Legislative Council

Wednesday, 22 October 1980

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

QUESTIONS

Questions were taken at this stage.

POLICE AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.03 p.m.]: I move—

That the Bill be now read a second time.

This Bill sets out to amend areas in the Police Act which have caused concern in relation to general administration and application of the Police Act. In part, it seeks to amend sections 16 and 34 of the Act which provide for the appointment of special constables.

Over the years, it has been found difficult to recruit supervisors and assistants to perform the functions necessary in running police boys' clubs.

However, when these persons are available from within the community, their services are obtained and they are usually made "special constables" so that they can perform part of their duties in a police uniform.

Similarly, non-police musicians are sometimes inducted as members of the Police Pipe Band so as to have a functional number of band personnel. These persons then wear the Police Pipe Band uniform and to allow for this are either made "special constables" or simply wear the uniform.

The Government does not consider—and this view is supported by the Law Reform Commission—that a civilian should be appointed as a "special constable" with all the powers, obligations, and privileges of a police officer merely for the purpose of enabling the wearing of a police uniform on specific occasions of formality or ceremony.

Accordingly, the Bill provides for power to be conferred on the Commissioner of Police to permit limited use of police uniforms by non-policemen.

Power is also contained within the Bill for a stipendiary magistrate or two or more justices, upon the oath of any credible person, to appoint special constables in the event of any civil emergency.

The Bill provides also for regulations to be made to prescribe fees that may be charged for the issue of certificates for the provision of services, including the services of escorts or guards.

This is merely to clarify a practice that has been in operation for the last 20 years or so, and has been followed with the knowledge and consent of previous Governments. It is not a new fund-raising exercise, although there may be some minor increases in fees involved which are in line with inflation.

Provisions are also contained in the Bill to create the offence of "trespass". It is generally believed within our community that such an offence does exist. It does exist in all other States in one form or another, but not in Western Australia.

The Police are frustrated in the performance of their duties where persons enter a property and refuse to leave. Present law gives the owner or occupier of those premises, or a police officer requested to assist, power to remove those persons, but any police officer in so doing is acting only as a civilian and not given the protection the law gives a police officer.

Occasions have arisen recently where "passive occupations" of offices have taken place by groups wishing to register physical protest for some purpose or another. Whilst not denying the right of free speech, disruption of the kind experienced cannot and will not be condoned.

Of serious consideration, also, are occasions that frequently occur when persons "gate-crash" household parties. In those circumstances, police can only assist the occupier to remove the persons, and after having removed them to the street, let them free, no doubt to return later. The police act only as civilians.

The alternative, of course, is to wait for the "trespassers" to vandalise property, or assault some person, so that they can be arrested and charged, as they should have been able to do shortly after they entered the property and refused to leave.

In the view of the Government, the offence of trespass should not arise unless and until the offenders are given a warning, requiring them to leave the land or premises. Only when the offenders fail to heed the warning to leave will they commit the offence the Bill seeks to create.

Provision is made that in the case of premises owned or occupied by the Crown or a public authority the warning may be given by a person in charge of the premises or by a member of the Police Force.

In the case of premises other than premises occupied by the Crown or a public authority, including private land and buildings, the warning may be given by the owner or a person in charge or occupation of the premises or by a member of the Police Force.

This Bill also provides for implementation of Government party policy, announced during the last election, whereby persons who destroy or damage any property whilst under the influence of alcohol or drugs are to be deprived of their claim of "lack of intent".

It is a sorry day when a person who stupefies himself by either alcohol or drugs is completely freed of any criminal liability for damage he causes to another person's property by reason of his intoxication. The Bill proposes to remove the defence of lack of intention.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

HIRE-PURCHASE AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.09 p.m.]: I move—

That the Bill be now read a second time.

Major amendments to the Hire-Purchase Act were last made in 1974. During the intervening period it has become obvious that there are some shortcomings in the Act.

Although there are moves throughout the States to introduce uniform credit legislation, this is not expected to occur for some time to come. In the interim, it is therefore desirable to effect the amendments contained in this Bill.

The Commissioner of Consumer Affairs has power under the Act to grant relief to hirers in cases of sickness or unemployment. All applications for relief must be dealt with personally by the commissioner.

As more and more hirers have become aware of the relief provisions, requests have shown a significant increase. Applications must, of necessity, be dealt with expeditiously.

It is considered that in order to meet the increased demands, authority to deal with applications be extended to include the deputy commissioner.

This will not only overcome the volume problem, but will also cover cases where the commissioner is not immediately available.

At the same time, consideration has been given to the charging of an extension fee where relief is granted. It is considered equitable that where a hirer is granted relief by the commissioner, he should be in no better position than the person who makes his own arrangement with the finance company.

Therefore, where relief is granted it is proposed that the commissioner may, if so requested by the credit provider, allow an extension fee to be charged. Any fee so charged will be limited to the additional amount payable had the period of the hire-purchase agreement been taken over the total period.

In October 1978 the Commissioner of Consumer Affairs instigated action against a major hire-purchase company for quoting incorrect payout figures. The hire-purchase licensing tribunal found that there is no strict obligation under the Act for the credit provider to quote a correct payout figure at the time of request by the hirer.

For this reason, the Act is to be amended to provide that correct payout figures at the time of request by the hirer must be given and to impose a substantial penalty for failure to observe this requirement.

Provisions within the Act stipulate that hirers are required to submit written requests for a payout figure and to give written notice to the credit provider that he intends to complete the agreement early by paying the outstanding balance.

In practice, the requirement for written request and notice is not strictly observed by either hirers or finance companies. It is therefore proposed that requests or notices may be either written or verbal.

At the same time the opportunity has been taken to update the text of the Act in section 7, which is considered to be defective in that it may require the owner to supply information that is not within his knowledge.

By limiting the requirement for the statement to items wholly within the knowledge of the owner and thereby disclosing to the hirer the true position as seen by the owner, the hirer will receive more accurate information.

The Stamp Act 1921 was amended to provide that stamp duty on hire-purchase agreements could now be passed on to the hirer under the agreement. A consequential amendment is now required to the Hire-Purchase Act to allow the inclusion of the stamp duty charge in the agreement.

The penalty for making false statements is to be increased to match the recently amended penalty for misleading statements under the Trade Descriptions and False Advertisements Act.

Difficulties are experienced by credit providers in attempting to serve notices under the Act upon hirers who cannot be located or are deliberately avoiding service. The existing provisions in the Act do not adequately cover these situations. It is proposed, therefore, to provide for substituted or deemed service.

The opportunity has also been taken to make minor amendments as a result of amendments to other legislation.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

CHIROPRACTORS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.13 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to implement certain amendments to the Chiropractors Act 1964, which will provide for the following—

the submission of annual reports by the chiropractors board;

acceptable standards of qualifications for registration of applicants;

the registration of applicants;

increased penalties; and

appeals against decisions made by the board.

The principal Act currently contains no provision making it compulsory for the Chiropractors Registration Board to submit copies of its annual report and audited financial statements, as is required by similar Acts.

To enable the Minister to consider logically applications for increases in fees and other financial matters received from the board, it is necessary that properly audited financial reports are available.

Although the board has in the past produced such statements when requested, it is believed this should be a requirement of the Act.

The audit of accounts will be required to be carried out by an auditor appointed by the board with the prior approval of the Minister for Health and the accounts and report for the preceding year ended on 30 June, will be required to be lodged with the Minister by 31 October each year.

The proposed amendment in this regard will require the Minister to lay the reports before each House of Parliament. In the past there have been problems associated with the definition and acceptance of standards of qualification for registration of applicants with the board.

Before a recent amendment to the rules allowing the International College of Chiropractic in Melbourne to be the minimum standard for registration of chiropractors in this State, three overseas colleges were used as a standard.

With increased pressure to register Australian-trained chiropractors, the board has changed its rules because the International College of Chiropractic in Melbourne is considered to have an acceptable academic level for registration of graduates.

This Bill proposes that the board will have regard to the advice of the Australasian Council on Chiropractic Education Ltd., an accrediting body which sets standards for chiropractic education on the relevant academic levels of institutes of chiropractic education as those qualifications relate to registration of graduates.

It is considered that this system will enable the board to consider with a greater depth of confidence, applications for registration.

The Bill provides for penalties for offences under the Act to be increased as follows—

unlawful use of title of chiropractor—$1 000 with a daily penalty of $50 compared with the present penalty of $200 with a $10 daily penalty;

for an offence under the Act where no penalty is otherwise specified—$1 000, currently $100;

for the contravention of any regulations under the Act—$500, currently $40.

As the Act now stands, there are no appeal provisions against decisions made by the board.

The Bill therefore includes an amendment which will enable appeals to be made against decisions relating to applications for registration, withholding of approvals, permissions, or consents under rules made under this Act, against a condition imposed by the board, or against a decision of the board in exercising its disciplinary powers.

Provision for appeal is to a magistrate of the Local Court who may confirm, quash, or vary the board's decision, remit the matter to the board for rehearing, or make orders including those for costs, as thought fit.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.18 p.m.]: I move—

That the Bill be now read a second time.

Following the enactment of the Liquefied Petroleum Gas (Grants) Act 1980, by the Commonwealth Parliament, complementary State legislation is required to make the scheme constitutionally valid.

This Bill provides that complementary legislation by which a Commonwealth subsidy of $80 per tonne may be made to registered distributors of eligible gas used in residential premises during the next three years. The terms "eligible gas" and "residential premises" are covered in greater detail later.

The subsidy scheme is primarily a Commonwealth matter to be administered by the Department of Business and Consumer Affairs. The Commonwealth has made funds available to State Treasury to handle payments, on its behalf, to registered distributors in Western Australia following authorisation by a nominated officer.

The Treasury's role, therefore, will be straightforward and there will be no financial impact on the State.

The Bill provides that the Act will be retrospective to 28 March 1980. This date of commencement has been used to coincide with that of the Commonwealth Act and ensures that benefits of the Act are recoverable by registered gas distributors in Western Australia.

In regard to the term "eligible gas" and its use, it will be appreciated that the identification of the gas and the use to which that gas is put, in order to be eligible for the subsidy, must be stated clearly and be common to all parts of the legislation. The terms used in the Commonwealth Act have therefore been carefully and clearly re-stated in the Bill such that "eligible gas" means—

(a) liquefied petroleum gas, or
(b) eligible reticulation gas,

which in turn means gas supplied to premises by means of pipes, being gas the production of which involves the use of liquefied petroleum gas or naptha.

The eligible use for such gas, in broad terms, is limited to its use in residential premises in providing food and drink, heating, air-conditioning, hot water, or other domestic requirements for residents of the premises. It extends also to the use of the gas in non-profit-making hospital and school establishments.

The Minister will have power to authorise an advance on account of a payment of subsidy under the Act to a registered distributor on such terms as the Minister thinks fit.

Authorised officers will be appointed by the Minister to control the operation of the scheme and these officers will examine each claim for payment and if satisfied, issue a certificate as to the amount payable.

Once a certificate has been given, the Minister then authorises payment to be made to the person to whom the certificate has been given. The State may recover the amount of an over-payment which has been made, including an advance.

There are provisions for an authorised officer to require a registered distributor to give security that he will comply with the provisions of the Act and for the preservation of accounts, books, and other records relating to the sale of liquefied petroleum gas by persons receiving payments under the Act.

An authorised officer will have power at all reasonable times to enter the premises of a registered distributor to inspect books and accounting records and to require such person to answer questions on oath and to produce documents.

Offences and related penalties are specified and include—

(1) Refusing or failing, without reasonable excuse, to attend and answer questions or produce documents, etc.

(2) To obtain or attempt to obtain a payment, either knowingly or by a false or misleading statement or document, when such payment is not payable.

However, proceedings may not be commenced more than one year after the commission of the offence.

It is pointed out that this Bill has been prepared on the basis of a model State Bill provided by the Commonwealth Minister for Business and Consumer Affairs. On this basis a suitable degree of uniformity exists not only between this Bill and the Commonwealth Act, but also similar complementary legislation being prepared or enacted in other States and Territories.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

SALARIES AND ALLOWANCES TRIBUNAL AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Salaries and Allowances Tribunal Act in two areas—

one in relation to the method of providing for the salary of the master of the supreme court; and

one to provide a statutory base for a new system of travel entitlements for members of Parliament.

In 1979 Parliament passed the Acts Amendment (Master, Supreme Court) Act which had the effect of making the position of master a constituent member of the Supreme Court.

Prior to the proclamation of the Act in February this year, the master was an officer of the court with his salary determined by the Salaries and Allowance Tribunal in a similar manner to the salaries of senior Government officers.

Section 11B of the Supreme Court Act now specifies that the master's conditions of service are to be determined by the Governor from time to time, subject to the provisions of the Salaries and Allowances Tribunal Act.

As the master is now a constituent member of the Supreme Court, it is considered preferable that his salary be recommended by the Salaries and Allowances Tribunal in a like manner to salaries of judges of the Supreme Court, judges of the District Court, and stipendiary magistrates.

The Bill, therefore, proposes an amendment which will include the Master of the Supreme Court in those offices to which the tribunal makes a recommendation as to remuneration. Other conditions of service relating to the office of Master of the Supreme Court will continue to be determined by the Governor in accordance with section 11B of the Supreme Court Act.

Following the recently passed Constitution Amendment Act (No. 2) which validated agreements made between members and the Crown in relation to travel arrangements, it is now considered necessary for legislative authority to exist for the Executive to provide for travel allowances for members—particularly under any new proposals based on an "imprest" system.

For many years these entitlements have been determined by the Government and varied from time to time as required.

The Bill seeks to amend the Salaries and Allowances Tribunal Act to provide that the Treasurer may from time to time make arrangements subject to conditions, restrictions, and limitations determined by the Treasurer in regard to the fares of a member of Parliament for travel in the State or elsewhere, together with a member of the family of that member of Parliament; also, the accommodation or other expenses incurred by the member of Parliament, but not the member of his family.

The matter will not come within the jurisdiction of the Salaries and Allowances Tribunal, but is included in this particular Act for convenience only.

Special provisions are contained in the Bill whereby the Treasurer may determine that members' travel entitlements shall continue to apply, not apply, or shall apply to a restricted extent only during the period between the House dissolving and the polling date.

The opportunity has been taken also to delete the word "Tribunal" from the title of the Act, as this was considered to be somewhat misleading. The new title will more clearly reflect the purpose of the Act which is to deal with salaries and allowances.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.27 p.m.]:

As the Opposition does not oppose this Bill, is it possible to proceed with it straightaway?

The Hon. I. G. Medcalf: Yes.

The Hon. D. K. DANS: The Opposition agrees in principle and in detail with this 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.

MARINE NAVIGATIONAL AIDS AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL

Second Reading

Debate resumed from 15 October.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.30 p.m.]: The Opposition agrees with this Bill, which seeks to do a number of things. It seeks to abolish the $10 licence fee which a retailer presently is required to pay when he applies for a licence. It also seeks to abolish the $1 transfer fee which currently is payable when a licence is transferred. It also seeks to do a number of other things.

The licence fee for a wholesaler will remain at $100, plus 10 per cent of his turnover. The Bill also will close a number of loopholes. It provides that a supplier who obtains his requirements from other than a wholesaler shall be required to pay 10 per cent of his turnover for a specified period.

The Bill is a taxing measure which it is estimated will raise some $10.6 million annually from the sale of tobacco. I do not intend to moralise about the use or otherwise of tobacco. It is with us, and the Government taxes it, and those people who exercise their choice and use cigarettes and other tobacco products contribute to the State to the tune of $10.6 million annually.

The Opposition supports the Bill.

THE HON. I. G. MEDCALF Metropolitan—Leader of the House) [5.32 p.m.]: I thank the Opposition for its support of the Bill. As has been indicated, it will cost the Government some $47 000 annually to abolish the $10 fee. So, in the interests of reducing what one might call "red tape" there will be some loss of revenue.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

RURAL AND INDUSTRIES BANK AMENDMENT BILL

Second Reading

Debate resumed from 15 October.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.35 p.m.]: This is a Bill of very limited scope and virtually no impact on the general public. The Opposition has no objection to 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

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

FIREARMS AMENDMENT BILL

Second Reading

Debate resumed from 21 October.

THE HON. PETER DOWDING (North) [5.37 p.m.]: The Opposition does not oppose this Bill, although we find it hard to understand the reasons for its introduction. We are concerned in two respects. Firstly, we are concerned in respect of the Minister's Press activity, which we have noted he seems to relish. He was pictured in a newspaper holding a piece of metal which appeared to have been shot through by bullets. Our information is that this could not have occurred. Perhaps the Minister would like to arrange a demonstration for the Opposition to show us the horrific effects of this firearm.

If the Minister's second reading speech was an accurate explanation of the reason for the introduction of the legislation, which is designed

to curb the use of these horrific firearms which, it appears from the Minister's second reading speech, have some para-military purpose, there is no reason that the licensing of these weapons could not have been refused in the first place. When we look at the Act, we see it provides the commissioner with a discretion as to whether he will permit the licensing of a particular firearm. Section 11 of the Act states as follows—

> 11. Subject to subsection (2) of this section, the Commissioner shall not grant a permit or issue a licence under this Act to a person if in his opinion—
>
> (a) it is not desirable in the public interest;
>
> . . .

Why on earth could that not have been the case on this occasion? Why did not the police licensing branch refuse to license these weapons in the first place? Why is it necessary to introduce legislation so that the police can rescind licences or refuse to relicense firearms? Section 11 gives the commissioner the right not to grant a permit or issue a licence, and that is something which is done on an annual basis.

If the explanation given by the Minister for the introduction of this legislation is accurate, it appears that what we are really doing is enabling the police to withdraw the right to a licence for such a firearm before the renewal date. That is not consistent with what the Minister for Police and Traffic said in answer to Opposition concern in another place about the effect of this amendment on the owners of such firearms. Apparently there are some 130 firearms which it is intended may not be relicensed.

Members asked, "What happens to people who have spent $200 on firearms which were quite legal at the time, and were licensed at the time? Is it now suggested the licences should be withdrawn, thus making these firearms useless and causing a number of people to lose their investment?" Apparently these people are not entitled to any compensation. The Minister replied, "We are going to let these people retain their firearms until the present licence expires."

If the Minister is prepared to do that, why on earth do we need an amendment to give the commissioner power to withdraw a licence if it was never intended to withdraw the licence in the first place? The commissioner already has the right to refuse to reissue a licence when it expires.

That is the sort of strange problem with which the Opposition is confronted on this piece of legislation which, quite frankly, does not fit the explanation given by the Government. Either the Minister for Police and Traffic has been careless in accepting advice which clearly is nonsense or he is simply trying to defuse the situation by pretending there is no need for the Opposition to be concerned about the investment which people who, quite legally and lawfully, have purchased weapons may lose as a result of the legislation being amended.

We have no opposition to clause 3. The Opposition cannot understand why it is necessary, having regard to the powers already vested in the commissioner. The Minister's explanation is not satisfactory; it does not seem to make sense. That is something to which the Opposition and members of the public are becoming increasingly accustomed.

As to the clause which seeks to give power to prescribe penalties by way of regulation, the Opposition feels these matters should be included in legislation, but acknowledges penalties need to be changed from time to time in accordance with inflation.

Apart from those reservations, the Opposition does not oppose the Bill.

THE HON. I. G. PRATT (Lower West) [5.43 p.m.]: I do not wish to oppose the Bill, but I would like to make a few comments. Mr Dowding referred to a newspaper picture of the Minister for Police and Traffic holding a piece of steel which had been pierced by bullets. One of the main concerns expressed by the Government is that these weapons do not fall into the hands of terrorists. It occurred to me as I read the newspaper report that a terrorist who wished to assassinate somebody would not first place him in a steel box before he shot him! I could not quite see the relevance of the newspaper report.

The Hon. H. W. Olney: Terrorists always register their firearms, of course!

The Hon. I. G. PRATT: The other point is that a 0.22 rifle can kill a person just as dead as a high-powered military rifle. Perhaps the high-powered weapon makes it a little easier for the act to be committed from a distance, thus enabling the offender to escape undetected; however, it does not really alter the result of the act which is committed.

I do not oppose the Bill, but I express a note of warning that there are within our society people who oppose the sport of rifle shooting. I am one who believes that people who are interested in shooting as a sport have the right to do so, so long as their activity is not carried out in a manner which endangers the lives and welfare of other people.

I hope this Bill does not become the first step in a general tightening-up of the availability of

firearms to the public. That is a point I will be watching in the future, if similar legislation comes before the Parliament.

THE HON. W. R. WITHERS (North) [5.45 p.m.]: I do not oppose the Bill, but I will request that the Minister crosses off one of the rifles mentioned in his second reading speech; that is, the .30 calibre US Carbine Mk 1 of which 122 are licensed in this State. I disagree with some of the things said in the Minister's speech pertaining to this weapon, such as the words, "and in all cases for use with a projectile which has the velocity to penetrate a double brick wall with only a few shots." However, the .30 calibre US Carbine Mk 1 could not knock the mortar out of a brick wall. It is a low-velocity rifle with a muzzle velocity of under 2 000 feet per minute.

As members will see by the cartridges I am holding in my hand, the .30 calibre shell is smaller than the shell of the Nato 7.62 mm rifle, which is also listed in the Minister's notes. There is a very large difference in the actual size of the cartridges.

The Hon. D. K. Dans: Are they live rounds?

The Hon. W. R. WITHERS: No; the projectiles have been removed. A shell similar to the 7.62 mm Nato cartridge can be purchased under a different name; that is, the .308 Winchester. However, the Minister does make the point that it is the rifle and not the cartridge in question.

Last year I endeavoured to buy a Mk 1 Carbine for a specific purpose; that is, to knock out any scrub bulls which might enter my property and knock down fences. The fences are quite expensive and the bulls are big and capable of going through the so-called cattle-proof fences as if they were tissue paper. It is an expensive exercise to have one of these scrub bulls run through and make a hole in one side and then make a hole going out the other side.

The Hon. D. K. Dans: When were you going to shoot them?

The Hon. W. R. WITHERS: After they had got in; I would not shoot them outside my property!

I visited a weapons dealer and asked for a Mk 1 Carbine to do this job because it is a small, light weapon. However, he advised me that it was not a suitable weapon because it lacked the hitting power required to knock over a bull, unless one was firing at very close range. The weapon, it seems, is only guaranteed to hit a target up to 200 yards. The dealer suggested I buy a 44.40 Winchester, which I now have done. This weapon was recommended instead of the Mk 1 because the latter weapon lacked the hitting power of the 44.40 Winchester.

I realise the Minister is talking about automatic and semi-automatic weapons, and the Mk 1 is a semi-automatic weapon. The Minister's notes refer to the rapidity of fire of the various weapons, he explains the expenditure rate of the ammunition, and he mentions the number of shots which can be fired in so many seconds. Really, those figures cannot be right. In fact, if members would like to try timing themselves with a stop watch when pulling a trigger they would find it absolutely impossible to achieve this rate of fire on semi-automatic weapons. It is obvious the Minister is referring to purely automatic weapons; the reference to semi-automatic weapons should not be included.

This weapon I wish to have deleted from the list was designed before World War II and is not an assault weapon like the others listed by the Minister. I agree with the intent of the legislation, which is to get rid of and not allow the sale of assault weapons.

I agree with the Hon. Peter Dowding that it is very hard for any member of Parliament to agree to legislation which states we must have goods that were purchased legally taken away from a person by means of legislation brought in at a later date.

I point out that any criminal is not worried about licensing a rifle. Any criminal who has the technical ability to change a rifle from a bolt action to semi-automatic or from semi-automatic to automatic generally has the technical knowledge to make his own weapon. So the licensing of a weapon does not protect the public against the criminal who wishes to make an assault-type weapon or who wishes to alter an assault-type weapon in order to carry out a certain crime.

The people who are in licensed clubs and who have weapons which are considered to be high-velocity weapons are generally people of high repute. If a person has criminal intent he does not want to join a club which would bind him by its rules and regulations. This sort of person will be a loner or one who joins a gang of people of his own type. So it is unlikely that anyone obtaining a licensed weapon will commit a crime with it. I point out that the .30 calibre Carbine Mk 1 has a very identifiable slug. If a person were to be shot with such a weapon it would not be difficult to ascertain which rifle fired the projectile.

The Hon. D. K. Dans: I am sure he would be happy to know you could identify the slug that hit him.

The Hon. W. R. WITHERS: The point is that if a person were hit, I am sure he would rather be hit by a round from a Mk 1 than by a round from one of the other weapons which are on the market. I would rather be hit by one of these than with a blast from a shotgun at close range.

The Hon. D. K. Dans: That is one area in which I do not wish to exercise freedom of choice.

The Hon. W. R. WITHERS: The point is, if I were to commit a crime I would not use a shell of the type used in the .30 calibre Carbine. The reason is that it has four-point rifling which makes it very easy to identify. Because there are only 122 of these weapons licensed in the State, it would not be very difficult to trace the particular rifle. As I said earlier, a rifle used in a crime is unlikely to be licensed.

The Hon. Neil Oliver: It is basically a pistol.

The Hon. Peter Dowding: They made a mistake.

The Hon. W. R. WITHERS: The cartridge is very similar to those used in pistols. I presume that the Hon. Peter Dowding's interjection referred to the Police Department. I imagine the department has given the Minister very good advice except that it has looked on this particular weapon purely as a military weapon without realising the limitations it has. The department has looked on it as a semi-automatic military weapon, with centre firing.

The Hon. D. K. Dans: How would you define a military weapon?

The Hon. W. R. WITHERS: Anything designed to kill.

The Hon. D. K. Dans: Such as a crossbow.

The Hon. W. R. WITHERS: If I were to attempt to do away with someone without leaving very much trace of my activities, I think I would probably use a poisoned pin.

The Hon. D. K. Dans: I will never stand next to you again!

The Hon. W. R. WITHERS: I respectfully request that the Minister remove this particular rifle—the .30 calibre Mk 1 Carbine—from the list mentioned in his speech.

THE HON. G. C. MacKINNON (South-West) [5.56 p.m.]: I wish to join with other members in voicing a protest about Bills of this type. We ought by now to have established our attitude towards firearms. It seems to me that automatic weapons of the type which have been described in the papers and which are known to be "undesirable" should not have been allowed to be purchased and licensed in this State. I agree with the Hon. Peter Dowding in this regard. We allow people to spend their money in a perfectly normal and proper way and then suddenly we tell them their weapons are bereft of any legality. The other thing to which I object is the load of rubbish we have been fed with respect to the principle of the amendments, and perhaps that was explained by Mr Withers. If I were trying to kill someone in a sort of terrorist activity I would use a multiple shot 12 gauge weapon, and these are virtually untraceable. If a person were to use a smooth bore shotgun, he could blow a fellow in half from the distance I am from you, Mr President. With such a weapon, one need not be a terribly good shot, yet people can go into many shops and buy this sort of weapon.

I understand the Minister would not know a great deal about firearms; certainly he was too young to be involved in the wars in which many of us were involved. It is a pity the people who advised him gave him such bad advice.

If someone wants to kill a person at long range he would use rifles which are still plentiful, such as the .303. People can buy first-class .303s quite readily and can probably cut them down and make them into snipers' rifles. I remember the days when every second household had a .303. There was no great fear about any upsurge in crime. One could buy a good telescopic sight and hit a target over a considerable range with extreme accuracy.

The Hon. Neil Oliver: Eight hundred yards.

The Hon. G. C. MacKINNON: A .303 can fire a round over a distance of a mile. I have used such rounds in a Vickers machine gun over a mile with good effect.

The whole attitude with regard to this piece of legislation is that it has been a bit of a laughing stock for anyone whose life has ever depended on the handling of weapons against other people; in other words, in a war or terrorist situation. It ill behoves us to take this sort of line. The fact that a slug will go through a piece of steel, if indeed it will—

The Hon. D. K. Dans: I do not believe that.

The Hon. G. C. MacKINNON: I do not, either, because I have handled a .5 anti tank rifle and I know the kick needed to put it through a piece of steel plate. What is the point of saying that a rifle projectile can pierce half inch steel plate when people do not walk around with half inch steel plate around their bodies? We are out of the Ned Kelly age.

The type of rifle that criminals probably would use is a sawn-off shotgun which can spray hundreds of pellets without a great deal of trouble. The damage they do is terrible.

I deplore legislation and actions which allow persons who carry on perfectly legitimate functions to be fined for those functions. This legislation is not the first such piece of legislation. Something else I deplore is the scare tactic that has been promulgated as a result of this legislation. Most of the information we have been fed is quite erroneous and misleading. If we want to hear an expert argument we could obtain it from the Hon. Neil Oliver who is much more up to date with these matters than I am.

I do not intend to oppose the Bill, but I feel there should be more care taken with these sorts of matters.

Sitting suspended from 6.02 to 7.30 p.m.

THE HON. N. E. BAXTER (Central) [7.30 p.m.]: This Bill takes me back to my early years when I first came into this House. Until 1973 this measure was known as the Firearms and Guns Act. During the early years of the 1950s we had occasion to amend the Act several times. The President of the day always referred to it as the "Firearms and Goons Act" which was always an amusing statement.

The Hon. D. K. Dans: Was he a Country Party President?

The Hon. N. E. BAXTER: A history of the parent Act goes back to 1953 when the then Minister for Police (the Hon. H. H. Styants) introduced an amending Bill in the Legislative Assembly. I intend to quote from page 422 of *Hansard* for 1953. Some members will remember the Hon. H. H. Styants as a former Minister for Police, and as the first Chairman of the TAB. Incidentally, to those members who represent the northern province, and the northern electorates, his brother would be known as Inspector Styants. In moving the second reading, when amending the Act in 1953, the Hon. H. H. Styants said—

> This is a Bill to amend the Firearms and Guns Act of 1931-39. In order to give members a brief history of this legislation, I will relate the following facts:—The Firearms and Guns Act, No. 8 of 1931, was originally introduced to control the sale and use of firearms in this State in consequence of undesirable people being able to purchase firearms and use them for illegal purposes.
>
> Members may recall the dastardly act which decided the Government of the day to bring down the original legislation. On that occasion, Sergeant Marks, one of the most respected officers of the Police Department, was shot in the Brisbane Hotel by a person who had had an argument with somebody else. The committing of that crime was made all the more easy because at that time there was no restriction on the purchase of firearms. The man in question left the hotel, went to a seller of firearms in the city, purchased a revolver and went back to the hotel for the purpose of settling his differences with the other party. The police were called in, and Sergeant Marks was shot dead by this man of very questionable repute.

The incident referred to was responsible for the introduction of the Firearms and Guns Act in 1931. I well recall the incident because, naturally, it was splashed across the papers. It was a dastardly crime and was responsible for the death of an innocent police officer who was trying to keep law and order.

I do not believe the registration of firearms will stop criminals carrying out criminal actions, or stop any person who has a desire to commit an offence with a firearm. One of the main features of the licensing of firearms, I believe, is to stop as far as possible irresponsible people using them at any time. There is also the category of young people who do not know how to handle firearms, and who shoot indiscriminately. I have had the experience—and no doubt other country members, particularly farmers, will have had a similar experience—of people shooting indiscriminately in the vicinity of my property. On a number of occasions I had to go onto a nearby road and challenge people when they had been shooting indiscriminately. I warned them that if they did not stop I would report them. That seemed to solve the problem in my area because I have not heard or seen that sort of action since then.

I believe this amendment is desirable, not so much from the point of view of criminals not being able to get hold of automatic firearms, but that it will stop irresponsible people being able to obtain one of these firearms.

I imagine that in the hands of a young person, one of the weapons listed could be more dangerous than it would be in the hands of a criminal. A criminal usually sets out to commit one unlawful act, whereas a young irresponsible person with an automatic rifle could cause considerable damage by shooting indiscriminately. I do not know which would be the worse case.

I believe it is necessary to have licensing of firearms, particularly automatic weapons. I had occasion to use some of these weapons when I was a member of the Citizens Armed Forces. Between the age of 17 and 20 years I was in the 11th Batallion and we used the Vickers machine gun.

Those members who have served during wars will be well aware of what can happen when these automatic weapons are available to irresponsible people. I support the measure.

THE HON. NEIL OLIVER (West) [7.38 p.m.]: I can understand the concern of the Government over the proliferation of weapons, but I understood the legislation was to ban particular firearms. There is provision for the right of appeal against registration of a firearm.

The Hon. D. K. Dans: You mean the right of appeal against the refusal of registration.

The Hon. NEIL OLIVER: That is right; that is what I meant. However, in this instance certain weapons will be banned and there will not be any right of appeal. Mr Dowding did not make that point, and I am raising it now.

During the tea suspension I had a look at the list of weapons which are to be prohibited entirely without the right of appeal against refusal of registration. The .223 calibre AR15 is, in fact, a very deadly weapon. Only three are licensed, and I hope the people who have them are responsible because those rifles are far more effective than the 9mm. F1, the replacement for the Owen, as we knew it during the last war.

The Hon. D. K. Dans: They have a terrific muzzle velocity.

The Hon. NEIL OLIVER: They are very deadly. In fact, I carried one in Vietnam instead of using the F1.

Obviously, the Ruger .223 is a foreign weapon and I cannot comment further on it. The M14 is the American equivalent of the 7.62 SLR. The Americans did not accept the 7.62 SLR; but use the M14. The Gorand is an outdated version of the M14 weapon, which is a Browning automatic. The straight magazine holds 10 rounds, and the curved magazine holds 30 rounds, and that probably is the reason it will be banned.

It is very easy to convert the Gorand to fully automatic. Simply by grinding down the trip lever the weapon becomes automatic. The same applies to the 7.62 L2A1, which is used by the Australian forces and NATO. The L2A1 is a completely standard weapon except that it is very easy to convert it to automatic. One does not have to be a machinist.

The .30 calibre US Carbine was mentioned by Mr Baxter, and he used it in the early days. This weapon certainly is from the early days. Any weapon can be converted to an automatic if it is not a bolt action. The .30 Carbine, Mk1 was used during the World War and in Korea. Our now friendly allies, the Chinese, knew that at a range of 200 metres a bullet from this old-type weapon would not penetrate a quilted overcoat worn by many servicemen to guard against the cold. I do not know about a greatcoat, but at 200 metres a bullet from that weapon will not penetrate a quilted overcoat.

The Hon. D. K. Dans: That shows how bright were the Chinese; they just wore quilted overcoats.

The Hon. NEIL OLIVER: I must agree with Mr Withers because I know the weapon is not dangerous. It is no more dangerous than is a .22 repeater. A total of 122 are licensed and I do not see why they should be banned by regulation.

The Hon. D. K. Dans: I have been told that particular weapon over 500 metres has the velocity of an ordinary golf ball. It falls away rapidly.

The Hon. NEIL OLIVER: Most likely it is not as dangerous as is a piece of pipe which has had a marble placed in it and which marble is ejected by the lighting of a fire cracker by a child.

The Hon. D. K. Dans: At the same time, I find it hard to believe that a rifle bullet will penetrate a double brick wall.

The Hon. NEIL OLIVER: I thought about that too, and I have some doubts about steel plate. I do not think it would be possible for a steel plate to be penetrated by a bullet from an M113, which is the armament used on personnel carriers, and by most forces. Those vehicles are amphibious and constructed of light aluminium plating except from the forward section which holds the engine. They are unable to counteract an anti-tank weapon. Those vehicles are kept light because they are amphibious, and they are totally protected from any known small arms fire, including the fire from those weapons about which we have been speaking.

The Hon. D. K. Dans: So you agree that we should have a practical demonstration of bullets being fired through a brick wall and a steel plate?

The Hon. NEIL OLIVER: The only projectile I have seen go through steel plate is that fired by anti-tank weapons. Any heating projectile will go through steel. The reason the tanks are made from lightweight metal is so that they may be amphibious.

The other point is that an anti-tank armour-penetrating projectile will go right through the vehicle, and the only thing to do is to keep one's head down and hope that it goes out the other side.

In conclusion I would support the Hon. Bill Withers in requesting that the Mk I Carbine be

removed from the regulations and be treated as a normal weapon which is required to be registered, and in respect of which there is a right of appeal.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [7.46 p.m.]: I thank members for their comments and their support of the Bill, although they had reservations in respect of some questions. I am sorry Mr Dowding made some remarks about the Minister for Police and Traffic in another place. I am certain the Minister introduced the Bill with very good intention, and on the best advice. There is no way he would seek to mislead the House by holding up a piece of metal and saying bullets had passed through it if in fact that was not the case. Perhaps we get used to Mr Dowding's snide remarks. In this case it is a genuine attempt to bring forward a Bill which will be of benefit to the public.

The Hon. H. W. Olney: Your own members cannot believe it, either.

The Hon. G. E. MASTERS: I merely make that point without pursuing it, because Mr Dowding is not present in the Chamber.

We have taken the best advice in this regard.

The Hon. G. C. MacKinnon: You are very difficult to hear.

The Hon. G. E. MASTERS: I am sorry, I am accustomed to sitting behind Mr MacKinnon so that every time I spoke he could hear me. I will speak up; I do not think I can teach Mr MacKinnon much, but I will try.

The Hon. D. K. Dans: When you said "best advice", what advice was it?

The Hon. G. E. MASTERS: I will continue. I would say again that the best advice available—I imagine from the Police Department and other people who know a great deal about these guns—was obtained before the Minister took action. I do not think it is necessary for me to enlarge on that. Mr MacKinnon obviously would have sought the best advice before bringing a Bill of this nature to the House.

The Hon. G. C. MacKinnon: There is one thing I would never do, and that is blame somebody outside this House.

The Hon. G. E. MASTERS: I would not dream of doing that. Mr Dowding asked what is the reason for this legislation. Crown Law advice is that section 6 of the principal Act seems to indicate that in fact there is adequate cover for guns which will be licensed; in other words, new applications for licences. However, the advice suggests that the present situation does not cover those guns which are already held. Mr Dowding quite rightly said that in fact relicensing can be refused. I agree with that. He then moved to section 11 of the principal Act, and said it provided ample cover. That section says—

> Subject to subsection (2) of this section, the Commissioner shall not grant a permit or issue a licence under this Act . . .

It goes on to say he must be satisfied about certain things. Subsection (2) says—

> For the purposes of this section, where the Commissioner is satisfied that a person—

(a)is a financial member of an approved club—

The Hon. D. K. Dans: That is a rifle club or a gun club or a sporting shooters' association?

The Hon. G. E. MASTERS: It continues—

> —or other approved organisation providing facilities for and giving instruction in the use of the firearm to which the application relates . . .

I would take that to mean a rifle club or a gun club. Paragraph (b) then states—

> (b) reasonably requires that firearm for the purpose of destroying vermin on land used by him for agriculture,

The provision then goes on to say that such a person shall be taken to have a good reason for acquiring or possessing a firearm or ammunition of a kind suitable to the circumstances.

The Hon. Peter Dowding: Is not that part of the commissioner's opinion, as to whether that firearm is suitable? What you are saying is that he does not think this particular firearm is.

The Hon. G. E. MASTERS: Bear in mind we want to ban these particular weapons totally.

The Hon. Peter Dowding: You are not talking about totally banning it but about terminating existing licences before they fall due for renewal.

The Hon. G. E. MASTERS: I am saying the present Act does not cover the situation as far as the Government is concerned. It does not enable total banning to occur. It enables the commissioner to make a decision, which could be challenged in this case under section 11 (2), and the person could be taken to have a good reason for acquiring or possessing a firearm or ammunition.

The Hon. Peter Dowding: Of a kind suitable to the circumstances.

The Hon. G. E. MASTERS: Okay. If he is refused a licence by the Minister, he is able to appeal.

The Hon. Peter Dowding: You have agreed that clause 6 covers the position of new licences.

The Hon. G. E. MASTERS: Yes.

The Hon. Peter Dowding: Section 11 is required only to deal with the situation where there are existing licences and they want them to be renewed.

The Hon. G. E. MASTERS: I will go carefully through it. I am saying that section 11 (2) simply states that in certain cases, which I have read out, a person may appply to license a gun. The person must be shown to have good reason for requiring a gun. If that person applies for a licence for the particular type of gun we are trying to ban totally and the commissioner refuses him a licence, then if he has an agricultural property and needs a gun to destroy kangaroos, he can go to an appeal and say that is a good reason that he should be allocated a gun.

The Hon. Peter Dowding: A gun?

The Hon. G. E. MASTERS: Well, this particular gun.

The Hon. Peter Dowding: You say that these guns are not suitable for the purpose because they have a capacity far beyond that which is necessary.

The Hon. G. E. MASTERS: That is where the commissioner may get into trouble.

The Hon Peter Dowding interjected.

The Hon. G. E. MASTERS: If Mr Dowding would let me continue, I will try to explain it to him.

The PRESIDENT: Order! The honourable Minister knows full well that it is completely out of order during a second reading speech to enter into conversation with any other member. If he wants to talk about the clauses of the Bill, he can do that in the Committee stage.

The Hon. G. E. MASTERS: Certainly, Sir. I say quite clearly that if there is a case where an appeal can be made, it is quite possible that the commissioner's decision would be overruled. I am saying that we want to avoid that situation to ensure this type of gun is banned completely and that no-one has any right to have one.

The Hon. H. W. Olney: How did it come to be licensed in the first place?

The Hon. G. E. MASTERS: I do not know; maybe the people licensing guns did not realise the great danger of this type of firearm. Frankly, I have never heard of some of these guns before, but they seem to be very dangerous and should be banned. The Government is simply saying we do not think it is right that such guns should be in this State, and we will ban them. The only way to do that safely is to bring in an amendment.

The Hon. G. C. MacKinnon: Why are they dangerous in October 1980 when they were not dangerous in October 1979?

The Hon. G. E. MASTERS: Mr MacKinnon is having me on. I will have something to say to him later.

I am saying it is quite possible that the danger with these guns lies in the manner in which they can be changed to semi-automatic and automatic weapons, and probably this was not realised when licences were taken out originally. Now it has been found they can become most dangerous. Mr MacKinnon would know just how dangerous a machine gun is.

The Hon. G. C. MacKinnon: Do you believe the people in the department would be expert in the matter of firearms?

The Hon. G. E. MASTERS: What I am trying to explain—and Mr MacKinnon knows it—is the fact that these guns have been recognised at this time as being very dangerous. The Opposition agrees with that, and so does Mr MacKinnon.

The Hon. D. K. Dans: If these guns are very dangerous, what about the other guns? Are they just dangerous?

The Hon. G. E. MASTERS: I am saying these guns are particularly dangerous because they can be converted into machine guns. Other firearms are available which are adequate to do the jobs certain people want them to do, without using these very dangerous pieces of equipment. In fact I could say they are lethal weapons and as such we are obviously opposed to them. Mr Dowding is not really supposed to comment at this stage.

The Hon. Peter Dowding: Let me, out of order, interject and ask whether they have always been very dangerous and very lethal.

The Hon. G. E. MASTERS: That is a fair comment. We have not recognised the danger of these guns previously.

Mr Pratt talked about the penetration claim made by some people in respect of projectiles fired from these guns. When we talk about bullets going through a double brick wall, my understanding is that with a rapid-fire gun the first bullets might not get through the wall, but bullets number 10, 11 and 12 may well work their way through.

Several members interjected.

The Hon. G. E. MASTERS: I am just quoting what can happen, and I am presenting it in good faith. I am not arguing about how many bricks these bullets will pass through or how much steel plate they can pierce.

The Hon. I. G. Pratt: Nor did I.

The Hon. G. E. MASTERS: We have been advised they are dangerous and have great power of penetration. I think Mr Pratt expressed concern about the claims that were made.

The Hon. I. G. Pratt: I said you wouldn't want to put a person in a steel box to shoot him.

The Hon. G. E. MASTERS: I agree. Mention was made of the terrorist problem. Again, a person who has one of these firearms could leave it lying around and the wrong type of person could get hold of it. It could be a terrorist, a child, or a drunken adult. I am sure Mr Pratt knows what I am trying to say.

It is fair to say that a great deal of care has been taken in this respect; I can assure Mr Pratt that is so.

Mr Withers produced a good argument. I intend to refer back to the Minister the particular gun to which he and Mr Oliver referred, and to ask the Minister to have a good look at it. It is the .30Mk I Carbine, which Mr Withers explained to us at great length, and even showed us the bullets.

The Hon. D. K. Dans: Are you prepared to give us a practical demonstration?

The Hon. G. E. MASTERS: Well, if the Leader of the Opposition will stand behind a quarter-inch steel plate to see if a bullet passes through it, I am sure that could be arranged.

I want to deal with some of the comments made by the Hon. Graham MacKinnon. Really, I am at a loss for words, and I was saddened by the way in which he approached this debate. He seemed to treat it with a degree of amusement and an air of frivolity. I was rather distressed that a man of his great ability should adopt that sort of attitude especially as I am a new Minister who has been watching his performance for many years.

I would say that—

Opposition members interjected.

The PRESIDENT: Order!

The Hon. D. K. Dans interjected.

The PRESIDENT: Order! The Leader of the Opposition will come to order when I call. Would honourable members please refrain from carrying on audible conversations while another member is on his feet; and would the Minister ignore the interjections and proceed with his speech?

The Hon. G. E. MASTERS: Certainly. I would like to point out to the Hon. Graham MacKinnon that when we talk about a weapon such as the one we have been discussing, we are talking about a machine gun. The Hon. Graham MacKinnon has been a machine gunner in the past. He knows the great danger of machine guns, and how lethal they are. If a machine gun were no more lethal than a rifle, he would not have used a machine gun. He would have had three rifles.

When the Hon. Graham MacKinnon talks about a shotgun, I suppose his troops could have been lined up with shotguns and told to wait until the enemy were 50 yards away and then told, "We will pick them off as they come." We are talking about very dangerous weapons.

I am being quite serious when I say I have had a great deal of interest in this debate. I have listened to the comments made, particularly by the Hon. Bill Withers and the Hon. Peter Dowding. I believe that the type of firearm we are talking about is a great danger in the community in the wrong hands. We have a responsibilty to protect the public from such a thing.

We must consider the people who have the guns already. Their requirements will be considered.

I thank the House for its support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 6 amended—

The Hon. PETER DOWDING: Despite the Minister's earnest and best-intentioned explanations, I still take the view that he has not indicated why this is necessary. We are not opposing the Bill, and I do not want to bore members with an extensive dialogue. However, the Minister has not explained adequately what problems the Bill is seeking to resolve which cannot be resolved under the Act as it stands.

I refer members to the wording of section 6 in the Act. The Governor can prohibit the acquistion, sale, or possession of these firearms already. The Minister is not able to tell the Chamber why it is necessary to introduce a special provision which says that, notwithstanding the issue of a licence, the additional power can be granted.

The Minister cannot satisfy me that once the licence has been issued, when it comes up for renewal under section 11 he has the power not to permit the relicensing.

All of a sudden somebody has discovered that these firearms have been licensed. Presumably someone somewhere looked at what he, or she, or

it was licensing; and somebody has said, "We had better do something about this."

If the Minister is right in his interpretation of section 6, when the licence is due for renewal the commissioner can decide not to renew it. He has that discretion under section 11 if, in his opinion, the relicensing is not in the public interest.

It concerns me that the reason for this legislation is to try to grab these guns before the licence has expired. If that is the reason, the department should have the honesty to tell the Minister that is the reason. If that is the reason, the Minister in another place should not pretend that these guns will remain in the possession of the holders until the licence has expired. That raises the question of compensation, which the Minister still has not answered. What about the 130 people who have spent money on these guns?

I do not mind saying publicly that I do not have a great deal of sympathy for the gun lobby; but some people in my electorate need guns for specific purposes—proper and desirable purposes. If these people believed that the guns were proper and they received a licence, the Minister ought to be able to say whether they will have them any longer, or whether they will be compensated if the licences are rescinded or not renewed. They have purchased the guns believing them to be legal; but this legislation will, in effect, act retrospectively. That will be a disadvantage to the people in my area.

The Hon. G. E. MASTERS: I will try to explain to Mr Dowding again the problems we have. First of all, I accept the Crown Law determination on section 6. Mr Dowding said that there is no real problem with this interpretation. Section 11 simply says that a person may apply, and the commisssioner may refuse.

The Hon. Peter Dowding: It says the commissioner shall not.

The Hon. G. E. MASTERS: A person may apply and, because of his occupation, he may have a good reason for having a rifle licence. If the commissioner says it is a dangerous gun, we are covering that situation. The owner could appeal, and the magistrate might say, "Well, as far as I am concerned, although it may be thought it is a potentially dangerous gun, you have a very good reason to have it." We are saying that these guns are banned, and there should be no appeal.

The Hon. R. G. Pike: What he is saying is correct.

The Hon. Peter Dowding: Read the Act. It is not.

The Hon. G. E. MASTERS: That is my interpretation of it; and that is the reason we are bringing this amendment forward. It is on the advice of Crown Law. We are not in the business of bringing forward legislation for the sake of it. The legislation is necessary if we are to take the steps we propose.

I am glad the Opposition is supporting us. I can assure the Opposition this is the reason for the Bill. We do not wish there to be any appeal. We suggest that the guns should be banned, and that should be the end of it.

Mr Dowding mentioned that in certain cases people had spent money on purchasing these firearms, and it seemed unfair that they should lose their money and their rifles. It is not our intention to take those rifles away immediately. We will not say, "You have lost your rifle and you have lost your dough." We are saying that the application for renewal will be considered on its merits. It is not intended, for example, that a kangaroo shooter would lose his gun. We will simply say, "You will have it for a certain period of time." That period may be the life of the rifle; it may be five years or three years. At the end of that time, the licence will not be renewed.

Our intention is to phase these firearms out gradually, and to prevent any more from entering the State. That is a simple exercise.

I do not know whether that is sufficient for the honourable member; but if he has any queries, I am sure he will raise them.

The Hon. I. G. PRATT: I ask the Minister whether my interpretation is correct. It appears there will be difficulty in obtaining a licence. However, these people already have had to convince the Minister that they are suitable persons to obtain the licence—

The Hon. G. E. Masters: That is the dangerous ones.

The Hon. I. G. PRATT: Yes. The Minister has judged them as suitable; so he would have some difficulty, when the licence came up for renewal, in saying that the gun and the person were not suitable.

The Hon. G. E. MASTERS: That is not quite right. We are saying that these guns have not up to now been recognised as being very dangerous. The reason is that they may not have been recognised as being capable of conversion into machine guns or semi-machine guns. When a person has bought one of these guns, he has simply gone to the police—not to the Minister—and said he wanted a licence. There has been no problem with that. He just says, "I want to buy a rifle. I would like a licence as I am

a kangaroo shooter." On the other hand the applicant may want a licence for some other special reason. After the issue of the licence, he has bought the gun and gone about his business, shooting vermin or whatever.

Now it has been recognised that these guns are capable of conversion in the way we are discussing. The decision has been made to stop any further sales and gradually to phase out the guns.

I do not think people have had to prove they were capable of holding such guns, any more than with regard to any other types of rifle. It is simply that the situation has changed. It has been recognised that these are dangerous weapons.

The Hon. PETER DOWDING: I crave the indulgence of the Chamber and the Minister. I put to the Minister the reason for this legislation is that somebody might appeal and a magistrate might not take the same view as that taken by the Commissioner of Police. That is not a good reason to introduce an amendment to an Act.

If the Minister is genuinely concerned that our judiciary will not act in the way the Commissioner of Police would like them to, perhaps he should say so. If he had some evidence of that, that would be justified. However, what he is telling us is that somebody might appeal and the magistrate might not agree with the commissioner. It is being suggested that the judiciary might take an irresponsible stance on this matter.

Finally I should like to point out to the Minister that section 20 gives the commissioner power to revoke a licence upon a whole series of grounds. One is that a particular firearm is unsafe or unfit for use. Surely it is arguable that a firearm is unsafe or unfit for use if it is capable of doing something which goes far beyond a legal and proper use.

It seems to me someone has put up a proposal and the Minister, with all due respect, has not really satisfied himself that there is a need for it. Someone is afraid a magistrate will not give the decision he wants; therefore, legislation has been introduced and there is no justification for it.

This is legislation gone mad. Three sections already in the Act would cover the problem dealt with in this amendment. There is no suggestion the judiciary has acted irresponsibly. I am flabbergasted that we have been asked to debate a matter which, with all due respect to the Minister, he is unable to explain satisfactorily.

The Hon. G. C. MacKINNON: I ask the Minister to cast his mind back to a comment he made approximately 10 minutes ago in relation to the danger of these guns. As a result of the publicity surrounding this matter, it is my understanding the guns referred to in the amendment have a large magazine.

The Hon. D. K. Dans: A small magazine, but you can put a large one on it. You can get a large magazine by mail order.

The Hon. G. C. MacKINNON: I believe these guns are automatic or semi-automatic. Immediately one is drawn to the conclusion that this type of weapon ought never to be licensed.

It is clear a gun of this type could have a large magazine fitted to it and a person unskilled in the use of this sort of weapon could put pressure on the trigger in such a way that every cartridge in the magazine would fire. It appears to me there is no place for the use of such a weapon in this State. It could not be used to shoot pigs, wild bulls, feral goats, donkeys, or the Hon. Mr A. A. Lewis's cougars. I believe these weapons are effective for approximately 200 yards.

I should like the Minister to explain why somebody did not recognise the danger of this weapon when the matter was examined previously. It appears that, with all the publicity throughout the world today in relation to weapons, it should be a fairly simple matter to recognise that this type of gun is dangerous.

Gun collectors in my electorate have approached me and have asked me to investigate whether people who already have such weapons licensed will suddenly find they possess an unlawful weapon. That seems to be an unreasonable position and the people who have approached me—they are gunsmiths or gun collectors—are concerned, as I am, that such weapons can be licensed when it is clear the nature of the weapons has not changed over the last 12 months. They are as dangerous now as they were previously. There is no doubt they should not be licensed, but I should like an explanation from the Minister on the points I have raised.

The Hon. G. E. MASTERS: Firstly, I should like to deal with the points raised by the Hon. Peter Dowding. I repeat the Government seeks to ban totally these firearms. According to the advice available to the Government, the legislation as it stands is inadequate to cover the position. The Hon. Peter Dowding disagrees and that is his right.

According to our advisers, it appears under section 11 of the Act it is possible the commissioner may be hard pressed to refuse an application in certain circumstances unless these weapons are banned totally. We do not believe an

appeal provision should exist in a situation where the commissioner may have difficulty justifying his argument under the Act as it stands and that is the reason we seek to amend it.

It is scandalous for the member to suggest we are disappointed with the action taken by the judiciary and, therefore, are trying to avoid the decisions made in the courts. That is quite wrong.

The Hon. Peter Dowding said the commissioner had a right under section 20 to withdraw a licence or take away a gun when it is considered to be unsafe or unfit. The interpretation of that section is a gun may be taken away or a licence withdrawn when the firearm is unsafe to fire.

The Hon. Peter Dowding: It does not say that.

The Hon. G. E. MASTERS: Anyone who knows anything about guns would recognise that immediately.

The Hon. Peter Dowding: I do not know much about guns, but I know something about Statutes and it does not say that.

The Hon. G. E. MASTERS: That particular section refers to a gun which is unsafe and when fired could blow off someone's head.

I shall turn now to the points raised by the Hon. Graham MacKinnon. It is possible it has been recognised only recently these firearms can be converted in the manner suggested. It has certainly been drawn to the attention of people in authority.

It has been recognised these weapons may be altered in such a way that they may be used as semi-automatics, automatics, or even machine guns. For various reasons these guns have been recognised as dangerous firearms, whereas this was not the case in the past.

The member referred to the fact that these people would now own such weapons unlawfully. That is not true. The Bill states people who own these types of firearms will be able to retain them until such time as the licence is withdrawn. This will not be done immediately; it will be a phasing-in situation. It is wrong for the member to suggest once the Bill is passed the people who own such firearms will hold them unlawfully.

The Hon. D. K. DANS: I should like to ask the Minister why, if these weapons are as dangerous as he represents them to be, we do not have legislation before us for their immediate confiscation?

Mr Dowding has adequately set out the legal interpretation of the Act and I believe the commissioner has all the powers necessary at the present time. However, I will not canvass that question.

What has disturbed me is the way in which the Minister has changed ground in regard to this amendment. The matter was brought to my attention initially when I saw a photograph in a newspaper depicting a piece of steel which had been pierced by bullets from the type of weapon under discussion. We were then told this type of weapon can fire a bullet through a double brick wall. It appeared this was one of the reasons the legislation was being enacted.

Another situation was then brought to light; that is, that these weapons could be easily converted to machine guns. I suggest to the Committee there are a number of other automatic weapons which are not under discussion tonight, but which can also be converted to machine guns. I include some hand-held pistols in that category.

Another reason advanced for the enactment of this legislation was that, whilst the weapons are sold with rather small magazines, it is possible to obtain very large magazines through a mail order firm.

The Opposition supports the legislation, but it is entitled to receive one explanation for its enactment, not four or five. If in fact all the reasons advanced for the legislation by the Minister are correct, we should be dealing with legislation tonight which from the date of proclamation will ban totally firearms of this nature. If in fact the reasons advanced by the Minister for the Bill are true, these weapons should be removed from the people who hold them as soon as the legislation is proclaimed.

I am inclined to agree with the Hon. Peter Dowding that a mistake has been made and it is being rectified as gently as possible.

I should like the Minister to tell us the reason for the Bill. Is it the fact as mentioned in the Press that the muzzle velocity of the rifle is such that it is extremely dangerous? I have been told that, whilst some of these rifles may have a high muzzle velocity—I believe the distance of 500 metres has been referred to—the bullets are almost spent at 250 metres.

I ask the Minister to give us one reason only for the introduction of this legislation rather than four or five. If in fact these weapons are as dangerous as the Minister believes them to be, they should be withdrawn immediately and that is the amendment with which we should be dealing. I want to know how these guns can be converted to machine guns. I do not mean in a technical sense, but is it necessary to have it done at a machine shop, must one take it to a gunsmith, does one need skill as a turner to carry out the

conversion, or can one do it with a spanner and screwdriver?

I ask the Minister to tell us the necessity for the legislation. He should be able to give us one reason for it, not four or five.

The Hon. G. E. MASTERS: Obviously, I cannot explain in detail how the conversion would take place, but I suggest that in many cases a person who has a reasonable knowledge and understanding of the equipment could quite easily make the conversion. There are two reasons for this legislation, the first being the penetration of the bullet and its capacity to penetrate a dense object, and the second being its rapid fire.

The Hon. NEIL OLIVER: I would like to say that a picture is worth a thousand words. The conversion of the M14 and the 7.62 SLR L1A1 which are self-repeating rifles is very simple. It has a trip lever and as one presses the trigger mechanism the trip lever is depressed and the moving parts move forward and the round is inserted in the chamber and fired. There is a rebut in the moving parts, different from the old bolt-loading rifles. There is a little rebut instead and a trip lever which is housed into the rebut. All one needs to revert a single self-repeater to fully automatic is to alter the spring mechanism to the trip lever. After the trigger is pulled and remains depressed, the working parts move forward and return automatically until the trigger is released and the trip lever re-engages in the recess on the bolt assembly. As I said, a picture is worth a thousand words.

The Hon. R. HETHERINGTON: I have become very confused by this debate. It seemed to me, whilst listening to the Minister's explanation, that the Government was intending to be either unjust or irresponsible on this matter. If that is not what is intended I would like the Minister to sort out the matter for me.

It seems some rifles which are owned by people who will have that ownership taken away under this legislation. If that is the case then the rifles should be confiscated the moment this Bill becomes law. However, we would then be faced with the question of compensation for the owners. The Minister has not been prepared to say that when confiscation takes place the owners will be compensated.

I would be pleased if we could receive such an assurance. We have certainly had no reassurance about anything from the Minister. It seems he intends to be unjust with those people who own these terribly dangerous weapons, but they will be confiscated only when they are worn out.

It appears we have a choice of an unjust Government or an irresponsible Government. I would like to know which it will be. I would like to hear the Minister say whether the firearms will be confiscated immediately and whether there will be any compensation paid.

I have been concerned by the apparent vacuousness of the Minister. I would be pleased if he could tell us whether the Government intends to be irresponsible or unjust.

The Hon. G. E. MASTERS: We are not intending to be either unjust or irresponsible. We will be phasing out these firearms and there will be no compensation paid.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

Debate resumed from 21 October.

THE HON. T. KNIGHT (South) [8.36 p.m.]: As we are well aware, this debate gives members an opportunity to speak about the occurrences in their electorates and the budgetary considerations which will affect their constituents. I am pleased to say that my province appears to have come within the strict budgetary constraints and has been well awarded with moneys which have been made available for development throughout the South Province.

I look with pride at the work which is intended for the harbours of Esperance and Albany. A sum of $128 000 is to be spent on navigational aids, and $20 000 is to be spent on a fishing boat harbour. An amount of $70 000 is to be spent on the Middleton Beach jetty. That jetty has been standing for many years; I think it even goes back to the turn of the century. Numerous attempts have been made to upgrade the jetty to make the area safe for swimming. The piles of the jetty were attacked by Toredo worms some years ago and it was in danger of collapse. However, the Government has seen fit to spend $70 000 because this area is one of the most popular places in Albany. The Albany Surf Livesaving Club operates from that area and if the jetty were left in its state of disrepair it would be a disaster.

The harbour at Esperance will have $10 000 spent on it for lead lights. A sum of $17 000 will be spent on a fishing harbour. Also, an amount of $230 000 will be spent on stage 1 of the development of a fishing boat harbour and the North Beach rehabilitation at Esperance. A sum of $20 000 will be spent on the South Beach stabilisation groyne. The south-westerly and westerly winds, as well as the work that has gone on in the Esperance harbour, have resulted in a serious erosion problem. The Government has seen fit to finance a devlopment to eradicate that problem.

The PRESIDENT: Order! I would ask members to refrain from making audible conversation which makes it difficult for the person in the Chair and practically impossible for the *Hansard* reporter to hear what the speaker is saying.

The Hon. T. KNIGHT: I think it is important to the people I represent to know what is happening and what is intended for the Albany area. A sum of $19 000 is to be spent on stage 1 of the head works and an additional $41 000 on the Plantagenet main. This is part of the great southern comprehensive water scheme that was to be supplied initially from a dam on the Denmark River. This has been held up at the moment because of the problem of salinity in that area and the high cost of establishing a dam as well as the controls which have been applied to stop the salinity problem building up and the dam being useless if salt continues to persist.

Bores are now being used on the south coast and in the Albany area to supplement the water supply and service the main from Albany, Mt. Barker, Kendenup, and Cranbrook.

A sum of $60 000 is to be spent at Cranbrook, and a sum of $5 000 will be spent in the area of Denmark. I am pleased that the townsite of Jerramungup which is one of the areas which has been badly hit by drought, will have a sum of $55 000 to spend on its town water supply. A sum of $5 000 will be spent in the town of Mt. Barker which was fortunate to be placed on the comprehensive main last year. A sum of $160 000 will be spent in Esperance on the water supply and Hopetoun will have a sum of $17 000 to spend on its water supply.

Members will recall that for several years the main thrust of my discussions on the Budget and in the Address-in-Reply was aimed to bring to the notice of the Government the lack of a water supply at Hopetoun. I was very proud to be present at the time when the then Minister for Works opened a scheme in Hopetoun which gave those people a comprehensive water scheme and the same living standards as their cousins in the city. The town of Newdegate will receive a sum of $20 000 to spend on its water supply.

At this stage, Albany has possibly the highest percentage of areas with sewerage in the south of the state. This year another $450 000 will be spent on normal sewerage extensions. Of course there is a great deal of development being carried out in Albany and because of the stringent conditions laid down by the Government, sewerage is required in that area in all new subdivision at the developers' cost. So, at this stage Albany is spending $456 000 on a sewerage extension plan in the area.

The expense incurred with the sewerage to these new subdivisions is unfortunately being paid by the young home owner who buys a block of land in these developing areas. Over the years the Government has slid out of its responsibility so far as capital works is concerned and placed the burden onto the developers who in turn pass the cost onto the young home owners. This obviously creates a high price for the block.

Several years ago if a person wished to buy a block of land in an area, a gravel road was provided and water was supplied, and it was hoped that at some time in the future the road would be bituminised. The costs were kept down because the local government authority provided the roads, the footpaths, and kerbings in the subdivision. This was probably a great drag on the finances of the Government and local governments. However, we now find that there has not been a great drop in taxes and there has not been a great drop in local government rates, yet people still pay through other forms of tax; that is, by financing the development of new subdivision.

Now, people are paying for the development in these subdivisions. I know we all demand a higher standard of living, but the standard we had in the past was the same. The local and State Governments paid for the development of the subdivisions, but now we have the situation where people are paying for them directly.

The Hon. P. G. Pendal: Do you think sewerage is needed in all the subdivisions in Albany?

The Hon. T. KNIGHT: Despite the fact the Government insisted that sewerage should be provided in the subdivisions, it prompted the inquiry which resulted in the Binnie report. It was stated quite clearly in that report that it was considered that sewerage was not the ultimate and that there were areas in Western Australia

which were quite suitable for the leach drain or the French type of drain.

The systems could carry on for years or forever with proper maintenance. With the pumping out of the tanks and the steam cleaning of the leach drain segments, the leach and French drains could be used continually. We have reached the stage where society believes that the ultimate is to have sewerage to every block regardless of the cost, and indeed a member of this House referred to this fact recently. He said we could save something like $1 200 million in the metropolitan area if we did not carry on with the project of sewerage to all blocks. One of the findings of the Binnie committee was that many of our areas are quite suitable for septic tanks. Certainly that proposal is well worth looking at because the $1 200 million could be spent on many other projects such as senior citizens' homes, or hostels for handicapped people. I do not agree that we should aim for sewerage to every block.

The town of Denmark is 32 miles west of Albany, and it is probably one of the best scenic spots in Western Australia, or indeed, in Australia. The sum of $400 000 is to be spent on sewerage there. Unfortunately the soil structure at Denmark is predominantly clay, and members would be well aware that clay is not as absorbent as is deep sand. Therefore, it is a good move to spend the $400 000 in this way. In the town of Esperance, $408 000 is to be spent on sewerage, and $100 000 on headworks. The Wilson-Torbay drainage scheme is used in Albany rural areas. Most of the surrounding area is used for potato growing, and throughout the winter period a great deal of the ground is flooded. Therefore, the land must be drained before planting to ensure that it is possible to dig up the potato crop with mechanical diggers.

The drainage scheme is controlled by floodgates and weirs. Some farmers who do not grow potatoes are rather upset at the price they must pay for the drainage scheme. These farmers graze cattle or supplement their incomes in some other way. However, the potato farmers in the Albany area supply some 5 000 tonnes of potato seed to the growers throughout Western Australia so we must protect this industry. The sum of $43 000 is to be spent on cleaning and extending the Wilson-Torbay drainage scheme.

Looking through the Estimates of Expenditure I see it is apparent that thousands of dollars are being spent throughout this region. I intended to mention other aspects, but members can read these items for themselves. I am certain everyone will be aware that I am happy about the money to be spent in my area. Certainly the State is facing severe budgetary restraints this year and, like many other members, I would like more money spent in certain areas, particularly in the field of education. Hopefully Albany will have a new high school by February 1982. This high school will cost approximately $1 million or $1.5 million.

The Hon. Neil Oliver: Are these figures in the Estimates?

The Hon. T. KNIGHT: No, they are not in the Estimates, but planning is under way. It is intended that the school will be open for the 1982 year.

I noticed a mistake in the Estimates of Expenditure in relation to hospitals, and I brought this matter to the notice of the Minister for Health. The Estimates show that the Albany Regional Hospital rehabilitation unit is to cost $155 000, and that $75 000 of this amount is to be contributed by the Albany Regional Hospital auxiliary. For members' information, that is not correct.

Two years ago I was responsible for calling a meeting of interested people in the Albany area to consider the construction of a hydrotherapy pool. Prior to this, in approximately 1974, I was approached by Mr Colin McArthur, the then President of the Albany Jaycees, who had commenced a project for a heated pool for asthmatics in the Albany area—"Project Respiration".

Originally the idea attracted a great deal of support from the then Minister for Health (the Hon. N. E. Baxter). The successive Ministers for Health (Mr Ridge and Mr Young) also supported the idea. A committee was formed and it was entitled the Albany Regional Hydrotherapy Pool Committee. The idea was to establish the unit at the Albany Regional Hospital and the word "regional" was included because it was hoped that it would be a regional facility as Albany is the centre of this region.

The members of the committee travelled far and wide addressing groups and service clubs. Under the chairmanship of Mr Bill Reside, the committee worked tirelessly, and recently it was able to hand over to the Government a sum of $82 531.84. I drew this fact to the attention of the Minister for Health and he wrote to the secretary of the committee (Mrs Margaret Martin) in following terms—

> Your Committee's cheque for $82 531.84 has been forwarded by the Administrator of the Albany Regional Hospital. This sum will be held in trust as a contribution towards the cost of the establishment of the hydrotherapy pool to be built in association with a

rehabilitation unit at the Albany Regional Hospital.

Will you please accept my sincere thanks for this gesture and convey to all who were instrumental in raising this sum, my congratulations on their fine effort.

I, too, am proud of the work performed by these people.

Last year a regional banquet, to which the Premier was invited, was held in Albany to further add to the money raised. At the time of the formation of the committee I sought the assistance of the Premier so that these people would have a target towards which they could work. He promised a maximum of $30 000 on a $1-for-$2 basis. This meant that the committee had to raise $60 000 in order to obtain the $30 000 from the Government.

So in raising this $82 531.84 the committee exceeded the target, and it means that another $30 000 will be added to that sum.

The establishment of the rehabilitation unit at the Albany Regional Hospital will be financed almost completely by the people of the area.

The physiotherapy department of the hospital was very small, and there was no occupational therapy unit at all. After consultation it was agreed that rather than build just a hydrotherapy pool, a unit would be constructed for the whole of the hospital's physiotherapy programmes. This means that the old physiotherapy unit can be taken over for occupational therapy. Under pressure from people of the area the Minister agreed that the new building would become a rehabilitation unit incorporating the hydrotherapy pool with the physiotherapy department. The efforts of the people in raising this amount of money is worthy of a great deal of praise, as the Minister said. I also thank the Premier and the Government for the way they have supported the people of my area.

In other speeches I have made in this House I referred to another matter of concern to me and the people of the area; that is, the use of the Port of Albany. I saw a recent Press report, I think it was in the *Western Farmer & Grazier*, which stated that unless more wool is shipped through the port of Albany the port will be closed to the shipment of wool. The regional wool selling complex in Albany lost a great deal of its charm—for want of a better word—several years ago. The wool sales in Albany had had almost a carnival atmosphere and attracted many visitors to the town. Now, after the cone sampling method, the wool is forwarded to Perth and the buying takes place here.

My main reason for bringing this matter to the attention of members again is that we are facing the possibility of the loss of the use of millions of dollars' worth of port facilities that the Government has established over the years. We must look closely at the situation and we must say that we will not be dictated to by the big shipping combines, the conference lines, and the shipping magnates.

We want to see the wool shipped from Albany. At the moment we are paying a 50 per cent subsidy on the rail freight to have the wool carted to Albany from the surrounding districts. The wool is then railed from Albany to Perth for shipment overseas. This means that empty trucks are going down to Albany and returning with the wool, and Westrail is losing on this operation. As well as this, Westrail is paying the 50 per cent subsidy on the carting of the wool to Albany.

In these circumstances the lead must come from the Government—no-one else will give it. The Government must say to the conference lines, "We want wool to Japan shipped out of Albany, and we want wool for Europe shipped out of Fremantle or vice versa." This would mean that the rail trucks to Albany would not be empty; in other words, they would cart wool for Japan down to Albany and then return to Perth with wool for Europe. The rail trucks would be operating both ways and possibly pay their way.

Members will be aware that we frequently have a shipping jam situation at the port of Fremantle. I do not think this would occur to the same degree at Albany, and we would be utilising the millions of dollars' worth of facilities there. If the Government gave the lead in this way, it would show that it was supporting decentralised industry and activity. In my opinion this exercise in economics could benefit both areas.

As I said before, there are certain areas where I believe more could be done. Certainly more State Housing Commission homes should be built throughout the area I represent. At the moment there appears to be a great demand for rental accommodation, particularly in Albany, but even in some of the small towns such as Nyabing, Lake Grace, and Ravensthorpe, and particularly at Jerramungup the situation in regard to rental accommodation is grim. Looking at the Estimates, I do not think there is any plan for SHC housing in my area for the coming year, and I am most disappointed about that. I would like the Minister to consider this matter seriously. In my opinion the SHC was established to service the group of people now demanding accommodation.

Recently in this House the Builders' Registration Board was referred to yet again. I was a registered builder myself before coming to the Parliament, and so I have a great interest in this matter. I cannot understand why we cannot extend the provisions of the Builders' Registration Act to cover at least the major provincial towns.

It was agreed at a meeting that the Act should be extended to the major provincial centres, thereby improving the standard in the industry with a consequent benefit to the public. When someone in an industry does something wrong, very seldom do the public blame Joe Smith or Bill Blake; invariably they blame the industry itself and unfortunately the building industry has had its share of criticism. It is the type of industry which attracts fly-by-nighters and shoddy operators, and we must seriously consider extending the operations of the Builders' Registration Board to country areas.

The Government says that the building industry should be left to regulate itself. However, every week in this Parliament we pass legislation in one form or another which imposes certain standards on people and in most cases we approve legislation. In 1961, a Royal Commission examined the matter of builders' registration and agreed the provisions of the Act should be extended to country areas because it was in the interests of the public.

The Act currently provides a maximum limit of $6 000 below which the handyman or the "sugar bag carpenter" as we call them, can operate. Members have asked, "What about the farmer?" The farmer is an owner-builder. The Act specifically prescribes that a farmer can build his own home and sheds on his farm. We even amended the Act to allow an owner-builder to construct his own workshop, warehouse, or factory. The whole thing is an open-and-shut case. We must protect the public. The Builders' Registration Act has operated in the metropolitan area since 1939.

The Hon. W. M. Piesse: And look how many builders go broke in the metropolitan area.

The Hon. T. KNIGHT: I can answer that interjection. The present ludicrous situation is that a person who cannot pass the builders' registration examination in Perth can move to the country and operate as a builder for five years, after which time under the grandfather clause he automatically can obtain registration in the metropolitan area. This is why we are getting shoddy builders in country areas. They are getting away with murder, and they cannot be controlled because the Builders' Registration Act does not apply to the country. The whole thing is quite ludicrous.

The Hon. A. A. Lewis: Do you believe in more regulation?

The Hon. T. KNIGHT: As Mr Lewis would know, each day of the week we pass regulations of one form or another. On occasions Mr Lewis has argued against them, and with justification. However, we have not regulated in one of the most important areas of industry in the interests of protecting the public. We must consider extending the provisions of the Builders' Registration Act.

When in Government between 1971 and 1974, the Labor Party considered establishing a builders' lein, or builders' licensing in conjunction with extensions to the Act. In 1976 I went to Victoria with two other members on a committee for the purpose of examining the Victorian Builders' Registration Act. What appealed to us most was the additional cover provided for people building homes in the way of a builder's indemnity. Builders in Victoria charge an additional $33 and take out insurance to indemnify the owner against the builder going broke, against faulty workmanship, and even against non-completion of the job through industrial or other matters. This meant there was an avenue of appeal.

At the moment, in Western Australia, the Bureau of Consumer Affairs handles all these complaints. The recent reports from the bureau and from the Parliamentary Commissioner for Administrative Investigations indicate that the situation needs to be examined.

At present, I am suggesting that the provisions of the Act be extended only to major provincial centres. After it has been operating there for a while, the people whom Mrs Piesse and I represent will be aware of the protection it affords them. Why are we in the country areas not entitled to the same protection the Government has deemed fit to afford the metropolitan area? It is a ludicrous situation which must be rectified. I intend to pursue this matter and I hope the Government will act in the near future.

The biggest single purchase a young couple ever make in their lives is that of their home. Many young people will stay in that home until their dying days, and they need a solid, sturdy structure which will last for that period. There is a great deal of public agitation on this matter in many provincial centres. If the Hon. Win Piesse has not heard of this agitation, I suggest she talk to people in some of the provincial towns and see what has happened there. In some areas, building

surveyors and inspectors have been used as clerk of works for these shoddy builders, explaining to them how they have gone wrong and what they should do to rectify their mistakes. Some of these builders do not have the first idea about how to build a house.

The Hon. W. M. Piesse: What about the provision in the Act which allows a man's wife to become a registered builder? In many cases, she could not even bang a nail into a wall.

The Hon. T. KNIGHT: We have male nurses. Mrs Piesse also opposed my views when I put them forward last year. I can quite clearly, plainly, and concisely deal with the points she has made. This move would benefit country people, and would not have the effect she fears will occur to the people in her electorate. Her constituents will benefit by a better and more acceptable standard of building. Hopefully, if the Act is extended to country areas, it will include an indemnity provision which would provide even more security to people building homes.

The next subject I wish to raise is that of apprenticeship training. This Government has a policy that a builder will not be considered for a Government contract unless he is training apprentices. With the ups and downs the building industry has experienced of late, many builders can be out of work for up to three months at a time, during which period they have no work for their apprentices.

I suggest we establish an apprenticeship pool. Members may recall I made a similar suggestion last year in this place. It could be organised through the State Housing Commission or the Public Works Department, or even jointly, because registered and qualified builders work for both those departments and could indenture apprentices. These builders could ensure the apprentices carried out their technical training studies and experienced a variable work situation by being changed around from project to project. They could experience the construction of houses and flats with the SHC and the building of warehouses, workshops, and public buildings under the PWD. It would give the boys one of the greatest trade training opportunities possible and we would have better tradesmen at the end of it.

Shortly after I made that address last year, the Master Builders' Association suggested to the Public Works Department that it would be prepared to implement an apprenticeship training scheme. I have it on reasonably sound advice from the industrial officer with the association that the suggestion was not received enthusiastically by the PWD.

I have mentioned before that last year a local builder in Albany quoted a figure for a group of houses in Albany which was $19 000 cheaper than the price quoted by a Perth builder. However, because he did not employ any apprentices, he had to forfeit the job. If one does a bit of simple arithmetic, one finds that $19 000 would have been sufficient to employ two apprentices for a three-year training period at no expense to the builder. However, the Government carried the extra money, and the builder was not awarded the contract. The result was a loss of employment for Albany-based people and no new apprentices trained.

The builder suggested to me a system whereby, if he were awarded the contract, he would guarantee to employ a couple of apprentices. However, he was not prepared to take on apprentices and then find the next day he had no work for them.

As recently as last weekend I was informed by another building contractor in Albany that he was aware of a contract recently quoted which was $20 000 below another builder for a certain project, but that, again, because he did not employ apprentices, he was not considered for the job.

In only two jobs, the Government has been involved in additional expenditure of $39 000. This money could have employed several apprentices. To say that this provision will force builders into taking on apprentices just is not correct. Unless we are prepared to accept the suggestion that the builders guarantee to employ apprentices if they are awarded a contract, the Government will continue to foot the extra bill, and it will still not get apprentices trained.

The Government is standing by this useless provision and in only two jobs has thrown $39 000 down the sink. Both builders are quite adamant that they will not employ apprentices in the hope of being awarded a contract. However, they are quite prepared to guarantee they will employ apprentices, once the contracts are awarded to them. It would be as a condition of being awarded the contract.

Builders have also considered the possibility of sharing apprentices. However, if an apprentice is indentured to Bill Smith, and Bill Brown is seeking a contract, he will not be awarded that contract because he has no apprentices indentured to him. The Government simply says, "No apprentices, no contract." It is a despicable situation which could be overcome with a little common sense within the department.

I refer now to the Town Planning Department where I believe an unwarranted waste of money is occurring. At the moment, I have four requests for appointment with the Minister on appeal. The Minister's secretary has advised me that, unfortunately, the Minister will be unable to receive any deputations for two months and that, in the last 12 months, she has handled 2 000 appeals. This amounts to 40 appeals a week. If we assume that a member of Parliament works 40 hours a week, it would amount to one appeal being processed each hour.

How can anyone say there is nothing wrong with the Town Planning Department when 2 000 appeals a year are being handled by the Minister? Something must be wrong somewhere. The department's policies, ideas, and practices must be tested and checked to establish from where the problem is coming.

One of my constituents is in dire financial difficulties. He was approached by the shire and asked to develop an area which fell within the shire's planning scheme, and which was approved and agreed to by the Town Planning Department. Two years and numerous changes of officers later, this man is still battling even to start. He has lost the productivity of the land and is out of pocket to a degree which is impossible for him to bear and he is still getting nowhere. I know of three cases which are similar in nature.

Last week I was notified that County Developments, to which I have referred in this House on several occasions previously, was experiencing great difficulty with the department because of constantly changing conditions. After the proprietor met one condition, it was changed time and time again. After two years he has finally received approval.

Mr Deputy President, can you appreciate what it has cost the developer to carry on for two years in that situation? I assume he bought the land, which meant that his money was not earning interest. I gather he had a loan organised which he had to let slip. When one has a loan organised one has to pay interest on it. That money is going back and being charged against that land, and the price has to be met by young people.

I think there are many things which need to be sorted out in the Town Planning Department so that we can get sense back into the situation. The Albany Town Council has a town planning officer, an assistant town planning officer, and an assistant. It costs the ratepayers there perhaps $50 000 per annum. As soon as a project goes to the Town Planning Department in Perth it gets knocked back, yet everything has been done in conjunction with the town planning officer in Albany, and he has worked in conjunction with the officers of the Town Planning Department in Perth up until the time the project has gone for approval. I am fed up to the teeth with the knockbacks by the department.

I believe the department needs investigation. I go as far as to suggest that a Select Committee or a joint committee needs to be established to look into the operations of the Town Planning Department. To have 2 000 appeals in 12 months is not good enough. I do not think any Minister is capable of handling that number of appeals and still handle other problems associated with local government, her parliamentary duties, and service to her electorate. It is unacceptable and I am surprised the Minister has put up with it without having a serious look at her officers to see what action could be taken.

Another big development in Albany worth $1 million was approved by the Albany town planning officer after consultation with the Town Planning Department. All the conditions were met, yet the department knocked back the development because it believed the zoning to be incorrect. We would have to go through countless channels before anything could be done to rectify this matter. I would say the majority of my time is taken up with people coming to my office complaining about the activities of this department. Complaints against the department would be the heaviest area of complaint. Again I reiterate, this department needs to be investigated.

With respect to education, recently we had a deputation to the Minister requesting a resource centre at Esperance. The suggestion by the shire council, which was represented by the shire president and the shire clerk, was that a particular building on a certain lot which was covered by the Esperance High School should be purchased for a central resource centre. The cost involved was something like $55 000. It was stated that the department could not afford to purchase the building, but that it was prepared to spend $60 000 to erect a resource centre and a library at one end of a school in Esperance and that, perhaps, in 12 months' time, another one could be built at another school. So, four minor resource centres costing $60 000 each works out to $240 000. The department will build four resource centres when one central centre utilised on a regional basis could serve the whole Esperance region for $55 000.

I was told it was the policy of the Federal Government to fund resource centres attached to schools, but that it was not prepared to fund

resource centres away from schools unless a good case was presented. We must set about preparing good proposals which would be acceptable to the Federal Government so we would again be saving money, instead of establishing small centres at the end of a school when one could be used for the community, as is done in Albany. We put our heads in the sand and agree to do this sort of thing without any sensible planning being done.

We have to start looking at things in a sane and sensible manner. If we were in private enterprise we would go broke doing the things our Governments do. If when given the opportunity we are prepared to stand up in this House to push this sort of point we should take advantage of it. We are not doing our jobs as representatives of electorates if we do not put forward these suggestions. It is a complete and utter waste of time coming in here when nobody takes any notice of us. The people put us here to talk on their behalf and if a department is doing something unacceptable, the Parliament should know about it.

The Agricultural Farm School at Gnowangerup originally started to train Aboriginal boys for rural activities. Because of lack of support in respect of numbers, the school changed to a 50-50 basis. If an Aboriginal boy comes along he is given first preference and the rest of the intake is taken up with local boys or anyone else who applies. Unfortunately, it is in a grain-growing area and the school does not have sufficient land available for the boys to be put to work and to be involved in grain growing.

There is a 320-acre area across the road that can be purchased and which could return $25 000 to $30 000 a year from the growing of grain. I understand the land can be purchased for between $50 000 and $60 000. The land is not of much use to the farmer, whose main farm is 15 kilometres away.

Due to severe budgetary restrictions, the Government finds it cannot purchase the land. If it did purchase it on a loan basis, the $25 000 to $30 000 cannot be put back into the Education Department to repay the loan; it would have to go into Treasury. The Education Department would have to carry a $50 000 or $60 000 deficit. This is the way the Government budgets; but I cannot see the sense in it.

I am prepared to ask the Government to buy the land and then pay it off, but apparently this cannot be done either. I have talked to the shire president and the Board of Control of the Gnowangerup Agricultural School about this matter. I have a group of farmers and businessmen who have agreed to support me in an approach to a bank to go as guarantors to buy the land to allow those boys to farm it on the basis that the sale of the grain would go back to the trust I hope to establish to administer the land. The boys could do the cropping and make use of the grazing stubble. They would not get the profit from the sale of the grain. I expect the Government to meet the cost of superphosphate and seed. I believe this is a wonderful idea. If the Government were to take on this project it would receive a regular amount of perhaps $25 000 or $30 000 into its Consolidated Revenue Fund which could be used to allow the boys to continue their training. However, after the knockbacks we have been getting I am inclined to go ahead as a community group; I am quite prepared to be one of the guarantors. I believe it has to be done. We cannot afford to have the school shut down. We have farmers in the area who have to send their sons to colleges such as Muresk even though they live in the Gnowangerup area.

Should we not be looking at the possibility of servicing an amenity in an area by people in the area who are farming in the area, rather than sending them away to a different region where the rainfall is different and the stocking is different, and so on? The acreage involved for farms in the region is from 1 000 to 2 000 acres, but further inland it varies from 4 000 to 6 000 acres. To have these young boys leave the area and learn farming in an unfamiliar area is completely wrong.

I have made my views known to the Government and I hope it sees fit to buy the land. It would be a good asset to the agricultural pursuits of the Gnowangerup area because it will help the boys who will eventually be farming their fathers' properties in the region.

Tomorrow I will be visiting the Denmark Agricultural School representing the Minister for Education and opening its annual agricultural field day. The school has built up to be a remarkable asset to the area. It is a wet-weather-area type of farm and all sorts of activities are covered in its programmes. It is working within the sphere of influence it was meant to work and it is serving the people it was meant to serve. I am delighted with its activities and the way this school has gone ahead in training the young people of the region.

However, at the Albany Technical School annexe we also have people doing courses in rural activities. The Denmark Agricultural School wants additional dormitory facilities so that people engaged in activities at the Albany Technical School annexe are able to live in to complete their three or four weeks' practical

training programmes. It may be that the people involved are older than school age. They are wanting to know the finer points of agriculture; they are wanting to know the latest methods. If we do not keep up with the times and the ideas of today we will obviously go backwards. Therefore, it is imperative to further the activities of the Albany Technical School annexe and for facilities to be made available at the Denmark Agricultural School for live-in accommodation for people wanting to do its management programmes.

Recently it has been suggested in Albany that the Lower Kalgan jetty will be demolished. The Public Works Department has indicated that due to the rotting of pylons and the general deterioration of the jetty, it would have to pull it down. That jetty was constructed at the turn of the century and was used by boats that plied between the Albany Harbour and the Kalgan River whilst carting fruit and produce across the harbour through to King George Sound and into Princess Harbour. It was the easiest form of transport in those days and the most economical.

This jetty constitutes a major part of Albany's history, yet we are talking about knocking it down. A gentleman by the name of Clifford Saggers has agreed to raise money by public contribution. He has been guaranteed about $2 500. The estimate from the Public Works Department to repair the jetty is $5 000. The shire council has agreed that if the repair work is done it will accept responsibility for the maintenance of the jetty from then on. However, at the moment the council does not have the resources to supply the $5 000.

I have contacted the Minister for Works and the Minister for Tourism in this regard. I have not received a reply from the Minister for Tourism because I wrote to him only recently. But if we are to allow a part of our heritage to disappear because of woodworms being present in the jetty, we would have a lot to answer for. Perhaps the jetty does not serve a specific purpose as far as the fishing industry and growth of the region are concerned; however, I can remember that many years ago—and I was born in Albany—the people—mainly tourists—would drive out there and fish from the jetty. Where else do they go?

The jetty is a tourist attraction. We should have a plaque erected to explain just when it was built and how it has been used. Perhaps tourist buses will visit the area.

We cannot afford the sum of $2 500. Let us assume the Government is paying the total of $5 000. Can we afford to allow the jetty to be blasted out of history? Once it is gone there is no way we can bring it back.

I know the argument has been submitted regarding the Busselton jetty and I know that is in your electorate, Mr Deputy President. However, when we compare the magnitude of the Busselton jetty with the small landing and jetty at the Lower Kalgan River for which some $5 000 is needed, we realise there is a vast difference, and we should do everything within our power to retain it.

I will talk very briefly on another matter which I have discussed in this House on many occasions. Now that the Federal election is out of the way I hope that our colleagues in Canberra, in particular the Prime Minister and the Minister for Defence, will look again seriously at a national training scheme. The point is that upon investigation and follow-up several years ago it was found that there were some 450 000 young men between the age of 18 and 20 years in our community each year, and therefore it could be assumed that there was an equal number of young women.

This country has something like 300 000 people unemployed. As I have said to this House before, I am not looking specifically at a national defence training scheme. I am looking at a scheme that would come under the general blanket of the defence force that would take in young people, give them the opportunity to learn respect for discipline and authority, and give them the chance to accept responsibility. Such a scheme would give them the chance to work as a team for something which is of national interest. This would give them national pride, which is something which young people in our country today have lost.

We have a situation in which each year some $2 000 million is spent on unemployment. What do we get back for it? We receive nothing. I do not know what the amount of defence spending is, but surely $2 000 million in addition to the present defence spending could be used for the building of extra dormitories that would be required for such a programme, and to train people to build these dormitories. Young women could work as stenographers or in the kitchens, the laundries, or the mechanical workshops. I could continue with the opportunities that could be given. There are the national projects we are looking at. An amount of $2 000 million spent on the roads in the north-west would catch us up with the next 20 years or 30 years of required development there and we would see something of national interest established. Instead, the $2 000

million is paid to a lot of people who want to work, but for whom there is no work.

The Hon. F. E. McKenzie: In this scheme of yours, would the participants be conscripted or be involved voluntarily?

The Hon. T. KNIGHT: I do not think one could look at a voluntary scheme. We would have to say that if they wanted a job they would have to go into the scheme. If a university student is finishing an honours degree or something like that that student could be exempted from the scheme. Possibly some people would have a medical deficiency or some other restriction—we would not have everyone involved. The point I make is that we would be giving some assistance—jobs would be available.

When someone entered the scheme his job would still be available, but it would be left for someone else during that period, and the person who had that job for, say, 12 months, would be able to go to his next employer and say that he had worked somewhere. What do they say now? They say nothing. If a person has been out of work since he was 18 years of age and he is now 22 or 24 years of age, when he goes to an employer to ask for a job the employer will say, "Where have you worked?" The applicant cannot say that he has worked anywhere so what chance does he have of getting a job?

When faced with this situation an employer's immediate reaction is to say, "You are obviously not worthy of getting the job. I will not give you the job because you have no previous experience." The employer knows that the applicant is inexperienced and may not want to work. I think that is the attitude of employers.

The scheme I propose would give the unemployed something to do together; something in the national interest; something using the taxpayers' money to advantage; and something that is tangible for the great country we have.

In Sweden and Switzerland full-scale national service training exists. Those countries have never been to war, but a country does not have to conduct military training with the intention of going to war. We would be training the people and giving them something to do—taking them off the streets.

When they came out of the scheme they could say that they had spent a year doing something in this scheme or whatever one would like to call it. They could say that they had done two or three years' work on main roads, driving a grader, or building a dormitory.

The Hon. F. E. McKenzie: Would the scheme involve conscription for all or just for all who are unemployed?

The Hon. T. KNIGHT: I think it should involve conscription for all—a blanket scheme. The people who left their jobs to go into the scheme would return to those jobs when they came out, but the jobs would be filled in the meantime by others.

We have to solve the unemployment situation; we have to give these people a chance. Each year we waste $2 000 million of taxpayers' money, but are receiving nothing back for that expenditure.

I know time is getting on, but I wanted to raise this matter. It has to be discussed and looked at. Let us hope the Government will be back in for another three years and that it will attempt to do something to help the young people of Australia.

The other night the Hon. P. G. Pendal spoke in this House and mentioned the Department for Youth, Sport and Recreation. If we go back a few years we find that at that time a board or committee was set up to administer the spending of $1 million for sport and recreation in Western Australia. I was rather surprised when I looked through the Estimates of Revenue and Expenditure to find that we now have a department of some 115 people which will spend $3.511 million this year and that $678 000 of that sum will go out in services and grants to recreation bodies.

I do not remember that we set up the organisation to do other than to put money into recreation service facilities throughout the country areas. It was suggested at that time that $1 million should be spent. Now we are to spend $3.5 million and the amount going out to the country areas will be two-thirds of what we initially intended to spend when the board or committee was set up several years ago. I am wondering whether we are getting value for money—whether we have set up an empire in this field. This matter has to be looked at to see whether the money is being well spent. I realise that the Department for Youth, Sport and Recreation has a role to play in our community, but I was rather stunned, as were several other members I discussed this matter with, to see the amount of the funds to go into that department and that only two-thirds of what four, five, or six years ago was anticipated to be spent is now being distributed. An amount of $1 million was to be distributed each year. Now only $678 000 out of $3.5 million will be spent, a decrease which does surprise me.

I wanted to bring this matter to the attention of the House. The Minister may be able to answer my queries. I daresay the Leader of the House will pass them on to the appropriate Minister and we will receive an answer, but I have brought this matter to the attention of the House. I have spoken for some time now and have covered most of the points that I intended to cover. I hope the Government takes note of some of the points I have raised in the interest and the well-being of the people I represent. With that remark I conclude.

THE HON. W. R. WITHERS (North) [9.37 p.m.]: All of us in our private lives have to run balanced budgets, and I must say it is pleasing to see a responsible Government presenting us with a balanced Budget. In order for Governments to present such balanced Budgets, Governments need fair warning of anything at all that is likely to change the system of calculating income for the State. Because of this I feel I must give notice to this Government that I have made a submission to the Federal and State committee on taxation. Flowing from those recommendations I hope there will be a change to the revenue provided for next year's State Budget. In the preamble of the report I said—

> Each year since 1959, the Taxation Department has condoned an increased burden on remote area dwellers at a rate greater than urban taxpayers.
>
> Past Federal Governments have recognised the need for taxation zone allowances in high cost areas but they have been loathe to adjust them to realistic levels because of a misconception which presupposed that taxation zone allowances would prove to be unconstitutional if challenged in the Supreme Court.
>
> The author has continuously stated that this would not be the case. This view is now being accepted by some Federal Ministers.
>
> Changes to district allowances in recent years without corresponding adjustments to taxation zone rebates has caused a most iniquitous anomaly.
>
> The anomaly has placed the remote area citizen—

They are the people I represent. To continue—

> —and his employer in a situation which, with sufficient legal preparation, could allow them to make a successful case against the Federal Government for inequitable taxation contrary to the intent of the Australian Constitution. (Sect. 99 and 51 (ii).)
>
> The conjoint action of the Arbitration Court, State Government and Federal Government has caused a situation to develop whereby the Deputy Commissioner for Taxation is collecting tax on district allowances and only returning portion of it through a zone rebate, thus taxing remote area dwellers at a greater rate than their urban counterparts.
>
> Further anomalies provide inequities for some remote area employees in the provision of district allowances which vary from job to job.
>
> Remote area employers are further disadvantaged by the application of payroll tax which, under Federal law, must be applied to the district allowance as well as the base wage. This also appears to be contrary to the intent of the Australian Constitution. (See Table 2 Appendix D).
>
> The degree of inequity varies from town to town and also with the taxation zone in which the employee resides. It is apparent from the district allowances scale for Local Government that a review of zone boundaries must be made. (See Table 3 Appendix D). This table shows inequities of up to 5.475 per cent in the residual amounts claimed by the Taxation Department.

That 5.475 per cent in an equitable system should be zero. There should be no percentage variation at all, and yet the Federal Taxation Department takes this amount of money from the people who are participating in remote area development. I continue with the preamble—

> A simple solution would be possible if district allowances were calculated for all employees within Local Government boundaries and the taxation rebate struck at the same figure as the calculated district allowance. Self employed persons could apply the district allowance for the shire in which they reside. This solution would also simplify the qualification of any travelling taxpayer because the district allowance which he uses as a rebate, would be listed on his group certificate as a "non-paid" allowance. (See Table 4 Appendix D).
>
> Each district allowance (rebate) should apply to an individual employee, plus a percentage added for each child (say 25 per cent) when it is applied as a rebate. A non-working wife or housekeeper would increase the rebate by 100 per cent.
>
> A taxation zone rebate for the East Kimberley needs to be in excess of $2 000

p.a. for a single person. The existing rebates are:

Zone A $216 + 25 per cent of claimed deductions

Zone B $36 + 4 per cent of claimed deductions

I would like to quote from the section of the report dealing with pay-roll tax because this recommendation, if accepted, will alter the revenue of the State because the revenue that is collected under this system at the moment is, in my opinion, contrary to the Australian Constitution.

On page 7 of the report, under the heading "The need to remove pay-roll tax from district allowances", I say—

> The statutory devilment of payroll tax on District Allowances is one of the most confounding and infuriating restrictions to development found in Australia.
>
> In simple terms, an employer in a remote area is forced by law to pay a district allowance to employees. The employee is forced to give a large amount of that district allowance to the Taxation Department. The employer is then forced to pay a further tax on that district allowance if the payroll exceeds a figure established by regulation.
>
> This means that an employer is forced to pay an extra tax for participating in decentralisation. Table 2 Appendix D shows that a Kimberley employer can be faced with a payroll cost approximately 15 per cent higher than his metropolitan counterpart solely due to the legislative process. Surely this is contrary to the intent of section 99 and 55 (ii) of the Constitution.
>
> This penalty must be removed from the system without adversely affecting employees.
>
> If the system is modified by calculating a district allowance without paying the allowance and then converting the calculation to a taxation rebate, then the employee will have equitable purchasing power when compared with his metropolitan counterpart and the employer will not be penalised by an unreasonable payroll tax.

In the text of that quote I mentioned that there was a table 2, appendix D. This gives an example of the iniquitous tax from which the State Government benefits in revenue. Table 2, appendix D, is as follows—

> PAYROLL TAX—INEQUITABLE IN REMOTE AREAS
>
> A comparison of similar enterprises with similar work forces in the metropolitan area and the Kimberley will be used to demonstrate the inequity.

Item	City	Kimberley
Pay Roll	300 000	300 000
District Allowance	—	44 860
Taxable Pay Roll	300 000	344 860
Payroll Tax	13 380	15 623
Pay Out for similar production with the same number of employees	313 380	360 483

> It can be seen that the existing laws hinder decentralisation and penalises its participants. The situation is further exacerbated by higher capital costs and also decreased human efficiency in high temperature areas. It also appears to be contrary to section 99 and 51(ii) of the Constitution.

I would like also to read table 1, appendix D, because here it shows a specific example of where the Federal Government actually steals money from the Australian taxpayers. I use the word "steal" in the literal sense. Table 1, appendix D, is as follows—

> In this specific example the Federal Government takes 35 per cent of a district allowance and only repays 28 per cent of that money in the form of a taxation zone rebate.
>
> Example
>
> Zone A—Taxation Rebate $216
>
> District Allowance—East Kimberley $2 243

That must be paid by an employer to any one of his employees in the East Kimberley if he works for a local government organisation, as long as the employee is not an outside worker. By some weird decision of the arbitration court it seems somebody working outside needs less money than a person who works in an office. Table 1, appendix D, continues—

> Income tax rate .35c in the dollar
>
> Tax paid on district allowance 2243 x .35c=$785.05
>
> Less zone rebate $216.00

The district allowance is given to an employee under law to cover the high cost of living. We find the Taxation Department retains $569.05 of that, and in my book that is stealing in the literal sense. The table continues—

> This is a repressive tax law contrary to the intent of the Australian Constitution (section 99 and 51(ii).) It is also contrary to the espoused policies of decentralisation.

I will not read all this lengthy submission, but I will read the recommendations which, if adopted, will reduce the unreasonable contributions made

by my constituents, and they will also reduce the amount of State revenue. The recommendations appear in a very brief summary at page 4, and are as follows—

(a) The taxation zone rebate needs to be immediately changed by adopting a local Government district allowance as the amount to be claimed by each employee as a tax rebate. The rebate would increase 100 per cent for a non-working wife and 25 per cent for dependent children.

(b) Payroll tax would then only apply to wages and salaries without the added burden of the tax on district allowances.

Notes—

(1) The taxation zone rebate for a single person in the East Kimberley region would need to be $2 000 plus a married couple; $4 000 plus a married couple with 3 children; $5 500 plus.

(2) The rebates or district allowances would need periodic adjustment to cope with inflationary pressures upward or decreased if living costs deflate with an expanding populace and more efficient services.

These figures calculated in the report are also in the appendices.

Another matter which needs attention in the next State Budget will require initial State expenditure so that the State should be advised of the requirements of that expenditure. However, it will return some benefits to the State in a better supply of food, and also it will help develop a new industry with increased job opportunities if the State accepts the responsibility. I refer to the need for a horticultural research unit in the tropics of this State.

Members will be aware of my previous representations on this subject. Our growing conditions in the north are entirely different from those found in Carnarvon where currently we have a research station—a so-called tropical research station. As members are aware, the unit does a good job, but it is not in the tropics. I am referring to the need for a research station in the tropics.

The Hon. N. F. Moore: Where does the tropics start and finish?

The Hon. W. R. WITHERS: Above the Tropic of Capricorn, 24½ degrees south and below the Tropic of Cancer, 24½ degrees north.

The Hon. N. F. Moore: Twenty-three and one-half degrees!

The Hon. W. R. WITHERS: I have it as 24½ degrees; either way, Carnarvon is not in the tropics.

The potential for food production in the tropics is far greater than in the Carnarvon region where the research station is located. I am sure this is not recognised by the Department of Agriculture purely for budgetry reasons because of the enormous size of this State. I will read an extract from a letter I received from the Minister for Agriculture dated 23 July 1980. I will read two paragraphs, as follows—

> Your letter of July 1 referred to your earlier proposal for a Tropical Horticultural and Agricultural Training and Research Institute in the Ord River district of Western Australia, and you raised this in the context of the recent floods at Carnarvon.

Paragraph 3 reads—

> An Institute, along the lines you proposed earlier, is still out of reach. Besides the difficulty in funding such an organisation,—

I would like members particularly to take note of this next sentence—

> —there is at present virtually no industry to support such an Institute, either to interact with research or to provide students for its courses.

The Hon. P. H. Lockyer: Who signed that letter?

The Hon. W. R. WITHERS: The Minister for Agriculture (Mr R. C. Old).

The Minister has stated, virtually, there is no need for a horticultural research institute in Kununurra. However, this year those involved have despatched over 1 000 tonnes of fruit and vegetables to markets within and outside this State, without considering any tonnage at all from Broome or Derby.

When one compares this with the output from Carnarvon at the time of the Government's decision to develop a horticultural research unit in the area, one is puzzled by the current attitude of the department. The output from the Carnarvon district was only 26 bushels of bananas, but the horticulturalists at Kununurra are turning out 700 times that amount of fruit and vegetables. However, they are not receiving departmental consideration for tropical horticultural training, development, and research which would benefit the State and the nation, and which would assist in improving exports overseas.

There are tremendous export potentials for our tropical fruit and vegetables in Malaysia and Hong Kong. I will also point out that one mango is worth $5 Australian on the Japanese market. When one realises that a mature mango tree

bears 1 000 to 2 000 mangoes, one knows a lot of money is involved.

The Hon. P. G. Pendal: Have you planted some trees?

The Hon. W. R. WITHERS: Yes, I have.

The answer to a question I asked today indicates the difficulties we face. We need trained tropical horticulturalists. It is imperative that they be trained in the tropics. But, we do not have any place to train these people at the moment. Today I asked: In which countries was the position of the horticulturalist advertised? The answer was that the position was advertised in Australia only. What is the point in advertising only in Australia for a tropical horticulturalist when we do not have any training facilities?

I then asked whether the newly-appointed horticulturalist at Carnarvon had had experience in the tropics, or qualifications from an institute in the tropics. The answer was that the officer had undertaken a three months' study tour between May and August 1977 in the United States, and he made a follow-up visit in June 1978.

In my book the United States, except for the island of Hawaii, is not in the tropics. In that island they do have some very interesting horticulture, but it is a vastly different type of horticulture from that in the tropics of Western Australia. It will be rather interesting to see the Minister's reply to a question I have on tomorrow's notice paper.

In my question today I also asked—

> Did the officer recently host a Queensland fruit grower interested in expanding to the Ord River district without first contacting Western Australian growers to determine their commitments to the tropical fruit industry?

The answer to that was, "No." Yet I happened to meet the Queensland grower in the company of the horticulturist in Kununurra, and if the advice I received is correct, he was looking for 300 acres on which to plant 1 500 mango trees. That is an enormous number of mango trees by world standards. That grower can see the opportunities here, and he is coming from Queensland because we have a better place in which to grow mangoes than Queensland has.

The Hon. Neil Oliver: I know a person from the north who is a mango grower, but he grows them at Wanneroo. He is a very good friend of yours.

The Hon. W. R. WITHERS: A few mango trees are grown in the Perth region, but they are very low-cropping trees and it is not economical to plant them here. They will grow, but they fruit late, in about May, and that is not the time that we want them. We really want early-fruiting varieties which produce fruit around October-November, such as the ones in the Kununurra area.

It is imperative that we recognise that a tropical horticulture research station and training unit should be established in this State now. It is needed. As I said, we are producing in Kununurra alone 700 times more fruit and vegetables than Carnarvon was producing when the Government decision was made to put a tropical horticulture unit at that place, which is not in the tropics. I do not wish to denigrate Carnarvon, because the growers there are doing a good job and it is a wonderful area in which to grow fruit and vegetables. But in the Ord we can grow them at a different time of the year, and we can grow produce of a different type and different quality. Therefore, we need to have both areas producing.

It must be recognised that if we are not getting the trained people whom we need, and if the department is not advertising in the correct areas, the industry in the north will suffer. I do not think it is a matter of deliberate action on the part of the Government or the department to hinder the development of the Ord River irrigation area. I think possibly it could be a result of budgetary limitations, and that is why I raise the matter tonight in the hope that in future Budgets some allowance may be made for this. By the time the land board finishes sitting in Kununurra this week there will be more horticultural blocks than irrigation blocks in the Ord district, and the kind of fruit and vegetables that we will produce in the next few years will expand year by year to the point that officers of the Department of Agriculture cannot even conceive at the moment. Private enterprise will show bureaucracy that it is the best way to work.

However, we need the Public Service; not bureaucracy, but public servants to assist us in the research that will be required in the next few years.

I hope next year I will be able to congratulate the Government once again for presenting a balanced Budget. It is my earnest wish that within that balanced Budget there will be room for a decrease in pay-roll tax which has been collected unfairly from the people in my constituency, and it is my earnest wish also that allowance be made for the funding of a tropical horticulture training and research institute in the Ord area.

I support the Budget.

THE HON. N. F. MOORE (Lower North) [10.05 p.m.]: I want to take this opportunity to talk about several subjects, not all particularly relating to the Budget; as is the custom, I would like to say a few words about a few matters unrelated to the Budget.

I would like to congratulate the Hon. Phil Pendal on his speech last night. It was a very refereshing speech from the point of view that he had obviously devoted a fair amount of thought to trying to work out original ways in which the Government could save money. He said education is a sacred cow and that he did not support the 14 per cent increase in education spending in the Budget. I do not agree with him on that point; I think any increase in education expenditure that can be achieved within the constraints with which we are faced is most welcome.

However, I do have some objections and concern about how the money allocated for education is actually spent. I am conservative enough to believe that teachers are the best teaching aids. We seem to have lost sight of the fact that teachers are the most important aspect of the education system, not all the variety of teaching aids which are provided in schools these days. In fact, I would suggest probably millions of dollars' worth of audio-visual equipment and the like is gathering dust in schools throughout Western Australia and, perhaps, throughout Australia as a whole.

I recall when I was teaching at Tom Price during the term of the Whitlam Government, money was flowing fairly readily to education. It was not unusual to receive carton-loads of audio-visual equipment, which would arrive without any indication of where it came from, who ordered it, or who paid for it. We would open the carton and find half a dozen cassette players or other equipment that we had not ordered. This equipment would just arrive and the assumption was that every school should have, say, 57 cassette players for the children to use.

My concern is that I do not believe the money we are spending on education is necessarily being spent in the right way. In the days of the Tonkin Government, it was decided to provide free textbooks to primary students, and the scheme was to be extended subsequently to secondary school students. What this has actually done is to create a bureaucracy within the Education Department known as the curriculum branch. It could be an insidious way of achieving some political ends by having within a State department a branch which is providing all the information and material that will be taught in the schools. In the last five or six years this branch has increased, and it is sending more and more books and materials to schools.

The Hon. H. W. Olney: You could have some outside person preparing education material, but the Premier does not like it.

The Hon. N. F. MOORE: I will not argue about that at the moment. What is happening in relation to the expansion of the curriculum branch is that nowadays we have very little material from people outside the branch; that is, private writers and private booksellers. However, what really concerns me is that the curriculum branch could be used by any unscrupulous Minister for Education to produce party political material to be distributed in schools. This is something which has been worrying me for some time. I am not suggesting it is happening, but the possibility is there for the branch to be used in that way.

I do not believe the curriculum branch should be extended further. In fact, it should be reduced and more books from outside should be introduced into the education system.

The Hon. J. M. Berinson: What is there to prevent a person from outside introducing politically biased literature into the schools under that system?

The Hon. N. F. MOORE: Nothing at all. Let me move on to another point: The curriculum branch costs an enormous amount of money, and the books going into Government schools are being costed in such a way that in the long run it is costing the Government probably more than it would if the books came from outside booksellers.

The Hon. J. M. Berinson: Have you any evidence of that?

The Hon. N. F. MOORE: Yes, I have; but I will not go into that now, because I am speaking generally.

The Hon. P. G. Pendal: You would be on safe ground in saying that.

The Hon. N. F. MOORE: The increased funding which is going towards the curriculum branch could be better spent on employing more teachers, because as I pointed out in the beginning, they are the best teaching aids. When we talk about employing more teachers, it is time we considered employing more good teachers. Over the last couple of years the surplus of trainees graduating from teachers' colleges has enabled the Education Department to get rid of some of the incompetent teachers in the system. So the surplus of teachers, whilst it does not give much joy to those who have not been able to find

a job, does mean that those teachers who are incompetent can be replaced.

I can recall back in the late 1960s when there was a shortage of teachers and the Education Department was prepared to take into colleges almost anybody who could read and write, and turn them out as teachers. As a consequence we had many teachers who were not capable of teaching.

The Hon. J. M. Berinson: I agree with you about the desirability of replacing incompetent teachers, but surely they are on permanent staff and are not replaceable. Is not that a problem?

The Hon. N. F. MOORE: That is part of the problem. The department is able to transfer teachers out of schools and into such places as the School of the Air, the correspondence branch, or the curriculum branch, where they do not have contact with children, and other teachers are available to replace them in the classroom. However, we need to look at some way of replacing permanent teachers. The fact that a teacher is permanent does not make him a good teacher.

The Hon. H. W. Olney: What about the people in the School of the Air?

The Hon. N. F. MOORE: They are magnificent; but they do not have direct contact with children. There are many teachers who are no good in the classroom, but who are very good in other areas. Education standards in my opinion will improve only when the quality of teachers improves; and all this money being spent on things like television sets and video equipment is only supplementary to the real cause, which is to try to produce better teachers.

I was very interested to read an idea put forward in a letter written by one of my constituents, Mrs Chris D'Arcy, the wife of the owner of Lyndon Station in the Gascoyne. Mrs D'Arcy put forward an idea that a pastoral college should be established in Western Australia, with the aim of providing an educational opportunity for pastoralists or would-be pastoralists, and to provide an education institution which would assist the pastoral industry.

The Jennings report, which investigated the pastoral industry, mentioned the need that exists for pastoralists to have a greater understanding of the economics of their industry. It was suggested that they should be taught in some way to be better managers from the point of view of economics and finance. He agreed that they knew how to raise sheep and run a station, but said perhaps there was a need for better education in terms of finance.

Mrs D'Arcy's idea is that we establish a college on a pastoral lease, setting it up as an education institution and an on-the-job training place similar to the situation at Muresk. An on-property college would provide training for young people who want to become station hands or overseers, and it would teach them the practicalities of running a pastoral station. It could also provide courses in management, economics, accounting, and so on for existing pastoralists who could do a course which might help in the running of their properties.

Mrs D'Arcy suggested also that the college could be associated with an existing tertiary institution. The one that comes to mind quite readily is the Eastern Goldfields Federation of Post-Secondary Institutions, or the School of Mines. That would be an ideal existing tertiary institution, which could be related to this pastoral college, and there could be an exchange of facilities and resources between the two institutions.

One of the main reasons I think this is a good idea is that the pastoral industry, having gone through many difficult times, does not face a particularly bright future because of the problems I have mentioned in this House on many occasions previously. Like any other primary industry, it must become more and more efficient. It has become extremely efficient up to date by labour replacing machines, wives working instead of somebody else being employed, aircraft being used instead of horses for mustering, and other things of that nature.

They must become even more efficient because, as I mentioned before, their income is determined by factors outside the Australian economy. If there is an inflationary situation in Australia and their costs rise, they cannot offset them by selling their products at a higher price. They have to become even more efficient in order to survive.

A college such as the one suggested by Mrs D'Arcy would provide a very good way for pastoralists to become more efficient, particularly in the fields of economics and finance. The scheme has been well documented by Mrs D'Arcy in a submission to the Government. I trust the Government will be looking at the feasibility of her suggestions, and perhaps in a future Budget some money might be allocated for such an institution.

I turn now to another matter in relation to education. It is something which has concerned me for a number of years. It relates to the

Achievement Certificate. I do not believe the Achievement Certificate is achieving the results that it should, or the best results that we would seek. It was brought into operation in the late 1960s or early 1970s to replace the previous Junior Certificate, which was awarded after a public examination. The basic idea of the Achievement Certificate is that students work at a level commensurate with their ability; and they succeed at a level related to their competence.

Under the old public examination system, there was a pass-fail situation. Students either passed or failed, and that was that. Under the Achievement Certificate, the fail situation has been removed. Under that system, nobody fails.

In retrospect, I do not accept that the present system is necessarily a good one. The main reason is that students become categorised as soon as they reach high school. They are placed into various levels; so one becomes an advanced student, an intermediate student, or a basic student.

I would hate to spend the rest of my life at the level of "basic". What does "basic" mean? It has terrible connotations. The children who become basic students are thought of by others and think of themselves as being "basic". What a terrible way to be. I would sooner fail an examination than spend the rest of my life being "basic".

The second aspect of the Achievement Certificate is that all students, except for about 2 per cent of the student population, pass. The bottom 2 per cent receive no award. They do not fail; they just receive no award. The 98 per cent of the student population passes at some level or other. I do not think that is a natural situation. Failure is part of life, as we all know. Life is full of failures in varying degrees. We go through life experiencing successes; but also, at times, we experience failures.

The Hon. V. J. Ferry: Why do we not have both systems—an Achievement Certificate and a Junior Certificate?

The Hon. N. F. MOORE: I will come to that point. People should be taught how to handle failure in future life. If they go through school always passing and always receiving what they want, they are not trained to accept failure.

The Hon. R. Hetherington: You are suggesting everybody should be failed at least once, are you?

The Hon. N. F. MOORE: Yes.

The Hon. R. Hetherington: That is a bit sad. Some people pass naturally, you know.

The Hon. N. F. MOORE: Failure comes to everybody throughout life, at some stage.

When it was said that everybody would pass under the Achievement Certificate, and nobody would fail, a situation was created in which we thought that this was good for everybody. However, it really has not fooled anybody, when one considers what has happened.

An employer will look at a student's Achievement Certificate that he has received after three years, and he will do what I do with the metric system—convert back to the old system. When one looks at an intermediate pass, one works out what percentile range it falls within. If the student receives an advanced credit, one knows he is in the top 12½ per cent. If he has a basic pass, one knows he is in the bottom 12½ per cent. One can place him within a percentile range. The employer knows that the former student is in the top half, or the middle quarter, or whatever. He can categorise him and think of him in terms of the level which applied when he was at school.

The worst aspect is that the students are not fooled, either. A student who goes around with the label "basic" knows that he is a basic student, and he is one of the "dummies". If he has an "advanced" label on him, he is one of the better ones. The fact that one has a pass does not fool anybody, and does not change anything.

I would like to see the situation suggested by Mr Ferry by way of interjection. Some consideration should be given to reintroducing a system of external examinations. However, I am not suggesting we go completely to that. We should have a combined system of internal assessments, as we have with the Achievement Certificate, in association with an external examination.

In education, for some strange reason, we tend to have great swings of the pendulum backwards and forwards in relation to educational ideas. Some years ago the pendulum swung to the stage where the student had to have an external examination; and then it swung to the internal assessments under the Achievement Certificate. However, in my opinion it went too far. Now it is time to start a swing back, and perhaps we could have a compromise situation. We need to consider a combined Achievement Certificate or internal assessment system and an external examination.

Another example of the swing of the pendulum is related to the design of schools. In our days at school, the classrooms consisted of individual rooms, and each one had one door and several windows. They were all separate. Suddenly someone decided we could not have that system any more, and so started the movement to the

open area schools. The department built hundreds of open area schools. Eventually, after a few years, a report was distributed last year which suggested that open area schools were not working properly.

Instead of swinging from one side to the other, perhaps the move should be towards something in the middle. We ought to give more thought to what our educational decisions will achieve.

The Hon. H. W. Olney: Just have one wall in the middle.

The Hon. N. F. MOORE: They came back to that. They put in partitions. They are moving back to the old system. Because one cannot keep the noise out in the open areas, partitions were introduced. The situation is even worse.

I do not believe we should experiment with the education of children. When education departments decide to try some new-fangled idea, they should try it very slowly because if something goes wrong, one age group of children is disadvantaged for ever. We should not experiment in that situation.

When we consider education in recent years, there has been a tendency for much more emphasis to be given to lower achieving students than to those at the other end of the intelligence scale. This has been a good thing because it is important for the lower achieving students to be helped to achieve more than they would otherwise do. However, in doing this we have tended to ignore the brighter students at the other end of the scale. By ignoring them, we have allowed their achievement level to drop. What we are achieving now is a tendency towards the middle.

Opposition members may think that is a good thing; but I do not think so. What is tending to happen is that we are achieving an average. All of the students are becoming average. We will have a whole society full of average people.

The Hon. H. W. Olney: That is all right as long as they all vote Labor.

The Hon. P. G. Pendal: If they were average, they would. That follows like day and night.

The Hon. N. F. MOORE: I am pleased that the Government has announced a new policy for the senior high schools. Some schools will be made available for extra tuition for gifted children. That is a step in the right direction, because the society must have gifted people who are educated in such a way that the best of their potential can be developed. These new ideas from the Education Department are good ones, because they have realised all of the resources cannot be put into the "dummies". They must divert some of the resources to help the gifted and talented children. The society will be better off once these schools start to operate.

I turn now to the fishing industry within my province. I want to talk about it in relation to Carnarvon and Shark Bay. For a number of years there has been a problem in relation to the snapper fishing industry; and it relates to the use of fish traps. The hand line fishermen who live in Carnarvon believe that the schnapper traps are damaging the fish. They also damage the sea bed in the breeding grounds for schnapper.

For some years, the Carnarvon hand line fishermen have been putting to the Government the idea that all snapper traps should be banned. In recent months, the health surveyor of the Carnarvon Shire has conducted an investigation into the fish coming off some of the boats. He reported that 24 per cent of all the fish coming off boats that used traps were not fit for human consumption. He reported also that fish coming from the hand line boats were all fit for human consumption.

The health surveyor made the point that the fish that are not fit for human consumption are actually being sold at the market. This creates a problem, because when poor quality fish are sold on our markets, people gain the impression that that is what fish tastes like, and they do not buy it again.

The Minister for Fisheries and Wildlife has gone to great lengths to convince people that we should have increased markets in Australia for our fish. We now produce a lot of fish; but the people in Australia do not seem to eat it in the quantities that would assist the industry in the future. We have to make sure that the fish the people in Western Australia buy are good quality fish, without any damage.

I understand problems are being experienced in selling Western Australian snapper on Eastern States markets because of the reputation that our fish are not of high quality. The Government is to be congratulated for instigating a study into the snapper fishery. I hope that study will come up with some constructive suggestions. However, the wet line fishermen are still very worried that in the meantime the snapper traps will do irreparable damage to the snapper fishery. They claim that certain parts of the fishery in Shark Bay have been wiped out. Fish are no longer found in those areas where they were found in great quantities before. The wet line fishermen blame the trap fishermen.

I would like the Minister, because he is in this House, to give consideration to this problem. He

has spoken at length on the subject; and he is closely involved with the Carnarvon fishermen. I ask him to give consideration to the total banning of all traps for the catching of snapper on the grounds that they produce poor quality fish. As I have said, that dents our reputation in the market place. Another reason for banning the traps is the destruction they cause to the fishing grounds.

I conclude by mentioning a couple of matters relating to the Federal election which took place last Saturday. The first matter has been raised also by the Honorary Minister for Housing, Mr Ian Laurance. That relates to his call for a register of postal voters for Federal elections. As members would be aware, in State elections postal voters are listed on a register; and a postal vote is sent to them automatically. In the Federal sphere, this does not happen. The voter must write and apply for a postal vote.

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

The Hon. N. F. MOORE: I thought the Hon. Peter Dowding must have been away for a while.

The Hon. Peter Dowding: That is a silly remark.

The Hon. N. F. MOORE: I will try to explain this to the Hon. Peter Dowding, because he never listens. The person has to write for an application; the application is sent to him; he sends the application in; the vote is sent to him; and he has to send the vote back. That is a very complicated business. In parts of the Gascoyne electorate the mail truck may visit a property once a week or once a fortnight. It is almost impossible for people to receive their ballot papers in time. The Hon. Peter Dowding said, "So what?" The situation is that many people in the Gascoyne and Murchison areas did not receive a vote last Saturday.

They did not get a vote, because the mails were such that their vote did not arrive in time and some of them will not have received their ballot paper yet. I am not suggesting there is any skulduggery attached to this; but the point remains, we have to have a system which makes it simpler for these people to vote. The State system cuts out one part of the operation.

During the 1974 election it was suggested that Mr Mick Cotter, who was the Liberal Party candidate, may have lost the seat, because the postal votes did not come in. We have the same problem this year. I would be very disheartened, were I Mr Mick Cotter, and lost the seat by 50 votes, and then found that number of votes were sitting around somewhere in a mail bag.

The Hon. Peter Dowding: I should like to ask you a genuine question. Why is it only the pastoralists that you are saying should register for permanent postal votes?

The Hon. N. F. MOORE: All people who are likely to require a postal vote should register, so that a postal vote will go out to them automaticallly.

The Hon. Peter Dowding: But the situation could vary from election to election.

Several members interjected.

The PRESIDENT: Order!

The Hon. N. F. MOORE: My major concern is this: we have to have a system whereby people living in remote areas, and those who for any reason are not close to a polling booth, are able to obtain a vote. I do not know how many people did not get a vote at this election, but I will investigate the matter and ascertain the figure. I believe there would be dozens and possibly hundreds of people who did not obtain a vote. That is not good enough in this day and age.

The second point I should like to make in regard to the election is this: I want to relate a series of events which took place in Carnarvon and concerned Aboriginal voters.

On the morning of the election the Koorda Club bus—the Koorda Club is an Aboriginal community group in Carnarvon—was seen to collect Aboriginal people and take them to the home of a well-known Labor Party supporter, who then spent some time telling these people what they had to do. She gave them their how-to-vote cards, put them on the bus again, and sent them off to the polling booth.

When these Aboriginal people arrived at the polling booth, they walked in *en masse* and refused to take the how-to-vote cards of any other party. In fact, some of them did take a Liberal Party how-to-vote card; but they were howled down by their colleagues who said, "Don't take those. Throw them away." Some poor Aboriginal people were so confused, they threw away both how-to-vote cards. It was a disgusting episode.

Several members interjected.

The PRESIDENT: Order!

The Hon. H. W. Olney: How did they vote?

The Hon. N. F. MOORE: I want to make a simple judgment. Two busloads of Aboriginal people in Carnarvon were schooled as to how to vote before going to the polls.

The Hon. H. W. Olney: Were they forced into the buses?

The Hon. N. F. MOORE: No, they were not. They were schooled as to how to vote, given how-to-vote cards, and taken straight from the house

of the Labor Party supporter to the polling booth. They were offered Liberal Party how-to-vote cards and confusion was created in the minds of these Aboriginal people.

The Hon. Peter Dowding: Did the Liberals drive anyone to the polling booths?

The Hon. N. F. MOORE: It is an indictment of the ALP that such tactics should be used to win the votes of illiterate voters. This episode in Carnarvon was disgraceful. Everybody in the area knows about it and complaints are coming from many people, particularly ALP supporters. They ask, "Why does the ALP have to stoop so low to get the votes of illiterate people?" I hope the Labor Party will not resort to such tactics in the future.

THE HON. R. G. PIKE (North Metropolitan) [10.35 p.m.]: I rise to enter this debate—

Several members interjected.

The PRESIDENT: Order! Will the members who are interjecting to each other please find somewhere else to do it other than this Chamber.

The Hon. R. G. PIKE: Thank you, Sir. I draw the attention of the House to the fact that quite recently a debate took place here regarding the rights of the States of Australia *vis-a-vis* the Constitution of the Commonwealth of Australia and *vis-a-vis* the interpretation of the Constitution by the High Court of Australia giving more power to the Commonwealth Government.

At that time I highlighted the fact that the Labor Party had shown the disposition of a runaway circular saw when it came to carving up the States within the Commonwealth of Australia. At that time, certain comments were made by the Hon. Joe Berinson who went on in a subsequent debate to deal with the questions of wealth tax and capital gains tax.

The Hon. P. H. Lockyer: Is that when he forecast a 23-seat win for Labor?

The Hon. R. G. PIKE: During that debate, the member made the point with emphasis, purpose, and clarity that Mr Hayden had said—and I quote from memory—"There will not be a wealth tax, capital gains tax, or probate imposed if the Labor Party happens to win the next Federal election." In other words, the member pointed out, Hayden maintained the Labor Party would hold an investigation into the matter and if a wealth tax or capital gains tax was to be introduced, it would happen after the 1983 election.

I repeat that point, because it is very important. The Hon. Joe Berinson went on to emphasise that, if the Federal Labor leader made such a commitment, it would always be binding.

At that time I pointed out that Federal Labor leaders in the past history of this country had demonstrated they had the backbone of a banana when it came to standing up to determinations of the Labor Party.

I have given that information by way of background to make the following point—

The Hon. Peter Dowding: You are a bit long-winded.

The Hon. R. G. PIKE: As I have pointed out previously, the greatest attribute of the Hon. Peter Dowding is that he thinks with his mouth. I should like to quote from page 19 of the platform of the Labor Party. Item 3, which refers to the Senate of the Commonwealth of Australia, reads as follows—

> To ensure that the Senate has no power to reject, defer or otherwise block money bills.

Item 4 reads—

> To provide that the Senate may delay for up to six months, but not reject, any other proposed law.

I quote that from the platform of the Labor Party. The paper is there for anyone who wants to read it. I do this to highlight a very real and important point.

As a matter of interest, item 24 of the same document under the heading, "Federalism" reads as follows—

> The reform of State Upper Houses—

Members should mark this well. To continue—

> —and, ultimately, their abolition.

We will come to that matter in a moment, but let us firstly deal with the Senate. I have just read what the platform says and it illustrates to the people of Australia that the Labor Party has done a turnabout. It used to be the platform of the Labor Party that it would do away with the Senate. Now that stance is being amended in much the same way as a camouflage is being drawn across the attitude of the Labor Party to the upper House in this State.

With that background, and bearing in mind the Labor Party has a half nelson on its members when it comes to doing what the platform says—

The Hon. Peter Dowding: That is what Dadour reckons, is it? Uncle Tom agrees with you.

The Hon. R. G. PIKE: —I turn now to page 11 of *The Sydney Morning Herald* dated Saturday, 16 August. If anyone wants a copy of it, it is available. What we have here is a startling revelation.

Opposition members: Oh, oh!

The Hon. P. H. Lockyer: That will make you squirm.

The Hon. J. M. Berinson: Don't keep us in suspense!

The Hon. R. G. PIKE: Excuse me for interrupting members opposite while they are interjecting.

Speaking at a Labor Party dinner in Mackay on that date, Mr Hayden urged party members to work as hard for Senate candidates as for House of Representatives hopefuls. A Press report stated—

> "We don't want to see again the 1974 experience, where if Queensland had worked harder we would have had three Senate seats instead of two.
>
> "And history would have been different."
>
> He said there was a tendency for the party to undercommit itself to the Senate campaign.
>
> "Because we are committed to its eventual elimination, we must take it seriously."

Why am I bringing this to the attention of the House and the people of Western Australia? I am doing so because I have in one hand a copy of the ALP's platform which indicates it will reform and gut the Senate, and while that is current—

The Hon. Peter Dowding interjected.

The Hon. R. G. PIKE: The Hon. Peter Dowding has to realise that a shouting voice is no substitute for logic or facts. I will come back to the point, and that is that Mr Hayden has said—and the Hon. Joe Berinson has already said, "We can really take notice of what he (Mr Hayden) says"—to the people of this State and the Commonwealth that the Australian Labor Party is committed to the eventual elimination of the Senate. I think it is appropriate in this place that the disparities in the ALP's platform be highlighted. Why do I say that? The important measure of competence and application of a leader of a political party is how he performs under pressure.

We have a situation in which Mr Hayden during the hurly-burly of the pre-election period indicated what the Labor Party intended to do. What does it intend to do? It intends to get rid of the Senate. I say to this House and to the people of Western Australia and the rest of Australia: That is what will happen to the Senate as a by blow. Item 24 of Labor's platform reads—

> The reform of State Upper Houses and, ultimately their abolition.

Let the members of this House and the people of Western Australia be under no misapprehension whatsoever. The Labor Party in this State has said that it will now gut this House but not get rid of it.

On the one hand we have the Federal Labor Party's electoral platform which is most binding and which states that eventually the Labor Party will get rid of the Upper House, and on the other hand we have the platform of the State Labor Party which states for the time being—in order to mislead the people of Western Australia—that it will reform the Upper House. The public of Western Australia needs to be made aware of the simple facts which are vital to the preservation of a bicameral parliamentary system.

Debate adjourned, on motion by the Hon. W. M. Piesse.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan —Leader of the House) [10.44 p.m.]: I move—

> That the House at its rising adjourn until Tuesday, 28 October.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

THE HON. I. G. MEDCALF (Metropolitan —Leader of the House) [10.45 p.m.]: I move—

> That the House do now adjourn.

Electoral: Federal Election Result

THE HON. J. M. BERINSON (North-East Metropolitan) [10.46 p.m.]: About two weeks ago we had in this House what might be called the pre-election ritual. It involved, Mr President, the members to your right assuring us that the Federal Government was bound to be returned, and their saying what a disaster there would be if it was not.

The Hon. D. J. Wordsworth: Is this the post-election ritual?

The Hon. J. M. BERINSON: The members on your left, Mr President, assured us that the Federal Government would not be returned, and said that there would be a disaster if it were.

The Hon. Peter Dowding: As there is.

The Hon. J. M. BERINSON: As indeed there is. I participated in that debate. I must confess that even as I sat down I found myself wondering why any of us bothered. No-one in this House intended to change his vote on the strength of anything that was said. In fact, there was not one

person anywhere who intended to change his vote on the strength of what was said. I am sure it was a matter of coincidence that the two people in the gallery left immediately they heard Mr Pike launch into his comments. Presumably they had heard him before and knew what to expect. That was the pre-election period.

I must say that I am thankful that we have not embarked on a post-election ritual, the sort of thing which so often goes on with one side saying, "We told you so", and the other side saying, "You will regret it". I do not think there would have been any more point to that sort of debate than there was to our pre-election debate. However, I do not think it is appropriate that we should ignore the election altogether.

I propose to make a couple of brief comments on it. The first is that I think we should be grateful for and not take for granted the fact that in this country we have the opportunity to participate in an election process such as that which culminated last Saturday. Last Friday we had in this country a Federal Government with an enormous majority. The next day the people of Australia went to the polls. They did so with the absolute and well-justified assurance that if they decided to give the Labor Party a majority of the seats then the enormously entrenched Liberal Government a couple of days later would have stood aside with the complete confidence that if on some subsequent occasion the tide again turned its successor, a Labor Government, would stand aside for it. That is democracy. In a world where only a small proportion of people can enjoy a system like that, and where democracy is so far under pressure and even under attack, we ought to be grateful for the system we have. As unhappy as we might be with a particular electoral result, we ought to do whatever we can to reinforce our democratic system, to preserve it, and, if possible, strengthen it. That is the first comment I would like to make.

Electoral: Distribution of Seats

The Hon. J. M. BERINSON: The second comment about the election—and it is linked to the first—is that I think it was impressive that the day after the election, when the results were clear, Bill Hayden not only conceded defeat, but also congratulated the Government on its return. Whatever the disappointment at the results, no-one has complained that the results represent anything but a proper reflection of current public opinion.

The reason is that we all acknowledge that the voting system is fair; the conduct of the poll is fair; and, perhaps, above all, the electoral distribution is fair. It takes a combination of all those three factors to allow anyone at the end of an election to come out without rancour and with a complete acceptance of the result. That is what goes to make democracy work—the acceptance of the system on all sides.

This fair electoral distribution is secured in the Commonwealth by a very straightforward means. In the upper House there is what amounts to a system of proportionate representation, the very system the Labor Party is advocating for the upper House in this State and which, for some reason, the Hon. Mr Pike regards as a threat.

In the lower House of the Federal Parliament the system depends on a calculation which simply divides the total number of voters in the State by the number of seats in the State. For practical purposes—and this is a reasonable realistic approach to the matter—there can be seats 10 per cent over or 10 per cent below that equal distribution, but there cannot be more than that 10 per cent tolerance either way. If that is compared with the situation in this State we find that we have more than one electorate where we have a 1 000 per cent tolerance; that is, more than 10 times as many electors in one seat as there are in another. In one case a tolerance of 1 600 per cent applies. I suggest to members that that creates a major difference between the acceptability and the legitimacy of the results of a Federal election as opposed to the results of a State election.

Unlike the position in the country last Saturday, the people in this State, when they go to a State election cannot do so with any confidence that the result will reflect current public opinion. We know very well that in this State it is a matter of statistical certainty that we could not hope to achieve a majority in this House unless on two occasions running the Labor Party was up to the task of getting at least 57 per cent of the vote. In that situation, this House and this Parliament cannot expect to be regarded as being legitimately elected in the sense that the Federal Parliament can. To that extent, both the standing of this Parliament and the democracy of this State suffer.

I know that when talking about this matter I am really launching into an effort which will fall on deaf ears. The last time I raised something of this nature I was admonished by the Attorney General—in gentle terms as is his way—and he said that it had all been heard before.

The reason for that is that no matter how often we put the proposition forward and no matter how

self-evidently true it is, no-one on the other side of the House is prepared to accept it.

The Hon. W. R. Withers: If it is 57 per cent for you it would have to be 57 per cent for any party.

The Hon. J. M. BERINSON: For any party other than the Liberal and National Country Parties.

The Hon. W. R. Withers: You are attempting to differentiate between the electorates and saying one is Labor and one is Liberal.

The Hon. J. M. BERINSON: I am doing nothing of the sort. It is not my purpose at this stage to give a complete analysis of the electorate maldistribution in this State. I am saying it is a matter of statistical certainty that the corrupt distribution of electorates in this State is designed for the purpose and total effect—

The Hon. D. J. Wordsworth: Gascoyne was not when your party held it.

The Hon. J. M. BERINSON: —of producing in election after election, a result which does not reflect the views of this State, taken as a whole.

The Hon. I. G. Pratt: Can you interest the people of Western Australia in that proposition?

The Hon. J. M. BERINSON: That is our task and much to our disappointment it has been a very difficult one. Nonetheless, we will pursue the matter with even greater vigour than we have in the past because this is an intolerable situation. It is not just a matter of detriment to the Labor Party, it is a matter of detriment to the interests of the State and the democracy of the State.

I say it is a great credit to the Liberal Party that at least in the Federal sphere the change from the previous system of electoral distribution was not opposed. The Federal Liberal Party agreed to reduce the tolerance to 10 per cent. The allowable tolerance previously was 20 per cent either way.

If anyone here is serious about the importance of democratic institutions we must take note of what happens in the Federal sphere. We have to take note of the fact that if people in this country want a change of Government they can change nationally; whereas if they want to change the power of government in this State they virtually cannot do it. That is the reason that there has never been an anti-conservative majority in this upper House. Because of the mechanics of maldistribution and the corruption of the electoral distribution, this has been prevented.

Several members interjected.

The Hon. J. M. BERINSON: This is a matter which involves the democracy of the State and the self-respect of the members of this Parliament, particularly the self-respect of the members opposite. So long as members opposite continue to attempt to preserve the present system, they will be attempting to maintain a situation where they can govern in spite of the people of this State and in spite of the absence of the support of the people.

THE HON. P. G. PENDAL (South-East Metropolitan) [10.57 p.m.]: I do not know whether it is fair or unparliamentary to say that for the last couple of minutes we have had to be most charitable and listen to a fallacious and hypocritical argument. If the Deputy Leader of the Opposition were really so interested in reform of the electoral laws, then I suggest maybe he ought to have started on that project the year he was elected to Federal Parliament; I think it was 1969.

For example, in that year—and unless the honourable member is aware of the figures I will provide them—there was a Tasmanian seat, the seat of Franklin, which had 39 000 people on the roll. A seat in New South Wales called Parramatta had 62 000 people on the roll. There were no squeals from the Hon. J. M. Berinson in his early arguments in the Federal House.

Point of Order

The Hon. J. M. BERINSON: On a point of order, Sir, I am being grossly misrepresented. The honourable member accused me of hypocrisy when raising my argument and in order to illustrate that he has chosen to ignore the terms of the Australian Constitution which gives Tasmania special rights in relation to those seats.

The PRESIDENT: Order! Will the honourable member tell me what is his point of order?

The Hon. J. M. BERINSON: My point of order is that I have been misrepresented. I was called a hypocrite and in support of that accusation the honourable member has produced a totally fallacious argument.

The PRESIDENT: There is no point of order.

Debate Resumed

The Hon. P. G. PENDAL: Just so there is no misunderstanding, if there is any imputation that I said the Hon. J. M. Berinson was a hypocrite, I withdraw. I have the words written down in front of me and I suggested the argument the honourable member was using was hypocritical; not that he was.

The Hon. Peter Dowding: In some country areas the seats are much smaller than others.

Several members interjected.

The PRESIDENT: Order!

The Hon. P. G. PENDAL: I am attempting to answer one of the interjections made by the Hon. Peter Dowding earlier and it was in terms of what a Labor Government did when it came to power. That is rather interesting, too. Figures for the last Federal election, which the members opposite will remember was last Saturday, showed the same sort of discrepancy existed as that which existed in 1969 when the Hon. J. M. Berinson went into Federal Parliament.

For example, the seat of Kingston in South Australia has 80 612 people on the roll. At the other end of the scale the seat of Braddon has 54 000 on the roll. The seat of Werriwa has 85 000 people on the roll, and that seat was held by the former leader of the ALP. The seat of Northern Territory has 55 000 people on the roll.

The Labor Party bases its arguments on preferential treatment being given in Western Australia to certain members of the Western Australian Parliament.

The Hon. Peter Dowding: What is the criteria?

The Hon. P. G. PENDAL: Precisely the same as that which permits that sort of weighting in the Federal House. In an earlier interjection a point was made about Tasmania. Because of its size and its peculiar location off the southern coast of Australia, Tasmania receives special recognition.

The Hon. J. M. Berinson: That was not the reason at all.

The Hon. P. G. PENDAL: Someone gave that reason by interjection. I am suggesting precisely the same criteria exists in the electoral boundaries in this State in order that people who are in a disadvantaged position, because of their distance from the capital and because of the sparseness of the population, receive some consideration.

The Hon. J. M. Berinson: The analogy is based on a false premise.

The Hon. P. G. PENDAL: I want to deal specifically with a comment made by the Deputy Leader of the Opposition. He praised the system by which the Australian Senate is elected. Let me discredit that argument. The same sort of allegations can be made about the Senate because of the use of proportional representation, as are made about the membership or representation in this place. The Hon. J. M. Berinson mentioned the fair electoral system we had in relation to the Senate.

The Hon. J. M. Berinson: Within constitutional limitations.

The Hon. P. G. PENDAL: New South Wales has a population of 4.6 million, whereas Tasmania has a population of 400 000. There is a 11 : 1 ratio in the population of those two States, and yet both States send 10 people to occupy the Senate benches in Canberra.

The Hon. Peter Dowding: We are not in different States; we are in one State.

The Hon. P. G. PENDAL: People can be left floundering by arguing the Labor Party position in the Senate. It suits the Labor Party to say that senators are elected under proportional representation. Yet, proportional representation produces an 11 to 1 weighting in the Senate while weighting in this State is referred to as a "gerrymander".

Only a generation and a half ago the Labor Party in this State had been in power for a long time. There were successive Labor Governments, and those Labor Governments had a whole host of "rotten borough" mining town seats which returned the same one member to this Parliament with a population which was vastly below that of metropolitan electorates also returning one member each.

The Hon. J. M. Berinson: Do you think the Labor Party was correct in that?

The Hon. P. G. PENDAL: I am not making a judgment.

The Hon. J. M. Berinson: I am prepared to make a judgment.

The Hon. P. G. PENDAL: Yes, now that the member is at the wrong end of the deal.

The Hon. Peter Dowding: We have never had control of this House, although we have had more than half the vote in this State.

The Hon. J. M. Berinson: Are you supporting the "rotten borough" system?

The Hon. P. G. PENDAL: No, I am not.

An article appeared in *The West Australian* on 16 April of this year which showed the attitude of some of the most prominent members who served the Labor Party in this Parliament over a long time. They were the attitudes of the men who served in State Labor Cabinets. Indeed, some of them stood in this particular Chamber which the Hon. Mr Berinson and the Hon. Peter Dowding, and others are now decrying. The article states that Mr A. M. Moir, MLA, spoke of those electors who "because of their remoteness . . . are not in a position to attend to their affairs themselves". He said they had greater need of attention from members of Parliament.

I think Mr Moir later became a Minister in the Labor Government. He was talking specifically in defence of the system which the Hon. Joe Berinson now puts under attack.

The Hon. J. M. Berinson: What year was that?

The Hon. P. G. PENDAL: I do not know but I will check. In 1962. The article also sets out that in 1962, Mr A. W. Bickerton, MLA, urged that more representation be given to outlying areas in the Federal as well as the State Parliament. Mr Bickerton later became Minister for Housing in the Tonkin Government.

I am trying to demonstrate to the Hon. Joe Berinson that he has made some sweeping statements. He has referred to the fabulous and fantastic system that applies to the Senate simply because the Senate is elected on proportional representation—a system which allows a discrepancy of 11 : 1 in representation by each Tasmanian senator as against the NSW senator.

I have also pointed out that senior members of the Labor Party—not 18 or 38 years ago, but quite recently—have stated that the present system should be maintained for the remote parts of this State. This is reflected in the attitudes I have read out.

The Hon. Peter Dowding: Pilbara is a larger seat than is the seat of Nedlands. How do you justify that?

The Hon. P. G. PENDAL: The Hon. Peter Dowding has told me what I have known for many months.

The Hon. Peter Dowding: What have you said about it?

The Hon. P. G. PENDAL: Mr Dowding has not contributed to the debate at all tonight. I am simply trying to point out that everything said by the Opposition—and not much has been said—is fallacious, and what its members in this Chamber are attacking they supported for many years when it suited them. For many years they have supported what is going on in the Senate brought about by proportional representation.

Several members interjected.

THE HON. H. W. OLNEY (South Metropolitan) [11.10 p.m.]: I want to make a small contribution to two aspects of the debate. Firstly, I would like to refer to the vexed problem of the malapportionment of the electoral boundaries. I do not want to be seen to be differing from my learned friend and deputy leader; I do not want the headlines tomorrow to say, "Split in the Labor Party Again".

The Hon. J. M. Berinson: You have just ensured that is what they will say.

The Hon. H. W. OLNEY: I will suggest to my deputy leader that perhaps our friends opposite have solved our problem. All we need do is to apply to the Joint House Committee for a sufficient number of keys to the rooms of Liberal Party members to ensure that on some occasions when the numbers are called we have the majority. That will keep our consciences clear, they can keep their electoral system, and we can win the vote now and again!

The Hon. W. R. Withers: That shows what sort of conscience you have.

The Hon. H. W. OLNEY: That is not the reason that I rose tonight. I want to make a brief comment on the statement made last night and repeated again tonight by the Hon. R. G. Pike. He referred to the High Court of Australia and its role in the constitutional development of this country. He said—

> I want to remind this House, with a great deal of emphasis, that had the originators of our Federal Constitution—Barton, Deakin, and others—been the slightest bit aware of the thrust and the import of the subsequent decisions made by the High Court of this country, completely bypassing our Constitution, we never would have had federalism in the first place.

This House has existed for 90 years.

The Hon. F. E. McKenzie: Too long.

The Hon. R. G. Pike: "Too long"—was that your interjection?

The Hon. F. E. McKenzie: Yes.

The Hon. H. W. OLNEY: That must have been one of the most incredibly stupid statements ever made in this House.

The Hon. Peter Dowding: On a par with his other statements—nothing special about it!

The H. W. OLNEY: He might take first, second, and third place!

The High Court of Australia is charged with the responsibility, amongst other things, of interpreting the Constitution and the people—Barton, Deakin, and others—who helped prepare the Constitution did in fact write into it a special provision that left with the High Court effective power to determine the question of the constitutional relationships between the Federal Parliament and the State Parliaments.

The originators of the Constitution decided that the decision would be with the High Court. The High Court has not by passed the Constitution; the High Court exists because of the Constitution. The High Court was given a role by our founding fathers and it has performed that role.

I always find it quaint that the wisdom of hindsight can be applied so effectively. It is amazing that we can look back over some 80 or

90 years and determine what Barton, Deakin, and others, would have done had they known what the High Court decided in the 1973 Seas and Submerged Lands Act case. What a lot of nonsense!

The founding fathers established a Constitution for this country which was their concept of a basis, a starting point, for the establishment of a nation made up of the then six colonies. It was obvious right from the start that this whole process would develop. What did the founding fathers think about television, computers, and aeroplanes? It is nonsense to say now that the founding fathers would have done this or that had they known what the High Court would do half a century or three-quarters of a century later.

Constitution: Amendment

The Hon. H. W. OLNEY: While on the subject of the Constitution, I would like to make a few comments on an answer given by the Attorney General tonight. I have the greatest respect for the Attorney General and his standing, and the way he carries out his duties in that very important office. However, I would like to differ from him and take him to task on this point. He was asked a question relating to a news report that I referred to in two questions. The news report was headed, "Premier condemns education material".

The import of the news article was that the Minister for Education—and we now know, without having looked at it—said how jolly good some material produced by an education foundation was. Then later someone read the material and referred it, amongst other people, to the Attorney General. That caused the Premier to write to the Prime Minister, of all people, saying how rotten it was.

In the course of that news article there is a reference to a statement quoted in this educational material saying that the only way the Constitution can be changed is by the approval of the Australian voters by referendum.

Although the article does not really say so, certainly it leaves one with the impression that the Attorney General had given some advice indicating that the statement was incorrect. I put to the Attorney General the question as to how the Constitution could be amended without the use of the referendum procedure.

I suppose the Attorney General did not have to answer my question which perhaps was seeking an opinion on a question of law. However, he did answer it, and he said—

> The preamble and eight covering sections of the Commonwealth of Australia Constitution Act are alterable only by the United Kingdom Parliament . . .

That is not the Constitution. The Constitution is contained in section 9 of the Constitution of Australia Constitution Act—an imperial Statute which set up the Constitution. It is quite clear that what I was talking about in the question was not the Constitution Act but rather the Constitution.

This information appears in section 128 of the Constitution which states—

> This Consitution shall not be altered except in the following manner:—

We know that that includes the process of referendum. I suggest that the Attorney General was misleading when, in answering a question relating to the Constitution, he said that the United Kingdom Parliament could amend the Constitution Act. He then said also that the generally accepted view was that the Constitution itself could be amended by that Parliament.

I do not want to get into a legal argument with him except to say that whilst it may be a legal argument accepted on his side of politics, it is not one accepted anywhere else. Indeed, there is a very-widely held opinion that that cannot be done, especially in view of the adoption of a Statute of the Westminster Parliament. However, I do not propose to go into that. All I wish to say is that if the United Kingdom Parliament were to repeal the Act which set up the Australian Constitution, Australia would still exist; there would still be an Australian Constitution, and what the United Kingdom Parliament might care to do with regard to that Statute would make no difference whatever. Australia exists and it will continue to exist whatever the United Kingdom Parliament might do.

Finally, the Attorney General's answer was misleading in another aspect when he referred to the provisions of the Constitution which provide that certain provisions prevail until Parliament otherwise provides, and suggests that the Parliament otherwise providing effects an amendment to the Constitution. That is obviously not true. I have the latest reprint of the Constitution which includes the 1977 amendments and the Constitution remains with those provisions. So although Parliament has otherwise provided in many respects, the Constitution provisions remain. They are unaltered. That is not a means whereby the Constitution can be amended.

Having said all that, I then return to the Press report referring to material which apparently was condemned by the Premier.

Education Materials: Premier's Letter

The Hon. H. W. OLNEY: We have not been privy to all his confidential letters; that is the trouble with confidential letters—it is hard to get hold of them unless someone leaves a window open. We have to take what we can from the Press. It seems to me the Premier has got himself into a bit of a tizz about something Mr Grayden thought was good, but which Mr Grayden had not read. One wonders how Mr Grayden assesses educational material that one of our friends opposite would like us to buy from private enterprise, if that is his standard of assessment. I would simply close by saying that if the only reason that this particular material produced by the Curriculum Development Centre and the Australian Heritage Commission was rejected by the Premier, was the statement made about the constitution, that is a rather poor reason for its rejection.

Electoral: Distribution of Seats

THE HON. R. HETHERINGTON (East Metropolitan) [11.21 p.m.]: I do not intend to take up the time of the House unduly or to debate the malapportionment in this House or the Legislative Assembly under the Constitution of Western Australia. My views on that subject are well known and no doubt I will say something about it at another time. I cannot allow to pass the remarks made by the Hon. Phillip Pendal about the honourable gentleman on my right (the Hon. J. Berinson), when he used figures to accuse Mr Berinson of not doing something which, of course, he could not do. Mr Pendal said that when Mr Berinson was elected to the Federal Parliament he did not do anything about the distribution of votes between Tasmania and the rest of the country. Of course he did not, of course he could not, and of course nobody could.

The Labor Party when it came into Government under Whitlam legislated where it was competent to do so and where it was within its powers to do so, to bring about as near as possible one-man-one-vote under the Federal Constitution. The Federal Constitution said that all original States would have at least five members and all original States have had at least five members—Tasmania has five members because it is an original State. That is written into the Constitution, and nobody has tried to alter the Constitution to reduce the Tasmanian share, because probably such an alteration would not be passed anyway.

I think the Hon. Phil Pendal used statistics, to say the least, in a dubious way to distort what my honourable friend and our deputy leader in this Chamber said.

The only other thing I want to say is that, of course, I take the Hon. Phillip Pendal's point about the Senate from the point of view of its being an upper House which can enforce a popularly elected House out of office, which the Senate has done in this country. It is malapportioned because although there is equality of voting within each State, the States are disproportionate. Therefore, the Senate is not a popularly elected House in the sense that it is not a fully democratic House which is representative of the people.

It is representative of the States, and this makes it perhaps a useful House, but certainly a House which I would argue—and I always have argued—should not have power to reject supply.

The Hon. P. G. Pendal: We were not arguing that.

The Hon. R. HETHERINGTON: I am pointing out that I am accepting one point, and for that reason I think the other thing follows.

The other point I want to make is that one can quote past Labor people until the cows come home; that does not worry me. The Labor Party and its members in the past, as in the present, have not always been right. If Mr Pendal wants an example of a fairly iniquitous system which gave way to an even more iniquitous system he has only to look at Queensland. The last Labor Premier of Queensland became Senator Vincent Gair of the DLP. I will make no further comment on that because it is self-evident if one looks at the record book. I can hear from his chuckle that Mr Pike takes my point.

The Hon. Peter Dowding: He is one of those people who have joined different parties.

The Hon. H. W. Olney: Yes, Pike and Gair.

The Hon. R. HETHERINGTON: Since then in Queensland the National Party has learned its lesson well and Mr Bjelke-Petersen will possibly be returned to Government with one of the worst malapportionments in Australia.

I will not comment further. But I do resent the remarks made by the Hon. Phillip Pendal about the Hon. J. Berinson, because his arguments were not couched in hypocritical language. In fact, they were rational, decent, and fair.

THE HON. V. J. FERRY (South-West) [11.25 p.m.]: I have no desire to delay the House

more than three or four minutes. I merely wish to quote figures pertaining to the Westminster Parliament of Great Britain. I have in my hand an official publication which gives the number of parliamentary electors on the 1980 Register of Electors in each of the 635 parliamentary constituencies within the United Kingdom, which comprises four countries, and I will quote figures from each to show the discrepancies between the constituencies. The largest constituency in England is Buckingham, which has an enrolment of 110 117, while the smallest is Newcastle-upon-Tyne, with an enrolment of 24 366.

The Hon. J. M. Berinson: You support that, do you?

The Hon. P. G. Pendal: You started it.

The Hon. Peter Dowding: That is not as bad as Murchison-Eyre or Pilbara.

The Hon. V. J. FERRY: It is extraordinary how some members do not like to hear the facts. The difference between the English constituencies I have quoted is some 85 751 electors.

In Wales, the largest constituency is Monmouth, with an enrolment of 83 459, and the smallest constituency is Merioneth, with an enrolment of 27 652, leaving a difference of 55 807.

The Hon. Peter Dowding: That is still not as bad as Western Australia.

Several members interjected.

The Hon. V. J. FERRY: If members wish to shout, I can shout, too. In Scotland the largest constituency is Midlothian, which has 103 339 electors, and the smallest constituency is Glasgow Central with 19 019 electors, a difference of 84 320.

The Hon. R. Hetherington: Shame!

The Hon. V. J. FERRY: In Northern Ireland the largest constituency is South Antrim, which has 130 324 electors, while the smallest constituency is Belfast West which has 59 642 electors, or a difference of 70 682.

I will refer to two or three adjacent constituencies, to illustrate the point I am making about the difference.

The Hon. J. M. Berinson: How does this help the argument of your member?

The Hon. V. J. FERRY: I quote now the South Norfolk constituency which has an enrolment of 103 265, while the South West Norfolk constituency has an enrolment of 59 006.

Several members interjected.

The PRESIDENT: Order! Other members might not be interested in this, but I am and I would like members to cease interjecting so that the honourable member can proceed.

The Hon. J. M. Berinson: Do you think that is good in principle?

The Hon. Peter Dowding: That is desirable, is it?

The PRESIDENT: Order!

The Hon. V. J. FERRY: I turn now to Birmingham, Hall Green, which has an enrolment of 68 179; Birmingham, Handsworth, which has an enrolment of 45 436; Birmingham, Ladywood, which has an enrolment of 34 639; and Birmingham, Northfield, which has an enrolment of 79 786. I move further on to Coventry North East, which has an enrolment of 65 843; Coventry North West, with an enrolment of 49 618; Gateshead East, with an enrolment of 63 582; and Gateshead West, which has an enrolment of 29 001.

I do not intend to continue because I have made my point. That goes to show how the mother of Parliaments in Britain has—

The Hon. R. Hetherington: The mother of Parliaments is becoming disgraceful.

The Hon. V. J. FERRY: The Hon. Bob Hetherington can mutter as much as he likes. In Great Britain a tremendous variation in the number of electors occurs between constituencies.

I have made my point, and I hope members have listened.

Electoral: Australian Labor Party Policy

THE HON. R. G. PIKE (North Metropolitan) [11.30 p.m.]: I wish to make a very brief reply to the points made in the debate tonight. If members opposite allow me, my comments will be brief. I wish to say of the points made by the Hon. Joe Berinson that he used a techinque for which a competent debating adjudicator would mark him down. He disregarded the content of my speech; he attacked the personality of myself, and not my arguments. He never said one thing by way of rebuttal of my reference to the Labor Party's pledge to abolish the Senate and the State upper Houses.

In respect of that matter, he made a flippant reference with, I thought, overwhelming arrogance to the fact that the Press left the gallery the moment I commenced to speak. This indicated to me once again that he has a quick but rather shallow mind because in actual fact the Press had left before I commenced to speak. Perhaps that indicates the great importance members opposite place on what the Press are

going to do, rather than on the substance of their argument.

I repeat that the Hon. Joe Berinson did not make any reference to the facts I put forward but simply made a personality attack in order to obscure the issue. He has not let the absence of facts spoil a good speech.

I set out—successfully, as it happened—to obtain on record in *Hansard* a commitment from the Labor Party members in this House to a capital gains, wealth and probate tax. We have that commitment; we have a good one from the Hon. Joe Berinson and a better one from the Hon. Bob Hetherington. That was the purpose of the exercise and members opposite made that commitment without apology, as is their right.

We also gather from their comments and acquiescence that they are committed to the abolition of this House, and of the Senate.

I pass now to the Hon. Howard Olney. In anticipation of the honourable member making a comment regarding the elimination of the States, I took the precaution today of obtaining a corrected copy of his speech made yesterday. It is very interesting, because he waxes eloquent in his QC way on the subject of what the Federal Constitution can and cannot do. I intend to quote from his speech and ask members to remember that the guts of what I said—the essence and the quintessence of what I said—was this: As a consequence of the Federal Constitution of this country and, more particularly, as a consequence of various High Court interpretations, the very real power of the States has been eroded. I am aware that the judges of that court have been appointed by Federal Labor and Liberal Governments and that their judgments are centralist in nature.

I come now to the point the Hon. Howard Olney made, because he waxed eloquent on the point that, as far as the High Court interpretation was concerned, decisions were envisaged by the Constitution. However, he chose completely to avoid the very real point which I made, and which he made in his speech. He stated as follows—

> The powers were more extensive than had at first been thought.

What does that indicate? It indicates the honourable member is saying that the Commonwealth Parliament, as a consequence of High Court interpretations, had more power than had at first been thought.

I am not a legal eagle, but I like to believe words mean what they say. I just make the simple point that the Hon. Howard Olney in fact merely confirmed the points I had made. I point out to the honourable member that whilst we do not have his legal eagle training, we do have the capacity to prepare, and look at what is said.

I now turn to the points made by the Hon. Robert Hetherington. He is the most precise and exact member of the Opposition when dealing with matters of electoral distribution, or the constitution of the Labor Party. As I mentioned before, Mr Berinson to my disappointment dealt only with personalties, and not facts. I quote again from page 19, item 13 of the Labor Party's Federal platform. I ask the House to listen, because it is very relevant. It states as follows—

> Labor will seek to amend the Constitution to provide for its alteration by a simple majority of the electorate.

We have heard tonight a great barrage of wind and bombast from the Opposition in regard to electoral matters. I now give this House practical proof that what this Labor policy seeks to do to the Commonwealth of Australia is to alter the Constitution so that Victoria and New South Wales can alter the Constitution of the Commonwealth of Australia, notwithstanding the opposition of the other four States of the Commonwealth. That is the type of democracy these members represent. Let them deny the constitution or the platform of their own party, because that is what they cannot do.

Constitution: Amendment

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [11.37 p.m.]: I would not normally have risen on this occasion but for two things. One is that I have been listening for some time to other members, and there is no reason now that they should not listen to me.

The Hon. J. M. Berinson: Hear, hear!

The Hon. I. G. MEDCALF: The other and equally good reason is that by rising, I close the debate.

I merely wish to comment on the statements made by the Hon. Howard Olney in relation to the question I answered. It is true as he said that I could have maintained his question raised a matter requiring an answer on a point of law or an opinion on a question of law, and therefore was out of order. I did not do that. I could also have said the question related to confidential communications between Ministers, and therefore was out of order. I did not say that, either.

However, having said what I did say, I am accused of misleading him.

The Hon. Peter Dowding: You were accused of being wrong.

The Hon. I. G. MEDCALF: No, the word was "misleading". I believe, therefore, that the comment deserves some kind of answer from me.

I of course was merely subscribing to the view which is held by many people—but obviously, not by Mr Olney—that the Constitution can be changed by United Kingdom legislation. I know that view is not held in some quarters; it is not held by Justice Murphy, and by a number of other people. However, there is obviously a difference of opinion and I certainly do not wish to be involved in a constitutional argument, particularly at this hour of the night. I should just like to say I do hold to that view, and that is where I propose to finish the matter.

I wish to say one other thing on the subject of confidential communications. Mr Olney did say rather jocularly that it was unfortunate he did not have the full copy of the confidential communication.

Confidential Documents: Leaking

The Hon. I. G. MEDCALF: I deplore the habit which is now becoming very current that a confidential communication can be plastered all over the Press or the media, or made available in all sorts of quarters when clearly it was never intended that that be so. This will destroy communication, or it will put it into some kind of closed area. It will certainly destroy any chance that people have of learning what goes on, because the information will be conveyed in some other way. It will be conveyed verbally, or by some other method.

I would like to suggest that in one's ordinary life, when one treats one's own communications as confidential, one should respect the confidentiality of others. If one expects to have one's own communications, whatever they may be, treated in that way, there should be a certain honour about this. That applies whether the communications are domestic, commercial, political, or any other form of communication.

It is deplorable to read in the Press almost every week of some leak of a confidential document which has been stolen or misappropriated in some way. I say "misappropriated" because it might have been leaked quite deliberately by some person into whose custody it came, and who was under no injunction of confidentiality.

The Hon. Peter Dowding: Was it not Mr Fraser in 1975 who said that people had an obligation to leak documents?

The Hon. I. G. MEDCALF: It is most deplorable to leak confidential documents. Anyone who participates in that kind of enterprise is destroying not only his own ethics, if he had any, but is destroying the public ethic.

The Hon. Peter Dowding: Including the Prime Minister?

The Hon. I. G. MEDCALF: Therefore I believe that it is much better in cases such as this, when one is dealing with confidential communications, to observe the rules and to take the view that confidential communications should be regarded in that light and not made public or otherwise commented upon.

Question put and passed.

House adjourned at 11.41 p.m.

QUESTIONS ON NOTICE

INDUSTRIAL ACCIDENTS

Safety Officers

316. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

The Minister is referred to his answers to questions 156 and 298 on 3 September 1980 and 15 October 1980 respectively. Is the correct answer to the original question that the 83 officers referred to have some daily contact with safety matters but only three of them are employed full time on industrial safety?

The Hon. G. E. MASTERS replied:

Officers of the Machinery Safety Branch, Construction Safety Branch and the Industrial Safety (General) Branch are involved full-time in inspection, supervision and organisation of safety and welfare matters, whereas officers of the Factories and Shops Branch, in addition to daily inspection and supervision of industrial safety, health and welfare, are also involved in supervising the requirements of several other Statutes apart from industrial safety, which are placed under the control of that branch.

HORTICULTURIST

Kimberley

317. The Hon. V. J. Ferry (for the Hon. W. R. WITHERS) to the Minister representing the Minister for Agriculture:

(1) On what date was a tropical horticulturist appointed for duty in the Kimberley?

(2) (a) In which countries was the position advertised;
(b) what was the text of the advertisement in English; and
(c) what were the dates of the advertisement?

(3) (a) In which Australian papers was the position advertised;
(b) what was the text of the advertisement; and
(c) what were the dates of the advertisement?

(4) (a) Does the newly appointed officer have experience in the tropics, or qualifications from an institute in the tropics; and
(b) if "Yes", at what time was the experience gained?

(5) Was the officer instructed to contact local Western Australian growers of tropical horticultural products prior to visiting other areas outside of the State?

(6) What are the terms of reference for the officer's appointment?

(7) (a) Did the officer recently host a Queensland fruit grower interested in expanding to the Ord River district without first contacting Western Australian growers to determine their commitments to the tropical fruit industry; and
(b) if "Yes", was this done with the knowledge of his superior officers?

(8) Was the Ord Project Manager given advance notice of the Queensland grower's visit and intent?

(9) (a) Does the Department of Agriculture become involved in any Ord project planning or correspondence relating thereto without keeping the Ord Project Manager informed; and
(b) if "Yes", why?

The Hon. D. J. WORDSWORTH replied:

(1) 3 June 1980.

(2) (a) to (c) Australia only.

(3) (a) *The Australian, Brisbane Courier Mail, Sydney Morning Herald, Melbourne Age, Daily Advertiser, Hobart Mercury.*
(b) The text called for a four-year university degree in agricultural science or horticulture or an approved equivalent. Duties were defined as "initially to identify horticultural crops both temperate and tropical which can be produced on the Ord River irrigation area, to assess potential markets and determine crops most likely to be commercially successful. To carry out a research programme to fully define growth parameters for selected crops".
(c) 16 February 1980.

(4) (a) and (b) Yes. He undertook a three-month study tour between May and August 1977 to the United States and made a follow-up visit in June 1978.

(5) Yes.

(6) Appointed to permanent Public Service with duties as defined in (3)(b).

(7) (a) No.
(b) Not applicable.

(8) The Ord Project Manager's office was contacted but the officer was informed the project manager would be in Perth during the grower's visit.

(9) (a) No. The project manager is regularly informed by the Department of Agriculture with full reports being provided at Ord River Project Advisory Committee meetings and Ord River Project Co-ordinating Committee meetings.
(b) Not applicable.

INDUSTRIAL ARBITRATION ACT

Amendment

318. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

(1) Does the Minister's answer to question 195 on 9 September 1980 imply that the Government is contemplating amendments to the Industrial Arbitration Act, 1979?

(2) If so, in what respects is it thought necessary to amend the Act?

(3) When will the amendments be introduced?

The Hon. G. E. MASTERS replied:

(1) No amendment to the Industrial Arbitration Act is contemplated in this session of Parliament to make provision for the appointment of a Deputy President of the WA Industrial Commission. Section 17(2) of the Act does allow the appointment of an acting president.

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

STATE FINANCE

Wages and Salaries

319. The Hon. J. M. BERINSON, to the Minister representing the Premier:

(1) Of the increase over estimates in the State's salaries and wages payments for the year ended 30 June 1980, how much was due to—
(a) award increases; and
(b) increases in the numbers of wage and salary earners?

(2) Of the anticipated increase in the State's salaries and wages payments for the year to 30 June 1981, how much is due to—
(a) estimated award increases; and
(b) estimated increases in the numbers of wage and salary earners?

The Hon. I. G. MEDCALF replied:

(1) (a) The cost of award variations in excess of the Budget provision amounted to $6.5 million.
(b) A sum of $5.5 million was allowed in the Budget for new staff appointments. It is not possible to identify excesses or savings arising specifically from variations in the assumed dates of these appointments. However, savings on salaries and wages estimates arising from variations other than award changes amounted to $4.1 million which reduced the overall excess to $2.4 million.

(2) (a) The pay-roll is estimated to increase by $152 million of which $142 million represents the full-year cost of award increases granted last year and provision for indexation decisions likely to occur in 1980/81.
(b) $7.3 million.

In this context, salaries and wages payments in the State Budget include all weekly and fortnightly payments to Government employees. The payments incorporate normal salaries and wages together with other allowances such as overtime and leave loading.

In most cases salaries and wages payments are detailed in item 1 of the individual divisions of the Estimates.

COMMUNITY WELFARE

Child Welfare Act

320. The Hon. H. W. OLNEY, to the Minister representing the Minister for Community Welfare:

In view of the fact that the Child Welfare Act has for 15 years provided power to courts to direct that convicted

children serve their sentences in "a penal institution established by the department for the imprisonment of children" without any such institution ever having been established or planned, will the Minister indicate the reason for retaining section 34A(2) in the Act?

The Hon. D. J. WORDSWORTH replied:

I am advised by the Minister for Community Welfare as follows: More urgent and pressing priorities, particularly in the last few years, have precluded the department from establishing another facility for the longer-term containment of children.

However, the stage has now been reached where the need for such a facility is becoming more and more urgent. For this reason, section 34A(2) should remain within the Act, although the possibility of amendment to that section will be considered during the next review of the Act.

RAILWAYS

Consignments: Piggyback System

321. The Hon. TOM McNEIL, to the Minister representing the Minister for Transport:

(1) Is the Minister aware that Westrail has refused to carry a transport company's general goods consignment to Geraldton on the piggyback system?

(2) If "Yes", will the Minister advise—

(a) did the consignee have the necessary permission from the Transport Commission to consign goods in this manner;

(b) what reasons did Westrail give for refusing the consignment;

(c) was the consignment refused because it contained beer and spirits;

(d) what other cargoes are likely to meet with Westrail disapproval;

(e) what other major country towns could be affected by such bans;

(f) in view of the Westrail bans, will the Minister issue the necessary permits for the transport of beer and spirits by road to—

(i) Geraldton; and

(ii) other areas; and

(g) what action does the Minister propose taking to safeguard country interests?

(3) If "No" to (1), will the Minister advise—

(a) does Westrail have the right to refuse consignments on the piggyback system;

(b) what action will the Minister take if Westrail is refusing consignments; and

(c) can road transport operators rely on the Minister issuing road licences in the event of further Westrail refusals?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) Westrail has not refused to carry a piggyback consignment to Geraldton. However, Westrail gazetted charges provide for varying rates depending on the commodity and these apply whether the goods are conveyed in wagon loads or by the piggyback method. If beer and spirits were included in the piggyback load, this would have to be carried at the gazetted rate. This situation is no different from the conditions applying to Westrail's normal scale of rates.

Permission is not required from the Transport Commission for a consignee to use the Westrail piggyback system.

Permits will not be issued for the transport of beer and spirits by road unless it can be demonstrated that the existing service is unable satisfactorily to transport the commodities in question.

As there has been no change to past practices no additional measures are considered to be necessary.

(3) (a) Westrail does not hold itself out to carry piggyback units as a common carrier but would not refuse any piggyback traffic consigned under owners risk conditions at gazetted rates provided it does not exceed the dimensions and mass limits and is safe to travel.

(b) and (c) Not applicable.

PRISONS

Prisoner: Amanda Wilbraham

322. The Hon. H. W. OLNEY, to the Minister representing the Chief Secretary:

Further to the Minister's answer to question 295 on 15 October 1980—

(1) In what way was the health and welfare of Amanda Wilbraham placed at risk by removing her from the observation cell?

(2) When and how did the director become aware of this risk?

(3) In instructing that the prisoner be returned to the observation cell, did the director overrule a direction of the Superintendent that the prisoner be removed from that cell?

(4) What steps were taken to remove the risk to the health and welfare of the prisoner prior to her being finally removed from the observation cell?

The Hon. G. E. MASTERS replied:

I am advised by the Chief Secretary as follows—

(1) (2) and (4) The prisoner had displayed some signs of depression whilst she was under sentence of death. The director considered that it was inappropriate to return her to normal prison routine until the normal daytime complement of staff was on duty. The measure was a preventive one.

(3) No.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Wage and Salary Earners

323. The Hon. J. M. BERINSON, to the Minister representing the Premier:

As at 30 June in each of the last five years for which figures are available, what was the number of State wage and salary earners—

(a) employed in each State business undertaking; and

(b) employed other than in State business undertakings?

The Hon. I. G. MEDCALF replied:

(a) Department/ Authority	30.6.76	30.6.77	30.6.78	30.6.79	30.6.80
Metropolitan Transport Tust	1 960	2 016	2 047	2 031	2 097
Perth Theatre Trust	—	—	—	—	36
State Engineering Works	328	324	325	278	267
WA Coastal Shipping Commission	501	470	516	499	432
Westrail	9 999	10 197	10 030	10 030	9 725
Port Authorities (Excluding Harbour and Light Department)	1 010	1 009	1 077	996	982
State Energy Commission	4 968	5 037	5 039	5 026	5 158
Metropolitan Water Board	3 449	3 524	3 469	3 428	3 346
State Government Insurance Office	367	379	411	415	420
State Housing Commission	865	912	930	914	942
	23 447	23 868	23 844	23 617	23 405
(b)	68 036	69 865	70 355	71 940	72 700

PRISONS

Prisoners: Admission Checklist

324. The Hon. H. W. OLNEY, to the Minister representing the Chief Secretary:

(1) Is the Minister's answer to part (1) of question 28 on 12 August 1980 correct when he asserts that "All persons received into the Western Australian prison system, whether convicted or otherwise, undergo procedures laid down by the departmental admission checklist"?

(2) In particular, can the Minister give an assurance that his statement is correct with respect to persons taken into custody as a result of—

(a) being arrested for an offence; and

(b) being arrested upon the execution of a bench warrant?

(3) In view of the fact that the departmental instruction that the admission checklist be completed within 24 hours of reception of the prisoner does not apply on weekends and public holidays, what steps are taken to ensure that the civil and legal rights of prisoners taken into custody at weekends or on public holidays are protected?

The Hon. G. E. MASTERS replied:

I am advised by the Chief Secretary as follows—

(1) Yes.

(2) Part (1) of question 28 was directed to the Minister representing the Chief Secretary. The reply to that part of the question related specifically to "the Western Australian prison system". The reply did not relate to persons taken into police custody upon arrest. This was made clear in the reply to part (3) of question 130.

Once persons referred to in paragraphs (a) and (b) of the member's question are received into the prison system as prisoners, the Department of Corrections' admission procedures are carried out.

(3) The Department of Corrections' admission check list procedure assists the prison to determine whether it is necessary for him to take any action to protect his civil or legal rights. This is done as soon as practicable after his admission to a prison. Departmental staff assist prisoners in this regard at any time and are always available to deal with the specific requests made by prisoners.

DEPARTMENT OF INDUSTRIAL DEVELOPMENT AND COMMERCE

"Western Australia"

325. The Hon. J. M. BERINSON, to the Minister representing the Minister for Industrial Development and Commerce:

With reference to the department's publication *Western Australia*—

(1) How many issues were published in the financial year 1979/80?

(2) How many copies of each issue were printed and what was the cost in each case?

(3) Where and in what quantities was each issue distributed?

(4) What were the proceeds of sales of each issue?

(5) What is the purpose of the publication and what, if any, evaluation has been made of the extent to which it serves that purpose?

The Hon. I. G. MEDCALF replied:

(1) 4.

(2) Volume 1 No. 1 12 000 print cost $7 760.00
Volume 1 No. 2 10 000 print cost $8 010.00
Volume 1 No. 3 10 000 print cost 8 060.00
Volume 1 No. 4 12 000 print cost $10 287.00

(3) All copies are issued to local, interstate and overseas manufacturers; finance houses and commercial enterprises; members of Parliament; Government departments; Commonwealth departments; Overseas Trade Commissioner offices; Overseas Government trade offices; and VIP conference groups.
1 000 copies of each edition are sold through a franchise agreement to the general public.

(4) Vol. 1 No. 1 $2 875
Vol. 1 No. 2 $2 875
Vol. 1 No. 3 $5 375 (1 000 copies sold to Alcoa)
Vol. 1 No. 4 $5 375 (1 000 copies sold to Woodside).

(5) (a) *Western Australia* magazine was conceived to support existing publications to help promote this State to potential overseas investors by providing a forum which highlights a better understanding of Western Australian business opportunities and way of life.

(b) No formal survey has been undertaken at this time. However, considerable correspondence from recipients has indicated popular acceptance.

EDUCATION: SCHOOL

White Gum Valley Special

326. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

(1) What are the details of the scheme which the Minister said in answer to question 284 on 15 October 1980 has been prepared for the playing fields at the White Gum Valley Special School?

(2) Has the scheme been costed, and if so, what is the estimated cost?

(3) When is it likely that funding will be available to proceed with the scheme?

(4) Apart from the preliminary survey work referred to in answer to question 59 on 13 August 1980, have any on-site inspections or discussions taken place in the course of preparing the scheme?

The Hon. D. J. WORDSWORTH replied:

I am advised that—

(1) The proposed work comprises certain earthworks, including cut and fill, and grass planting.

(2) Yes. $6 880.

(3) The matter has been referred to the regional education office for consideration in the improvements programme. It is anticipated that the work will be commenced in the near future.

(4) No.

FUEL AND ENERGY: ELECTRICITY

Power Station: Muja

327. The Hon. J. M. BERINSON, to the Minister representing the Minister for Fuel and Energy:

(1) Were tenders advertised for the precipitators at Kwinana power station?

(2) If so, what was the range of tenders received?

(3) Were tenders advertised for the precipitators in the earlier stages of Muja power station?

(4) If so, what was the range of tenders received?

(5) Why have tenders not been advertised for the precipitators to the extension of Muja power station?

The Hon. I. G. MEDCALF replied:

(1) Tenders were requested from a short list of acceptable manufacturers.

(2) Two tenders were received.

(3) and (4) There are no precipitators on the early stages of Muja power station. However, the latest specification includes the back fitting of identical precipitators on the stage "C" units.

(5) Because of the necessity to have additional coal-fired generator capacity installed quickly, the Government has approved of short tendering procedures for the Muja plant. In this case, tenders were requested from those manufacturers who had demonstrated their ability to provide satisfactory precipitator equipment in recent State Energy Commission contracts.

It should be noted precipitator plant for the Kwinana coal conversion project was put out to open tender and offers were received only from the same two companies which were invited to offer for the Muja precipitator.

EDUCATION: HIGH SCHOOL

South Fremantle

328. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

(1) Is it a fact that the Education Department made an arrangement with the City of Fremantle for a cricket pitch to be constructed at the South Fremantle Senior High School?

(2) If so, what were the financial arrangements entered into?

(3) Is the Minister aware that on the assurance of the city council that the Education Department would accept half of the cost, the Hilton Park Cricket Club has expended approximately $1 000 on constructing the pitch?

(4) Does the department accept that it has some financial obligation to meet, and if so, when does it propose meeting it?

The Hon. D. J. WORDSWORTH replied:

I am advised that—

(1) No. A thorough search of departmental records has failed to locate any reference to this matter.

(2) and (3) It is understood that the Hilton Park Cricket Club made an arrangement with the school that it would provide a cricket pitch at no cost to the school or the Education Department in return for use of the facility out of school hours.

(4) No.

EDUCATION MATERIALS

Premier's Letter

329. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

(1) Is it correctly reported in *The Australian* on 16 October 1980 that at the time of publication of certain

educational materials called "Investigating the National Estate", the Minister praised the material and committed the Government to provide one set for each of the State's 700 schools at a cost of about $28 000?

(2) If this report is not correct, what are the facts?

(3) Is the Minister aware that the Premier subsequently wrote a confidential letter to the Prime Minister, Mr Fraser, condemning the same materials and describing them as "totally unacceptable for distribution in our schools"?

(4) Did the Premier consult with the Minister before writing to Mr Fraser?

(5) Have the materials yet been supplied to the Education Department and if so—

(a) is it still intended to supply one set for each school; and

(b) when will this be done if it has not already been done?

(6) If the materials have not been supplied to the Government, what is to become of them when they are supplied?

(7) Is it consistent with sound educational policy that the Government of the day should condemn otherwise praiseworthy educational material simply because the Premier perceives it as expressing a political philosophy and view of history different from his own?

(8) In the evaluation of the material in question, who is right: the Minister or the Premier?

(9) In what other cases has the Premier interfered with ministerial decisions made by the Minister for Education in the administration of his portfolio?

The Hon. D. J. WORDSWORTH replied:

I am advised that—

(1) An educational material kit called "Investigating the National Estate" was presented to the Minister for Education at a function convened by the Australian Heritage Commission at the Art Gallery on 24 June 1980. The Minister praised the compilation of such a kit; and, on the assumption that it was educationally acceptable, stated that he would do his utmost to ensure that each school received a copy of the kit. This could have been achieved in a number of ways—i.e. purchase by the Education Department, parents and citizens' associations, donations by business firms, environmental groups, etc.

Subsequent detailed examination of the kit, however, revealed that it contained statements which were not acceptable in material of that kind intended for general distribution in schools.

(2) Not applicable.

(3) Yes.

(4) Yes, through the Minister for Federal Affairs.

(5) As the material was subsequently found to be unacceptable the Minister's offer to assist in the distribution of the material was not proceeded with.

(a) Yes, if the offending passages are corrected.

(b) When the corrections are made.

(6) No materials have been ordered by, or supplied to the Government.

(7) It is expected that educational material should be factual and, in a kit of the kind referred to, apolitical, if it is to be sponsored by the Government.

(8) Answered by (1), (5), and (7).

(9) There has been no interference with decisions made by the Minister for Education.

EDUCATION MATERIALS

View of Attorney General

330. The Hon. H. W. OLNEY, to the Attorney General:

(1) Has the Attorney General seen a report in *The Australian* dated 16 October 1980 entitled "Premier condemns education material" in which it is claimed that Sir Charles Court has written to the Prime Minister, Mr Fraser, describing certain educational materials produced in Canberra by the federally funded Curriculum Development Centre and the Australian Heritage Commission as "totally unacceptable for distribution in our schools", notwithstanding that the Minister for Education, Mr Grayden, had previously praised the material and committed the Government to providing a set for each of the State's 700 schools at a cost of about $28 000?

(2) Is the Attorney General correctly reported as having expressed the view that the material in question was inaccurate because it states, with reference to the Australian Constitution—

> The only way the Constitution can be changed is by the approval of Australian voters by referendum?

(3) Can the Minister explain how the Australian Constitution can be amended without the approval of the Australian voters by referendum?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) I am not reported as having expressed that view.

(3) The preamble and eight covering sections of the Commonwealth of Australia Constitution Act are alterable only by the United Kingdom Parliament; and the generally accepted view is that the Constitution itself may also be amended by that Parliament.

There are other provisions of the Commonwealth Constitution which are alterable by the Commonwealth Parliament, such as those which state that a certain state of affairs will subsist "until the Parliament otherwise provides".

COURT: PETTY SESSIONS

Fremantle

331. The Hon. H. W. OLNEY, to the Attorney General:

(1) Is the Attorney General aware of the practice adopted in the Court of Petty Sessions at Fremantle that the hearing date shown on summonses issued to defendants is regarded merely as a date for ascertaining the defendant's plea?

(2) If this practice is thought to be appropriate, will the Attorney General give attention to introducing amendments to relevant legislation so as to regularise the practice and protect defendants for the costs incurred in answering summonses unnecessarily?

(3) Is a similar practice adopted in other metropolitan courts, and if so, which courts?

The Hon. I. G. MEDCALF replied:

(1) and (3) It has been long standing practice for many Courts of Petty Sessions to adjourn summons matters to a hearing date when a plea of not guilty is entered. This is particularly so in traffic matters, where up to 100 cases are listed. Although the majority are usually pleas of guilty, it would be physically impossible for one magistrate to handle more than four or five defended cases on one day.

(2) No amendment to legislation is necessary, but a study is being made to determine whether improvements can be made to the system so as to avoid the possibility of inconvenience to the public.

ELECTORAL

Wilsmore Case: Appeal to Privy Council

332. The Hon. H. W. OLNEY, to the Attorney General:

(1) Has the Government yet made application either to the Supreme Court or to the Judicial Committee of the Privy Council for leave to appeal against the decision of the State Full Court in the Wilsmore case, and if so—

(a) when was the application made;

(b) to which body has it been made; and

(c) when will it come on for hearing?

(2) If not—

(a) when will the application be made; and

(b) to which body will it be made?

(3) Has there been any communication between the Government's legal advisers and the Privy Council registry with regard to the likely date for the hearing of an appeal if leave is granted?

(4) If so, what information has been obtained?

(5) When did the Government reach its decision to seek leave to appeal to the Privy Council?

(6) Before deciding to seek leave to appeal to the Privy Council rather than to the High Court, were any enquiries made from the Principal Registrar of the High Court to ascertain the likely hearing date of the appeal if the matter were proceeded with in that court, and if so, what information was obtained?

(7) What is the period prescribed within which appeals from the State Supreme Court to—

(a) the High Court; and

(b) the Privy Council;

may be initiated?

(8) How many lawyers and others are expected to travel to London for the purpose of presenting the Government's case if leave to appeal to the Privy Council is granted?

(9) How long is it expected they will be absent from the State?

(10) What are the anticipated travelling and accommodation expenses likely to be involved?

(11) Would the—

(a) number of lawyers involved;

(b) the cost of travel and accommodation; and

(c) the period of absence from the State;

be greater or less if the appeal were heard in the High Court in Canberra rather than in the Privy Council in London, and if so, to what extent?

(12) What will be the Government's position if leave to appeal to the Privy Council is refused?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(a) Application was made on 29 September.

(b) Full Court of Supreme Court.

(c) 1 December of this year.

The matter was before the Court on 10 October, and was then adjourned to 1 December, to suit convenience of Court.

(2) (a) and (b) Not applicable.

(3) The time has not been reached for the arrangement of a particular hearing date, as leave has not yet been granted. It is anticipated that if leave is granted, the matter will probably be heard within two months of the papers being filed.

(4) See (3) above.

(5) 29 September 1980.

(6) No. It is premature to seek a hearing date, because it is first necessary to obtain special leave if there is to be an appeal to the High Court. It was ascertained that the application for special leave could probably be listed for hearing in Canberra during this month, or, certainly, during November. It was further ascertained that, given due expedition in the preparation of necessary papers, following grant of special leave (if leave were granted, and if it were granted at time of hearing of motion) the appeal might be heard during February or March, 1981. The questions asked by the member direct attention to the probable hearing date, they do not direct attention to the likely date of decision. It is impossible to predict with any precision when a decision will be given by a court, but it is well known that in cases involving issues of this importance it is quite usual for a decision to be reserved by the High Court for periods significantly longer than six months, whereas a decision can be expected from the Privy Council within two months of the hearing.

(7) (a) It is first necessary to obtain special leave to appeal to the High Court in a case of this nature and the period prescribed for instituting proceedings to obtain special leave is 21 days.

(b) An application for leave to appeal to the Privy Council may be made to the Full Court of the Supreme Court in Perth and the period prescribed for making that application is also 21 days.

(8) Two persons are expected to travel to London and there will be only one trip to London for the purpose of the hearing before the Privy Council.

(9) It is expected that those persons will be absent from Perth for a period of no more than 10 days for the purpose of the appeal.

(10) $7 000.

(11) (a) and (b) For an appeal to the High Court, two lawyers would be involved in the application for special leave, and two in the hearing of appeal. They would be expected to be absent for two days for application for special leave and seven days for hearing of appeal, and total cost of air fares and travelling expenses is estimated at $5 200. An estimate of the personnel and costs that would be involved in an appeal to the Privy Council has already been stated.

(12) Consideration could be given to seeking special leave of the Privy Council itself or seeking leave of the High Court for an appeal to that court.

MINISTERS OF THE CROWN

Additional: Appointment

333. The Hon. H. W. OLNEY, to the Minister representing the Premier:

(1) Has any additional appointment to the Ministry been made as a result of the constitutional amendment effected by the Constitution Act Amendment Act 1980?

(2) If not—

(a) why not; and

(b) when will appointments be made?

(3) If the non-appointment of the additional Ministers is being held up pending proposed litigation in the Supreme Court—

(a) has that litigation been commenced;

(b) what stage has it reached;

(c) if it has not been commenced, when will it be commenced; and

(d) what steps is the Government taking or proposing to take to expedite the matter?

(4) Is the efficiency of the Government being impaired by the non-appointment of the additional Ministers, and if so—

(a) in what way; and

(b) what is the Government doing to remedy the situation?

(5) (a) What sums of money have been paid to or on behalf of the two Honorary Ministers since their appointment as such other than their normal parliamentary salaries and electorate allowances; and

(b) for what purposes or services have such moneys been paid?

(6) What privileges other than those that apply to ordinary members are enjoyed by the Honorary Ministers, and what is the authority for granting the same?

The Hon. I. G. MEDCALF replied:

(1) No.

(2) (a) and (b) No appointments will be made pending the outcome of the application to be made to the Supreme Court.

(3) (a) No.

(b) Not applicable.

(c) and (d) This matter is in the hands of those parties concerned. The Government will facilitate the appropriate steps where possible.

(4) (a) and (b) Efficiency is impaired to the extent that those persons involved are not able to take full charge of the departments concerned. The matter is in the hands of the Honorary Ministers and not the Government.

(5) (a) The Government has not paid any aditional moneys to the two Honorary Ministers other than their normal salaries and electorate allowances as payable to backbench members.

(b) Not applicable.

(6) The Honorary Ministers have been provided with a car, office and Ministerial staff. Travel allowances have been paid in accordance with provisions of the Salaries and Allowances Tribunal Act.

In the past, whenever Honorary Ministers have been appointed, it has been customary to provide the accepted facilities as granted to Ministers.

This has been the accepted policy over many years.

MINING

Aboriginal Reserve: Yandeyarra

334. The Hon. PETER DOWDING, to the Minister representing the Minister for Mines:

I refer to his answer to question 303 of 21 October 1980—

(1) Has the Minister issued a press statement on this subject of mining leases on Yandeyarra?
(2) If so, upon what date?
(3) What were the terms of it?

The Hon. I. G. MEDCALF replied:

(1) A joint statement was issued by the Minister for Mines and the Minister for Community Welfare.
(2) 20 July 1980.
(3) A copy of the statement is attached, and I seek leave to have it incorporated in *Hansard*.

Leave granted.

The following statement was incorporated by leave of the House.

RD 128 July 20, 1980

MINISTER FOR MINES
MINISTER FOR COMMUNITY WELFARE

The State Government has turned down an application for mining on the Yandeyarra Aboriginal Reserve near Port Hedland.

The Minister for Mines, Mr Jones, and the Minister for Community Welfare, Mr Hassell, said today that following objections from the Aboriginal Lands Trust and the Mugarinya community on the Yandeyarra reserve it had been decided to refuse an exploration permit to Mr Raymond Lock.

The Ministers said the Liberal M.L.A. for Pilbara, Mr Brian Sodeman, had made strong representations to the Government supporting the Aboriginal community's objections to mining.

They said the Government acknowledged that the Warden had recommended that all mining applications for the reserve from Mr Lock be approved.

However the Government believed that the interests of the community would suffer if exploration went ahead at this time.

QUESTIONS WITHOUT NOTICE

ANIMALS

Cat Welfare Society Inc.

97. The Hon. A. A. LEWIS, to the Minister for Fisheries and Wildlife:

Have the statements of Mr Harry Butler with regard to cats which appeared in yesterday's issue of *The West Australian* altered the amount of $20 000 contained in the Budget and allocated to the Cat Welfare Society Inc.?

The Hon. G. E. MASTERS replied:

I would imagine the sum of $20 000 is put aside for the welfare of tame cats, rather than wild cats, and wildlife is covered by my portfolio, not tame cats.

In regard to tomcats, I wonder whether the Government would consider increasing the allocation, and I leave it to the imaginations of members as to the use that could be made of such an increase.

Perhaps the member would like to submit a proposition to the Treasurer in that regard on behalf of the people in his electorate.

The Hon. A. A. Lewis: Only on cougars.

COURT: PETTY SESSIONS

Fines

98. The Hon. J. M. BERINSON, to the Attorney General:

In recent times the attention of the Attorney General has been drawn to a developing practice in the Court of Petty Sessions whereby at least one of the magistrates of the court, in imposing fines, precludes any extension of time to pay beyond that ordered by him.

As this has a serious and discriminatory effect on impecunious people, such as recipients of social welfare payments, I ask the Attorney General whether he will take urgent action to preserve the usual discretion in these matters normally exercised by court officers.

The Hon. I. G. MEDCALF replied:

I am indebted to the member for furnishing me with particulars of a case involving the type of situation to which he has just referred. I was not aware of this case previously and I am placing it under immediate investigation.

MINING

Aboriginal Reserve: Yandeyarra

99. The Hon. PETER DOWDING, to the Minister representing the Minister for Mines:

I refer the Leader of the House to the answer he gave today to question 334. Yesterday, in answer to question 303,

the Leader of the House advised no decision had been made about the granting of mining leases on Yandeyarra, and yet in the Press release contained in the answer to question 334, the statement was made that the Government has decided to refuse an exploration permit to Mr Raymond Lock.

Will the Leader of the House agree that either the answer given yesterday was wrong, or the Press release of 20 July last was wrong? Bearing that in mind, I ask the Leader of the House to furnish the correct answer.

The Hon. I. G. MEDCALF replied:

No, I cannot agree with the member. If he places the question on notice, I shall obtain an answer for him.

COURT: PETTY SESSIONS

Hearing Dates

100. The Hon. H. W. OLNEY, to the Attorney General:

This question arises out of an answer given by the Attorney General to a question asked today relating to the practice in some Courts of Petty Sessions of not proceeding with the hearing of defended summons matters on the return date. In view of the fact that the Attorney General has said no amendment to the legislation is necessary, would he consider taking steps to ensure that an appropriate endorsement is made on summonses, so that defendants who wish to defend charges are advised in advance that, if they propose to defend them or plead not guilty, their cases will not come on for hearing on the return date? This would save such defendants the necessity of losing time and having their witnesses brought unnecessarily to the court.

The Hon. I. G. MEDCALF replied:

There are problems associated with the practical issues in connection with the matter to which the member has referred and of which I am aware. That is one of the reasons that the matter is presently under consideration, that is to ascertain whether any amendments to the administrative arrangements can be effected. I will pay attention to the point which the member has made during the course of the current inquiry.

COURT: INDUSTRIAL

Hearing Dates

101. The Hon. H. W. OLNEY, to the Attorney General;

Will the Attorney General agree to talk with the Industrial Court to see how they deal with the matter I referred to in the last question, because that court has a better system?

The Hon. I. G. MEDCALF replied:

I would be most happy to obtain any information I can from any source.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Act: Amendment

102. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

Is it or is it not a fact there is at present a draft Bill to amend the Environmental Protection Authority Act?

The Hon. G. E. MASTERS replied:

I did make a statement yesterday in which I said that if and when any changes to the Act took place they would be introduced into this place in a proper manner and members would be notified accordingly. I am not prepared to debate that subject any further.