

# Legislative Assembly

Tuesday, the 22nd April, 1975

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

## RULINGS BY THE SPEAKER

### *Inconsistency: Statement*

**THE SPEAKER** (Mr Hutchinson): Before proceeding with the business of the House I wish to refer to the inconsistency of two decisions I made last Thursday during the debate on an amendment moved by the Leader of the Opposition to the motion relating to the Vietnamese and Cambodian conflicts.

Members will perhaps recall that I gave a decision against the member for Morley regarding a word used in debate and objected to by the Minister for Labour and Industry, and later, when the same word was used and objected to by the same Minister, I gave my decision in favour of the member for Balga.

I should explain that I do not believe one should be a slave to consistency as circumstances can alter cases, but I feel concerned about the inconsistency of these two decisions, and I express my regret to the House, and to the member for Morley, as I feel I was wrong in his case.

At the risk of being accused of tedious repetition, I again repeat that members should endeavour not to be oversensitive in their reaction to words used in debate.

**Mr A. R. TONKIN:** Mr Speaker, I wonder whether I may be permitted to express my appreciation of your remarks?

**THE SPEAKER:** I am afraid that is out of order.

## TRONADO MACHINE

### *Decision on Use: Urgency Motion*

**THE SPEAKER** (Mr Hutchinson): I have received a letter from the Leader of the Opposition regarding the need as he sees it to move an urgency motion. I propose to read the letter to the House. It is as follows—

**Mr Speaker,**

Standing order No. 48 provides for the moving of a motion, "That the House do now adjourn" for the purpose of debating some matter of urgency.

In accordance with the provisions of standing order 49, I wish to advise you of my desire to move the adjournment of the House for the purpose of discussing the need for the Tronado machine at Sir Charles Gairdner Hospital to be kept in operation at least until after the further enquiry contemplated has been completed and a report issued.

It is signed by John T. Tonkin, Leader of the Opposition.

I advise that I have agreed to the request of the Leader of the Opposition, subject to the arrangement that the maximum number of speakers from each side will be three. Under Standing Orders it is necessary for seven members to support the request of the Leader of the Opposition.

Seven members having risen in their places,

**MR J. T. TONKIN** (Melville—Leader of the Opposition) [4.43 p.m.]: I move—

That the House do now adjourn.

Thank you, Mr Speaker, for appreciating my desire to raise this matter urgently. In our view it is an urgent matter for this reason: The board of the Sir Charles Gairdner Hospital has announced that it intends to phase out treatment by the Tronado cancer machine. It will be used on existing patients only, and no new patients will be admitted to treatment as from the date of the declaration.

This disturbs us greatly for a number of reasons, which I propose to give. We feel that as the Government has decided to have the matter further inquired into, that inquiry will produce a decision different from that already given by the National Health and Medical Research Council; and that in the circumstances it would be quite wrong to discontinue the use of the machine if subsequently its use may be recognised.

It is for that purpose I have sought this opportunity to indicate to the Government the desirability of the Minister for Health using the undoubted power he possesses under the Hospitals Act to direct the board of the Sir Charles Gairdner Hospital to continue to allow the Tronado machine to be operated. I have checked the Act following upon receipt of a letter from the Minister himself who quoted certain sections of it in order to prove to me that my fears that the use of the Tronado machine might be discontinued following the transfer of the Institute of Radiotherapy and Oncology to the Sir Charles Gairdner Hospital were unfounded because he was still in control and could determine the matter.

Therefore, my purpose in rising this afternoon is to ask the Government to determine this question, in view of the fact that it has admitted by its decision that a further inquiry is desirable. Surely until this further inquiry has been held and a final determination made it would be wrong to stop the use of the machine. We want it to continue.

Under treatment by the Tronado machine at present are a number of patients whose treatment would never have started if there had been any idea that it could not continue because these patients have had the limit of radiotherapy and have no further recourse to chemotherapy. So there was nothing left for them but just to fade away in very severe

pain and treatment of these people was undertaken in the belief that the Tronado would be beneficial to them.

It is not my purpose this afternoon to cite any of these cases, but I have numerous names I could quote in support of that statement. At present some people are in the process of having courses of treatment; a planned series of courses. Are these to be cut off? If they are, I question whether the facilities for treating these additional patients by radiotherapy exist and whether or not they will be completely overlooked. So what is to happen to these patients?

At least three long-term continuous patients are being treated by the Tronado and their treatment started a year ago. Their cases were regarded as being terminal and hopeless, but it was believed that the Tronado would be useful to them. Mr Speaker, believe it or not, these so-called hopeless cases are now leading active lives. It is not claimed they will not eventually die of cancer, but the point is that they were regarded as hopeless cases before the treatment commenced. They have been treated for 12 months, they are still alive, and they are leading active lives, but cancer is still present and they are having periodic exposures which appear to be keeping their tumours under control. I am advised that the Tronado machine will most certainly keep them alive for some considerable time yet. Nothing more is claimed at this stage.

There are others beyond these three names I have heard—and I could use them if necessary—who are in a similar position. There are some patients who have gained a remission for the time, but who may get a further occurrence; what I understand the surgeons call a metastasis. If this occurs they will require further treatment, but if the machines are closed down that treatment will not be available. It could be said by those who are not aware of the way things operate that the closing down of the machine at the Sir Charles Gairdner Hospital will not necessarily mean the closing down of the machine which was purchased privately by the three radiotherapists who operate it. But I believe, without any evidence at this stage to prove that this would be so, that once the machine at the Sir Charles Gairdner Hospital is closed down, and because the report has been accepted by the Cancer Council by the Sir Charles Gairdner Hospital, it would be considered unethical for any doctor to use a private machine. I feel sure the ethics of the profession would oblige these three doctors to close down the machine that they own privately. I hope not, but I am afraid of it.

So I want the Government to appreciate that there are people—many of them—who have written to me pleading that I should do my utmost to ensure that these machines continue to operate. In writing

to me they have explained their experiences and how free from pain they have been since they have had treatment on the Tronado machine. Are we to say to these people, "The machines are to shut down. It is just too bad so you go elsewhere for treatment you previously had and which was beneficial."?

What about all those patients who were told they could have no more radiotherapy; that they had had the limit? Such a one is out at a convalescent home in Midland; a man who was on television the other evening. I have several letters here from another man who had a bag under his neck like a turkey's crop. His own doctor in Queensland sent him here with his file and his papers so that he could be treated on the Tronado as a last hope. He is still alive. He still has cancer of the neck, but it has been reduced to a very small area.

That patient is 72 years of age and he has enjoyed the extra months he has been able to get as a result of treatment from this machine. He still needs further treatment. Is he to be told, "The treatment is to be taken from you because the National Health and Medical Research Council has brought down a decision which has caused the board of the Sir Charles Gairdner Hospital to decide that this treatment should be withdrawn."?

There are those advanced cases for whom only temporary relief from pain by X-ray or drugs is possible; probably all of whom still have the opportunity of a long life if they can continue treatment on the Tronado. Surely these people who are anxious to have this treatment should not be denied it! Who are we to say to these many patients who declare that they have benefited from the machine, "We do not believe you. It is only psychological. It is doing you no good and we are going to withdraw the treatment."? Who are we to say that, seeing that the machine is available for the purpose of treatment?

Take, for example, the young French dentist who has received all the treatment he could receive in France and who, on Good Friday last, had an operation on his head to relieve the pressure. He has a tumour on the brain. His own doctors made recommendations to the French Government which, in turn, made representations to the Australian Embassy, that this man should be admitted into Western Australia for treatment on the Tronado machine. As the information which came through was that this man was in such an advanced state that he would probably die on the way, advice was sent to France that he should not come to Perth. However that advice was ignored and he came.

When he arrived in Perth he was unconscious and he had to be carried off the plane on a stretcher, and carried into the hospital on a stretcher. I confirmed this by speaking to the matron and several

nurses at the St. John of God Hospital who had been attending him and they have assured me without the slightest shadow of a doubt that when he reached the hospital he was unconscious. I have seen him twice, with a week in between. The first time I visited him he was in bed, but I was told he had been up sitting in a chair and he had been able to feed himself.

I went to see him yesterday. I was astonished by the improvement in his condition compared with the previous week. He was sitting up in a chair reading letters from his people in France. That is a man who arrived here unconscious; who had been given up, but who has since been treated on the Tronado machine and is now in the condition I have described.

Yesterday I took with me a man called John Buhagiar who can speak French. I took him for the express purpose of being able to assure myself of what I believed I could readily see, and he has confirmed with me my own belief in this. He has seen the man twice since, again last night and then this morning. He has given him the use of a television set, and also some cards he can send home to his people.

Are we to say to this man, "We are sorry; your treatment will be cut off. You go back to France, if you can get there alive, because we have made up our minds that this treatment is no good so you are not to have access to it because we are stopping it."?

I am certainly not going to be a party to that and I hope the Government will not be either. I trust the Government will determine to use the undoubted power under the Hospitals Act to direct the board of the Sir Charles Gairdner Hospital to continue the treatment for the time being. Who are we to say to these dozens and dozens of people who claim to have received tremendous benefit and freedom from pain that they can no longer receive treatment? Some of these citizens have a high standing in the community and are known to you, Mr Speaker, and to most other members. I do not want to mention their names at this stage, but will do so if necessary. They have written to me saying how free from pain they have been since receiving treatment on the Tronado.

**The SPEAKER:** The Leader of the Opposition has five more minutes.

**Mr J. T. TONKIN:** Thank you. Recently I attended a function at which Sir David Brand was presenting certificates to boy scouts at Government House. Members will know that the gardens at Government House are much lower than Government House itself. Consequently it is quite a climb from the gardens up to the house.

When the function was over and those present were shaking hands and meeting a few people, a gentleman came up to me and indicated he would like to introduce

his wife. I said, "By all means." When he had introduced her she said to me, "Mr Tonkin, I want to thank you for my life." I said, "You have been on the Tronado." She said, "Yes."

This little woman—she was only about 5 ft. 2 in. or 5 ft. 3 in. tall—had walked up from those gardens without any difficulty at all. She explained to me that previously she had been suffering the severest pain. She had had a radical mastectomy some years previously, but the cancer had recurred and she went on the Tronado. After that she was completely free of pain and was going about her housework and social activities as if she had never been afflicted at all. This woman and her husband were featured in *The West Australian* a few days ago. She may have a recurrence of this cancer somewhere in the body. Are we to say to her and to the others who have been promised further treatment on the Tronado should the occasion arise that it is out; it is forbidden? Are we to say that?

Who are we to deny the right of a person who wants to live a week, a month, or a year longer because we have made up our minds the machine is no good? That is their business. If they want the treatment surely they should have it. Do we say to people who have to face a serious operation, "You had better not have it because you might die in the process."? Does not each one say, "Well, I'll take the risk; I want to live."? That is what these people want to do.

At this stage I am not asking the Government to do a great deal. I am not asking it to go beyond its power. I am asking it to exercise its power to ensure that both these machines will continue to operate and be available not only to patients already under treatment, but also to any new patients.

Why, there is a young man in Brisbane today on whose behalf representations have been made in the last couple of days that he should be allowed to come here for treatment, and he has been told that he had better not come because the machine at the Sir Charles Gairdner Hospital is not to take on new patients. Just imagine the feeling in the minds of that person and his relatives. What will they think of Western Australia, when they want to go to the expense of bringing this man here to give him a chance to live?

I sincerely trust that if the Government has not already exercised its power under the Hospitals Act it will immediately do so and tell the board of the Sir Charles Gairdner Hospital that this machine has to continue to operate, at least for the time being.

**MR O'NEIL** (East Melville—Acting Premier) [4.57 p.m.]: The procedural motion before the House—that the house do now adjourn—under these circumstances is one that is not lightly moved. I agree

with the Leader of the Opposition that the matter we are discussing is of sufficient importance to warrant such a motion being moved and we have no objection to its being moved, although I doubt whether we would have had any say, anyway.

It is true that the subject matter spoken of by the Leader of the Opposition is one of major public importance. There would not be a member in this Chamber who is not aware of the dedication of the Leader of the Opposition to relieving the suffering of people where it is possible so to do. Therefore one cannot doubt his sincerity in any way. It may be, of course, that he has been a little emotive in his speech, and I suppose one can excuse that, too, as it is an emotional issue.

The Government has taken some action and this has been announced. The Minister for Health has invited the National Health and Medical Research Council to reconstitute the committee inquiry in order that a re-evaluation of the effectiveness of the machine may be taken because, as I understand the position, there is a change in the procedures being used with this machine. Initially the machine was used on its own and it is probably unfortunate that a great number of claims as to its effectiveness and efficiency, both in diagnosis and treatment, were made. These were found to be not quite as accurate as they might have been. I understand that in recent times the machine has been used in conjunction with other treatments for cancer and it might well be that it has been of some use; I do not know. So the Government has taken that first step.

It is I suppose a matter for the National Health and Medical Research Council to accept the invitation. I assume and hope it will do so. It may well be, too, that within the State it could be our decision to determine that a group of specialists in the State could at least be asked to evaluate the effectiveness of treatment so far on some of the patients, and in that way be of some assistance to the council committee which we hope will come here. However, that is a matter for future decision, but it is one that has certainly been given some consideration.

I do not want to touch on individual cases because I know little of them. It is probably a pity, and no fault of the Leader of the Opposition or the Government, that the Minister for Health happens to be in another Chamber because perhaps he might have more detail of the subject matter than I have.

However, I was a little surprised at the insistence of the Leader of the Opposition that there is power in the Hospitals Act for the Minister to direct a hospital to use certain machines or procedures. That is contrary to the advice given to the Government, so it is a matter which certainly needs examining. I cannot go further than that. Perhaps it can be done,

but once again I will certainly get the Government to examine whether in fact there does reside in the Minister for Health the power to order the use of certain treatments or procedures. The Minister for Health may be aware of that but I am not, and I do not think any member of this Chamber would expect me to be.

I want to say only two things in respect of the issue regarding patients, generally, under certain treatments. It so happens that in recent times two reports appeared in one of the weekend papers—I am not sure which one. One of the reports related to the treatment of patients on the Tronado machine and the opinion was expressed that the Sir Charles Gairdner Hospital was doing the wrong thing in withdrawing the machine from operation, and that if the machine held out nothing but hope to patients it was serving a useful purpose.

In the same paper appeared a report severely criticising people who travel to another country to be treated by faith healers. On one hand it is said that even if the machine holds out nothing but hope to people who are treated on it, that is okay if it takes place here; but if the same sort of thing, without the use of a machine, is done by somebody else that is a matter for criticism. Once again we can see the emotive elements involved in this matter.

The Leader of the Opposition has said that during the course of a disease, and particularly cancer, there can be remissions. He gave the example of a person who was a terminal cancer patient and had little time to live and who came to this State, was treated by the Tronado machine, and 12 months later he is still alive and an active person. In today's issue of the *Daily News* there is a report of a gentleman who has not yet been treated on a Tronado machine but who came here in the hope of being treated on it. Last year he, too, was declared to be a terminal cancer patient and in fact he became paralysed and unable to walk. Although he has not been treated on the Tronado machine he is now able to walk and is active.

So here are two examples of cancer patients in the same period of time; one who vows his being alive today is due to the Tronado machine, and the other who has not been treated on the machine and who is not only alive but has also overcome paralysis. Who am I, as a layman, to evaluate the effect of the machine on that kind of comparison? In fact, I do not want to go into the matter of evaluating the machine.

I have to say that I have personally met Mr Guettner, the person who designed the machine or who certainly installed it in Western Australia. I had the opportunity to meet that gentleman. He spoke German but in the presence of an interpreter I asked him certain questions about the

machine. At that particular time I do not think our interest was in the use of the machine at all. The machine was here but it was thought it might be manufactured in Australia. I was never able to determine whether that was the objective of his visit or whether he was really here to put the machine into shape after its installation. Through an interpreter that gentleman insisted the machine was capable of diagnosing cancer in specific parts of the body and was capable of producing a complete cure. I did not tell him so, but I could not accept that statement; nobody could.

The only other person I have met who has been associated with the Tronado machine is a gentleman who happens to be a bullder in Geraldton. His name escapes me for the moment but he is either Canadian or German.

Mr J. T. Tonkin: Is it Wacker?

Mr O'NEIL: That is right. He raised the question of the machine with me. I understand he is the person who either had the franchise to sell the machine or certainly arranged to a large degree the purchase of one machine by Western Australia. He told me he had made many visits to many parts of the world in an endeavour to find a place where the machine could be built and in order to arrange sales of it. It is my understanding—and I may be wrong—that the first Tronado machine ever installed and put into general use in the world was the one we have in Western Australia.

Mr J. T. Tonkin: That is right.

Mr O'NEIL: The same can be said of the second machine, as I understand it.

Mr J. T. Tonkin: One operated in Hamburg before we brought it here. It was operating in Hamburg.

Mr O'NEIL: That may be so but it was not in general use. The machine is now being studied in Germany, if I read today's issue of the *Daily News* correctly. I think the report in the newspaper is emotive. It is not until one reaches the bottom of the second column that one appreciates what Professor Karl Perlett, of the Frankfurt University, really had to say. The paragraph immediately below the headline states that Professor Karl Perlett of the Frankfurt University, said—

I think it is monstrous that pioneers like Dr. Holt and his colleagues should be stopped in their work like this . . . I think it is important to realise that the professor was concerned that the pioneer doctors were stopped. I read the article with some interest, and at the end of it is a statement made by the professor with which I thoroughly agree—

Millions of people are dying from cancer. The death rate is 90 per cent and every chance must be used to fight it.

Nobody would disagree with that. He went on to say—

It is our duty to do so, but we need time and peace and quiet to prove new methods like the Tronado machine.

It is probably unfortunate that the machine has not been proved. I do not know whether it is normal for a new piece of medical equipment to be put into use immediately with patients, prior to undertaking very thorough, controlled research. Under normal circumstances one would expect that. We on this side do not know, and nobody in this Chamber knows, whether or not the machine is really effective.

I think it is important that some action be taken and that controlled research be done, but it seems to me it is not insignificant that unfortunately the people on whom the controls must take place are themselves the victims of cancer. However, it also seems to me that those people, having probably little hope of a great deal of life being left to them, would be completely prepared to take a chance on what the machine could offer them in the way of relief and research, in the hope that as a result there may be yet another tool in the fight against cancer.

It is a difficult decision for a Government to make. I have said we will certainly examine whether or not the Government has the power to order the machine to be used. Then, of course, if it is determined that the Government has the power, before us lies an even greater decision—to order a medical facility to be used in this State without any real knowledge as to whether it is doing good or harm or is just being used for the sake of those people who see some hope in being treated on it.

MR DAVIES (Victoria Park) [5.10 p.m.]: The feature of this matter is the urgency which has suddenly developed over an aspect which has not been urgent for the past several months. I think it is probably important to go back to the genesis of the bringing of the machine to Western Australia, and it is worth recording in *Hansard* that it was at the instance of the Leader of the Opposition, who had read the material which had been made available, that action was taken to bring the Tronado machine to Western Australia and put it into operation.

It was not done out of hand. I recall that the Leader of the Opposition, who was then the Premier, asked me, as the Minister for Health at the time, whether I had read the documents which had been distributed. I said I had looked at them but they were a bit far above my head for me to have an understanding of them. He pointed out several features which were fairly easily understood by a layman and asked me to get a second opinion, which

I obtained from a high-ranking officer in the Public Health Department. The opinion was that the machine could have some value. That was a second appraisal.

Following that we arranged for Dr Holt to view the machine abroad. I think the Leader of the Opposition had seen something of it while he was overseas. Following Dr Holt's fairly enthusiastic report, we decided it was worth trying and having it installed in Western Australia because it had some new features which were apparently much easier on the patient than some of the traditional treatments that were then used.

The bringing of the machine to Western Australia and the subsequent publicity may have given some people false hope. They might not have quite realised that at best we hoped the machine would be a palliative, not a complete cure. As the Acting Premier has just said, it is rather unfortunate perhaps that many people thought it was a cure, and that at least one of the people to whom he had spoken claimed it was a cure. I do not think Dr Holt or anyone in a responsible position has ever claimed it was a cure. Indeed, all the evidence has been to the effect that at best it could be a palliative.

The machine was introduced here in about March, 1974, and in July, 1974, the Cancer Council asked the National Health and Medical Research Council to have a look at the machine. It was then some months before the council could get over here, and it was freely whispered on the grapevine that the report of the NHMRC was going to slam the Tronado machine. I heard that quite early this year, and I had begun to think it was something of a furphy because as the months went by nothing came from the NHMRC until last week. If the Press reports are to be believed, it was only shortly before the report was tabled in this House that it was actually made available to the Minister for Health. Something like eight or nine months elapsed from the time the original request was made until the report was made available.

The opinion of the NHMRC subcommittee had been formed late last year or early this year, if what I have been told privately is correct. The subcommittee seemed to think that as a result of the report no-one would want to use the Tronado machine. Perhaps that was the general thinking of the subcommittee. Although the NHMRC now says the machine could be dangerous and could have certain undesirable effects, it was many months before the opinion was put in writing, and the council has allowed the machine to continue to be used since the beginning of the year.

As the machine was used practically fulltime until the report of the NHMRC was finalised, surely it is not unreasonable to ask that its use be continued until such time as the NHMRC has had a further

look at it in view of the subsequent evidence, or alternatively until some other organisation has had a chance to have a look at it.

I was pleased, indeed, to hear the Acting Premier say tonight that the Government may consider appointing another committee of specialists—perhaps not associated with the National Health and Medical Research Council committee—to look at the Tronado machine. He made this comment in passing, although I see he is shaking his head now. I took his remark to mean that the Government realised the dangers in asking a committee which brought down such a critical report to admit that it was wrong. It would be hard for any person or body to do that, but it would be harder still for a group of people of such eminence as those who have put their names to this report. So there is some danger in that tack. However, I take it from the remarks made by the Acting Premier that the Government may be able to explore some other avenues if the NHMRC does not bring down what the Government considers to be a suitable report, or perhaps if the NHMRC refuses to have another look at the machine.

Mr O'Neil: No, we thought it may be of assistance to the NHMRC for a committee in this State to examine the case histories of some of the people who have been treated. I am referring now to the medical side, rather than the mechanical or the physical side of the machine. If the NHMRC comes over here to evaluate the operation of the machine, it may be helpful if it could have the report of a committee which had considered the case histories. However, I think that would be a matter for the NHMRC.

Mr DAVIES: I hope no stone will be left unturned in delving into every case which could be of some benefit to a committee in future, and in bringing forward a report which would satisfy beyond all doubt every person who has any doubts about the treatment.

Mr O'Neil: There is no way of satisfying them beyond all doubt, I am afraid.

Mr DAVIES: As I said before, I hope no stone will be left unturned to ensure that every avenue is explored, not just the mechanical, the medical, or the technical side of the operation, and also that there is an investigation of all the patients who have been, what could be called, successfully treated on the machine. Consideration must also be given to the case histories of the patients who died. An interesting point is that I was told by a matron of one of the hospitals that many of the patients were quite beyond help from other known treatment before this machine was used.

The report of the NHMRC became public, and suddenly the board of the Sir Charles Gairdner Hospital declared that, after a short period of time, the machine would

no longer be used, and that within a fortnight, all the patients who had been receiving treatment would have completed the course, and that would be the end of the machine. I presume some members of the board of the Sir Charles Gairdner Hospital would be medical men, but the preponderance of them would be laymen—men who know no more about the treatment than I, or other members of this House do.

However, the board would seek advice from a medical advisory committee, and such a committee would be composed of medical men. We have all heard that doctors stick fairly closely together on medical questions; they look after one another when methods of treatment are being considered, and that there is a kind of freemasonry amongst doctors. I do not know whether or not that is true, but naturally doctors would have the capacity to look more at the scientific side of the treatment rather than the actual practical result of it. Apparently the medical advisory committee has told the board that the machine is of little benefit, that it agrees with the report of the NHMRC, and therefore, the hospital would have to discontinue the treatment. This is a great shame because, as I said, I am sure that months ago most people had a fair idea of the report that would be brought down, and yet apparently treatments have continued, evidently without any ill effects. So why withdraw the machine at the present time? Why not continue to use the machine until more conclusive evidence is available?

I spoke to one doctor who told me that he believed the machine had something. Although he did not know how it worked, he believed that some palliative effect followed its use. However, he was not prepared to say that the machine should continue to be used because he did not know how it worked. That is not a very good attitude on the part of a medical practitioner. It does not help the people being treated. They know they are going to die, and they look to this machine for some kind of help.

The Acting Premier said he did not know whether the Government had the power to direct the board of the Sir Charles Gairdner Hospital. I believe it has the power to direct the board under the provisions of section 18 of the Hospitals Act. In 1972, section 18 of the Act was amended as follows—

Section 18 of the principal Act is amended—

(a) by adding after the section number "18." the subsection designation "(1)"; and

(b) by adding two new subsections as follows—

(2) The Minister may, after consultation with a hospital board, give to it directions as to the exercise of its functions.

(3) A hospital board shall give effect to any directions given to it under this section.

That appears on page 273 of volume 1 of the 1972 *Statutes of Western Australia*. I believe subsection (2) provides that the Minister may, after consultation, give directions to the board.

Mr O'Neil: As to its functions.

Mr DAVIES: Yes, and the board shall give effect to any such directions. We may have an argument as to the meaning of the word "functions".

Mr O'Neil: I would imagine that.

Mr J. T. Tonkin: I do not think there is much argument about functions.

Mr DAVIES: It would be difficult to say, "This is a function, and that is not a function."

Mr O'Neil: The functions are defined in the Act.

Mr J. T. Tonkin: What are the functions of the Minister for Works?

Mr O'Neil: A little different from those of the board of the hospital.

Mr DAVIES: I was the Minister at the time these two subsections were added to the Act. The amendment was brought to Parliament because of the trouble we were experiencing with one or two hospital boards whose members had indicated that they were not too happy about doing certain things which we believed should fit into the general pattern of the running of the hospital.

Mr O'Neil: Was that to do with medical care or administration?

Mr DAVIES: It was to do with various matters.

Mr O'Neil: I said we would look at it.

Mr DAVIES: The problem had been apparent for a number of years before we took office. The amendments to the Hospitals Act were not all initiated by our Government. Some of them had been prepared by the previous Government, and I came in for a great deal of criticism from the hospital and medical fraternities because I was endeavouring to introduce amendments which had been prepared, almost 99 per cent, by the previous Government.

Mr O'Neil: Sickness knows no politics, I suppose.

Mr DAVIES: It is a game of politics.

Mr O'Neil: I said, "Sickness knows no politics."

Mr DAVIES: I will not refer to the particular hospitals involved, nor to the type of trouble we were experiencing. However, we believed that the amendment would give the Minister the right to override the board at any time.

Like others, I have spoken to many people who have had some treatment on the Tronado machine. All of them realised that the treatment was palliative only, and that after a period it may be necessary for them to have further treatment on the machine. These people all knew that the treatment on the Tronado was in addition to other recognised treatment they were given. Indeed, most of them were not treated on the Tronado machine until various other types of therapy had been tried.

The point I make is that all the patients realised that at some future time they are likely to require further treatment on the Tronado machine; and this is where the anguish comes in. I use the word "anguish" because it was used by the Medical Superintendent of the Sir Charles Gairdner Hospital. He said that he realised the anguish felt by many of the patients.

**THE SPEAKER:** The honourable member has five minutes.

**MR DAVIES:** Indeed, the patients are most upset because they know that if they require the treatment again, it may not be available. It is very cruel to put them in this position. At least any patient who has had treatment and who may require further treatment should be allowed to have it, even if the Government said that it would not permit any new patients to be treated. I believe that every person who has had treatment should be allowed to continue with the treatment.

The Leader of the Opposition referred to the case of June and Ron Eaton. I know these people personally; in fact, I sit on the local YMCA board with Mr Eaton. He told me that at any time we can refer to his wife's situation. He experienced extreme worry and concern when she collapsed. She was in a great deal of pain, and her weight came down to about six stone. She now weighs more than eight stone after treatment on the machine. Mr and Mrs Eaton have the greatest faith in the machine, although realising that the improvement may be only temporary. Mrs Eaton now has no pain, but she knows that the pain could return and, of course, she would want further treatment. We must ensure that this treatment is available to her and to other people in the same position.

The Acting Premier referred to faith healers, but please do not put the Tronado machine into that category. Members who heard the ABC Late Line programme a week ago will realise how bogus the faith healers are. Blood which came from supposed operations was found to be either chicken or pig blood when it was analysed. People who could be taken in by these faith healers would probably be taken in by anyone.

**MR O'NEILL:** But they were taken in. I was saying only that the Press referred to them.

**MR DAVIES:** I am saying simply that we must not put the machine in the same category as faith healers. I do not think there is any analogy between the two, and members would agree with me had they heard the American professor refer to the research that has taken place. The people who provide the palliative must surely be right, and in this case it is the people operating the Tronado machine. We should listen to these technicians as well as to the patients who have received treatment. Surely to goodness we cannot say, "We have evidence that this treatment is helpful, but we are not going to allow the machine to be used in the future."

Probably it would require a considerable amount of strength for the Minister to direct the board in this matter; it would require great courage. However, on behalf of every single person who has received some benefit from treatment on the Tronado machine, I ask that it be allowed to continue to operate. It is not a matter of urgency to stop using the machine; if it was as urgent as the NHMRC is making out, then we should have had the report in January, and the machine should have stopped operating then.

**MR H. D. EVANS (Warren) [5.28 p.m.]:** The reason for my rising is that I have an obligation to the people who approached me, quite spontaneously, to ask whether something could be done about the decision made by the Sir Charles Gairdner Hospital board. I am only too happy to lend my support to the motion.

Although the Acting Premier referred to the fact that the Leader of the Opposition was emotive in introducing this matter, I am delighted that he chose to raise it.

The motion moved by the Leader of the Opposition was in low key. He could have sought more spectacular and sensational ways to raise this issue, but he preferred not to do so. He brought it before the members of this Chamber in a way which I believe will be very effective in the long run.

We have had the benefit of hearing the views of both the Leader of the Opposition and the former Minister for Health. They canvassed the arguments very clearly and distinctly. The case histories which have been accumulated by the Leader of the Opposition over a period of time are very extensive. They indicate the palliative effect of the treatment. It has not been claimed that the Tronado treatment is curative, but evidence of its palliative effect is readily available to those who seek to examine the matter in full detail with an unbiased objective.

The Leader of the Opposition and the member for Victoria Park have outlined to the House the genesis of the bringing of the Tronado machine into Western Australia. Both of these men were closely



involved in bringing the machine to Perth. I do not want to be accused of repetition, but I should like to refer to one rather pertinent point which worries me and no doubt exercises the minds of most members of the House.

If the report of the National Health and Medical Research Council—as it turned out, a condemning report of the Tronado machine—was of such urgency, why was it not brought forward before this year? The report has been in existence for a considerable number of months; if it has been allowed just to lie idle for that time, the suggestion is that the matter cannot be of such tremendous urgency as we may be led to believe.

If this is the case, what possible objection could there be to allowing treatment on the machine to continue while further investigations are carried out and a definitive report prepared? It seems only a matter of common sense and logic that such an approach should be adopted.

It would appear that the report of the NHMRC was the conclusive piece of evidence placed before the board of the Sir Charles Gairdner Hospital; it gave the board something definite upon which to act. Like the rest of us, members of boards are only human and, probably, when they were presented with a report by which they could justify the cessation of treatment on the machine, they acted in this way.

The point made by the Acting Premier that the Government may refer this matter to a group of specialists, who could lend their guidance and the benefit of their research to a committee of the medical council, if it could be prevailed upon to conduct another investigation, suggests there may have been an omission in the original investigation; but surely it is reasonable to expect that a panel of experts would already have carried out such research. After all, over 300 patients have had treatment on the Tronado machine, and their case histories already are available.

The Acting Premier made the statement that a cancer patient could obtain relief without the benefit of Tronado treatment. Possibly, this is so, but I do not think that argument really pertains to the present situation. Over 300 patients have been treated on this machine, probably with varying degrees of palliative effect; the histories of these patients should be examined by a group of experts before the board of the Sir Charles Gairdner Hospital makes its final decision. Of course, such an examination could be supplementary to the findings of the medical council.

I feel most strongly that as there has been a definite indication that patients receiving treatment on this machine have gained some benefit, and as there has been no conclusive indication of deleterious

or harmful effects, it would seem impossible to defend the cessation of treatment so abruptly at this time, when it means that patients involved in a course of treatment will be denied this opportunity. I support the action taken by the Leader of the Opposition; I hope the Government uses its best endeavours to ensure that the Tronado machine is retained until a definitive decision finally has been taken after further investigations.

**DR DADOUR** (Subiaco) [5.35 p.m.]: I feel I have a contribution to make to this debate. When the Tronado machine was first introduced, words such as "cure" were used.

**Mr H. D. Evans:** Can you quote where it has been claimed to be a cure?

**Dr DADOUR:** This word was used rather loosely.

**Mr H. D. Evans:** By whom?

**Mr Bertram:** And when?

**The SPEAKER:** Order!

**Dr DADOUR:** It was used when the machine was first introduced. I am not trying to be controversial, Mr Speaker, but the word, "cure" was used.

**Mr Hartrey:** By whom?

**Dr DADOUR:** However, now we are talking about palliative treatment. After talking to some of the patients treated on the Tronado machine in conjunction with other recognised forms of treatment for cancer, I have no doubt that, subjectively, they are much better. I feel that probably the Tronado machine has some place in the treatment of cancer.

However, in the beginning, when the word, "cure" was used rather loosely in relation to the Tronado machine we the doctors were very sceptical because we did not wish to give false hope to our patients. "Hope" is another very emotive word; if we take away hope, what is life? The introduction of the Tronado machine gave hope to cancer sufferers, and I trust it continues to do so for the simple reason that even though it may provide only a palliative benefit, it represents one step forward in the treatment of these people who suffer so much.

Any evaluation of the machine is a very difficult scientific task, because really, one is trying to evaluate the effects of diathermy. It does not involve a pencil of diathermy, applying just to the cancer itself; unfortunately, it is distributed throughout the body. As a result, one is rather sceptical that heat therapy could be of much significance.

However, I come back to the point that, subjectively, these people feel well. But is this subjective feeling due to the confidence instilled into the patient by the doctor treating him? Much of it can be, of course.

**Mr Skidmore:** Is not this good?

Dr DADOUR: This is my argument; I feel we have all been rather rash in that when this machine was first introduced, rash statements were made in good faith. I do not condemn that; on the other hand, I believe the National Health and Medical Research Council has gone the other way, just as hard and as determinedly. I feel the answer lies somewhere in the middle of the two arguments.

I support many of the points raised by the Leader of the Opposition and I would definitely support any move for a correct evaluation of this machine under the best scientific control. But such tests should not be carried out for one month only, after which the machine is condemned outright as being of no value.

I believe, as most members believe, that if there is anything to be gained from the use of the Tronado machine let us get the best we can out of it. I do not wish to condemn it; I wish to have it evaluated. As I say, evaluation is not an easy procedure. To evaluate the machine scientifically, we would need hundreds of patients who would have to be matched in all respects such as age, sex, the size of the tumour, the length of time the tumour has been present and the type of tumour involved.

The first group of patients would be treated only on the Tronado machine. Of course, a biopsy would have been carried out before treatment and at subsequent intervals during and after treatment. The second group would be treated concurrently using the Tronado machine in conjunction with a recognised form of treatment in the way of radiotherapy, whether it be on the cobalt machine or on the linear accelerator.

Then a third group would be treated on the Tronado machine and have radiotherapy plus cytotoxic drugs which is the third recognised form of treatment for cancer. A fourth group would be treated on the Tronado machine, by radiotherapy, cytotoxic drugs, and surgery. So we would probably have about four or five groups undergoing treatment in order to evaluate correctly the treatment given to the people in those groups. It would have to be a double blind trial. In other words the patients would not be allowed, as far as would be possible, to know what sort of treatment they were getting. No doubt some would probably catch on to the form of treatment they were undergoing but, as far as possible, the knowledge should be kept from them.

All forms of treatment would have to be evaluated, in the various groups, over five years. An evaluation of the Tronado machine would not be easy and it would have to be done under the best form of scientific control. I would agree that such a step should be taken although I am aware it would cost millions and millions of dollars. Nevertheless, if it will help

people I would approve of it. In the meantime if anyone is able to get palliative treatment from the machine I see no reason why he should not. I agree with the Leader of the Opposition on that, but I have said right from the beginning that a proper scientific evaluation of the machine is most necessary. By all means, in the meantime, let us treat patients on the Tronado machine. If it is able to achieve subjective improvement, let us have it. If it is palliative and the patient is to suffer less pain I see no reason why the machine should not be used.

The board of the Sir Charles Gairdner Hospital has more or less endorsed this very scathing report of the machine. I do not think it would take much encouragement on our part to have the board carry on with the machine and carry out its double blind trials with a correct evaluation. This is what I have sought from the beginning and most people with expert training would demand the same. However, it has not turned out that way. People rushed in for treatment, the word "cure" was used, and unfortunately many people were disappointed. Once again the old emotive words such as "faith" and "hope" are entering this question. I have no desire to deprive anybody of hope. However we end up with the old story of no-one getting anywhere in a hurry and the poor old patient becomes the meat in the sandwich.

What the Leader of the Opposition has said is correct; that is, the Sir Charles Gairdner Hospital should continue treatment with the Tronado machine, but at the same time I would like to add that a correct scientific evaluation of the machine should be made to ascertain its true worth. We do not want palliative treatment on its own; we want to know exactly what the machine will do, and I am sure the Leader of the Opposition will agree with that wholeheartedly. However, we are confronted with this scathing report—

The Tronado Machine S101 consists of 12 standard diathermy machines.

Physiotherapists apply these units to the injured part. So according to the report a patient undergoes diathermy treatment on the Tronado machine which would be detrimental if he were to stay on the machine long enough. So the report is rather scathing, to say the least.

Another of the conclusions reached in the report is as follows—

Associated with the machine are a number of physiological monitors, none of which gives any reliable information while the machine is in operation.

A little further on in the report the following appears—

The use of the machine in efforts to localize cancer, proved to be unreliable and misleading.

These remarks are most scathing.

I can only wonder that the report was so scathing. However, I am prepared, both as a layman and as a doctor who feels the same as other members in this House, to go along with the suggestion that the Sir Charles Gairdner Hospital should reconsider its decision to phase out the Tronado machine. I would like to see the machine used in the meantime for the same reasons put forward in this House by other speakers on this very important and emotive subject. I feel I have no more to contribute to the debate and I thank the House for its attention.

**MR J. T. TONKIN** (Melville—Leader of the Opposition) [5.46 p.m.]: Mr Speaker, I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

### QUESTIONS (33): ON NOTICE

#### 1. TRONADO MACHINE

##### *Decision on Use: NHMRC*

Mr J. T. TONKIN, to the Minister representing the Minister for Health:

- (1) Did he make any suggestion or request to the National Health and Medical Research Council Therapeutic Methods (Reference) Sub-Committee that its members should revisit Perth before reporting on the Tronado cancer machine?
- (2) If "Yes" when did he communicate with the sub-committee in connection with the matter and what was the reply?
- (3) If "No" why was Dr Nelson's very sensible suggestion in his letter of last February that the sub-committee should revisit Perth because its data was months out of date, ignored when surely it must have been obvious that if the members of the sub-committee had been able to compare the condition of patients observed in October last year with their condition in February or March this year they would have been better equipped to make a worthwhile judgment?
- (4) As in the main the cases treated on the Tronado between March and October 1974 were regarded as terminal cancer is the death of 98 patients out of 317 indicative of a high fatal-incidence?
- (5) Of the 98 patients who died, in what number was death due to a cause other than cancer?

Mr RIDGE replied:

- (1) No, but prior to receiving the Report of the National Health and Medical Research Council Therapeutic Methods (Reference) Sub-Committee a copy of Dr Nelson's letter of the 10th March, 1975

was forwarded to the Secretary of the Council.

- (2) The letter referred to above was sent to the Secretary of the Council on 21st March, 1975. In a reply, which has just been received, the Secretary of the Council indicated that if a further visit by the sub-committee is considered necessary a formal request should be made. This has now been done.
- (3) Answered by (1) and (2) above.
- (4) I am informed that it would not be true to say that in the main the cases of cancer treated on the Tronado at the Institute of Radiotherapy between March and October 1974 were terminal. In the light of this and claims that had been made for the machine, the death of 98 out of 317 patients so treated is disappointingly high.
- (5) I understand that the cause of death of the 98 patients who died was considered to be cancer.

#### 2. LIQUOR LICENSE

##### *Kimberly John Flatman*

Mr BERTRAM, to the Minister representing the Minister for Justice:

Will the Minister table such portions of the Licensing Court file relating to the premises situated at 104 Murray Street, Perth, and now known as "Tramps" as relate to the transfer to Kimberly John Flatman on 15th November, 1974 of the cabaret license at said address?

Mr O'NEIL replied:

Yes. Photocopies of folios 36 to 48, excluding folio 46 of the Licensing Court file relating to the premises situated at 104 Murray Street, Perth, are tabled.

Folio 46 is the confidential police report which it is considered should not be made public. It contains nothing to the detriment of the applicant, K. J. Flatman.

*The papers were tabled (see paper No. 160).*

#### 3. COURT OF PETTY SESSIONS

##### *Roebourne*

Mr BERTRAM, to the Minister representing the Minister for Justice:

- (1) In what magisterial district is Roebourne situated?
- (2) How often in the last six months has a magistrate presided in the court of petty sessions in Roebourne and how often have justices of the peace only presided there?

Mr O'NEIL replied:

(1) Roebourne.

This centre is visited by the stipendiary magistrate from Port Hedland.

(2) During the period 18/10/74 to 18/4/75—

Stipendiary Magistrates—12 days  
Justices of the Peace—131 days.

#### 4. LIQUOR LICENSE

##### *Police Objection*

Mr BERTRAM, to the Minister for Police:

Further to his answer to question 41 of 16th April, 1975 when he refused to supply the name of the one person since 1st April, 1974 whose application for a liquor license has been objected to by the police, will he give his reasons for refusing to give that person's name and address?

Mr Grayden (for Mr O'CONNOR) replied:

Confidentiality of police reports.

#### 5. TRAFFIC

##### *Motorcyclists: Crash Helmets*

Mr DAVIES, to the Minister for Police:

From a safety point of view does the department approve the use of motor cyclists' crash helmets incorporating tinted visors at night?

Mr Grayden (for Mr O'CONNOR) replied:

No, but the matter is under investigation with a view to arranging testing of windscreens, perspex shields and face masks.

#### 6. INDUSTRIAL DEVELOPMENT

##### *Wesply Agreement: Breach of Law*

Mr MAY, to the Minister for Industrial Development:

Would he specify precisely which are the provisions in the proposed agreement between the State and Wesply (Dardanup) which may give rise to any suggestion of any breach of any law?

Mr MENSAROS replied:

I would refer the Member to my remarks when introducing the Bill.

#### 7. HOSPITAL

##### *Wanneroo: Provision*

Mr DAVIES, to the Minister representing the Minister for Health:

What were the circumstances surrounding a change of attitude to that implied in question 16

Tuesday, 19th November, 1974, regarding provision of hospital facilities in the Wanneroo area?

Mr RIDGE replied:

The latest figures produced by the Bureau of Census and Statistics indicated the need to review the position in relation to the north western corridor with particular reference to the Wanneroo area.

#### 8. HEALTH

##### *Therapeutic Goods: Advertising and Labelling*

Mr DAVIES, to the Minister representing the Minister for Health:

Referring to question 13 of Tuesday, 19th November, 1974 can he now advise further regarding legislation relating to uniform controls on the advertising and labelling of therapeutic goods?

Mr RIDGE replied:

The Commonwealth Government has introduced regulations to control advertising of therapeutic goods in air media and the industry itself has agreed to a voluntary code of advertising. It is proposed to observe the results of these actions before introducing legislation.

#### 9. HEALTH

##### *Cancer Patients*

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Referring to question 4 of 16th April, 1975, relating to a separate building for cancer patients, was the \$10 788 spent on fees able to be converted to some practical use now the purpose for which it was granted is not to be proceeded with?

(2) If so, can he detail the circumstances?

Mr RIDGE replied:

(1) and (2) No.

#### 10. STATE FORESTS

##### *Canning Valley: Dieback Disease*

Mr A. R. TONKIN, to the Minister for Forests:

To what extent is the forest of the Canning Valley affected by *phytophthora cinnamomi*?

Mr RIDGE replied:

While there are substantial areas of forest in the upper reaches of the Canning Valley which appear to be unaffected by *Phytophthora cinnamomi*, there is a high incidence of the disease in forest to the west.

## 11. TOWN PLANNING

*Roleystone: Optimum Population*

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

What is the policy of the Metropolitan Region Planning Authority with respect to an optimum population for the Roleystone ward of the Armadale-Kelmscott Shire?

Mr RUSHTON replied:

The current policy of the Metropolitan Region Planning Authority anticipates the optimum population of the Roleystone ward at around 10 000 persons. This figure will be reviewed during the proposed south-east corridor study to be conducted this year.

## 12. BROOKTON HIGHWAY

*Rerouting*

Mr A. R. TONKIN, to the Minister for Traffic:

- (1) Is the re-routing of Brookton Highway being examined by the Main Roads Department?
- (2) If so, when is it expected that a decision shall be reached or a recommendation made?

Mr Grayden (for Mr O'CONNOR) replied:

- (1) and (2) The possibility of re-routing the Brookton Highway has been looked at in a preliminary way only. The investigation does not have a high priority so a date for completion is not known.

## 13. TOWN PLANNING

*Roleystone: Subdivisions*

Mr A. R. TONKIN, to the Premier:

- (1) Did he write to Mr P. Weir of 113 Brookton Highway, Roleystone, on 25th July last stating that "the residents would need to direct their energies towards resisting further subdivision or development west of Canning Road"?
- (2) If so, what percentage of the land referred to above is alienated from the Crown?

Mr O'Neill (for Sir CHARLES COURT) replied:

- (1) Yes.
- (2) The majority of land adjacent to Brookton Highway, west of Canning Road, is alienated from the Crown.

## 14. TOWN PLANNING

*Jumbo Steelworks: Reports*

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

- (1) Further to question on notice 41 asked on 20th August, 1974, what is the premise used by the Minister that if the reports on both the social and urban factors involved in establishing a jumbo steelworks are tabled, one aspect only would be considered?
- (2) Is the continued refusal to inform the public on this matter consistent with the assurance in the Liberal Policy Speech of 1974 that there will be the maximum involvement of the public in the planning process?
- (3) What is the rationale for the answer given in part (2) supra?

Mr RUSHTON replied:

- (1) The report referred to relates to town planning considerations. Other aspects have yet to be studied and reported on.
- (2) and (3) There is no inconsistency with the Government Policy Speech. No doubt there are various opinions concerning the desirability of establishing a major steel plant, but confirmation of those opinions is not likely to be assisted by the provision of piecemeal information. Balanced judgments can be best made when it is possible to provide the full range of information.

## 15. ENVIRONMENTAL PROTECTION

*Industrial Liquid Waste*

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

- (1) In regard to industry disposing of liquid wastes, as occurs in mining and mineral processing, does the Environmental Protection Authority favour the monitoring of the environmental effects by—
  - (a) the processor; or
  - (b) by an independent authority?
- (2) With respect to (1) (a), does the EPA consider—
  - (a) it preferable that the processor should be required to report the monitoring results to the responsible State authority less frequently than on an annual basis;
  - (b) that the processor should be required to report monitored effects that are detrimental to the environment to the responsible State authority immediately?

Mr STEPHENS replied:

- (1) By the processor in the first place.
- (2) (a) To take account of seasonal variations it is considered that reports should be more frequently than annually.
- (b) Yes, within reasonable terms.

## 16. ENVIRONMENTAL PROTECTION

### *Wesply Agreement: Report*

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

- (1) Has the Environmental Protection Authority made a statement that it is satisfied with the Wesply (Dardanup) Agreement on environmental grounds?
- (2) If so, will he table the statement?
- (3) What steps has the authority taken to satisfy itself that there is no possible environmental hazard associated with the project?
- (4) Is the EPA satisfied that clause 20 (1) of the Wesply (Dardanup) Agreement of 1975 will not nullify or otherwise affect the operation of clause 21 of the agreement?
- (5) Has the EPA sought legal advice on the matter, and if so, what was the tenor of that advice?

Mr STEPHENS replied:

- (1) As far as the final draft of the agreement is concerned the Environmental Protection Authority has not commented. However, prior to that draft the Environmental Protection Authority has been, through the Department of Environmental Protection, in close liaison with the proposer company, the Department of Public Health and the Department of Industrial Development to ensure that the areas of environmental concern are adequately managed.
- (2) Answered by (1).
- (3) As noted in (1) the Environmental Protection Authority has suggested modifications to the draft agreement in order to ensure adequate protection of the environment.
- (4) The Environmental Protection Authority has not expressed an opinion as to the relationship between Clause 20 (1) and Clause 21.
- (5) No.

## 17. INDUSTRIAL DEVELOPMENT

### *Wesply Agreement: Ratification by Parliament*

Mr A. R. TONKIN, to the Minister for Industrial Development:

With respect to my question 9 of 10th April, 1975 and the Minister's statement in part (3) of that answer to that question, is clause 22 of the schedule to the Wesply (Dardanup) Agreement Authorization Bill consistent with that statement?

Mr MENSAROS replied:

The Government's policy on variation of agreements is correctly set out in Clause 22 of the Wesply (Dardanup) Agreement which requires variations to be tabled in both Houses and become valid if not disallowed. If, however, the fundamental basis of an agreement was being changed, the Government would submit a variation for ratification by Act of Parliament.

## 18. DEPARTMENT OF ENVIRONMENTAL PROTECTION

### *Professional Officers*

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

- (1) How many professional officers are presently employed by the Department of Environmental Protection?
- (2) On what dates did these officers commence duties with the department and what disciplines are represented?

Mr STEPHENS replied:

- (1) Nine.
- (2) 6th February, 1971, 4th July, 1973, 26th January, 1974, 13th March, 1972, 1st April, 1974, 22nd July, 1974, 15th August, 1974, 12th June, 1974, 10th September, 1974.

Disciplines represented are—

Organic chemistry, inorganic chemistry, geophysics, physics, biochemistry, zoology, geology, agricultural science, engineering, and chemical engineering.

In addition a graduate assistant and two trainee graduate assistants are employed with qualifications in chemistry, geology and social science.

The Member will no doubt be aware that recently other positions have been advertised to assist the statutory environmental bodies.

## 19. ENVIRONMENTAL PROTECTION

*Bauxite Mining and Woodchipping Industry: Steering Committees*

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

- (1) Are the steering committees on research into the effect of bauxite mining and the woodchip industry still in existence?
- (2) If so, who are their members and what are their terms of reference?
- (3) What working parties have been established in regard to environmental aspects of bauxite mining and the woodchip project?
- (4) Who are their members and what are their terms of reference?

Mr STEPHENS replied:

- (1) Yes.
- (2) to (4) Bauxite mining: The terms of reference of the steering committee are concerned primarily with water quality and catchment management being—
  - (a) As to what studies, investigations and trials should be undertaken to evaluate the soil salinity characteristics of the various catchment areas, and quantify the effect of mining and re-forestation on water resources of the respective catchments. Such studies would need to provide objective assessments at an early date.
  - (b) The success of re-forestation in catchment areas with particular reference to stabilising soil moisture profiles and water run-off and quality.

With respect to the membership of the steering committee, the various working groups and supervisory panels, and the terms of reference of the latter, I have available a chart setting out complete details of these which I seek leave to table.

Woodchip industry: The terms of reference of the Woodchip Steering Committee are—

To report on to the Environmental Protection Authority and arrange to carry out the measurements and research required to determine sensitive sections of the woodchip license area where salinity problems might arise and to arrange for any on-going monitoring which is needed to provide the Conservator of Forests with technical data on which to base his management and control of woodchip operations from a conservation viewpoint.

The members of the Woodchip Steering Committee are—

- K. J. Kelsall (Chairman)
- D. B. Collett—Public Works Department
- E. R. Hopkins—Forests Department
- J. H. Lord—Department of Mines
- T. C. Stoneman—Department of Agriculture
- M. J. Mulcahy—Commonwealth Scientific & Industrial Research Organisation
- I. J. O'Hara—Metropolitan Water Board
- C. J. Poynton—Department of Industrial Development.

The following Supervisory panels report to the main committee—

## Supervisory panel No. 1

Terms of reference—Identify areas vulnerable to salinity increase.

## Members—

- T. C. Stoneman—Convenor
  - K. L. Barrett—Public Works Department
  - T. T. Bestow—Department of Mines
  - B. J. White—Forests Department
  - W. M. McArthur—Commonwealth Scientific & Industrial Research Organisation
- Supervisor Panel No. 2.

Terms of reference—Monitor surface and underground water on paired catchments in representative areas.

## Members—

- D. B. Collett—Convenor
- K. L. Barrett—Public Works Department
- T. C. Stoneman—Department of Agriculture
- E. R. Hopkins—Forests Department
- A. J. Peck—CSIRO
- W. M. McArthur—CSIRO
- T. T. Bestow—Department of Mines.

## Supervisory panel No. 3

Terms of reference—Monitor quantity and quality of run-off from large catchments.

## Members—

- D. B. Collett—Convenor
- K. L. Barrett—Public Works Department.

## Supervisory panel No. 4

Terms of reference—Monitor fluctuations of ground water levels and salinity through the period of logging and regeneration.

**Members—**

E. R. Hopkins—Convenor  
T. C. Stoneman—Department  
of Agriculture  
K. L. Barrett—Public Works  
Department  
E. Bettenay—CSIRO  
T. T. Bestow—Department of  
Mines.

*The papers were tabled (see paper No. 161).*

20.

**FISHERIES**

*Land and Aquatic Reserves*

Mr A. R. TONKIN, to the Minister  
for Fisheries and Wildlife:

- (1) Can reserves be created pursuant to section 29 of the Land Act over land already reserved under the provisions of section 30 of the Fisheries Act?
- (2) What aquatic reserves have been declared under the provisions of section 30 of the Fisheries Act and what is their purpose, classification and vesting?

Mr STEPHENS replied:

- (1) Probably yes, but the legal position has not been determined. However, it is intended that the departments concerned will confer on procedures to avoid inconsistencies in orders issued under the respective Acts.
- (2) No aquatic reserves have yet been declared under the Fisheries Act but a number of areas are under consideration.

21.

**FISHERIES**

*Land and Aquatic Reserves*

Mr A. R. TONKIN, to the Minister  
for Fisheries and Wildlife:

- (1) In regard to section 30 of the Fisheries Act, is it intended that aquatic reserves be delineated on public plans—
  - (a) held by the Department of Fisheries and Wildlife;
  - (b) for public convenience, held by the Lands Department?
- (2) Is it intended that aquatic reserves be assigned a distinguishing number for identification purposes?
- (3) Can this section be used to establish aquatic reserves over land already reserved under section 29 of the Land Act?

Mr STEPHENS replied:

- (1) It is intended that aquatic reserves be delineated on public plans. If practicable these would be held by the Lands Department as well as the Department of Fisheries and Wildlife.

(2) Yes.

(3) While the legal position has not been determined it is not intended to reserve any land under the Fisheries Act that is already reserved under the Land Act.

**22. ENVIRONMENTAL PROTECTION**

*Coastal Areas: Policy*

Mr A. R. TONKIN, to the Minister  
for Conservation and Environment:

- (1) Further to question on notice 18 of 29th August, 1974 when does the Environmental Protection Authority expect to enunciate its policy concerning the coast?
- (2) When it does so, will it be invoking sections 35 to 38 of the Environmental Protection Act?
- (3) To what portion of the State's coast is it expected that the policy will apply?

Mr STEPHENS replied:

- (1) As soon as possible, when the initial assessment is available for public comment. The Parliament and interested parties will certainly be advised as the likely date is approached.
- (2) Where appropriate, yes.
- (3) At this time, formative plans refer to the Kalbarri-Esperance region, and the Member's attention is drawn to recommendation 8 of the Committee of Inquiry report into the Mining Act.

**23. INDUSTRIAL DEVELOPMENT**

*Jumbo Steelworks: Consortium*

Mr A. R. TONKIN, to the Minister  
for Industrial Development:

- (1) What companies are members of the BHP consortium presently investigating the prospects of establishing a jumbo steelworks in the State?
- (2) Have any technical committees been established by the consortium and which of the above companies are represented on each committee?

Mr MENSAROS replied:

- (1) The consortium includes Australian, Japanese, American, British, and European companies. It will be time to release the names of the member companies when they submit a proposal to the State Government for development of the industry.
- (2) All companies are represented on a technical committee.

The answer which I shall give to question 27 on today's notice paper also has a bearing on this question.



## 24. INDUSTRIAL DEVELOPMENT

*BHP Steelworks: Area and Sea Water*

Mr A. R. TONKIN, to the Minister for Industrial Development:

Further to question on notice 79 asked on 27th November, 1974, relating to the BHP steelworks plan—

- (1) What is the approximate area in hectares within the boundary referred to?
- (2) What is the approximate volume in cubic metres of the sea water within the boundaries referred to?

Mr MENSAROS replied:

- (1) Approximately 130 hectares.
- (2) Approximately 1 200 000 m<sup>3</sup>.

25. NATIONAL PARKS AND  
ROTTNEST ISLAND BOARDS*Ministerial Jurisdiction*

Mr JAMIESON, to the Premier:

- (1) For what reason was the control of the National Parks Board changed from its normal control of Minister for Lands to the Minister for Conservation and Environment?
- (2) As the Rottneest Island Board is subject to the Parks and Reserves Act for authority similar to that of the National Parks Board, is not there an inconsistency in the Minister for Lands being Chairman of the Rottneest Island Board?

Mr O'Neil (for Sir CHARLES COURT) replied:

- (1) The transfer was made to give effect to the Government's desire for consolidation, where appropriate, of the State's environmental management.
- (2) Subsequent Ministers for Lands have been Chairmen of the Rottneest Island Board since the Hon. L. F. Kelly became the Minister on 19th December, 1957.  
As previously stated, there are special and specific environmental reasons appertaining to national parks which differ from the management and control of an area the major function of which is that of a holiday resort.

## 26. HOUSING

*Land: Alexander Drive Area*

Mr A. R. TONKIN, to the Minister for Housing:

- (1) Is the land bounded on the east by Alexander Drive and on the south by Gordon Road owned by the State Housing Commission?

- (2) If so, is it intended that this land will be built upon by the commission or is it to be sold by auction?
- (3) What is the timetable for the action to be taken as indicated in (2)?

Mr O'NEIL replied:

- (1) Yes.
- (2) It is the intention of the commission that this land which forms part of the Yirrigan neighbourhood in the Mirrabooka complex will be planned and developed so as to provide a mix of commission and private housing.
- (3) This is unknown as development is largely dependent on the availability of public utility services.

## 27. INDUSTRIAL DEVELOPMENT

*Jumbo Steelworks: Approaches to  
Local Authorities*

Mr A. R. TONKIN, to the Minister for Industrial Development:

- (1) Further to part (3) of question on notice 2 asked on 26th November, 1974 and bearing in mind the Liberal Policy Speech 1974-77 in which the present Premier gave an assurance that there would be the closest co-operation with local authorities by his Government, have approaches yet been made to the Shires of Gingin and Wanneroo regarding their attitude to the location of a jumbo steelworks in their district?
- (2) If "No" why have no approaches been made?
- (3) Has a similar approach been made to the Mandurah Shire Council?
- (4) If (3) is "No" why have no approaches been made?

Mr MENSAROS replied:

- (1) No.
- (2) It must be understood—as it is no doubt by Members of the Opposition who have had ministerial responsibilities—that certain feasibility studies and negotiations with Government by private companies have to be confidential up to a stage. Such negotiations are in the interest of the State and the confidentiality has to be retained if a resolution is to be attempted by the Government. Until definite conclusions as to possible localities are reached by the study group, an approach to any local government is not practical. This is not connected at all

with the valid statement in the Policy Speech to which the Member is referring. It will be time to approach the shires when the feasibility of a Western Australian site has been assessed.

(3) No.

(4) See (2) above.

## 28. BEACH EROSION Committees

Mr A. R. TONKIN, to the Minister for Works:

- (1) Who are the members of the Cabinet subcommittee and advisory committee concerned with sea erosion?
- (2) When were these committees established and on how many occasions have they met?
- (3) What are the terms of reference of these committees?

Mr O'NEIL replied:

- (1) The Cabinet Subcommittee consists of the Minister for Works, the Minister for Urban Development and Town Planning and the Minister for Conservation and Environment.

The Advisory Committee on Coastal Erosion consists of—

Mr R. M. Hillman (Chairman)  
—Director of Engineering,  
Public Works Department.

Dr B. J. O'Brien—Director of  
Environmental Protection.

Mr G. W. Spencer—Department  
of Agriculture.

Mr C. P. Hutchison—Depart-  
ment of Lands and Surveys.

Mr N. R. Hiller—Town Plann-  
ing Department.

Mr A. Cheetham—Local Gov-  
ernment Association of W.A.  
Representative.

Mr F. E. Brockman—Country  
Shire Councils Representa-  
tive.

- (2) The Cabinet subcommittee was established on 30th April, 1974, and has met on 4th July, 1974 and 17th February, 1975.

The advisory committee was established on 5th August, 1974, and has met on 16th September, 1974, 21st January, 1975, and 17th April, 1975.

- (3) The Cabinet subcommittee was directed to confer and recommend to Cabinet the best course to follow to initiate and to set up an effective research organisation, including overseas participation if need be, as well as control organisation to deal with—

- (a) existing deterioration of beaches, sand dunes, etc.;

- (b) potential deterioration of beaches, sand dunes, etc.

The advisory committee's function is to give advice to the Cabinet subcommittee on these matters.

## 29. WATER SUPPLIES

### *Mullaloo, and Condition of Subdivisions*

Mr A. R. TONKIN, to the Minister for Water Supplies:

- (1) Will Mullaloo be connected to scheme water following the completion of the service reservoir at Wanneroo?
- (2) If "Yes" when would the main from the reservoir to Mullaloo be completed?
- (3) Will the residents of Mullaloo have to contribute towards the cost of the main and reticulated scheme within the subdivision?
- (4) If (3) is "Yes" what will the extent of the contribution be?
- (5) For what reason was the provision of scheme water deleted from being a condition of the subdivision in 1968?
- (6) Were the developers Page Stott Pty. Ltd. requested at the time to pay the Metropolitan Water Board the cost of providing the reticulated scheme within the subdivision?

Mr O'NEIL replied:

- (1) Yes.
- (2) 1976-77 subject to finance.
- (3) No.
- (4) Not applicable.

- (5) In 1968 Mullaloo was outside the area controlled by the Metropolitan Water Board.

There was no reticulated water supply to this area at that time and the Public Works Department had no intention in this regard.

In accordance with the department's policy at the time, the condition of water supply was cancelled.

- (6) No.

## 30. VERMIN AND NOXIOUS WEEDS CONTROL

### *Average Cost per Farm*

Mr GREWAR, to the Minister for Agriculture:

- (1) What was the average cost per farm unit for work carried out by the Agriculture Protection Board on—

- (a) vermin control;
- (b) weed control,

during the years 1972-73 and 1973-74 in the shires of Esperance, Gnowangerup, Lake Grace, Ravensthorpe and Kent?

- (2) What is the anticipated average cost per farm unit in each of these shires under the suggested "composite" scheme?

Mr O'Neil (for Mr McPHARLIN) replied:

- (1) (a) Vermin control

	Average per farm unit
1972-73	\$
Esperance .....	32
Gnowangerup .....	12
Lake Grace .....	17
Ravensthorpe .....	7
Kent .....	14
1973-74	
Esperance .....	39
Gnowangerup .....	13
Lake Grace .....	19
Ravensthorpe .....	8
Kent .....	15

- (b) Noxious weed control  
1972-73

Esperance .....	7
Gnowangerup .....	7
Lake Grace .....	6
Ravensthorpe .....	16
Kent .....	15
1973-74	
Esperance .....	9
Gnowangerup .....	8
Lake Grace .....	6
Ravensthorpe .....	20
Kent .....	17

These are the costs of operational work undertaken by the Agriculture Protection Board and do not take into account the costs of work done by landholders.

Average  
per farm  
unit  
\$

- (2) Esperance .. 124  
Gnowangerup .. 103  
Lake Grace .. 60  
Ravensthorpe .. 51  
Kent .. 55

The costs shown from 1972-73 and 1973-74 do not take into account expenditure incurred by landholders for vermin or noxious weed control on their properties either by themselves or by contractors employed by them.

Under the proposed new scheme, it is envisaged that all work to the present level of control will be undertaken by Agriculture Protection Board staff. The present contributory group scheme will be discontinued, thereby eliminating the contribution made by shires.

## 31. WATER SUPPLIES

### Rates: Country High School Hostels

Mr LAURANCE, to the Minister for Water Supplies:

- (1) What was the water consumption in the last full consumption year for each of the school hostels in the State?
- (2) What will be the estimated cost on the new charges for water for each hostel at this consumption level?
- (3) What would be the estimated annual cost for each hostel assuming a consumption that the department would consider adequate?

Mr O'NEIL replied:

- (1) to (3) The information requested by the Member is as follows—

#### Water Consumption—School Hostels

Hostel	Consumption (kilolitres)	Estimated consumption cost based on current charges	Estimated consumption cost assuming an adequate consumption
		\$	\$
Albany .....	6 200	1 095.07	762.00
Albany (New) .....	2 637 (6 months) 5 274 (12 months estimate)	891.35	452.00
Carnarvon .....	9 292	1 775.31	452.00
Esperance .....	4 482	717.11	765.00
Geraldton— (Boys) .....	10 064	1 945.15	900.00
(Girls) .....	7 445	1 368.97	671.00
Katanning .....	5 587	960.21	765.00
Merredin .....	6 980	1 266.67	1 589.00
Moorabool (new Hostel)	Not Available		
Narrogin .....	6 592	1 181.31	2 232.00
Northam— (Boys) .....	15 034	3 038.55	1 589.00
(Girls) .....	5 138	881.43	765.00
Port Hedland .....	15 738	3 193.43	900.00

## 32. POULTRY FARMING

### McDonald Inquiry: Recommendations

Mr BARNETT, to the Minister for Agriculture:

Relative to the recommendations 1.1 to 5.13 contained in the McDonald report into the egg industry, would he please advise—

- (a) how many of the recommendations have been carried out in full and which are they;
- (b) how many of the recommendations have been carried out in part, which are they, and what has been done;
- (c) how many of the recommendations have not been complied with, which are they, and what is the reason in each case?

Mr O'Neil (for Mr McPHARLIN) replied:

The WA Egg Marketing Board has advised—

- (a) The following recommendations have been carried out in full; 2.2, 2.3, 3.4, 4.2, 4.4, 4.7, 4.14, 4.15 and 4.17.
- (b) The following recommendations have been carried out in part—
  - 1.1 The board is budgeting for a minimum of surplus consistent with the reliability of current production and sales forecasting data.
  - 1.2 A survey to determine the cost of egg production in Western Australia has been carried out by the departmental representative of the Cost of Egg Production Committee.
  - 2.4 The board has investigated the economics of operating its own pick up truck fleet and ruled against its adoption.
  - 3.6 New types of cartons and marketing techniques are continually under investigation by the board.
  - 4.1 A regular market survey commissioned by the board has been discontinued after 12 months. The survey was not able to supply the necessary information and further expense was therefore unwarranted.
  - 4.5 A home economist has been employed and further consideration will be given to the provision of a kitchen annexe when the financial position of the board permits.
  - 4.6 The board has inspected the South Australian exhibit for future reference.
  - 4.12 The board currently employs an Operations Manager who is responsible for sales and marketing.
  - 4.13 The reporting and recording system of the board is considered to be as efficient as that in other States.
  - 5.4 Part of this recommendation is already operative. No new licenses

will be issued in the south-west land division until the 23% cut in licensed bird numbers made on 1st July, 1971 is fully restored.

- 5.8 No new permits are to be issued and current board policy is not to have permittees where they conflict with board activities.
- 5.13 The board has forwarded a letter to CEMAA concerning this matter. Further action is considered to be outside the board's function.
- (c) The following recommendations have not been implemented—
  - 2.1 The current high level of egg receipts would have been unmanageable in the absence of the purchase of a new FMC grading machine.
  - 2.5 The board has considered this matter but does not agree with the recommendation.
  - 3.1 The current technical problems associated with the handling of farm oiled eggs outweighs the advantages.
  - 3.2 No current experimental technique for the estimation of shell strength can be practically applied to producer consignments.
  - 3.3 The quality and marketing benefits of date stamping eggs is recognised but the associated technical problems and organisational difficulties at this time would make it expensive and impractical.
  - 3.5 The current grade system for eggs is adopted throughout Australia and is the basis for CEMAA reimbursement on losses on export surpluses. Three grade marketing would not significantly reduce costs.
  - 4.3 The poultry industry has requested a limit of 0.25c per dozen. The board has the power to increase expenditure when considered desirable.

4.8 Discount rebates are unlikely to result in increased egg sales and have a discriminating effect on retailers.

4.9 Industry considers that the present board structure has functioned to the satisfaction of the majority of egg producers.

4.10 Submissions were received by the board from five advertising agencies including Cowdrey and Coucher. After consideration of all submissions the board decided against Cowdrey and Coucher.

4.11 The General Manager of the board has considerable experience in marketing.

4.16 Adoption of this recommendation which may be effected by proclamation will be considered in relation to the amendments to the Act now before Parliament.

5.2 Producers strongly oppose this recommendation on the basis that it is unnecessary and unwarranted. The board agrees with this view.

Recommendations 5.1, 5.3, 5.5, 5.6, 5.7, 5.9, 5.10, 5.11 and 5.12 were considered to require amendments to the Act in order to be implemented. The Bill now before Parliament contains proposals in relation to 5.7 (in part), 5.9 and 5.10.

5.1, 5.3, 5.5, 5.6 and 5.7 (in part).

The mandatory concept of these recommendations is not acceptable to industry, and further is not considered by the board as necessary for the effective administration of the Act. However, the Bill now before Parliament provides that a producer and the board may reach an agreement in relation to the sale or purchase of a license or part thereof.

5.11 It is considered that such a scheme is unlikely to be effective and would be of little

overall benefit to the industry. Further, a person with a large family could require up to 20 fowls in order to supply his family needs.

5.12 Most shires now have regulations covering backyard flocks. Any further restrictions on such flocks, as recommended, would be resisted by the community and are therefore considered to be unwarranted.

#### NOTE:

A committee with representation from industry (Poultry Farmers Association), the board and Department of Agriculture examined and reported on the implementation of recommendations 1.1 to 5.13 immediately after the tabling of the McDonald report on 19th April, 1973 when the previous Government was in office. The information provided to the Member is based on this report.

#### HIGH SCHOOLS

##### *Science Facilities*

Mr BARNETT, to the Minister representing the Minister for Education:

- (1) How many three-year high schools in Western Australia have five science facilities and which are they?
- (2) How many three-year high schools in Western Australia have more than five science facilities—
  - (a) which schools are they;
  - (b) how many does each have?
- (3) How many five-year high schools in Western Australia have five science facilities, and which are they?
- (4) How many five-year high schools have more than five science facilities—
  - (a) which are they;
  - (b) how many does each have?

Mr GRAYDEN replied:

Many schools have small seminar, research or optics rooms which accommodate less than 20 students. These are not included in the answers which follow.

(1) Eight. The schools are—

Carine  
Forrestfield  
Girrawheen  
John Willcock  
Kelmescott  
Lockridge  
Lynwood  
North Lake

(2) None.

(3) Six. The schools are—

Busselton  
 Como  
 Merredin (including 1  
 under construction)  
 Narrogin  
 Pinjarra  
 Thornlie.

(4) Thirty-seven. The schools and the number of science facilities they have are—

Albany	6
Applecross	8
Armadale	8
Balcatta	8
Balga	9
Belmont	8
Bentley	8
Bunbury	6
Cannington	7
Churchlands	8
City Beach	6
Cyril Jackson	7
Eastern Goldfields (2 sites)	10
Geraldton	8
Governor Stirling	10
Hamilton	7
Hampton	10
Hollywood	7
John Curtin	8
John Forrest	9
Kalamunda	8
Kent Street	8
Kewdale	8
Kwinana (incl. 1 un- der construction)	8
Melville	7
Mirrabooka	8
Morley	7
Mt Lawley	9
Newton Moore	7
Northam	6
Perth Modern	8
Rockingham (incl. 2 demountables)	7
Rossmoyne	9
Scarborough	7
South Fremantle	7
Swanbourne	6
Tuart Hill	8

(3) Is it within the power of the board to make a decision to withhold from patients elsewhere than at the Sir Charles Gairdner Hospital, treatment on the Tronado, which was provided for the use of patients from any place in Western Australia?

(4) Does the Government agree with the board's decision and intention?

(5) Is he prepared to use the authority which he has under the Hospitals Act to direct the board to allow the Tronado machine to continue in use?

Mr RIDGE replied:

The Minister for Health thanks the Leader of the Opposition for notice of the question, the answer to which is as follows—

(1) No.

(2) Mr Johnston

Dr McGuire

Mr McGrath

Mr Angeloni

Dr McCall

Dr Pator

Mr MacDonald

Mr Cox.

(3) The board has the power to determine what facilities may or may not be made available within its department of radiotherapy for the treatment of both in-patients and patients referred from elsewhere.

(4) The board made its decision on the advice of its medical advisory committee and the Government agrees that this procedure was correct. I emphasise the word "procedure".

(5) No, the Minister for Health believes that this is a matter which must be resolved by the board subject to advice by its medical advisory committee and recommendations contained in the report.

By way of amplification, particularly in relation to the answer to (5), might I just inform the House that these answers were provided prior to the debate which took place earlier and the Leader of the Opposition can be sure that the last answer will be subject to any assurances made by the Acting Premier in connection with that answer.

## QUESTIONS (7): WITHOUT NOTICE

### 1. TRONADO MACHINE

*Decision on Use: Sir Charles Gairdner  
 Hospital Board*

Mr J. T. TONKIN, to the Minister representing the Minister for Health:

(1) Did the board of Sir Charles Gairdner Hospital consult the Minister before it made the decision to discontinue the use of the Tronado cancer machine?

(2) Who were the members present at the meeting of the board when the decision on the Tronado was made?

## 2. PINE PLANTATIONS

*Sales Advertisements: South-East Asia*

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

I gave the Premier notice of my intention to ask a question without notice, and I am hopeful that the Acting Premier will be able to provide the answer. The question is as follows—

- (1) Is it a fact that advertisements which have offered for sale blocks of land in Western Australia which have been planted with pines, have appeared in newspapers of Singapore and other South-East Asian countries?
- (2) If such advertisements or brochures have appeared in these areas, have they been written in a way which implies an involvement on the part of the Government of Western Australia?
- (3) (a) Has the Western Australian Government Office in Singapore been involved in the advertising of such blocks in any capacity?
- (b) Has the Western Australian Government been associated in the sale of such blocks of pines in any way at all?

Mr O'NEIL replied:

Prior to his departure, the Premier left the following answer—

- (1) to (3) Inquiries are being made, and I shall let the honourable member have the answer on Thursday.

## 3. ENVIRONMENTAL PROTECTION COUNCIL

*Representatives of Environmental Interests*

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

- (1) Have the two representatives of environmental interests yet been appointed to the vacancies on the Environmental Protection Council?
- (2) If so, what are the details and which environmental interests do they represent?
- (3) If not, when is it expected that the appointments will be made?

Mr STEPHENS replied:

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

- (1) No.
- (2) Answered by (1).

- (3) As soon as practicable once Parliament has approved the amendments before the House.

4.

## TRONADO MACHINE

*Decision on Use: NHMRC*

Mr J. T. TONKIN, to the Minister representing the Minister for Health:

- (1) In view of the decision by the Government to ask the National Health and Medical Research Council to make a new study of the controversial Tronado machine, is it intended to take the necessary steps to ensure that the machine at the Sir Charles Gairdner Hospital will continue in operation and be available to new patients at least until the new study has been completed and the report received and studied? I ask this question only because I had submitted it prior to the debate this afternoon. I will be quite happy if the Minister declines to answer it in view of the assurances given by the Acting Premier.
- (2) I would like this question answered. In view of the statement by Dr Billings, Chairman of the NHMRC that the committee's findings could not in any way be contradicted by the future performance of the machine, will he suggest to the NHMRC that someone with an open mind take the place of Dr Billings on the renewed inquiry?

Mr RIDGE replied:

- (1) No; but this answer is subject to the same qualifications to which I referred previously.
- (2) This is for the National Health and Medical Research Council to determine, but the matter will be raised.

5.

## WATER SUPPLIES

Warnbro: Lot No. 1023 Studzor Street

Mr BARNETT, to the Minister for Water Supplies:

- (1) Is the Minister aware of an application to have water made available to Lot No. 1023 Studzor Street, Warnbro, on the 30th January, this year?
- (2) Is he aware that water has still not been supplied even though the house will be completed in three weeks' time?
- (3) Will he undertake to ensure water is supplied immediately?

Mr O'NEIL replied:

I desire to thank the member for adequate notice of the question, the reply to which is as follows—

- (1) Yes.

(2) Yes, the supply involves a small four-inch high pressure main extension and pipes are in very short supply.

(3) Water will be supplied within three weeks, by means of a temporary main if necessary.

## 6. LOCAL GOVERNMENT

### *North-West: Enrolments*

Mr JAMIESON, to the Minister for Local Government:

In view of the Minister's undertaking, some days ago, to obtain enrolment numbers of several local authorities, and in view of the fact that debate on the matter is imminent, does he now have the figures available or will he make them available at the earliest opportunity?

Mr RUSHTON replied:

I will certainly give an assurance that I will search for the figures tomorrow.

Mr Jamieson: Only six telephone calls are necessary.

Mr RUSHTON: As far as I am aware, all the required figures are not yet available. However, I will obtain them as quickly as possible.

## 7. RAILWAYS

### *Flood Damage at Zanthus: Effect on Prices*

Mr HARMAN, to the Minister for Works:

Last Thursday the Premier gave me an undertaking that he would obtain some information concerning the system of checking prices following the Zanthus washway. He undertook to provide that information this afternoon. Is the Minister for Works able to give me that information today?

Mr O'NEIL replied:

No, I am afraid I am not able to oblige the honourable member.

## BILLS (2): RECEIPT AND FIRST READING

### 1. Friendly Societies Act Amendment Bill.

Bill received from the Council; and, on motion by Mr Ridge (Minister for Lands), read a first time.

### 2. University of Western Australia Act Amendment Bill.

Bill received from the Council; and, on motion by Mr Grayden (Minister for Labour and Industry), read a first time.

## BILLS (2): INTRODUCTION AND FIRST READING

### 1. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.

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

### 2. Superannuation, Sick, Death, Insurance, Guarantee and Endowment (Local Governing Bodies' Employees) Funds Act Amendment Bill.

Bill introduced, on motion by Mr Rushton (Minister for Local Government), and read a first time.

## FACTORIES AND SHOPS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 25th March.

MR HARMAN (Maylands) [6.13 p.m.]: This Bill was introduced some weeks ago and concerns a number of administrative amendments which are required by the Department of Labour and Industry, and to which the Opposition has no objection.

The main function of the Bill is to extend from the area of factories to the area of warehouses and shops the provisions of sections 63, 64, and 65 of the Factories and Shops Act. It is my intention to demonstrate to the House that what the Government is trying to do will have very little effect.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr HARMAN: Before the tea suspension I was pointing out to the House that the main purpose of this Bill to amend the Factories and Shops Act is to bring about the situation whereby sections 63, 64, and 65 of the Act will apply to warehouses and shops.

Section 63 contains the provisions relating to the prevention of fires and accidents in factories, and those provisions will now apply to warehouses and shops. The provisions of section 64 require employers to notify the Department of Labour and Industry of fatal accidents, and non-fatal accidents when incapacity for work for a period of one day or more results. Section 65 gives the Minister the power to ask a magistrate to conduct an inquiry into an accident, and that provision will now apply also to shops and warehouses.

It will be recalled that the other day I asked the Minister whether the provisions of section 65 had been used in the past 10 years. I asked whether in the past 10 years the Minister for Labour had ever arranged for a magistrate to conduct an inquiry into a fatal or nonfatal accident in a factory, and the answer was, "No." It is possible that in the future the Minister may see fit to cause such an inquiry



to be made, and for that reason I do not wish to oppose the amendment; but the provision has not been used in the past and I do not know in what circumstances it would be used in the future. Nevertheless, it does no harm to leave it in the Act.

The point I make is that the Minister seems to think this system of recording and giving advice of accidents in shops and warehouses will be of great benefit. I would like to be able to agree that is so, but when one looks at the facts it is not the case. I refer to page 38 of the last report of the Department of Labour and Industry, which deals with accident reporting under the heading "Accidents".

The report states—

The Scaffolding Act required only those accidents associated with scaffolding or gear to be reported, whereas the Construction Safety Act requires the reporting and investigations of all accidents causing loss of life, serious injury, or damage to load bearing parts of equipment during work to which the Act applies. Whilst this has resulted in an increase in the number of accidents reported, it promises an increased scope for remedial and preventive measures.

A total of 36 accidents were reported...

It might be thought rather strange that only 36 accidents were reported. When we refer to the figures of the Bureau of Census and Statistics relating to accidents in the construction industry, the total is 11 233 accidents in the same period. There is a big difference between 36 and 11 000. However, when we turn to the factories and shops section of the 1974 report of the Department of Labour and Industry, we find in the table of accidents reported in accordance with section 64 of the Factories and Shops Act a total of 2 514 accidents in the calendar year 1973. In the figures of the Bureau of Census and Statistics relating to the manufacturing section, the total number of accidents is 12 041, although the period in which they occurred is not a calendar year.

The two sets of figures indicate there is a lack of reporting to the Department of Labour and Industry by factory owners of injuries which occur in their factories. That has been the case since the Factories and Shops Act came into existence. There has always been a requirement that factory managers must report accidents which result in a worker being incapacitated for more than one day. The figures ably demonstrate that this kind of reporting is not taking place.

When we ask ourselves why the managers of factories do not report accidents to the Department of Labour and Industry as required under the legislation, it is very difficult to come up with the answer in

all cases, but I would like members to think about the requirements and methods of reporting contained in some of our safety legislation.

Until recently, under the Inspection of Machinery Act, an employer was obliged to report an accident involving machinery only if a worker sustained an injury which would incapacitate him for more than 14 days. Under the Construction Safety Act an accident is required to be reported if injury is likely to incapacitate a person for more than three days. Under the Factories and Shops Act, an accident must be reported if injury is likely to incapacitate a worker for more than one day. We can imagine the situation of an industrial officer of a big construction firm which has a construction site, a warehouse, and a retail shop. The provisions relating to injuries resulting from accidents are different in respect of each of those three premises.

When we were in Government we tried to establish the same provisions for all premises in relation to the reporting of accidents. I am glad to see that in this Bill at least there has been no change from that principle. It proposes to bring shops and warehouses into line with factories in that the period of incapacity must be more than one day. Members will notice that in the Machinery Safety Bill, passed last year, although not yet proclaimed, the period has also been reduced to more than one day. Therefore, the only provision which could present a problem in the future is that contained in the Construction Safety Act. No doubt that provision can be rectified by a simple amendment.

This was the first reason that could be put forward as an excuse for not reporting accidents; the diverse action that had to be taken in different circumstances. The second reason that could be advanced as to why employers did not report accidents was that they were never prosecuted for this failure. Now there is ample provision in our legislation to prosecute employers for failing to report accidents, but if members look back over the annual reports of the Department of Labour and Industry, a perusal of the portion dealing with factories and shops reveals that no police proceedings have been instigated. In the 1973 report we see the following—

Proceedings were instituted in 22 cases, almost all in relation to breaches of trading hours.

I do not wish to read all the cases to the House, but I assure members that over the last five years the only prosecutions under this Act were in respect of trading hours of shops. No prosecutions appear to have been made in respect of employers who failed to report accidents.

As I demonstrated with the figures earlier, no member can claim that employers have reported all accidents. So this is the problem confronting us.

Last year when I moved for a Select Committee to investigate all aspects of industrial safety in Western Australia, I explained to the House that it is very difficult to work out ways and means of overcoming the problem of industrial accidents until we know what the problem is. The only way to find out what the problem is is to have an efficient recording system, which shows up, as accurately as possible, the rate of injury and the rate of incapacity caused by industrial accidents in this State.

What is attempted with the measure before us is simply to retain a situation which has existed for many years. What is needed now is an indication by the Government that it intends to impress upon employers the necessity to report accidents to the Department of Labour and Industry. I do not know whether the Government is of a mind to do that, but if it is honest in its endeavours to reduce industrial accidents in Western Australia, then I suggest this is the first move it should make.

Last year I pointed out to the House the incredible situation in Western Australia where we have something like 30 000 industrial accidents per year. One in 11 of our employees are injured each year, or, to put it another way, there is an industrial accident every four minutes. At that time I attempted to describe to the House the suffering and anguish that result, not only to the injured employee, but also to his family.

When we were in Government we tried to do something about the problem. We introduced a Bill to amend the Workers' Compensation Act to give employees their full take-home pay during the period they are incapacitated. The Bill was opposed by the Liberal-Country Party Opposition, but following a review by a Select Committee of the Legislative Council, it was finally accepted that an injured worker would receive his normal rate of pay while he was incapacitated. This was a big break through for injured workers.

Mr O'Neill: It has not helped the Commonwealth scheme though.

Mr HARMAN: At the time the Opposition wanted to forestall this arrangement until the Commonwealth Government introduced its scheme. However, I argued that the Commonwealth scheme may never get off the ground; that it could run into all sorts of problems, and in the meantime, the workers in this State would be disadvantaged. However, that was not the point I was trying to make. I wanted to say that a suggestion made by the then Opposition, and referred to later by the present Minister for Labour and Industry, was that our provision would mean a heavy increase in workers' compensation cases. I was concerned about this, naturally enough, but I took advice from previous studies undertaken in other countries

which suggested that it did not follow automatically that there was a permanent increase in workers' compensation cases.

I endeavoured to follow up this matter, and I tried—by interjection more than anything else—to get the Minister to state what had happened in Government departments at least, in respect of workers' compensation, since Parliament passed the amendments to the Workers' Compensation Act. Unfortunately the Minister was not here to reply to my motion last year, so we have not had the benefit of his advice.

I wrote to him about this matter on the 12th February, 1975. I referred him to the fact that the Tonkin Government had introduced a system to record details regarding industrial accidents within Government departments, authorities, instrumentalities, etc. Early in 1973, the then Premier (Mr J. T. Tonkin) and the then Minister for Labour (Mr Taylor) met with departmental heads to institute a system whereby reports would be made available to the Minister each quarter; the reports to indicate the accident rate within each department.

The rationale behind the recording system was to bring to the attention of the permanent heads the necessity for accurate recording so that the Minister could then be informed of any trends in particular departments. On the 12th February, 1975, I asked the Minister—

As sufficient time has now elapsed to note any trends I would be pleased if you could make available to me an analysis of industrial accidents and the ratio to man hours for each department, etc. subject to this recording system. The information I seek would cover the years ending 31/12/73 and 31/12/74.

Well, I waited two months for an answer. I do not know whether members think that this delay in reply was reasonable or unreasonable, but I believe that the time taken by the Minister to reply to my letter was too long.

Mr Young: I waited for much longer than that.

Mr HARMAN: I am not accustomed to waiting two months for a reply of such a nature.

Mr Young: I waited four months for a reply from you.

Mr HARMAN: I finally received a reply on the 16th April. In his letter the Minister said—

I refer to your letter of February 12, 1975 in which you have requested details regarding industrial accident statistics.

Records indicate that at the meeting of Permanent Heads and Senior Officers of Government Departments and

Instrumentalities on March 16, 1973 with the then Hon. Premier, an undertaking was reached that records and statistics obtained through the recording system were required for the information of Cabinet and appropriate Ministers only. In accordance with the established practice confidentiality has been preserved by successive Ministers.

I would like to ask the Minister where he got that evidence from.

Mr Grayden: From the file.

Mr HARMAN: Well, I would like to see the evidence. I would like the file to be tabled so that I can read for myself where this agreement was made by the previous Premier. It is possible such an agreement was made, but I cannot recall it and I certainly had no knowledge of it.

Mr Grayden: Let me put it this way: If it is not on the file the departmental officers are adamant that this was the agreement reached. The departmental heads agreed to supply information only on that basis.

Mr HARMAN: Well, the Minister is now telling me that the departmental heads agreed to supply information only on the basis that it would be kept confidential!

Mr Grayden: They were reluctant to do it.

Mr HARMAN: Surely the departmental heads take their orders from their Ministers.

Mr Grayden: You ask your Minister of the day, and also the present Leader of the Opposition.

Mr HARMAN: That is not the sort of information one would expect from a Minister in this House: that the permanent heads of departments refused to supply information unless it was kept confidential.

Mr Grayden: That was not the situation at all.

Mr HARMAN: I suggest that if I placed a question on the notice paper seeking this information the Minister would feel obliged to supply it to me, irrespective of the undertaking to which he has referred—about which I have doubts, and in respect of which I would like to see some evidence.

Mr Grayden: Read the rest of the letter.

Mr HARMAN: I intend to. If the Minister refused to supply the information it would mean that he was trying to cover up something and that there is something secretive about the information. I do not think the information should be kept secret. We should all know what is happening in our Government departments with respect to the matter of safety. Government departments are obliged in the same way as private employers to adhere to the recording system of the Factories and Shops Act. Therefore, I can see no

reason at all that the permanent heads should adopt that attitude, and I doubt they did. In due course I will ask for the file to be tabled, and then we will see what decision was made and whether or not the Premier and Minister of the day agreed to confidentiality. I just cannot accept that they did.

I would like to quote the rest of the letter I received from the Minister. The last paragraph states—

I am able to advise, however, that analysis of the overall disabling injury frequency rates and severity rates indicate a regrettable but continuing upward trend since 1971. As a result of intensified accident prevention measures and industrial safety training courses, the most recent available statistics now indicate a levelling off in both injury rates. Further evaluation over a period of time will of course give a more positive indication.

So it does appear that there has been an improvement in safety in Government departments. However, as a member of this House, and as one who is interested in industrial safety, as every member of this Chamber is aware, I am entitled to question the Minister with regard to details of the records of information which must be supplied to the Department of Labour and Industry. I hope within the next few days to place questions on the notice paper to this effect, because I am interested to ascertain whether or not there has really been an increase in workers' compensation claims.

When we are in this Chamber debating legislation which involves the safety of workers and a recording system of injuries, surely I am entitled to ask questions; and I feel the Minister would be most happy to oblige me by supplying the information I seek. It is no skin off his nose as he has been the Minister for only 12 months and if he wants to blame someone for what has occurred he can blame the Opposition. However, I am not interested in blaming anyone; I am interested only in obtaining figures so that we can see what is the trend.

If the trend indicates that the amendments we made to the Workers' Compensation Act have not permanently increased the number of people receiving compensation, then it would prove that compensating a person to the full amount of his normal weekly wage has had no adverse effects. I am anxious to ascertain that proof, and the only way I can do it is by having access to the figures which I am sure the Minister will be only too happy to supply. I am sure after he considers the matter he will realise the permanent heads of departments are in no position to deny this information to the Government or the Parliament.

I feel I should state what a Labor Government would do in respect of this matter of safety and recording, because in two years' time we will be faced with this problem. The first thing a Labor Government would do is to ensure that the recording system in respect of injuries really works. Secondly, we would provide in the Department of Labour and Industry a specialist section to deal with industrial safety so that we could get the message across to the employers that it is in their interests to promote a type of management under which industrial accidents are reduced and, hopefully, kept to a minimum. We would make a number of suggestions to employers about how this could be achieved.

I pointed out to the House last year that in some factories in this State employers and employees have very little in common. The relationship between them is most dismal, and this has an effect upon the productivity of the establishment and upon the morale of the workers, and ultimately leads to all sorts of dissension which is not in the best interests of both management and labour. We would put a number of propositions to employers which if adhered to would assist them to overcome these problems.

Thirdly, through this specialist section in the Department of Labour and Industry we would establish a task force which would get very quickly to the core of any industrial accidents in a certain area. If, for argument's sake, the recording system showed that in the construction area there was a continuing trend of certain types of accidents, the task force would immediately apply itself to that area to achieve short-term and, ultimately, long-term improvements.

Two years remain before we can put this into practice; however, I make this available to the Government now, so that it can use the suggestions in order that some improvement may be effected immediately. After all, there are no votes in this debate for any of us. Although my move to appoint a Select Committee last year was unsuccessful, this is a genuine attempt by my party to decrease industrial accidents in Western Australia.

I should like to deal with another aspect of this amending Bill which refers in an oblique way to the Retail Trades Advisory Committee. I note that no longer will it be necessary for the under-secretary of the department to be present at meetings of the committee; he will be allowed to appoint a member of his staff to act on his behalf. However, what I am critical of is that although the Factories and Shops Act stipulates that a person representing consumer interests should be present at meetings of the committee, this requirement is not being observed.

A few days ago, I asked a question in this House seeking to ascertain whether the Government had appointed to the Retail Trades Advisory Committee a successor to Senator Ruth Coleman who previously represented consumer interests on the committee. As members will recall, Senator Coleman retired from the committee last June, upon her election to the Senate. The answer I received was that an appointment was made by the Executive Council on the 12th December, 1974, and that the new appointee, a Mrs P. Silver, took her place on the committee for the first time at a meeting on the 12th February, 1975.

So, for 7½ months, the Retail Trades Advisory Committee did not function as is laid down in the legislation; there must be some very good reason for that.

Mr Grayden: What do you mean by 7½ months?

Mr HARMAN: The committee did not have the benefit of a consumer representative for 7½ months, during the time when the Minister one day was having late night trading, and the next day was not. As there was no consumer representative on the committee, the advice which normally would be offered during committee meetings by that representative was not available to the Minister.

Mr Grayden: I think your figures are a bit out, there. What does the period of 7½ months relate to?

Mr HARMAN: I asked the following question—

When was the representative of the consumers appointed, and when did that person first attend the meeting?

The answer I received was as follows—

Appointed in Executive Council 12th December, 1974; attended first meeting on the 12th February, 1975.

Mr Grayden: There would appear to be an error there.

Mr HARMAN: These answers come into the House and go into *Hansard*; surely somebody picks up the errors.

Mr Grayden: Obviously, there is a printer's error.

Mr HARMAN: If there is I will apologise to the Minister.

Mr Taylor: You do not need to apologise.

Mr HARMAN: I do not know whether I should apologise; I expect the Minister to apologise to me.

Mr Grayden: It is a printing error; that is all.

Mr HARMAN: I do not know that it can be.

Mr Grayden: It is a printing error.

Mr HARMAN: What I am saying is that for 7½ months there was no consumer representative on the Retail Trades Advisory Committee. The Minister can

check out that statement and provide Parliament with other information, if he wishes.

Mr Grayden: Possibly it was two weeks, or even less.

Mr HARMAN: So for that period of time the Minister was not being fully advised from the consumers' point of view; and, it was at a time when, one day, the Minister was going to have night trading, and the next day he was not.

I want to congratulate the Minister for Labour and Industry on the issue of late night trading because he did a marvellous job of confusing the retail trade in the metropolitan area. I will give the House some examples to back up my argument. I do not have to repeat myself; members will recall the indecision which occurred on the part of the Government in relation to late night trading.

Mr Grayden: There was no indecision at all. I was incorrectly reported in the Press at one stage.

Mr HARMAN: We get incorrect answers and incorrect newspaper reports. I do not know who is telling the truth and who is not.

Mr Bryce: The Minister gets more sympathy from *The West Australian* than any other political figure in this State; he cannot complain that it is inaccurate.

Mr HARMAN: Let us have a look at this newspaper report. It appeared on the 23rd November, 1974, and stated as follows—

The Minister for Labour, Mr Grayden, will receive an application on Tuesday to allow shops in Perth to remain open till 9pm on the three Thursdays before Christmas.

But he said yesterday that he would not foist night shopping on retailers or shop assistants.

He said that unless both parties supported night shopping there would be no point introducing it, even on a trial basis.

Mr T. D. Evans: What date was that?

Mr HARMAN: It was on the 23rd November, 1974.

Mr Grayden: I do not consider that to be a trial basis; two nights before Christmas is not a trial basis.

Mr HARMAN: The Minister said that he would not foist night trading onto retailers or unions unless they agreed—even on a trial basis.

Mr Grayden: That is permanent night trading, on a permanent basis once a week.

Mr HARMAN: Even if we have one night, as we had recently, and two nights before Christmas as the Minister proposes to have this year, that in the Minister's opinion is not night trading on a trial basis.

Mr Grayden: It is not; it has not been done with the object of extending it.

Mr HARMAN: I do not understand the Minister; to me that is a trial basis. The Minister was able to get out of this again, as he does very adroitly at times, when I asked him the following question at the opening of Parliament this year—

- (1) Is it a fact that late last year the Minister gave an undertaking, a promise, or an assurance—whatever he wishes to call it—to the retailers and the unions representing shop assistants in Western Australia that he would not alter trading hours until the unions and the retailers had reached agreement?
- (2) Is it a fact also that just recently the Minister announced that trading hours would be disturbed, thereby breaking his assurance given to traders, retailers, and the unions?

The Minister replied as follows—

- (1) and (2) I inform the member for Maylands that he has his facts a little mixed. The assurance which I gave to the retailers and trade unions last year was to the effect that there would be no night shopping on a permanent basis—that is, once a week—without the support of both those groups. Since that time we have simply made it possible for shops to open three nights a year, two nights prior to Christmas, and one night prior to Easter. This was an optional arrangement and not mandatory. Any shop which does not wish to open on these nights does not need to do so.

In congratulating the Minister on the utter confusion he caused in the retailing industry, I should also like to congratulate him for the chaos he caused among unions on that occasion; that chaos remains because not only the shop assistants union but also a number of other unions which have members who would be expected to work late on these nights are involved in the question of night trading.

I think I have demonstrated quite ably to the House that the recording system for which this amending Bill provides will provide only for the continuation of a situation which has applied for many years in the past, which has not been adhered to, and is of very little value.

However, the Opposition is prepared not to object to the passage of the Bill, but it takes this opportunity to point out that particular fact to the Minister, and to also indicate what a Labor Government will do in two years' time to bring about a substantial reduction in industrial carnage and the number of accidents occurring in Western Australia.

**MR GRAYDEN** (South Perth—Minister for Labour and Industry) [8.11 p.m.]: I thank the member for Maylands for his support of the Bill and I will reply briefly to one or two points he made. The main provision in the Bill is to cause occupiers of shops and warehouses to give notice of the occurrence of any accident involving the death of, or bodily injury to, an employee which is of such a nature that the employee is incapacitated from work for one day or more. The member for Maylands has said that this is not of much consequence. I can assure the honourable member that it is and I am certain, bearing in mind some of the remarks he made last year, that the member for Swan would not agree with him.

It is vital that statistics of accidents be made available if any real attempt is to be made to reduce the number of accidents occurring in industry in Western Australia. I point out to the member for Maylands that a number of fatal accidents have occurred recently in shops and warehouses. Many situations in which accidents can occur can be cited. For instance, an individual may be operating a forklift and the goods being lifted by the operator may collapse on top of him. There was an instance recently where a forklift driver was attempting to lift some stacked cans when they collapsed on him and killed him. If we have statistics in regard to these accidents we will be in a position to do something about reducing their incidence.

So it is nonsensical for anyone to talk in terms of this amendment not being of any consequence. If an accident occurs in a shop or a warehouse it is just as important that the details of such an accident be recorded as it would be if the accident occurred in a factory.

**Mr Harman**: I agree.

**Mr GRAYDEN**: The member for Maylands quoted from page 46 of the 1974 annual report of the Department of Labour and Industry, but if he had looked a little further down that page he would have seen the following—

Non-fatal accidents reported under the provisions of Section 64 of the Act in 1973 totalled 2514 as compared with 1561 the previous year.

The significant increase in the number of reported accidents does not necessarily reflect an increase in the numbers of accidents occurring, but is due to increased activity in this area by the Inspectorate to ensure compliance with the provisions of the Act and so enable more meaningful statistics to be developed and provide more scope for effective remedial preventative measures.

So it can be seen that inspectorial activity has been greatly increased by officers of the Department of Labour and Industry.

In fact, there are about 73 officers of this department engaged on safety work and because of their increased activity in making checks on owners of factories these accidents are being recorded, and we intend to continue to ensure that this safety factor is kept under surveillance. As far as I am concerned an individual will be prosecuted if he does not report an accident that occurs, and the case warrants prosecution. I can assure the member for Maylands on that.

Recently a blitz on industry was carried out to ensure that the safety provisions of the Factories and Shops Act, the Construction Safety Act and other Statutes were observed, and blitzes of a similar nature will be made in the future.

**Mr Skidmore**: What you want to ensure is that there are more prosecutions.

**Mr GRAYDEN**: I ask the member for Swan to cite any cases where prosecutions have not been carried out.

**Mr Skidmore**: I gave you about eight last year.

**Mr GRAYDEN**: No, the honourable member did not. I can assure the member for Swan that where any case is reported that warrants prosecution, we will prosecute. I emphasise that some private firms are extremely safety conscious. Not long ago, I had the pleasure of visiting the BP Kwinana Refinery and presenting an award to that firm for having achieved the distinction of not having one accident resulting in the loss of time during one million man-hours worked. No time was lost by any employees as a result of an accident! That was a splendid achievement, but I regret to say that many Government departments in Western Australia are not so safety conscious.

So at the moment we are taking stringent measures in the Government sector to ensure that Government departments become safety conscious to the extent that is necessary.

**Mr Harman**: Do the permanent heads go along with that?

**Mr GRAYDEN**: Yes, the question was raised at a meeting held some time ago between the then Minister for Labour in the previous Government—the member for Cockburn—and also the Premier at that time. At that meeting the departmental heads reached an understanding in respect of recording accidents in Government departments. I emphasise to the member for Maylands that when that agreement was reached it was stressed that the details of such information would remain confidential. The departmental heads were insistent on this condition and agreement was apparently reached between them, the previous Minister for Labour and the previous Premier.

That is the information that was passed on to me. I queried it because I could not understand why such information would

be subject to that condition, and yet the departmental heads were insistent that such an understanding was reached on that occasion. I will certainly get confirmation of the fact that this was the undertaking that was entered into. The member for Maylands can approach the previous Minister for Labour—the present member for Cockburn—and also the Leader of the Opposition—who at that time was the Premier—and obtain the information from them. Both those members would be able to confirm that what I have said is correct. I emphasise that the information has come direct from the departmental heads who entered into that agreement.

The member for Maylands went on to talk about night shopping. The Bill before the House does not deal with night shopping, but it does seek to amend the Factories and Shops Act, and so, in view of the fact that the honourable member has raised the subject I will reply briefly to some of his remarks. I point out to the member for Maylands that at no stage were any statements made which possibly could have caused confusion to the shop assistants' union or to shop proprietors. An inaccurate report was published in *The West Australian* on one occasion when I was absent in the Eastern States. Somebody telephoned me to acquaint me of the position. I was horrified subsequently when I saw the report in *The West Australian* and I immediately took steps to correct it.

I cannot understand the opposition of the member for Maylands to the question of night shopping. If he goes to New South Wales he will find that the shop assistants' union in that State welcomes night shopping; that the shop assistants have a five-day week; and that they have achieved that purely and simply as the result of night trading. The shop assistants in New South Wales have been granted conditions which make the conditions applicable in Western Australia pale into insignificance. All this has been achieved as the result of night trading.

Night trading was arrived at by an agreement between the shop proprietors and the union. Under the agreement the shop assistants have been granted a five-day week, instead of the 5½-day week previously; every second weekend is a long weekend for the shop assistants; on the day on which they work an extra three hours at night they start at 10.30 a.m. that day; furthermore they have the following Saturday and the following Monday off.

Mr Skidmore: The Minister is obsessed with foisting the New South Wales conditions on Western Australia.

Mr GRAYDEN: This Government does not want to foist night shopping on the shop assistants' union or the shop proprietors. Without the co-operation of both groups night shopping would not be possible. All that the Government can do is

to pass legislation to enable shops to remain open for late trading once a week; but such late trading is purely optional.

I turn again to the position which obtains in New South Wales. I repeat that on the day the shop assistants work until 9.00 p.m. they do not start until 10.30 a.m. that morning. They have time off for lunch and tea, and on the following Saturday and Monday they are not required to work. The shop assistants in New South Wales work at night only once a fortnight. I emphasise that for them every second weekend is a long weekend. The shop assistants in that State think these conditions are unbelievable, because they are able to go away on camping or other excursions every second weekend. I can assure members that the shop assistants in New South Wales would not have the system applying in Western Australia at any price; they regard our system as archaic in the extreme.

Mr Harman: Do you think the retailers have agreed to those conditions?

Mr GRAYDEN: The retailers in New South Wales welcome night shopping; and that is quite contrary to the view of the retailers in Western Australia. The retailers in New South Wales welcome night shopping, because it rationalises the parking facilities and the use of roads. We are all aware of the density of traffic on our roads on a Saturday morning. Many people do not come into Perth to do their shopping, because there is inadequate parking and the roads are crammed with cars.

The shops in New South Wales experience no difficulty in obtaining casual labour, and in this respect housewives and university students are employed. They form a reliable sector of the work force. The number of days of absence through sickness has dropped by 25 per cent., and the work force is much happier than it was formerly. In view of those circumstances the shop proprietors and the shop assistants consider that night trading is of tremendous benefit. Of course, the public also benefit to a great extent, particularly the families where both the husband and the wife work. Thursday night in New South Wales has become a family shopping night, and the people appreciate greatly this opportunity to shop. For that reason I am at a loss to understand the criticism of the member for Maylands.

Mr Skidmore: If the scheme is so good why have you not been able to convince the shop assistants' union in this State of the great benefits that would be conferred on the workers?

Mr GRAYDEN: It is not up to me to convince the shop assistants' union. If a shop assistant wants to engage in night shopping it is his business; similarly if a shop proprietor wants to engage in night trading it is his business.

Mr Skidmore: Why do you not leave it that way?

Mr GRAYDEN: I know that the secretary of the union in New South Wales has rung the secretary of the union in Western Australia to acquaint the latter of the benefits of night shopping. I did not rise to talk on the subject of night shopping; I only referred to it in answer to comments that have been made.

The SPEAKER: I was beginning to wonder about that.

Mr GRAYDEN: I wondered why the question of night shopping was raised in the first place. I have answered all the points that have been raised by the member for Maylands, and I conclude on that note.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

#### HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 25th March.

MR HARMAN (Maylands) [8.28 p.m.]: The Opposition has no objection to the passage of this Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

#### MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 25th March.

MR TAYLOR (Cockburn) [8.31 p.m.]: This piece of legislation seeks to do one thing and one thing only. Members who listened to the Minister's second reading speech are aware that the Bill proposes to do something very simple; that is, to change the numeral "(3)" to the numeral "(5)".

Mr O'Neil: Any argument?

Mr TAYLOR: I will answer the Minister in a moment.

The amendment seemed too simple and so I believed I should study the matter to see what problems would be inherent under the Bill. I tried to determine whether it had been introduced as a result of the Government's policy announced at the last election, but, on checking up, I

found it was not part of that policy to make this particular change. I wondered whether in some way it would subvert some of the policies of my own party, so I checked on that, but I discovered that it does not in any way harm the philosophy which I espouse.

I wondered whether it would advantage the electorate of the Minister responsible for its introduction but, on checking, I discovered that there would be no gain to his electorate or to the electorate of any member on the other side of the House. I then researched to ascertain whether the Bill would help the constituents of Cockburn, but, again, it does not. It does nothing to advantage the constituents of members on this side of the House or the constituents of members on the other side.

I tried to check whether I could attack the Bill from the point of view that the matter should have been rectified much earlier, but, on reading the debate which took place in 1959 when the legislation was introduced by the late Mr Perkins, the then Minister, to see whether I could censure him, I found that I could not because the adjournment of the debate was taken by Mr Brady, a former Minister from this side of the House, and he also apparently had overlooked the point.

I am faced with the fact that the only possibility of complaint is against officers of the Civil Service who have let this particular slip remain on the Statute book for something like 16 years.

I even checked up to see whether anyone had been disadvantaged during that time, and it is in this connection that I would like an assurance from the Minister. My information is that no-one has been disadvantaged, but I would like the Minister to confirm this so that the information might be on record.

All in all, from the point of view of those on this side of the House, it is a very disappointing piece of legislation. It gives one no scope at all to complain or take umbrage. I therefore advise the Minister that those on this side of the House have no objection to the amendment.

MR RUSHTON (Dale—Minister for Local Government) [8.34 p.m.]: I appreciate the contribution of the member for Cockburn to the debate on this very minor piece of legislation. He has made the maximum mileage out of it.

I can assure him that as far as I can ascertain no-one has been disadvantaged in the past, and basically the Bill is before us as a result of a Crown Law Department request that the matter be rectified to regularise an error made many years ago.

I appreciate the research the member for Cockburn made regarding the Bill and the contribution he made to the debate.



There is no more I can say about the legislation except to commend it to the House.

Mr May: How did they find the error?

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

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

### **ENVIRONMENTAL PROTECTION ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 20th March.

**MR A. R. TONKIN** (Morley) [8.37 p.m.]: First of all I wish to indicate that the Opposition is not opposing the content of the Bill, but I think certain comments should be made.

The Liberal and Country Parties seem to have a penchant for believing they solve problems by changing names. The name of the Country Party was changed to the National Alliance and then back again. On the other hand, first of all we had a United Australia Party, then a Nationalist Party, and now a Liberal Party.

According to the Minister for Conservation and Environment we will see a revitalisation—to use his own word—of the Environmental Protection Council as a result of a change in its name. I find that remarkable and totally unconvincing and, in all brotherly kindness, I would suggest to the Minister that when one of his officers writes a speech for him he should check it for that kind of comment before he reads it. On the other hand, if he wrote the speech himself, there is no point in my saying any more.

I certainly agree with the Minister that the council needs revitalisation, but I do not agree that this will be achieved by changing the council's name. This will certainly not result in any miracle.

Briefly I would like to refer to the use of the term "environment". It is a very wide term and when we consider how wide it is and how many problems face Western Australia which comprises one million square miles, we find the activities of the Environmental Protection Council—or the lack of activities—very disconcerting and worrying.

Some of the problems with which the EPC must grapple would include air pollution; water pollution; degradation of the soil and water by increasing salinity due to mining operations; and the need to increase the number of reserves for recreational purposes, for fauna and flora purposes, and even for more fundamental ecological reasons and, of course, to enable basic scientific research to be carried out.

Other problems are the social consequences of industries such as jumbo steel mills and others; the special problems associated with the development of our very fragile coastal eco-system; community awareness of environmental problems; recycling; the consequences of the interaction of demographical factors dealing with population growth; the problems of litter associated with nonbiodegradable packages and containers; the increasing scarcity of wetlands and what that implies for our fauna; the problems associated with the interrelationships of environmental protection bodies, Governments, environmental groups, and the community generally and how the environmental protection bodies, such as the council, can avoid being bypassed or sidestepped by this Government—which is occurring—energy generation and disposal of waste substances—especially from nuclear power generation—the depletion and degradation of soil content by pastoral and agricultural pursuits; the effect on the environment of freeway and kindred developments of that nature; the development of environmental impact statement procedures; the problems associated with competing demands for land; poisoning by heavy metals; pesticidal and similar toxic residues in food, soil, and water; the problems associated with wood chipping operations, and so I could go on but I will not.

There is a list of 20 problems associated with environmental protection.

Mr Blaikie: I think the member for Warren would be interested in what you are saying.

Mr A. R. TONKIN: That is a list of 20 items which I have jotted down, and these are all-important to Western Australia in an environmental sense. The environment covers such a wide spectrum, and it also covers many ministries. Not only are the problems wide, but they are also complex. They are technical, and they interact with one another, thereby increasing their complexity.

To deal with these many types of problems the Environmental Protection Council met on five occasions in 16 months for a total of 11 hours and two minutes. That is 1½ working days in almost 1½ years, to discuss environmental problems. I do not know whether the Minister agrees that the environmental problems facing Western Australia are so simple and so easily controlled that sufficient meetings were held. However, that was the information he gave to me in answer to question 17 asked on the 25th March, 1975.

I agree with the Minister that the council needs revitalisation. However, I doubt that changing its name will do a great deal to revitalise it because there are many complex problems to be faced. I know that when I try to read only a fraction of the environmental reports which come my way—and it is impossible for me to read all

of that material—I realise the enormous amount of work which has to be done. I am staggered to find that the Environmental Protection Council has met for only 11 hours in almost 18 months. I believe a revitalisation of the council depends upon the convictions of the men and women who are its members. They must realise an important job has to be done, and they should have a determination that the council, and other environmental bodies, will not be bypassed by any Government.

If we look at the answer to question 66 asked on the 19th March, 1975—which was tabled—we find that 22 different people on a council of 14 attended five meetings. Two people had been to every meeting; five people had been to four meetings; four people had been to three meetings; and six people had been to two meetings. Five people had been to only one meeting. At some meetings a deputy had stood in for the head of a Government department, or a council member had been absent because of a resignation, or for other reasons. Some of the reasons for the change-overs are quite acceptable. However, there was an amazing lack of continuity in the fact that only two members had attended every meeting of the five held. Had I asked for information relating to 1973 I do not know what would have been shown. I asked for the figures covering 1974, and to date in 1975.

If there is to be a revitalisation of the council we should staff it with people who are convinced of the importance of the environment, and they must be determined that the council will not be bypassed, or allow its authority to be bypassed.

I can recall what the Minister said last year when I moved for the formation of a standing committee on the environment. The Minister for Conservation and Environment had the portfolio thrown on his plate. I do not think he had shown any interest at all in the subject before he became the Minister. However, when a Government is formed there are a certain number of Ministers and someone had to get the position so it was thrown to the present Minister. When I moved my motion for the formation of a standing committee on the environment he instinctively reacted and said, "No, we have other bodies." He quoted the Environmental Protection Council which was supposed to do all the thinking for Parliament.

At that time I pointed out that even though we might have 1 000 committees we, as members, should make ourselves familiar with the problems so that we could legislate from a position of knowledge. However, the Minister missed the point and he said we have various bodies and mentioned the Environmental Protection Council.

Mr Stephens: I mentioned others also.

Mr A. R. TONKIN: Of course. The Minister mentioned the Environmental Protection Council but had he mentioned 1 000 other organisations it would not have altered the fact that we in this place should make ourselves familiar with environmental problems so that we can legislate from knowledge.

One body mentioned by the Minister, which was thrown in for comfort, was the Environmental Protection Council. However, in reply to question 17 on the 25th March, this year, the Minister indicated to me that at no time during 1974, or during this year, has the Environmental Protection Council met pursuant to section 24 subsection (2) of the Act.

Subsection (2) of section 24 of the Act gives the Minister the authority, or three or more council members the right, to call a meeting. Not only did the council not meet very often, but at no time did the Minister see fit to call a meeting, and at no time did the authority see fit to call a meeting, and at no time did three or more council members see fit to call a meeting.

As I have already said, considering the complexity of the matters facing the members of the council I find the small number of meetings to be cause for concern.

The Minister did not explain the reason for changing the title from the Environmental Protection Council to the conservation and environment council. The name is to be changed, but no reason is given. The Minister said the council would be revitalised by the change of name but I do not know that we should take that seriously. Shakespeare wrote that a rose by any other name would smell as sweet but the Minister has not bothered to learn a lesson from that saying.

We will have inconsistencies within the Act because we will have a conservation and environment council, a Department of Conservation and Environment, and an environmental protection authority. It would be much neater and cleaner to have a council, an authority, and a department which all use the same terminology—not that I think a great deal of terminology anyway.

I want to raise with the Minister a matter covered by clause 8 of the Bill which sets out that one person shall be representative of tertiary educational institutions. I am wondering to what extent the tertiary institutions will be asked for their opinions as to who should represent them.

This is a very serious matter. In question 9 on the 9th April, 1975, I asked the Minister—

- (1) When is it expected that the two vacancies on the Environmental Protection Council will be filled?

- (2) What steps will be taken by him to ensure that new members will be acceptable to the environmental interests in Western Australia?

The Minister replied—

- (1) At the earliest possible date, after all factors have been considered in depth.
- (2) The opinions of the present Environmental Protection Council members will be taken into account at its meeting on 10th April.

The Act states that two members are to be representative of environmental interests. According to the Minister's answer to my question, in order to ensure environmental interests are represented on the council we will ask the members of the council itself for their opinions.

Since when did the council speak for environmental interests in this State? I will read out the names of some of the members of the council. The Surveyor-General is a member; I do not think when the present Leader of the Opposition, as Minister for Conservation, introduced this legislation into the House he was thinking of the Surveyor-General as being one of the two members representative of environmental interests. Other members of the council are the Commissioner of Public Health, the Under-Secretary for Mines—I do not know whether the Minister considers the Under-Secretary for Mines is representative of environmental interests—the Director of Fisheries and Wildlife, the Town Planning Commissioner, the Director of Engineering of the Public Works Department, the Conservator of Forests, and representatives of local government bodies, primary industry, secondary industry, and mining and allied processing interests.

I say the Act is becoming a farce. It is top heavy with governmental representatives, but there is provision for at least two representatives of environmental interests. If the Minister says a council consisting of the Under-Secretary for Mines, the Surveyor-General, and the Director of Engineering of the Public Works Department is representative of environmental interests, it may not be illegal but it makes a mockery of the whole Act. It is difficult to say who speaks for environmental interests in this State, but there are many environmental and conservation bodies such as Environment 2000, the Tree Society, the Society for the Preservation of King's Park, and environmental protection societies at places such as Kojonup and Busselton.

Mr Stephens: I was discussing matters with them on Thursday night, just as a matter of interest.

Mr A. R. TONKIN: Was the Minister discussing membership?

Mr Stephens: No. You mentioned the Kojonup Ecological and Environmental Protection Society. I recently had discussions with that society.

Mr A. R. TONKIN: Other environmental bodies are the Environmental Council of Western Australia and the Australian Conservation Foundation. When we are looking for representatives of environmental interests, they are the people to consult, not the top civil servants of the State. We are destroying the whole character of the Act by saying we will listen to the opinions of members of the Environmental Protection Council. The council will merely add to itself people of its own ilk, just as the senate of the university, which has power to co-opt, is almost a closed club. Whom will it add in or co-opt from outside? Is it likely to co-opt people who will give it a rough time by bringing in new or competing ideas? I find the Minister's answer to that question very unsatisfactory. It is all very well for him to say he was speaking to KEEPS over the weekend, but he is not appointing representatives of environmental interests to the Environmental Protection Council.

This is a matter for great concern. The council is not being revitalised, and it will not be revitalised by a change in name. It will be revitalised by bringing in from outside the Civil Service people who will act as a catalyst, introduce new ideas, and perhaps act as a "ginger" group.

The council does not have any power in relation to industry but it acts in an advisory capacity. In essence, it was intended to be a group which would come up with stimulating ideas and provide a forum for discussion; but if we do not have on the council people with original ideas, such as members of the Australian Conservation Foundation, we will ensure that the council is as dead as the dodo. I suggest the council has been very quiet—it has met for only 11 hours two minutes in 18 months. Apparently the Government's aim is to have a body which will not have too much to say for itself and will go along quietly with whatever environmental policies are advantageous to the Government.

Section 17 (b) (iii) of the Act, which prescribes who shall be on the council, says—

- (iii) two (being persons who are not employed under and subject to the Public Service Act, 1904 and who shall have special knowledge of, or experience in, environmental protection) shall be representative of individuals and bodies of persons having a special interest in environmental protection;

Such bodies are Environment 2000, the Australian Conservation Foundation, the Conservation Council of Western Australia, and so on.

We will certainly be noting with great interest the kind of people whom the Minister appoints to the council, and I say it is very disturbing that, as his answer to my question indicates, the Minister is not consulting with environmental bodies to find out whom they would like to see appointed to the council. Is that a correct interpretation of the Minister's answer?

Mr Stephens: As a Minister, I am entitled to inquire around. I think you are reading into the answer more than is there. Two representatives are to be appointed. I said the council would be consulted and given the opportunity to express an opinion.

Mr A. R. TONKIN: I will read the question and answer again. The question was—

What steps will be taken by him to ensure that new members will be acceptable to the environmental interests in Western Australia?

I do not blame the Minister being dissatisfied with the answer—I, too, think it is a bad one—but the Minister replied—

The opinions of the present Environmental Protection Council members will be taken into account at its meeting on 10th April.

That is what the Minister is going to do to ensure the new members will be acceptable to the environmental interests in Western Australia.

Mr Stephens: You are accusing me of being devoid of all opinions of my own.

Mr A. R. TONKIN: I asked the Minister what steps he would take to ensure that the interests of environmental bodies would be taken into account. The Minister said that he was speaking to the Environmental Protection Council. I am not accusing the Minister of being devoid of opinions; I know he has the right to make his own appointment, and he does not have to take notice of the council. However, the Minister could have replied that he would consult with the council and other environmental bodies. He could have given Parliament the courtesy of listing these bodies, or he could have given a general answer to the effect that he would consult with environmental bodies.

The whole point of asking questions of Ministers is to see whether one agrees with the answers. The Minister certainly cannot claim that I have quoted unfairly—I have read out the full question and answer. I believe that for the Environmental Protection Council to be revitalised—to use the Minister's words—members of the council must have an enlarged vision of their role and of their importance to society at large. Members of the Environmental Protection Council—or the conservation and environmental council as it is to be called—must see themselves as a very important group in the future of this

State. I question whether they have that vision at the present time, because if they had, I believe they would have found many disturbing things taking place at the present time.

I am not necessarily attacking the Government, because even with the best of Government, very many worrying problems are associated with the environment, especially when one tries to make compatible the demands of the environment with those of employment. These are very difficult matters, and it seems to me that the Environmental Protection Council has not had a vision of itself as being of great importance, otherwise it would have met at much more frequent intervals and for much longer periods of time. The first meeting of the year was held on the 10th April.

We can revitalise the council by appointing to it people who have the determination that they intend to play a part in the future of this State, and who have a dedication to environmental interests.

MR STEPHENS (Stirling—Minister for Conservation and Environment) [9.03 p.m.]: I thank the member for Morley for his support of the Bill. I will make one or two comments in reply to his remarks.

He took me up, of course, on the revitalisation of the council. He concentrated on the change of name, conveniently ignoring the fact that the measure proposes to increase the membership of the council to broaden the expertise available to it.

Mr A. R. Tonkin: We are not arguing with that.

Mr STEPHENS: I know the member did not argue that point, but of course, it is an important factor in the revitalisation and revamping—if I may use that phrase—of the council. The member for Morley concentrated on one point—a typical attitude, as he frequently draws conclusions from half a case rather than a full one.

The honourable member dwelt at length on the role of the council, and I would like to point out that the council he criticised was elected as a result of legislation initiated by his own party when it was in Government. We recognise that the council has not achieved all we would desire, but it is part of our policy to improve the situation that has existed in the past. I feel the honourable member was a little off beam when he mentioned the 20 items vital to the environment. We have no argument with his list, but the Environmental Protection Council is not the only agency looking at these aspects. I inform him that many of these matters have been examined and recommendations made to the Government or the Environmental Protection Authority by the council. I will name just two of these.

The honourable member referred to air pollution, and we are aware that the solution to this problem is vital to the environment. We have set up the Coogee air pollution study, a study initiated by the Environmental Protection Council.

Mr A. R. Tonkin: Not last year.

Mr STEPHENS: No, but nevertheless this was part of the function of the council. I am speaking in general terms in reply to the member's criticism of the council.

Another important body set up by the Environmental Protection Council was the Committee for the Understanding of the Environment. The honourable member spoke of the need for community awareness, but he did not mention this committee. Therefore, in many areas the criticism put forward by the member for Morley was completely unfounded—the committee has done the very things he criticised it for not doing. In addition to that, other problems referred to by the member for Morley are being handled by other committees set up by the Environmental Protection Authority, and I mention particularly the Conservation through Reserves Committee.

The member referred also to the need for reserves to protect flora and fauna. This matter has occupied the attention of the Conservation through Reserves Committee for some 2½ years. When a final report is prepared, it will go through the process of public involvement; an action which is important to all of us, and a matter referred to quite frequently by the member for Morley. Similarly, an Estuarine and Marine Advisory Committee was set up by the Environmental Protection Authority and it is doing invaluable work, and greatly improving our knowledge in that area.

If my memory serves me correctly, the honourable member referred to demographic problems. We already have the Demographic and Environmental Resources Committee.

Mr A. R. Tonkin: It has been starved for funds, and cannot get on with its work.

Mr STEPHENS: I appreciate the fact that it has not had the money which this Government would like it to have, but everyone appreciates the financial problems caused to Governments by the inflationary spiral from which we are suffering at the moment. Members opposite will acknowledge it is no fault of this Government—in fact, it is outside our control.

Mr A. R. Tonkin: You were going to fix it—a problem that could be fixed, State by State.

Mr STEPHENS: The member for Morley criticised the council for not having attended to many items, but I believe I have shown that in the main these items have been attended to in one way or

another by the Environmental Protection Authority or, in certain areas, by the council itself.

Great emphasis was made of environmental interest. I make no apology for the fact that I indicated we would take into account the opinion of the Environmental Protection Council.

Mr A. R. Tonkin: That is not what I asked.

Mr STEPHENS: Surely the honourable member will give the council credit for having put out feelers, and for having some knowledge of the environmental interests that may be involved in this area. I feel the member's interpretation was a very narrow one, as he suggested the council would make its determinations in its own little corner. The idea is that the membership of the council is drawn from a cross-section of the public. Its members have the expertise necessary for such an organisation, and they have the ability to make their own inquiries and to come up with recommendations. It is unfair to say that I will just allow—

Mr A. R. Tonkin: You answered the question in your own way.

Mr STEPHENS: The member for Morley interpreted it in his own way.

Mr A. R. Tonkin: I said, "What steps are you going to take?"

Mr STEPHENS: By his interpretation of that answer, the honourable member has denigrated, to a certain extent, the role that the Environmental Protection Council could play in implementing its recommendations.

The only other comment I would like to make is in regard to the member for Morley's query about tertiary institutions and their representatives. It is my intention, of course, to ask for a panel of names from the various bodies. I can then make my decision, and I feel the eventual appointment made under this legislation—always supposing it is passed—will meet with the general approval of the House.

With those few comments, I thank the member for Morley for his contribution in support of the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr Thompson) in the Chair; Mr Stephens (Minister for Conservation and Environment) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 17 amended—

Mr A. R. TONKIN: In respect of paragraph (e), I would like to ask the Minister what will be done to ensure that the new member of the council—a decision I applaud—shall be representative of tertiary educational institutions. Will there be consultation with such institutions and, if so, what form will it take?

Mr STEPHENS: I indicated earlier in the debate that it is my intention to obtain a panel of names from the various institutions, and to make an appointment from that panel.

Clause put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

## **ANZAC DAY ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 20th March.

MR CARR (Geraldton) [9.14 p.m.]: Mr Speaker, we on this side of the House do not oppose this measure.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

## **RESERVE (KWINANA FREEWAY) BILL**

### *Second Reading*

Debate resumed from the 26th March.

MR A. R. TONKIN (Morley) [9.16 p.m.]: I have already canvassed the problems of the Opposition relating to the freeway question. I do not propose to traverse that ground again.

We on this side of the House would like to take our responsibilities seriously. We believe that we should be making up our minds on the whole question not only of this preferred route versus other routes, but of freeways versus the upgrading of arterial roads versus the question of public transport versus the question of rapid transit systems. We maintain that we have not been given proper information. It has been stated that we have had ample time for debate; but, of course, proper debate has not been possible because we have no provision to enable expert opinion to come into the parliamentary system to enable those of us who are lay people to make up our minds in a reasoned way.

As I mentioned previously, if we had a standing committee on the environment or a standing committee on transport this matter of freeways could have been examined by members of Parliament for the past six months, and we would be in a better position to make up our minds. However, we have no standing committee system and for that reason I indicate to the Minister—who graciously has decided

to enter the Chamber—that the Opposition wishes to refer the Bill to a Select Committee to help us make up our minds about what is the right thing to do.

It is not good enough for an officer of the Main Roads Department to know what is the right thing to do. If parliamentary responsibility means anything at all, it means that we in this place should be able to probe—to use that famous *Daily News* word—and to ascertain from the very best experts available the information we require. We should be able to cross-examine and to seek information from experts in the bureaucracy and experts who are not in the Government.

There is a tremendous amount of expertise outside this Parliament upon which members in an official, proper capacity—and not in the private sense of my going along and having a chat to someone tomorrow morning—should be able to draw. There is a tremendous wealth of expertise available, particularly in an economically advanced country such as Australia.

We on this side believe in increased public debate and participation in democracy. We do not believe it connotes democracy just to elect members to Parliament and then for the public to say, "We are not concerned any more until the next election in three years' time." We believe the public should participate in the great decisions which will affect their lives so fundamentally.

For that reason, we believe information should be made available openly to the Parliament so that the public can make up its mind because the people should be sovereign and should make the eventual decision, even if it is only through the ballot boxes. So, Mr Speaker, I hope I will get your eye before we move into Committee on this Bill because I believe we should move into a committee—a genuine committee system in which over a period of weeks information could be obtained so that we could make up our minds on the issue. The Government would have a majority on such a committee, and all members would be able to draw on the great expertise available in this community.

We believe more information should be made available to the Parliament—not just the Opposition, but to all members of Parliament. I would include in that Government back-benchers who at present do not have a meaningful role. I was very interested to hear Malcolm Fraser the other day stating that he believes in a proper committee system for Parliament, to give back-benchers, Opposition and Government alike, a more meaningful role. I do not know whether he is saying that just because he is in Opposition; I certainly said it when I was a Government back-bencher and the Premier at that time supported me. If we had remained in Government, we would now have a standing committee system in this Parliament.

With those few remarks, all I want to say is that we take our parliamentary duties very seriously. Therefore, we want to involve ourselves so that we will not abrogate our responsibilities, but will discharge them in a manner that is fitting, and respectful to the public; because I believe the public deserves the very best from these Houses of Parliament.

**MR. T. J. BURKE** (Perth) [9.22 p.m.]: I support the member for Morley in his contention that this matter should be placed before a select committee of the Parliament. All the arguments put the other evening in opposition to the Government's attempts to bulldoze through this House the preferred route for the southern extension of the Kwinana Freeway, which includes the resumption of portion of the Canning River, can be applied to this legislation.

Under section 31 of the Land Act, any proposed excision of more than 5 per cent of an "A"-class reserve must come before Parliament. As I see it, we might as well let the lot go if we construct a surface freeway, with fences on either side and with cars travelling probably at no less than 80 kilometres per hour and with limited access to the foreshore via overpasses, which as the Minister knows we have on the Kwinana Freeway today and which no-one uses.

In the interests of the people I represent and of Western Australians generally I believe this proposal in all its aspects needs a great deal more inquiry. We would like a full and open inquiry into the entire project; I believe the Opposition, as members of Parliament representing the people, is supported in this contention by the people of Western Australia generally.

The people have a right to complain that the alternative routes have not been properly studied. The Minister called a meeting and invited all members of Parliament to attend; we found the Commissioner of Main Roads, the Director-General of Transport and the Town Planning Commissioner all admitting that the alternative proposals, which interested parties had gone to great lengths to present to the Government, had not been properly researched.

Engineering feasibility studies have not been carried out on the alternatives of lowering or tunnelling, which would preserve a great deal more of the area than the preferred route. I do not think it is right for the Government to foist this proposal upon the people of Western Australia and to remove things which are irreplaceable, such as reserves and river frontage; there is a limited amount of such assets and with the increasing population the demands on these recreational areas will become more intensive.

However, the Government has made up its mind and will impose this project on the Parliament and the people of Western Australia with, in my opinion, complete contempt. My contention is borne out to a large extent by the fact that the Government's own experts admit that feasibility studies of the alternatives have not been undertaken. On their own admission, it would not take very long for this to be done. On the admission of the Main Roads Department, the cost of implementing one of the alternatives would be recouped by the advantages gained.

Let us face it: All the Director-General of Transport and the Town Planning Commissioner want is an addition to the spine. It seems that we are being dictated to by the Main Roads Department alone. Perhaps, as superficial as this judgment might be, it seems that the Main Roads Department wants to be able to see all its roads.

The proposal which my colleague, the member for Morley, intends to pursue—a meaningful, reasonable proposal, the arguments for which were put the other night—is for a Select Committee of this House to give further consideration to this project. All this would mean is that in the recess a Select Committee would give further consideration to the matter.

Perhaps that would give the Main Roads Department and the other authorities on which the Minister depends more time in which to give us a reasoned and reasonable response instead of the type of replies we have received to date in answer to questions which we have put in the interests of the people we represent, in the interests of retaining river foreshore, "A"-class reserves and vistas and in the interests of all things which we should regard most highly and which, it seems, this Government is treating with contempt.

These questions can and should be more properly answered. Even if during the recess, while the Select Committee is considering the project, the departments do not have the time to come back with engineering feasibility studies, at least they will be able to come back with more reasonable replies than we have had to date.

I believe there is no real reason, when all things are considered, that a Select Committee should not be appointed. Even if the Government intends to proceed and in fact proceeds with this preferred route, it will take time to get under way, and if the Government agrees to our proposal it will not interfere with the project in any form.

In this way the Government would be acting responsibly and would be showing regard for the genuine concern expressed by members on this side of the House in relation to this project. It is incumbent upon members opposite, in the interests

of good and open government and of ensuring that the best possible proposal is proceeded with, to agree when we call for the reference of this matter to a Select Committee of the Parliament.

MR MAY (Clontarf) [9.29 p.m.]: I should like to add my contribution to this debate on a Bill which proposes the excision of portion of Reserve 21288, which forms portion of the Mt. Henry Hospital, a very large institution in the Clontarf area which provides accommodation for elderly and geriatric patients. Originally, it was a home for elderly persons but gradually over the years it has been turned into a geriatric hospital, and now caters for most geriatric patients throughout Western Australia.

It is a very large area which stretches down to the river where this particular reserve is situated. I mentioned the Hope Avenue Interchange the last time we were debating in Parliament the southern extension of the Kwinana Freeway and I asked the Minister whether he had spoken to any residents in Hope Avenue. I think he replied in the negative, and this is natural enough, because although departmental officers can talk to the people involved, quite often the Minister does not have sufficient time to conduct such interviews.

In the meantime I have been approached by the majority of the residents in the Hope Avenue area who will be affected and they are most concerned that it is to become the site for an on and off-ramp to the southern extension of the Kwinana Freeway. Together with the map that has been exhibited in the lobby of Parliament House showing the southern extension to the Kwinana Freeway, there is a model displayed depicting the Hope Avenue site for the on and off-ramp, but unfortunately it does not give a correct picture. It does not show an elderly people's home, conducted by the Baptist Church, which has been erected on that location. Obviously this is an omission on the part of the Main Roads Department, but anybody inspecting the model exhibited in Parliament House would say, "This is not a bad area through which the extension should go. There is a reserve there which the Main Roads Department could use to extend the Kwinana Freeway."

However, in actual fact, in this locality, as I have said, is located an elderly persons' home conducted by the Baptist Church. There is also an institution for elderly people which is conducted by the Australian Pensioners' League and a newly-constructed dental therapy clinic.

Mr O'Neill: The model may have been built before those institutions were erected.

MR MAY: That may be so, but if a model is built for exhibition in Parliament House it should be correct. We have been

told that the department has had ample time to draft this legislation and yet we have this model exhibited in Parliament House that does not portray the true position. I appreciate that this is an inadvertence, but it is pertinent that there are elderly persons' homes situated in this area and they should receive every consideration.

I travel along Hope Avenue every day and the people residing in that avenue are most concerned that the Government is considering making this area the site for an on and off-ramp to the southern extension of the Kwinana Freeway. We still maintain that Manning Road, which has been upgraded to a dual carriageway, should be used for this purpose. We cannot understand why extra land should be alienated to construct the on and off-ramp, and this is where the land is located—at the edge of the river. It covers these elderly persons' homes and goes through to the Hope Avenue interchange. The reserve at Mt. Henry to be made available by way of reclamation is to be used for recreational purposes and to provide facilities for prawning and boating, but concern has been expressed about the alienation of the Hope Avenue area for the purpose mentioned.

I will not delay the House. All I ask of the Minister is that he request the Main Roads Department to have another look at the location for the Hope Avenue interchange, because it has been stated specifically that the only reason the Hope Avenue interchange is to be developed by the Main Roads Department is that the South Perth City Council has requested it. I pointed out in my previous speech in the House that the engineering side of the question must be considered. This suggestion should not be accepted merely because the South Perth City Council has requested that Hope Avenue should be the site for the interchange. In regard to all other sections of the proposed extension to the Kwinana Freeway the Main Roads Department has decided that as a result of its inquiries into the engineering aspects of the scheme this is the correct route for the freeway extension, so surely the department should have another look at the proposed Hope Avenue location for the interchange.

In my opinion there is no reason that the interchange should be located on the site proposed; not only should it be part of the Manning Road complex, but also, if the interchange is built on the proposed site in Hope Avenue it will have a detrimental effect on all the elderly people who are housed in institutions located in that area.

There is plenty of time to alter that particular part of the plan. The reserve in question does have a boundary onto the Hope Avenue interchange and I consider that this is the correct time to raise the



issue to ask the Minister to have another look at the matter and certainly to gauge the reactions of the residents in Hope Avenue whom the Minister has said he has not interviewed.

**MR O'CONNOR** (Mt. Lawley—Minister for Transport) [9.35 p.m.]: I do not intend to debate the question of the Kwinana Freeway interchange, because this Bill seeks only to excise a small area of 0.51 hectares of ground. I think the debate on the southern extension of the Kwinana Freeway has occupied enough time of the House, but I appreciate the point raised by the member for Clontarf in regard to the homes located in the area that will be affected. If he so desires I am prepared to have the officers of the Main Roads Department visit Parliament House to discuss the matter with him. At the moment I think the proposition that has been submitted is the best one, but I repeat that I will have the officers of the department visit Parliament House tomorrow to discuss the matter raised by the member for Clontarf if he so desires. If it is then decided that there is some necessity for a further assessment to be made I will see that this is arranged in another place.

I am not in favour of this Bill being referred to a Select Committee from the general point of view that there is some contention involved with the southern extension of the Kwinana Freeway and this area is part of the issue.

The **SPEAKER**: I think you may debate the motion for the Bill to be referred to a Select Committee when it is raised. It has not yet been moved.

**Mr O'CONNOR**: Yes, Mr Speaker. From my point of view the Bill, as printed, is the way in which I would like to see it pass through the House tonight.

Question put and passed.

Bill read a second time.

#### *Reference to Select Committee*

**MR A. R. TONKIN** (Morley) [9.38 p.m.]: I move—

That the Bill be referred to a Select Committee.

**MR O'NEIL** (East Melville—Minister for Works) [9.39 p.m.]: On behalf of the Government I oppose the motion to refer this Bill to a Select Committee. The Bill, of course, is a reserves Bill and the operative clause is clause 2. It is a fact that the title of the Bill refers to the Kwinana Freeway, and it is also known that the purpose of excising part of Reserve No. 21288 is the southern extension of the Kwinana Freeway. I think the issue is relevant to the merits or otherwise of the freeway and they would be better discussed in another way.

There are three parallel moves that can be taken by any Government in providing for the extension of the Kwinana Freeway. There has been the tabling of the MRPA report on the change of the 1963 plan; there has been an appropriate motion moved in this House—which is to be moved also in another place—to make provision for some reclamation of Canning River for the purpose of extending the freeway, and there is this excision of land for part of the freeway which, coincidentally, happens to involve a Class "A" reserve.

The purpose of this Bill is simply to excise that part of the reserve required for the freeway extension. If the Bill itself were referred to a Select Committee it is my understanding that the committee would be concerned with the subject matter of the Bill; not its title or short title, but simply clause 2 which states that a certain portion of Class "A" Reserve No. 21288 is to be excised. So in that regard I do not think the motion to refer this Bill to a Select Committee will serve any useful purpose. Opportunities will still be available to all members in another place to debate freely the overall issue of the freeway extension. We oppose the motion.

Question put and a division taken with the following result—

#### *Ayes—19*

<b>Mr Barnett</b>	<b>Mr Harman</b>
<b>Mr Bateman</b>	<b>Mr Hartrey</b>
<b>Mr Bertram</b>	<b>Mr Jamieson</b>
<b>Mr Bryce</b>	<b>Mr T. H. Jones</b>
<b>Mr B. T. Burke</b>	<b>Mr May</b>
<b>Mr T. J. Burke</b>	<b>Mr Skidmore</b>
<b>Mr Carr</b>	<b>Mr Taylor</b>
<b>Mr Davies</b>	<b>Mr A. R. Tonkin</b>
<b>Mr H. D. Evans</b>	<b>Mr McIver</b>
<b>Mr T. D. Evans</b>	

(Teller)

#### *Noes—25*

<b>Mr Blaikie</b>	<b>Mr O'Connor</b>
<b>Sir David Brand</b>	<b>Mr Old</b>
<b>Mr Clarke</b>	<b>Mr O'Neill</b>
<b>Mr Cowan</b>	<b>Mr Ridge</b>
<b>Mr Coyne</b>	<b>Mr Rushton</b>
<b>Mrs Craig</b>	<b>Mr Shalders</b>
<b>Mr Crane</b>	<b>Mr Sibson</b>
<b>Mr Grayden</b>	<b>Mr Sodeman</b>
<b>Mr Grewar</b>	<b>Mr Stephens</b>
<b>Mr P. V. Jones</b>	<b>Mr Thompson</b>
<b>Mr Laurence</b>	<b>Mr Watt</b>
<b>Mr Mensaros</b>	<b>Mr Young</b>
<b>Mr Nanovich</b>	

(Teller)

#### *Pairs*

<b>Ayes</b>	<b>Noes</b>
<b>Mr Fletcher</b>	<b>Mr McPharlin</b>
<b>Mr J. T. Tonkin</b>	<b>Sir Charles Court</b>
<b>Mr Moller</b>	<b>Dr Dadour</b>

Question thus negatived.

#### *In Committee*

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Transport) in charge of the Bill.

Clause 1: Short title—

**Mr A. R. TONKIN**: I listened with interest to the remarks of the Minister for Works about this Bill not being a

suitable vehicle for the appointment of a Select Committee. However, the whole purpose of the excision of the part of the reserve in question is for the extension of the Kwinana Freeway.

Before the Opposition can agree to the Bill we on this side have to know that the freeway extension is necessary and desirable, and is in the best interests of Perth, not just for the present generation and the people of the metropolitan area, but for those in the ensuing decades.

#### *Reference to Select Committee*

Mr A. R. TONKIN: For the reasons I have given I move—

That the Bill be referred to a Select Committee.

The CHAIRMAN: There is no provision for a motion of this kind to be accepted. The opportunity for moving for the appointment of a Select Committee has passed; and the honourable member has taken that course of action.

#### *Chairman's Ruling*

The CHAIRMAN: For the reasons I have given I rule there is no provision for the member for Morley to move for the appointment of a Select Committee at this stage.

#### *Dissent from Chairman's Ruling*

Mr A. R. TONKIN: Mr Chairman, I move—

That your ruling be disagreed with. In so doing I refer to Standing Order 278. I believe that you, Mr Chairman, will now have to leave the Chair.

The CHAIRMAN: The honourable member will need to submit in writing his reasons for disagreeing with my ruling. I request the honourable member to do so.

[The Speaker (Mr Hutchinson) resumed the Chair.]

The CHAIRMAN: Mr Speaker, the Committee has considered a Bill for an Act to excise portion of Reserve No. 21288 for the Kwinana Freeway. The member for Morley moved to have the Bill referred to a Select Committee, and I ruled that there was no provision for him to so move at that stage. The member for Morley then moved to disagree with my ruling, and submitted his reason in writing as follows—

That the Chairman's ruling that the Bill cannot now be referred to a Select Committee be disagreed with.

The SPEAKER: I note that the member for Morley has disagreed with the Chairman's ruling that the Bill cannot now be referred to a Select Committee.

#### *Speaker's Ruling*

The SPEAKER: I must uphold the ruling of the Chairman of Committees. Indeed, the House has already determined the issue of whether or not a Select Committee be appointed to inquire into the Bill. The motion moved by the member for Morley was lost.

Standing Order 178 states—

No Question shall be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the . . . negative.

In the circumstances it is clear that I must uphold the ruling of the Chairman of Committees.

#### *Dissent from Speaker's Ruling*

Mr A. R. TONKIN: I move—

That the House dissent from the Speaker's ruling.

I find it extraordinary that you should quote Standing Order 178, Mr Speaker. Perhaps it was that you had just resumed the Chair, and quoted that Standing Order hastily. The Standing Order states in full—

No Question shall be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the affirmative or negative.

That means, surely, a substantive motion; but once one Minister moves "That this Bill be now read a second time" you will not rule that no other Minister can move the same motion during the same session.

Mr O'Neil: That "this" Bill.

Mr A. R. TONKIN: I would like to use a hypothetical example. Supposing a member were to move a motion that a standing committee on education be established, and that motion were defeated in the House, it is true that in the same session no-one else in the House could move the same motion. That is the purpose of Standing Order 178. But if you are to rule that no question of any kind can be moved more than once in the one session, then once the Minister in charge of the first Bill for the session had moved "That this Bill be now read a second time", no Minister could move a similar motion for the remainder of the session. Likewise once the Premier had on the first day moved "That the House do now adjourn" that same motion could not be moved again during the remainder of the same session.

Quite clearly Standing Order 178 refers to substantive motions—motions of substance which deal with an issue. However, my moving for the appointment of a Select Committee does not mean that no-one else during this session can move a similar motion, but that is what your ruling means. Your ruling, given

under Standing Order 178, is that no question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative. Standing Order 278 reads—

No Motion for referring the Bill to a Select Committee shall be considered after the Chairman of the Committee of the Whole House shall have reported the Bill.

That Standing Order makes it quite clear that at any time during the Committee stage, it is competent for a member to move that a Bill be referred to a Select Committee. It is quite clear that the Committee of the Whole House is not the same body as the House itself, because when we are in Committee we deliberate and then when the Chairman reports to the Speaker he is reporting the actions of the Committee and he is stating what the Committee has decided.

The decision of the Committee is not binding upon the House until a decision is made after the Speaker puts the question "That the report of the Committee be adopted". Quite clearly the House has to adopt or not adopt the Committee's report because the House is not the same body as the Committee. Therefore it is quite competent for a member to move a motion in the House and then move a very similar motion in Committee because that is another body with a different set of rules. As I said, any decision made in that Committee is not binding on the House because the Committee could decide to reject a clause in the Bill and then when the Chairman of Committees reports to the Speaker and the Speaker puts the question "That the report of the Committee be adopted", it would be quite competent for the House to throw out the Committee's report and refuse to accept it. So, clearly, the Committee and the House are two separate bodies.

I moved a motion in the House and I then moved a very similar motion, I will agree, in Committee. It is quite clear that Standing Orders provide that a Bill can be referred to a Select Committee at any time during the Committee stage and for this reason I think it is quite competent for me to so move.

Referring back to Standing Order 178, I believe it is quite clear that it does refer only to substantive motions. It cannot refer to procedural motions such as "That this Bill be now read a second time", or "That the Speaker do now leave the Chair, and the House resolve itself into a Committee of the Whole for the consideration of this Bill", and other motions of that nature, which are of a procedural type. Clearly, to move for a Bill to be referred to a Select Committee is a procedural motion.

Mr O'NEIL: Mr Speaker, we have no hesitation at all in supporting your support of the Chairman of Committees of this august body. I think the member for Morley is drawing a long bow, to say the least. There are a number of Standing Orders on page 122 of our *Standing Orders of the Legislative Assembly* which refer to the procedure for the committal and consideration of a Bill in Committee. Standing Order 259 reads—

After the second reading, unless it be moved "That this Bill be referred to a Select Committee," the Speaker shall put the Question, "That the Speaker do now leave the Chair, and the House resolve itself into a Committee of the Whole for the consideration of this Bill."

It is perfectly true that the Minister or the person in charge of a Bill actually moves the Speaker out of the Chair. Our Standing Orders do not require that. You may do it yourself. You may put the motion without its first being put to you. However, it is perfectly clear that the time at which any Bill goes either to a Committee of the Whole House or a Select Committee is at the conclusion of the second reading stage.

The House has made a decision—the House, not the Committee. It is the House which is all important. It has made a clear decision that this Bill will not go to a Select Committee, but to a Committee of the Whole House. We have made that decision and this is what we did. We went into a Committee of the Whole House for the purpose of considering this Bill. We rejected the prospect of the Bill being submitted to a Select Committee and we have followed the normal alternative course.

For anyone at the next stage of the debate to try to achieve what he failed to achieve at the appropriate time is surely not in accordance with common sense, let alone the Standing Orders. A decision has been made; that is, that the Whole House in Committee will consider this Bill, not a Select Committee. The decision has been made and when the Bill comes to us in Committee then that is where it must lie. Those on this side of the House have no hesitation at all in endorsing your support of the decision of the Chairman of Committees.

Mr JAMIESON: The last speaker has somewhat confused the issue.

Mr O'Neil: I am not confused.

Mr JAMIESON: No; but the issue certainly is because if what the Acting Premier said is correct—and when he reads it in *Hansard* he will realise where he made the mistake—a mistake has been made in Standing Order 278 which reads—

No motion for referring the Bill to a Select Committee shall be considered after the Chairman of the Committee of the Whole House shall have reported the Bill.

According to the Acting Premier that Standing Order is completely incorrect. He started off maybe quite rightly in saying that already the action had been attempted and a decision of the House had been made on it. But then he put his own interpretation on Standing Orders. I do not consider that you, Mr Speaker, have given a ruling—not at this juncture, anyway—that at no time during the Committee stage can a Bill be referred to a Select Committee. It can be.

It is true that certain action was taken at another stage, but that action need not necessarily be taken at that stage. If that action must be taken at that stage, then you should consult with the Clerks, Mr Speaker, and together delete a few of the Standing Orders because Standing Orders make it very clear that at any stage during the course of the debate in Committee if something forces the House in Committee to move for the reference of the Bill to a Select Committee, it is quite entitled to do so. It is not a fact that this can be done only at the stage the Minister suggests, although I will admit that that is generally the stage at which the House determines whether or not a Bill shall be referred to a Select Committee.

So do not let us become confused over Standing Orders; let us obey them as they stand and, if necessary, disagree for the purpose of finding out exactly where we stand. On this occasion I am afraid the Minister did nothing to help by suggesting it is not possible to refer a matter such as this to a Select Committee during the Committee stage.

Mr O'Neill: I said we made that decision.

The SPEAKER: Order!

Mr Jamieson: But you went on to something else.

The SPEAKER: Before I put the question, I think I should, as Speaker, add a final word.

I believe it is possible under the Standing Order quoted by the member for Morley to move for the appointment of a Select Committee provided that move was not made in the previous debate. Indeed, if it were otherwise, this House would make a laughing stock of itself.

It is my hope that the House will treat the proposal in the proper manner. I will now put the question.

Question (dissent from Speaker's ruling) put and negatived.

#### *Committee Resumed*

Mr A. R. TONKIN: As I indicated previously, this certainly is a suitable vehicle for the matter to be referred to a Select Committee because it does deal with the Kwinana Freeway. We protest we have not been able to consider, in a proper way, worthy of a Parliament of Western Australia, all the alternatives that are put

before us. For this reason we object to the manner in which this Bill is being railroaded through with insufficient information being provided to the Opposition.

This Parliament needs to come to grips with itself in the near future in order to take matters more seriously, and realise it has a responsibility in this area. If this Parliament is to discharge its responsibility it must demand information through a proper committee system.

Clause put and passed.

Clause 2 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

### EDUCATION ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 20th March.

MR T. D. EVANS (Kalgoorlie) [10.05 p.m.]: This Bill, to amend the Education Act ranging from 1928 to 1974, has been analysed by the Opposition and I indicate we find no need, nor do we have any intention, to criticise its contents. However, in so far as the Bill relates to and deals with section 37A of the principal Act, referring to allowances paid to students undergoing a course of teacher education at a teacher training institution, the Bill does provide an excellent vehicle for timely and well deserved criticism to be levelled at the Government for its tardiness and its insensitive manner of approach to the subject of student allowances.

As late as July of last year a submission was prepared by the Student Council of the Mt. Lawley Teachers College and then submitted to the Government. I understand, also, at least one other similar submission was prepared and submitted by the Student Council of the Western Australian Institute of Technology on behalf of teacher trainees at that institution.

After a reasonable time had elapsed, questions were asked in Parliament by myself and by others as to what action the Government intended to take to upgrade student allowances. We were repeatedly fobbed off by being told the matter was under consideration.

Since that time there has been a sad history—one would be generous to say—of delay. Perhaps one would be more realistic to say there has been a lack of care or a lack of concern on the part of the Government for teacher trainee students.

I will refer briefly to the submission prepared by, and which emanated from, the Student Council of the Mt. Lawley Teachers College indicating that student allowances were last amended in 1972. It happened to be the Minister at the time

that action was taken and I cannot say the amount we were able to provide at that time filled me with a great deal of joy but it was as much as the Treasury Department then could reasonably provide. These are the allowances which were available then and these are the allowances which are operative now, almost three years later. We are aware of the ravages of inflation during that period.

A first year student now receives, as a base allowance, \$1 119 per year, or \$21.50 per week. At the time of the submission, which is dated the 12th July, 1974, inquiries revealed that students—and this information also came through the accommodation leasing service at the secondary teachers college—were paying about \$18 per week for full board. The then allowance—and the present allowance—for a first-year student was only \$21.50 per week.

The students asked for a flat rate of \$2 080 for the first two years of the training course, rising to \$2 280 for the third and fourth year where this was relevant. A flat rate of \$2 080 a year for the first two years, which they were seeking, would have given them an allowance of \$40 a week.

They then sought to justify the \$40 a week by providing a breakup of the relevant items in their cost of living, and they suggested an allowance of only \$10 a week for full board, whereas I indicated inquiries revealed the actual figure then was around \$18 a week, and it is probably much more now. The following is the breakup of the \$40 a week—

Full board	10
Lunches	5
Travel	3
Hospital Benefit Fund	2
Clothing	5
Books and Stationery	1
Make-up and Toiletries	1
Entertainment	4
Additional Travel	3
Medical and Dental Fees	2
Miscellaneous	4

Nothing was done by the Government for the balance of 1974 except to formulate some elaborate regulations which found their way into the *Government Gazette* on the 31st January. I will refer to them later on.

On the 9th January I sent a telegram to the Minister for Education asking him to expedite the upgrading of the student allowance and pointing out that continuation of the present allowance must be condemned. The Minister replied to my telegram by letter dated the 17th January, and he said—

I have to advise that, as yet, a decision has not been reached on student allowances. I understand the present allowances compare favourably with Commonwealth Tertiary allowances and similar allowances paid in other States of Australia.

The letter was signed by the present Minister for Education.

On Tuesday, the 18th March, 1975, I asked a question of the Minister representing the Minister for Education in this Chamber. I sought to establish the date on which the submissions from the various student bodies to which I referred earlier were received by the Government. I was informed the submissions were received in August, 1974, although one of them is dated the 12th July, 1974; but I will not quibble about a few days. I then asked—

As the Minister indicated subsequently to the above dates by way of answers to Parliamentary questions that the matter of an increase in allowances was under consideration, would he please advise whether the matter was referred to Treasury by either the Treasurer, the Minister, or the Education Department?

I thought that was an appropriate question to probe the issue. I then asked—

- (4) If "Yes" on what date was the matter so referred?
- (5) If "No" when is it intended to refer the matter to Treasury and why has there been such inordinate delay in making the reference?
- (6) Has Cabinet considered the matter; if so, on what date(s)?

I asked those questions because of the series of answers we received stating that the matter was still under consideration. The Minister grouped his answers to parts (3) to (6) and advised—

- (3) to (6) The Government is giving consideration to the whole matter of student allowances and bonds. It is not possible at this stage to indicate what the likely outcome might be.

This was some eight months after the submissions had been made by the students. The Hon. R. F. Cloughton asked questions in the Legislative Council and received similar answers.

On Wednesday, the 15th January, 1975, an advertisement appeared in *The West Australian* under the heading "Beware of the bond." It was inserted in the interests of students by the Student Guild Education Office of the Institute of Technology. Although it did not deal directly with the allowance, but rather with the bonding situation, it advised students that because of the meagreness of the allowance, allied with the bond obligations, they would be well advised to give serious consideration to applying for the benefits of the Australian Government's tertiary allowance scheme rather than allow the Government of this State to degrade them through the way it was handling the education allowance and the bonding system.

Rather surprisingly, the Minister for Education was reported in the *Daily News* that afternoon as saying he agreed with the contention of the student guild, that students should be encouraged to take the Australian Government's tertiary allowance. There was no talk of State rights. The attitude was: Let them go over to the Commonwealth and relieve the State of the necessity to bother about them; the Government is tired of saying the matter is still under consideration, so they can go over to the Commonwealth and the Government will not have to worry about the matter or answer any more questions about it. The Minister said he would be quite pleased if students would take the Australian Government's tertiary allowance.

Since that time, various letters have been written to members of the Opposition by students and their parents, complaining about the erosion of the purchasing power of the allowance and the resultant diminution in the living standards of students while the inordinate delay on the part of the Government took place. Even as late as last Sunday, the *Sunday Independent* carried a letter from a Mr Coote, who happens to be a Justice of the Peace at Collie, and his sentiments only echo those which have been expressed in the great volume of correspondence members of the Opposition have received.

We therefore take this opportunity to tell the Government it can, if it likes, play the role of Nero and fiddle while Rome burns, but its education training system is degrading the students by ignoring their claims for an upgrading of their allowances which would enable them to live as students should be able to live instead of in the way they must live on a range of allowances which was determined in July, 1972, and which has now been seriously eroded by the effects of inflation.

The Government has been given ample warning. It had eight months' warning by the time I asked my first parliamentary question this year, when I was told the matter was still under consideration. I come near to concluding by asking: How long does the Government want to take up its mind?

I mentioned earlier that the Government had not completely ignored the situation of students in teachers' colleges and their allowances, because some time in February it referred to the Crown Law Department for processing elaborate new regulations which appeared in the *Government Gazette* of the 31st January this year and which were tabled in this House on the 18th March. They provided for scholarships to be awarded to students.

After some pages of elaborate regulations, we come to the conclusion that the word "scholarship" is only another name for the former allowance. We have a great many words, but no merit, and no

increase in the allowance. This lack of performance on the part of the Government is disgraceful, and we look for some early, positive, and favourable action.

**MR GRAYDEN** (South Perth—Minister for Labour and Industry) [10.20 p.m.]: I thank the member for Kalgoorlie for his support of this Bill. I want to assure him that the Minister for Education is particularly conscious of this question of student allowances. As the member for Kalgoorlie knows only too well, the Western Australian State Government is not overburdened with money. What funds it does have, it of course has to spend to the best advantage. I repeat, it is particularly conscious of this particular question, and it is one that is still under consideration.

#### *Point of Order*

**Mr T. D. EVANS:** On a point of order, Mr Acting Speaker (Mr Blaikie), could I ask that the words used by the Minister be taken down. He said that the money available to the Government can be spent for better purposes than to increase student allowances. I would like the words to be written down, under the provisions of Standing Order 134.

**The ACTING SPEAKER** (Mr Blaikie): Do you want the words to be taken down by *Hansard*?

**Mr T. D. EVANS:** No, by the Clerks. I refer to Standing Order 134(1).

**The ACTING SPEAKER:** What do you want taken down?

**Mr T. D. EVANS:** I heard the Minister indicate that the Government is short of money and that it could spend its money to better purpose.

**Mr Grayden:** Oh, cut it out.

**Mr T. D. EVANS:** I would like the *Hansard* record checked.

**The ACTING SPEAKER:** Will the Clerk ascertain the words used? *Hansard* records the Minister for Labour and Industry as having said, "As the member for Kalgoorlie knows only too well, the Western Australian State Government is not overburdened with money. What funds it does have, it of course has to spend to the best advantage."

**Mr Grayden:** Absolutely correct.

**The ACTING SPEAKER:** Does the member for Kalgoorlie want the words recorded?

**Mr T. D. EVANS:** If they are the words recorded, yes, Mr Acting Speaker.

**The ACTING SPEAKER:** The Minister may continue.

#### *Debate Resumed*

**Mr GRAYDEN:** I am at a loss to understand why the honourable member raised that particular point. The words

were accurately taken down by the *Hansard* reporter. I repeat that the State is not overburdened with money—

Mr Jamieson: One would think so with some of its excesses.

Mr GRAYDEN: —and what money it does have, it has to spend to the best advantage. I again emphasise that the Minister for Education is particularly conscious of this question, and the matter is constantly under consideration.

Mr T. D. Evans: Why does he not do something about it? He has considered it for a long time.

Mr GRAYDEN: In another place the Minister for Education will have an opportunity to say what he has already done.

Mr Skidmore: If he does it will be the first time he has made a positive statement.

Mr GRAYDEN: I again thank the member for Kalgoorlie for his support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 20th March.

MR T. J. BURKE (Perth) [10.29 p.m.] : This and the succeeding measure have been considered by the Opposition, and we have noted the recommendation of the committee of inquiry which investigated the problem confronting people who, obviously through no fault of their own, have failed to have their births registered. We welcome the legislation, and intend to support it. I do not intend to speak at length.

The measure before us will provide for the registration of births of those who are at present catered for, and the proposed amendments to sections 24, 25, and 26 of the principal Act will make it easier and less onerous for people who seek to register their birth.

Up till now it has been necessary to appeal to the Supreme Court in order to register the birth of such a person between one and seven years after his or her birth. The Bill before us will ease this situation. I agree with the comment of the Minister in his second reading speech that this provision will remove problems of legal costs. It will also remove a real problem in that many citizens have no experience of the law and the courts, and this process will make it so much easier for them to register births.

Although provision is made to allow the registrar to investigate an application for registration, the Bill will simplify the necessary procedures without removing the right of a citizen to appeal to the Supreme Court if the registrar refuses for one reason or another to register an application. Therefore the Opposition is happy to support the provision.

Safeguards have been built into the Bill. As was pointed out by the Minister in his introduction, objection to an application for registration could come from either side, and the inclusion of safeguards is most desirable.

The Minister has taken the opportunity to amend certain other sections of the Act, and we can see the wisdom of these amendments.

The first such amendment is to section 18 and clarifies a procedure which has not been practised for many years, but at the same time leaving with the registrar the right to allow inspection of the register.

Section 32 of the Act deals with the reporting of a death, and section 41 attaches to medical officers the responsibility to provide documentation concerning deaths. Although I have had little experience of these matters it seems that the Minister has had regard for representations made by undertakers in Perth and is accordingly amending those sections. As people go through a difficult period when someone near to them dies anything which can be done to ease the situation must be supported. I think the amendments to those sections are desirable.

Section 45 of the Act is also amended, and it is proposed to add new sections 45A and 45B, all relating to the machinery necessary to deal with deceased persons.

I have only one other point to make. I have been provided with a copy of the Act which has been very heavily amended. It is possible that the Act has already been reprinted, but if it has not I would suggest with respect that serious consideration be given to doing so. A glance through the copy with which I have been provided will reveal that it is in need of reprinting.

I am happy to say that the Opposition endorses the measure.

MR DAVIES (Victoria Park) [10.35 p.m.] : I wish to make reference to a matter which, perhaps, was skipped over rather lightly by the previous speaker. I refer to section 41 of the Act which at present provides that a doctor shall issue a death certificate forthwith, but he may hold it for 10 days before he actually passes it to the person required to complete the registration of death. Of course, that is contradictory because on the one hand he must issue a certificate straightaway, but on the other hand he may hold it for 10 days before handing it over. This has caused some

embarrassment, particularly to people arranging funerals. I believe on some occasions funerals have almost had to be called off as a result of doctors holding on to death certificates.

When I was the Minister I received a deputation from the Funeral Directors' Association. I do not know why they came to me unless they thought that, like doctors, Ministers for Health might bury their mistakes! However, I passed their comments to the Chief Secretary of the day and he promised to consider the matter. I am pleased provision has been made in this Bill to overcome this problem. I know the funeral directors are pleased because I handed them a copy of the Bill to check and they are now happy that the Act means what it says: the doctor shall issue a certificate forthwith, and that "forthwith" means straightaway with no huddling around.

Most doctors are easy to get along with in respect of matters of this kind, as they realise the stress suffered by relatives at such a time. However, some doctors seem to delight in being difficult by holding up the certificate for as long as they can. This will now be overcome by the Bill and, on behalf of the funeral directors, I thank the Minister.

**MR STEPHENS** (Stirling—Chief Secretary) [10.37 p.m.]: I thank the member for Perth and the member for Victoria Park for their contributions. It is quite correct that the amendments are designed to simplify the Act and to save legal costs. At the same time the measure does not cause any reduction in the rights of people concerned. The registration of births is, of course, a very important matter.

With regard to the comment of the member for Victoria Park, it seemed strange to me that at the moment a medical officer is obliged to issue a death certificate forthwith, but is not obliged to hand it over for 10 days. I fail to understand how that type of drafting could get past a House such as this.

I thank members for their support of the legislation.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## REGISTRATION OF IDENTITY OF PERSONS BILL

### *Second Reading*

Debate resumed from the 20th March.

**MR T. J. BURKE** (Perth) [10.40 p.m.]: This Bill provides for the rest, and although it is a very small piece of legislation, for those who will take advantage of its provisions it will mean quite a lot. As with the preceding piece of legislation,

this matter has been the subject of a committee of inquiry. It will provide a certificate of registration to be held by the Registrar-General.

The legislation provides safeguards in that only the name of a person registered will appear on the roll. It also requires the person wishing to register to complete a statutory declaration proving it is essential that his name be registered on the roll to be held by the Registrar-General. The Bill also provides that such registration is not to be used as *prima facie* evidence of identity. Although it is almost impossible for us to ascertain the number of people who would take advantage of this legislation, it is obvious from the inquiry that it is necessary; therefore, the Opposition supports the Bill.

**MR STEPHENS** (Stirling—Chief Secretary) [10.42 p.m.]: I thank the member for Perth for his support of the Bill. He mentioned that it is almost impossible to ascertain how many people may take advantage of the legislation. It is interesting to note that although statistics are not kept of people who cannot register their births in the normal manner through the Registrar of Births, Deaths and Marriages, a survey was made for the year ended the 31st March, 1973.

The survey indicated that in the seven year to 20 year age group, 20 people including 11 Aborigines were found to have no means of registering their births in the normal manner; in the bracket over 20 years, there were 100 such people, including 23 Aborigines. So, in all, for the period ended the 31st March, 1973, some 120 people were in this situation.

The department carried out a superficial examination of the files for the three preceding years, which largely substantiated that this was a fair average figure of the number of people so disadvantaged. As the member pointed out, it does not constitute *prima facie* evidence of identity. Nevertheless, for a person who for one reason or another needs to establish his identity—there are many reasons that a person would need to establish at least his identity—this legislation gives him the means. I believe this to be a step in the right direction and I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*House adjourned at 10.47 p.m.*