Legislative Council

Tuesday, 5 May 1981

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

THE LATE MR E. T. EVANS

Condolence: Motion

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.37 p.m.]: I move, without notice—

> That this House place on record its sincere regret at the premature demise of Edward Thomas Evans who at the time of his passing was the member of the Legislative Assembly for the Electoral District of Kalgoorlie, and expresses its deep sympathy with his family in the irreparable loss they have sustained, and that the President convey the foregoing to his widow and children.

It is with sincere and deep regret that I move this motion to mark the demise of Mr Edward Thomas Evans which occurred last Thursday, 30 April.

Mr Evans was elected to this the Thirtieth Parliament as the Member for Kalgoorlie in February last year.

While in that brief time it may not have been possible for many of us to fully experience and appreciate his undoubted qualities, I am sure the sadness of his untimely death is felt by all.

Mr Evans was a true goldfields man. His family association with Kalgoorlie goes back to his grandfather, who arrived there six months after Paddy Hannan.

Mr Evans had been a member of Australian Labor Party branches in the eastern goldfields for 20 years. He was a life member of the Boulder Football Club and a keen supporter of goldfields football, both on a club and at league level.

His attachment to the goldfields was evidenced in his maiden speech in Parliament last year, when he spoke with much authority on matters affecting the area he represented.

The calibre of representation from the goldfields has always been of top quality and I am sure the passing of Mr Evans is not only a loss to the Kalgoorlie electorate, but also to this Parliament and the State.

Our deepest sympathies go to his wife and two sons.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [4.38 p.m.]: It is my duty, and not my pleasant duty, to second the motion moved by the Leader of the House. On behalf of the members on this side of the Chamber and indeed all members of the Chamber, I wish to add our condolence and very deepest sympathy to the widow of Ted Evans, or Shack, as he was known. Shack was elected at the last election in February of last year and he quickly established himself as a person who knew his electorate well. He was very popular, not only with the members of his own party, but with everyone with whom he came into contact in Parliament.

Along with the President and others I travelled to Kalgoorlie yesterday to be present at Shack's funeral and it was a very moving experience for all of us. We sometimes claim that we have grass roots support: I have been to many funerals in my life, but I must say without fear of contradiction that yesterday was probably the most moving I have ever experienced.

The church was packed; there was standing room only and people were standing outside. I do not believe it would be an exaggeration to say there were somewhere in the order of 1 200 or 1 300 people at the Boulder Cemetery. When I spoke to the Mayor of Kalgoorlie he said that it had been the largest funeral he had ever seen in the area.

There was no doubt that Shack Evans was held in high esteem; every section of the community was present at his funeral, including policemen in uniform, firemen, and ministers of religion of all denominations. He will be sadly missed. It is a tragedy that Shack was only 41 years of age. He leaves a widow and two children.

We will replace Shack Evans in Parliament with another member, but it will take a long time for his wife and children to forget that dreadful experience of a husband and father going to hospital to have a minor operation and to be told the operation was successful and then, some hours later, to be acquainted with the news that he had passed away. It is one of the tragedies of life which we read about and which touches us deeply when it occurs to someone close to us. There is very little I can say except to extend our deepest sympathy to Shack's widow and to say that I hope all of us will help her in any way possible in an effort to ease her burden.

THE HON. R. T. LEESON (South-East) [4.40 p.m.]: It probably will not be easy for me to speak to this motion, but I would like to do so. I first knew Shack—and I prefer to call him Shack

because he was known by that name for most of his life by everyone in the goldfields—in 1946 when he went to Boulder Central School. We were close mates even back in those days.

Shack was the sort of guy who wanted to have a go at everything. He became interested in sport at a very early age and certainly put his heart and soul into it. It was like that with everything he did. Like many of us, he was not fortunate in his early days in that he could not do the work he wanted to do. For a number of years he worked underground.

I remember his saying that one day he found himself working in a gig rise and he said to himself "There has to be a better way to make a quid." Probably many members would not know what a gig rise is; perhaps the Hon. Des Dans would because he, too, worked underground. Anybody who has ever worked underground would know the conditions which are brought about in that situation.

I think Shack was then 28 years of age, and he went back to school and studied accountancy. He qualified and then went out to work for mining companies on the surface, for a change. He was a man who worked in both sides of the area of his calling; he did hard, manual work and also administrative work.

In all that time Shack was very interested in politics, and he was fortunate enough to be elected to the seat of Kalgoorlie. He was a member for the Legislative Assembly for only 14 months and that is a shame, because the longer he was here the more people got to know him. Even in the short time he was here he certainly enjoyed the company of all members, and he enjoyed the job that he did. He did a tremendous amount of work within his electorate, and within the limited opportunities that a new member has in the Chamber, he did as much as he could in the Parliament.

I know the amount of work he did in Kalgoorlie, and I am aware of the mountain of work that is waiting there now to be done in the next month or two, and which the other local members will endeavour to carry out.

I do not think there is much more I can say. Having been so close to Shack over the years, I know how he thought and how seriously he took everything. He was a man who lived life to the full, whether in sport or in work. He certainly loved his work in politics, and I can assure members he worked for the people of the goldfields almost 24 hours a day. Sometimes I used to get to the stage of trying to turn off a bit because Shack was such a fanatic as far as the Kalgoorlie district was concerned.

In this Parliament I would like to pay my respects to a good mate and to offer my condolences to his wife, Sally, and to his two boys, Greg and Darryl.

THE HON. TOM McNEIL (Upper West) [4.43 p.m.]: I would like to support the motion moved by the Leader of the House and seconded by the Leader of the Opposition, and to substantiate the remarks made by the Hon. Ron Leeson. My involvement with Shack Evans goes back some 20 years, when I first met him on the goldfields in the service of football. He was involved with the Boulder Football Club and latterly with the Goldfields Football League.

I did not know about his political background until I met Shack after his election last year. It was then I realised we had something in common from years gone by. I do know he was held in very high respect by the Kalgoorlie district. He was a great sportsman who was deeply involved in football.

In the short time he was in this Parliament the thing I found most pleasing about him—and which sometimes we tend to forget—was that whilst the Hon. Ron Leeson said that Shack took everything seriously, he always had an infectious grin, no matter whether interjecting or making a speech on behalf of the goldfields. He always managed to put a grin on his face which tended to remove some of the bitterness often found in politics. I found his cheerfulness within the corridors of this building to be most pleasing and that is something for which I will miss him most of all.

On behalf of the National Party I express condolences to his wife, Sally, and to his two children.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.45 p.m.]: Perhaps it is unusual that a back-bencher of the Liberal Party representing the Metropolitan Province should pay respects to the widow of Shack Evans. However, I was touched by an unusual circumstance which I feel should be recorded in this place.

When I visited Kalgoorlie some months ago on ministerial representation I was entertained after a ceremony by the Hon. Ron Leeson and Mr Shack Evans, and I found there a lesson to be learnt. Despite the fact that we do not share the same political views, the hospitality, warmth, and welcome and the looking after I received from both those gentlemen and from Shack Evans in

particular was a reminder to me of what this Parliament is all about. We debate and agree to differ within the Chamber, but outside the Chamber that should not be the case. I honestly feel after the reception I received in Kalgoorlie that I have lost a friend and I would like my personal condolences to be associated with those expressed by the House to his widow and children.

THE PRESIDENT (the Hon. Clive Griffiths): Before putting the question I would like to say a few words in support of the remarks made by the Leader of the House, the Leader of the Opposition, and other members.

I consider it a privilege to have known Ted Evans, who will be sadly missed by his many friends in this building and by the people of the goldfields, where I spent many of my early days.

We all hope his widow and children will live the rest of their lives in the knowledge that Shack did the best he could for them while on this earth; and that should they ever need any help in the difficult times ahead they have many friends here to call upon.

Honourable members, please be upstanding and observe a minute's silence in tribute to our late colleague.

Question passed, members standing.

Sitting suspended from 4.48 to 7.30 p.m.

COCKBURN SOUND

Nuclear Warships: Petition

THE HON. LYLA ELLIOTT (North-East Metropolitan) [7.30 p.m.]: I wish to present a petition from concerned citizens of Western Australia in the following terms—

> To the Honourable the President and Honourable Members of the Legislative Council of the Parliament of Western Australia in the parliament assembled.
>
> The petition of the undersigned citizens of Western Australia respectfully showeth:
>
> That the Western Australian Government should oppose the development of a base in Cockburn Sound for nuclear-powered, nuclear-armed warships by
>
> * conveying to the Australian Federal Government and the United States Consulate the wishes of the people that a nuclear base in Cockburn Sound not be built, in view of
>
> (a) the danger posed to the people of Western Australia in the event of an accidental or planned nuclear conflict
>
> (b) the environmental hazards posed to present and future generations of Western Australians through the presence of nuclear vessels in Perth waters.
>
> Your petitioners therefore, humbly pray that you will give this matter earnest consideration and your petitioners in duty bound will ever pray.

The petition contains 164 signatures, and it bears the certificate of the Clerk that it is in conformity with the Standing Orders of the Legislative Council. I move—

> That the petition be received and ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 166).

METROPOLITAN REGION SCHEME AMENDMENT No. 283/31

Report on Submissions: Correction

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.33 p.m.]: I seek leave of the House to make a correction to Metropolitan Region Scheme Amendment No. 283/31 which was tabled in the House on 24 March 1981.

Leave granted.

The Hon. I. G. MEDCALF: I have been handed a letter addressed to the Clerk of the Legislative Council from the Metropolitan Region Planning Authority dated 9 April 1981, which reads as follows—

> Reference is made to my letter of March 3, 1981, and the report on the submissions on the abovementioned amendment to the Metropolitan Region Scheme which was tabled in the House on March 24, 1981.
>
> A typographical error has been brought to the attention of the authority and you are requested to please insert the attached erratum inside the cover of the report.
>
> Any inconvenience caused is regretted.
>
> H.R.P. David, Secretary.

The attached erratum reads as follows—

> In the last sentence of the second part of paragraph 12, the word "not" should be inserted between the words "does" and "require".
>
> H.R.P. David, Secretary.

I move—

> That the erratum be inserted in the report as requested by the authority.

Question put and passed.

The document was tabled (see paper No. 167).

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgment

THE PRESIDENT (the Hon. Clive Griffiths): I have to announce that, in company with several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech, agreed to by this House. His Excellency has been pleased to make the following reply—

Government House
Perth, 5 May 1981.

Mr President and Honourable Members of the Legislative Council:

I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

Richard Trowbridge,
Governor.

QUESTIONS

Questions were taken at this stage.

BILLS (2): THIRD READING

1. Juries Amendment Bill.
2. Law Reporting Bill.

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

MINING AND PETROLEUM RESEARCH BILL

Second Reading

Debate resumed from 29 April.

THE HON. J. M. BERINSON (North-East Metropolitan) [8.05 p.m.]: The purpose of this Bill, as indicated by the Government, is to establish the Western Australian mining and petroleum research institute. The function of that institute will be to fund, co-ordinate, and promote research and expertise in all aspects of the mining and petroleum industries.

Reasonably enough, the Government has suggested that this Bill, in both its purpose and its form, is analogous with the legislation which led to the establishment of the Solar Energy Research Institute of Western Australia. That latter institute seems to have been active and effective, and there is no reason to doubt a similar benefit could be obtained from an institute directed to promoting research into mining and petroleum. For that reason, the Opposition sees no reason to hinder this Bill and will, in fact, support it.

However, I take the opportunity—as did my colleagues in another place—to draw attention to the unsatisfactory constitution of the mining and petroleum advisory committee which will be established under clause 18 of the Bill. Under clause 20 of the Bill, the advisory committee is constituted by representatives of the following organisations—

The Confederation of Western Australian Industry;
The Chamber of Mines;
the Australian Petroleum Exploration Association;
The University of Western Australia;
the Murdoch University;
Western Australia Institute of Technology;
CSIRO; and
one person nominated by the Minister for Resources Development.

In addition to that, the responsible Minister has considerable discretion and may appoint persons of his own choice subject to criteria which are very wide and which are set out in clause 20(i) of the Bill.

The Opposition has already suggested elsewhere that two further representatives be included on the advisory committee, these being a representative of the School of Mines and a representative of the Trades and Labor Council. With due respect to what was said in another, place, it is genuinely hard to understand the basis on which that very modest proposal was rejected.

Indeed, the Minister for Mines, particularly in relation to the proposal for a representative from the School of Mines, was practically incomprehensible. He went to great lengths to say in what high esteem he held the School of Mines. He made a point of emphasising that it was understood on all sides that the School of Mines would have a very significant role to play in respect of the sorts of activities to be encouraged by this adivsory committee and by the institute. However, at the end of all that he still rejected the proposition that the School of Mines should be specifically represented.

The way he explained his stand was by saying "Of course we understand the importance of the School of Mines. That is recognised fully by the appointment—in advance, subject to the passage of the Bill—of the Director of the School of Mines (Mr Jones)."

With respect, that is a proposition which does not stand analysis. If one is seeking to recognise the position of the School of Mines in this area,

one makes room for a representative of the School of Mines. To appoint a man who at some particular stage happens to be its director does not fit that purpose at all. Indeed, if the mere appointment of a member of the school satisfies the aims that we are putting to the House—namely, for representation of the School of Mines—it would be unnecessary, as the Act does, to specify representatives of other organisations, such as the University of Western Australia, Murdoch University, or WAIT.

All the Government would need to say is "Of course we recognise the role of these institutions. As a result, we are taking the initiative to appoint one of their members to the advisory committee." The Government cannot have it both ways; it cannot set out a system which specifically recognises the role of certain institutions and, in the next breath, say it will also recognise the importance of the School of Mines, but that it is not prepared to recognise it to the same extent as it has the University of Western Australia, and other organisations.

I put it to the House that this is a small enough matter, but it is one to which we should draw sufficient attention to support an amendment.

Along with that, I put the proposition for the inclusion of a TLC representative. Again, it is really quite difficult to understand the intransigence of the Government in the face of this very modest and reasonable proposal. It is not as though the TLC is not recognised as an important body in the community generally. Hardly anyone would say that it is not an important body in the areas of the mining and petroleum industries. Of course it is important; it has a very significant role to play in those industries.

There seems to have been some misunderstanding of the role of the institute in the way in which the proposal for TLC representation was rejected. If one reads the debate which took place in another place, one sees constant interjections on one of my colleagues to this effect: "What has the TLC to offer?" Such a question, in my submission, represents a misunderstanding of the role of the institute. It seems to suggest that unless a body does or can actually engage in research, it has no place on the institute. If that were the case, it would also be inappropriate to have representatives from The Confederation of Western Australian Industry and The Chamber of Mines.

The point is that this institute will not be engaged in research itself. It will merely be directing attention as to how best the various avenues of research in this State can be co-ordinated. I would imagine that to the extent it has some influence on the expenditure of funds, it will be exercising its judgment as to the direction in which that discretion should be exercised.

Given that in nearly all these cases there will be competing claims for funds far in excess of the funds available, this institute will have a role, among others, of deciding where the priorities for expenditure will lie. In a situation like that, it is absurd to suggest that TLC representation would be less appropriate, given its representation of a vast work force engaged in the mining and petroleum industries. It is absurd to adopt the view that the TLC has nothing useful to add on the question of establishing priorities.

I do not see any point in taking either of these propositions to the barricades. It would be my intention—given any sort of receptive response from the Government—to move appropriate amendments. However, unless some such response is forthcoming from at least some members opposite, I do not see any point in engaging in the exercise of moving amendments during the Committee stage.

I put these proposals to the House seriously. I repeat: They are modest proposals; they are sensible proposals; and they are consistent with the general structure of the institute as embodied in the Bill. There is no reason that they should not be adopted, given that the Bill in any event gives the Minister unlimited discretion as to the total number of members of the council. It is not as though these two specific members would cut out anyone else. For all those reasons I put these proposals to members on the Government side and ask that they review them in a way which members in another place were not prepared to do; and that is, on their merits.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.16 p.m.]: I read the debates in another place and I listened with interest to what the Hon. Joe Berinson had to say. He did in fact simply repeat the arguments which were made in another place that there should be a representative of the Western Australian School of Mines and a representative of the TLC added to the advisory committee, to be appointed under clause 20, to administer the Act. These arguments were dealt with in another place, albeit, as the member said, not to his satisfaction.

The Hon. J. M. Berinson: I thought members on your side in this House claimed to exercise an independent judgment, and it is to that which I am appealing.

The Hon. I. G. MEDCALF: I have not denied that situation. I am simply saying that the matter was discussed in another place, albeit not to the member's satisfaction. Now he has invited us to reconsider the question as to whether there should be a representative of the School of Mines and of the TLC on this advisory committee. I would like to say he has properly pointed out that this body to be set up, this mining and petroleum institute, will be, in fact, a co-ordinating and funding body. It will exist for the purpose of co-ordinating research into mining and petroleum generally. Of course, this research is carried on in a number of ways by a variety of bodies, both governmental and private, in many parts of the world. It is appropriate that we should have such a body here in Western Australia which is able to apply the research in relation to our particular requirements. No-one else will do it for us, although many other people may make a contribution. It will nonetheless be necessary for us—and the object of this Bill is precisely that—to provide some way of co-ordinating research which will be useful to Western Australia. That is the object of our setting up the institute. Indeed, the funding object of the institute is also important in that we will hope to harness some funds from Government and other sources for the purpose of assisting in new processes which will be useful in the mining and petroleum industries in Western Australia.

The Hon. J. M. Berinson: And in some cases beneficial to the work force.

The Hon. I. G. MEDCALF: Indeed, we would hope it would stimulate further projects which would be of value and increase employment in Western Australia. It is on that basis the honourable member seeks a representative from the TLC to be appointed to this body. It is quite wrong for one to think the TLC has nothing useful to add, which was the phrase the honourable member used. It is quite wrong to think anyone assumes the TLC has nothing useful to add; but that does not mean the TLC officially should be represented on the committee. The fact that the TLC undoubtedly would have a useful contribution to make, whenever required and whenever asked to do so, does not mean that is necessarily one of the functions the TLC is naturally set up to do. The TLC is mainly concerned with industrial and employment matters in connection with those who are employed in the various industries, and this body has a quite separate function, as again the Hon. Joe Berinson has said, of co-ordinating and funding research. I do not think necessarily that is one of the functions the TLC would specialise in. Of course, a different argument altogether applies in the case of the Western Australian School of Mines, which is an important technological body which already has been recognised by the appointment of its principal (Dr Jones) to this committee. In fact, it is an anticipated appointment, since he cannot be appointed at this stage.

The Hon. J. M. Berinson: Is that in his personal capacity or in a representative capacity?

The Hon. I. G. MEDCALF: He has been appointed because of his individual qualities which I understand are world-recognised and, in addition, because he happens to be the prinicipal of the School of Mines. But he is not necessarily being appointed because the School of Mines is thought to require individual representation. That institute will undoubtedly play an important part in the work which is done in relation to research, as will many other bodies.

The Hon. J. M. Berinson: May I ask why the University of Western Australia is thought to require individual representation?

The Hon. I. G. MEDCALF: A person is to be appointed from a panel of names submitted by the Senate of the University of Western Australia.

The Hon. J. M. Berinson: Why is that necessary?

The Hon. I. G. MEDCALF: It is thought that the Senate of the University of Western Australia would be in a position to nominate a suitable person.

The Hon. J. M. Berinson: Is it not thought that the School of Mines would be in the same position?

The Hon. I. G. MEDCALF: The University of Western Australia has a far broader base than the School of Mines, and that is not to denigrate the function of the School of Mines in any way, which has the task of training students in relation to the mining industry. The university most clearly has a very broad base in the scientific and engineering fields as well as in the area of research generally. Clearly no-one would dispute that the University of Western Australia has a much broader base than the School of Mines; also the Western Australian Institute of Technology, of which the School of Mines was recently a part and with which it is still closely connected.

The Hon. J. M. Berinson: But what has the breadth of scope to do with it?

The Hon. I. G. MEDCALF: It is true that WAIT is relevant in this field because it trains technologists in many areas. It has people who do

in fact engage in research of one kind or another; it is very broadly based.

The Hon. J. M. Berinson: But only one is going to be appointed.

The Hon. I. G. MEDCALF: That is a rather technical argument. The Hon. Joe Berinson has already pointed out that the Minister has an incredible amount of flexibility. The Minister can appoint such number of other persons as he considers appropriate, being persons appearing to be knowledgeable of the research requirements of the mining or petroleum industries. At any moment he can draw out other people from the School of Mines.

The Hon. J. M. Berinson: Or from the university. Why the difference?

The Hon. I. G. MEDCALF: There is nothing to say that the person appointed by the Senate of the University of Western Australia will in fact be a member of the university.

The Hon. J. M. Berinson: He may be a member of the School of Mines.

The Hon. I. G. MEDCALF: He may be. The Director of the Western Australian School of Mines has been nominated as being a most suitable person to be appointed. I am informed he has a world-wide reputation in this research area and it is thought his addition to this committee will be extremely beneficial. I think we are being a little pedantic by being critical of this. The Minister has tremendous flexibility in who he can appoint. He has thought to obtain the services of bodies connected with the mining industry, such as the Chamber of Mines and the Confederation of Western Australian Industry, being bodies with a broad base of connections in the industry. After all, we are primarily dealing with research and co-ordination of research rather than with specific employment projects. It is not exactly a situation where we would normally look for representation by the TLC, and that is not in any way being derogatory of the TLC which does have expertise in its own areas. It is not as though it has nothing useful to add. It has much of value to add at the appropriate time, but not on this body. It is for that reason that, with all due respect to the argument the Hon. Joe Berinson put forward, the Government is not able to accept that those representatives should join this committee.

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.

CLEAN AIR AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.28 p.m.]: I move—

That the Bill be now read a second time.

The Clean Air Act 1964-1971 was one of the first pieces of legislation to be concerned with environmental protection in Western Australia and related mainly to smoke abatement. It was modelled on British legislation and despite varying changes in technology in the past 16 years, the Act has remained virtually unaltered except to bring sandblasting operations under its provisions.

The Air Pollution Control Council has reported that the Act's many administrative shortcomings are presenting difficulties to the council in carrying out its functions, and in achieving the Act's intentions.

Many of the new amendments, although perhaps of a minor nature, are being proposed on the recommendation of the Crown Law Department to clarify the intention of various provisions or to provide for technological changes which were not envisaged when the Act was first drafted.

The first three amendments relate to definitions, the first being to amend the definition of the word "occupier".

The proposal is to include not only the person in legal occupation or control, but also any person on the property with or without the consent of the legal owner or occupier.

At present, the council is powerless to restrict a person from creating air pollution on property which he has no legal right to occupy. This amendment will make a person causing air pollution liable for his actions—regardless of ownership.

The definition of "industrial plant" also requires amendment so it can include electrically-driven plant such as sandblasting, rock-crushing, and screening equipment.

This equipment is presently excluded, because the definition includes only plant using any combustible material for its operation. However, as this type of plant generates large quantities of dust, it should be covered by the definition, so the council can control such emissions.

A definition is required to cover open fires also, as provision is proposed in another amendment for the prohibition of the emission of dark smoke from open fires. This operation must be defined.

There are frequent complaints of dense, sooty smoke from the burning of tyres, plastic, and the like in open fires in landfill areas, etc., which do not come within the ambit of the Act because they are not burnt in fuel-burning equipment.

The next amendment proposes minor alterations to the composition and description of Air Pollution Control Council representatives.

One proposal is to substitute the present representative of the Department of Local Government for a second representative of the Local Government Association, thus giving increased ratepayer "voice".

A second proposal is for increased membership of the council allowing for representation from the Department of Conservation and Environment and an additional representative nominated by the Confederation of Western Australian Industry (Inc.).

The remaining proposal is to cover the division of the Department of Industrial Development into the Department of Resources Development and the Department of Industrial Development and Commerce which latter department nominates a member of the Air Pollution Control Council.

The next amendment is to allow the Governor power to appoint a deputy for each member of the council so full representation can be obtained at each sitting. No such power exists at present.

Another similar amendment is to allow the council power to appoint a deputy for each member of its advisory body—the Scientific Advisory Committee.

One of the members of this committee is described as a "fuel technologist". This was a term in use when the Act was drafted.

However, the Australian Institute of Energy has replaced the British Institute of Fuel, and consequently "fuel technologist" is now not a recognised term in Australia.

The proposed amendment is to describe the person as a qualified engineer or chemist, with expertise in fuel technology. Yet another amendment proposes an additional member to the Scientific Advisory Committee being a biological or agricultural scientist, nominated by the Minister for Agriculture.

Over the years the committee often has been given such assistance when investigating plant damage caused through air pollution. This type of investigation is increasing and such an appointment would formalise this assistance so that such advice is recognised by the council.

A further amendment will allow local authority health surveyors, appointed under the Health Act, to be appointed as inspectors under the Clean Air Act for their own areas. The council has often sought the help of such officers in administering the Act, but has been unable to appoint them.

The appointments under this Act are at the moment limited to appointments under the Public Service Act. One area of the Act deals with conditions attaching to licensing of scheduled premises. At present, if premises are unconditionally licensed, there is no power for a condition to be placed on the licence.

From time to time a need does arise for the imposition of a condition under these circumstances and an amendment has been introduced to cover this situation; that is, it will now not be necessary for a licence to be already conditional for a further condition to be imposed upon it.

An important amendment will allow the council to cancel a licence or permit, or suspend it for no more than six months, in cases where an offence is being committed and—despite council intervention—the offence is continued. There is no provision at present to cancel or suspend a licence, and the offence could continue unchecked until the next renewal date.

In the interest of natural justice, however, the right to appeal against the council's decision should be allowed to any aggrieved operator.

Because of the uncertainty in the wording of the Act, it is not clear whether notices, served on an occupier to remedy faults, take precedence over conditions of operation on a licence. Notices served are intended to cause immediate corrective action, as distinct from long-term control conditions. An amendment has been included to ensure that notices served on occupiers take precedence over conditions imposed on licences.

Another amendment will allow council to set a time limit within which any approval to alter, install, or replace equipment on premises is valid.

Without this, council could not withdraw approval of environmental conditions under which the application was made. Operations such as demolition and construction works are of a relatively short duration compared with established industries.

The licences and conditions system has been found to be inappropriate, and would be much more effectively administered by having these works subjected to the permit system, as is used to

control sandblasting away from licensed premises. An amendment proposes this change of system, and defines these operations.

The Hon. G. C. MacKinnon: Why has that changed? Why will "sandblasting" be changed to "abrasive blasting"?

The Hon. D. J. WORDSWORTH: I would think, because it is necessary!

The Hon. G. C. MacKinnon: It is not necessary because the definitions are exactly the same. There is not a comma difference, so why bother changing it?

The Hon. D. J. WORDSWORTH: Perhaps we could deal with that matter in Committee.

The Hon. G. C. MacKinnon: But why is it necessary? You should be able to answer it straight off. There is not a comma difference in the terms. What is the reason?

The Hon. D. J. WORDSWORTH: Much council meeting time is taken up by routine consideration and approval of renewal licences and permits, applications to construct incinerators, etc.

The Hon. G. C. MacKinnon: Very undemocratic.

The Hon. D. J. WORDSWORTH: An amendment will delegate this routine administration to the chairman to handle and process, but leave the council with power to revoke this delegation. This will give the council more time to deal with more important issues.

There is no provision for appeal against conditions on a licence, but it is proposed to rectify this. There is no time limit stated in the Act within which prosecutions must be commenced, so the provisions of the Justices Act apply; that is, a complaint must be made within six months of the committing of an offence. Sometimes, a continuing offence may remain undetected for years. Because the general time limit is exceeded when the offence is detected, legal proceedings cannot be taken. Air pollution could continue unchecked.

An amendment proposes to allow for the institution of legal proceedings against an offender at any time within three years after the committing of an offence or within six months after the offence has been detected by the council, whichever is the later terminating date.

It is proposed that the council be given the power to exempt any person, premises, or firm from compliance with a regulation where it is considered appropriate.

This is to cover the situation, for example, where an industry emitting air pollution is established in a remote area and the council is satisfied that the environment and community will be unaffected by its operations.

Further amendments cover increases in the maximum level of licence fees and penalties for various offences. The present penalties and fees were established 16 years ago and are sadly deficient when compared with legislation in other Australian States. Fees are in no way covering administrative costs.

Local authorities have often criticised the $200 maximum—

The Hon. G. C. MacKinnon: Do you think an increase from $200 to $2 000 over 16 years is reasonable?

The Hon. D. J. WORDSWORTH: I think it probably is. The present penalty has been criticised as offering absolutely no discouragement to an industry committing an offence. It is claimed it is cheaper to pay an occasional fine than remedy the defects. I feel that answers the member's question.

Another amendment makes provision for the expansion of existing appeal rights enabling an optional right of appeal to the Minister for Health or the Local Court regarding decisions by the Air Pollution Control Council.

Consequent to this amendment, provision is made for the Minister to prescribe fees relating to instituting an appeal to the Minister.

The final amendment proposes alterations to the list of premises classed as having potential for emitting air pollutants.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. H. W. Olney.

INDUSTRIAL ARBITRATION AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [8.40 p.m.]: I move—

That the Bill be now read a second time.

The Industrial Arbitration Act 1979 defines the jurisdiction of the Western Australian Industrial Commission and in doing so provides for the exclusion of certain groups of employees. One such exclusion relates to "Government officers" as defined in section 96 of the Act.

Under the provisions of the Public Service Arbitration Act "Government officers" come within the jurisdiction of the Public Service Arbitrator.

The Bill ensures that all officers appointed under the provisions of the Public Service Act are "Government officers" and thus come within the jurisdiction of the Public Service Arbitrator. This will avoid the possibility that some officers appointed under the Public Service Act may be subject to a different industrial jurisdiction from that of the remainder of the Public Service.

I commend the Bill to the House.

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

RESERVES BILL

Second Reading

Debate resumed from 30 April.

THE HON. J. M. BROWN (South-East) [8.42 p.m.]: A Bill such as this comes before the House each year towards the close of each part of the session. When I spoke to the Bill in 1980 I requested the Minister to, and trusted that he would, give us appropriate time to study the various matters raised in relation to Class "A" reserves because of the requirements of the Parliament in regard to bringing forward legislation to alter Class "A" reserves.

The matters covered by this Bill are not many. Only eight proposals are before us for consideration. I believe they require the endorsement of the Parliament, and the Opposition will support them. However, I bring to the attention of the Minister for Lands and the Minister for Fisheries and Wildlife my request that they indicate the correct situation in regard to the purposes for some of the changes put forward. I refer them to Class "A" Reserve No. 12098 at Pingelly which it is proposed to change from an unvested "protection of flora" reserve to a "conservation of flora and fauna" reserve. I would like to know exactly what the proposal means. I also refer them to the proposal to change Reserve No. 16714 in exactly the same way. Those reserves are to be vested in the Western Australia Wildlife Authority. I ask the Minister for Lands and the Minister for Fisheries and Wildlife who are present in the Chamber to give us an exact explanation of what the proposals mean. In the second reading speech presented by the Minister for Lands, he states—

> The Bill no longer contrives to direct in its various clauses the purpose to which the subject land will be put unless such land is to be of Class "A".

I can appreciate the position with Reserve No. 1813 which is for the establishment of the Geraldton Rifle Club. This matter has involved the Department of Administrative Services in a great deal of negotiation because there was the problem of finding a satisfactoy area for a rifle range. However, I think this excision is quite acceptable to all concerned despite the fact that there were some misgivings earlier.

Reserve No. 27310, which is for the preservation of indigenous timber, is to be changed for the conservation of flora and fauna. This is in the area of the Manjimup Shire Council. I note that in the original proposal presented to the Minister by the Department of Lands and Surveys, it is shown that the Manjimup Shire Council was not very happy about having another portion of the area included, which is adjacent to the indigenous timber area. I do not know the reason for this. I know that Reserve No. 27311 is a camping reserve and the Manjimup Shire Council insisted it should be kept for that purpose. I presume that Reserve No. 27310 is to be the complete area for the preservation of flora and fauna and the other area is to be retained for a camping reserve.

I note that Reserve No. 27575 at Quinns Rocks is to be exchanged because of the alignment of Mitchell Freeway. I believe that to be fair and equitable. It is stated that it will be exchanged on an equal basis. Perhaps the Minister will be able to tell us what "equal basis" means because I know they are different sizes. One involves 51.886 hectares and the other involves 64.0262 hectares and if they are to be exchanged on an equal basis, is it a dollar-per-acre-basis arrangement?

One can appreciate the need for Reserve No. 2851 because it has been vested in the Shire of Mandurah for recreation and camping purposes. This involves three hectares of land which are required for the formation of the South Mandurah bowling club. We would appreciate that sporting activity could not take place if the shire did not have an opportunity to lease this land.

Reserve No. 31362 involves part of the Walpole National Park which overall is a large reserve of some 17 715 hectares. The National Parks Authority has agreed to the excision of portion of the reserve because of the expansion of Walpole. This area is required for the development of water supplies. Whilst the area is a portion of a great national park, one can appreciate that with the

expansion of the township a further water supply is required.

Finally, Reserve No. 3362 is in my own electorate. The St. John of God Hospital in Kalgoorlie was given a Crown grant in 1898. However, because of the unfortunate closure of the hospital, the sisters have now disposed of the hospital building which will shortly be reopened as a nursing home. It is necessary, for the transfer of the hospital, that part of Reserve No. 3362, which is Kalgoorlie Lot 510, be excised.

The Opposition supports the matters presented in the Reserves Bill and hopes that the Minister for Lands and the Minister for Fisheries and Wildlife may be able to explain some of the points I have raised.

THE HON. A. A. LEWIS (Lower Central) [8.49 p.m.]: I just wish to mention Reserve No. 27310 as the Minister has asked for its use to be changed from the "preservation of indigenous timber" to the "conservation of flora and fauna". I note in the papers tabled by the Minister that there are some comments which I would not normally mention in this House. The department supported its request with a summary of the types of timber and vegetation which exist on the reserve together with information on examples of fauna which may be sighted during an inspection.

We have no note here of what flora or fauna is unusually in that area and again we get to the stage where we are giving to the Department of Fisheries and Wildlife or the Western Australian Wildlife Authority a small reserve which will be a menace to the surrounding properties. The area will not be managed properly and dear old ladies will still have to pay $2 to pick wildflowers there.

The Hon. D. J. Wordsworth: Which reserve is it?

The Hon. A. A. LEWIS: It is Reserve No. 27310. This matter is interesting because in the notes provided the Minister states that it is of particular importance that "some observations may evidence the existence of quokkas". Have they seen quokkas or have they not? I do not believe this type of note is good enough to be brought to this House: either there are quokkas or there are not. There is evidence that there were quokkas in the D'Entrecasteaux National Park in the past. Is Reserve No. 27310 an isolated reserve where quokkas exist?

I wonder just how long we can go on placing small pieces of reserves under the control of the Western Australian Wildlife Authority or the National Parks Authority. At the moment, they cannot manage them efficiently. Should we continue to accept, without reservation, the department's recommendations? If we do, what will the farmers whose properties adjoin the reserves do in the future when the vermin starts leaping the fence and the blackberry starts growing into their properties because they are not controlled?

I believe the Minister should provide us with far more information than he has. He has very easily disposed of camping Reserve No. 27311 because the shire did not wish it to be placed in the hands of the Western Australian Wildlife Authority; however, he continues his argument for Reserve No. 27310, despite the fact that he has no evidence that flora or fauna is present or that it is definitely identified, therefore making it precious. I guess this may seem to be nit-picking, but, before we change the vesting of these reserves, some information should be provided. I hope the Minister will adjourn the debate and obtain the answers to these questions because unless the department has some valid reason I believe it is not good enough to change the vesting of this reserve.

THE HON. MARGARET McALEER (Upper West) [8.59 p.m.]: I rise to support the Bill and particularly to thank the Government for its actions on a very vexed question of finding a site for the rifle range at Geraldton. The Minister has mentioned that there were nine alternative proposals for a rifle range before this one was finally approved. In fact it has been at least seven or eight years since the club lost its site and it has been seeking a replacement ever since. It has taken so long because of the loss of interest by the Commonwealth Government in rifle clubs and there have been difficulties in obtaining a suitable location for a rifle range in a fairly closely settled area. As a result of course it has been extremely hard to obtain agreement to a site because so many Government departments were involved and it made the process unduly long. In fact it has been very disappointing for the Geraldton Rifle Club in that it was unable to hold regional or State shoots at the home range for this length of time. It has been disappointing also because it is the special pride of the Geraldton Rifle Club that one of its members was the last winner of the Queen's Prize and it has been won on more than one occasion by a member of the club. So members will understand that this is a very enthusiastic and talented club.

I am glad to say that while way back in 1973 or 1974 it was my former colleague, the late Hon. Jack Heitman, who first made very great but unavailing efforts on behalf of the Geraldton Rifle Club to obtain a site, the matter has been largely brought to a successful conclusion thanks to the efforts of my present colleague in Greenough, Mr Reg Tubby.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [9.01 p.m.]: I thank members for their support of the legislation. This is the usual Reserves Bill which comes to this House twice a year. I have been asked to supply additional information in respect of various reserves, and I am happy to do so.

The first two matters raised are similar, and they concern Reserve No. 12098 east of Pingelly, and Reserve No. 16714 which is 14 kilometres south-east of Corrigin. These two reserves are being vested as a result of the shires concerned being very concerned that they had only a few reserves in their areas. Obviously at the time this State was being opened up not many examples of flora in these areas were set aside in the form of reserves. Regretably the larger ones were not set aside as "A"-class national park reserves, as is the present practice.

Unfortunately in the early days most of the wheat-belt areas were cleared entirely and only a few small reserves remain. Those reserves usually were set aside by surveyors when surveying land and dividing it into areas for selection. They left what they—as surveyors—considered to be some of the finer examples. Regrettably they are only small areas. The reserves in question amount to 35 hectares and 27 hectares respectively.

However, at the request of the shires the Western Australian Department of Fisheries and Wildlife had Mr Barry Muir undertake an intensive inspection of much of the south of Western Australia, shire by shire, including some 28 shires in the wheat belt. Mr Muir later became a research officer for the National Parks Authority. Prior to that he was employed by the Museum, and he carried out an extensive examination and made recommendations accordingly.

In regard to the two cases under discussion, the respective shires are keen that the areas be protected. The areas are unvested because that is the manner in which they were set aside by the surveyors.

The recommendation was that "protection of flora" unvested should be changed to "conservation—flora and fauna" which is the usual method of reserving land for that purpose.

The Hon. J. M. Brown: Does it still retain its "A" class classification?

The Hon. D. J. WORDSWORTH: Yes, we are really upgrading the standard. A little concern was expressed as to whether this change would cause more difficulties with kangaroos and vermin, and it has been noted when vesting the areas that arrangements should be made for such vermin to be controlled.

A member asked why we have changed the format of the Reserves Bill. Previously we used to say what the land would be used for, regardless of whether it was being changed to "A" class or any other category. One of the difficulties of doing that is that at some time in the future the purpose for which the land is used may be changed. For example, if we said that the Kalgoorlie reserve to which the member referred should be set aside for hospital purposes it would have to be used for that purpose for the next 2 000 years, and there might be good reason for it to be used for some other purpose. Therefore, now we do not say for what purpose the land will be used, because once the reservation is removed we cannot guarantee it will be used for that purpose forever. However, land which is of "A" class stays vested in that category until the matter is brought back to the Parliament.

The Manjimup region was the subject of some discussion, and two areas of land are involved. One is Reserve No. A14063 which was set aside for park lands and not vested. It was actually set aside in 1913 because of the beautiful scenery and some typical karri forest. Indeed, the area happens to have a jarrah tree which is 112 feet high to its first branch. Most members will agree that is a very tall jarrah tree. The area is to be vested because of various requests, one of which came from the Department of Fisheries and Wildlife which has recorded over 53 species of birds in the reserve, of which 30 are known to be breeding there. The department pointed out that of special interest is the Crested Shriek Tit species, which is classified under the Wildlife Conservation Act as being a rare species or otherwise in need of special protection.

The Hon. A. A. Lewis: Is that the only breeding ground for that bird in the south-west?

The Hon. D. J. WORDSWORTH: I am not sure.

The Hon. A. A. Lewis: That is information we should have.

The Hon. D. J. WORDSWORTH: I disagree with the member completely. If he wants further reason for the vesting of the particular reserve I can quote him a letter from the Royal Australasian Ornithologists Union.

The Hon. A. A. Lewis: Why was not this made available in your second reading speech?

The Hon. D. J. WORDSWORTH: Because it is not usual to quote correspondence.

The Hon. A. A. Lewis: You could have referred to it, surely, if it is so important. Are you trying to starve us of information?

The Hon. D. J. WORDSWORTH: I am not trying to starve the member of information; in fact I feel I might be overloading the House with it. Just in case Mr Lewis feels he has insufficient information, I will quote the letter as follows—

> This committee operates research projects, such as the Atlas of Australian Birds involving the coordination of about 3 000 ornithologists around Australia, to plot the distribution of Australia's 750 bird species, from its headquarters in Melbourne and also sponsors research at three field centers. Two of these are bird observatories at Rotamah Island in Victoria and Eyre in Western Australia, and the third is a privately-owned Field Studies Centre at Middlesex, near Manjimup, W.A. The research programme at Middlesex has been in operation for about ten years and in the last three the RAOU has taken an active interest in the work of Mr and Mrs. R. Brown who run it.

Obviously the honourable member would be aware of those persons because undoubtedly they would be his electors. I continue to quote as follows—

> The CSIRO Division of Wildlife Research and the Agriculture Protection Board of Western Australia have also used the facilities and activities of the centre in their research programmes.
>
> Part of the work of the centre has been done in Reserve 14063, a fairly small piece of largely undisturbed Karri forest on Smith's Brook. Much of the research undertaken from the centre is of a long-term nature and is becoming a major contribution to our understanding of the biology, behaviour and population dynamics of Karri forest birds. The reserve has been carefully mapped to assist the CSIRO programme by the Australian Survey Office, and has, in the opinion of the RAOU, reached the status of a site of special scientific interest. The future management of it is therefore of considerable concern to us.

The Hon. A. A. Lewis: Why could you not have told us something of that in your second reading speech?

The Hon. D. J. WORDSWORTH: I think it is advisable that a Minister supply information when requested by members.

One other matter was raised and that referred to the basis on which land exchange occurs. The Government Land Valuation Board must agree to such exchanges and the valuation of the land involved.

I am afraid I cannot add further to the matter of quokkas. Whether quokkas are in that area is a matter of some debate. At the moment it is considered that Rottnest is the main centre of their activities.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

CITY OF PERTH ENDOWMENT LANDS AMENDMENT BILL

Second Reading

Debate resumed from 30 April.

THE HON. J. M. BROWN (South-East) [9.13 p.m.]: In August 1980 as a result of a successful appeal by the Coast Ward Ratepayers' Association (Inc.) in respect of the application of rates in the coastal ward of the City of Perth, we had before us a measure similar to this one. That interim measure was introduced to cover the years 1979-80 and 1980-81. I thought the Bill before us was to extend the situation to 1981-82, but it seems it could continue for an indefinite period depending upon the determination of a committee of inquiry which was appointed by the Government to make recommendations to resolve the situation.

The problem concerns the rating application of unimproved capital values and annual rental values. Most members would be aware of the procedure for the application of rates applying to the endowment land as compared with that in the remainder of the City of Perth. It concerns me—and I presume it concerns other members—that the matter has not yet been resolved, as the rating structure throughout Western Australia deserves a complete review. I mentioned that in August 1980.

As the Bill in 1980 was an interim measure only, I did not think it would be applicable for a number of years. However, I recognise that the problem still exists. On my reading of the Bill, I find it appears that there is no end to the

continuation of the rating application. Section 7(a)(i) of the Act as amended would read—

and each succeeding financial year . . .

Therefore, I presume if the matter is not resolved in 1981-82, the same thing could apply in 1982-83, and so on. If we were doing our job, we would not agree that that was a satisfactory state of affairs.

The situation should be resolved so there is no conflict between the ratepayers in one area and the ratepayers in another area, as surely must follow if the way I interpret the amendments is correct. It could mean a continuing problem as far as the rating applications to the City of Perth are concerned.

Whilst the Coast Ward Ratepayers' Association may be satisfied with the procedure, members would be aware that the Council of the City of Perth was reluctant to follow the procedures recommended by the Government. They were accepted in good faith, and we on this side of the House supported them in good faith.

This amendment to the Act indicates that the problem is continuing, without any result. I hope I am wrong; no doubt the Minister must have some firm views on the amendments before us. If the amendment is to cover the year 1980-81, we acknowledge that the Government has not been able to come to a satisfactory solution on the application of rates for the coast ward and for the remainder of the City of Perth.

The matter should be determined quickly, and the Parliament should be told what the resolution is. If it is a temporary measure, we acknowledge that the problem continues. If it is not a temporary measure, there should be a rate review throughout the length and breadth of the State, because this is applicable not only to the City of Perth, but also to the Shires of Manjimup and Merredin, and many shires in the eastern wheat belt which have been asking for a variation to the existing rating systems applicable under the unimproved capital values and the annual rental values.

I trust the Minister will be able to throw some light on the matters I have raised. Perhaps he can indicate whether it will be a continuing problem, or whether the committee of review will bring forward its recommendation, enabling the Government to bring legislation before the Parliament.

With those remarks, we support the amendment.

THE HON. R. J. L. WILLIAMS (Metropolitan) [9.20 p.m.]: I rise to support what I consider to be a Bill which is an interim measure. Should the committee of review make its recommendations, by natural circumstances the Government is bound to introduce a Bill to further amend the City of Perth Endowment Lands Act to cater for the recommendations of the committee of review.

I do not think the Coast Ward Ratepayers' Association, or indeed anybody connected with the City of Perth, is satisfied at the moment. The people are waiting for the review committee to report. Once a report has been made, that will be the appropriate time for the ratepayers and the council to discuss the whole matter, and then for the recommendations to be made to the Government in order that the matter might be adjusted finally to the satisfaction of everyone within the City of Perth.

Naturally, as it is in my province, I am keeping in touch with those responsible for the situation, on both sides. I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [9.22 p.m.]: I thank members for their support of this legislation. I can understand their concern. They asked whether the situation is to apply for one year only.

The report was concluded in December, and it has been referred back to local government for its views on the recommendations. I might add that one of the recommendations in the report was similar to the interim amendments made some 12 months ago.

The Hon. J. M. Brown: It was made retrospective for the two-year period. We appreciate that.

The Hon. D. J. WORDSWORTH: As members would be aware, we are almost through another year, and a new year is not far away. Before any conclusions are drawn from the report, it may be—

The Hon. J. M. Brown: We are supporting that proposition. We are asking: Is it going to continue in the next year?

The Hon. D. J. WORDSWORTH: It is allowed to continue, as the member says. It depends on how the report is received, and whether the recommendations are accepted.

The Hon. J. M. Brown: When you say "to local government", to whom do you refer?

The Hon. D. J. WORDSWORTH: It has been referred to those who are concerned with it—the Perth City Council and the ratepayers' association. They are the two opposing sides in the debate.

I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7A amended—

The Hon. J. M. BROWN: We agree with the proposition contained in the amendment. We accept the problems faced.

I do not know whether the recommendations are public property, or are for the use only of the City of Perth. Perhaps the Minister might tell us. We should be enlightened as to what is to take place, because the rating structure is important throughout the length and breadth of the State. The City of Perth is looked to as a very responsible authority in local government, and it should be setting an example for others to follow. This is of tremendous importance to the State.

Whilst we accept the amendments, as the Hon. Sandy Lewis has mentioned we are starved for some knowledge of what is taking place and the purpose behind these additional amendments.

The extension of the period from 1979-80 and 1980-81 to 1981-82 is a fair move on the part of the Government in relation to the amendment and the treatment of the coast ward ratepayers. However, there should be a determination of the matter. Therefore, we would like to know what information is available so we can carry out our responsibilities.

The Hon D. J. WORDSWORTH: In my second reading speech I stated—

> A comprehensive review of the City of Perth Endowment Lands Act, including the rating procedures has since been carried out by a committee of inquiry appointed by the Government.
>
> Consideration is now being given to the recommendations of that committee . . .

That is the report—

The Hon. J. M. Brown: Read on—"it will be a little while yet".

The Hon. D. J. WORDSWORTH: Yes.

The Hon. J. M. Brown: What is that?

The Hon. D. J. WORDSWORTH: Before they come back with their views on this report. The report is available to the public. It has been made available, and it has had quite considerable Press coverage.

The Hon. J. M. Brown: Thank you.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL

Second Reading

Debate resumed from 29 April.

THE HON. H. W. OLNEY (South Metropolitan) [9.27 p.m.]: The remarks I wish to make in the debate on the Companies (Acquisition of Shares) (Application of Laws) Bill will apply to the other two Bills to be dealt with later—the Securities Industry (Application of Laws) Bill and the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Bill.

I can say from the outset that the Opposition supports this measure and the other two to which I have referred. Last year we had the opportunity to debate the very important issues that are raised by this legislation; at that time we supported the legislation which led to the establishment of the National Companies and Securities Commission.

In introducing this legislation the Attorney General explained fully the operation of what is called the "legislative device" which is being used to facilitate the introduction of a national scheme of companies and securities laws. I do not propose to repeat that detail, because it is in the second reading speech and it has been agreed to generally by both sides of the House.

The Attorney has also gone to the lengths of supplying a great deal more detailed information, apart from what is in the second reading speech, to those who were interested. I venture to say we appreciated the thought behind the gesture of supplying us with detailed explanatory notes not only in relation to the Bill with which we are dealing and the other two Bills to which I have referred, but also on the more extensive Commonwealth legislation which will be applied by these Bills. However, it is all right for him to supply it, but it is another thing for us to read it

all and it takes a considerable amount of effort to do so. All I can say is that I cannot guarantee I have read every word of the information supplied by the Attorney General; nonetheless, we are sufficiently satisfied with the Bill's expressed intentions outlined in the Attorney General's second reading speeches and their partial fulfilment of the goal of achieving a national code of legislation with respect to companies and securities.

Of course, as has been said before, the scheme involves this Parliament to some extent in abrogating its legislative function, because by these applications of laws Bills, Federal law will apply automatically in the areas in respect of which the Bills operate. As I have said in this place previously, we on this side do not much mind Federal intervention in matters of important national interest; it is really a question of how one goes about establishing a national scheme and that is where the two parties probably differ philosophically.

However, some interesting consequences flow from the scheme whereby a series of laws of the Federal Parliament, which are expressed to apply in the Australian Capital Territory, will, in fact, become the laws not only of the Australian Capital Territory, but also of each of the States. If this were a true exercise of Federal power—that is, by the Federal Legislature enacting a national scheme of companies and securities legislation—of course the amendment of that legislation would simply be a matter for the Federal Parliament. An example of how Federal law has taken over in an area formerly occupied by State law would be the law relating to marriage and divorce. In that area of legislation, the State Parliament no longer has a role and the Federal Parliament legislates on it.

In this scheme the State law is amended automatically to the extent the Federal law is amended. It may well be that occasions will arise when the Federal Minister, who will be only one of seven on the Council of Ministers, will have to introduce into the Federal Parliament amendments to the ACT laws of which he does not approve, but which nevertheless have been agreed to by a majority of the Council of Ministers. In the same way, amendments to these laws which may not meet with the approval of the State Government will apply automatically by reason of the amendment made to the Federal legislation.

Of course, that is one of the factors which, no doubt, exercised the mind of the Government before it agreed to enter upon this scheme. There is nothing really wrong with that, except that it is necessary to make it clear that, whilst we are not here faced with an intrusion of Federal power into what may be regarded as States' rights, the effects are the same. This Parliament will have no effective role to play in lawmaking in this area once this scheme is under way.

In fact what will happen is the lawmaker so far as this State is concerned will be the responsible Minister. Hopefully he will have the numbers on the Ministerial Council to obtain the amendments he wants; but he may not always have the numbers in which case he will not be the lawmaker. He will simply have to accept the majority decision on the Ministerial Council.

I should like to raise a couple of minor points with the Attorney and I do so for the purpose of clarifying the position. It may well be the answers are contained on page 95 or some other page of the material he has supplied; but I have not picked them up. The position is that there are provisions with respect to the making of regulations. I refer members to clause 16 of the Bill which reads as follows—

> Where, under the Agreement—

That agreement of course, is, the agreement ratified by this Parliament last year. The Ministerial Council approves of certain things which are a proposed amendment of the Commonwealth Act or regulations proposed to be made under the Commonwealth Act; a proposed amendment of the Companies (Acquisition of Shares-Fees) Act; and regulations proposed to be made under that Act. Then the Governor may make regulations amending certain schedules of the Act. The provision reads as follows—

> —the Governor may make regulations amending Schedule 1, 2 or 3 or section 9, as the case may be, in accordance with that approval, and that Schedule or section as so amended shall be Schedule 1, 2 or 3 or section 9, as the case may be, of this Act.

The question I wish to raise with the Attorney is whether those regulations will be subject to tabling and consequently to disallowance under the Interpretation Act.

It would seem to me that, under the agreement, the State Parliament is in no position to disapprove of any change which has been approved by the Ministerial Council and the reason for having a provision for the amendment of the particular schedules concerned is to facilitate the printing of the codes which the Attorney General described in his speech. That is the printing of the document which will set out the terms appropriate to the Western Australian

context of what is actually in the Commonwealth law or the national law on the particular subject.

I wondered whether any thought had been given to the application of the provisions of the Interpretation Act in the case of those regulations.

The other question I should like to raise with the Attorney is somewhat more practical and I raise it as a person who frequently goes to the Statute book to find out what the law is on a particular subject. I want to know whether one will be able to find these codes which will be printed pursuant to the provisions of the Bill we are debating and the other two Bills, to which I have referred, conveniently placed in the Statute book. I rather suspect that will not be the case, because the codes are not actually part of the Acts themselves.

If that is the case, I commend to the Attorney the adoption of a policy whereby the whole of the company law can be gathered together and published conveniently as if it were a volume of the Statutes, so that it is readily available to lawyers, students, and members of the public who need to know the Statute law of this State, and also what is, in fact, part of the Statute of the Commonwealth in respect of the material contained in the code.

I appreciate greatly the immense amount of thought which has gone into designing this system and the production of the codes with the alterations made in such a way that, when one reads them, they are relative to the Western Australian situation. That is a step which will make the administration and understanding of this law much easier. However, if people who need the codes cannot readily find them—I do not suggest it is satisfactory if, every time one wants to get a copy of one of these documents, one has to run down to the Superannuation Building and buy a copy—and they are not readily available in an accessible manner in libraries or other places where Statutes are normally kept, it will make the practical application of this very worth-while move towards national uniformity that much harder for those involved in the application of the scheme.

With those remarks, I indicate again the Opposition approves of the desire of the Government to achieve this degree of uniformity. I understand it is hoped these new laws will become effective in the near future. We do have some slight reservations as to whether the machinery provisions by which this scheme is to be achieved are the most desirable means; nevertheless, the scheme has been adopted by all the States and, therefore, we give it our support.

THE HON. A. A. LEWIS (Lower Central) [9.42 p.m.]: I do not intend to delay the House, but I always oppose red-tape Bills of this nature when they are introduced. Time and time again I have set out my reasons for my opposition to such legislation.

It amazes me that the ALP supports Bills like this, because it is clear somebody will have to pay for the costs involved in these types of measures and in fact the person who will pay will be the consumer as a result of the increased costs experienced by businessmen.

Whenever the Government puts its sticky fingers into business activities, the consumer has to meet the costs. Another reason for my opposition to this type of legislation is that it is not good for private enterprise and business in either Western Australia or Australia generally. My remarks in this regard are on the record, and they have never been answered by the Government. The Attorney has made some poor attempts at answering my remarks in regard to the effect this type of legislation has on business. I do not blame the Attorney General for that, because he does not understand business. However, it appears to me the continuation of this type of legalistic legislation will cripple business in the future.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [9.45 p.m.]: I thank the Hon. H. W. Olney for his indication of the Opposition's support for the legislation, and I thank the Hon. A. A. Lewis for his kind remarks.

This is a really significant occasion. I do not intend to dwell on that fact at any length because I referred to it in detail during my second reading speech. I did that quite deliberately because it was necessary to set down on the record a thorough and full explanation of the contents of the Bill.

It is a significant occasion because, for the first time in the history of federation, this device to which the honourable member and I have both referred, and which is really a most ingenious device, is being used to overcome the practical difficulties which the federation naturally occasions in relation to certain types of matters.

We had a spectacle a few years ago when the then Federal Government was about to proceed willy-nilly and simply legislate in relation to the corporations field on the assumption that the High Court would uphold its power which would have literally created a chaotic situation in Australia. The explanation for that is fairly

obvious when we think about it. Let us imagine the situation of a company manager who has complied with State legislation only to find out that Federal legislation has been introduced requiring him to do much the same kind of work to incorporate under the Federal legislation when he was incorporated already under the State legislation. The company would have to subscribe to two different pieces of legislation conflicting in various parts, and wait on a series of High Court cases before he knew where he stood. It would have been an impossible situation.

It was in appreciation of the impossibility of that situation that the Commonwealth and State Governments of Australia decided they simply must put their heads together to find a practical way to overcome the problems which, I think, are peculiarly the problems of the Australian federation, since no two federations are the same.

Federations being the products of history, we inherited certain matters which were simply irreconcilable unless people were prepared to co-operate to a certain extent. Fortunately that co-operation between Governments of different political persuasions has been forthcoming. It was an interesting process which lasted about three years until we reached accord and the culmination will be on 1 July when the new legislation becomes effective.

I understand that all States except Queensland and Western Australia have now passed the legislation, and the two States referred to are in the process of doing so.

The ingenious device to which I referred is the use of the Commonwealth territories power, which is all-embracing, to legislate in respect of a matter in which the Commonwealth may have had a doubtful constitutional power in some respects, and the States adopting that legislation. This device could be used in other circumstances and in other situations, and if it succeeds—and time alone will tell whether it will succeed—it could well be the model for other similar exercises where it is necessary to endeavour to reconcile conflicting political and legal views. I am grateful to members for supporting the legislation.

It is not easy for me to answer off the cuff the two questions the Hon. H. W. Olney asked. I understand that theoretically the regulations will be subject to tabling or disallowance, but the disallowance by a Parliament would be a breach of the agreement. So it would really not be feasible for any Government to encourage the disallowance of a regulation. Although I cannot vouch for that answer as being the correct one, I think the honourable member will accept my explanation at this stage, and I assure him I will pursue this matter further.

I suppose I should know the answer, but I will advise the House separately on that question on a later occasion, so that we have a positive answer to it. It is an interesting question. I do not doubt that it has been resolved already, but as I indicated the other night to the Hon H. W. Olney, this matter has become so extremely technical and complicated, I doubt whether any one person in Australia has followed the whole exercise.

On the second question I believe the answer is that the code will not be placed on the Statute book but, nevertheless, clause 11 of the Bill we are now discussing will give the code a certain force and there is authority for it to be published. Clearly it will not be desirable to publish all the various codes together. I rather doubt whether it is desirable to have them all in one volume. Perhaps a series of volumes would be preferable.

The Hon. Peter Dowding: Could we call it loosely the CCH type of approach?

The Hon. I. G. MEDCALF: Yes, the most convenient way. Certainly the codes will be made available for the use of the public in the most convenient form possible.

I appreciate the fact that the Hon. H. W. Olney's comments were directed to all three Bills. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 15 put and passed.

Clause 16: Amendment of certain provisions in accordance with approval of Ministerial Council—

The Hon. H. W. OLNEY: I rise briefly on this clause to reply to the Attorney General's answer to my original query. Perhaps the answer to the problem whether regulations made pursuant to clause 16 should be tabled is that they should be tabled, and the Attorney is quite right to say a Government ought not encourage the disallowance of such regulations. I do not think the encouraging or otherwise of the disallowance of the regulations would have any effect on the application of the amendment that will take place in the Commonwealth law, and under other section of the Act those amendments will apply.

The only effect the disallowance of the regulation could have is that the Government would not be able to print the codes with the amendments incorporated in them. That would be most undesirable, and the situation probably never would arise; although perhaps anything could happen in politics, war, love, and those other activities in which we all engage.

I suggest some thought might be given to excluding the operation of the Interpretation Act with respect to clause 16 so that that very unlikely contingency simply cannot arise.

The Hon. I. G. MEDCALF: I will certainly give attention to the question that has been raised. I have a feeling the matter has been covered, but I cannot quite recollect the exact provision concerned. Certainly I will look at it to see whether anything needs to be done.

Clause put and passed.

Clauses 17 and 18 put and passed.

Schedules 1 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL

Second Reading

Order of the day read for the resumption of the debate from 29 April.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL

Second Reading

Order of the day read for the resumption of the debate from 29 April.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

NOISE ABATEMENT AMENDMENT BILL

Second Reading

Debate resumed from 30 April.

THE HON. V. J. FERRY (South-West) [10.04 p.m.]: I support the Bill. It is interesting to reflect upon the history of this legislation. Those of us who were in the House in 1972 would well remember that the original legislation was introduced in this House by the Hon. R. H. C. Stubbs, who was then the Minister for Local Government. We remember with some affection the very real interest the Hon. Claude Stubbs had in the problem of noise, particularly as it adversely affected the health of people in the community. More especially, he was concerned about the effect of excessive noise on people in the work force. Therefore, it was quite fitting that the Hon. Claude Stubbs should have been the Minister handling the original legislation.

I notice from the *Hansard* record of debate that the 1972 legislation attracted a great deal of discussion in its passage through the Parliament, indicating the great concern which existed on the problem of controlling noise, and its effects on the community.

It is perhaps surprising that it took until 1972 for legislation to be brought before Parliament. However, it having been introduced, a great deal of interest was engendered on all sides, an interest which I believe is being maintained today.

We are not only legislators, but also people reflecting a sample of the community in which we live, and we have a natural interest in this matter.

The community generally is more aware today of noise as a pollutant than perhaps it was in earlier days. Therefore, I have pleasure in supporting the Bill because it represents an attempt to deal with a very difficult situation. All sorts of problems are encountered in establishing what could be considered to be fair guidelines.

The Government could have come down with a very heavy Bill, implementing more stringent methods of counteracting and preventing noise. However, it is my belief that in the community in which we live it is far more effective to try to encourage and educate people and industry generally to do the right thing in respect of noise problems. Therefore, I think this Bill is a reasonable attempt to establish guidelines for the education of the public. For those people who fail to heed warnings, the Bill contains ample provision in the way of penalties. I note also the penalties are to be increased.

The Bill provides for planning for the prevention of noise hazards and for dealing with noise standards as such. As I mentioned earlier, it is difficult to come up with hard and fast rules as to what is an acceptable noise or an acceptable hazard. It is a matter of degree; therefore some of us may disagree on the amount of flexibility which should exist. Nevertheless, by the very nature of the problem, we must have a degree of flexibility. It will be only in the fullness of time and by trial and error that we will know how effective the legislation is; no doubt, as a future need arises, the Act will be back before us with amendments.

The measure provides for the establishment of a number of committees to examine certain aspects of noise in industry and in the community. Here again, this is an excellent way of attempting to deal with the problem, rather than implementing an overriding Act stipulating that certain things should be done. It is not a bad thing to have provisions by way of regulation and to have committees examining specific problems which arise from time to time. I believe this approach will prove to be fairly successful.

One particular aspect to which I wish to refer—the Minister also touched upon this matter in his second reading speech—is the problem of unattended fire and burglar alarms. One hears these alarms sounding off in the community at all hours of the day and night, causing concern to nearby residents. This is one noise problem which must be tackled and, seemingly, the legislation provides a vehicle to handle the problem in a more satisfactory way than before. It is very annoying to hear sirens going on and on throughout the night. I know of some people who have become extremely distressed at sirens continually sounding during the night, and which are not turned off until eight o'clock in the morning. That is one relatively minor aspect of the noise problem in our community, and this Bill proposes to tackle it.

I have already mentioned the increased penalties provided for in the legislation. At first glance, they apppear to be a little excessive compared with the existing provisions in the parent Act. However, I take the view the proposed penalties are reasonable, bearing in mind they are maximum penalties. I hope discretion will be exercised when people are brought to book and asked to pay the penalty for a misdemeanour under this legislation. Certainly, for the legislation to be at all effective, it must contain reasonable and adequate penalties. If it is found after a certain period of education of the general public the existing penalties are not sufficient, I have no doubt we will have another look at the situation.

It is my belief we should rely on the education of people generally and of industry. It is all very well to say that industry should be rigorously controlled in all manner of ways. Of course, in some respects, we must be firm. However, the noise problem is a difficult area. A great deal is being done by manufacturers, industry, and commerce to tackle the problem at its source. It is rather like the analogy of a fire in a person's home, or a bushfire: Prevention is better than cure. If we can prevent a fire starting, we are that much in front. I see this Bill as a preventive measure, as a type of insurance to protect the community from noise.

With those comments, I support the Bill.

Debate adjourned, on motion by the Hon. P. H. Wells.

House adjourned at 10.13 p.m.

QUESTIONS ON NOTICE

FUEL AND ENERGY: ELECTRICITY

Powerline: Perth-Pilbara

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

(1) Why should the estimated cost of $1 290 kilowatt for a coal-fired power station in the Pilbara region differ so much from the estimated cost of $700 per kilowatt for coal-fired power stations planned for central Queensland and reported in *Engineers Australia* of 26 December 1980?

(2) Would the Minister indicate whether the $200-$250 million estimate reported in *The West Australian* of 27 March 1981 for 100 km HVDC transmission line includes interest charges during construction?

(3) If not, how much should be added to cover interest during construction?

(4) Can the Minister quote examples of transmission lines delivering similar power over similar distances at equivalent costs?

(5) What power transmission losses are expected in the HVDC line when it delivers 400 MW?

(6) If additional construction costs are needed to increase the HVDC line capacity to 400 MW, what would they be in $ 1980 value, including interest during construction?

(7) What is the estimated cost including interest during construction of the additional transmission line capacity needed to supply 222 MW from Muja or Bunbury to the southern end of the 100 km HVDC transmission line?

(8) What power transmission losses are expected in the link from Muja or Bunbury to the southern end of the HVDC line when 200 MW and 400 MW are being delivered at Newman?

(9) What power transmission losses are expected between Newman and Dampier when 200 MW and 400 MW are delivered at Newman?

(10) What additional installed capacity would be required at Muja or Bunbury to deliver energy to the Pilbara region equivalent to energy from a 240 MW power station located in the Pilbara region?

(11) What is the estimated cost of the additional installed capacity needed at Muja or Bunbury including interest during construction?

The Hon. I. G. MEDCALF replied:

(1) The main reasons for increased capital costs in the Pilbara are due to—

(a) the necessity to establish ship unloading facilities and permanent accommodation for operational personnel and the higher construction costs experienced in the Pilbara;

(b) the small unit size which would need to be employed in the Pilbara.

(2) Yes.

(3) Not applicable.

(4) There are several HVDC lines delivering greater power over longer distances than the planned HVDC link. The member can be given examples should he so desire.

(5) Power transmission losses would be about 6 per cent of the transmitted power.

(6) The HVDC line would be designed to transmit 200 MW, but would be able to carry 400 MW.

(7) to (9) The member is asking detailed questions on a project whose characteristics have not yet been fully defined. It is not possible to answer the questions at this stage.

(10) Approximately the same capacity would be required in either location.

(11) The additional capacity would be included in the cost of expansion at Bunbury or Muja and is not separately available.

TRANSPORT

Fremantle-Perth Corridor

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

With reference to question 184 on Wednesday, 15 April 1981, will the Minister list all the types of feasible

mass public transport options for the Perth-Fremantle corridor that the consultants will examine?

The Hon. D. J. WORDSWORTH replied:

The member seems not to understand the meaning of the words "independent consultants". The feasibility of mass public transit options is something which the independent consultants will decide, and therefore the Minister cannot provide the requested comprehensive list.

FUEL AND ENERGY: ELECTRICITY AND GAS

Charges: Rebates

237. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Fuel and Energy:

(1) Has the Minister yet reached any conclusions on the report of the working party set up to examine the SEC action group's submission on a rebate on energy bills for low income earners?

(2) If so, what are those conclusions?

(3) If not, when is it anticipated a decision will be reached by him?

The Hon. I. G. MEDCALF replied:

(1) to (3) I refer the member to the Minister for Fuel and Energy's answer to question 220 of Wednesday, 1 April, 1981.

HOUSING

Aborigines: Neighbours

238. The Hon. P. G. PENDAL, to the Minister representing the Minister for Housing:

(1) Is the Minister or the State Housing Commission aware of frequent complaints by some people with Aboriginal neighbours about the behaviour of those neighbours?

(2) Is the Minister also aware that the behaviour of some such Aboriginal neighbours is such that—

(a) unnecessary but inevitable tensions build up between Aboriginal and white neighbours so that the situation becomes intolerable; and

(b) well-adjusted Aboriginal families suffer because of the antisocial behaviour of ill-adjusted Aboriginal families?

(3) Is the Minister further aware that complaints lodged by people are normally met with the response that nothing can be done to overcome the problems that exist?

(4) Will the Minister discuss this matter with the Minister for Community Welfare to determine the extent of the problem?

(5) Would the Minister be prepared to discuss with his ministerial colleague the possible establishment of a top-level task force to undertake a public inquiry into the nature and extent of the problem?

(6) Could such a task force be established along the lines of a previous group set up to improve relationships between Aboriginals and the Police Force?

(7) Would the Minister agree that any steps taken to improve relationships between Aboriginal and white neighbours is both desirable and essential in a multiracial community?

The Hon. G. E. MASTERS replied:

(1) I am aware of some complaints from people with Aboriginal neighbours, but these complaints concern a low percentage in the overall numbers of Aboriginal tenants.

(2) (a) Yes;
(b) yes.

(3) All complaints are examined to determine validity and where necessary every effort is made to stabilise the tenancy by direct counselling by commission officers or other involved organisations.

(4) Liaison at ministerial and departmental levels already takes place as required. The extent of the problem is continuously monitored by the State Housing Commission, Department for Community Welfare, and the Aboriginal Housing Board. This board was established by the present State Government to advise on all matters relating to Aboriginal housing.

A recent example of these bodies working together to improve standards of Aboriginal housing is the joint development of Cullacabardee Village at Turana.

(5) In view of the existing liaison between State Housing Commission and the Department for Community Welfare and the involvement of the Aboriginal Housing Board, a task force as suggested is not seen to be warranted at this time.
(6) Answered by (5).
(7) Yes.

TRAFFIC: ACCIDENTS

Country

239. The Hon. TOM McNEIL, to the Minister representing the Minister for Police and Traffic:

(1) In any country traffic accidents, who is responsible for the removal of vehicles involved?
(2) Who is responsible for the care and welfare of dead or injured persons involved in the traffic accidents when—
  (a) there is a doctor in attendance; and
  (b) there is no doctor in attendance?
(3) Is the Minister aware that in the recent head-on smash on the Brand Highway over the Easter weekend in which three people were killed, the volunteers of the Gingin St. John Ambulance Brigade who attended the accident were—
  (a) directed to Sir Charles Gairdner Hospital instead of the morgue;
  (b) twice refused the attendance of a doctor by the CGH staff to carry out certification that their patients were dead;
  (c) advised that certification of the dead would be carried out on the arrival of the fatal accident squad;
  (d) forced to ring the morgue to obtain the services of the fatal accident squad who had been waiting there for their arrival; and
  (e) reported by a regular member of the St. John Ambulance Brigade for using their flashing red light on the ambulance when their patients were dead?
(4) In the interests of providing the best possible care for traffic accident victims, will the Minister take steps to ensure the friction that regular St. John personnel display towards country ambulance volunteers is eliminated?

The Hon. G. E. MASTERS replied:

(1) The Hon. Minister for Police and Traffic advises: police officers and owners or drivers of the vehicles involved.

(2)

	Deceased	Injured
(a)	Attending police	Doctor
(b)	Attending police	Any trained personnel present and police officer.

In relation to question (3) and (4), I have been advised by the Minister for Health—

(3) The St. John Ambulance Association has advised that in the accident referred to, two ambulances attended the scene—the first from the association's Dandaragan subcentre; the second from the Gingin subcentre.
  (a) The Gingin ambulance conveyed two deceased patients to Sir Charles Gairdner Hospital—the location of the State mortuary. Standard procedure is for ambulances to go to the emergency department of the Sir Charles Gairdner Hospital, not the mortuary.
  (b) When the Gingin ambulance arrived at Sir Charles Gairdner Hospital the doctors in the emergency department were busy with a resuscitation case, and it was five or 10 minutes before they could attend to the ambulance.
  Senior staff from St. John Ambulance Association were in attendance at the Sir Charles Gairdner Hospital to assist the crew of the Gingin ambulance.
  Normal procedures were followed with no report of any excessive delays or cause for concern.
  (c) Certification of death in cases such as this is done by the fatal accident squad which has the necessary forms, etc.
  (d) Members of the fatal accident squad attended as soon as they were advised.

(4) Personnel in both areas complement one another and in the particular case in question every assistance was give to the voluntary crew of the Gingin ambulance by all levels of permanent staff.

The association has had no advice from the crew of the Gingin ambulance that would indicate any friction being evident at the time in question or any other time.

EDUCATION

Resuscitation

240. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Education:

(1) Has the Minister received a submission from the Surf Life Saving Association of Australia and the Royal Life Saving Society requesting the compulsory teaching of resuscitation in Government schools in this State?

(2) If so, and in view of the obvious merit in the proposal, will the Minister accede to the request?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) The matter has been referred to the Health Education advisory committee to consider when making recommendations on the topics to be included in the Health Education programme which will be taught in all schools.

EDUCATION: HIGH SCHOOL

Gingin

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

(1) Would the Minister advise whether tenders have been called for the erection of the primary cluster classrooms and the administration block at the Gingin Junior High School?

(2) If "Yes", when is it anticipated that work will commence?

(3) If "No" to (1), why not?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) Tenders have not been called as yet as finalising plans for the additions have met with a number of delays. These have arisen because of local demands for a full review of siting the secondary school facilities at another location and requests for modifications of planning and design.

Agreement with parents was not reached until mid-February following which final documents have recently been completed.

These additions will be put to tender as early as possible in the 1981-82 financial year.

FUEL AND ENERGY: ELECTRICITY

Power Station: Pumped Storage Scheme

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

With reference to a report in *Engineers Australia* of 3 October 1980, describing the Wivanhoe pumped storage scheme currently being constructed to add 500 MW of peak load capacity to the Queensland electricity network with completion expected in 1984 at a final cost of $180 million, equivalent to an overall cost of $360 per kilowatt, would the Minister please advise—

(1) What is the estimated capital cost and peak load capacity of an equivalent pumped storage scheme in WA appropriate for connection to the WA grid?

(2) What would be the annual cost of operating such a scheme?

(3) How would the annual cost compare with the annual cost of equivalent presently operated peak load capacity at current oil prices?

(4) How would the total cost, over its anticipated life, of a pumped storage scheme, compare with the total cost of present methods of equivalent peak load generation at current oil price escalation rates?

(5) Will the SEC make its pumped storage studies available for public reference?

The Hon. I. G. MEDCALF replied:

(1) to (5) It is not possible to give a precise answer to the member's question as its purport and origin is not clear. If the member will be more specific as to the background and reasons for his question, the Minister for Fuel and Energy will try to assist him.

POLICE

Elderly Women: Physical Attacks

243. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Police and Traffic:

In view of the number of violent physical attacks on elderly women in the Maylands-Mt. Lawley area, will the Minister advise—

(1) What action has been taken by his department in an effort to apprehend the offender/s?

(2) How many police personnel have been investigating the problem?

(3) What police surveillance is provided in the suburbs concerned after dark?

(4) Is the area patrolled regularly during the night?

(5) If so, how regularly?

The Hon. G. E. MASTERS replied:

(1) to (5) I am advised by the Minister for Police and Traffic that he is not prepared in the public interest to disclose any information on methods being adopted by police in this case.

He feels it would be counter productive to the investigations being carried out by police.

The member can be assured that everything possible is being done to bring this matter to a satisfactory conclusion.

FISHERIES

Lancelin

244. The Hon. TOM McNEIL, to the Minister for Fisheries and Wildlife:

With reference to the naval exercises carried out off Lancelin during May 1980, would the Minister advise—

(1) How many claims were made by professional fishermen for damaged or missing fishing gear?

(2) What was the value of those claims?

(3) How many claims have been settled?

(4) When settlement can be expected for the outstanding claims?

The Hon. G. E. MASTERS replied:

(1) to (4) This information is not held by the Department of Fisheries and Wildlife. Claims for compensation would have to be made to the Commonwealth Government. However, I understand that there are a small number of claims being processed.

FISHERIES

Rock Lobster

245. The Hon. TOM McNEIL, to the Minister for Fisheries and Wildlife:

With reference to the Naval exercises carried out by the *USS Tarawa* during February, 1981—

(1) How many rock lobster boats have made claims for lost or damaged fishing gear?

(2) What is the value of the claims?

(3) What efforts were made to keep fishermen's pots out of the bombardment area?

(4) Can more than accidental blame for the loss of fishing gear be attached to the *USS Tarawa*?

(5) Was the lost fishing gear a result of fishermen not placing their pots where required?

(6) Will the Minister guarantee that the claims made by the fishing boats will be honoured?

The Hon. G. E. MASTERS replied:

(1) and (2) This information is not held by the Department of Fisheries and Wildlife. Claims for compensation would have to be made to the Commonwealth Government.

(3) to (5) I am unaware of the precise details of the exercise in relation to the placing of rock lobster pots by fishermen and the vessel movements which may have caused damage to fishing gear.

(6) Consideration of the claims made by owners of fishing boats is a matter for the Commonwealth Government.

QUESTIONS WITHOUT NOTICE

MINISTER OF THE CROWN

Premier: "Firing" by Governor

88. The Hon. LYLA ELLIOTT, to the Leader of the House:

I ask the Leader of the House whether he saw the story in *The West Australian* of last Friday, 1 May, headed "Boats, planes will farewell Bali fleet" wherein it was stated—

> HMAS Acute, the start boat, will take up station at 9 am. Aboard will be a big party of race officials and official guests, headed by the Governor, Sir Richard Trowbridge, who will fire the gun, and the Premier, Sir Charles Court.

In view of the fact that the great majority of Western Australians are looking forward to this event with great enthusiasm, I ask the Leader of the House whether he knows the date on which the Governor intends to fire the Premier (Sir Charles Court).

The Hon. I. G. MEDCALF replied:

The answer is "No".

FISHERIES

Rock Lobster

89. The Hon. TOM McNEIL, to the Minister for Fisheries and Wildlife:

(1) I would like to ask a supplementary question to question 245. Is the Minister aware that agreement had been reached with the rock lobster fishermen that if the USS *Tarawa* was to exercise at the 40-fathom mark, the fishermen could sow their pots at the 20-fathom mark? Owing to a miscalculation on the part of the Americans, the USS *Tarawa* exercised at 40 metres instead of 40 fathoms.

(2) Is further consideration being given to the fact that the fishermen lost these pots through no fault of their own?

(3) Is this matter subject to a decision by the Crown Law Department?

The Hon. G. E. MASTERS replied:

(1) I am aware that some negotiations have taken place with the Commonwealth Government and, I think, with the United States ships involved. I am not at all sure that there was a miscalculation, and if that is the case, I have not been advised of it.

(2) and (3) I am aware that the fishermen have suffered some losses, and although it is not a State matter, I intend to take the matter up with the Commonwealth Government. I am naturally concerned, as is the member, about the losses that took place during these exercises and the effect the losses will have on our very lucrative and valuable trade in rock lobsters.

FISHERIES

Rock Lobster

90. The Hon. TOM McNEIL, to the Minister for Fisheries and Wildlife:

It is gratifying to know that the State Government intends to do something about this matter. However, when some fishing gear was lost approximately 12 months ago, the matter was transferred from department to department, and finally it finished up with the Crown Law Department. At that time it was decided that fishermen who had sown pots were, therefore, fishing in that area and were not subject to a claim. That being the decision, and in view of the fact that officers of the USS *Tarawa* made a miscalculation during exercises, will the Minister now negotiate to see that the claims of the fishermen are met fully?

The Hon. G. E. MASTERS replied:

Again I say I am not at all sure there is any proof that officers of the United States ship miscalculated. However, this is a legal matter, and I do not think I should become involved in debate at this stage. Again I say that most certainly I will continue to do all I can to assist our local fishermen.

EDUCATION: HIGH SCHOOLS

Nomenclature

91. The Hon. G. C. MacKINNON, to the Minister for Lands:

I would like to ask the Minister a further question regarding his reply to question 241. The Hon. Tom McNeil asked a question regarding the Gingin Junior High School and the Minister replied in the same terms. When the Minister answered a question from me the other night, he claimed that he replied in the way he did because that was the way the question was asked. Would he please advise me whether the Government has now discarded its policy of the last five years of using the term "district high school" and reverted to the nomenclature of "junior high school" because that is the way in which the Minister answered the question? Are we henceforth to refer to this type of high school as a junior high school, and not as a district high school, as such schools have been called for the last seven or eight years?

The Hon. D. J. WORDSWORTH replied:

I was not aware that I referred to it either as a junior or as a district high school. That was the wording of the question.

The Hon. G. C. MacKinnon: He gets smarter all the time!

QUEEN'S COUNSEL

Appointment

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

(1) Has the Attorney General seen a report in last Saturday's *Western Mail* that elements of the Tangney Liberal Party propose to move at the Liberal Party Conference towards politicising the appointment of QCs and removing the right of the Chief Justice of the State of Western Australia to be the sole person nominating persons for that office?

(2) Can the Attorney General give the House, the legal profession, and the people of Western Australia an assurance that this Government will not permit the politicising of the appointment of persons as QCs?

(3) Will the Attorney General give us an assurance that this Governemnt will not approve moves to take away the power of the Chief Justice to be the sole appointer of persons to be so nominated?

The Hon. I. G. MEDCALF replied:

(1) The Hon. Peter Dowding was good enough to show me a copy of the *Western Mail* this afternoon: until then, I had not seen the report. I was therefore unaware either of the report or of the matter which it purported to report. Whether there is any truth in the report, I would not know; I have no idea.

(2) and (3) As far as the future is concerned, we are in fact dealing with a purely hypothetical situation as to what would be the attitude of the Government in the event of the report being correct. Therefore, I am not in a position to give any answer; I cannot answer a hypothetical question of that type.

QUEEN'S COUNSEL

Appointment

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

(1) I ask a supplementary question of the Attorney General. Is it the policy of the Government that the only person who ought to be able to appoint QCs is the Chief Justice?

(2) Will he accept that to change the law in that regard would be to give in to the extreme right wing of his own political party, which is seeking to politicise the office of silk?

The Hon. I. G. MEDCALF replied:

(1) The policy of the Government is to uphold the law.

The Hon. Peter Dowding: That is easy; you make the law.

The Hon. I. G. MEDCALF: To continue—

(2) As to comments about the extreme right wing of the Liberal Party politicising the office in question, the question itself is a politicised question. Therefore, I do not think it is appropriate I should attempt to answer it.

QUEEN'S COUNSEL

Appointment

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

(1) Is he aware that a former partner of the Minister for Police and Traffic is a member of the Tangney Liberal Party—a certain Mr Jack Courtis?

The Hon. P. H. Lockyer: Shame!

The Hon. PETER DOWDING: To continue—

(2) Does he therefore—

The Hon. P. H. Lockyer: A bit like your charges.

The Hon. PETER DOWDING: You should know about that, elephant pants! My question continues—

(2) Does he therefore acknowledge members of the public and of the legal profession have the right to be concerned about moves which appear to emanate from a source very close to the Minister for Police and Traffic?

The Hon. G. C. MacKinnon: You are embarrassing even your own party.

The Hon. I. G. MEDCALF replied:

(1) No.

(2) Not applicable.