

# Legislative Council

Wednesday, 18 November 1981

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

## QUESTIONS

Questions were taken at this stage.

## PARLIAMENTARY COMMISSIONER ACT

*Parliamentary Commissioner for Administrative Investigations: Urgency Motion*

THE PRESIDENT (the Hon. Clive Griffiths): I have received a letter from the Hon. H. W. Gayfer in these terms—

Dear Mr. President,

Standing Order Number 63 provides for the moving of an adjournment motion for the purpose of debating some matter of urgency.

In accordance with the provisions of Standing Order Number 63, I wish to advise you of my desire to move for the adjournment of the House for the purpose of discussing the role of the Parliamentary Commissioner as I believe he is acting outside his jurisdiction and therefore contravening the Act.

Yours sincerely,

H. W. GAYFER, M.L.C.,

MEMBER FOR CENTRAL PROVINCE.

THE HON. H. W. GAYFER (Central) [4.52 p.m.]: I move—

That the House at its rising adjourn until 10.00 a.m. Thursday, 19 November.

The PRESIDENT: Standing Order No. 63 requires that this motion be supported by four members standing in their places.

Four members having risen in their places,

The Hon. H. W. GAYFER: I apologise sincerely to the House for rising to use this time-honoured avenue of protest following so closely on the heels of a similar debate yesterday. However, as time only perpetuates the contravention I believe to be in practice, I must speak immediately to draw the attention of the House, and particularly the attention of Mr President, to the assertions I will make. To elucidate that statement I must remind the House that the office of the Parliamentary Commissioner is an office of the Parliament as created by the Parliamentary Commissioner Act 1971. Under the rules of Parliament, as set out in appendix D of the latest

report of the Parliamentary Commissioner for Administrative Investigations and dated 30 June 1981—I will refer to this report just as “the report” during the term of my address—the names of the people who constitute the Parliamentary Committee are set out. They are the people from whom the Parliamentary commissioner must receive approval prior to his doing certain things. Rule 4 (1) states—

4. (1) The Parliamentary Committee shall consist of the persons from time to time holding the following offices:—

in the Legislative Council—

The President,

The Chairman of Committees,

The Deputy Chairman of Committees

in the Legislative Assembly—

The Speaker,

The Chairman of Committees,

The Deputy Chairman of Committees.

- (2) At any meeting of the Parliamentary Committee five members shall constitute a quorum.

This rule indicates clearly the involvement of this House, and, in particular, the involvement of Mr President. This point has a vital bearing on my proposition.

Yesterday I received a telephone call from the Shire Clerk of the Cunderdin Shire Council. He read to me a letter he received from Mr Steve Garbutt, Administration Officer of the office of the Parliamentary Commissioner. The letter had followed a phone call Mr Garbutt made to the shire requesting the use of a room for the commissioner on Monday, 23 November 1981 between 3.00 p.m. and 4.00 p.m. This request had been agreed to readily by the assistant shire clerk. Mr Garbutt followed his telephone call with the assistant shire clerk with this letter—

I refer to our recent discussion concerning the forthcoming visit to Cunderdin of Mr Frank Hedges, the Assistant Commonwealth Ombudsman, and myself on 23rd November.

Your kindness in providing accommodation for us to meet the public between 3.00 p.m. and 4.00 p.m. on that day is being much appreciated.

To this end I would ask to impose upon your hospitality further and would be grateful if you could arrange for the enclosed posters to be displayed at your earliest convenience at points around the town where

they are most likely to be seen by the residents and visitors.

I do hope the Cunderdin Shire Council is not offended by the posing of the question:

**"HAVING TROUBLE WITH YOUR LOCAL COUNCIL"**

as there is, of course, nothing personal in the approach adopted—it is simply a means of endeavouring to attract peoples attention and is not in any way meant to imply that people are having trouble with your Council or indeed any other Council.

If you have any queries about the visit please do not hesitate to ring me or Frank Hedges on 325 5000.

Both Frank and I look forward to meeting you and the Shire Clerk and of course if the Shire President happens to be in town whilst we are there we would be delighted to meet him.

With kind regards—

**STEVE GARBUTT,  
ADMINISTRATION OFFICER.**

I understand similar correspondence was forwarded to the Northam Town Council, but not the Northam Shire Council, for a meeting to be held at Northam on the same day. Accompanying the correspondence is the dodger, the pamphlet, referred to in the letter and required to be spread around the town to draw the attention of people to the meeting to be held. On the top left hand corner of the pamphlet there appears the insignia of the Commonwealth Ombudsman, and on the top right corner there appears the insignia of the Western Australian Parliamentary Commissioner for Administrative Investigations. As I hold up this pamphlet most members will see what is said because the words are in very large writing.

The pamphlet states—

**HAVING TROUBLE WITH A  
GOVERNMENT DEPARTMENT?  
A GOVERNMENT AGENCY?  
YOUR LOCAL COUNCIL?**

If you have a complaint about such an organisation you can see or telephone Frank Hedges, Assistant Commonwealth Ombudsman, or Steve Garbutt, State Ombudsman Representative, at the Cunderdin Shire Offices, Cunderdin, from 3.00 p.m. to 4.00 p.m. on Monday, 23rd November, 1981, Tel. 096 35 1005

**THESE SERVICES ARE FREE.**

Perhaps nothing is new about Government officers making available to country people the

services of their department, and in this case, the office of the State Ombudsman.

On page 10 of the report of the Parliamentary Commissioner for Administrative Investigations under the heading "Public Relations" the commissioner said—

During the year, the Assistant Parliamentary Commissioner, my Legal Officer and I have addressed associations, clubs and student groups on the Office, functions and jurisdiction of the Parliamentary Commissioner in order further to inform the public on these matters. In addition, in June 1981, Mr. P. E. Bullen, my Investigating Officer, accompanied Mr. F. Hedges, the Commonwealth Assistant Ombudsman stationed in Perth, on advertised visits to Narrogin, Albany, Katanning and Frankland River and there interviewed many people with complaints concerning State and Commonwealth authorities respectively and took part in radio "talk-back" programmes and discussions with the Regional Administrator and Press representatives. One of the significant facts which emerged from the visits was that only about two-thirds of the people interviewed knew of the existence and/or role of this Office before the visits were advertised.

He continued to say—

I am aware that there are still many people who are unaware of the services of my office, but I do not propose, at any rate while my staff level remains as it is, to embark upon a high-powered publicity campaign, because I believe that a balance between publicity and staff capability must be maintained if the office is to be credible and viable.

I am currently preparing a revised edition of the brochure "Your State Ombudsman", and it will shortly be widely distributed to bodies and persons to whom knowledge of the role of an Ombudsman may be of some assistance.

My objection is not to the fact that it is intended to make the office available but that it is intended to go out and openly canvass for, or drum up, business, as was indicated by the dodger which the shire has been asked to distribute. It appears not to be a public relations exercise but rather an exercise in indelicacy, as it smacks the face of the shire in inviting criticism of it after it has requested that shire to extend its hospitality by the provision of a room for those officers.

To travel to these towns as a full-scale inquiry, with pamphlets to herald their arrival, reminds

me of the Spanish Inquisition when inquisitors rode into the towns on their mighty steeds with trumpets sounding to indicate their almighty presence.

Page 17 of the same report is of great significance because it states—

Having regard to the immense number of daily contacts and transactions which take place between government agencies and private citizens, the number of complaints coming to me is small.

Various conclusions may be drawn from this observation, but relevant data are not available to substantiate any of them. They are—

1. Few administrative mistakes are made.
2. Authorities are able to resolve many errors without outside intervention. Some authorities have their own effective complaints-handling staff or consumer advisory service.
3. Aggrieved people pursue other avenues for redress, such as Members of Parliament or influential friends.
4. Many private citizens are resigned to and make the best of adverse decisions, especially on matters of minor importance.

In his report, the Parliamentary Commissioner has said "I must constantly bear in mind that I am not a court of law or some sort of appellant tribunal or substitute for such, and I am well aware of the expense of delay in some legal proceedings". In spite of that, I lay claim that sections of the Parliamentary Commissioner Act are being contravened by the practices being adopted. Section 17 of the Act states—

17. (1) Except as otherwise provided in this section a complaint under this Act shall be made in writing by any person or by any body of persons, whether incorporated or not.

Complaints

(2) When the person by whom a complaint might have been made under this Act dies or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as otherwise provided in this subsection a complaint shall not be entertained under this Act unless it is made by the person aggrieved himself.

There is nothing clearer to me. In my search of this Act, I found that it stated that the complaints should be in writing; but we have two Parliamentary Ombudsmen travelling around the bush and hawking their wares, as it were, and drumming up business by asking the shires to assist them.

The Hon. Lyla Elliott: If the shires have nothing to hide, why are they worried about it?

The Hon. H. W. GAYFER: I am not worried about that. Section 17 states that the complaint shall be in writing, yet the dodger states "Are you having trouble with... If you have a complaint... you can see or telephone us", and so on.

The Hon. F. E. McKenzie: They may be told to put their complaint in writing.

The Hon. H. W. GAYFER: It might be in order, and fair enough, if one concedes there is nothing wrong with contravening the Act. If those two people can do this, fair enough!

The Hon. J. M. Berinson: You have not suggested how they are contravening the Act. How is that action contravening the Act?

The Hon. H. W. GAYFER: They are drumming up business and inviting people to put forward their complaints at the shire office. In certain matters they may meet with persons who are not lodging the complaint in writing, in the first instance, and I do not believe it is stated anywhere in the Act that two officers can work together. There is nothing in the Act to provide for that.

The Hon. J. M. Berinson: There is nothing to preclude it, either.

The Hon. H. W. GAYFER: No. If there is nothing to preclude that, it is assumed that was not the intent of Parliament when it passed the Act.

The Hon. J. M. Berinson: How do you know?

The Hon. H. W. GAYFER: I was here and Mr Berinson was not.

The Hon. F. E. McKenzie: Does the Act say that it should be in writing in the first instance?

The Hon. J. M. Berinson: Where does it say "in the first instance"?

The Hon. H. W. GAYFER: Section 17 states—

(1) Except as otherwise provided in this section a complaint under this Act shall be made in writing...

The Hon. J. M. Berinson: It could be made in writing, subsequent to the earlier complaint.

The Hon. H. W. GAYFER: The intent of this legislation was that anyone who had any matter of complaint should tender it in writing to the office of the Ombudsman and therefore draw it to the attention of the Parliamentary Commissioner.

On page 15, the report, under the heading "Verbal Information", states—

(h) Verbal Information

The pace of modern life, the ease of communicating by telephone or in person and a general reluctance to take the trouble to write a letter (let alone the cost of a postage stamp) in no small measure lead to complaints and to difficulties in resolving them. My Office receives many a complaint to the effect that information given verbally on the telephone or over the counter by an employee of a department or authority has led a complainant to act or not to act to his prejudice. Rarely does the enquirer ascertain even the name or the position within the authority of the person supplying the information and seldom can he or she be identified months later when a complaint is made upon discovery that the information was inaccurate or misleading.

That paragraph concludes by stating as follows—

I therefore urge people and authorities whenever and as soon as possible to confirm in writing any important verbal advice received or tendered and to make a note of the name and status of the authority's employee concerned.

When this Parliamentary Commissioner Act was passed, we did not intend to set up an office of inquiry which would travel the length and breadth of this State and advertise to the public and to visit towns—and it may be homes—and state "If you have an inquiry, then please let me know about it". The office was created as somewhere for the public to go if they wished to make a complaint.

The Hon. D. K. Dans: Would you say the pamphlets printed by the Ombudsman are illegal?

The Hon. H. W. GAYFER: I am not saying they are illegal. I believe it is wrong to ring a shire council and ask it for its hospitality and then ask it, in writing, to distribute pamphlets in its towns asking people to assemble to meet with someone on matters that concern the shire.

Several members interjected.

The Hon. H. W. GAYFER: This pamphlet is obviously designed for the occasion and I draw

attention to the fact that the Federal Ombudsman is accompanying the State Ombudsman to deal with matters which are of concern to the State department.

Several members interjected.

The Hon. H. W. GAYFER: I object to some of the interjections because they are not up to date with the matters I dealt with some 20 minutes ago.

The Hon. J. M. Berinson: I have been here all the time, and I share Mr Dans' bemusement.

The PRESIDENT: Order! I ask honourable members to cease interjecting.

The Hon. H. W. GAYFER: I am glad Mr Berinson made the point that he shares Mr Dans' bemusement. To use a Victorian phrase, we in the country are not amused! We are far from amused. If Mr Berinson thinks these manners will receive the approbation of the country people—and I use the word "manners" in the proper sense—he has a lot to learn. If he condones this practice, he can be sure I will circulate his words to the 26 shires in the country areas that I represent, because I know they would not be happy about this intrusion.

The Hon. R. T. Leeson: You are going to bat for the councils, not the people in those areas.

The Hon. H. W. GAYFER: I am going to bat for the councils, the Government departments, and the Government agencies that are involved in this inquisition.

The Hon. F. E. McKenzie: The Ombudsman is in the area to help the ordinary people. That is what you are objecting to.

The Hon. H. W. GAYFER: I am not.

The Hon. Neil Oliver: There have been a lot of complaints about Westrail lately.

The Hon. H. W. GAYFER: Mr McKenzie made a lot of complaints about Westrail yesterday.

The Hon. D. K. Dans: The only complaint I have is that the Ombudsman never does anything.

The Hon. H. W. GAYFER: If this is an exercise in public relations, it is the worst example I have ever seen. The Parliamentary Commissioner for Administrative Investigations asked the shires to provide hospitality, rooms, and receptions. He asked for meetings with the shire presidents; and then he asked the shires to distribute pamphlets inviting criticism of themselves. I consider that to be wrong. If it is not wrong, even if Mr Berinson says it is right, even if Mr Leeson says it is technically right, and it is right, ethically it is absolutely wrong. It shows

distinctly bad taste by the people who are trying to involve the Ombudsman in the field of public relations.

I am not criticising the Ombudsman. In fact, I agree with his office. All I am saying is that it is in distinctly bad taste for him to flaunt his wares through the countryside in such a manner.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [5.19 p.m.]: Mr Gayfer started by apologising for using the forms of the House to bring forward this motion. The particular form he used was Standing Order 63, which provides for motions on matters of urgency. Mr Gayfer should not apologise for that. The forms of the House are there to be used; and the form in respect of urgency motions is the same as the form in respect of the adjournment debate. Both of them exist to allow matters to be raised at short notice; it is perfectly proper that that should be done.

On the other hand, I would have hoped that if we were to discuss an urgency motion, the matter might have been more urgent. As closely and as attentively as I listened to the whole of Mr Gayfer's speech, I am blessed if I could find anything urgent in it. In fact, I found it difficult to find anything serious in it at all.

It appears that Mr Gayfer is complaining about nothing more than an attempt by the Ombudsman to create a wider understanding of the nature and the functions of his office. It amounts to that. Contrary to Mr Gayfer's point of view, it seems to me that if we are to have an office of that nature, it is in the interests of everybody to understand the office. The people in the community should know all about it.

All this nonsense about having to put complaints in writing brings a degree of triviality to a discussion of an important institution. Advantage should be taken of that institution more readily. All that section 17 (1) says is that if one wants to lodge a complaint, it needs to be made in writing. That has to be seen in the context of the division of the Act in which it appears. The division relates to the initiation of proceedings.

As emerges clearly from the structure of the Act, if one wants the Ombudsman to initiate an investigation of a complaint, the complaint must be reduced to writing. That cannot be understood as an instruction to the Ombudsman not to speak to any citizen or resident of the State without prior written notice. With respect to Mr Gayfer, that really is a nonsensical proposition. The House should not proceed with it any further.

I suspect, having listened with the best will in the world to what Mr Gayfer was saying, that he

is trying to get on side with a couple of local councillors who have invited him to a pre-Christmas party. He would like to be able to say that he did his best on their behalf in respect of some small and trivial complaint which they have put to him. It is fair to say that the complaint, such as it is, is a storm in a teaspoon. I say that deliberately, since it is not big enough even to warrant the proverbial teacup.

I add one general comment on the nature of the urgency motion procedure; we have now had two such debates on successive days. It appears to me that the procedure established by the Standing Orders is seriously defective. The procedures require that at least two hours' notice should be given to yourself, Sir—

Mr Gayfer: If he is given four, will that do you?

**The Hon. J. M. BERINSON**: That is twice as much as enough. That is not really the point I am making. Two hours is enough, and four hours is twice as good. I acknowledge that readily.

The deficiency to which I draw your attention, Mr President, is the absence from the Standing Orders of anything which allows other members of the Chamber to have notice of the matter the subject of the debate. At the very least, we need a procedure for circulating the letter to members so that they might produce their own copies of the Act, or of the last report of the Ombudsman, for example. We do not need any great detail of what the member is proposing; but at least some notice should be given so that members can give preliminary thought to the general nature of the subject. That would provide some reality to this part of our proceedings which is, after all, meant to initiate a debate rather than simply an individual speech.

With those comments, I have said all that I would like to say on this matter. I have heard the Ombudsman likened to many people, but never to Torquemada. I doubt whether the comparison with the Inquisition was meant to be taken seriously. Neither should the rest of Mr Gayfer's argument.

**THE HON. W. R. WITHERS** (North) [5.24 p.m.]: I wish to speak to the motion. In fact, I agree with it—we should adjourn until 10.00 a.m. tomorrow morning, because if we do not we will waste the time of the House on discussing what the Ombudsman has done.

The Hon. Mick Gayfer has presented the motion to the House to draw the matter to the attention of the Parliament so that it can be aired in the Press. He has raised it, and that has been done; so to save the time of the House, we should

adjourn until 10.00 a.m. tomorrow. Mr Gayfer will have achieved his aim, and there is no point in talking about it any more.

I agree with the motion.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.25 p.m.]: I will be very brief about this.

The Parliamentary Commissioner for Administrative Investigations is entitled to make investigations of his own motion under section 16 of the Act. I mention that in passing, because he has that ability if he wants it, provided it is an authorised investigation. There is no question about that.

As to whether what Mr Gayfer raised was done in the right way, that is another matter altogether.

On the question addressed to me in my capacity as Minister for Federal Affairs on the basis that the Commonwealth Ombudsman was going around with our State Parliamentary Commissioner for Administrative Investigations on a kind of joint mission, this has two aspects. One is that they were working jointly, and the other is that they were on a mission which has been subject to criticism by the honourable member.

On the aspect of the commissioners working jointly, it is desirable that they should combine their services. I say that, because I was present at the opening ceremony of the Commonwealth Ombudsman's office. The two commissioners are situated on the same floor, or at any rate in the same building—

The Hon. D. K. Dans: They are on the same floor. I was at the opening.

The Hon. I. G. MEDCALF: They have tried to integrate their services. From the point of view of federal affairs, that is a very good thing because that avoids the duplication of a lot of activities.

When a complaint is received by, say, the State commissioner on a Federal matter, he can pass it to the Federal Ombudsman, and vice versa. I applaud that from the point of view of federal affairs, because when I heard that the Commonwealth was proposing to establish an ombudsman's office in Perth, I corresponded with the Federal Attorney General and suggested that if the Commonwealth were to establish an ombudsman in Perth—incidentally, we do not call ours an ombudsman—some advantage could be obtained from combining the services.

The Premier and the Prime Minister agreed to that because it would save manpower and money in the extra inquiries and extra staff, and so on. It

would enable the commissioners to work far more effectively if there were overlapping of complaints. The fact that they are working together is very good.

I was not familiar with the matter raised by the honourable member until just before I came into this House. I have not had the opportunity to learn what it is about, so there is little I can say. I do not know that I have any standing in the matter anyway, because the Parliamentary Commissioner comes under the Premier in relation to responsibility for changes in the Act.

The Parliamentary Commissioner is appointed by the Government; but in all other respects he is an officer of the Parliament and he answers to the Parliament. He submits an annual report to this Parliament; and he can make any further report he wishes, at any time. Of course, that report is received by you, Mr President, and by the Speaker of the Legislative Assembly.

In all respects, the Parliamentary Commissioner is an officer of the Parliament. He can be dismissed only on an address of both Houses of the Parliament. Therefore, my position in this matter is not as simple as it may appear.

I do not know that the Government is entitled to raise this matter, certainly not without discussion with the President and the Speaker, as representing the Parliament.

Much as I like to oblige members, I have already done this once this year when a matter of privilege was raised by the Hon. Graham MacKinnon. I undertook to obtain an opinion on it; but, as the President pointed out to me, quite rightly, privilege is a matter for this House and the President. He was quite correct; so it is. Although it was open to me to obtain the views of the Crown Solicitor, they have no binding effect on the Parliament. Likewise, neither do I think anything I would have to report on the Government's attitude in relation to the particular conduct of the Parliamentary Commissioner when carrying out his duties would be very relevant. He is an officer of the Parliament.

The PRESIDENT: Order! One hour having elapsed from the time fixed for the meeting of the House, leave of the House will be necessary to allow the present debate to continue.

Leave granted.

The Hon. I. G. MEDCALF: I would not suggest for a moment that you, Sir, should descend to the floor of the House and make any comments unless, of course, you wished of your own volition to make a comment from the Chair, as you would be entitled to do. Indeed, that would be proper in the circumstances in your capacity as

President of the House. Whether or not you, Sir, would see fit to do that without inquiry is entirely a matter for you.

All I would suggest is that the matter be considered by you, Sir, and that you may or may not see fit to take any further action or make a comment in due course.

**THE HON. G. C. MacKINNON** (South-West) [5.32 p.m.]: I should like to thank Mr Gayfer for bringing this matter to the attention of the House and, through the time-honoured procedure he has adopted, bringing it to your attention, Sir, because, as the Attorney General has said, it is a matter for your attention.

I do not think any of us is in any way opposed to the office of the Parliamentary Commissioner and we would be wasting our time were we to voice our opinions in that regard, because the Parliamentary Commissioner is an established part of State and Commonwealth life.

It was nice to see the ALP leap so nimbly to the defence of the Parliamentary Commissioner. I do not know why that occurred, but it did. Members opposite must have a pretty good reason to take that stance, although no reason was given by Mr Berinson.

The Hon. J. M. Berinson: It was not called for by the motion.

The Hon. G. C. MacKINNON: One can make an argument out of nothing and, looking at the ethics of the matter, it seems to be a clear case of the sort of situation one sees periodically in country areas where someone goes around asking, "Do you have something you want to complain about?"

The Hon. J. M. Berinson: It sounds like a member of Parliament.

The Hon. G. C. MacKINNON: It sounds like an Opposition member going through one's electorate.

Several members interjected.

The Hon. G. C. MacKINNON: Opposition members ask country people, "What can you complain about?"

The Hon. D. K. Dans: You are denigrating the position of the Ombudsman.

The Hon. G. C. MacKINNON: The province I represent is visited by a number of people during the Christmas period. It has been a sort of sitting shot for this sort of behaviour, because ALP members would go down to the south-west for a holiday—everyone from Joe Chamberlain down owned a property at Mandurah and would go there for his holidays—and when we came back

to the House there would be all sorts of comments in this vein.

The Hon. D. K. Dans: You can do better than that, Mr MacKinnon.

Several members interjected.

The PRESIDENT: Order! I suggest to the Leader of the House that he refrain from interjecting in that manner and I ask the honourable member who is addressing the Chair to direct his remarks to the motion.

The Hon. G. C. MacKINNON: Mr Gayfer did a great service in bringing this matter to your attention, Sir. There is every justification for the Parliamentary Commissioner and the Federal Ombudsman to make their positions clear to the public wherever it might happen to be. However, there is no justification for them to write to local authorities asking for favours from them in order that any complaints, no matter how frivolous, may be aired. Members who have lived in country areas would be aware difficulties can come to the surface as a result of actions taken with the best of intentions.

I am quite sure the Parliamentary Commissioner had no thoughts of this nature in mind; but it is interesting to notice that he went to the length of asking the council not to take offence. Therefore, he knew there was a possibility of it taking offence. It is very like a situation where people say, "Meaning no disrespect to the honourable member..." and immediately start to insult him.

The Hon. Peter Dowding: What are you saying then?

The Hon. G. C. MacKINNON: I am saying the President may see fit to suggest there are other methods for the Parliamentary Commissioner to make known the obligations and duties of his office and the rights of citizens to utilise it without distributing pamphlets of this nature around country areas.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [5.37 p.m.]: There is much similarity between champion footballers and champion fighters who go on too long and members of Parliament who go on too long but who were once quite efficient. One is usually remembered by one's last game of football, which is invariably bad, or by one's last fight in the ring, in which one is slaughtered. I shall leave the House to judge what one does when one becomes an old politician.

I was not present in the Chamber for all of the debate; but I received the general trend of the message Mr Gayfer was trying to convey. It

appears to me the State Ombudsman, along with Professor Richardson, a man of impeccable integrity, went around the country letting people in isolated areas know—

The Hon. H. W. Gayfer: Professor who?

The Hon. D. K. DANS: Professor Richardson. He may have changed—

The Hon. H. W. Gayfer: You have missed a few points I think.

The Hon. D. K. DANS: The person was representing Professor Richardson.

The Hon. G. C. MacKinnon: He is getting old too.

The Hon. D. K. DANS: They were making known to country people the services provided by the Ombudsman and it is very proper that should happen.

Frequently in this House we hear members complain about the benefits of city life which are denied to rural residents. Mr Gayfer's opinion was supported, to some extent, by the Hon. Graham MacKinnon and I should like to point out that, if they are right, the pamphlets which are sent constantly to electorate offices should not in fact be distributed either. They are readily available in my office in Fremantle and I suggest they are readily available in the electorate offices of all members of Parliament. These pamphlets have the same effect as the dodger about which Mr Gayfer complained. The pamphlet advises people of the services provided by the State Parliamentary Commissioner and it sets out his area of jurisdiction.

The pamphlet indicates no fee is payable and if one wants further information, the telephone number is given. That information is available to people in the metropolitan area and, if the dodger, about which Mr Gayfer has complained, is objectionable to the Shire of Corrigin, I would imagine this pamphlet would be equally objectionable to the Fremantle City Council and other people. Is the Hon. Mr Gayfer saying we should have a Commonwealth Ombudsman and a State Parliamentary Commissioner of Administrative Investigations, but they should be hidden from people in country areas?

One of the complaints I receive most frequently is that a great number of people are not aware of the existence of the Ombudsman. Many of them are confused as to his jurisdiction and complain he does not have enough power. The office of the Commonwealth Ombudsman, together with the State Parliamentary Commissioner for Administrative Investigations, should be lauded by this Chamber for their efforts and initiative in

going into country areas in this State and informing the people of the exact nature of their jurisdictions.

The Hon. H. W. Gayfer: Nobody is complaining about that.

The Hon. D. K. DANS: The Hon. Mr Gayfer complained about the dodger, but if that document should not be distributed, neither should the pamphlet to which I have referred. Nobody has complained about this pamphlet and it is distributed from time to time.

What really happened as a result of the visit to which reference has been made? I do not know what has happened and I did not hear the Hon. Mick Gayfer say what had happened.

The Hon. H. W. Gayfer: I do not want to repeat myself. Get your facts right.

The Hon. D. K. DANS: Mr Berinson was here for the whole of the debate and the Hon. Mick Gayfer has simply wasted the time of the House, as he often does, on a trivial matter.

**THE HON. F. E. McKENZIE** (East Metropolitan) [5.42 p.m.]: I shall not repeat the comments which have been made already. I am not opposed to Mr Gayfer bringing forward this matter, because it has provided those who oppose his proposition with an opportunity to put him on the right track.

The Hon. Des Dans and other members who have supported the Parliamentary Commissioner have said that the State and Commonwealth Ombudsmen ought to be lauded for what they are doing; that is, going into country areas and informing people of their jurisdiction.

That is a very beneficial exercise and surely it is better that they should go into country areas together in order that cost savings may be achieved. We hear a great deal about the way in which taxes are spent and it surprises me that some members have objected to these two gentlemen travelling around country areas together, because that would result in a saving of taxpayers' money.

Mr Gayfer referred to a written complaint and I should like to draw the attention of members to a statement which is made in the annual report of the Parliamentary Commissioner for Administrative Investigations under the heading of "The Year's Work", where it is said that, "During the year 1 220 written complaints were received". Further on, the report says—

In addition to written complaints, many people came to the office and a very large number made telephone calls to it, requesting information or wishing to make complaints.



My staff conservatively estimate that about 3 500 such visits and calls were made to the office in the year just ended—about the same number as last year.

That indicates the demand for the services of the Ombudsman is three times as great in terms of people who seek oral advice compared with those who put their complaints in writing.

The Hon. H. W. Gayfer: So what?

The Hon. F. E. McKENZIE: This is what they are doing at Cunderdin.

The Hon. H. W. Gayfer: I am talking about the ethics of the advertisement. Will you get back to that subject?

The Hon. F. E. McKENZIE: I see nothing wrong with the ethics of their advertisement. They are merely trying to inform people of the services which are available.

The Hon. N. E. Baxter: No they are not.

The Hon. F. E. McKENZIE: I can understand Mr Gayfer wishing to take the side of the local authorities; but I cannot understand him doing so when people in country towns have indicated they want to use the services of the Ombudsman to complain about local authorities.

The Hon. Peter Dowding: Does he reckon the electors are idiots or something?

The Hon. F. E. McKENZIE: If members turn to the statistical summary at the back of the report and look at the data, they will see 60 local authorities have been the subject of complaints to the Ombudsman in the year ending 30 June 1981.

Many of those complaints were either withdrawn or not sustained. However, the citizens of this community within Western Australia lodged complaints against 60 local authorities. That is a very high number. I looked through the report to see if Corrigin was one of them and I am pleased to say it was not. There is a very good reason that the people of Western Australia ought to have the opportunity to lodge a complaint against a local authority. It is a safety valve for members of Parliament because if they are not going to the Ombudsman they are going to a member of Parliament and we in turn complain to the Minister. Once people go to the Minister with a complaint the Ombudsman will not deal with it, so it reduces his work load.

I see nothing wrong with the Ombudsmen on a joint Commonwealth and State basis going to local authorities; and, if they have a problem in relation to where they ought to meet, it is up to the local authorities to solve the problem by way of accommodating them. The local authority should not expect a member of Parliament to get

up here and complain because that is outside the jurisdiction of the Parliamentary Commissioner.

**THE HON. N. E. BAXTER** (Central) [5.47 p.m.]: The Leader of the Opposition, as he often does, comes in during the middle of a debate—

The Hon. D. K. Dans: The Leader of the Opposition does not often come in in the middle of a debate.

The Hon. N. E. BAXTER: He often does. I have seen him time and time again. He gets the bull by the tail instead of the horns and goes off at a tangent. He was wrong on every count.

The Hon. D. K. Dans: Tell me them.

The Hon. N. E. BAXTER: He did not know what shire Mr Gayfer complained about.

The Hon. D. K. Dans: What has that got to do with it? There is nothing fictitious about the thing at all, and you know it.

The Hon. N. E. BAXTER: He did not know what the document was about. He produced another pamphlet which has been circulated by the Parliamentary Commissioner.

The Hon. D. K. Dans: You have them, haven't you?

The Hon. N. E. BAXTER: Yes, I do, in the city areas and so on.

The Hon. D. K. Dans: Don't you have them in the country?

The Hon. N. E. BAXTER: If the honourable member will listen, I will explain the situation. He is not prepared to listen and wants to go on with his own thoughts. He produced a pamphlet which has nothing to do with this situation. It explains what the Parliamentary Commissioner does, and copies of it are available in city areas. However this is a matter of a different nature.

The Hon. D. K. Dans: I see nothing wrong with that dodger, Mr Baxter.

The Hon. N. E. BAXTER: The commissioner's representative and the Commonwealth fellow should have gone along to explain what they do; but the pamphlet says, "Have you a complaint against a Government department, a local authority or a Government agency?" They are not going out explaining what is done, but are seeking complaints. That is what the dodger says.

The Hon. D. K. Dans: Come off it!

The Hon. N. E. BAXTER: It is not like the pamphlet which was produced. Mr Dans does not know what is on this pamphlet.

The Hon. D. K. Dans: I knew what was on the pamphlet. You tell me what shire he was complaining about before you sit down.

The Hon. N. E. BAXTER: The Cunderdin Shire.

The Hon. D. K. Dans: I mentioned the Corrigin Shire because Mr Gayfer comes from there. It is of no consequence.

The PRESIDENT: Order!

The Hon. D. K. Dans: What shire it is is of no consequence.

The Hon. N. E. BAXTER: It has nothing to do with, and is nothing like, the pamphlet Mr Dans produced.

The Hon. D. K. Dans: It is a different shape, for a start.

The Hon. N. E. BAXTER: It is a different kettle of fish altogether. Mr Gayfer, other members, and I would not mind if the commissioner's report recommended that Commonwealth and State Ombudsmen should go to Northam or any country shire to explain what they do, and invite people to come to them.

The Hon. Peter Dowding: Why not explain in writing just what the dodger does?

The Hon. N. E. BAXTER: It is entirely different. Members of the Opposition know that and are only trying to make something out of this that is not correct. This is a different kettle of fish altogether. The Act does not at any stage give the commissioner the right to go out soliciting or drumming up business, which is what this pamphlet suggests. As Mr MacKinnon said, do solicitors go around to find out if people have complaints that they can take to the court? Of course they do not! It is the same situation with the Parliamentary Commissioner. Nothing in this Act gives him the right to go out and drum up business.

The Hon. F. E. McKenzie: Is that not good practice: To go out and drum up business?

The PRESIDENT: Order!

The Hon. F. E. McKenzie: Isn't it good practice?

The Hon. P. G. Pendal: It might indicate they have not got enough work to keep them going.

The Hon. D. K. Dans: It asks for complaints of country people.

The Hon. N. E. BAXTER: I will read the section in relation to initiatives of investigations in other cases. This follows a provision dealing with an investigation on reference by Parliament in section 15, and has nothing to do with this argument because it is a separate issue. In section 15 the commissioner can be directed to make investigations by the Houses of Parliament, joint

committees, and so on and so forth. Section 16(1) states—

Without prejudice to the provisions of section 15 any investigation that the Commissioner is authorised to conduct under this Act may be so conducted, either on his own motion or on a complaint made in accordance with section 17.

If these people are going to the country as suggested in this pamphlet, they are not taking that provision into consideration, but are drumming up business. It stands out well there.

During his speech Mr Gayfer referred to the fact that under section 17 it is necessary for a person to make a complaint in writing. I will go back to when this Act was introduced and was being dealt with in another place in 1971. I will repeat the words of the then Leader of the Opposition in the Legislative Council (the Hon. W. F. Willesee), found on page 408 of *Hansard*, vol. 192, as follows—

Several minor amendments moved by the Deputy Leader of the Opposition were accepted in the Legislative Assembly.

One of these affecting clause 17 changed the word "may" to "shall" as related to complaints made under the Act. The intention here, I would think, was rather to ensure that a complaint if made, would require to be in writing and not the determination that a complaint must be made in any event.

I repeat the words, "and not the determination that a complaint must be made in any event".

The effect of them going out to places and asking for complaints as this dodger suggests is that they will not receive complaints unless in writing. Let us be clear about what Mr Gayfer has been complaining about. I am supporting him in raising this matter. It is not the fact that the representatives of the Parliamentary Commissioners, State and Federal, are going out to explain to the people what they do and how they can be approached, but the fact that they are going out under cover of this pamphlet, asking for complaints against a local authority, Government department, or Government agency—purely to a get complaints and not to explain things. If they wanted to explain to people the workings of various departments, there is no reason that they could not have forwarded to the shire a bundle of the pamphlets that Mr Dans showed us and said, "Would you be good enough to distribute these? We are coming up at such-and-such a time to talk to the people and explain what we do". They did

not do that, but sent out the dodger, which is a different kettle of fish.

I support the motion.

**THE HON. PETER DOWDING** (North) [5.55 p.m.]: We see here tonight what is meant by "conservative" and the difference between members of Parliament who are deeply conservative and those who have a very different view of both their role and the proper role of government.

The Hon. H. W. Gayfer: I just photographed my stuff and let you have copies, so don't get too nasty.

The Hon. PETER DOWDING: I am sorry the honourable member believes the term is one of abuse. Certainly, I do not think it is approbative; but, on the other hand, I am grateful to Mr Gayfer for his assistance. There are some members like the Hon. Bob Pike, who the Labor Party would not have in its ranks, who advertise for people to come and raise issues with them. Is that to be criticised? Is that the proper role of a member of Parliament? Should he advertise his presence and invite people to come and raise issues with him? Is that something which we ought to have an urgency motion about? Is it to be criticised, or is it a proper part of his function? Some members come to the House and do not work in their electorates. That is their business. Other members who work in their electorates seek out electoral issues. Is it suggested that there is something wrong with that?

The Hon. P. G. Pental: You are not talking about members of Parliament, in case it has not got to you yet.

The Hon. R. Hetherington: He knows that.

The Hon. P. G. Pental: He obviously does not.

The Hon. PETER DOWDING: The Hon. Phil Pental cuts me with the sarcasm of his interjection. If he listened a little harder he would hear how this argument is developing. I know you have difficulties, Mr Pental.

The PRESIDENT: Order! I have to insist on the Minister taking notice of some of the comments that have been made during the course of this discussion, and I would prefer it if members put their interjections in writing.

The Hon. PETER DOWDING: The Hon. Phil Pental, with one of the lower House members, has been running a little advertising campaign to try to drum up business and persuade the electors that he really does care, despite the policies of his Government. I do not understand why it should be proper for the Hon. Phil Pental to try to persuade his electors that he cares, while it is not proper for

a Government officer, charged with that duty, to write to people or advertise his views by the issue of a dodger which simply outlines three areas which are referred to specifically. He is not saying, "Listen, everybody. We would like you to raise a complaint about a Government department, a Government agency, or a local authority". Mr Baxter must think that the members of his electorate are dills if he thinks that this dodger is an invitation to drum up a fictitious or imagined complaint. It is merely an inquiry and if the person reading the dodger has had any trouble, he can complain.

The Hon. N. E. Baxter: It says, "Have you a complaint?"

The Hon. PETER DOWDING: It does not say that. The member has had an opportunity to get his facts right. Why does he not do that? It says, "Having trouble with a Government department, a Government agency, or local council?" That is the question which simply directs the attention of the reader to three of the specific areas in which the Ombudsman has jurisdiction. It then goes on to say, "If you do have a complaint", and tells them what to do about it. That is paraphrasing, but it is a way to bring this to the attention of the public in a better form.

The Hon. Des Dans has already referred to the context of this small pamphlet. I regard any criticism of the Ombudsman as completely and utterly unjustified and due to either a conservative view of life or a desire to protect one of the three Government agencies or instrumentalities referred to. In my electorate we welcome the Ombudsman, and we welcome as much publicity as he can provide. I am sure members will not find any local authority, Government agency, or Government department would take any exception to this form of advertising.

Motion, by leave, withdrawn.

## ACTS AMENDMENT (JURISDICTION OF COURTS) BILL

### *Introduction and First Reading*

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.

*Sitting suspended from 6.02 to 7.30 p.m.*

**METROPOLITAN REGION PLANNING  
AUTHORITY: WUNGONG GORGE  
AND ENVIRONS**

*Disallowance of Amendment: Motion*

Order of the day read for the resumption of the debate from 27 October.

Debate adjourned, on motion by the Hon. Neil Oliver.

**JUSTICES AMENDMENT BILL**

*Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

**GRAIN MARKETING AMENDMENT  
BILL (No. 2)**

*Third Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [7.33 p.m.]: I move—

That the Bill be now read a third time.

I would like to answer a question which was raised by the Hon. Jim Brown about the use in the past of Government guarantees. I do not know whether the honourable member was able to reassure himself on this matter, but certainly I was able to reassure myself that this amendment is a desirable one, and also that its effects will have little consequence on the funding of the Grain Pool.

I was informed by the Grain Pool that it had used Government guarantees on very few occasions. In fact, a Government guarantee was used only when money was borrowed from the Reserve Bank in the case of a high call on one of the compulsory pools; that is, barley. Normally a Government guarantee is not used for compulsory pooling in respect of lupins, rapeseed, or linseed, or with a voluntary pool for a grain such as sunflower seeds; and certainly the Grain Pool does not need a Government guarantee for handling warrants with oats.

The Government guarantee for the handling of warrants on oats is to be removed because the Government considers that the Grain Pool should be in the same position as private dealers, and the board sees the pool as being no different from or any more privileged than other traders. The pool is quite happy with these conditions.

The Grain Pool borrows from commercial banks—non-Government banks—other than in extreme cases when it uses the Reserve Bank, and then a guarantee may be required.

The Hon. J. M. Brown: You say commercial banks?

The Hon. D. J. WORDSWORTH: Yes, I do not know whether members would consider that "the bank that lives here" is a non-Government bank, but that is one of the banks used by the Grain Pool. For security the pool uses the debentures on the grain and the debentures are held under the warrants and in the Grain Pool's interest in contracts on other seeds or cereals, so there is ample security for the pool to carry out the business which it desires to undertake.

For those reasons I am quite satisfied with the legislation as it stands.

**THE HON. J. M. BROWN** (South-East) [7.36 p.m.]: I am glad that the Minister has been able to reply to a question which was considered at length yesterday. I believe it is our responsibility to scrutinise the activities of such organisations as the Grain Pool to ensure that they operate for the benefit of everyone concerned. At the conclusion of the debate last evening, members went to have some refreshments and I overheard the Minister for Lands suggest to the Leader of the Opposition that I ought to take lessons on finance.

The Hon. D. J. Wordsworth: High finance!

The Hon. J. M. BROWN: High finance, yes. The Leader of the Opposition suggested that because of my background as a machinery dealer and insurance agent there could be some validity in the proposition concerning the need for lessons in high finance. However, he understood the legislation well. Comforted by the knowledge that he does understand it well, I am left with very little more to add, except perhaps to say that I do not think it matters very much where a person comes from, he represents his constituents—

The Hon. R. G. Pike: We do not usually refer to "corridor talk".

The Hon. J. M. BROWN: I will certainly ignore the interjections of the honourable member.

The Hon. R. G. Pike: You also are ignoring the traditions of the House.

The Hon. J. M. BROWN: I am discussing a matter which is of vital importance, a matter which the Minister saw fit to investigate. Perhaps I do not have a complete grasp of all the aspects of the matter, but I am saying that I have a right to ask for such matters to be cleared up. I have exercised this right on behalf of my constituents, and the farming constituents in particular. I can see no reason for any criticism about my wanting to ensure that we obtain the full value for every dollar expended. That is the reason that I went to

the length of asking the Minister to determine the information for me.

The Hon. Peter Dowding: You do not break the traditions of the House by asking questions.

The Hon. P. H. Lockyer: You are one person who knows nothing about traditions.

The Hon. Peter Dowding: Mr Lockyer even tries to bring politics into the House!

The Hon. J. M. BROWN: As I said, the Grain Pool is a very efficient organisation, and the members of the board undertake their duties in a commendable way. It is refreshing for the House to know that the pool does not need Government guarantees. I was endeavouring to determine whether there was any necessity for a guarantee, and the Minister, through his officers, has very efficiently supplied us with the answer. This was the subject matter of the debate yesterday, and it was a very important debate. As I said, were it not for the participation of the Grain Pool—and we must bear in mind that it is not simply a pool but also a marketing authority—I doubt that the growers of Western Australia would have received the price of \$130 a tonne. This was a magnificent price compared with the previous year, and there were some bonus issues as well as freight concessions, so that in some cases the price was \$130 a tonne net.

I have not researched this matter again, but I happen to represent an agricultural area and I am aware of the price the farmers receive for their commodities. It is not just that I have a right to query such a matter in the Parliament, I have a responsibility to query legislation presented to us.

The PRESIDENT: I remind members, including the honourable member who walked out while I was speaking, that it is out of order to stand up in front of a member who is speaking. I ask the honourable member to proceed.

The Hon. J. M. BROWN: I raised this matter yesterday because I was not satisfied with the answer I was given about it, and I do not think members on either side of the House were satisfied with it. The Minister understands that I agreed to the completion of the Committee stage because I had complete confidence that he would look into the matter I had raised.

Irrespective of the traditions involved, on many occasions members have been offended by something that has appeared in the Press, and they stand up in this House to make personal explanations. I believe the Parliament has a responsibility to obtain answers when such questions arise. The Minister gave us the answer, and I am satisfied with it.

Question put and passed.

Bill read a third time and passed.

## RESERVES BILL (No. 2)

### *Second Reading*

Order of the day read for the resumption of the debate from 17 November.

Question put and passed.

Bill read a second time.

### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1: Citation—

The Hon. J. M. BROWN: I take this opportunity to inform the Chamber that we support the Bill. I notice that the list of reserves to be excised is becoming smaller each year, and this illustrates that the demand for our reserve land is not as great as it has been in the past.

It is good that any alteration to reserves must have parliamentary approval. I had intended to ask the Minister for Lands whether there has been an increase in the registration of reserves by the department, or whether no more reserves are being created. I am aware of the fact that from time to time local authorities and various bodies seek the reservation of land for such reasons as the preservation of our heritage or soil conservation.

The Hon. D. J. WORDSWORTH: In the past it has been normal for Ministers for Land to declare land as "A"-class reserves. That is being done very frequently. Since I have been Minister for Lands I would say there has been an "A"-class reserve created every month.

In legal circles there has been some questioning of whether the Minister can declare an "A"-class reserve. Lawyers feel that if it is good enough for the Minister to have to bring any deletions to Parliament he should also have to bring additions to Parliament. I do not go along with that. The concern of people is not whether we are gaining more "A"-class reserves but whether we are losing them. The only advantage in bringing additions to Parliament would be to confirm what was happening.

Generally speaking, land is being set aside as "A"-class reserves on an increasing scale. I rather like the way we bring forest reserves to the Parliament; every time we take a bit away we add twice as much somewhere else. Some "A"-class reserves are situated where there is perhaps no great need for them. We ought to do a bit of

changing so that more worthy land is made into "A"-class reserves. There are some areas that no longer need to be "A"-class reserves. It seems we are a bit apprehensive about bringing these changes to Parliament.

Clause put and passed.

Clauses 2 to 8 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

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

## **COUNTRY AREAS WATER SUPPLY AMENDMENT BILL**

### *In Committee*

Resumed from 13 October. The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clause 3: Section 12EE inserted—

The CHAIRMAN: Progress was reported on the clause after the Minister for Fisheries and Wildlife had moved the following amendment—

Page 3, lines 10, 11, and 12—Delete the passage "of the condition, on the date so specified, of the vegetation on the land so identified," and substitute the following—

as to whether the land so identified had, on the date so specified, been cleared and, if it had been cleared, of the extent to which that land had then been cleared.

The Hon. G. E. MASTERS: I moved to report progress following comments by some members, and I promised to reconsider this matter. As a result, I give notice that I have another amendment to this clause on the notice paper and I seek the support of the Committee for the withdrawal of the amendment I first moved. This would mean that proposed section 12 EE (1) (a) and (b) would remain as printed in the Bill. In view of my foreshadowed amendment, the words in the Bill are more appropriate than the words in the amendment I moved previously. I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. G. E. MASTERS: I move an amendment—

Page 3, after line 12—Insert after subsection (1) the following new subsection to stand as subsection (2)—

(2) A document shall not be admitted pursuant to subsection (1) of this section as evidence that the land has been cleared contrary to this Part of this Act unless the court is satisfied that the Minister or a person acting with his authority has entered upon and inspected the land for the purposes of ascertaining whether the land has been so cleared.

The purpose of this amendment results from the previous debate in this Chamber.

The Hon. Peter Dowding: It is a pity the draftsman did not read it.

The Hon. G. E. MASTERS: We are talking about aerial photographs, which have become infamous in recent times. We are talking about such photographs being part of evidence and being certified by the surveyor general. I assure members that ground checks will be made as well as aerial photographs being produced in court. This amendment gives the assurance members have sought.

The Hon. Peter Dowding: Gives the assurance of what?

The Hon. G. E. MASTERS: I gave an assurance that a ground check would take place in any case before the Public Works Department proceeded to take a case to the court. Nevertheless, because of the concern expressed by members, it seemed appropriate to have this matter stated in the Bill. I think the amendment will adequately relieve the concern held by some members. I am sure the Hon. Peter Dowding will happily accept this amendment, because it guarantees that a ground inspection will be made. It is a guarantee that the owner of a property will know what has happened and will be aware that there is an aerial photograph and a ground inspection which can be related to a court. The owner will be in a position to put up a defence and to know what the charges will be. At the same time the court will be assured of what has happened. I am glad the Hon. Peter Dowding is happy with the amendment, and I ask members to support it.

The Hon. PETER DOWDING: My mirth is motivated by two factors. The first is that I do not think I could have stood up as the Minister did and said what he said on instructions from his department. I would have gone back to the department and asked it not to say things that are so absurd. My mirth is motivated also by the

thought that whoever drafted this amendment could not have read the debate that took place in this Chamber. The Hon. Mick Gayfer, the Hon. Norm Baxter, the Hon. Win Piesse and others were concerned that the photograph of itself would not be admissible in evidence without either someone being there to interpret it or a ground check being made. To that extent this amendment meets part of the problem.

But the absurd thing is that the magistrate will not hear the result of the ground check. If the public is to be put to the expense of sending out a ground crew to inspect the farm, why cannot the magistrate be told the result of the inspection as a prerequisite to the admissibility of the photograph? We have suggested there should be some safeguards as to the admissibility of a photograph, but not to prevent the admission in evidence of the photograph or that it should not be presented to the court in the proper way. There is no need in our view to have to call in the photographer to prove the photograph.

However, we want either someone to interpret the photograph or someone from the ground crew to say what they saw. Under this amendment the Minister is saying that someone could give evidence to the magistrate, "They went out at 9 o'clock in the morning and spent the entire day stumbling through the bush; they came back in the afternoon dog tired; but I do not have a clue what they found. I did not make the inspection so I do not know". The magistrate will be satisfied that the ground crew entered upon and inspected the land but he will not be told by anyone who knows what was found.

All that needs to be done is for us to suspend the sitting for five minutes while we consider a minor drafting change. We could add the words "and gives evidence of the state of the land" or "and gives evidence of the state of the clearing". I would have thought the farming community is entitled to have this legislation in proper order.

The Hon. P. G. Pendal: That's very true.

The Hon. PETER DOWDING: We have made it very clear to the Minister that what his department has told him is not fair, and we have been saying that to him for a period much longer than necessary. The point I make is that this amendment still will not make the provision fair. All the Government's arguments are spurious because the Minister tells us that even though there is a ground inspection no-one is required to say what they saw during that inspection.

The Hon. H. W. Gayfer: Is it better than it was?

The Hon. PETER DOWDING: Yes, I think it is better.

The Hon. H. W. Gayfer: That is all I wanted to know.

The Hon. PETER DOWDING: I ask the member to wait a moment before he retires with a so-called victory. The farmers are not better off. I suggest to the member that farmers will be, in a sense, worse off because the department may have the information which would provide a defence for them, but it will not be required to produce that evidence.

The Hon. W. M. Piesse: How would the court be satisfied?

The Hon. PETER DOWDING: If the Hon. Win Piesse reads the clause she will see that the court need not be satisfied of anything except the entry and the inspection. It need not be satisfied of what certain people saw, but merely satisfied of the fact that entry occurred and an inspection was carried out.

Like policemen the inspecting officers are wont to travel in twos, and one of them could sit in the car while the inspection is carried out. Later he may say, "I didn't actually do the inspection. My mate did it so I can't help you about the state of the clearing". The absurd thing is that the department is prepared to go to a great deal of trouble and use up a great deal of time. As a result of what has been said by the Hon. Win Piesse, the Hon. Norman Baxter, the Hon. Mick Gayfer, the Hon. Howard Olney and myself, it is prepared now to concede the obligation of going to the trouble of a ground inspection, but it refuses to go along with the requirement to give evidence of the inspection. Whether or not we like that situation, it is a fact that the department has resisted the giving of the evidence.

As I suggested to the Minister as we came in tonight, we could add a couple of words which would get over the problem. He did not agree, so I can only assume that the department resists any requirement to have it give evidence of what its officers saw during the ground inspection. I cannot explain the situation in any other terms—it is not my job to explain it. I hope the Minister gets the point. I am sure he did because he laughed during his speech, as did I. Unfortunately people reading *Hansard* will not understand the absurdity of the situation. The Minister has the gall to put things up to this Chamber which do not answer the queries raised.

Returning to the whole issue, the Bill is designed to enable a body to prove criminal acts in an administrative way which may have a significant economic consequence. The course

suggested may be administratively easy, but it seems absurd that the department is willing to go to all the trouble of making a ground inspection, but is not prepared to tell a magistrate what was seen on that inspection. That evidence ought to be a necessary part of the department's case.

I urge the view that unless the department is trying to hoodwink this Chamber—I can only conclude from reading the amendment that there is some substance in that view—we ought to report progress again in the hope that by next Tuesday we have an amendment to cover the position, an amendment which any Chamber passing a law in regard to criminal activities would ensure was written into that law.

The Hon. W. M. PIESSE: I support the amendment, and I thank the Minister for moving it. It is a better safeguard. I am not a lawyer, but I do fight to ensure that people on the land get a fair go, and that is all I have sought.

The Hon. Peter Dowding: How will they under this amendment?

The Hon. W. M. PIESSE: I am not a lawyer, but from reading the amendment I believe it will preserve the rights of country people. They will be protected from smart aleck lawyers who endeavour to twist the law to try to put country people in the wrong. Good reason for our accepting this amendment.

The Hon. Peter Dowding: What about the lawyer acting for the country person?

The Hon. W. M. PIESSE: What about him?

The Hon. Peter Dowding: You are making his position very difficult.

The Hon. W. M. PIESSE: I do not see this matter as one of great hilarity; it is serious. We are talking about the rights and livelihoods of country people. They have had genuine doubts about this matter. The people in my electorate who have raised this matter need reassurance. Perhaps some matters raised in this Chamber are quite valid, but the people in my electorate want to know whether the evidence will be more than just a photograph. They want to know whether the person making the accusation, namely, the Minister or his departmental representative, will take notice not only of the photograph, but also of a farmer's right to grant permission to enter his land. The owner must grant permission, and if he does not a later clause in the Bill enables the Minister or his representative to obtain that permission from another source. After the inspectors have gone onto the land they can determine whether the land has been "so cleared", and they are the words of most importance.

The court does not determine whether the land was just cleared, but whether it was "so cleared", which I take as meaning the land was illegally cleared. A determination must be made whether the land had been cleared previously for some reason or other and regrowth had appeared. Perhaps it had been cleared again. In addition, it must be determined how the land had been cleared.

The Hon. Peter Dowding: Can't the magistrate be told?

The Hon. W. M. PIESSE: I thank the Minister for moving this amendment. I may be naive about these matters, but I assume the evidence given to the court is on oath.

The Hon. Peter Dowding: But that is to what?

The Hon. G. E. MASTERS: The Hon. Peter Dowding's argument is preposterous—really and truly.

The Hon. R. Hetherington: It is not.

The Hon. G. E. MASTERS: We are talking about a person or persons presenting to a court evidence of the authenticity of a photograph and an inspection.

The Hon. Peter Dowding: What inspection?

The Hon. G. E. MASTERS: The court—the beak, if one likes—will receive evidence.

The Hon. Peter Dowding: Of what?

The Hon. G. E. MASTERS: Absolutely no way exists for him to bring forward a conviction unless he has evidence before him to satisfy him that the conviction is justified.

The Hon. Peter Dowding: There isn't any evidence.

The Hon. G. E. MASTERS: Of course evidence would be available.

The Hon. Peter Dowding: You aren't writing it into the Act.

The Hon. G. E. MASTERS: The member cannot tell me that the magistrate will not want evidence. Of course the court must be satisfied, and it can be satisfied by the photograph, the interpretation of the photograph, or other evidence before it. The court will call for evidence, and it is up to the prosecution—up to the Public Works Department, if one likes—

The Hon. Peter Dowding: You are misleading the Committee.

The Hon. G. E. MASTERS: —to bring forward evidence to satisfy the magistrate that a misdemeanour or contravention of the Act has been committed. For the Hon. Peter Dowding to say the magistrate would not require that, before he brought forward a conviction, suitable evidence



be placed before him is quite preposterous—it is ridiculous. The suggestion is as ridiculous as his saying the member's Brownie camera will be held out the window of a plane to take the photograph. The magistrate will require evidence, and if the evidence is not satisfactory to him he will dismiss the case. That is what this matter is all about.

Even if we include bits and pieces of requirements in the legislation, and accept the arguments of lawyers, we must still accept that the court has a responsibility, and will not bring forward a conviction unless it is satisfied that something has been done in contravention of the Act. The argument put forward by the Hon. Peter Dowding is quite ridiculous.

The Hon. NEIL McNEILL: If members have a genuine desire to complete this debate, they should return to the original intention of the provision. I ask members to try to return to the basic point of the matter. Prosecutions have occurred during the time the Act has been in force and land clearing bans have applied. I understand the prosecutions have been as a consequence of ground inspections—people from the department inspecting certain areas—but there is no statutory provision covering those inspections. As I understand the Act, it does not require ground inspections to be made.

The Hon. Peter Dowding: That's the only evidence you can bring.

The Hon. NEIL McNEILL: I ask the Hon. Peter Dowding to remain silent—if he will. I did not intend to be critical, but the argument he has used—although it may be correct in a strict legal sense; and the evidence may be in evidentiary terms important—fails to consider the actual situation of farmers and others affected by the land clearing bans.

The Hon. W. M. Piesse: That's true.

The Hon. NEIL McNEILL: Perhaps I should restate the situation, although I ask the Chamber to accept that these clearing bans do not involve my province. Farmers in the areas concerned during the period of operation of the Act have been subject to the controls and restrictions in the Act. Since the Act was passed by the Parliament the department has prosecuted certain people. To my knowledge no reasonable or reputable persons in the areas concerned object to the prosecutions being brought. Although they may dislike the whole procedure, the necessity for bans, etc., and have raised certain objections, they know that this law has been created by the Parliament and the Act is enforceable. They accept the situation; however, they have been disturbed by the provision.

I will restate remarks I made during another Committee debate. During the course of Mr MacKinnon's remarks he referred in passing to a prosecution which failed. In fact, the department produced a photograph or photographs to the court to supplement the evidence already presented, and I understand that evidence was based upon a ground inspection. When the photograph was brought to the magistrate's attention he said the Act did not give him authority to accept the photograph. In other words, he said he was not in a position to accept that evidence, but was in a position to accept all other evidence in relation to the clearing or non-clearing as determined by the ground inspection.

It is somewhat unfortunate that the history of the matter was not recounted in the introduction of the Bill because if it had there would have been a far better understanding of the intention of the Bill. Because a photograph could not be admitted as evidence, the Minister and the Government agreed to correct the legislation because photographs are, in general, used and accepted by the farmers in those areas. So that it could be lawful, provision was made in the Bill that photographs could be admitted as evidence.

There was some misunderstanding created in the amending Bill because the Minister, in his second reading speech, gave the impression that the photograph was considered to be *prima facie* evidence. Of course it is not; nevertheless, that impression was created. As a consequence, certain farmers and farmer organisations believed erroneously that in a prosecution a photograph alone would be used as evidence, and it would be sufficient to effect prosecution.

The Hon. Peter Dowding: That was not erroneous at all, it was what the Bill said.

The Hon. NEIL McNEILL: That, of course, is not the case because ground inspections are invariably carried out.

The Hon. Peter Dowding: That is what the Bill said and you cannot get away from that.

The Hon. NEIL McNEILL: I am advised no statutory requirement was set out in the parent Act. Because an impression had been created in some places that a photograph in itself would be *prima facie* evidence, it was thought the fact ought to be made clear that a photograph is not to be used as sole evidence.

The Hon. Peter Dowding: Why should it be in the Bill?

The Hon. NEIL McNEILL: That is really the reason that the Minister was prevailed upon to report progress, and in good faith, the Government stated that a photograph could not

be used on a *prima facie* basis but could be used supplementary to any evidence which could be produced. The Government has been prepared to write into the Bill a provision relating to ground inspections.

The Hon. Peter Dowding: What aspects are written in?

The Hon. NEIL McNEILL: I believe that is unnecessary; however, it places emphasis on the fact that a ground inspection will be carried out.

The Hon. Peter Dowding: You do not know what you are talking about.

The Hon. R. Hetherington: The basis of his argument is placed on a misunderstanding.

The Hon. NEIL McNEILL: The farmers know that ground inspections are carried out and from my communication with these people in those areas, I know they accept that photographs are true and correct and reflect the situation, but so there is no doubt in their minds this additional requirement of ground inspection ought to be written into the legislation.

Maybe it will be improved, as was mentioned by Mr Dowding, but by the same token I do not believe the amendment is necessary. I repeat that these ground inspections are evidence—

The Hon. Peter Dowding: Evidence of what?

The Hon. NEIL McNEILL: —of the fact that there has been a ground inspection.

The Hon. Peter Dowding: Read the Bill. Where does it say that?

The Hon. NEIL McNEILL: I do not seem to be making myself clear to Mr Dowding.

The Hon. R. Hetherington: You are perfectly clear, but wrong.

The Hon. NEIL McNEILL: I take the point made by Mr Dowding that the Bill does not require the production of the evidence produced by the ground inspection. That is true. It is not necessary, from the point of view of farmers, but they want to be assured that the photograph will not be the sole evidence.

Several members interjected.

The Hon. R. Hetherington: You are not talking sense.

The Hon. NEIL McNEILL: I wonder whether there is any point in continuing.

The Hon. R. Hetherington: If you use that sort of argument, there is not any point in continuing.

The Hon. NEIL McNEILL: I would like Mr Hetherington to repeat his interjection.

The Hon. R. Hetherington: You are not talking sense, so you might as well sit down.

The Hon. NEIL McNEILL: I am prepared to accept correction from the people who are being affected, as well as correction from those organisations which represent those people, but I do not believe they would subscribe to the view Mr Hetherington has just expressed.

Prosecutions have been made in the past and no move was made to amend the legislation to enable the use of a photograph. All that is occurring now is that the court is being given the authority to accept photographs as additional evidence.

If Mr Dowding had any knowledge whatever of the processes and procedures that are followed, in practical terms, by the department, he would surely know that no prosecution has been or would be entered into without the basic observation which arises from a ground inspection. There has been no attempt to mislead people, as Mr Dowding has suggested. I have presented the true position, although Mr Dowding may not accept it.

The Hon. PETER DOWDING: For a man who was the Minister for Justice to have so little grasp of the litigious procedure is, perhaps, a frightening experience for a new boy like myself who had thought a man charged with such a responsible position would understand that the prosecution would seek to prove all the elements of the offence, as it is required to prove, in any particular case. If there is no provision in a Statute enabling certificates to be admitted in evidence or enabling photographs to be tendered without the photographer, the prosecution has no alternative but to prove its case, and as the honourable member has admitted, in the past that has necessitated ground inspection.

Under this piece of legislation, the Minister is seeking to do away with the need to adduce a great deal of the evidence and is seeking to prove the case by the presentation of a certificate from the Minister which will in itself be evidence of the boundaries. He is seeking the presentation of a photograph which itself will be admissible as to the state of the vegetation, and the presentation of evidence that there was an inspection, but not what was seen or found.

That is the difference between the present situation and what is proposed in this Bill. I am surprised that the Hon. Win Piesse should abandon the sectional interests that she represents in this House because of some bland assurance of the Minister, which she accepts with some offhand reference to the tiresome behaviour of lawyers.

Let me say to Mrs Piesse that if one of her constituents is prosecuted, that person's lawyer

may not have adequate opportunity to cross-examine the person who made the ground inspection, because there is no way in the present legislation that the persons who made the ground inspection must be called, and there is no way under the proposed legislation that the people who made the ground inspection have to give evidence of what they saw, nor is there any guaranteed opportunity for the accused person to cross-examine the persons who made the ground inspection.

Mrs Piesse may find that a tiresome legal technicality happens to be the law, as it is proposed to be introduced. With all due respect to the innocents abroad in this Chamber, to suggest there is something odd about wanting to examine the details of the legislation we pass, is to negate the responsibility that ought to be vested upon us in this place. Too often as a lawyer I have been faced with a position in court of having to say to the judge or magistrate, "Clearly, this is what Parliament intended because these are the plain words". However absurd they may be or however the balmy words of the speakers in support of or opposition to the amendment may be in marked contrast, nevertheless, the plain words spell out the intention of Parliament.

The plain words, as spelt out by this amendment—whether the honourable members who represent the country electorates like it or not—are that a photograph will be admitted and it will be evidence in itself of the boundaries and it will be evidence in itself of the state of the vegetation; and there will be evidence from a ground crew, so long as it is the evidence of the fact of an inspection and not of what was seen. Whether or not members like it, that is the necessary evidence to achieve prosecution. If that is what members think their sectional interests want, I can tell them that, from the lobbying they have made to me, it is not what they want and they will be surprised to learn that their members in this Chamber have abandoned them. No doubt, this has been a response to some chummy words from the Minister in the joint party room.

The Hon. W. M. Piesse: I resent that.

The Hon. PETER DOWDING: Members can have no other explanation, because that is the plain meaning of this legislation. If members think it is not, with all due respect I say they are grossly misguided.

If Mr McNeill thinks that is the plain meaning in this amendment, he too, with respect to him, is grossly misguided. If the Minister had been prepared to put his mouth where his expression of fact is, we would see an amendment to this

legislation that required the person who made the ground inspection to give evidence, not only of the fact of the inspection, but also of what was seen.

It may well be that the evidence of the fact of the inspection will be given by someone who was not there. If that occurs, the defendant will be left without the opportunity to cross-examine the person who made the inspection.

I point out to the Hon. Neil McNeill that it is not a fact that the old requirements for establishing the guilt of the person will be employed because they are abandoned by the provisions of this clause.

Mrs Piesse no doubt has understood that under the legislation notice must be given only where the premises are occupied. Where they are not occupied—such as, in the case of a farm where the farmer lives some distance from the block the subject of the prosecution—it may not be necessary. The authority to enter may be granted by a warrant issued by a justice of the peace, who will not indicate to the owner of the land that he has issued such a warrant. So, the safeguards will not apply.

I do not know what some of these members who represent country electorates are about. They are given the special benefits of small provinces so that they can represent sectional interests, yet they come here tonight and go along with a whole lot of sweet words from the Minister, apparently without reading the Bill.

The Hon. H. W. Gayfer: That is a lot of bulldust!

The Hon. PETER DOWDING: The Hon. Mick Gayfer is one of those to whom I am referring; he obviously has not read the amendment. All he can do is support this piece of legislation and ignore the pressure groups which no doubt have been lobbying other members besides myself. He is ignoring the plain meaning of the amendment and of the clause. He pretends it means something else and denigrates the legal profession, assuming for a moment that the legal profession will be on the side of the prosecution. I assure members opposite it is far more likely the squeals will come from the legal profession representing their own sectional interests.

The Hon. G. E. MASTERS: It is quite obvious that the prosecution is required to give evidence to justify the charge. We are talking here about a magistrate sitting in a court and making a judgment. To suggest he would not require evidence—

The Hon. Peter Dowding: He is not obliged to require it. That is what the amendment says.

The Hon. G. E. MASTERS: Is the member suggesting the magistrate will make a judgment without satisfactory evidence being produced? Of course he will not. Mr Dowding is just playing silly games. He is trying to delay this Bill just for a little play acting. He knows as well as I do that a magistrate will always make a judgment based on evidence placed before him. If that evidence is not sufficient, most certainly he will not make a judgment in favour of the prosecution. He needs evidence and will demand evidence; he will require the prosecution to produce that evidence.

The Hon. H. W. OLNEY: I have succumbed to the temptation and decided to enter the debate to put the record straight about what magistrates do or do not do. I happen to have some firsthand experience on the matter.

The Minister is right to an extent when he says magistrates do not convict on no evidence. However, he is wrong if he thinks magistrates sit on the bench demanding things; they do not; they sit there and listen. In addition, they read the Statute, or whatever it might be, that deals with the subject matter.

A magistrate dealing with a prosecution for unlawful clearing contrary to this part of the Bill, is presented with an aerial photograph duly certified as evidence of the condition of the land. The only other evidence the legislation will require him to have is some evidence that the Minister or authorised person has entered upon that land and inspected it.

Mr Dowding is quite right that that evidence need not necessarily come from the person who in fact entered upon and inspected the land, but may be given by some person who knows the land was entered upon and inspected.

If the magistrate has the photograph before him and has evidence that an inspection was made, there is no guarantee under the legislation he will be told what the inspection revealed, apart from having a photograph of the land. If no evidence is called by the defence, the evidence is there: The Act provides that a photograph shall be evidence of the condition of the land. If there is evidence, and nothing to contradict it, he must convict; he does not have a discretion or a right to demand anything.

I suggest without any wish to score political points that perhaps the amendment does not go quite far enough in that it will not ensure the person who carries out the inspection gives evidence. If that provision were contained in the amendment there would be nothing to bleat about; there would be no problem. The defendant would be assured that the person who made the

inspection and who says that he was guilty will be present in the court and his evidence can be tested. Perhaps by cross-examination the defendant could demonstrate that in fact he was not guilty because there was no unlawful clearing or whatever might happen to be the issue in dispute.

So, I support what my colleague has said. This amendment does not give any guarantee that the inspector of the land will give evidence.

The Hon. R. HETHERINGTON: The thing which distresses me in these debates is that, apparently because some people do not like what comes from the Opposition, or do not like my friend, the Hon. Peter Dowding, they refuse to listen to what we say. I get a little tired of the remarks about "smart lawyers" when we are passing laws that are going to be decided in courts. I would have thought it would be a good idea if we listened to what a smart lawyer could tell us about what might happen to legislation when it gets to the court, which Mr Dowding and Mr Olney have told us. Mr Olney, too, is a smart lawyer.

The Hon. D. J. Wordsworth: There is a slight difference between "smart" and "smart".

The Hon. R. HETHERINGTON: They are both very competent lawyers.

I know—because the Act I have studied for the past 20 years is the Australian Constitution Act—that the intentions of the law makers, despite all the good intentions which may exist and despite what the Government is trying to do, or whether it satisfies the commonsense view of members of Parliament, are irrelevant when a matter comes before a court. What happens when it goes before a court is that the court reads the Statute and tries the case according to the Statute. For heaven's sake, one of the reasons that smart lawyers become wealthy is that commonsense politicians pass Acts containing great loopholes.

We are told *ad nauseam* that this is a House of Review, yet when we have somebody on this side who is capable of reviewing legislation, all we get are sneers, rude remarks, and dismissiveness from people who know very little about the law but who are prepared to tell us what is going to happen in court. When we have a person who has appeared before many courts—

The Hon. H. W. Gayfer: Save us from the academics.

The Hon. R. HETHERINGTON: It is all very well for the Hon. Mick Gayfer to sneer about academics. One of the things about academics is that they sometimes read history, and what

happened in the past to laws passed in Parliaments by practical men; sometimes, they were wrong.

In this case, the statement by the Minister for Fisheries and Wildlife about the Hon. Peter Dowding was not correct. We are not trying to delay this legislation for the sake of it; we are trying to improve it, genuinely and seriously, in order to protect the people we are supposed to represent. I am interested in farmers, and in trying to stop clearing of land. However, I am also interested in making sure that people who are prosecuted may be found guilty only if the evidence is proper evidence—that is, it is beyond doubt.

From listening without prejudice to what has been said, there appears to be no doubt there are deficiencies in the Bill and it would be wise if the Minister were to put them right. I do not believe anybody in the department is likely to bring down a malicious prosecution for the sake of it. I do not believe that once this Bill becomes an Act, we will see improper prosecutions or people being found guilty who in fact are not guilty. However, I am concerned that it could happen; I am concerned that if it is passed, the Statute will be severely limited in its effectiveness. I am concerned for the possibilities in the future. I am concerned about what smart lawyers might be able to do with the Statute one day. I am concerned that as far as possible, when a deficiency in a Bill is revealed, that deficiency should be rectified.

In fact, I would have thought the Minister could have made a quick telephone call and added a couple of words to his amendment to improve it in the way suggested by my two colleagues, and the Bill would still be through tonight. We are not trying to hold up the Bill. However, the kind of irrelevant arguments about the good intentions of people in the departments and the sneers about smart lawyers do not alter the fact that ultimately, if anybody is prosecuted, the matter will go before a court and the prosecution will be represented by a smart lawyer and the defendant will be defended by a smart lawyer. Who knows what will be the end result?

I would rather see the matter put beyond doubt and I would rather the arguments of the Hon. Howard Olney and the Hon. Peter Dowding were listened to instead of members opposite telling us about woolly good intentions or what the Government is doing. I do not believe the Government is being malicious. I believe it is trying to do the right thing. In fact, I agree with the intentions of the Bill; I applaud them wholeheartedly. I just want to make sure people's rights are protected when they get into court. It

seems to me—listening to the arguments of two lawyers, one of whom has been a magistrate—there is a strong possibility that there are still deficiencies in the Bill. I ask the Minister to think about it and perhaps put them right tonight.

The Hon. MARGARET McALEER: No-one could know less about the law than I, but I put it to the Hon. Howard Olney that it could be very hard to obtain a conviction on a photograph because, of necessity, the photograph would need to be related to a time period, with a time stamp indicating it was taken at a certain time. If it were taken six months or 12 months before the charge was laid, the prosecution would have to provide evidence to indicate that six months later, at the time the prosecution was launched, the situation on that land had changed.

If it were taken immediately before the prosecution, some evidence to show the state of the land six months before or 12 months before would be required. While the photograph would be evidence of the state of the land and vegetation at the time it was taken, it would not prove what had taken place before. In itself, it would be evidence that the clearing had taken place.

The Hon. H. W. OLNEY: New section 12EE, which is proposed to be inserted, provides for a certification by the Surveyor General as to the photograph being a true copy of a photograph taken on the date specified in the certificate. That being achieved, the photograph is admissible as evidence of the matter so certified, and of the condition of the land on the date so specified. Obviously the photograph would be used as evidence of the condition of the land. It would be probative of the state of affairs on that date, so that if the charge was in respect of land on a different date, it would be of no use. Assuming that the charge related to the date certified, the photograph would become evidence of the condition of the land.

I do not see any problem about that. It does not alter the position in any way.

The Hon. MARGARET McALEER: Perhaps it is my ignorance that leads me to argue with the honourable member. If a photograph showed that on 6 June land had been cleared, in itself that would not be proof that the land had been cleared recently. There would have to be some other evidence to prove that the land had been cleared at a previous time.

The Hon. H. W. Olney: There will be another photograph taken at another date that may provide the evidence.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 8 put and passed.

Title put and passed.

### *Report*

Bill reported, with amendments, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and returned to the Assembly with amendments.

## **ROAD TRAFFIC AMENDMENT BILL (No. 3)**

### *Second Reading*

Debate resumed from 4 November.

**THE HON. G. E. MASTERS** (West—Minister for Fisheries and Wildlife) [8.49 p.m.]: I ask members to oppose this Bill. I know it has been brought forward in good faith by the Honourable Norman Baxter, and that a number of people would view it with some favour. However, we should consider carefully the intent of the Bill and the other problems it may cause if it is supported by this House.

I draw the attention of members to section 66(1) of the Road Traffic Act which states, "Where a patrolman has reasonable grounds to believe"—in other words, in this particular case, where a patrolman has taken the action to which the Hon. Norman Baxter objects, he must believe certain things. One of those things would be that the person is driving under the influence of alcohol. If the patrolman has reason to believe that the person may be under the influence of alcohol or of partaking of alcohol to the extent that it would affect his driving, he may require the person to take a preliminary breathalyser test.

That is the important thing we are talking about today. The patrolman may say, on the spot, "I have reason to believe that you may be under the influence or affected by alcohol, and therefore I will require you now to use the breathalyser and give some indication whether or not my suspicion is correct." If after taking the breathalyser test, the person is considered to be under the influence of liquor or a drug, he will be taken to a nearby police station and given a more comprehensive test. Members should bear in mind that that it may be a blood test or a sophisticated breathalyser test. The preliminary test is an indication that the person may or may not be affected.

Quite frankly, it is reasonable to require that of a person, bearing in mind the matters of concern in the community today. The advantage of an on-the-spot test is convenience for the motorist as well as for the patrolman. When we are talking about country areas, if there is the need to travel 20, 30, 50, or more miles to take a breathalyser test, that involves a lot of time during which the patrolman may be off the road, and a lot of unnecessary time for the person taken to the police station.

Admittedly, the Hon. Norman Baxter is saying that we should make it voluntary, and the person does not have to do it. However, I suggest that in many cases people would say, "Right, I'm not going to accept the test here and now". It may well be that the person has reason to suspect that his test may react unfavourably. By the time he has arrived at the police station, the test may be to no great effect. Certainly it may not be such as would warrant a prosecution. We would have people travelling very great distances, and the patrolmen would be off patrol for a long time.

Other complications could be caused. In the metropolitan area, for example, on weekends it is a fact that a person may have to wait one or two hours for the full breathalyser test at the police station. That would not be convenient to the motorist, and surely he would not choose that alternative. However, some motorist may choose it.

In country areas, great distances would have to be travelled because of the limited number of operators of breathalyser machines. If a large number of people elected to go to the police station, long delays would occur. If a blood test was chosen, a doctor would have to be brought to the police station. The person may have a long wait at the police station before the test could be conducted. There may be a delay of an hour or more.

Additional costs and additional travelling time would be involved.

In his second reading speech, the honourable member spoke about embarrassment for people standing on the side of the road taking a breathalyser test. I suggest it would be equally embarrassing for a person to have to wait one or two hours at a police station to have the test conducted.

The Hon. N. E. Baxter: Who said they had to go to a police station? Nobody ever said they had to go to the police station.

The Hon. G. E. MASTERS: If a large number of people elected to go to the police station, the

country police stations in particular would have a great load placed on them.

If we are talking about embarrassment, it would be no more embarrassing to take a breathalyser test on the side of the road than it would be to go to the police station and, perhaps, wait for an hour or two.

The question of cost is an important one. The taking of a preliminary test on the side of the road costs approximately \$1. If a person were to elect to go to a police station and have a blood test, the blood test could cost \$35.50, and the analysis of the test would cost another \$35. We are talking about \$70, or something like that. In addition, a certain amount of trouble is involved.

Apart from the cost, we have to consider the question of taking a patrolman from his patrol duties on the road, and decreasing the level of enforcement. We should consider the effect of the decrease in enforcement, because it is very important.

The statistics before us now indicate that the Government's policy—it would be supported by most people in this House—of taking stronger action with regard to the use of alcohol on the roads, seems to be having an effect. I say, "seems to" because nothing in these figures is certain. In 1980, 293 people were killed, and casualties totalled 8 679. It seems we have had an improvement in 1981, and the figures I will give relate to nine months of 1981. So far in 1981, 181 people have been killed, and the casualties total 6 243. On the comparative figures for the previous year, it seems that the deaths have dropped by 15 per cent, and the casualties have dropped by about 3 per cent.

The Hon. Peter Dowding: It only needs one major accident to throw it out. Do not pat yourself on the back for something which is not within your control. It is tragic, whatever the result. Don't make political mileage out of it.

The Hon. G. E. MASTERS: Despite the interjection by the honourable member, the facts suggest that of the number killed, 50 per cent show some sign of the effects of alcohol. At the same time, about 45 per cent of the casualties are affected by alcohol. We are talking about 146 deaths and possibly 4 000 casualties as a direct result of driving under the influence of alcohol.

The Hon. Peter Dowding: What are you doing about it?

The Hon. G. E. MASTERS: I want to make that point, because the keeping of patrolmen on the road—

The Hon. Peter Dowding: You are understaffing the RTA.

The Hon. G. E. MASTERS: —is very important. A patrolman's leaving his patrol may result in the death of one or two people. If it were not for that fact, we would be considering seriously the effects of giving our support to the Bill before the House.

The Hon. Peter Dowding: Why don't you give the RTA more staff?

The Hon. G. E. MASTERS: Certainly the preliminary breathalyser test would be regarded by members of this House and perhaps by me as an infringement of rights.

I would not like to be pulled up on the side of the road and told to breathe into the breathalyser machine. However, looking at the facts and the difficulties faced by the RTA, I would say it is a fact of life. Many Acts of Parliament come before the House which have an effect on the rights of individuals and that is necessarily so.

Let me talk about whose rights are affected, because we are always talking about how we will be affected personally. Firstly, an innocent person is asked to give a preliminary test. After the request is made, that person is told he may go on his way if the result is negative. He is not carted off to a police station. If the result is positive, the RTA will have taken a potential killer off the road, and there is proof of that in the facts and figures before us. He would be taken from his vehicle and it is possible a life would be saved as a result.

I ask members: Whose rights are we talking about? We are talking about the rights of the public generally who have the right to drive on the roads and to have a feeling of security that perhaps there is a patrolman around the corner who is keeping an eye on things and protecting him from a drunk driver.

The Hon. Peter Dowding: Which there probably isn't, because there are so few of them.

The Hon. G. E. MASTERS: Our own wives might well be driving around the roads and they could be struck by a vehicle driven by a drunk driver. Our wives have a right to be protected. Whose rights are we talking about when we think of children crossing the roads? They have a right to be protected. If a patrolman is taken off the road, and a man, woman, or child is killed, then we have not done our job.

I agree these matters are difficult to assess, but surely we are talking about the rights of the public generally, not necessarily the right of a particular individual. A person might be upset,

but if a man, woman or child is killed as a result of taking a patrolman off the road, this Bill is not worth the paper it is written on and that is really what we are talking about and the risk to which we are referring.

In relation to rights, we are talking about the protection of the public generally. We are talking about a choice, and I am saying a danger which we are trying to avoid could arise. If in fact any of the members present were to discuss with some of the patrolmen who have to attend these accidents the sorts of things that occur, they would have no doubt as to the importance of these patrols and the horrors those patrolmen go through.

I have had some doubts myself about this provision in the legislation, but, having talked to the patrolmen and having seen some of the photographs available, I have realised the tremendous difficulties under which they work.

The Hon. Tom Knight made the point earlier that he considered some members of the RTA were a little arrogant and overbearing. I guess such people are found in all walks of life. We will always find people who take that sort of attitude; but, in the main, RTA officers are responsible, they react well to the public, and they understand what they are talking about. They do a great job and regardless of whether the police and the RTA are amalgamated or whether the RTA is attached to a local authority, these people do a good job at times under great stress.

If some RTA officers treat the public improperly it is a matter of discipline. We should not change the Act and weaken the powers of patrols on the roads simply for that reason. It is just a matter of disciplining those men who may cause unnecessary resentment on the part of the public.

I have some photographs I will display to members to draw their attention to the sorts of things which take place. I have intentionally not brought along any photographs which would upset people, but it is important that members should see the sorts of things which result from serious motor vehicle accidents. A death occurred in the accident depicted in the photograph I am holding at the moment, and there is a 50 per cent chance it resulted from alcohol.

The Hon. P. H. Wells: Do you want those incorporated in *Hansard*?

The Hon. G. E. MASTERS: It is very important that the RTA patrolmen who attend these accidents day after day and week after week should receive all the support they can get, because they are very concerned about the position.

We are saying that, by taking a patrolman off the road and weakening the system, one of these accidents could occur. I have here a photograph which is a little more explicit than the others; a person was killed in the accident depicted. I have left most of the photographs in my office, because they are too gruesome. If we take one patrolman off the roads and one person dies as a result of alcohol abuse, it would be a serious matter.

I understand what the honourable member seeks to do. He considers the legislation infringes on the rights of individuals, but we have to consider the rights of the public generally. I seriously ask the honourable member not to proceed with this Bill and, if he does, I ask members to vote against it, because any weakening of the system could cause a death and could result in the horrors depicted in the photographs I have just displayed.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [9.06 p.m.]: Mr Baxter's second reading speech suggests only one justification for his proposed amendment to the Act. He is concerned at the possible embarrassment to persons who are called on in public view to provide a sample of breath for a preliminary test.

I would say two things to that: In the first place, where the test is positive, I for one would not care how embarrassed the tested person was. As far as I am concerned, the more embarrassment that is caused the better. Drink-driving is a dangerous and grossly anti-social offence and it seems to me much of the sympathy with those who are caught and convicted is misplaced. In the second place, where the test is negative, there is no more cause for embarrassment than in any other situation where a citizen co-operates with the police in the exercise of their duty.

However, even accepting for the sake of argument I am not sufficiently sensitive to the embarrassment of innocent drivers, still I would say our sensitivity is better extended in the interests of safe roads and the effective administration of the traffic laws. Mr Baxter's proposal is a recipe for much less effective road safety enforcement.

Its potential drain on limited RTA manpower should surely be regarded as enough on its own to make the Bill unacceptable. In a nutshell, it would require RTA officers to spend as much time with clearly innocent drivers as with those who, *prima facie*, are seriously affected by drink. It would hamstring their efforts and it is the innocent driver and the community at large who would be put at risk. Measured against the mere



embarrassment, which is the worst that has been said so far against the present procedures, it seems to me that good sense and the public interest leave room for only one approach to the present Bill and that is to reject it.

To that I would make only two further brief comments. Firstly it seems to me that the Bill in its present form would not necessarily even achieve the aims which Mr Baxter has set out to achieve. Again referring to Mr Baxter's second reading speech, I notice that he talks in terms of replacing the present mandatory breathalyser on-the-spot test with a request to accompany the officer to an office of the authority, police station, or some other place. No attention is given in the Bill or the Act itself to what that other place might be. It might well be the nearest lamp post where the light would be brighter, and would cause all the greater embarrassment.

The Hon. N. E. Baxter: You know very well it is laid down in the Act.

The Hon. J. M. BERINSON: It does not appear to me to be clear in the Act, but I stand to be corrected on that point. It is not really central to my argument. I simply suggest it may not achieve Mr Baxter's aims, but that is not my main concern. My main concern is to see Mr Baxter's aims are not achieved.

My final comment is this: It seems to me a pity that road safety, given its importance, is so rarely considered in the Parliament and that, when it is brought forward, it is so often with a view to producing the negative effect which this Bill, if enacted, would produce. Almost exactly a year ago road safety was very much a matter of public discussion and attention. The reason for that was the random testing procedures which were then being implemented. I believe it is a pity that an evaluation of that experimental period of random testing has never been presented and subjected to a comprehensive discussion in the Parliament.

I believe also it is a pity that the experiment then engaged in has not been tried again. Certainly there is nothing in the record of road safety during 1981 to suggest there is any reason to relax. I would have thought quite the contrary and, much as it goes against our usual procedures in this House, I must say this is an occasion when I believe the Minister and I are in complete agreement. Certainly I endorse the comments he made in his second reading speech and I hope the House will apply itself to the question of road safety and to the enforcement of road safety laws, but that it will do so in a more positive manner than this Bill would achieve.

**THE HON. W. M. PIESSE** (Lower Central) [9.12 p.m.]: I am somewhat confused as to the nature of the random preliminary breathalyser test. In his second reading speech, Mr Baxter referred to "... a preliminary test, which test is not acceptable in court and is only a guide as to whether that person is over the 0.08 limit prescribed". I ask the Minister: If a person blows into the bag and it does not register, is that absolute proof he is not over the 0.08 limit? If it does register, is it absolute proof that he is over the 0.08 limit?

The Hon. G. E. Masters: It is not absolute proof. It is an indication. If they show over 0.08, they are taken to a police station.

The Hon. W. M. PIESSE: Is it absolute proof that they are over the limit?

The Hon. G. E. Masters: No.

The Hon. W. M. PIESSE: The officer would then have to leave and the person could drive in that condition and kill someone.

The Hon. G. E. Masters: He only takes possible drunk drivers to the police station.

The Hon. W. M. PIESSE: I favour courtesy and I believe it is desirable that courtesy be extended at all times. The Police Force as a whole is well known for its courtesy and this standard should be maintained. It would be much better if the RTA officer had to request rather than require that a test be taken.

From reading Mr Baxter's second reading speech it appears that, even though a person may be absolutely innocent and may not have had a drink, if he says he will not blow into the bag at that particular spot, even if he is prepared to blow into the bag at a police station, he is labelled as a criminal.

The Hon. G. E. Masters: He has broken the law.

The Hon. W. M. PIESSE: This is a fine point of the law which should be examined. If all the matters listed by Mr Baxter as to what can happen to this person are true, there is something wrong.

By no stretch of the imagination do I believe in harbouring criminals, but the position should apply both ways. It is essential that, in the first place, the officer should have good reason to accost the person.

The Hon. G. E. Masters: They have to have good reason. It is written into the Act.

The Hon. W. M. PIESSE: An officer must have good reason to ask a person to blow into the bag. His reason must not simply be based on some minor fault in the car or the fact that the officer

saw the person driving away from a certain place. It should be borne in mind also that the person should be requested and not required to blow into the bag. He would then have the option to go elsewhere, so he is not entirely relieved of his obligation. He would have the choice of saying, "All right, I will leave my car here on the off-chance that I may be at fault. I am prepared to go with you". I do not think this would happen often unless the person was in fact guilty and thought by some means he was going to get out of it. The innocent person would not be likely to say, "I will leave my car here and will go with you 10 to 20 miles on the off chance that I can get back".

The Hon. H. W. Olney: Mr Gayfer was innocent but he took that course.

The Hon. W. M. PIESSE: I am not seeking to change that. We are looking at this in an unbiased manner, I trust.

The Hon. H. W. Olney: You are making judgments about how people would act.

The Hon. W. M. PIESSE: I would rather see the officer in question give the option to the person of whom he makes the request. If that person refuses, the officer would then advise him of the options he has. "If you do not wish to blow in the bag here, will you come over there and blow or will you accompany me to the police station and blow there?" He has all those options open to him, so I am inclined to support Mr Baxter.

**THE HON. N. E. BAXTER** (Central) [9.17 p.m.]: The Minister's remarks are a little beyond the pale. He imagines that, because a person is requested to blow into a bag for a preliminary test, that person is going to go away and be free. That person is not going to be allowed to go. If that person did not agree to a preliminary test when he was requested to do so under my proposal, he would be required to go to a police station, a patrol office, or other place nominated by the patrol officer, and undergo a breath analysis or submit a sample of blood for analysis. That person would not be let off scott-free because he used his option not to take a preliminary breathalyser test. That person makes his own decision as to whether he is prepared to take a test there or go to a nominated place where tests acceptable to the court can be conducted.

A preliminary breath sample taken is not proof in court that a person's blood alcohol level is over 0.08. The only thing it is used for is to ascertain if a person is over 0.08 or close to it. If he is close to it he must submit to a blood analysis. If he is close to 0.08 and he refuses to take a test the officer would say, "I require you to". I do not

wish to alter that provision in the Act. The officer can then require the person to go to a police station or patrol office. For Mr Berinson's information, that is not altered; it is left in the Act. As far as the Bill is concerned the request has nothing to do with going to the police station or another nominated place.

Such a person when apprehended under section 66 of the Act cannot cause any damage to anybody because he is in the hands of the police. If he is prepared to take a preliminary breathalyser test at the time he is picked up by the police, he can place himself at their disposal. If he takes the test and is reasonably within the limit, away he goes. He probably would not kill anybody. The officer could still require him to take a proper breath analysis or have a blood sample taken to ascertain if he is over 0.08. He can make that person leave his car and take him to the police station or patrol office. All these dire things the Minister talked about have nothing to do with the Bill.

The Hon. G. E. Masters: Yes, they do. Mr Baxter, if you reduce patrols on the road—

The Hon. N. E. BAXTER: It has got nothing to do with accidents. Section 66 of the Act says—

Where a patrolman has reasonable grounds to believe that—

- (a) a person was the driver or person in charge of a motor vehicle the presence of which occasioned, or of which the use was an immediate or proximate cause of personal injury or damage to property;

That is a clear-cut case. If a person has caused an accident and the patrol officer has reasonable grounds to believe so he can take appropriate action against him, irrespective of the provisions in the Bill. My Bill has nothing to do with that part of the section.

The next part of the Act reads as follows—

- (b) a person has, while driving a motor vehicle, committed an offence against this Act of which the driving of a motor vehicle is an element; or

This is the part where arguments have occurred. If one is driving a motorcar down a road and it has a slight mechanical fault or something appears to an officer to be not up to standard on the vehicle—say it has a broken headlight or tail light, or a broken rear vision mirror—the officer can pull that person up, and that is what they do. They call that an offence of which the driving of a motor vehicle is an element. I maintain that that

was never intended. If one looks up *Hansard* one will find it was stated by Mr O'Connor in another place and myself in this place, with reference to the driving of a motor vehicle being an element, that the actual driving had nothing to do with the mechanical order of any part of the motor vehicle. Unfortunately, patrolmen have been using this excuse to pull up people. It is often a very vague excuse to make people take the preliminary breathalyser test. They can do this under section 66 of the Act.

I continue to quote section 66—

(c) a person while driving a motor vehicle, had alcohol in his body,

If a person has alcohol in his body and refuses to take a preliminary breath test, under my proposal an officer can require him to go to a police station, patrol office, or another nominated place and if he refused to provide a sample he can be arrested; but he cannot be arrested for refusing to take a preliminary breathalyser test. He still must accompany the police officer to the police station or wherever. There is no way that person can cause any damage while being detained by the police. He cannot cause an accident. In no way does this affect the accident rate on any basis at all; to say it does is too preposterous for words.

The Minister referred to a situation in the country where a person refused a breathalyser test and the person might have to travel 40 or 50 miles to a police station. If a person is out in the country it is up to him to say whether he is going to go 40 or 50 miles with a police officer or take a test on the spot. There would be few people who would not take a test on the spot. The provisions do not say one need not take one. The option is with the driver of the car. Of course, if he refuses to accompany the patrolman to the police station—it does not matter how far away it is—he then can be arrested and taken down to the police station or patrol office to undergo the necessary tests prescribed under the Bill.

I will quote some of the situations that have occurred in regard to this to illustrate how stupid this thing gets. One of my constituents was in the Gosnells area and was pulled up. He had had a few drinks. The officers took a breathalyser sample from him and carted him from Gosnells all the way to Fremantle. Why did they go that far? They did it for the simple reason that he was not up to 0.08, but the officers believed by the time they got him to Fremantle he would be. The Minister talks about patrolmen getting off the job. The patrolmen could have taken this man a few hundred yards to the nearest police station which had an analysis machine.

The Hon. G. E. Masters: Was he prosecuted?

The Hon. N. E. BAXTER: Yes, finally he was prosecuted. They carted him all the way from Gosnells to Fremantle when they could have taken him a couple of hundred yards to the nearest police station for a test.

The Hon. G. E. Masters: But he might have driven off down the road and killed someone.

The Hon. N. E. BAXTER: Two brothers were pulled up one night by a patrol officer and were asked to take a preliminary test. The chap who was driving was close to 0.08. They made him lock the car and walk 500 yards to a house to ring up his wife and daughter to take the car home. The patrol officer would not give the other brother a preliminary test. He had not had a drink and could have driven the car home quite safely. That is the sort of thing these officers have done.

There was a gentleman in Wagin who was returning home from the trots one night. When he got off the road he let an approaching car go past. It slowed down behind him. He went a bit further and it followed him and police officers stopped him. He got out and said to them, "What is wrong?" The officers said, "You were wobbling all over the road. Have you been drinking?" He said, "Yes". He reached into his car and pulled out a small carton of milk drink and said, "Have some".

They are the sort of tactics that get people's backs up. Another case was of Reg Rayment the racing trainer, who was coming home from the Northam races and was pulled up by a patrol officer who asked him if he had had a drink. He said, "Yes". The officer said, "What have you had to drink?" He said, "I have had a couple of cups of coffee, a couple of Coca-Colas, a lemonade, and a drink of water". This is how stupid this thing has got. Officers do behave like this. I do not say all officers do. It is embarrassing and annoying for people to be pulled up on the pretexts used by some of the patrol officers.

There is no penalty for refusing to have a breathalyser test. I hope the Minister can get that into his head. There is nothing in this Act at all that says a person can be penalised. The officers will charge a person under section 67 for not obeying the directions of a patrol officer. It is farcical for the Minister to go on about all the accidents caused, because this has nothing to do with accidents.

The Hon. G. E. Masters: Yes, it has.

The Hon. N. E. BAXTER: It has nothing to do with them, no way. Once a man is apprehended he cannot cause an accident. How can he cause an

accident after he has been apprehended by the police? If he is over 0.08 or close to it he is not allowed to drive the car. It is stupid to say that once he is apprehended he can drive a car and kill somebody. It is bloomin' rubbish!

The Minister referred to the fact that preliminary tests on the side of the road cost about a dollar. Alright, so it costs a dollar for a preliminary test; but breath analysis and blood sample tests cost much more. We know this.

The Hon. G. E. Masters: That was a point I wanted to make, but it was not the important issue.

The Hon. N. E. BAXTER: I know it was just a point the Minister wanted to raise.

The Hon. G. E. Masters: The patrol officers gave me these photographs also.

The Hon. N. E. BAXTER: The responsibility for these costs lies entirely with the RTA. If a patrol officer is the type of person who will pull up anybody on the pretext of something or other, he deserves to be put in a position where he has to take that person down to a police station or a patrol office and put the Government to the cost of a breath analysis or blood test. He would soon wake up after it happened a few times. Mr Larson would jump on him for doing these sorts of things.

The Minister talked also about taking patrolmen off the road when it was not necessary. There would not be a lot of these cases. In cases where a person refused to take a preliminary test because he did not want to be embarrassed, or if he was entirely sober and was pulled up on a pretext and the patrolman thought he had reasonable grounds to believe that the person was likely to offend under paragraphs (a), (b), or (c)—and particularly paragraph (c)—he would have to go with the patrolman and undergo breath or blood analysis. That would be on the head of the patrolman who is responsible for pulling up someone who was completely sober and had little chance of having an accident unless someone ran into his vehicle.

The Minister said the statistics show that this policy is having an effect. It is not because of preliminary breath tests. It has nothing to do with statistics at all. As I said before, these statistics do not relate to preliminary breath tests. A person cannot have an accident when he has been pulled up by a patrolman, because he is in the patrolman's care.

All the statistics to which the Minister referred are eye wash and have nothing to do with my amendment. I cannot see how anyone who refuses to take a preliminary breath test can increase the accident rate in any shape or form whatsoever.

The Minister said also that the lack of action by a patrolman could result in the death of a person. That is presuming that at the time of the accident the patrolman was not there. The accident would probably happen in any case, whether or not the patrolman was there. The Minister said also that if the preliminary breath test was not permitted it could lead to potential killers being on the road. If a person refuses a breath test he is not a potential killer, because he is in the hands of the police.

The Minister asked whose rights we are talking about. We are talking about the rights of the people.

The Hon. G. E. Masters: The community.

The Hon. N. E. BAXTER: The Minister mentioned that much legislation interfered with people's rights. I know of no other legislation which interferes with the rights of people more than this section of the Act. Why should anyone who is picked up by a patrolman be forced to blow into the bag in front of everyone?

The Minister said that children could be killed. How can that happen when the person who has been picked up is in the hands of the patrolman? Reference was made by the Minister also to the horrific accident scenes patrolmen have to attend. Again how can this happen when the person who is apprehended is in the hands of the police?

Mr Berinson stated that the only ground on which I based my argument was embarrassment. That is not the only ground on which I sought to introduce this Bill. It is not only because of embarrassment; the rights of the people are interfered with because of the pretexts used to have them undergo breath tests. Under section 67 a person can be charged for refusing to obey the direction of a patrol officer. However, under my proposed Bill a person would have the option of having a preliminary test or going to a police station for the purpose of providing for analysis either a breath sample or a blood sample.

The Hon. J. M. Berinson: But the question of rights arises whether it is in respect of the preliminary test or the substantive tests. It is the same, so we are left with the embarrassment.

The Hon. N. E. BAXTER: A person would have the options of undergoing a preliminary test or providing for analysis either a breath sample or a blood sample.

The Hon. J. M. Berinson: They must have one or the other, so where is it different to the problems of cutting across anyone's rights.

The Hon. N. E. BAXTER: If a person refuses a preliminary test under my proposal he would

have to provide for analysis either a breath or blood sample. Therefore, no harm is done if a person says he does not want to blow into a silly bag but says he is prepared to go to the police station to undergo the necessary tests.

Under the Act if a person refuses the breath test he is treated like a common criminal, and if he is unable to obtain bail he has to remain in a cell until the following morning. I do not believe many people refuse preliminary breathalyser tests, except under the circumstance where a person stands up for his rights, because he has been pulled up by a police officer under the pretext that there is something wrong with his vehicle. If the patrolmen were working under my proposed Bill they would be on their mettle and they would make sure they had reasonable grounds for apprehending a motorist for spot breathalyser testing.

I cannot say much more about this Bill. It is a matter of a person who refuses to take a preliminary breath test having the prerogative to accompany the policeman or patrol officer to a police station to undergo the necessary testing. Preliminary testing is used as a guide and I believe people should have the right that I have proposed. Many of my constituents support my proposal because they do not feel they are treated fairly under the existing legislation. It was never intended that the current legislation be used in the way that it is being used. It is clear what is going on, and I ask members to support this Bill.

Question put and division taken with the following result—

#### Ayes 7

Hon. N. E. Baxter	Hon. Neil Oliver
Hon. J. M. Brown	Hon. W. M. Piesse
Hon. H. W. Gayfer	Hon. F. E. McKenzie
Hon. Tom Knight	

(Teller)

#### Noes 17

Hon. J. M. Berinson	Hon. H. W. Olney
Hon. Peter Dowding	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. R. G. Pike
Hon. R. Hetherington	Hon. P. H. Wells
Hon. P. H. Lockyer	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. Neil McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer
Hon. N. F. Moore	

(Teller)

Question thus negatived.

Bill defeated.

### APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

#### Consideration of Tabled Paper

Debate resumed from 17 November.

**THE HON. W. M. PIESSE** (Lower Central)  
[9.40 p.m.]: I support the motion and

congratulate the Government for the presentation of a balanced Budget. However, I have noted there is a reduction in finance in some areas, and we are all well aware of the real need for these reductions. In view of this it may be a little surprising that the matter I wish to raise concerns the outlay of money, but not a large outlay at this stage. Some consideration should be given to the allocation of funds in another year, and perhaps we should question whether the Government is allocating its money in the best possible way. Considering the number of departments involved it may be true that the money is being spent in the best possible way, but perhaps we ought to look at some of the things we are still funding fairly handsomely and at some of the things we are not funding sufficiently.

The matter about which I wish to speak briefly tonight is that of research into cancer. Members will be aware that a doorknock appeal was conducted last weekend on behalf of the Arthritis, Rheumatism and Cancer Council. This organisation operates on funding from the Government and voluntary donations, and it provides funds for research into some of our more incurable diseases. This is all very well, but the point that bothers me is that at this stage we are not allocating sufficient funds for research into cancer in order to ascertain the cause. I know it is a world-wide problem, and I know also that Western Australia has a small population in comparison to the world population. However, that is not a reason that we should not be doing a great deal more than we are doing at the present time. Do not misunderstand me, I do not denigrate the work that is being done—I think it is just not enough.

With reference to cancer, I wish to refer particularly to breast cancer and to breast cancer in young mothers which, from my own observation, appears to be an increasing problem. I cannot support this statement statistically at the moment because the statistics are not available in this State to prove it one way or the other. However, from my general observation—even in my own area—it seems to me we are losing far too many of our young mothers because of this disease. The fact that a person has cancer or breast cancer does not necessarily mean she will die. However, we are losing far too many of our young mothers with this disease. I refer to an article which appeared in *The Medical Journal of Australia* by N. T. Fleming, M.B., B.S.; B. K. Armstrong, D.Phil., FRACP; H. J. Sheiner, M.S. FRCS, FRACS; and I. R. James, Ph.D. and I quote as follows—

Breast Cancer is the most common non-cutaneous cancer of Australian women, a position which it holds in most developed countries. Despite this, its main causes are unknown; there is still debate over the benefits of early detection through screening of symptomless women, especially of those under the age of 50 years, and there has been little improvement in the outcome after treatment since 1950.

It is an appalling state of affairs in this day and age that there has been no improvement in the outcome after treatment since 1950.

It may be of interest to some members to know that on the figures that have been brought to light by the New South Wales cancer register, from 1974 to 1976 Australian women had a 6 per cent chance of developing breast cancer by the age of 75 years, if they lived that long. The figures for the 30 to 45-years age group may be much higher than 6 per cent at present. That means, in fact, that 17 of every 100 women can expect to contract breast cancer at some stage. However, the cause is unknown.

We have some of the best surgeons and some of the best surgical techniques for dealing with the problem after it becomes known. We have the use of the latest drugs and the latest medical treatment; they are constantly being upgraded. However, very few people are collating the evidence to discover the causes of cancer. There is no way that we can say to our young mothers, "Do this", or "Don't do that because it is likely to cause cancer". It is high time that we made a concerted effort in this area.

It has been proved over many years that if a wholehearted effort is made to solve the problems of mankind, results are often found. I refer to the 1920s when Australia and New Zealand were among the countries with the highest infant mortality rates. Dr Truby King did a lot of research, and in a very short time both Australia and New Zealand became two of the countries with the lowest infant mortality rates. At that time, the problem was as important as the cancer problem is now. It was probably because one man took the lead that the solution was arrived at; but he did it with the support of Governments. This Government has the responsibility to take the lead in the matter of breast cancer.

As I have said, the present funding for research comes mostly from allocations through the Cancer Council. It is funded partly by the Government, and partly by voluntary subscription. I have noted that in the Estimates the Cancer Council received an allocation in

1980-81 of \$80 000, and in 1981-82 it received an allocation of \$50 000.

One of the problems in relation to research into cancer is the fact that the money provided is competed for very keenly. The causes competing for funds are worth while, and none of them should be ignored. Nevertheless, this kind of cancer is so serious that it should be removed from the competition for funds from the Cancer Council, and it should be funded by the Government.

Although we have a cancer register, it is too soon yet to project the figures from it; but within 12 months the next step should be funded and operating as a going concern. Otherwise, we will be wasting the money that has been allocated, and the work done by the cancer register.

Some of the research projects funded through the Cancer Council in 1981 were for various kinds of cancers; but nearly all of the funding was for a duration of one or two years. It is my belief that we should consider a much longer period of funding for substantial research into the matter.

A suggestion has been made that early detection is the best means of prevention. Once the cancer is detected, we can no longer prevent it. It has been suggested that the Government should fund a cancer detection unit to travel around the State, making examinations of women to ascertain at the earliest possible time—

The Hon. H. W. Gayfer: Like the old TB units?

The Hon. W. M. PIESSE: Yes. An examination for cancer would not be as effective as it was for TB. When dealing with tuberculosis, we knew the cause, the symptoms, and the treatment; so we had a very different set of circumstances.

I am told on good authority that the best detection of breast cancer is done by the woman herself. However, the problem is that very often she will carry out an examination month by month for perhaps 12 months without finding any lumps, and then she will forget about it. Suddenly, two or three years later, she will find a symptom and it may be too late. If the examinations had been continued, perhaps the tumour would have been discovered when it was the size of a pea only, instead of being discovered when it was the size of a large walnut. Of course, the earlier it is detected, the more chance the woman has of the disease being cured. I do not think a detection unit is what we need at this stage.

A very good education programme is funded and organised by the Cancer Council and other

bodies. That programme attempts to educate people in this problem, and to teach them how to perform examinations. Most of the educational leaflets are supplied in doctors' waiting rooms. They do a fine job, but they do only part of the job. Again, the research is not being done to collate the common denominators amongst the people who contract the disease. We need to have that research done.

A lot of research is being done into treatment after the fact. Western Australia is a member of the Ludwig Institute, which is based in Switzerland, and which is holding a meeting in November. We will be sending a delegate to that meeting. The institute conducts research in various countries, on the comparisons of results when using certain drugs following the detection of cancer. That is a very important aspect, and I am pleased that we are involved in it.

However, what I want the Government to fund is the appointment in Western Australia of a research fellow to do substantial research into cancer and, more specifically, into breast cancer in young women. It is true that all cancers are very serious; and the disease is very wide-ranging. If we tried to research the whole topic, we would not have the necessary funds, and we would perhaps spread our effort too thinly; therefore I suggest that we consolidate the work in order to obtain results in the area in which we are particularly concerned. The research would be spread over the range of cancers that we have to fight, but with the accent on breast cancer.

The reason I have selected breast cancer for this proposal is that it is a known fact that young mothers are affected particularly by it. We are losing our young mothers, and they are leaving small children motherless. That is a dreadful situation.

It is a known fact that if a woman does not have any children, she has a higher chance of contracting breast cancer. If she has her first child late in life, she has a higher chance of contracting breast cancer than if she had her family at an early age. We need to research those aspects; and I do not think we are trying hard enough.

The salary of a research fellow would be in the vicinity of \$20 000 to \$45 000 per annum. The appointment would have to be for a minimum of three years. The difference between the salaries would depend on the degree of qualifications and experience of the fellow; but the fact that the person was appointed as a research fellow would indicate that he had a fairly wide amount of experience in the research field. The appointee

would need additional support for clerical and computer assistance to the value of \$30 000 to \$40 000 per annum.

We would need an allocation of \$60 000 to \$85 000 per annum for a minimum of three years. Perhaps we would need an allocation of \$5 000 for removal expenses from wherever in the world we acquired the research fellow. That is not an enormous sum for this State to contemplate.

The subject is so important that we must be able to acquire the funds to make this appointment. I do not expect it to be made tomorrow; but I do expect and hope that it will be made within 12 months of the first collated figures from the cancer register coming to hand.

As I have said, if we do not have a follow-up programme, we will have wasted the money and the effort in establishing the cancer register.

It has been suggested to me that the research fellow should not be an epidemiologist, but should in fact be a research scientist who has experience in a wider field. I am not making any suggestions about who, what, or how; but if we talk to the right people—the people who know a great deal more about this subject than I do—we will surely come up with guidelines for the kind of person for whom we are looking. I hope to see that brought about.

We do not know the cause of breast cancer. It may have a great many causes. It may be something in our diet; it may be something that we are wearing, or something that we are breathing. It may go back to our childhood or our infancy days. I say that, because I well remember just after the war when in the farming areas we planted a lot of high-oestrogen subterranean clovers, and we know what a devastating effect they had on our stock because of the high oestrogen. We should bear in mind that everybody in this State at that time was eating the meat which, undoubtedly, contained an imbalance of that particular hormone.

I am not saying that is the cause of this problem; but we do not know that it is not. We have to make a concerted effort; and there is no way at present that we can find out.

I will quote again from the article in *The Medical Journal of Australia*. If members are interested, they can obtain a copy of this. However, I have quoted the most relevant portions of it. The quote is as follows—

Current knowledge of the causes of breast cancer is such that no measure is available which will, with any certainty, lead to primary prevention of the disease.

This is the problem we are up against. We do not know where to start. Although we have people doing research into tumours and all kinds of cancer problems, no-one in this State is collating the evidence; no-one is going to the King Edward Memorial Hospital and comparing the studies undertaken there with those done at, perhaps, Sir Charles Gairdner Hospital or St. John of God Hospital.

We have very earnest and dedicated research people working in separate little sections in different places, and somehow we have to make a concerted effort to bring all the results together. It does not matter how much money we make available to, say, the Department of Youth, Sport and Recreation, or how much money we put aside to help young people move from their final school year into their first working year; it does not matter if we are employed or unemployed; if we do not have good health, if these young mothers are devastated by this disease and we do nothing about it, I would hate to consider the consequences. I hope an appointment will be made within the next 12 months. Many people who have a great deal of knowledge of this area have said that we need a research fellow.

Another matter to which I wish to refer stems from a visit I made today to the opening of the School of Mines at Collie. It was quite an historic and delightful occasion. There was a general air of anticipation and buoyancy among the large crowd in attendance. Everyone felt a step forward had been made.

The School of Mines is just what is needed in a place like Collie. It will embrace a number of different courses, or the beginning of different courses, so that young people especially living in and around the area will be able to attend either day or night classes in order to complete their studies. I realise it is not possible to extend technical education within buildings all over the State. There are certain areas where there are heavy concentrations of population and it is only sensible to build institutions in those areas; however, this cannot be done in less densely populated areas.

It is on this point that I wish to bring the attention of members to an experiment carried out in the Wagin and surrounding shires. It involves a sort of open technical school without bricks and mortar. We have an appointee (David Chappell) who brings to the people in those country areas the kind of courses they want to study. We have a number of young men who, at the time they left school, wanted to learn welding but could not attend classes because there were none in the area. Most of them learnt to weld

from their fathers or their neighbours, but they had not been taught the finer points of the art which would be of help to them when working on their farm machinery.

Mr Chappell realised there was a need for welding courses, and he organised several classes so that young men especially were able to assemble for one or two days to learn the skills. This meant they did not have to pack up and go away for a few weeks or months to another centre to enrol in welding classes.

Courses have been fitted to programmes needed in the district at the time. It has been enormously successful; I cannot speak too highly of it. There has been some restriction on the number of people able to attend the courses for the reason that those people who attend must be able to see and hear all that is being done, and each must have practical experience. When a large number of people have wanted to attend a course, the course has been repeated.

These courses have been held in a number of towns. They include Wagin, Katanning, Yealering, Wickepin, Dumbleyung, Kukerin, Narrogin, Darkan, Duranillin, Kalgarin, Broomehill, Tincurrin, Gnowangerup, Kojonup, and Williams. The only thing stopping these courses being held in other places is, firstly, a lack of finance—and not a great deal of money is required, unlike the amount needed when building a new institution—and, secondly, the personnel to extend the courses further.

Some of the subjects cater for men and women. As I have said, they have been very much appreciated. The courses cover subjects such as air seeders; farm welding, both gas and arc; setting up a farm office; knitting machines; introduction to computers; grain hygiene; microwave cooking; electric fencing in agriculture; agrochemicals; and basic fire control.

The thing about this kind of education is that it is cost effective and is well supported in the areas. The further away from the major centres, the more we find that people are keenly supportive because they know this is the only way they can obtain education. They know also they will get the courses they need; they will not be provided with a lot of other courses that are relatively useless, although of course no education is ever wasted. At the moment these people have limited time to put into learning because they must earn their living. They have to pick their courses accordingly.

The courses provide minimal disruption to the domestic scene and to the farmers' programmes. The topics covered are those requested by the groups attending. The courses make full and



better use of local resources; there is no need to go to a college in Perth and ship down the equipment needed. For instance, people in the country who have welding equipment are only too happy to have the classes held on their premises so that their equipment can be used. In the case of shearing instruction and hay baling, the equipment is there on site. So there is no cost involved. Further, the courses contain no padding and are relevant to the selected subject.

I mention all this because today I attended the opening of the School of Mines in Collie. I am very pleased to know the school has been established in that town. I wanted to outline another kind of technical education which should be pursued further in this State.

**THE HON. PETER DOWDING (North)** [10.08 p.m.]: I am, like many members of the Opposition, considerably disturbed about the subject matter of the debate.

It is interesting that the Hon. Bob Pike is always anxious to go around and scrape the bottom of the barrel to try to drag up some piece of information from Press reports about what a Government in a Labor State is doing in its financial affairs, and is ever willing to defend this Government in its economic management of this State.

Yet the truth is that if there is any financial difficulty experienced in this State at the present time it is because of the policies of the Federal Government which are, firstly, a direct product of the Liberal Party's philosophy that it should squeeze the little people of Australia dry and prop up those big corporations that are here to make a quid and carry it quickly overseas. Further, the Federal Government ensures that the vast differences between the wealthy and the poor in this State are maintained. Our financial difficulty is also a product of the policies of this Premier, which were to give approbation to the Prime Minister in the new financial deals which he announced in 1976 and subsequently, which have in fact robbed this State of its effective economic base.

If there is any criticism to be made of Federal-State relationships in this area it has to be criticism of the behaviour of the Liberal Government since it was elected to power in those scurrilous circumstances of 1975. If the people of this State ever had anything to look back upon with favour it was the principles of the Whitlam Government which established a genuine and fair tax-sharing arrangement for this State.

It is interesting to see now how the worm has turned and how even the Premier denigrates his

own Federal counterpart on the subject of Federal-State financial affairs. Perhaps the Hon. Bob Pike would be better advised, instead of ploughing through Eastern States newspapers to try to find some vague simile between activities of Labor Parties in government in the Eastern States and some criticism that the Opposition makes of the Government in this State, to study the relationship of the Premier and the Prime Minister and the effect of the Premier and Mr Pike's support, and his party's support, for the policies of the Liberal Federal Government which, after all, have been spelt out in its behaviour in the years following 1975. He might be better off assuring the people of Western Australia that he made a gross tactical error in supporting the Federal Liberal Party.

As an indicator of the extent to which the worm really has turned and the extent to which one cannot rely on the honesty and veracity of the Liberal Party in this State, we need turn no further than to its policies on education. I shall quote from the Liberal Party policy for the 1980s, where the following can be found, "We will also encourage considerable provision for four-year-old children where there is strong local community support". Faced with those grand words, the Liberal Party, including members opposite, is now in the embarrassing position not only of having the present Minister for Education as a Minister in the Government—which in itself is embarrassing enough—but also of having Cabinet approval for cuts that Mr Grayden is being asked to sell to the people of Western Australia.

One of the most horrific cuts of recent times has been the announcement that the Government will withdraw funding for staff salaries in kindergartens with or without a strong community base providing education for four-year-olds in this State. What appalling disarray the Government has found itself in during the last few months, with Mr Grayden having to act as the servant of Cabinet and issue these announcements of Government cuts in both the education budget and now in the kindergarten budget.

These are the soft areas, the areas from which the Liberal Government knows the election contributions do not come. It knows that it is still assured of large sums of money emerging from the business sector. It is an ever-decreasing business sector which had hopes that the Liberal Government would provide prosperity in this country. I say ever-decreasing because the number of people from the business community who have been contacting the ALP with expressions of support and offering financial

support has been increasing week by week. They recognise that they backed the wrong horse.

They recognise they made the error; they supported the Liberal Party in its unfounded belief that it had the financial expertise to pull Australia out of a decline into which other countries of the world were slipping and into which Australia was slipping because of world economic conditions. That decline has been heightened by the Liberal Party in the State and Federal spheres since 1975, and the business community has seen over the last six years the most embarrassing failure in this State of any Liberal Government, with the possible exception of the mess created in Victoria by the Hamer Liberal Government.

In the area of education funding cuts, and specifically in the area of kindergarten funding cuts, we see the real Liberal Party philosophy at work. I remarked earlier that we had the Hon. Bob Pike and the Hon. Norman Moore desperately advertising in the weekly newspapers, week by week, in an attempt to persuade the electors of this State that they cared, despite the carelessness exhibited by the Premier and his Ministers.

Undoubtedly soft economic areas exist in this State where the Liberal Party and the Ministers of the Government hoped that the response from the community would be disorganised and would not be sufficiently vociferous to ensure an embarrassment. Of course, they have been caught with their pants around their feet. Maybe that has something to do with the Premier's slipping hold on his own Ministers. It is quite evident from the events of the last few weeks that plenty of people in the Liberal Party see themselves as *prima donnas*; they are anxious to get rid of the geriatric hold from the top.

The cuts in education funding have affected the community in a most adverse way, and in my view they were calculated to produce much anguish, heartache, and unnecessary concern to the small people in our communities throughout the State who do not have ready access to lobbyists and appropriate Ministers. These small people, and the families of our State, bear the greatest tax burden in relation to both State and Federal taxes that has ever been placed upon their shoulders in the history of Australia—bar no period. All the bellyaching about events prior to 1975 are lost in the mist of the tax hike that has occurred in Australia during the last six years.

What have we found? We had the announcement from the Minister for Education that expenditure on pre-school education for four-

year-olds will be cut; that expenditure for 1981-82 will suffer a drop to more than \$400 000 less than the amount needed to maintain the same level of employment as existed in the previous year; and that approximately 30 pre-school teaching positions will be abolished. Non-salary expenditure such as expenditure on educational materials and resources amounts to approximately \$100 000 below that needed to maintain the 1980-81 level of services. The increase in total expenditure in these areas is just 4 per cent, which shows up from the accounts section of the budgetary figures for the Education Department.

It is those cuts which have deeply disturbed people throughout our community, both in the metropolitan and in the more isolated areas. It is interesting to note how Liberal Party members representing isolated areas went scurrying to the Premier to plead their causes. What a hopeless situation it was. When the cuts were announced the country members had to plead that the cuts should not be suffered in regional areas although clearly they would be suffered throughout the rest of the community. Mr Coyne and the Hon. Norman Moore were seen rushing off to Mr Grayden for assurances that the people in the Gascoyne and Murchison-Eyre areas would be treated differently; they would not be subjected to the cuts in funding for pre-school education.

After the cuts had been initially announced Mr Grayden pandered to the sectional interests. One wonders what he was doing; and what the Hon. Norman Moore was doing as the secretary of the Cabinet in the months preceding the publication of the Budget.

The Hon. N. F. Moore interjected.

The Hon. PETER DOWDING: What was the Hon. Norman Moore doing? Was he asleep at the back of the room? Why is it that after the Budget was announced we had a hive of activity from members in marginal seats—

The Hon. N. F. Moore interjected.

The Hon. PETER DOWDING: —and if anyone is in a marginal seat it is the Hon. Norman Moore. The position is that kindergartens in provinces such as mine will be left without any indication as to what will happen. This is occurring late in the year, in the months of November and December, when schools are finishing and it is necessary to plan for the next year. These kindergartens do not know whether there will be enough money to pay the salaries of their teachers.

What is the rationale behind these funding cuts? They are tiny cuts if we consider proposed expenditure in other areas. I was particularly

surprised to note the expenditure of over \$1 million to maintain the Agent General's position in London, compared with the tiny expenditure to be made for our Tokyo office. I would have thought we would pay the same for our Tokyo office, because it is amongst a hive of economic activity, as we will pay for the maintenance of the Agent General's office in London. Is it a fact that the Government is propping up that London office to pay for coffee, tea, and cocoa evenings to ensure that a place exists to place Ministers who are not performing properly in this place? Is the Government trying to keep that office so that it can elevate the people who show they are not able to manage or take care of the responsibilities of their ministerial positions? Will the Government move them to London as seneschals to end their days? No doubt in due course we will hear some justification for this expenditure of more than \$1 million. I did not realise that the centre for economic activity for our State was London; I thought it had a greater proximity to Japan, but perhaps I am wrong.

The Government's having imposed education funding cuts—as pitiful as they were in terms of the Government's overall Budget; but nevertheless essential in terms of the services they represent—what happened next? Apart from the scurrying around of some members of Parliament like northern cockroaches, we found that community groups were outraged. Surprisingly these community groups acted in an organised way, no doubt to the horror of the Minister for Education and, even more importantly, of the Premier. Those two got themselves together and made it quite clear to members of this House, to members of another place, and to the Government as a whole, that they would not tolerate the cuts proposed. Suddenly we saw where the Government's real electoral weaknesses are. We have now had an assurance from the Minister for Education that there will not be cuts in funding to kindergartens. I read that in an answer he gave through the Minister for Lands in this House this afternoon. The answer states—

Isolated centres are receiving special consideration, and on this basis salaries will be met in established centres in the Kimberley and the Pilbara for children three-plus years of age which are staffed according to formula.

I do not suppose the Minister is having us on—

The Hon. N. F. Moore interjected.

The Hon. PETER DOWDING: —and I do not suppose even the Hon. Norman Moore would be

able to read anything into those words other than a complete guarantee that kindergartens will be established on the same funding basis next year as has applied this year.

The Hon. N. F. Moore interjected.

The Hon. PETER DOWDING: If that policy is the same as the previous one, as the Hon. Norman Moore has told us it is, then why did not the Minister say these things in his Budget speech?

The Hon. N. F. Moore interjected.

The Hon. PETER DOWDING: The Hon. Norman Moore knows the answers to these matters. He did not know the Minister would follow this course, and neither did the Minister. In regard to the Newman kindergarten, which is in my electorate, a petition bearing 1 702 signatures was prepared in three days, and had it not been prepared at all we would not have seen this backtracking on the part of the Government; the sort of *ad hoc* approach to education policies we have seen in this State. Had the Government not known that nearly one-third of the community of Newman got together to sign a petition we would have seen the kindergarten cut out. Kindergarten arrangements for children approaching the age of five would have been denied to that area, and those children would have been denied an essential part of their education. Had it not been for the efforts of the Secretary of the Wickham Kindergarten, a petition with 664 signatures would not have been prepared in the space of a couple of days and we would have seen arrangements for the Wickham Kindergarten go out the window, because this Government would have taken the necessary action to throw them out the window.

I will take some more time of members to advise them of the views expressed by the Wickham and Newman Kindergartens. The Newman Kindergarten said this—

The Newman centre serves a vital role in the community not only in terms of child education and development but also by way of the assistance it provides to young parents separated from older relatives who would normally provide support during the early stages of child rearing.

I can understand the Hon. Norman Moore's mirth at this comment, but it happens to be true. To continue—

The centre in fact plays an important part in helping to prevent social problems by way of parent counselling and by allowing parents, particularly mothers, some free time

during the day whilst their children attend kindergarten classes.

The views expressed by the Wickham Kindergarten to the Minister are valid. So that we do not have any little political back-biting or Ministerial back-stabbing in relation to these two kindergartens, I make it quite clear that the kindergartens have corresponded with all members of Parliament. It appears that my friend, Mr Sodeman, from the same area, did not bother to make these things public. The Wickham Kindergarten wrote in these terms—

The population in Wickham is young families with young children. The majority of our parents with children at kindergarten have at least one other younger child. So that to go to playgroups, mothers have to try to supervise and guide their 4 year old as well as take care of the younger child, often a baby.

The airconditioned community hall in town is not always available for child groups as they are used by all of the community for union meetings—which have priority use over all the other activities, recreation and sports.

Many 3 year olds have been attending playgroups and are ready to move to the more organised kindergarten situation. At the playgroup it has been found that expertise and enthusiasm varies because of the nature of our population and climate.

Fees were doubled last year to \$71.50 a term to cover a serious lack of equipment and to cover the need to provide pergolas etc. for shade for the children out of doors. We have added all this equipment to our kindergarten. Also the equipment was up to 10 years old so is constantly needing updating and/or replacing. We feel parents cannot be asked to pay more than they do already—\$214.50 a year.

Our pre-primary centre for 5 year olds has a waiting list for 5 year olds to start. The number of enrolments are over the number of vacancies for...

Attention is drawn to the fact that the temperature is mostly above 40 degrees celsius during the summer. To continue—

A majority of people here are shift workers...

Families here are young with young children. There is no extended family life...

There are 50 children on the waiting list...

In this environment the Minister is quite happy to announce funding cuts and then, after a period of constant community agitation and anguish, has taken the time to make the guarantees that apparently he has made this afternoon, although not by a public announcement or an announcement to this House, but in an answer to a question from a member of Parliament.

That is quite an improper way for the Government to announce a major policy determination. We are faced not only with the problems of the Wickham and Newman Kindergartens but also with the problems of a number of other kindergartens which have smaller conditions and problems.

The Minister has acted without regard for the feelings of the people in those areas by making this unclear announcement. He did not state that he was prepared to protect their position. He was not prepared to state that until a considerable social upheaval occurred as a result of the announcement. It appears this "ad hocery", this way of running from one panic situation to the next, will be a part of the Minister's economic decision-making processes.

In *The West Australian* of 17 November two announcements were made. One was that the State Government was trying to clear up the confusion over pre-school education by explaining its policy, and the second was an attempt by the Premier to explain the inexplicable; that is, how the Government could make these cuts and still provide a decent base for pre-school education in the community.

With the best Press contingent of anyone in the Australian continent, one would have expected that the Premier and his Ministers to have a better communication with the public. As Mr Pandal would know, this extravagant Press machine is there only to prop up the Liberal Party—

The Hon. P. G. Pandal: Get your facts straight.

The Hon. PETER DOWDING: —and to try to spend millions of dollars of taxpayers' money each year to ensure that its message covers up the embarrassing position which has occurred in Parliament. Nevertheless, it is not in a position to explain its proper intended role in relation to the cuts at the time of the Budget.

On the same day, 17 November, this massive Press machine was at work again trying to explain the ministerial statements about staff cuts in Education Department schools. The newspaper article stated that most non-teaching staff in Western Australian schools were being told this week that their hours of work would be cut next year. It continued to say that Mr Grayden had

said that teacher aides and primary schools would be most severely affected. However, no-one spelt out which schools or which teacher aides would be affected. The teacher aides are already perhaps on a basic minimum salary and are trying to plan for next year and to support themselves and their dependants. No-one explained to them who was being spoken of and the criteria to be used for the cuts.

In the *Daily News* of the same day, there appeared an announcement from Mr Grayden, who must have slipped with his Press release in the morning. He said there would be no staff cuts, and the reporter said, "Has the Minister for Education done an about-face on the issue of retrenchment for non-teaching staff in schools?" The reporter continued to point out the absurdities of the Press releases that had been issued.

The same newspaper article stated that the senior industrial officer of the Civil Service Association said the association had been told that the jobs of 20 library aides who work one or two days a week would be terminated and that 15 clerk-typists' jobs were on the line unless the principals of those schools could justify their positions. The article then said it would be unlikely that retrenchments would have to be made; and then another article said that no retrenchments would be made.

Perhaps there are too many cooks in this massive publicity machine and perhaps too few of the people in charge have an understanding of the issue. Perhaps some Ministers should turn off their telex machines and have a look at some of their Press releases; then newspaper reporters would not have to spend their time editing Ministers' Press releases.

If Ministers sat down and read some of this paper rubbish, perhaps we would have a little less conflicting news and a little more real news. The reality is that the small person in the street is desperately afraid of the insecurity created by this Government. The teacher aides do not know whether they will have a job next year or whether the job they have will pay enough money to support them and their families. This is the case throughout the community in my electorate. In the departments of the MRD and the PWD some people who have held positions for 11, 12, or 15 years are now being told that their employment cannot be guaranteed and they may get the sack, and it will be just too bad. What is this Government offering the people in this State who do not have the economic security of ministerial Press secretaries? What is this Government offering teacher aides, the soft areas of the

community, the areas that cannot fight back because they do not have the economic clout that others have?

The members on the opposite side of the House do not care about such people unless they live in the marginal electorates. If it were not for the Commonwealth Government providing massive funds to housing and community welfare, hundreds of Aboriginal people in those areas would be facing unemployment.

Apart from these cuts, we have the disgraceful disregard of people by the Government with the cancellation of the north-west patients' assisted transport scheme. The facts of that are such that this cut makes a mockery of some of the members of Parliament representing some of the areas involved. Mr Sodeman might be privy to the ministry, but if he is not saying so. I was not, Mr Withers was not, and the people in my electorate were not privy to the cancellation of the scheme that has been in operation to confirm the promise of some of the Liberal Party's pre-selection publicity, prior to the last election. What regard can people in the community have for the honesty and integrity of the Government when it is prepared to avoid and ignore the obligations it has incurred in relation to people in particular areas? In 1978-79, 4 909 people were helped by the scheme. In 1979-80, 4 530 people were helped; and in 1980-81, 4 105 people were helped. In the three years up to the announced cancellation of the scheme a total of 13 544 people were assisted by it.

What happened? Suddenly, without any publicity, without any announcement of any sort, in answer to a question I asked in this House because I heard rumours to that effect, the Government admitted the scheme was to be cancelled from the end of the very month in which my question was asked. The first admission by the Government that it intended to cancel the scheme was on 26 August this year, when it announced that the scheme would be cancelled at the end of August. In other words, four days before this vital service was to be cancelled, the people in the north-west received an admission from the Minister to that effect by way of a statement which purported to explain the basis of the cancellation.

Two schemes have been in operation, and running concurrently. The Commonwealth Government isolated patients' transport scheme has enabled people who have travelled from isolated areas to Perth to seek specialist medical treatment not available in their area to apply for reimbursement from the Commonwealth and, if the medical assistance for which they have come

to Perth fits the criteria, to receive reimbursement some two or three months later of the air fares and a small emolument for accommodation expenses while in Perth.

To the ordinary, upper middle-class, Liberal voter, that would be all right; he has a few bob in the bank and can support himself and run the risk that perhaps the scheme will not reimburse him. However, for most of the people in my electorate who are desperately affected by the high cost of living in the area—by the cost of housing and other services—the Commonwealth scheme is not a viable operation. In the first place, they cannot afford to travel to Perth on the off chance that the medical services they seek will fit the criteria. They cannot afford to spend perhaps \$1 000 on air fares to travel to Perth and wait for reimbursement a couple of months later.

It was interesting to note the group of people the Minister included when he answered that if patients did not possess the funds to enable them to travel to Perth, they should seek to borrow funds from lending institutions, because he ignored the real plight of the ordinary man in the street in my electorate.

For example, I had a most sensitive case brought to my attention when I was in Karratha on Sunday. It concerned a couple who have a five-year-old child who is suffering a suspected terminal illness. They have been told that they must come to Perth so that the child may be examined by a neurosurgeon and a neurologist. It is expected as a result of those tests that the parents will be told the life expectancy of the child. They have a one-year-old child and a six-year-old child in addition to the child suffering the illness.

They justifiably feel this is an occasion where both parents need to come to Perth because they are possibly going to be told their child has three months or six months to live. They do not have the resources to pay the return air fare—for air travel it must be from Karratha to Perth—for two parents and the six-year-old child, who must travel with them because they have no-one to leave her with in Karratha. They cannot be guaranteed the case will fall within the criteria of the Commonwealth scheme because a neurologist visits the area. However, he himself has said they need to come to Princess Margaret Hospital in Perth for further tests.

These people virtually have been told by the State Government, "You come to Perth and learn the tragic news about your daughter and go back home again and submit a claim. In a couple of months, you might receive reimbursement".

Apparently that is regarded as satisfactory by the Minister for Health, the Minister for Regional Administration and the North West, and members opposite.

The Hon. N. F. Moore: No, it is not.

The Hon. PETER DOWDING: The Hon. Norman Moore does not regard it as satisfactory?

The Hon. N. F. Moore: No.

The Hon. PETER DOWDING: I do not regard it as satisfactory; I regard it as outrageous.

For the Minister to talk in terms of the Commonwealth department's scheme being adequate is simply misleading the public. We cannot even establish in this House the criteria on which the Department for Community Welfare is prepared to assist people who are unable to afford that travel. I appreciate that the Minister for Fisheries and Wildlife only represents in this place the Minister for Community Welfare. Typical of the inadequate response to questions asked in this House of the Minister for Community Welfare, typical of the Freudian anal retentiveness of the Minister for Community Welfare, we are not given the very information we seek.

I asked by question 741 what were the guidelines and I received a vague and evasive response that the guidelines contained in the interim instruction allowed for a fare advance to be made where the departmental officer receiving the request was satisfied that the proposed travel was likely to meet the conditions for reimbursement from the Commonwealth scheme. However, I was not given a copy of that instruction.

Why is this House not told what the instruction says? It must say more than that. It must make reference to the economic position of the person making the application. Some guidelines must be laid down; why is this House not told? Have members opposite become so casual with the role of Parliament as a watchdog of the Executive arm of Government that the Executive arm of Government no longer cares? Why is it that members opposite do not press in the party room for Ministers to come across with straight and honest answers in relation to the many issues raised with them by members on both sides of the House?

The Minister on 26 August announced the cancellation of the State scheme as at the end of August, which was at least 13 days after the decision was communicated to the Liberal Party functionaries. The Minister's announcement was made only when he became aware I had made a statement in this House and had issued a Press release on the matter which was going to be

published the next day. Only then was the Minister prompted to explain to the public what was happening to public funds.

Anyone would think the Court Government and the Ministers of that Government have some God-given right to the moneys which the taxpayers provide for them to administer.

The Minister in charge of the State scheme should know that a number of shires in my electorate, including the Shires of Kimberley and Pilbara, opposed the cancellation of the State isolated patients' travel assistance scheme. Instead of the Court Government's being prepared—as the Commonwealth suggested—to take over the administration of the Commonwealth scheme so that with governmental officers in the area, the scheme could be based on a "pay before you travel" basis, it refused on the ground that it could not trust its own political party in power in Canberra.

Quite frankly, it is a desperate situation when a Liberal Government, and its Premier at that, must write to me as it did on 30 October outlining its reasons for not taking over the Commonwealth scheme in that manner. Apparently, the member for Pilbara has already made frequent and strong representations on the matter. Incidentally, he seems to keep these frequent and strong representations to himself, until his name crops up with some frequency in ministerial Press releases.

The Premier's letter stated as follows—

Urgent approaches have been taken up with the Prime Minister with a view to providing a system that more effectively meets the immediate needs of local people.

So, we have a situation where, two months after the cancellation of the State scheme, the Premier acknowledged that the State scheme was abolished at a time when the Commonwealth scheme did not effectively meet the needs of the local people.

The Government has abandoned the scheme without ensuring an adequate replacement. That is an indication of economic incompetence, or, if the Government would prefer it that way, an indication that it simply does not care; that it is flying as many kites as possible, cutting out as many of the soft areas of expenditure as possible, and waiting to see who screams the loudest. Not only are we faced with cutbacks in Government expenditure, but also we are faced with increases in the costs of power, water, and other services.

We have seen some calculated attempts to create a costing for an appropriate rebate system for State Energy Commission users who are unable to afford the present cost of power. This

Government fails to realise, despite the efforts of people like my confrere, the other member for North Province, that while electricity charges may be uniform throughout the State and people in the north have an additional burden because of increased consumption, the people in the north are faced with the grievous problem of being caught in a system of social security payments which are unchanged from the moneys available to their friends in the metropolitan area. No matter what the cost-of-living differential, if one is on the dole in Perth or in Kununurra because no-one is prepared to provide work, one is forced to live on the same amount of money; but the costs of living are dramatically different.

It is a measure of the Government's ineptitude that it does not have recent figures for the cost-of-living differentials between Perth and the northern towns. If the Government had these figures, it would realise how horrific are its present policies.

The only figures available are those supplied by the Australian Bureau of Statistics. They are dated 29 October, but they are an index based on March of this year; so we realise that considerable changes upwards would have occurred in those figures. I will quote some of the items which emphasise the point I am making.

The differences between the cost of living in Perth and the cost of living in Kununurra is 37 per cent on a food index. That includes no increase in the cost of fuel, electricity, and water; not because of a differential unit price structure, but because of the necessary increased usage in those commodities. In addition to that, we have a 37 per cent increase in the cost of food alone.

We have other differentials relating to closer towns. It is interesting to note that although these towns are not in my electorate and are closer than Kununurra, Government policies have dramatically affected prices in those towns. The cost of living in Mt. Magnet is 20 per cent higher than the cost of living in Perth; Wittenoom, 15 per cent; Wickham, 15 per cent; Roebourne, 22 per cent; Port Hedland, 14 per cent; Newman, 16 per cent; Meekatharra, 13 per cent; Marble Bar, 37 per cent; Karratha, 16 per cent—so the sad tale goes on—Derby, 19 per cent; even Carnarvon is 11 per cent higher, despite the ready access to fruit and vegetable markets in that town. That indicates the complete failure of Government policies in this State, and the failure to have regard to the real differentials in the cost of living between Perth and towns in the north.

I emphasise that because of Government policies in cutting back staff, of which for some

reason the Liberal Government of this State seems so proud, and despite the cutbacks in the number of people employed by the Government agencies that normally employ the lower economic groups—the Main Roads Department, the Public Works Department, the State Energy Commission, and the like—despite increased numbers being forced onto the dole, and despite the horrific unemployment figures in the Kimberley and the Pilbara, which in some areas are as high as 70 or 80 per cent, people in those areas are expected to live on the same social security payments as are already found to be inadequate in the metropolitan area.

What are we given in return? The Fraser Government has made some play of its close association with our Treasurer; and the Treasurer likes to play up his close association with Fraser. However, the Treasurer cannot obtain for us an economic zone tax allowance. The Treasurer cannot produce a zone allowance which reflects reality; nor will the Federal Liberal Government do that.

Sales tax increases in Western Australia will blot out any advantages to be gained from the zone tax allowance. Increases have been announced in the Federal Budget for taxpayers with dependants; but single taxpayers will receive no increase in the zone tax allowance. The sales tax increases will result in a family paying an additional \$260 a year. However, in the case of a taxpayer with two dependant children, living in zone A, he will receive an increase in the zone tax allowance rebate system of only \$110. That means he will be about \$150 per annum worse off than he has ever been in past years.

In zone B, the taxpayer will receive an annual increase of \$70 to \$80, which means that after additional sales taxes of \$260 a year, he will be worse off by about \$189 per annum.

Additional income tax paid by the average wage and salary earner will amount to about \$600 a year, or something over \$5 per week. This will erode further any small benefits that might have come from a variation in the zone tax allowance. In other words, it is pathetic.

People in the north will be deprived of any form of economic parity with people in the larger towns. In later debates, I will raise the issue of housing because the position of housing in my electorate is acute. The problems in relation to that are so great that they deserve persuading the members that we should not adjourn one evening until those matters have been aired.

I would like to refer also to some of the concessions announced in the Budget. Without

going through them in detail, I will refer to the stamp duty concession for people who purchase houses or businesses costing \$50 000 or less. Either the Treasurer has made a political stunt of announcing these figures, or it is a genuine attempt to ease the plight of new home buyers. He cannot have it both ways. He tries to, but he cannot.

Nowhere in my electorate can one buy a house for \$50 000; so that particular allowance will not apply to people in the north. When I raised this question with the Treasurer, he had one of his Press secretaries issue a letter under his name. The letter said, "Well, Mr Dowding doesn't know what he is talking about, because the concession doesn't amount to much anyway".

As I say, I think it is a concession that ought to apply effectively throughout the whole of the State or the money ought to be split and spent on some real concession to ease the plight of new home buyers.

But how can the people in my electorate take advantage of that? A State Housing Commission home in Broome costs in excess of \$60 000 to build. I assure members that those houses do not amount to much in comfort or size. So that concession is illusive. It is certainly illusory for the people in my electorate.

There is another matter to which I wish to refer, and that is the overall reduction in the grant from the Consolidated Revenue Fund of the Education Department Item 6. I will mention some of the subsidies that will now cease. The text book allowance worth about \$1 million a year will cease, in line with the Treasurer's statement. Who is to benefit from that?

Without expecting an answer from members opposite to this very difficult conundrum, what is the most precious resource we have in this State? It is not diamonds or iron ore. In fact, it is our children. If anyone was benefiting from the text book allowance subsidy it was our children. The people who specifically benefited may have been some families that could have afforded not to have the subsidy anyway, but the people who benefited most of all were the people with the most need. The children were the people who benefited specifically. Nevertheless, that subsidy has been cut.

The museum of childhood subsidy, the ballet and drama subsidy, the WA Week Council subsidy, the country high school subsidy, the school based curriculum subsidy, and the staff text book subsidy—these have all been reduced. There has been a total reduction of \$108 000. In



fact, the staff text book subsidy has been simply abolished.

It was only after lobbying that the camps for gifted children received an increased subsidy, whereas the special learning difficulties allowance has been kept at the same pitiful level as for 1980-81.

The point is this: We have in our State the need to upgrade the education system, otherwise future generations will suffer. I am greatly concerned that we are prepared to spend money celebrating 150 years of malapportionment and 110 years of undemocratically elected upper Houses—we are prepared to spend money celebrating some fictitious event—yet we are prepared to let children with special learning difficulties manage with a pitiful subsidy to assist in their learning difficulties. In my view it is that balance which is so tragic in the Budget before the House.

I have three final matters to which I wish to refer, and the first of these is an echo of something I said a few moments ago. I said that the level of unemployment benefit is inadequate when one looks at the cost-of-living differentials and the cost-of-service differentials for people in the north.

It is interesting to see that the Honorary Minister for Housing has permitted the General Manager of the SHC to acknowledge that point in a letter. In a recent debate the Government, despite our attempts to prevent it, amended legislation governing the SHC's obligation to house people in needy circumstances. The legislation compartmentalised the overall thrust of the general obligation on Government to care for needy people.

The General Manager of the SHC wrote to me on 17 September about a gentleman who lived in Wickham who was unemployed and had not been able to keep his rent up to date. The general manager said this person had been in arrears for 10 weeks and this was an unacceptable length of time. I can assure members that it was an unacceptable time for the poor tenant. He was not pleased at being placed in the position of abject poverty and not being able to meet his expenses and support his family. The general manager said that, "While the inadequacies of the unemployment benefit in the north is appreciated, this is not a State Housing Commission responsibility".

We cannot compartmentalise areas of Government responsibility and fulfil the overall obligations to ensure a fair and equitable distribution of services and an availability of housing and fundamentally basic support for

people in this community. For the State Government to acknowledge that situation and do nothing to rectify it or to improve the rebate provided, for people to be caught in that dreadful bind of poverty which is so much a part of the Government's policy in the north, and for the SHC to say that is not its problem, is a tragedy. It is not its problem because this Government chooses not to make it its problem.

Another area of gross disadvantage in this community involves people of Aboriginal descent who, by reason of their race, over the last 150 years have been completely ignored in the economic growth of this State and who in the north, until 1967, were kept in a position of abject slavery. Their economic base—their land—was taken from them; the opportunity to provide themselves with an economic base and security was never available. Education was denied them; employment was denied them. Racial discrimination denied them economic and political power.

These people living in the north are still suffering from the policies of past Governments. I do not pretend that the policies of Governments of either political flavour should be removed from that criticism. It was a fundamental change in attitude in the late 1960s, particularly under the Whitlam Government federally and later under the Tonkin Government of this State, that meant a new deal would be had by Aborigines.

I do not care how often the Hon. Bill Withers says that we should not make provision for people by reason of their race. All I can say is that for 150 years we did, for reasons of race, deny the Aboriginal people of this State their rights. We must, by race, improve the situation as a matter of urgency and ensure that at the same time those people who are not Aborigines and who are economically deprived are given the appropriate level of support.

There are two areas of concern for me in the Government's Aboriginal affairs policies. The first is that it is interesting to note that the Liberal Government of Western Australia is now the only Government in Australia of Liberal persuasion that has not been prepared to announce some form of policy of land rights for Aborigines. Even Mr Bjelke-Petersen, a man not noted for his fair views of Aboriginal people, is now making noises about some form of perpetual freehold title for Aboriginal reserves, the purpose of which is to ensure control by the Aboriginal people themselves over their own land.

Not even this Government is prepared to go that far. We are put off with a lot of nonsense

about freehold titles not being as good as perpetual leases or reserve land, which is a *non sequitur*.

The freehold title that most people talk about, and most Governments in Australia have now decided is appropriate, is an inalienable freehold title—a title especially adapted to the needs of the State. No doubt people like the Hon. Norman Moore will have great trouble explaining to their new electors why it is the State Government refuses to give any control—

The Hon. N. F. Moore: What do you mean by my “new electors”.

The Hon. PETER DOWDING: Those who are now getting on the roll and who will vote the member out at the next election. The ones members opposite have never bothered about before. They are the ones that we will be interested to note members opposite taking some sort of interest in.

The people in Murchison-Eyre of all political colours and races are now taking a great interest in the ALP and its policies because they see ultimately there is fairness for the Aboriginal and non-Aboriginal inhabitants of these areas which have been left high and dry by the policies of the Liberal Government. The recent efforts by Mr Frank Donovan, who is our candidate in Murchison-Eyre—

The Hon. N. F. Moore: Who has admitted he cannot get a white vote.

The Hon. PETER DOWDING: Not only can he get a white vote, but also he got a tremendously good reception in Laverton recently where the support for the Liberal Party is dwindling.

If members opposite were not so interested in protecting their mates—if they were prepared to listen to the complaints made by the people in that area—they would find plenty of jaundiced attitudes about the policies of the Liberal Government.

The point I wish to make is that, not only is the Government not providing a system of fair tenure for Aboriginal reserves and those areas upon which the Aboriginal people have been granted the right to live within their communities, but also the Government is actively permitting mining in those areas and granting mining exploration permits and reserves without ensuring there is a mechanism to avoid another Noonkanbah—without ensuring an end to the harm and disturbance to the communities caused by the Government's policies in relation to that matter. There is still no mechanism for solving

disputes where an Aboriginal sacred site is claimed by a local community.

It is interesting to note how even the major oil companies have circulated a little booklet which advises their members to negotiate with the local Aboriginal communities to avoid these problems arising, rather than approaching the Minister for Mines who is sure to mess it up.

The oil companies have been greatly disturbed by the interference of the Government in the relationships between the exploration companies and the Aboriginal communities; in the same way, incidentally, as the major iron ore companies have been deeply concerned at the interference of the State Government in industrial relations in this area.

The message we are getting loud and clear from both mineral explorers, in relation to Aborigines on the one hand, and iron ore companies, in relation to industrial peace on the other hand, is to get this Government to keep its nose out of these areas, because every time it moves into them it messes them up.

On 11 November I asked a question of the Minister for Mines about Temporary Reserve No. 7788JH in the Kimberley goldfields which this House was asked to grant recently. It is a temporary reserve granted for mineral exploration and it covers an area in which sacred sites are known to exist and which the community itself says contains a great deal of importance for its culture, religion, and law.

That community has been anxious to avoid a situation in which a mining company will go in and destroy a sacred site, because it was not aware it was there. The community asked the assistants of the WA Museum to go to the area so that they could be told the location of the sacred sites and they could then be surveyed and mapped. Because of the Government's intransigent attitude and its decision to ensure Aborigines do not have rights and that they should merely be products of the “handout” mentality, it was not prepared to carry out these surveys before the temporary reserves were granted.

As a result, I have been told the Warburton community has found one of its sacred sites has been desecrated. Why could not these surveys have been conducted before the temporary reserves were granted? Why could not the surveys be conducted at an early stage in the contentious areas?

I can see no explanation for it other than that the Government has no desire to see this survey completed before temporary reserves are granted,

because in fact it knows that it is going to be embarrassing and it wants to ensure that the reserves are granted before the sacred sites are identified. It can then get its Press machine into gear and work up hysteria in the media on the part of Government Ministers about the veracity of the statements made by the Aboriginal community.

We shall then have the stand off position we experienced in regard to the Noonkanbah issue, where the Aborigines said, "If you want to find an oil exploration lease, you merely identify your sacred sites to the Government" and the Government said, "If you want to find a sacred site, identify an area of interest from a minerals' point of view and someone will pop up and tell you there is a sacred site there". Neither of those positions is correct, but both are the product of the failure of this Government either to ensure adequate surveys are carried out before the granting of temporary reserves or to ensure there is a mechanism for solving these disputes.

A mechanism for solving these disputes has been set up in other States. The Pitjantjatjara now have a mechanism in South Australia which was set up by the Government. There are mechanisms in the Northern Territory and they are proposed in Tasmania and New South Wales. Now our old friend, the Premier of Queensland, is anxious to get the Aboriginal vote by changing his views. However, neither the Minister for Mines, the Minister for Lands, nor apparently the Premier in this State are prepared to do this.

The final matter I wish to raise relates to the State Shipping Service. I am very concerned the Government has allowed that service to run down. I am very concerned also that it has not utilised every opportunity to ensure that, when Government contracts are let, the State Shipping Service is employed.

On 27 August of this year the Minister for Works was unable to tell me whether the contracts let for the establishment of the grain storage and handling facilities for the Camballin project—incidentally, \$11 million of taxpayers' money is being expended on this project—included the fact that the items required for that work would be carried by the SSS. Goodness knows what the Minister does with his time and his staff.

On 18 November I asked the Minister for Lands representing the Minister for Transport the position in relation to the SSS and he admitted that until now—this grain terminal is nearly fully erected—no State shipping had been employed for the movement of major steel works or even for

the minor steel works. Indeed, according to my information, the major steel works for the terminal were taken to Broome by road transport, and as a result of the presence of the empty road trains, they were then used to take back a supply of meat to Perth which had been scheduled to travel on State ships. Nothing could be more disadvantageous to the SSS and nothing could be better designed to weaken the position of the SSS than that irresponsible approach to the utilisation of those services.

Like other members of the Opposition, I am deeply concerned about the policies represented in these Budget papers and I can only say that, once again, the taxpayers of Western Australia are going to be worse off, not better off, as a result of both State and Federal Budgets as a direct consequence of the relationship between the State and Federal Governments, which the Treasurer changed at his behest and which abandoned the security of the policies established by the Whitlam Government.

Debate adjourned, on motion by the Hon. N. F. Moore.

#### ADJOURNMENT OF THE HOUSE

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [11.20 p.m.]: I move—

That the House do now adjourn.

#### *Sittings of the House: Hours*

**The Hon. I. G. MEDCALF:** I mention that it may be necessary for the House to sit after the dinner suspension tomorrow evening, the reason being that it is desirable that as many members as possible who have not as yet spoken on the Estimates have an opportunity to do so tomorrow evening. I have not made a firm decision on whether to sit tomorrow evening, and will wait until I can review the situation tomorrow. As soon as a firm decision is made I will ensure that every member is informed of it.

#### *Australian Labor Party: Policy on Upper House*

**THE HON. R. G. PIKE** (North Metropolitan) [11.22 p.m.]: I thought the House ought not to adjourn this evening until I had the opportunity of placing certain remarks on record. This is the only way I have to make the point.

**The Hon. Peter Dowding:** I think your gown is slipping.

**The Hon. R. G. PIKE:** The Federal parliamentary Labor Party according to a report in *The Age* of Melbourne of 12 November—

The Hon. Peter Dowding: Not the Eastern States!

The Hon. R. G. PIKE: It is stated—

The Hon. P. G. Pandal: Haven't you spoken enough tonight?

The Hon. G. E. Masters: He never speaks enough.

The Hon. Peter Dowding: Did you listen?

The Hon. P. G. Pandal: Not for a while.

The Hon. R. G. PIKE: The article states—

...in August the Labor caucus adopted confidential guidelines for the party's conduct in the Senate which left the way open for a review of its opposition to denying a Government Supply.

The report also states—

Senator Evans said Labor could eventually abandon its commitment not to block Supply...

It is clear that a Labor socialist principle now can be described as organised hypocrisy. It was necessary to place these facts on the record in view of the comments made from time to time by the Opposition, which espouses a so-called principle in regard to this matter. I am quite certain that now the facts are recorded, the real point of the Opposition's argument against upper Houses and their rights and privileges can be shown when debate takes place on the matter in this House, as it undoubtedly will.

Question put and passed.

*House adjourned at 11.23 p.m.*

# QUESTIONS ON NOTICE

## ABATTOIR: MIDLAND JUNCTION

### *Employees*

726. The Hon. D. K. DANS, to the Minister representing the Minister for Agriculture:

- (1) How many workers were retrenched subject to the closure of the Midland Junction Abattoir in 1979?
- (2) How many workers received entitlement by way of the superannuation scheme?
- (3) What has been the total incurred by the Government in each of the financial years 1979-80 and 1980-81 through the holding of the above abattoir on a care and maintenance basis?
- (4) What are the Government's future plans for the abattoir?

The Hon. D. J. WORDSWORTH replied:

- (1) 627.
- (2) 340 (all those in the scheme).
- (3) 1979-80, \$1.8 million.
- (4) The Meat Commission is arranging the progressive disposal by tender of surplus plant and equipment. Tenders have closed for the first listing of items of plant and equipment and the results are being assessed. Other assets will be disposed of in such a manner as to ensure the optimum financial return to the Government.  
The cost of holding the abattoir on a care and maintenance basis for 1980-81 was \$1.2 million. This figure has not yet been tabled in the House. Depreciation has been excluded from the maintenance cost in 1980-81 for accounting reasons because the abattoir was not operational.

## EDUCATION: NON-GOVERNMENT SCHOOLS

### *Registrations: New*

727. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

Further to question 670 of 4 November and question 702 of 11 November: In answer to question 670, the Minister advised that nine new non-Government schools were registered during 1981;

however, in answer to question 702, the Minister proceeded to list 13 schools as being newly registered in 1981. I now ask—

- (1) Is it correct that four new non-Government schools were registered in the week 4-11 November?
- (2) If not, will the Minister explain the apparent discrepancy between information supplied in the two answers, and perhaps clarify the situation regarding the correct figure for new registrations in 1981?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) Due to a clerical error four schools were omitted from the count on 4 November and this is regretted. Information supplied on 11 November gave the correct situation.

## EDUCATION: HIGH SCHOOL

### *Northampton*

728. The Hon. TOM McNEIL, to the Minister representing the Minister for Education:

- (1) With reference to the Minister's reply to my question 682 of 5 November 1981, in regard to the collapse of a section of the verandah at the Northampton District High School, is the Minister aware—
  - (a) that the piece of wood and downpipe which collapsed, and which the Minister alluded to as a minor fall, was in fact a substantial 10 feet x 3 inches x 2 inches and had protruding from it the nails which had previously connected it to the verandah;
  - (b) that this missile actually fell into the playground; and
  - (c) that the verandah has other sections in a similarly loose and dangerous condition?
- (2) If the accident had happened during school hours instead of at night, would the Minister still claim that "there was, and is, no danger to children"?
- (3) As the Minister is now in possession of the report from the Public Works Department which investigated the condition of the school, would the Minister advise when the report will be acted upon?

- (4) Has consideration been given to the issuing of safety helmets for the staff and pupils of the Northampton District High School in the event that no action will be taken in regard to the upgrading or re-building of the school?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) to (c) The fall of a piece of timber from a verandah at the Northampton District High School has been reported by the school principal. The Public Works Department has checked for other loose timbers.
- (2) Had the incident happened during daylight hours the loose timber might have been noticed before it fell.
- (3) A full report has yet to be received.
- (4) No.

#### HEALTH: HEARING IMPAIRMENT

##### *Musicians*

729. The Hon. P. G. PENDAL, to the Minister representing the Minister for Health:

- (1) What studies, if any, have been conducted into any hearing impairment suffered by musicians playing in modern rock bands?
- (2) Do devices exist to intercept noise levels of bands when they reach a certain decibel level?
- (3) If so, is consideration being given to the use of such devices at cabarets, hotels, etc.?
- (4) Does the Minister have any recollection of the days when it was possible to carry on a conversation at a cabaret or hotel without having to shout at a level equal to or louder than the band in order to be heard?

The Hon. D. J. WORDSWORTH replied:

- (1) A number of studies have been reported in literature and the Public Health Department has attempted a similar study. The population is not readily amenable to surveys of this kind and the results are conflicting. In general, there is a suggestion of hearing damage, as would be expected.
- (2) Yes.

- (3) Yes, again with conflicting results. They have been used with success in some areas. Some performers refused to use them and attempts, successful or otherwise, may be made to disconnect the devices.

- (4) Yes. It is assumed, however unhappily, that those who dislike this have few choices.

#### EDUCATION

##### *Corporal Punishment*

730. The Hon. LYLA ELLIOTT, to the Attorney General:

- (1) Did the Attorney General see the report in Monday's *Daily News* concerning excessive corporal punishment being exposed in schools in Queensland?
- (2) Is the Attorney General aware that the law in this State still legalises violence against children by parents, guardians, school teachers and employers in that section 257 of the Criminal Code states—

It is lawful for a parent or a person in the place of a parent, or for a school master or master to use by way of correction towards the child, pupil or apprentice under his care such force as is reasonable under the circumstances.?

- (3) As this law—

- (a) can be seen by some as condoning violent behaviour towards children; and
- (b) should have no place in the Statute book of a humane, enlightened society;

will the Attorney General take steps to have it repealed?

The Hon. I. G. MEDCALF replied:

(1) No.

(2) Section 257 of the Criminal Code is expressed in the terms set out in this question and allows for reasonable chastisement for children and young persons. The substantial body of case law on the subject militates against such chastisement becoming excessive by imposing strict limitations. It should be noted that the character and amount of punishment that will be recognised as lawful will vary with the age, sex, and apparent physical condition of the child. In general terms, the limitations of the law in relation to the punishment of children are—

(i) that the punishment must be moderate and reasonable;

(ii) that it must have a proper relation to the age, physique, and mentality of the child;

(iii) that it must be carried out by reasonable means.

(3) No. If the above bounds of moderation are exceeded in any particular case, the perpetrator is answerable for assault.

#### EDUCATION: NON-TEACHING STAFF

##### *Reductions*

731. The Hon. D. K. DANS, to the Minister representing the Minister for Education:

I refer the Minister to reports in both the *Daily News* of 16 November 1981, and *The West Australian* of 17 November 1981, referring to reduced working hours for non-teaching staff, and ask—

(1) In those schools where reductions do occur, will the work currently being undertaken by these staff now be absorbed into the work load of teaching staff?

(2) Will the Minister give an assurance that no redundancies will occur as a result of these cost-saving measures?

The Hon. D. J. WORDSWORTH replied:

(1) No.

(2) There will be no retrenchments as a result of the cost saving measures.

#### EDUCATION: NON-GOVERNMENT SCHOOL

##### *Registration: Universal Brotherhood School*

732. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

Further to question 702 of 11 November 1981, on what date in 1981 was the Universal Brotherhood School registered as an efficient school?

The Hon. D. J. WORDSWORTH replied:

Procedures for registering this school were completed on the afternoon of 11 November and a letter of that date forwarded to the school advising of the decision. Advertisement by notice in the *Government Gazette* will complete all requirements.

#### LIQUOR: HOTEL

##### *Wiluna*

733. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Community Welfare:

Is the Minister aware of any negotiations by the Aboriginal community at Wiluna to buy the hotel at Wiluna?

The Hon. G. E. MASTERS replied:

The Minister for Community Welfare is not aware of any current proposal for the Aboriginal community at Wiluna to purchase the hotel in that town.

#### EDUCATION: NON-GOVERNMENT SCHOOL

##### *Registration: Nollamara Christian Academy*

734. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

Further to question 702 of 11 November 1981—

(1) Is it a fact that the Nollamara Christian Academy was issued a certificate of efficiency dated 2 January 1980?

(2) Why then has the school been omitted from the list supplied in answer to question 702?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) This school was not listed in the answer to question 702 because it was considered to be efficient in 1979 and has been paid *per capita* grants for that year.

## FUEL AND ENERGY: ELECTRICITY

### *Pumped Storage Method*

735. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

Referring to question 396 of Wednesday, 19 August 1981—

- (1) Would the Minister outline salient estimated costs to substantiate the SEC's conclusion that pumped storage is not economic now?
- (2) Would the Minister table a site plan showing the pumped storage site secured?
- (3) If not, why not?
- (4) Has the SEC studied any other sites?
- (5) If so, would the Minister table plans showing them?

The Hon. I. G. MEDCALF replied:

- (1) to (5) The information sought is being researched, and the Minister for Fuel and Energy will write to the member as soon as it becomes available.

736. *This question was postponed.*

## INDUSTRIAL DEVELOPMENT: RESEARCH AND DEVELOPMENT CENTRES

### *Inventors*

737. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Industrial Development and Commerce:

With reference to the report by Ron Banks on page 7 of *The West Australian* of Wednesday, 19 August 1981, about proposals by the WA Institute of Technology and the Confederation of WA Industry to set up research and development centres, would the Minister give his assurance that, before the Government directs any support to any such bodies, it requires them to

formally and openly adopt procedures equitable to inventors along the lines of the petition presented to the Legislative Council on Thursday, 31 July 1980?

The Hon. I. G. MEDCALF replied:

The Government, through the technology review group, is currently examining the ramifications involved in the establishment of a technology centre or park. No final decision has yet been made in this respect.

However, if a technology centre becomes established there will be avenues through which inventors can discuss potential and possible commercialisation of inventions.

In relation to the petition to the Minister lodged by Mr Skidmore MLA, I am advised that the Minister for Industrial Development and Commerce wrote to Mr Skidmore on 26 August 1980 outlining the Government's policy covering the various points raised in the petition. The Minister will make a copy of that letter available to the member if he so desires.

## TRANSPORT: TIMETABLES

### *24-hour Clock: Use*

738. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) Is the Minister aware that timetables for aircraft passenger services within Australia utilise a.m. and p.m. times?
- (2) Is the Minister also aware that the private bus companies operating passenger services throughout Australia use a.m. and p.m. times in their timetables?
- (3) As MTT and Westrail use the 24 hour clock in their timetables, which causes considerable confusion to the public, will the Minister have the MTT and Westrail revert back to the former practice of printing timetables in a.m. and p.m. times?
- (4) If not, why not?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) The Minister does not have information on the timetable practices adopted by the various transport modes in all parts of Australia.



- (3) and (4) The Minister has received no reports that considerable confusion is occurring as a result of MTT and Westrail use of the 24 hour clock. However, MTT is currently conducting an image and attitudinal survey which, amongst other things, is examining the suitability of the 24 hour clock timetable for metropolitan bus and rail services. MTT expects the study to be completed early in 1982.

In regard to Westrail country services, the 24 hour clock is used in line with Railways of Australia practice and the commissioner has no plans to change the present procedures at this stage.

## NATURAL DISASTERS: CYCLONES

### *Karratha*

739. The Hon. PETER DOWDING, to the Minister representing the Minister for Resources Development:

I refer to the Minister for Regional Administration and the North West's answer to question 449 of 8 September 1981, that a further study has been commissioned to examine Kelly's Line, and ask—

- (1) When will the study be completed?
- (2) What is its anticipated cost?
- (3) Will the results be released for public scrutiny?
- (4) If so, when?
- (5) If not, why not?

The Hon. I. G. MEDCALF replied:

- (1) Second quarter of 1982.
- (2) \$18 900.
- (3) and (4) It is the intention of the Minister for Resources Development to release the information when it is available.
- (5) Not relevant.

## LAND: RESERVES

### *Turkey Creek*

740. The Hon. PETER DOWDING, to the Minister for Lands:

I refer to the application by the Warmun community, Turkey Creek, for an extension of its reserves through the Lands Department, and ask—

- (1) What is the date on which an application for extension of the reserve was made?
- (2) Why has there been such delays in the granting of the extension?
- (3) Did the Minister assure the community, the Aboriginal Lands Trust and others, in early September that the matter would be expedited after the completion of a survey?
- (4) Was the survey completed in early September?
- (5) (a) Has the Minister had any representations since the completion of the survey to hold up the granting of the reserve extension; and  
(b) if so, by whom, and on what basis?

The Hon. D. J. WORDSWORTH replied:

- (1) An application by the community for the acquisition of land within Reserve No. 22640 which is a recreation reserve vested in the shire and utilised by the gymkhana club was received through the Aboriginal Lands Trust on 31 January 1979. A further application made through the trust for the enlargement of Aboriginal Reserve No. 34593 (350 ha) by some 1 800 ha was made on 22 October 1979.
- (2) and (3) The land extensions sought by the community included reserve land vested in other authorities and also land held under grazing lease tenure. Extensive negotiations and investigations were necessary to determine the extent of the extensions sought and which could be considered. I informed the chairman of the community on 1 September 1981, that following resolution of negotiations with affected parties the surrender of vesting orders held by the Public Works Department had been arranged; notice of termination of affected grazing leases had been given; Mines Department objections had been resolved and withdrawn and the necessary ground surveys were being undertaken so that Reserve No. 34593 could be enlarged from 350 to some 800 ha, and that on receipt of ground survey data, the department would expedite plan drawing to allow the reserve amendments to be submitted for formal approval.
- (4) Yes.

- (5) (a) and (b) Representations have been received from the gymkhana club, supported by the shire, which object to the proposed extensions to the Aboriginal reserve which will affect the club's holding yards and portion of its race track. At the time of survey, a club representative informed the surveyor that the club would be prepared to re-establish these improvements which are outside the boundaries of Reserve No. 22640. However, in view of the latest representations, a resurvey of the boundaries of Reserve No. 22640 has been arranged for next week so that the club's existing improvements will not be affected. This will mean that the total area of some 800 ha as proposed for the extended Aboriginal reserve will be reduced by some 21.87 hectares.

#### HEALTH: ISOLATED PATIENTS

##### *Travel Assistance*

741. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

I refer to the activities of the Minister's department in relation to the north west patients transport scheme, and ask—

- (1) Has the Minister or his department prepared guidelines for assisting people in the north-west who feel they are unable to afford the travelling expenses for medical treatment under the isolated patients travel assistance scheme?
- (2) If so, what are the guidelines?
- (3) (a) If "No" to (1), will the Minister do so; and  
(b) if not, why not?
- (4) On what basis are departmental officers advised to assist in relation to this issue?

The Hon. G. E. MASTERS replied:

- (1) Pending the finalisation of negotiations with the Commonwealth Government to allow reimbursement of fare advances, the department has issued interim instructions to country field staff enabling them to advance fares to persons unable to afford the travelling expenses for medical treatment.

- (2) The guidelines contained in the interim instructions allow for a fare advance to be made where the departmental officer receiving the request is satisfied that the proposed travel is likely to meet the conditions for reimbursement through the Commonwealth isolated patients travel and accommodation assistance scheme.
- (3) Not applicable.
- (4) Answered by (2).

#### LAND: RESERVE

##### *Violet Valley*

742. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

- (1) Has the Aboriginal Lands Trust received a number of submissions and has the Minister received submissions relating to the availability of the Violet Valley Aboriginal Reserve for pastoral and community purposes?
- (2) (a) Will the Minister say whether the reserve has been made available to the community; and  
(b) if so, the basis of it?
- (3) (a) Was the land leased by the predecessor in title to the Aboriginal Lands Trust or to a non-Aboriginal; and  
(b) if so, upon what basis, and upon what terms?
- (4) (a) Was the property allowed to deteriorate under the occupancy of the person referred to in the previous question; and  
(b) if so, to what extent, and what compensation, if any, has been sought and obtained?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) (a) The Aboriginal Lands Trust has recommended that the Baulu Aboriginal Corporation should be given tenure over the reserve.  
(b) The Minister has approved a 21-year lease commencing on 1 January 1982 at peppercorn rental.

- (3) (a) The land was leased by the former Native Welfare Department on 1 January 1963 to the Texas Downs Pastoral Co. Pty. Ltd., the former non-Aboriginal lessees of adjoining Mabel Downs Station.

- (b) The terms of the lease included—

Annual rental of \$214;  
maintenance of the assets in good order;  
provision of new yards etc., which the Commissioner for Aboriginal Planning would pay for;  
expiry of the lease on 1 December 1981 which will not be renewed.

- (4) (a) An inspection of the property is being arranged through the Department of Agriculture and it will not be known until completion of that inspection whether the lease conditions have been met.

- (b) Not applicable at this time.

743. *This question was postponed.*

#### HOUSING: ABORIGINES

##### *Programme: Local Government Objections*

744. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

- (1) Have some shires objected to a State Housing Commission building programme for the 1979-80 year in respect of the building of houses with Commonwealth Aboriginal money?
- (2) If so, will the Minister state what shires, and in respect of which properties have they so objected?

The Hon. G. E. MASTERS replied:

- (1) and (2) The new construction programme for Aboriginal housing in 1979-80 was determined at 135 urban units of accommodation as well as construction of housing villages in the north-west and this programme was implemented. In the course of a construction programme difficulties and delays can occur for a variety of reasons. These are usually resolved by negotiation.

#### LEGAL CONTRIBUTION TRUST FUND

##### *Balances*

745. The Hon. PETER DOWDING, to the Attorney General:

What was the balance in the legal contribution trust fund on which interest was accruing on—

- (a) 1 January 1979;  
(b) 30 June 1979;  
(c) 30 December 1979;  
(d) 30 June 1980;  
(e) 30 December 1980; and  
(f) 30 June 1981?

The Hon. I. G. MEDCALF replied:

- (a) to (f) Financial statements of the legal contribution trust for the periods ending 31 December 1978, 30 June 1979, 31 December 1979, 30 June 1980, 31 December 1980, and 30 June 1981, have been tabled in this House and are available for perusal.

#### HEALTH: ISOLATED PATIENTS

##### *Travel Assistance*

746. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

I refer to his answer to question 456 of 8 September 1981, and ask—

- (1) On what date was an announcement of cessation of the scheme made to the public?
- (2) What is the date of the first press release on the subject by the Minister?
- (3) Will the Minister provide me with a copy of that Press release?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) 26 August, 1981.  
(3) A copy is provided.

747. *This question was postponed.*

#### HOSPITAL

##### *Port Hedland*

748. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

- (1) Does the Port Hedland Hospital have a children's ward?

- (2) Is the children's ward considered adequate to meet the needs of the hospital?
- (3) (a) Has there been, since 1975, any plans to provide an additional children's ward or expend any funds on the children's ward; and  
 (b) if so, what plans were made, how much was the expenditure, and for when was it allocated?
- (4) What are the Government's present plans for the future of the children's ward at the Port Hedland Hospital?

The Hon. D. J. WORDSWORTH replied:

- (1) No dedicated children's ward is provided. Children are nursed in a section of the 40-bed general ward.
- (2) Not totally adequate, but the hospital is coping at present. There are 14 beds in the children's section. Additional places can be made available by taking over adjacent adult accommodation.
- (3) (a) Yes.  
 (b) Plans have been developed to provide a new 23-bed children's ward. This project will be commenced as soon as funds can be made available.
- (4) The existing children's beds will be released for adult accommodation.

#### SHIPPING: STATE SHIPPING SERVICE

##### *North-west*

749. The Hon. PETER DOWDING, to the Minister representing the Minister for Transport:

- (1) Is it the policy of the Government to encourage Government contracts in the north to utilise State Shipping Services where appropriate?
- (2) (a) Has any of the material for the construction of the Camballin grain terminal at the Broome Jetty been carried on State ships from Perth to Broome; and  
 (b) if so, what material has been carried, where and when?

- (3) If the material has not been carried by State ships, will the Minister advise what steps have been taken to ensure that the State ships' services would be utilised?
- (4) If none have been taken, why not?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) (a) and (b) No, but State ships has secured shipment of the ship loader which is scheduled for delivery on MV *Pilbara* on voyage three loading about 19 December 1981.
- (3) and (4) There have been discussions at senior level between State ships and the Public Works Department to ensure that tenders are evaluated to give proper effect to the Government's policy of utilising State ships services whenever it is practical to do so. Arrangements have been established for full liaison between the two organisations to ensure that this objective is achieved.

750. *This question was postponed.*

#### QUESTION WITHOUT NOTICE

##### EDUCATION: FOUR-YEAR-OLDS

##### *Cutbacks: Pilbara*

207. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

The Minister is reported as having said that the *Pilbara* will be a special case in relation to the proposed cuts in education funds for kindergartens providing education for children aged four years and under—

- (1) Will there be any cuts in the funding of kindergarten teachers' salaries for kindergartens in the Pilbara and Kimberley?
- (2) If so, will the Minister detail the cuts that will be made and the criteria upon which those cuts will be based?
- (3) Will there be any cuts in the funds available to kindergartens which provide education for children—  
 (a) under four years;

- (b) turning four in the current year; and
  - (c) if so, what cuts, and will he detail the criteria?
- (4) If a decision has not been made as to any of the matters referred to in the above detail—
- (a) will a decision be made before the commencement of the next school year;
  - (b) if not, when will it be made; and

- (c) when will kindergarten teachers and parents be advised of the Government's policies?

The Hon. D. J. WORDSWORTH replied:

- (1) to (4) Isolated centres are receiving special consideration and, on this basis, salaries will be met in established centres in the Kimberley and the Pilbara for children 3-plus years of age, which are staffed according to formula.

