier's answers and I am inclined to wonder which side the Premier is on—the Japanese steel mills or the Australian iron ore producing industry. Is the Premier saying in very clear terms that the Government has no objections to the Japenese steel industry virtually operating single handed to play off individual iron ore companies in buying iron ore from this country? Does the Premier object to the Australian iron ore producing companies getting together and acting collectively to sell their resources?

Sir CHARLES COURT replied:

I can see the member is right out of his depth and should be putting his questions on the notice paper so as to get considered answers. It is clap trap to talk about the Japanese having an advantage over the Australian companies because the Japanese steel mills hunt as a pack and the Australian companies negotiate separately; it is clap trap that should be exposed. The Australian companies are big companies with a lot of expertise. They know what they have to sell and they know the

world market. They know they have to go into that market, particularly today now that they are older, more mature, more well established, and more prepared to win their share of the market.

Mr Bryce: As individuals.

Sir CHARLES COURT: If the honourable member wants the Government to take over the iron ore projects, be Big Brother to them and accept all the responsibilities, then the answer is "No". We want to establish a procedure which is in the best interests of Australia.

Mr Bryce: The Japanese steel mills.

Sir CHARLES COURT: The honourable member, being the socialist he is, wants to establish a situation where the Government becomes the negotiator and accepts all the responsibilities. I remind the honourable member if the Government does take over this role it also takes over the role of ensuring that the companies operate profitably. What chance would this Government or the Commonwealth Government have of accepting such a responsibility? I hope they never do. But that would be the end result of what he proposes.

His inferences are rejected and I find them insulting because this Government and myself in particular have fought hard to ensure that Australia gets the best possible deal. I repeat what I have said elsewhere: because of the recession going on it may be that we now have to sharpen our pencils a bit more and make sure we have greater diversity and are prepared to win in more competitive markets and trade more commercially. Whether it is South Korea, Mainland China, or Europe, we are competing with the rest of the world.

I have every confidence that our companies are big enough, mature enough, and competent enough to win their share of the markets at profitable prices.

COCKBURN SOUND

Waste Materials Deposited by CSBP

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

(1) Will the Minister advise the tonnage of waste materials deposited in Cockburn Sound by the CSBP since the 1st July, 1977?

(2) Is the Fremantle Port Authority taking any action in respect of the build-up of waste materials in the sound?

(3) If so, what action is being taken?

Mr O'CONNOR replied:

I thank the honourable member for notice of the question, the answer to which is as follows—

(1) The actual amount discharged by the company is not known. The Act permits discharge of a maximum of 350 tonnes of gypsum per day.

(2) Yes.

(3) Since the commencement of CSBP operations it has been necessary on one occasion to require CSBP to remove accumulated gypsum which was causing a navigational impediment. Continuous monitoring of water depth in the area is carried out and improvements have been made by the company to outfall dispersal facilities.

PROBATE DUTY

Reduction and Abolition: Cost

9. Mr DAVIES, to the Premier:

(1) How much will the reduction in probate duty cost the State in—

(a) this financial year?

(b) a full year?

(2) How much will the cost be to the State, at current costs, when death duties are abolished completely?

Sir CHARLES COURT replied:

In answer to the question by the Leader of the Opposition, I point out he was good enough to phone this question through to my office, but I did not receive it or get the information until I came out of a meeting this afternoon. I shall endeavour to answer the question in an interim way, in case he wants to do some work on the legislation that is before the House and confirm the figures.

(1) So far as the first part of his question is concerned, I am assuming he is referring to the specific costs in those two years, to which he refers, of the legislation that is currently before the House; that is, the half reduction. The incidence is estimated to be, in this financial year, a sum of $0.25 million, and in a full year $4.5 million. But that, of course, is very much an estimate, because the time of collection of probate on an estate after the date of death is very hard to predict, and it is always running virtually behind the Budget period.

(2) Here again I am assuming that the honourable member is referring to the total cost of eliminating probate duty; that is, going back to spouse-to-spouse, then the half rate, and then the full rate. On that basis the best figure I can obtain using the 1977-78 year as a mean—and this again is subject to confirmation—is $14.9 million.

USS CARRIER "ENTERPRISE"

Sale of Souvenirs: Preferential Treatment

10. Mr B. T. BURKE, to the Premier:

Has the Premier been made aware this afternoon of complaints that a single retailer of souvenirs has been given preferential treatment by being allowed to become established on the USS Carrier *Enterprise*? If the Premier is not aware of these complaints, will he investigate the matter to assure that established retailers are employed so that Western Australians are not prejudiced?

Sir CHARLES COURT replied:

I can hardly imagine that the honourable member would expect me to answer the question, or to know the answer at this stage. First of all, I have not been advised; secondly, I have not been in direct communication with President Carter!

Mr B. T. Burke: He is a local retailer who has been given preferential treatment.

Sir CHARLES COURT: President Carter happens to own the vessel. Do not tell me the honourable member wants to take that over, too!

Mr B. T. Burke: You had better not take it over; it will sink!

Sir CHARLES COURT: The fact that it is a nuclear ship will cause the Opposition even more concern.

Mr B. T. Burke: I understand complaints have been made.

Sir CHARLES COURT: I have not heard about them; if I had I would have made some inquiries. However, I shall make some inquiries.

COUNTRY WATER SUPPLIES SCHEME

Retrenchments

11. Mr GRILL, to the Minister for Works:

(1) Is the Minister or his department giving consideration to retrenching of a number of workers from the country areas water supplies scheme?

(2) If it is not the case, can the Minister give any reason for the strong rumour circulating in the goldfields to the effect that large-scale retrenchments are imminent?

(3) If the department is planning retrenchments could the Minister indicate the number of retrenchments and the date of the said retrenchments?

(4) For what reasons are the retrenchments necessary?

(5) What is the Government's policy in respect of such retrenchments?

Mr O'CONNOR replied:

(1) to (5) In view of the fact that I have not had any notice of this question I suggest the honourable member put it on the notice paper.

WATER SUPPLIES

Salinity: NHMRC Standards

12. Mr HARMAN, to the Minister for Health:

Will the Minister state clearly and concisely whether the standards for total dissolved salts adopted by the Australian National Health and Medical Research Council have also been adopted in Western Australia?

Mr RIDGE replied:

I would be happy to answer the question clearly and concisely if the honourable member will put it on the notice paper.

Mr Harman: You do not know.

EDUCATION

Unemployed Teachers: Meeting

13. Mr WILSON, to the Minister for Education:

(1) Is it a fact that prior to his agreeing to attend a recent meeting of unemployed teachers he insisted on a guard being provided for him as he entered and left the meeting?

(2) If that was his insistence, what kind of guard did he have in mind?

(3) If the answer to (1) is "Yes", what reason did he have for believing that his safety was threatened?

Mr P. V. JONES replied:

(1) to (3) I did not agree to attend any meeting of unemployed teachers. It happened to have been held when I was in the Pilbara, the week before last.

Mr Wilson: Were you invited?

Mr P. V. JONES: I was invited, but as I could not attend I undertook to provide the Director of Staffing of the department to answer questions regarding the staffing policy of the Education Department, and so on, because it was a meeting of teachers who were not employed. The Teachers' Union declined to accept the offer of the Director of Staffing to be present. I was invited after I had made arrangements to be in the Pilbara.

LAND

Use for Defence Purposes

14. Mr DAVIES, to the Minister for Lands:

(1) What area of land north of Lancelin is required for defence purposes?

(2) Which arm of the forces needs the land?

(3) For what purposes is it needed?

(4) Who owns the land?

(5) How many people have houses on the land?

(6) By when must they quit?

(7) What safety risk is involved to the public and how will the public be excluded from the area?

Mrs CRAIG replied:

I thank the honourable member for ample notice of this question. The answer is as follows—

(1) to (3) In October 1972, Cabinet agreed to Commonwealth requests for the establishment of a naval gunfire support range in the area north of Lancelin, with its northern coastal boundary about two miles south of Wedge Island. The total area approximates 32 000 acres (12960 hectares) with a sea frontage of nearly eight miles. Melbourne location 3989, a centrally placed target area with a sea frontage of about two miles and extending about one mile inland, was subsequently surveyed and its 592.1955 hectares sold to the Commonwealth in freehold for $1 480.50 in June, 1975. In May, 1977, the Commonwealth purchased in freehold an inland extension of the impact area; namely, Melbourne location 4004 for $842.

It was proposed that the remainder (danger area) be the subject of leasing with conditions relating principally to safety, environmental control and access by fishermen and beekeepers when the range was not in use. Problems with mining tenements have hindered the execution of a satisfactory lease. Part of the area concerned is within a 90 square mile (23 328 hectares) field training area declared by the Army under section 69 of the Defence Act.

(4) The land within the naval gunfire range is Crown land except for the impact area and Melbourne location 1309 (100 acres) at Bullfrog Well which the Commonwealth owns in freehold.

(5) This is not known but some 20 to 30 squatter establishments, at Narrow Neck (about a mile south of the impact area), appear on the latest aerial photographs. There are no legal residential tenures within the area.

(6) No notices to quit have been served and no time has been fixed.

(7) Exploding ordnance is the obvious risk but with public co-operation this will be minimal. Under the proposed lease, or any declaration made under the Defence Act, safety will be a Commonwealth responsibility.