

Legislative Council

Wednesday, the 22nd November, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.00 p.m., and read prayers.

WHEAT INDUSTRY STABILIZATION ACT 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) [2.07 p.m.]: I move—

That the Bill be now read a second time.

The primary purpose of this Bill is to provide for the introduction of State accounting for the handling charges from the point of receipt of wheat by the bulk handling authority of the State, to the point of shipment.

The Bill also makes provision for the crediting to Western Australian growers, to the maximum extent applicable, any lower freight charges in respect of the export of wheat from this State as opposed to other parts of Australia.

In addition, the Bill provides for the introduction of varietal control in States other than Western Australia and Victoria so that adverse effects through the extensive growing of high yielding varieties unsuited for the type of wheat produced in a particular area, on the marketability of the harvest, can be avoided. An undertaking has been given to the wheat growers in this State that such legislation will not be introduced in Western Australia until after March next, when it will be considered again at the Farmers' Union of WA wheat section conference. The Minister for Agriculture is confident, however, that approval will be obtained at that conference and the Act will be amended accordingly.

The amendments to the Commonwealth Act overcome difficulties which occurred through the agreement between bulk handling authorities and the Australian Wheat Board having to be approved by both the State and Federal Ministers. The Act will be amended by this Bill to

leave the negotiation of the agreement entirely between the handling authority and the board.

In this general context, there exists in the Act some doubt as to the precise legal definition of the Co-operative Bulk Handling Authority of WA and South Australia. This is overcome by the amendment of the Act through the provision of a new definition of a licensed receiver and the naming of the State corporations now accepted as licensed receivers.

The concept of State accounting is a major departure from the provisions of the wheat marketing and stabilisation arrangements which have been in existence since 1948. The Western Australian bulk handling authority has expressed reservations about the introduction of these arrangements but, having obtained an assurance through an agreement at Australian Agricultural Council that—

the advantages as well as the cost of each State's bulk handling system would be conferred on the growers in separate States;

there be a reciprocal arrangement between the Australian Wheat Board and the State bulk handling authorities for the exchange of relevant information in relation to these advantages and costs;

there be no subsequent change from State accounting to a pooling arrangement without the unanimous agreements of all States;

the Act be amended to remove the ceiling of 92c per tonne that applies at present to the freight advantage that is paid to growers in Western Australia;

agreement has been reached.

Co-operative Bulk Handling has been concerned with the cost of servicing the development of the Kwinana facilities. It has, however, become convinced that it will be necessary for other States to build comparable facilities in the future, at which time it will be an advantage to Western Australian growers to have built the Kwinana facility at a period of relatively low cost.

Fluctuating crop sizes could also provide a problem for the authority. However, it has been agreed that arrangements will be made to provide finance to even out the costs between harvests.

Some concern has been expressed about possible costs to a State handling authority resulting from the Australian Wheat Board being unable to make an equitable shipping allocation to that State. This would seem to be a matter which needs to be dealt with on the basis of

experience and can be provided for, should a problem occur when legislation is introduced for the next marketing and stabilisation arrangements in time for the 1979-80 crop.

The legislation and the introduction of State accounting for the 1978-79 delivery season is therefore supported by Co-operative Bulk Handling, and also has the support of the Farmers' Union of WA, and the Pastoralists and Graziers Association of WA.

The terms of this Bill have been agreed upon by all States and the Commonwealth, which will introduce complementary legislation. In fact, the Commonwealth has already introduced legislation in the Federal Parliament to this effect.

I commend the Bill to the House.

Debate adjourned until a later stage of the sitting, on motion by the Hon. H. W. Gayfer.

RESERVE AND ROAD CLOSURE BILL

Returned

Bill returned from the Assembly without amendment.

MINING BILL

Third Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.12 p.m.]: I move—

That the Bill be now read a third time.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [2.13 p.m.]: As the House is aware, I opposed the second reading of this Bill and made it fully known to members just what our attitude was to the amendments on the notice paper. To be consistent I am opposing the third reading of this Bill. Members will recall that some of the speakers during the debate made the statement that they were going to support the second reading of the Bill, but would move or support certain amendments to it.

The assessment the Opposition made as to the success or otherwise of the amendments has been well borne out by the results of the debate. In fact, the mover of the amendments called for a

division on three occasions only. One division was refused, because he had no supporter.

Now is the opportune time for members who gave their reasons for supporting the second reading to show their sincerity and say, "We gave ourselves the opportunity to look at the amendments." Those members did not support the amendments and during this third reading stage they now have no alternative but to vote against the third reading of the Bill.

Whether or not one likes it, the fact that this is not a House of Review was well and truly exposed during the debate on the Mining Bill, because coming through the debate all the time was the iron fist, despite the handling of the Bill by the Attorney General.

The Hon. G. E. Masters: You are exaggerating again.

The Hon. D. K. DANS: The Attorney General is the master of the velvet glove and he handled the Bill very skillfully and coolly. However, the iron discipline was evident and if anyone doubts that statement I suggest they read the results of the divisions and the debate itself. It will be seen without a shadow of doubt that despite all the rhetoric about private enterprise and the freedom of the individual, when the whips crack in the Liberal party room members opposite toe the line.

It goes without saying that the amendments moved by Mr Lewis, as I was aware and certainly all members on this side of the House were aware—it was not just my opinion—were not going to get off the ground, and the Labor Party did not intend to be part of this charade. The attitude and the consensus decision we took as members of the upper House has been proved to be correct.

The Hon. G. E. Masters: It has not proved to be correct at all. You walked out and left him to it. You are fence sitting again, as usual. You are up to your usual tricks.

The Hon. D. K. DANS: I do not think that remark by Mr Masters is very kind. I am not even wearing a long-sleeved coat so there is nothing up my sleeve. We have not engaged in any tricks, and early in the debate I outlined to this Chamber exactly what our attitude would be and we were consistent with that attitude. Members opposite did not need to watch out for any tricks, because we were consistent. The attitude we adopted was based on our experience in this place and the fact that it is not a House of Review. As always, we were proved to be correct.

The Hon. G. C. MacKinnon: Is there a special virtue in being consistent about your inconsistencies?

The Hon. D. K. DAns: If the Leader of the House wishes to debate that question I direct his attention to his Whip. They can then have a fine debate between themselves because I do not intend to get into that corner of the corral.

What a charade it would have been to have opposed the second reading and then, for whatever reason, to have stood up and said, "We will support the amendments moved by Mr Lewis." I have no doubt Mr Lewis may have been sincere, but I would venture to say—

The Hon. A. A. Lewis: Oh come on!

The Hon. D. K. DAns: —that Mr Lewis knew without a shadow of doubt he would not even get into the starter's hands with these amendments.

The Hon. A. A. Lewis: Without the help of the Opposition I had no hope. The Opposition did not help.

The Hon. D. K. DAns: Mr Lewis had no hope. Let me tell the honourable member through you, Sir, he has every hope in the world today. If the people sitting opposite him want to show their sincerity they can cross the Chamber and vote against the Bill at the third reading stage.

The Hon. A. A. Lewis: The people sitting opposite me are going to cross the floor?

The Hon. D. K. DAns: The exercise has been completed and Mr Lewis received absolutely no support from members of the Liberal Party.

The Hon. G. E. Masters: Can we take it then that your party will be here when the division bells ring today?

The Hon. D. K. DAns: I have always considered Mr Masters to be a fairly intelligent person, but today something is wrong with him. He must have risen too early this morning, because he should recall that we were here for the division on the second reading and we debated it, and we were here for the division on clause 3 and we debated that. We will be here today and we will vote on the third reading.

The Hon. G. E. Masters: I do not know what you are getting excited about.

The Hon. D. K. DAns: Why has the honourable member introduced all that empty rhetoric?

The Hon. G. C. MacKinnon: You are the one who is doing it. We are only interjecting.

The Hon. D. K. DAns: I might add members opposite are interjecting with little effect.

The Hon. G. C. MacKinnon: That makes two of us, does it not?

The Hon. D. K. DAns: Mr Lewis said, "I am going to support the second reading, because there is a chance my colleagues may see the light at the end of the tunnel and be prepared to be a little democratic and come across and help me." Mr Lewis knows his efforts have failed.

The Hon. G. C. MacKinnon: Not necessarily.

The Hon. D. K. DAns: We shall see. I shall be fascinated to see the results and I shall be absolutely delighted when members opposite cross the floor when we vote on the third reading.

I should like to recap briefly. The attitude adopted by the Opposition was the correct attitude. At no stage did we engage in any tricks. On behalf of my party I stated our case early in the debate and we followed that through. We are now at the crunch point for members opposite. The democrats opposite had the opportunity to vote against the Bill at the second reading. If they are prepared to accept it now, they may cross the floor and vote against the Bill at the third reading; but I doubt they will do so.

THE HON. R. G. PIKE (North Metropolitan) [2.22 p.m.]: I rise to speak on the third reading of this Bill, and also to support it. I rise also to expose the blatant hypocrisy of the Leader of the Opposition who was the only member of the Labor Party present inside this Chamber last night when one vote was taken in the Committee stage, and one of only two members present when a vote was taken on another occasion.

The Hon. D. K. DAns: We had told you that would happen.

The Hon. R. G. PIKE: Let the community of Western Australia behold the blatant hypocrisy of the Leader of the Opposition, and let members of this Chamber also take note of it. Members of the Labor Party were not even present at the time the Bill was debated during Committee.

The Hon. D. K. DAns: What did you say during the debate? You never spoke.

The PRESIDENT: Order!

The Hon. R. G. PIKE: This magnificent hypocrisy is now exposed.

The Hon. D. K. DAns: You never opened your mouth, and I will expose you.

The PRESIDENT: Order! I call on the Leader of the Opposition to refrain from unruly interjections.

Point of Order

The Hon. D. K. DAns: On a point of order, Mr President, the member is engaging in untruths.

The PRESIDENT: There is no point of order.

Debate Resumed

The Hon. R. G. PIKE: Members of the Opposition, having scuttled behind the partition like a lot of rabbits, then scuttled out again after the votes were taken. They hide behind a facade of their Roman Senatorial robes and tell us they will remonstrate the actions of this House by not participating in democratic debate—the very reason for the existence of this House. The Leader of the Opposition reminds me of a penny firecracker; enough gunpowder to make a loud noise, but not fulfilling any other useful function.

Let the attitude of the Opposition upon this decision be known not only to members of this House, but also to the electors of Western Australia. I support the Bill.

The Hon. D. K. DAns: I thought he would cross the floor.

THE HON. A. A. LEWIS (Lower Central) [2.24 p.m.]: I think the Leader of the Opposition might have allowed me to make my own speech and say what I intended to do.

The Hon. D. K. DAns: I have no doubt what you will do.

The Hon. A. A. LEWIS: The Leader of the Opposition forced his party into a situation which he thought was a brilliant tactic. He still believes that. I think the mining community of Western Australia will think it was a nameless gesture.

The Hon. D. K. DAns: Not according to the people who have telephoned me this morning.

The Hon. A. A. LEWIS: The Opposition—and in my opinion quite rightly—opposed the second reading of the Bill. The Opposition opposed it for what it thought were very proper reasons. However, if the Opposition members were really to oppose the Bill when two of its speakers, at least, said it was a Committee Bill, they would have come in at the Committee stage and taken part in the debate whether or not they agreed or disagreed with the amendments.

The Opposition would like us to believe it is really opposed to this Bill, but that is not true.

The Opposition would like us to think it would prefer to have the 1904 Act with amendments.

The Hon. D. K. DAns: Are you opposed to the Bill?

The Hon. A. A. LEWIS: What the Opposition would like us to believe is not the truth.

The Hon. D. K. DAns: Are you opposed to the Bill?

The Hon. A. A. LEWIS: If the Leader of the Opposition sits quietly in his seat—and I beg him to do that—he will find out exactly what I intend to do before I sit down.

The Hon. D. K. DAns: Pour petrol over yourself, and set fire to it!

The Hon. A. A. LEWIS: That is what the Labor Party has done, because it has burnt any shred of confidence the community has had in it.

The Hon. G. E. Masters: Hear, hear!

The Hon. D. K. DAns: Not judging by the telephone calls I received this morning.

The Hon. A. A. LEWIS: Mr Leeson was the lead speaker from the Opposition, and he said the Opposition wanted the 1904 Act with amendments. However, members opposite forget that the Hon. D. G. May, when he was Minister for Mines, introduced a similar Bill.

The Hon. D. K. DAns: We did not have the 1904 Act before us yesterday.

The Hon. A. A. LEWIS: The lead speaker from the Opposition told us what the Labor Party platform was all about. Yet, in 1972 the Hon. D. G. May, when he was Minister for Mines, introduced a Bill in this Parliament. That Bill suffered the fate of subsequent Bills, and the same fate which I believe this Bill should have suffered.

I was fascinated to hear Labor Party members making squealing noises about the 1904 Act, when they were in complete agreement with virtually the same Bill which was introduced by a previous Minister.

The Hon. D. K. DAns: And withdrawn.

The Hon. A. A. LEWIS: Of course it was withdrawn, but it was introduced. If members opposite, as the Government, felt the Bill should have been introduced into the Parliament, why has virtually the same Bill, with very minor differences, not been supported? It was supported when members opposite were in Government, and they should now support it in Opposition. However, when the Bill is introduced members opposite want the 1904 Act. The Opposition has

no guts, and has made many smart political moves. It has been fascinating to hear members opposite. The Leader of the Opposition asked us to read the results. When we were prepared to be counted Opposition members hid behind the dais.

The Hon. D. K. Dans: On your amendments. Mr Pike did not even speak.

The Hon. A. A. LEWIS: In reply to a previous remark, both Mr Gayfer and I have crossed the floor against our parties more times than any other members.

The PRESIDENT: Order! I would remind the honourable member that the third reading debate provides the opportunity for members to give their views and advance arguments as to why this Bill should or should not be read a third time. It also provides an opportunity to clear up any misapprehensions arrived at during the second reading debate. It certainly does not provide an opportunity to revive arguments dealt with earlier. I would recommend the member comply with my reminder.

The Hon. A. A. LEWIS: I bow to your ruling, Mr President, but I thought I was cleaning up a few points raised during the second reading.

The Hon. D. K. Dans: You were not, of course.

The Hon. A. A. LEWIS: The Opposition has stated what it thought it was not told during the second reading, and this is the only opportunity I have to explain to the House what was going on.

There was no earthly reason for the Opposition attack last night and no reason for its attack today. I think I have proved myself big enough to make my own decisions in this place.

The Hon. D. K. Dans: I am waiting for your decision.

The Hon. A. A. LEWIS: A member from across my right shoulder said that he had never seen me cross the floor. I would remind him that he had scuttled out of this place and disappeared, so he did not see me voting against my Government.

The PRESIDENT: Order! I do not know what it has to do with the proposal that the Bill be read a third time, whether or not the honourable member has crossed the floor on some previous occasion. I cannot see that it has any relevance whatever. I recommend to the member that he confine his remarks to the parameters I have already mentioned.

The Hon. A. A. LEWIS: Thank you, Sir. May I thank the Attorney General for his courtesy and

for his answers given during the Committee stage, although I did not agree with many of them.

I want to warn members on this side and I want to warn the Government that I will not help to pass this Bill. I will vote against it. I believe I stated my case quite firmly and plainly when I said I would vote for the second reading in the hope that the Government would support some of my amendments. Let me warn the private enterprise people around me that in the future mining companies, large and small, prospecting companies and prospectors, will be on their backs for many a month until the regulations are finally fought out. I do not believe that the preparation of the regulations will be easy.

I again thank the Attorney General and the Minister for Mines for their assistance and I also thank the officers of the Mines Department who have been most courteous. Although I do not agree with the views held by these people, they have done a job and done it very well. Obviously they have convinced many members of this Chamber to accept their point of view.

You will remember, Sir, this is not the first time that I have told the Government it is wrong. If I am proved incorrect, I will apologise, although in the past the Government did not apologise to me. Eventually I was proved to be in the right although the whole House voted against me.

Because of the huge number of Government members in this Chamber some of them are sitting on the other side. However, I warn all the so-called private enterprise people that their problems have only just begun.

I oppose the Bill for the reasons I have stated quite loudly and at length. In opposing it I point out that I am prepared to make a decision. I do not run behind the President's Chair. I wonder whether the Labor Party members will stay in the Chamber to vote against the Bill with me.

The Hon. D. K. Dans: You know very well we will.

THE HON. R. T. LEESON (South-East) [2.33 p.m.]: This Bill has caused more controversy in mining areas than has any legislation in history. Never before have we seen so many demonstrations and public meetings held in mining areas in opposition to any legislation before this House. Obviously, the people at whom the measure is directed do not want it, and they have shown their opposition in many ways. Another meeting will be held in Kalgoorlie next Saturday morning and it will attract a large attendance. That is only the start. These meetings

and demonstrations will continue for months, or possibly even years. The "smarties" on the Government side sit there and smirk. They would not know a mine if they fell down one. The unrest will continue, because the people are upset.

The strangest aspect of the whole matter is the lack of politics on the issue. In my area one half of the Liberal Party is fighting the other half.

The Hon. G. E. Masters: I thought you said we were all regimented.

The Hon. D. K. Dans: The iron hand.

The Hon. R. T. LEESON: There has been so much opposition to this Bill from Liberal Party members in the mining areas that I am astounded Government members—

The Hon. R. G. Pike: It shows that the Liberal Party is not directed by Trades Hall.

The Hon. R. T. LEESON: —are prepared to ignore it. We have heard a great deal of comment about the contents of the regulations. However, the principles of the legislation are contained in this Bill and the Bill has already gone through the second reading and the Committee stages. It will not be very long before we see the third reading passed in this House. The Government has the numbers.

It will be very interesting to see what transpires in the next few years. Government members will have to pray that everything works out. I know how worried and concerned many people are about the Bill. I oppose the legislation.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.36 p.m.]: Mr Leeson commenced his remarks by putting on record a comment about Government members smirking, and he pointed at this particular set of benches. I glanced around quickly, and no member on these benches had a smirk on his face.

The Hon. D. K. Dans: You look like that all the time.

The Hon. R. T. Leeson: We have been listening to all your rubbish over the years.

The Hon. G. C. MacKINNON: We are debating a serious piece of legislation, and the type of grandstanding indulged in by Mr Leeson ought not be allowed.

The Hon. R. F. Cloughton: If the cap fits wear it.

The Hon. G. C. MacKINNON: It is all right for Mr Leeson to go to meetings in Kalgoorlie and to read out statements like this that are not

factual, but I want to point out that they are not factual.

The Hon. D. K. Dans: Is this a point of order or a speech?

The Hon. G. C. MacKINNON: It is a speech. Mr Dans pointed out often enough—indeed it was about the only comment he made that had any relevance to the legislation—that the Mining Bill had been on the stocks since 1972. Indeed, it had been talked about before that time. So this legislation has not been handled lightly. Like every other piece of legislation, there is a degree of trial in regard to it.

The Hon. R. Hetherington: And error!

The Hon. G. C. MacKINNON: Anyone who has had anything to do with the Government, as opposed to the legislative duties of Parliament, is aware of the need to examine and to try out legislation. In his usual extremely careful fashion, Mr Medcalf, the Minister handling the Bill, pointed out that we must have the legislation before we can handle the regulations. It could well be that a number of the ideas discussed here will be incorporated in the regulations. I have no doubt that that will be so.

It amazes me that members here who represent the goldfields, and who are fully aware of the tremendous goodwill that has emanated from the Mines Department and its officials towards those working in the mineral field over the last century or more in this State, put forward the opinion that all of a sudden that goodwill will die. Marvellous co-operation has been developed over the years, but we are led to believe that all of a sudden the people who work in the department, the same men who worked there last week, will become ogres, totally committed to hindering and hampering large sections of the mining industry.

The Hon. D. K. Dans: Mr Grayden, one of your own members, has promised violence.

The Hon. G. C. MacKINNON: That is utter and complete rubbish!

The Hon. R. Hetherington: You are very good at talking utter and complete rubbish.

The Hon. G. C. MacKINNON: I am one of the few people in this place who does not talk rubbish, because I have had enough experience to understand and appreciate the very real dedication of the large bulk of people who work in the bureaucracy of this State. I have had far more experience than Mr Hetherington. Indeed, I hazard a guess that if I dropped dead tomorrow—bite my tongue—and Mr

Hetherington lived for another 20 years, I would still finish up with more experience in that field.

I have very good reason to consider that the very large bulk of people who work in the top levels of these Government departments are men of admirable character. Without the slightest doubt, that situation will continue.

The Hon. D. K. Dans: Who said they were not?

The Hon. G. C. MacKINNON: Members opposite have said that in their criticism of this legislation.

The Hon. D. K. Dans: You read my speech, Mr MacKinnon.

The Hon. R. Hetherington: What rubbish!

The Hon. Lyla Elliott: We never said that at all.

The Hon. G. C. MacKINNON: The whole thread running through the speeches from the Opposition benches—they did not refer at all to the legislation—contained that sort of undercurrent. Mr Leeson was the final straw which broke my back, and prompted me to enter the debate. There is no doubt that the goodwill which has been engendered in the past will continue in the future; that is why we on this side regard this Bill very seriously.

I want to put on record that the comments Mr Leeson made about members on the Government side smirking and sniggering were totally, absolutely, and completely untrue. Everybody on the Government benches treats this matter totally and absolutely seriously, and Mr Leeson's suggestion that we do not is absolutely untrue.

The Hon. R. T. Leeson: What a lot of rubbish!

The Hon. G. C. MacKINNON: I sincerely hope that anyone who reads Mr Leeson's remarks in *Hansard* will continue and read the little bit I have said to refute his allegations. I do not think it is right that Mr Leeson should be able to make such statements without being called to account for them. He should not be able to make a hero of himself at a meeting at Kalgoorlie by saying, "This is what I told those fellows in Parliament"—loud cheers from the multitude!

The Hon. D. K. Dans: Why don't you go to Kalgoorlie and refute the remarks personally? In fact, I will be pleased to get on the platform with you to debate the matter.

The Hon. G. C. MacKINNON: Good for the Leader of the Opposition. Mr Dans has been doing nothing but playing heroics ever since he made a mistake yesterday. I want to put on the

record the fact that Mr Leeson was not speaking the truth—

The Hon. R. T. Leeson: Yes he was!

The Hon. G. C. MacKINNON: —when he suggested we were smirking and sniggering. He was not telling the truth, because I looked around the Government benches and members on this side were not smirking and sniggering.

THE HON. TOM McNEIL (Upper West) [2.43 p.m.]: I do not intend to take part in the slanging match which has been going on over the last few minutes. As one of Mr Pike's "rabbits" who scuttled behind the President's podium during the Committee stage of the Bill, I feel it is only right I should defend myself. I was the only member, apart from the Labor benches, to oppose the second reading of the Mining Bill, and I defend my right to do so. My personal opinion of why Mr Lewis chose to move a number of amendments was strictly my own. However, I did not intend to be a party to a long, drawn-out affair such as we saw in the Legislative Assembly.

I point out also that in the other place, only one Government member—the Minister for Mines—actually took part in the debate. Of course, I speak in ignorance of the part played by the member for South Perth—a former Minister—who deprecated the Bill and led the Opposition attack.

The Hon. A. A. Lewis: What about Dr Dadour?

The Hon. TOM McNEIL: The Mining Bill received a great deal of attention in the Legislative Assembly and I did not believe it to be appropriate that we should repeat the entire debate which took place there. In addition, I felt I did not know a great deal about this Bill. However, having listened to a great deal of the debate which took place in the Legislative Assembly, having read newspaper reports about the Bill and having been contacted by people from outside Parliament House, I resolved to oppose the Bill because I felt it was a restrictive piece of legislation.

Members of this Chamber seem to set great store by the fact we are supposed to be a House of Review. I have often heard this phrase used in the 18 months or so since I have been a member; people have talked about how often members cross the floor of the Legislative Council on important pieces of legislation. However, the only legislation I can recall of a reforming nature which actually was initiated in this Chamber was the homosexual legislation and the Electoral Act Amendment Bill. Having been passed by this

Chamber, they were promptly knocked on the head by the Legislative Assembly.

Perhaps the Legislative Assembly is more deserving of the title "House of Review" than the Legislative Council, having been successful in defeating legislation initiated in this place.

I defend my right to go behind the President's podium during Committee divisions. I did not want to be a party to legislation which obviously was going to be rubber stamped. I made some inquiries to ascertain the views of members of the Liberal Party and, having been told that there was no hope of Mr Lewis' amendments being accepted, I felt it would be farcical to take part in the debate.

I hope Mr Pike is satisfied with that explanation. I did not leave my principles behind when I "scuttled like a rabbit" behind the President's podium; I simply exercised my right not to take part in a farcical debate that was doomed to failure.

I oppose the third reading of the Bill.

THE HON. F. E. McKENZIE (East Metropolitan) [2.46 p.m.]: I did not take part in the second reading debate because many of my colleagues covered the same ground I would have covered.

The Hon. O. N. B. Oliver: They sure did!

The Hon. F. E. McKENZIE: There was no point in entering the debate simply for the sake of rhetoric.

Now we have reached the stage where the Bill either will be passed through this House and, after it is assented to by the Governor, will become law, or it will be rejected at the third reading.

During the second reading stage yesterday I interjected on the Hon. A. A. Lewis and said that if he were dinkum about this matter he would oppose the second reading. He declined to do so because he said his amendments would take care of the Bill. The Opposition did not agree with that proposition.

The Hon. A. A. Lewis: Which side are you on—the 1904 Act plus amendments, or the May Bill?

The Hon. F. E. McKENZIE: Mr Lewis spoke for hours and hours yesterday.

The Hon. A. A. Lewis: At least I made a genuine effort to discuss the legislation. I did not jump during the third reading simply to vindicate myself.

The Hon. F. E. McKENZIE: However, Mr Lewis did not debate the Bill. He referred to the *Hansard* record of debates which took place as long ago as 1903, and he made quotation after quotation. That was not real debate. I declined to participate in the debate.

The position now has been reached where this is a last-ditch effort on my part to plead with members in this so-called House of Review. Let us see if it is indeed a House of Review.

Many speakers said yesterday that the legislation was being rushed through Parliament. I agree with that point of view; the sensible course would be to reject the Bill rather than rush it through.

The Hon. O. N. B. Oliver: Why?

The Hon. F. E. McKENZIE: Because it was withdrawn earlier.

The Hon. G. E. Masters: Not this Bill.

The Hon. F. E. McKENZIE: We introduced a Bill and it was such—

Several members interjected.

The Hon. F. E. McKENZIE:—bad legislation we declined to go on with it.

The Hon. O. N. B. Oliver: How did you make up your mind? You did not read the Bill. You did not know what was in it.

The Hon. F. E. McKENZIE: What is the honourable member talking about? I know more about the Bill than the honourable member.

The Hon. O. N. B. Oliver: You are not showing it now.

The Hon. F. E. McKENZIE: Mr President, we can never get two bobs' worth of sense out of Mr Oliver.

The Hon. O. N. B. Oliver: You keep knocking me.

The Hon. F. E. McKENZIE: Do not interject on me.

The PRESIDENT: Order! Will the honourable member refrain from these unruly interjections? Will the honourable member on his feet comply with the rules I enunciated earlier; namely, that the purpose of the third reading debate is to discuss reasons the Bill should or should not be read a third time? Certainly, the third reading debate is not to discuss other members' motives for some previous actions they may have taken.

The Hon. F. E. McKENZIE: I will try to refrain from doing that, but if members interject on me and attempt to sidetrack me—

Point of Order

The Hon. N. E. BAXTER: The honourable member should be referred to Standing Order No. 87 which refers to members keeping to the subject matter before the House.

The PRESIDENT: The point of order is a valid one, but the honourable member has raised it after I have just directed Mr McKenzie's attention to that very fact.

Debate Resumed

The Hon. F. E. McKENZIE: This Bill is a last ditch stand. It is bad legislation and there can be no doubt about that. The people in the industry realise this is bad legislation. I have seen no support for it. There have been two marches in Perth by people demonstrating against the Bill and there was a meeting of people on the goldfields just a few days ago.

It is fair enough that the industry should be consulted in order to bring a Mining Bill before this House which would be acceptable to the people involved in the industry. Such negotiation should take place and a Bill could be reintroduced next year.

The Hon. G. E. Masters: Your party is a party of fence sitters.

The Hon. F. E. McKENZIE: We made our position clear yesterday. We opposed the second reading and we did not support the facade surrounding the debate in this Chamber.

Several members interjected.

The PRESIDENT: Order!

The Hon. F. E. McKENZIE: The Labor Party wanted to have nothing to do with that facade of sitting in the Chamber for hour after hour speaking to amendments which had no support. We opposed the second reading and we now oppose the third reading. The Bill should be rejected and a new Bill presented next year in a form acceptable to the people in the industry.

The only people who accept this Bill are the big companies. It is becoming known as the big company Bill. I ask members opposite to show us that is not so.

The Hon. J. C. Tozer: Hancock and Wright I suppose?

The Hon. F. E. McKENZIE: I ask members opposite to show us that this is a House of Review. They have not shown this in the past. In particular I will be observing Mr Lewis to see what he does, because if he does not call for a division on the third reading I will.

The PRESIDENT: Order! The honourable member is ignoring my previous warning. The purpose of the third reading is to discuss reasons that a Bill should or should not be read a third time, and to present reasons one way or the other which have not been previously raised. I ask the honourable member to refrain from discussing the points already discussed and speak to new matters only.

The Hon. F. E. McKENZIE: That is very difficult to do so I will sit down and merely say I am opposed to the Bill.

THE HON. H. W. GAYFER (Central) [2.53 p.m.]: The debate has shades of old times for me; I thought I was back in the Legislative Assembly. A couple of the interjectors would well and truly find their adequate role in the Assembly.

The accusations of a charade could be directed at two members in this Chamber. One would be the Hon. A. A. Lewis and the other myself. I think you, Mr President, would be aware that Mr Lewis and I did cross the floor on the particular clause dealing with the right of appeal or where the Minister has to give reasons for making a certain decision.

I inform the Leader of the Opposition that I was not being party to any charade.

The Hon. D. K. Dans: I did not have you in mind.

The Hon. H. W. GAYFER: I will now introduce fresh evidence as to why I crossed the floor and why I am at variance with colleagues in my party. I have in my hand a copy of the National Country Party policy objectives for 1977 which were made known by our leader on the eve of the last election.

The Hon. Grace Vaughan: Which Country Party is that?

The Hon. H. W. GAYFER: The National Country Party; there is only one. I shall read from those policy objectives as follows—

The National Country Party reaffirms its belief in the fundamental economic and social superiority of the free enterprise system with the minimum of Government control. It supports recommendations for the Act to be amended to give security of tenure, for the position of mining wardens to be elevated to judge status and for provision to be made for the right of appeal.

That is the basic reason I supported the second reading of the Bill last night. I supported the Bill purely and simply because I believed that almost

all of what I thought was to be included as desired by my colleagues was almost present within the Bill, except for one portion dealing with the right of appeal.

My colleagues and I are at variance on this subject even now. They are quite convinced that the right of appeal is handled, as the Minister explained, in the various amendments that were brought forward.

The Hon. N. E. Baxter: It is a matter of interpretation.

The Hon. H. W. GAYFER: That is so. I am not at loggerheads with my colleagues, nor they with me. During the Committee stages of the Bill there were two points raised by my colleague, the Hon. Win Piesse, which have been taken care of by the inclusion of an amendment by the Minister. So my party has already had some success in respect of that aspect of the Bill.

I raised a point last night on the security of land under cultivation and the Minister gave me an assurance he would look at the problem. I am not sorry I supported the Bill at the second reading stage, because it almost agreed with the principles contained in my party's policy objectives which were drawn up in consultation with me at the time.

A decision has to be made by every member in this House as to whether or not he or she will support the third reading of this Bill. That is purely and simply what this debate is all about. Members must decide whether the facts given to them during the Committee stage are sufficient to support the Bill; that is the next decision to be made by us.

I am still not happy with one aspect of my attempts to have a decision made in respect of a right of appeal and, consequently, I will be opposing the third reading. My colleagues on the other side are disagreeing with me on this point and saying I should not cross the floor. It is not a question of being for or against the government, or voting with the Opposition; it is a matter of opinion between my two colleagues and myself, and of our right at all times, especially in this House, to do what we as individuals want to do.

I take strong exception to the Leader of the Opposition coupling me and my intentions with words he uttered.

The Hon. D. K. Dans: I apologise to you.

The Hon. H. W. GAYFER: I take strong exception, because I acted exactly as I thought a person should act as a member of this upper

House, and particularly as a member of the National Country Party.

THE HON. D. W. COOLEY (North-East Metropolitan) [2.59 p.m.]: It is remarkable one out of three—I think it is still three—National Country Party members can find something wrong with this Bill. Everyone in the whole community is up in arms about this Bill, yet there are no Liberal members opposite who can search their conscience and vote against it.

The Hon. G. C. MacKinnon: There are a number of people outside who think it is good.

The Hon. D. W. COOLEY: The Minister has not been able to find one person or organisation that would support it.

The Hon. A. A. Lewis: What did I say?

The Hon. D. W. COOLEY: I do not know. The honourable member is very unpredictable; that is a remarkable fact.

The Hon. A. A. Lewis: What is a remarkable fact?

The PRESIDENT: Order! Would members refrain from audible conversation which makes it very difficult for other members to hear what is being said by the member on his feet?

The Hon. D. W. COOLEY: My purpose is to defend the Australian Labor Party and the actions its members took in the course of this debate. The ALP is a great force that commands the greatest number of voters of this country, yet we are supposed to be obliged to sit in the Chamber and be expected to vote at the whim of one Liberal member of this Chamber. My criticism is levelled at the member now standing behind your dais, Mr President. The honourable member has made a terrible speech today, even worse than the one he made when all the distinguished visitors were here on opening day, 1977.

Getting back to the Bill, with all due respect to Mr Lewis—we all like him although we do not like his politics much—we have no obligation to sit in this Chamber and vote at his whim.

The Hon. A. A. Lewis: You yourself did not do anything towards it.

The PRESIDENT: Order! I have been very lenient with honourable members, and because of the importance of this Bill I have been prepared to be lenient. I would ask members to endeavour to make comments that will relate to their reasons for wanting to support or oppose the third reading of the Bill. To refer continually to the motives of

people in the actions they took in the previous stages of the Bill is out of order.

I would ask the honourable member who is on his feet to quickly advise what views he has to put forward that have not already been raised in debate and that suggest he supports or opposes the Bill.

The Hon. D. W. COOLEY: I apologise to you, Sir, but not to the honourable member for what I have said about him. We oppose the Bill. We are being consistent in that regard, and a little more consistent than members who have sat mute in the debate and who now make an unwarranted attack on the ALP, hiding behind your ruling; yet we in the Opposition are not given an opportunity of rebuttal.

The PRESIDENT: Order!

The Hon. D. W. COOLEY: I sat down, because I thought you were calling me on a point of order. We are opposed very strongly to the third reading of the Bill, as we opposed it very strongly at the second reading stage.

The Hon. R. G. Pike: By not being here!

The Hon. D. W. COOLEY: An interjection like that should be ignored.

The PRESIDENT: Order! Interjections are not permitted.

The Hon. D. W. COOLEY: No, and they are not being stopped.

The PRESIDENT: I am ruling that interjections are out of order, and I am asking members to refrain from making interjections. If members continue to ignore me I will take some action. In the meantime I recommend to the honourable member that he ignore the interjections totally. An interjection does not necessarily require the honourable member to enter into conversation with another member.

The Hon. D. W. COOLEY: It is fair enough that we should be able to defend our position. Today we have been called rabbits, but nobody has been called to order. Today we have been called fence sitters, and nobody has been called to order. We are too responsible a party to be brought under attack in this manner. We are not obliged to sit here on every occasion that individual members opposite propose something. That is not our role; our role is to give consideration to propositions and Bills put up by the Government.

The PRESIDENT: Order! I recommend the honourable member do that.

The Hon. D. W. COOLEY: That is what I am doing.

The PRESIDENT: The honourable member is not doing that.

The Hon. D. W. COOLEY: I am opposing the third reading.

The Hon. I. G. Pratt: What do you mean when you say you have no obligation to sit in this Chamber?

The Hon. D. W. COOLEY: I will not answer that stupid interjection. I conclude by saying this: if a member is outrageous enough to stand up here to say what the Labor Party has done is wrong, let him put his so-called principles where his mouth is; he should go up to Kalgoorlie with Labor Party members on Saturday and attend the meeting to which he has been invited. I doubt whether he or any of his colleagues would do that.

The Hon. A. A. Lewis: Who are you talking about?

The Hon. D. W. COOLEY: I am talking about Mr Pike. Let him go to Kalgoorlie to tell the miners about the terrible things we are supposed to have done yesterday. I bet London to a brick on that he would not have the intestinal fortitude to go to Kalgoorlie to put up such a proposition.

THE HON. G. E. MASTERS (West) [3.07 p.m.]: I shall talk to the Bill. I am sorry the Opposition has become so excited over the issue. Last night it seemed that members of the Opposition were not taking much interest in the Bill, and it is not fair to suggest the Bill has been rushed. Extensive investigation and discussions have taken place, and the Opposition knows about this. The matter has been gone into very carefully.

Eventually it is the role of any Government to put forward legislation, after taking into account all the arguments that have been raised. It is a sad day when the ALP and the Opposition take the action which they took yesterday, because they are guilty of sitting on the fence and not making a decision. We heard Mr Dans say he would oppose the second reading and not participate in the amendments put forward by Mr Lewis. Whether or not I agree with those amendments is beside the point; they were very important amendments. Mr Lewis undertook a great deal of study in compiling them. Rightly or wrongly he believed they were worthy of support. In my opinion he had a right to expect all members of this House to take some part in dealing with those amendments.

The Hon. D. K. Dans: I commend the great contribution you made to the amendments of Mr Lewis!

The Hon. G. E. MASTERS: I thought members on this side made adequate contributions.

Point of Order

The Hon. GRACE VAUGHAN: Mr President, I understood you to say that the third reading of a Bill was confined to dealing with new matter. All that the honourable member has said has already been said in the previous stages of the Bill.

The PRESIDENT: I ask all members to confine their remarks to reasons that the Bill should or should not be supported at the third reading stage. I have already indicated that it is out of order to go over matters that have been raised previously. It is certainly out of order to talk continually about the motives that directed actions previously taken by members. I would have thought that a member, particularly when he opened his remarks by saying that he would give some reasons, would have attempted to do that.

Debate Resumed

The Hon. G. E. MASTERS: I certainly intend to comment on the Bill. There are many aspects which are worthy of our support, and I am quite certain that the general public support the Bill.

The Hon. R. T. Leeson: I bet you do not know what a goldmine is.

The Hon. G. E. MASTERS: I do not know whether I am supposed to answer that sort of interjection—

The PRESIDENT: The honourable member is not supposed to answer it.

The Hon. G. E. MASTERS: —and suggest that it is worthy of support. As Mr Leeson has entered into the argument quite wrongly, let me ask him whether, in fact, when he goes to Kalgoorlie he will stand on the steps of the post office and say to the miners that he took no part in the debate on the amendments proposed by Mr Lewis—many of them put forward on their behalf.

The honourable member has said nothing in this respect. I suggest to Mr Leeson that when he stands up in front of the miners and explains why he took no action on Mr Lewis's amendments—

The PRESIDENT: Order! I will not tolerate this continual disregard of my request that you confine your remarks to the Bill and your reasons for supporting it. If the honourable member

continues to disregard it I will have to take other action.

The Hon. G. E. MASTERS: Certainly, Mr President. I support the Bill because I think it will be of great benefit to the mining industry and because many of the people opposed to it have misunderstood the Bill or read it incorrectly. I believe it will result in a great deal of benefit to the mining industry. The legislation had to be updated, and the suggestion that we should adhere to the old Act is quite wrong. The industry and the public generally wanted updated mining legislation, accepting that many clauses may be amended over a period of time, as happened with the existing Act.

It is the Government's role to put forward legislation after a great deal of consultation.

The Hon. F. E. McKenzie: With whom? Not with the prospectors.

The Hon. G. E. MASTERS: I am appalled when the Opposition suggests the Bill and the problems associated with it have not been studied very carefully before it was presented to Parliament. Members of this House showed a great deal of impartiality in considering the Bill. At times, as Whip, I had some concern but members studied the Bill and the amendments very carefully and came to their own conclusions. There was no suggestion of being whipped into place or rushing the legislation through. It is a Bill which members on this side of the House in the main have supported and it is a shame for members of the Opposition to treat it this way, particularly members who represent the areas most affected!

Mr Leeson sees fit to oppose the Bill for political reasons. Again I say: Let him make his position quite clear and explain his actions in this place at the meeting in Kalgoorlie on Saturday.

THE HON. R. HETHERINGTON (East Metropolitan) [3.15 p.m.]: I merely rise to point out that the Opposition has been quite consistent throughout the progress of this Bill and we are now consistently opposing the third reading. We believed the Bill was not a good Bill, that it could not be amended, and that, as happened in the Committee stage, there would be very little support for the amendments proposed. We have opposed the Bill consistently on the second reading and on clause 3 in the Committee stage, and we are now opposing it on the third reading.

I think it is a pity some of the members who have spoken in this House and wanted reasons to oppose the Bill did not stand on the steps of Parliament House, as I did twice, to listen to the views of prospectors and miners from Kalgoorlie.

I may say in passing that Mr Pike, Mr Masters, and members on the front bench could well take advantage of the offer of the Leader of the Opposition and go with him to Kalgoorlie on Saturday to hear what the people up there have to say. They are very strongly opposed to the Bill.

I also want to say that at no stage did the Opposition say the officers of the Mines Department were not men of goodwill, efficiency, or anything else. There seems to have been some misunderstanding in argument, if we are to accept the remarks made by the Leader of the House; and I will be charitable and assume he did not know what we were saying and has genuinely misconstrued what we said. So let me repeat it.

What the Leader of the Opposition and I were concerned to say, and what we want to say yet again, is that in a modern society there is a tendency for the Executive to grow. I have stated, and I state again, that this Government which talks a great deal about the growing centralist power of the Federal Executive is itself guilty of the same error—if that is what it is—in the State sphere. Departments grow and the power of the Executive grows.

To say we feel we cannot put too much power in the hands of men of goodwill is not to say they do not have goodwill. If this Bill is proclaimed and it works, it will certainly be because of the goodwill of the public servants, whom I have always paid the courtesy of treating quite seriously.

We treat this Bill seriously. We point out that a similar Bill was introduced by a Labor Government and withdrawn because of the opposition it aroused. We point out that it is very difficult to get consensus on this Bill. We point out that consensus has not yet been obtained. We point out that prospectors and small companies have very real fears that they will be disadvantaged under the Bill. It may be they will not be disadvantaged under the Bill. It may be that the people who administer the Bill will ensure they are not disadvantaged, but we would like to see more adequate safeguards written into the legislation.

I have consistently said ever since I have been in this House that when we examine institutions from the outside and do not rely merely on crude experience, we can sometimes make a contribution as to what might be done with legislation, because the outsider sometimes sees more of the game than the person who is actually involved.

Therefore, in all seriousness I suggest members consider the great hostility that has been aroused by this Bill and that they consider the very real fears of the people from the goldfields. Those to whom I have spoken were quite serious. They were taking the Bill very seriously and did not want it at all.

I am not claiming the 1904 Act is a perfect Act—obviously it is not—but I am claiming it has within it certain safeguards which at least give small prospectors the feeling that they are protected, whether or not they are.

Before going forward with a measure like this we should have tried once more to get consensus. I still think it would be a good idea and I hope, despite the rhetoric we have heard from some members of the Government, they will continue to examine the whole question and perhaps even amend the legislation before it is proclaimed. If they do that they will be showing some wisdom. Therefore I ask members opposite to consider the Bill more seriously.

I reject the remarks that have been made that my party is not taking this Bill seriously. We are taking it very seriously, and sometimes the right thing to do—

The Hon. R. G. Pike: How can you be serious when you are not here to vote on it?

The Hon. D. K. Dans: We were here to vote on the Bill, not on the amendments.

The Hon. R. G. Pike: I thought that was what democracy was all about.

The Hon. R. HETHERINGTON: I was in this House for longer and listened to more of the debate than some of the members who are interjecting.

The Hon. R. G. Pike: You are the exception. I admit you were here.

The Hon. R. HETHERINGTON: I am making the speech. Therefore I note the interjection and I reject it. I have taken a great deal of interest in this Bill. I have read it. I have two marked copies of it floating around. I looked at the amendments and wondered whether we should support them. Some of them in some ways perhaps modified the Bill, but it seemed to me to be bad in principle to try to prop up a series of amendments which, in the event, were supported by no more than two other people besides ourselves.

So I believe we have done the right thing and that members who vote against the third reading of the Bill will be acting with due wisdom.

THE HON. I. G. PRATT (Lower West) [3.20 p.m.]: At this stage in the passage of the Bill as you have already told us, Mr President, we must decide whether or not we should support the third reading. To do that we must consider what has actually happened and conduct a review of the actions that have occurred and their effect upon our opinions, which we have by now formed strongly. We should do that without going into details of the debate but consider the effect of the debate in its various stages. That is what I intend to do.

Having examined the Bill and found it reasonable to my mind, I was extremely interested to hear the speeches of members who are intimately involved with mining areas which will be affected by the Bill, because I was interested to see what effect their speeches would have on the debate. I have quite a considerable amount of mining activity in my province; mining is one of our major industries. However, the mining in my province is not of such a nature that it will be greatly affected by this Bill.

Therefore, I looked to the words of speakers such as the Hon. R. T. Leeson, the Hon. Norman Moore, the Hon. G. W. Berry, and the Hon. John Tozer to ascertain their attitude to the practical application of the Bill. When one considers the contributions of those members one finds that Mr Leeson spoke with fervour for some time. However, I found one real problem in trying to gauge his opinions; that was when he told us that we should stick with the original Act, with amendments. He was unable to tell us what sort of amendments should be made to the Act; when challenged on several occasions by the Hon. Norman Moore he was unable to give us any enlightenment as to what amendments should be made. This struck me as being particularly strange coming from a member who was giving us the value of his experience of the Mining Act over a number of years.

When listening to Mr Tozer, Mr Moore, Mr Berry, and Mr Lewis I found they were at all times prepared to defend their opinions. When interjections were made during their speeches, they were able to reply to them. This gave much more weight to the arguments they put forward and, indeed, drew me to take considerably more notice of what they had to say.

If we turn then to the Committee stage of the Bill those of us who were privileged to be present to listen to the arguments, questions, and answers found that while many of the amendments proposed by the Hon. Sandy Lewis appeared on the surface to be reasonable, when they were put

to the test the Minister was able completely to answer, at least to my satisfaction, the points Mr Lewis raised. Indeed, on several occasions Mr Lewis himself conceded.

We found on a couple of occasions amendments were moved and the Minister agreed they were reasonable; then we as a Committee agreed to them. Each of us had an opportunity to take part in the debate or to listen to the contributions made by others, and to assess what was being said.

I was extremely impressed by the contribution and the answers given by the Minister. Any member sitting here and listening to the answers he gave could not help but be impressed and convinced by him. It is unfortunate that many members were not present to be convinced; they lost the opportunity to listen to the replies of the Minister. However, I was present and I was convinced. Those are my reasons for supporting the third reading.

THE HON. N. E. BAXTER (Central) [3.24 p.m.]: Mr President, when we reach the third reading of a Bill, it should be the endeavour of supporters of the Bill to try to persuade their opponents to vote for it. Conversely, it should be the endeavour of opponents of a Bill to try to persuade supporters to vote against the measure.

From what I have heard this afternoon, the debate has revolved around what was said by way of interjection and what was said last night and this morning. I have not heard anything dealing with the Bill.

This Bill reminds me of the Liquor Act. When first I entered this Chamber many years ago I took on a battle of the giants in an endeavour to have a small amendment made to the Liquor Act. During the period from 1954 to 1960—six years—I introduced four Bills to amend the Act so that distance as the crow flies would be changed to distance by road.

The Hon. H. W. Gayfer: I got an amendment to the Act in my first year in Parliament.

The Hon. N. E. BAXTER: Mr Gayfer was lucky. The situation today is somewhat similar. We are discussing an Act which was introduced in 1904—the year my people left the goldfields and went farming. Probably the parents of many members of this House were never on the goldfields. Although I do not know a great deal about mining, I have had the opportunity to study amendments and to consider the Act over the years. Although I am not a full bottle, I think I know a little about the matter.

I was hoping I might be able to persuade one member of the Labor Party, the Hon. R. Hetherington, to support the third reading, but unfortunately he has left the Chamber; therefore, I cannot use my persuasive powers upon him.

In rebuttal of what Mr Hetherington said, I point out to members of the Labor Party that this Bill does cater for the small prospector. Firstly, any person, small prospector or otherwise, can apply for and obtain a miner's right which gives him the right to prospect anywhere on Crown land except where it is the subject of a mining tenement or mining lease. So a prospector with a miner's right can prospect *ad infinitum* and take samples, water, timber, etc. Following that he may peg the area and apply for a mining tenement. At a later stage when he is able to arrange finance, he can apply for a mining lease to work the area.

Therefore, the small prospector is adequately catered for. He is not required to peg a minimum area. He can peg an area of any size up to the maximum prescribed in the Bill. To say he is restricted in respect of pegging a mining area is not right. Every prospector is capable of pegging ground, just as anyone else is.

Let us move to modern times. The 1904 Act was written in the pick and shovel days of mining, but now we mine with modern equipment. We have open-cut mining, deep mining, and all sorts of methods are employed. We have modern machinery, modern techniques, and modern technology. Do we want to go back to the Victorian age simply because we like the 1904 Act?

I feel many of the people who are opposed to this Bill do not know the first thing about it. If they have studied the measure they do not understand it; that is their whole problem. I have heard very little from members opposite concerning the details of this Bill. I say to members opposite: Have another look at the Bill, study it closely, and they will find it is a good Mining Bill meeting modern standards and keeping up with modern methods. Where in the old Act is reference made to environmental protection?

Why should a prospector be able to dig winzes and holes and walk away and leave them? In Greenbushes, Kalgoorlie, Leonora, and other mining areas one finds holes in the ground wherever one goes.

The Hon. F. E. McKenzie: If it is such a good Bill, why are so many people in the industry opposed to it?

The Hon. N. E. BAXTER: Because, as I said before, they do not understand it. Many people have not taken the trouble to read the Bill properly and to try to understand it. They have got up in arms because someone has said it is a bad Bill. This story went like a bushfire. Those people are content to return to 1904—the days when one paid 10s. for 100 gallons of water on the goldfields. That is what they want to return to. They do not want to move with modern times and have modern legislation.

I hope that the members who oppose this Bill give it second thoughts and show their knowledge of the Bill by voting for it on the third reading.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.31 p.m.]: It is something of a coincidence that this is the second occasion on which I have followed Mr Baxter in this debate. It is not done deliberately; it is just the circumstance of the debate. Perhaps Mr Baxter gives to me the final urge to rise to my feet, when I might otherwise remain seated.

If the reasons given by Mr Baxter are those on which he bases his support for the Bill, it is unfortunate that the Bill is now about to go to a vote, because he will not receive further time in which to study the reality of the provisions of the Bill. It is quite clear from the statements made by Mr Baxter that he does not understand the implications of the Bill. It is most unfortunate, when we are considering what the Bill should do, that we have to look at the provisions we are left with in order to decide to oppose it.

The Hon. N. E. Baxter: Tell us what the provisions do not do.

The Hon. R. F. CLAUGHTON: I will elaborate. If Mr Baxter desists from interjecting, I might be able to get a word in. I might be able to satisfy his desire for information.

The Bill should provide for people to go into the field to prospect. When they discover something of interest, they should be able to peg out the ground and obtain ownership or the right to work that particular deposit. Where conditions are imposed before a person is able to obtain a right to the claim, the person has to leave the discovery and attend at the warden's office to make a statement of what he has found, and he has to make an application for the lease.

The Hon. N. E. Baxter: Do you not know that is the existing situation? It always has been.

The Hon. D. W. Cooley: It is not exactly the same.

The Hon. R. F. CLAUGHTON: Mr Cooley is quite right.

The Hon. N. E. Baxter: You know nothing about the Act.

The Hon. R. F. CLAUGHTON: The prospector is complaining that he is not able to peg his claim.

The Hon. J. C. Tozer: Because he does not understand what is in the Bill.

The Hon. D. W. Cooley: And you are the only one who does?

The Hon. J. C. Tozer: Unfortunately the newspapers gave him a false story.

The PRESIDENT: Order! The honourable member will direct his comments to the Chair.

The Hon. R. F. CLAUGHTON: Of course, Mr President. We say that there will be a great deal of confusion.

The Hon. N. F. Moore: You do not understand the old miner's right.

The Hon. R. F. CLAUGHTON: Is Mr Moore saying that the miner does not have to go and lodge an application for a lease?

The Hon. N. F. Moore: The old miner's right does not give him title to the land. He still has to go and peg it.

The Hon. R. F. CLAUGHTON: When he is out in the field and makes his discovery, he pegs it on the spot.

The Hon. N. F. Moore: Then he goes and applies; but in the meantime somebody can peg it. He does not have possession of it by virtue of his miner's right.

The Hon. R. F. CLAUGHTON: Up to this stage I had not mentioned the miner's right.

The Hon. N. F. Moore: That is what you are misunderstanding.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: Obviously Mr Moore is not even listening. I made no mention of the miner's right.

The Hon. N. F. Moore: You are talking about pegging country.

The PRESIDENT: Would the honourable member cease to interject?

The Hon. R. F. CLAUGHTON: I am only able to say in relation to the interjection that the members in support of this Bill have decided they will not listen to anything which is in opposition

to their view of the legislation. Certainly they cannot be listening to the views expressed to them by the prospectors, who are protesting about what is contained in the legislation.

The Hon. N. F. Moore: That is not true at all.

The Hon. R. F. CLAUGHTON: It is quite apparent from the remarks of Mr Moore that they certainly have not listened to what the prospectors have been saying.

When lodging an application for a tenement, there are requirements for lodging security. A lot of protest has been made on that particular point. The prospectors say that they do not have a great deal of capital behind them, and that this provision takes away from them the financial resources they need to enable them to go out in the field.

We are not talking about big companies. The big companies have no trouble meeting this sort of requirement. It is no problem to them. We are talking about the process by which exploration is undertaken. That process has proved every time to be highly successful.

The point has been made again and again that all of the significant finds have been made by the small prospectors. I do not wish to canvass all of those points. I simply want to cover, with a few examples, the things that are provided for in this Bill. I will give the reasons for our opposition to the Bill. I will give reasons that other members of the House should be opposed to the Bill.

Members opposite simply have not appreciated those sorts of points and the effect the legislation will have on the ability of the ordinary prospector to go and operate in the way that he has been able in the past. The fact that large areas of land can be now taken up and would prevent him from—

The Hon. N. F. Moore: They could under the existing Act.

The Hon. J. C. Tozer: Temporary reserves have always been there.

The Hon. R. F. CLAUGHTON: That demonstrates the area of confusion or lack of understanding in the minds of the people who are supporting this Bill. People cannot enter reserves and peg for gold. People cannot go into one of the large tenements provided for in this legislation and peg for gold. Temporary reserves were provided for under the 1904 Act. That is what the miners are protesting about. I think Mr Lewis would confirm that that is the case. He could also confirm the reasons for the objections to this Bill.

I hope that members opposite will reconsider their attitude. There is very little time left in which to do that.

The Hon. A. A. Lewis: Do you want me to reconsider?

The Hon. R. F. CLAUGHTON: Mr Lewis should also reconsider, because he supported the Bill on the second reading. I hope he does not continue to support it on the third reading.

Like other members of this House, I take exception to remarks made about members not being in the Chamber. In the course of debates that often happens; at times we are here, and at times we are not.

The Hon. R. G. Pike: But not all at once.

The PRESIDENT: Order! I have already asked members not to refer—

The Hon. R. G. Pike: The record speaks for itself.

The PRESIDENT: —to that particular aspect of the previous debate.

The Hon. R. F. CLAUGHTON: I think that is a very reasonable request, because there have been times when Mr Pike and I were sitting at the back of the Chamber and not in our seats. That applies to all members; therefore his comments are unjustified and irresponsible.

I hope that members have taken in some seeds of doubt in their belief in the Bill. It is not the sort of Bill they believe it to be. The objections being raised are not without grounds; they are soundly based, after a close study of the legislation. If we are to avoid the unpleasant consequences that will flow from this legislation then it will be necessary to defeat the Bill.

The statement has been made that it will take several years to frame the regulations. I believe that over the next 12 months no part of the Bill will be proclaimed and the situation will remain as it is. I would be very surprised if the Bill is proclaimed before the next State election.

The Hon. J. C. Tozer: Would you like to refer to clause 70 which provides that a prospecting licence for gold and/or precious stones may be granted on an exploration licence?

The Hon. R. F. CLAUGHTON: In answer to that interjection, that provision has to be read in association with the other provisions of the Bill.

I oppose the third reading.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [3.43 p.m.]: I

have listened to the debate with considerable interest, but I am afraid there is very little I am called on to say, because if I did I would be breaching the Standing Orders.

However, there are one or two comments which I should make and which are relevant to what honourable members have been suggesting. Mr Baxter very properly summed up many of the arguments which I could have used myself and, indeed, were mentioned in the second reading debate last night in support of the Bill. What he has said today is quite correct.

In regard to the last comment by Mr Cloughton, I would point out it is completely wrong. One is able to obtain a prospecting licence on an exploration licence; he was completely out of order in making that comment.

The Hon. R. F. Cloughton: The provision has to be read in association with the other provisions of the Bill.

The Hon. I. G. MEDCALF: There is a provision which allows just that. His comment that this cannot be done is completely wrong.

The Hon. R. F. Cloughton: We are not now in the Committee stage.

The Hon. I. G. MEDCALF: We are not. It is a pity the honourable member did not raise that point last night.

The Hon. R. F. Cloughton: You could have told us how it would operate.

The Hon. I. G. MEDCALF: The honourable member could have raised the point last night if he had been in the Chamber!

Some of the points made by members in the debate last night will be examined further. Some important contributions have been made in the debate, and the Minister for Mines has assured me he is examining certain aspects. On the point raised by Mr Gayfer in relation to private land and the right of appeal, and the matter we discussed in that connection, that particular aspect will be discussed further between the Minister for Mines and myself.

The Minister for Mines has indicated quite firmly to the Pastoralists and Graziers Association and to some members of Parliament that he will give further consideration to the question of compensation to the owners or holders of pastoral leases who may be affected by loss of income as a result of mining activities on their pastoral properties.

Finally I note the question raised by Mr Tozer on which I omitted to make comment last night.

He did ask in the second reading debate whether some comment could be made in relation to the situation of Aboriginal reserves—a matter in which he is particularly interested—as he is conscious of the situation which exists. I am assured this is another matter which the Minister for Mines is looking into. He has examined the information to which Mr Tozer has referred, and the matter will be given proper consideration.

Finally could I say that the 1904 Act is out of date? We must have a new Act. I believe the Minister for Mines deserves great credit for having grasped this thorn and attempted to give us a modern Act. I remind members voting against the Bill that they are voting for the 1904 Act with all its imperfections, including the inability of the Minister to take notice of conservation, environmental, and Aboriginal interests. If they want to go back to that they will vote against the Bill. However, I ask members to support the Bill.

Question put and a division taken with the following result—

Ayes 17

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. G. W. Berry	Hon. W. M. Piesse
Hon. V. J. Ferry	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. M. McAleer	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	

(Teller)

Noes 11

Hon. D. W. Cooley	Hon. A. A. Lewis
Hon. D. K. Dans	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. T. McNeil
Hon. H. W. Gayfer	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Cloughton
Hon. R. T. Leeson	

(Teller)

Pair

Aye	No
Hon. R. J. L. Williams	Hon. R. H. C. Stubbs

Question thus passed.

Bill read a third time and passed.

Sitting suspended from 3.50 to 4.00 p.m.

RESERVES ACT AND THE RESERVES AND ROAD CLOSURE ACT AMENDMENT BILL

Returned

Bill returned from Assembly with an amendment.

Assembly's Amendment: In Committee

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

The CHAIRMAN: The amendment made by the Assembly is as follows—

Page 3—Insert after clause 10 the following new clause to stand as clause 11—

Reserve
No. 8320
at Boulder.

11. The classification as of Class A of Reserve No. 8320, set apart for "Recreation", is hereby cancelled and the purpose of the reserve is hereby changed to "Prison Site".

The Hon. D. J. WORDSWORTH: I move—

That the amendment made by the Assembly be agreed to.

Since early this year the Boulder Shire Council and State Government have been endeavouring to establish a regional prison in Boulder to accommodate 80 inmates and a site was selected in close proximity to the shire civic centre. However, local ratepayers objected to the position of the prison and further negotiations resulted in an alternative site being chosen in Vivian Street.

The land affected is Class "A" Recreation Reserve No. 8320, which is not vested, and the location is acceptable to the Department of Corrections and the local council.

The shire proposes to finance the \$1.04 million project by utilising its local government loan borrowing powers and it is intended to lease the prison to the Department of Corrections for a term of 21 years in such a manner that the loan will be repaid in that period. The shire is acting as an intermediary for the financial aspects of the venture with no cost to the ratepayer.

Authority is sought to annul the "A" classification existing over Reserve No. 8320 and change the purpose to "Prison Site" following which the reserve will be vested in the shire with power to lease until the 31st December, 2000, when control of the land will pass directly to the Crown.

The Hon. R. F. CLAUGHTON: Of necessity we must accept this matter in good faith, because we have had no real opportunity to examine the proposition. In relation to the change in the classification of the reserve I should like to say I am prepared to accept the explanation of the Minister. We may have cause for concern about the other matter related to it; that is, the application of the shire's borrowing capability in relation to the building of the prison. Again, as we have not had an opportunity to assess that matter

and it is not directly involved in the proposal before us, we accept what the Minister has said.

With those words I support the Assembly's amendment.

The Hon. R. T. LEESON: This amendment has caught me unawares to some extent, but the story behind it is that the Boulder Shire Council was to assist the Department of Corrections to build a new regional prison in the goldfields by using the shire's borrowing power. The money was to be repaid by the Government over a period of 21 years, as was stated previously.

The Boulder Shire Council selected a site in its area and there was great controversy over it. A large number of people objected to the site and this forced the shire to carry out a referendum amongst the ratepayers to ascertain whether or not they were agreeable with the site. As a result of the referendum, the site proposed was not acceptable and the shire council found it was back to square one. The shire wanted to build a new regional prison in the goldfields and it decided to select another area at the southern end of the Town of Boulder. However, at the present time that area is an "A"-class reserve. It has nothing on it at the moment and from memory, during the time I have known it, it has never been used, although it has been set aside for recreational purposes. Obviously the Boulder Shire Council has sufficient recreation grounds and wants to use that particular area and we have no objection to that.

Of course, the final say no doubt will rest in the hands of the Boulder Shire ratepayers as it did in relation to the last site proposed for the prison.

With those remarks, I support the amendment.

The Hon. D. J. WORDSWORTH: I thank members for their support. Whilst the matter has not drawn a great deal of comment in the metropolitan area, it has been debated fully in Boulder and Kalgoorlie. The Hon. Ron Leeson has outlined the position and, as he stated, the matter is still in the hands of the Boulder Shire Council. It may proceed as it desires. The reserve will be classified in such a way that a prison may be built there.

Question put and passed; the Assembly's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

CONSERVATION AND THE ENVIRONMENT: STAR SWAMP AREA

Flora and Fauna Reserve: Motion

Debate resumed, from the 14th November, on the following motion by the Hon. R. F. Cloughton—

That the Members of the Legislative Council support the efforts of citizens of the Trigg, Marmion and Waterman localities to have set aside a reserve of 100 hectares in the area bounded by Beach Road-Marmion Avenue-North Beach Road and Hope Street, as a permanent natural bush and passive recreation/nature study area or such lesser area as will ensure that Star Swamp and its surrounding bushland will be protected from degradation and recognising—

- (a) that the Star Swamp bush area is one of the few remaining locations of natural vegetation typical of the Swan coastal plain left in the Perth metropolitan area;
- (b) its value for recreational and educational purposes;
- (c) the classification of Star Swamp by the National Trust of W.A. for environmental and historical reasons;
- (d) that Star Swamp is one of the few metropolitan wetlands free of salmonella infection;
- (e) the area is being increasingly used as a refuge for plants, birds and animals which are being displaced from the surrounding housing developments;
- (f) the area contains an array of plant communities;
- (g) that none of the land in question is privately owned;

urges the Government to reserve the area as requested and facilitate any land transfers and/or exchanges necessary to achieve these purposes.

THE HON. G. C. MACKINNON (South-West—Leader of the House) [4.13 p.m.]: It is interesting that this matter should have arisen here, because of my previous involvement as Minister for Environmental Protection. I had a great deal to do with this particular matter and indeed I was responsible for conveying the ultimate decision to Cabinet, with which Cabinet agreed. It is interesting also that so many departments are affected: For example, the SHC is involved because it owns some of the land; local

government is involved because we have to deal with the City of Stirling which has already some of the land and has to take over the management of the reserve; the EPA is involved because, of course, it is the main body to advise the Government in connection with this sort of reserve activity; the Wild Life Authority is involved because it currently looks after flora and fauna in this State; the Lands Department is involved because it has to effect the necessary transfers and the like; the Education Department is involved because the matter is considered by some people to be of educational value.

Another interesting aspect is that it would be virtually impossible technically to fault the actions of the Government in this particular case, because all those matters which have been agreed to by Parliament as being the way in which this sort of situation ought to be handled have been carried out.

We met the people, and the EPA was called in and it made recommendations. All the various agencies were utilised in order to effect a final result.

It has become a fairly regular practice for Opposition members, when speaking on measures introduced by the Government, to preface their remarks with a statement—"The Opposition supports these proposals, but with certain reservations"—or words to that effect.

I can think of no better way of commencing my response to the motion introduced by the Hon. R. F. Claughton, in respect of Star Swamp, than by saying that the Government has already indicated its support for the preservation of Star Swamp, but has reservations on the size of the area needed to be set aside for this purpose. This view has been formed in accordance with the recommendations of the Environmental Protection Authority.

I think that is the information which people have to bear in mind; there is no land out there which is just open-unknown land. All the land is, in fact, owned and all the land is valuable. I will refer to that matter later, but we are talking about an effective exchange of land which, so far as the ordinary taxpayer is concerned, is valued at about \$1 million.

Star Swamp should not be looked at in isolation, because there are other areas in the State where millions of dollars can be spent in a similar manner. For instance, Herron Station could be bought three times over for that amount—that is the whole of the Exmouth Peninsula. That is the price talked about for

purchasing land in the Star Swamp area, and we ought to keep that value in mind.

Mr Claughton gave us a pretty good description of the area and the type of plant, bird and animal life which has been sighted there. However, it is difficult to accept everything that he presented to support his motion, particularly after a few inaccuracies are corrected and taken into account.

As explained by Mr Claughton, Star Swamp is included in an undeveloped area between Hope Street and Marmion Avenue in the North Beach locality. It is zoned "urban" under the Metropolitan Region Scheme and "single residential" under the City of Stirling District Town Planning Scheme. The land is owned by the State Housing Commission and the Crown, with the exception of portion of Star Swamp which is owned by the City of Stirling.

In November, 1975, a proposal was put forward by the Trigg-North Beach-Waterman Community Association for 2.5 hectares to be set aside around the swamp for a reserve.

I would like to remind members that the area of 2.5 hectares was the area asked for by the local community. That was the stage when Mr Clarko, the member for the area, came in with his support for this particular proposal. Incidentally, his was the only parliamentary support I was able to locate.

The Minister for Housing then advised the association in January, 1976, that he was prepared to go further than that and release 4 hectares in the interests of simplifying the boundaries. This proposal was accepted by the City of Stirling which agreed to the inclusion of their land in the proposed reserve. That is adjacent to Star Swamp.

Early in 1977 Realty Development Corporation, on behalf of the State Housing Commission, submitted an application to the City of Stirling for development of the commission's land with single residence and group housing. The council was requested to rezone the area to GR4 to enable development of this density. Local residents heard of the proposal, and held meetings, and the outcome was that the Environmental Protection Authority was requested to conduct a survey of the Star Swamp area.

We had the initial request for 2.5 hectares, which had been agreed to and added to by the Government and made into a 4-hectare area. Now we have got to the developmental stage there is a request for a review.

On the 19th June, 1978, Cabinet agreed to establish a reserve on the lines of the Environmental Protection Authority's recommendations. Up to that stage the EPA had looked at it, and made all sorts of recommendations and proposals under which the land could be purchased with money set aside and held by the Lands Department for the purchase of land for the authority. Those recommendations increased the area to 15.1 hectares from an original area of 2.5 hectares. The recommendation involved a total of 15.1 hectares, and instructed the Ministers for Housing, Urban Development and Town Planning, and Lands to confer and report back on financial implications and the position of the City of Stirling. Of course, it has had to be vested in the management of the City of Stirling.

After further discussions between Ministers, it was generally agreed that the Government should determine the boundaries of the proposed reserve, following which decision the City of Stirling would be required to amend its town planning scheme to comply with the new reservation.

The land, of course, was to be purchased from the State Housing Commission and the commission was to be reimbursed as it properly should be, because its job is to build houses for disadvantaged people.

On the 28th September, 1978, the Minister for Urban Development and Town Planning visited the City of Stirling and offered the council land which would take the total reserve, including Star Swamp, to about 20 hectares; an increase from 2.5 hectares. This offer was criticised by the councillors of the Hamersley ward, which includes Star Swamp, as being inadequate to ensure the long term preservation of the swamp. The Trigg-North Beach-Waterman Community Association now argues that the area required to protect the wetlands as a whole is 100 hectares, which is a far cry from the original request for 2.5 hectares.

Of course, that is totally at variance with the decision of the Environmental Protection Authority which probably comprises the best people in this State to make recommendations of this kind.

One aspect that has to be considered is that the Government is not in the position to make a greater contribution, even though the land is owned by the State Housing Commission. The commission has owned the land over a considerable period and paid rates on it and other holding costs, like any landowner. The

commission regards it as a valuable asset and the Government will have to negotiate on the basis of its full market value.

There is no way the State Housing Commission will give away the land, nor should it. The land would have to be purchased out of tax funds, which means that land cannot be purchased elsewhere by the EPA. If members look at the Budget, they will see that the EPA receives a set amount to buy land, and it is buying land and spending at a rate of \$3 million a year. Much of the land sought has to be passed in, because the asking price is considered to be too high or for some other reason. If the authority buys one area it is not able to buy another area.

The 35.123 hectares of residential land owned by the Housing Commission at North Beach, was purchased—not by resumption—in 1951, and it has owned the land for a long time.

It is to be remembered that the use of the land was not considered to be changed in the metropolitan region scheme plan of 1963, and its residential use was recently confirmed again in the declaration of the City of Stirling town planning scheme, wherein, as far as the commission is aware, there was no objection from the community whatsoever as to this use.

It is fair to repeat that, prior to the submission of a plan by a developer authorised by the Commission the then Minister for Housing had responded to public interest in Star Swamp and its environs by agreeing the commission would give up 4 hectares to protect the swamp which was an existing Crown reserve, and this was done on the expert advice of the people in the wildlife authority.

More recently, by reason of continued interest in the land, as to its wild life and fauna, the City of Stirling initiated an examination by the Environmental Protection Authority—and I have already told members about that—so that it will enable the commission to undertake development in single house as well as medium density, and other group housing, which the Commission considers is more in keeping with the land in terms of a mixed development with private enterprise.

As was proposed in the concept presented to the local authority, the use of the land in the concept presented would give the opportunity to preserve the natural features more than if the land was subdivided in the traditional road layout and the individual lot pattern.

Bearing in mind the commission is a business undertaking with a heavy social service overtone,

and this land is part of the commission's land portfolio, and would presently have a broadacre value of not less than \$1.25 million—and that is a lot of money—the commission would be prepared to give up the whole of this land only if it received adequate compensation, or suitable land in exchange.

The balance of land involved in this exercise was mentioned by Mr Claughton as—"The larger portion on the western side is held by the education department".

The Hon. R. F. Claughton: No, the eastern side. It was corrected in the proof. The land lies east of the swamp and west of Marmion Avenue.

The Hon. G. C. MacKINNON: There appears to be a mistake, as land in which the Education Department is interested lies east of the swamp and west of Marmion Avenue. The land is still Crown land but it is committed by Cabinet resolution to the Education Endowment Trust in exchange for lands held by the trust at Cottesloe. The trust is bound by its controlling legislation in the use as a consequence of this action, and taking the expert advice of the EPA, and having regard for the System 6 study, some 15.1 hectares, which involves existing reserves and further commission land, and Crown land, can be set aside to protect the swamp.

The Government has made the decision that the commission will give up, in total, 8.9 hectares, conditionally on City of Stirling arranging for an appropriate management body for this land, and also to be prepared to rezone the remainder of the commission's holding, which amounts to 26.223 hectares, of the land and it is believed that the trust is considering subdivision.

The "Crown land on the north" referred to by Mr Claughton lies north of Mary Street, and is therefore outside the area specified by him.

I trust that members will appreciate the lengths Government has gone to satisfy this evident requirement which will ultimately establish a reserve of about 21 hectares along the lines recommended by the Environmental Protection Authority. The decision takes cognisance of a number of reports and letters, and the Government is satisfied that the greater portion of tuarts and paper bark woodland and the swamp itself will be preserved.

Members will recall I said earlier this whole exercise is a classic example of following all the laid-down precepts, and following the systems which have been developed over the years.

Looking at Mr Claughton's motion, I consider the following points are pertinent in relation to his reasons for setting aside 100 hectares.

Mr Claughton has stated—

- (a) That the Star Swamp bush area is one of the few remaining locations of natural vegetation typical of the Swan coastal plain left in the Perth metropolitan area.

Expert advice indicates that the vegetation in the Star Swamp area cannot be regarded as pristine and an example of the natural vegetation of the Swan coastal plain. Records indicate a rise in water level in the swamp of about 1 metre—there is no argument about that, because Mr Claughton has mentioned it—in the last 20 years, which has affected the vegetation. Some of the swamp's western shore has been grassed and lupins and annual grasses have invaded parts of the area. It has been estimated that about 1 in 5 plant species are alien. There are also off-road vehicle tracks in places. Mr Claughton stated further—

- (b) Its value for recreational and educational purposes.

It is recognised that the area has recreational and educational value, but the Government believes that an area of over 20 hectares is sufficient for those purposes. The honourable member went on to say—

- (c) The classification of Star Swamp by the National Trust of WA for environmental and historical reasons.

The Government was aware that part of the area had been classified by the National Trust of WA, and took this into account when making its decision. He also stated—

- (d) Star Swamp is one of the few metropolitan wetlands free of salmonella infection.

Star Swamp is not, in fact, free from salmonella. However, it is recognised that in comparison to other coastal wetlands the swamp is largely unaffected. The honourable member then said—

- (e) The area is being increasingly used as a refuge for plants, birds and animals which are being displaced from the surrounding housing developments.

It is not surprising that an area of uncleared land, in any condition, would attract plants, birds and animals from surrounding housing developments.

It is hoped that no more alien plant species are attracted to the area. There is no reason to believe that under proper management, birds and native

animals will not use the proposed reserve as a refuge from surrounding developments. However, it is beyond the means of the Government to provide reserved habitats for all displaced birds and animals from housing developments on the Swan coastal plain. Mr Cloughton continued—

(f) The area contains an array of plant communities.

As previously indicated, the area does not have a high conservation value for flora alone, with about 1 out of 5 plant species alien. Lastly, the honourable member said—

(g) None of the land in question is privately owned.

The land is not all in public ownership. For example, a number of private houses exist along the east side of Hope Street and back to the proposed reserve.

The Hon. R. F. Cloughton: It is not proposed that they should be taken over.

The Hon. G. C. MacKINNON: I thought the member had proposed that they should be taken over.

The Hon. R. F. Cloughton: No, I did not say that.

The Hon. G. C. MacKINNON: I hope not, as that would represent a lot of money.

The nearest of these houses almost impinges upon the swamp itself. Furthermore, the fact that a Government instrumentality—the State Housing Commission—owns most of the land that the local citizens want reserved, does not mean that the land may be treated as vacant Crown land. As members are aware, there would be a large component of social welfare in the State Housing Commission's interest.

There has been some recent consideration of the possibility of a further land swap between a reserve to the south of the EPA recommendation and separated by the as yet unmade Coghill Street with land to the east of the proposed boundary currently held by the State Housing Commission.

The status of this reserve is as follows: Reserve No. 15177 is "C" class, vested in the City of Stirling for parks and recreation with power to lease, and is classified as region open space under the metropolitan regional scheme. Although presently undeveloped, it forms part of the Charles Riley Memorial Reserve; the south portion—beyond North Beach Primary School—has been developed largely for sporting

facilities. There is no reason to believe that it will remain undeveloped.

Unfortunately the reserve proposed runs in a strip like the bottom part of the letter "L".

The Environmental Protection Authority was aware of this reserve at the time of making its recommendation but, because it was vested in the City of Stirling and shared similar drainage characteristics as the east side of Star Swamp, saw no advantage in including it in its recommendations at the time.

I believe that Mr Cloughton has raised nothing in his motion on Star Swamp which would give cause to alter the original recommendation of the Environmental Protection Authority.

Therefore, I have a proposition to put to the House. Referring back to the area of land owned by the local authority which forms the bottom part of the "L", the City of Stirling may be prepared to exchange a section of that land with some of the State Housing Commission land to further protect Star Swamp from the drainage run-off along its sides. The Environmental Protection Authority does not consider that the run-off from any developed area would have a deleterious effect on Star Swamp. The EPA considers it is almost impossible to keep a comparatively small area of land in a pristine condition, and of course it regards a small area as anything under about 20 000 square acres.

The motion moved by the honourable member asks us to support the efforts of the citizens of the Trigg, Marmion, and Waterman localities, to have set aside a reserve. We have already supported those residents, and it is really a bit pointless to include that in the motion. They have had all the support in the world. The original proposal was for 2.5 hectares.

Amendment to Motion

The Hon. G. C. MacKINNON: I move the following amendment—

Delete all words after the word "Council" in line 2, and substitute the following—

Commends the efforts of the Government for setting aside approximately 21 hectares in the vicinity of Star Swamp and requests that further investigations be undertaken to determine whether a further extension of the reserve is possible through the amalgamation of the adjacent area of regional open space which is vested in the City of Stirling.

I have circulated this amendment, and I put it forward in all good faith as I believe it follows logically from the explanation I made. I request the support of all members of this House.

Point of Order

The Hon. R. F. CLAUGHTON: Mr President, I would ask you to give a ruling on this amendment. It appears to me that the amendment moved by the Leader of the House is a negation of the motion itself which sets out to reserve an area as described in it, and which outlines the purposes and objectives that would be so achieved. As my motion indicates, these objectives can be achieved only with a reservation of the size indicated. I seek your ruling on this matter, Mr President.

The PRESIDENT: It was only when I returned to the House that I received a copy of the amendment moved by the Leader of the House. It is my proposal to leave the Chair in order to study the question raised by the Hon. R. F. Cloughton.

Sitting suspended from 4.37 to 4.48 p.m.

President's Ruling

The PRESIDENT: I have studied the amendment moved by the Leader of the House and considered the points raised by the Hon. R. F. Cloughton, and I rule that the amendment is not out of order.

Dissent from President's Ruling

The Hon. R. F. CLAUGHTON: Mr President, I move—

That your ruling be disagreed with.

I am placed in an unfortunate position; however, I have no option but to move dissent for the following reasons: The motion I have moved indicates an area of approximately 100 hectares bounded by the streets as described. My motion specifically referred to that amount of land for the purpose of protecting the area from degradation, and recognising the points (a) to (g) as described in my motion.

Amongst those seven points, reference is made, for example, to the array of plant communities contained within that area of land. Members may recall me referring to an article and a map produced by Mr Tom Jenkins which indicated the location of the varying types of plant communities to be found on that piece of land. The open heath array would be totally excluded—

Point of Order

The Hon. G. C. MacKINNON: Mr President, I cannot connect the honourable member's comments with regard to the flora of the reserve

with why your ruling should be disagreed with. It seems to me that the motion for dissent has been moved and, if seconded, can be explained by the honourable member. However, the debate must hinge around why your decision is correct or incorrect, not the nature of the reserve.

The PRESIDENT: The Leader of the House is correct to the extent that the honourable member's comments are not directed to giving the House the reasons he has disagreed with my ruling. However, a seconder will not be required until the honourable member has completed moving his motion to disagree with my ruling. When he completes talking to his motion, and if a seconder is available, that motion may be debated. I recommend that the Hon. R. F. Cloughton give reasons for his disagreement.

Debate (on dissent motion) Resumed

The Hon. R. F. CLAUGHTON: Mr President, I understand the intent of your remarks; as I develop my argument I intend to demonstrate how my comments relate to my motion for dissent. The ruling I asked you to make was that the amendment made by the Minister was a negation of my motion. Obviously, since the purpose of my motion is to protect the plant communities of that area, and if one entire area containing several plant communities is excluded from that piece of land encompassed by my motion, the Minister's amendment negates the purpose of my motion to that extent. That was just one of the arguments I was in the process of making. I trust I will be able to proceed, and make my arguments in some logical sort of sequence.

The Hon. G. C. MacKinnon: It depends on how it is done. You have just given us one reason; that is okay. But do not go on to talk about the daisies on the side of the hill.

The Hon. R. F. CLAUGHTON: I am sorry the Minister keeps interjecting; I will endeavour to ignore his interjections.

The Hon. G. C. MacKinnon: I do not think you should ignore them; you should take notice of what I am saying.

The Hon. R. F. CLAUGHTON: We have been fairly well instructed this afternoon to ignore interjections, and I will endeavour to do so. On that one point, we find the Minister's amendment will negate the purpose of my motion.

The Minister referred to the size of the area in relation to the ability of the land to maintain itself. However, his amendment will reduce the area to such a degree—from 100 hectares to 21

hectares—that there is no conceivable way in which the five varieties of plant communities, the entire open heath and the banksia community can be maintained. They would be lost within that 21 hectare area in a very short period. So, there would be no means by which those plant communities could maintain themselves.

My motion refers to the protection of Star Swamp itself from degradation. The Minister is proposing to allow foreign plant communities to intrude on that very small area of 21 hectares. A much smaller space would be available for people to enter; it would be much more confined and greater damage would be done to the existing plant forms from that source. For that reason, the swamp could not be protected from degradation.

It is necessary to maintain the tree growth on the entire slope to the north, south and east of Star Swamp. We have talked about the process which takes place where, once the trees are removed, the water table rises. If these trees were removed, and the area were reduced to only 21 hectares, the ti tree community within the swamp itself would be covered by the rise in the water table and would be lost. For all those reasons, the Minister's amendment will negate the purpose of my motion, and should be unacceptable to the House.

The bird life of Star Swamp is able to exist because of the size and the variety—

Point of Order

The Hon. G. C. MacKINNON: Mr President, I think the House has put up with this long enough. Any disagreement on a ruling is a technical matter. Many of the cases the honourable member has put forward are matters of opinion. The area which is required for any given quantity of birds to live in is a matter of opinion. The matter of whether your ruling is in order is a technical one and depends upon the verbiage used in Mr Cloughton's motion and my amendment.

The other arguments are matters Mr Cloughton can put forward in pursuing his motion, not in pursuing his disagreement with your ruling.

I suggest we get back to the technicality of the matter. I am prepared to argue in a technical way the moment Mr Cloughton sits down, and I think I can refute his argument in about five minutes.

The PRESIDENT: Will the Hon. R. F. Cloughton proceed, bearing in mind it is necessary to put forward arguments as to why my ruling should be disagreed with?

Debate (on dissent motion) Resumed

The Hon. R. F. CLAUGHTON: Mr President, the argument I was making is that because of the effect of the Minister's amendment upon all these things I have explained—I will not go over them again—the purpose of the motion is negated. The Minister's amendment refers to the proposal announced by the Government, considered by the association referred to in the amendment, and by the people in the area, in opposition to which they have put forward the proposal contained in my motion. If the Minister is talking about technical grounds, that is the essential part of it.

The Minister's amendment quite clearly negates the whole purpose of the proposals put forward by the association and contained within the motion I have presented to the Chamber. Without developing that argument any further I would say that it is not a matter of opinion, but a matter of fact.

The position I have just outlined—that is, that the proposal contained in the Minister's amendment is the one against which the local people are objecting and making the counter proposal contained in my motion—quite clearly negates their intentions.

The Hon. J. C. Tozer: It is a counter proposal.

The Hon. R. F. CLAUGHTON: If Mr Tozer wants to argue he should get to his feet.

The PRESIDENT: Order! I have been prepared to allow the honourable member quite a lot of leeway, but it is becoming obvious to me the honourable member is debating the amendment rather than advising the House as to why my ruling should be disagreed with. An opportunity to debate the point he is now debating will be available to him if and when this decision as to whether my ruling is correct or not is decided on.

The Hon. R. F. CLAUGHTON: I take your point, Mr President. I had, in fact, completed the remarks I wanted to make on this question.

It is very difficult for members—and with due deference to you too, Mr President—not knowing personally the situation out there or the history of the efforts, to be fully appreciative of the situation. That is why I was reiterating the last point that the Minister's amendment is one which has been put to the people out there and to which they had objected, and why they have made the proposal along the lines of my motion. The Minister's amendment is a negation of the proposal in my motion.

The PRESIDENT: Order! The Hon. R. F. Cloughton has moved to disagree with my ruling. Is there a seconder to the motion?

The Hon. R. HETHERINGTON: I second the motion.

The Hon. G. C. MacKINNON: All the words uttered by Mr Cloughton were totally and absolutely irrelevant. Let us consider the question before us and strip it of its explanatory verbiage. Mr Cloughton's motion reads in part as follows—

That the Members of the Legislative Council support the efforts of citizens of the Trigg, Marmion and Waterman localities to have set aside a reserve of 100 hectares . . .

And then it goes on—

. . . or such lesser area as will ensure that Star Swamp and its surrounding bushland will be protected from degradation . . .

The amendment clearly stresses the lesser area rather than the 100 hectares; nothing more, nothing less. The Government has done a good job in changing the original proposal of 2.5 hectares to 20 hectares, which is surely a lesser amount than 100 hectares.

According to the EPA, this will protect Star Swamp from degradation, and the amendment recognises this. Mr Cloughton's motion asks for 100 hectares or more; therefore I believe you, Mr President, are perfectly correct in your ruling. There can be no argument at all and I hope members can accept that. It is plain English and the rest is verbiage which has nothing to do with the motion at all. Therefore, Mr President, your ruling is 100 per cent correct.

The Hon. GRACE VAUGHAN: I support Mr Cloughton, because I believe the argument put up by the Leader of the House is not acceptable. He has simply taken the words "lesser degree" and has not gone on to the words "as will ensure that Star Swamp and its surrounding bushland will be protected from degradation." They are the operative words. There is nothing in the amendment which gives that assurance. The amendment negates the original motion introduced by Mr Cloughton. We cannot say it is merely a matter of words; it is more than that, because what is entailed is possible degradation.

It is very difficult to argue against the ruling when the amendment to the original motion is so different. I agree with Mr Cloughton in dissenting from the President's ruling, because I feel the words are too ambiguous and what has been substituted by way of an amendment is quite the

opposite from that which was intended by the mover of the motion.

The Hon. R. HETHERINGTON: I support Mr Cloughton in this matter. It involves a rather fine point of whether the difference between 21 hectares and 100 hectares is a difference of degree or a difference in kind. The original motion claimed there was a certain quantity of land necessary to produce a quality of life style.

The Hon. G. C. MacKinnon: It says 100 hectares or such lesser area.

The Hon. Grace Vaughan: As will ensure.

The Hon. R. HETHERINGTON: The original motion talks about 100 hectares or such lesser area as will preserve a life style. If a certain proposal has been put up that involves 21 hectares and people opposing this put up a counter proposal for 100 hectares or such lesser area as will do something, but is more than 21 hectares, then the original proposal is a counter to the counter proposal and is therefore a negation of the counter proposal. I realise it is a very difficult point.

The Hon. G. C. MacKinnon: I think the President is capable of understanding it.

The Hon. R. HETHERINGTON: I am sure the President is capable of understanding it, but I do the President the courtesy of trying to get him to understand how I am thinking, because it might throw some light on the matter; if he does not, he has the courtesy to listen.

The problem revolves around whether this change in degree becomes a change in quality. Whereas some amount lesser than 100 hectares may produce merely a quantitative change, to get down to 21 hectares produces a qualitative change which negates the original motion. For that reason I support Mr Cloughton's dissent from the President's ruling.

Motion (dissent from President's ruling) put and a division taken with the following result—

Ayes 7

Hon. D. W. Cooley
Hon. Lyla Elliott
Hon. R. Hetherington
Hon. R. T. Leeson

Hon. F. E. McKenzie
Hon. Grace Vaughan
Hon. R. F. Cloughton

(Teller)

Noes 19

Hon. G. W. Berry	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. M. McAleer	Hon. W. R. Withers
Hon. T. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters

(Teller)

Motion (dissent from President's ruling) thus negatived.

Debate (on amendment to motion) Resumed

The Hon. R. F. CLAUGHTON: I think it is most unfortunate the Minister has brought this proposition forward, because it is quite contrary to the intention of the motion.

Point of Order

The Hon. G. C. MacKINNON: It is not contrary to the intention of the motion. You, Mr President, have ruled it is not and the member has stood straight up and questioned your ruling. Not only have you given a ruling, but also, the House has made up its mind in favour of the ruling. The member's comment is out of order. The member was told about this last week.

The PRESIDENT: The Hon. Mr Cloughton knows he is out of order and I recommend he direct his remarks to the question before the Chair.

Debate (on amendment to motion) Resumed

The Hon. R. F. CLAUGHTON: There was no criticism of you, Mr President, meant or implied in my remarks. It is most unseemly for the Minister to have got to his feet and made an accusation such as that. The people of North Beach, Trigg, Marmion, and Waterman will not be a bit impressed by the amendment brought forward by the Minister as it relates to a special area of land and a proposition brought forward by the Government which they have found most unacceptable. I would hope members of the Chamber do not make up their minds about the value of the amendment until they have had an opportunity to visit the area concerned and to make an inspection on the spot. Only then should they make up their minds about the value of the Minister's amendment in relation to the motion I have proposed.

Quite clearly, if the members listened to my address in presenting the motion to the House and studied the papers that have been issued they would appreciate the worth of my motion. I hope there is a copy of the association's submission available to members this afternoon. I have asked for a copy to be circulated which I hope members

will be able to get before they leave the Chamber so that they will have the opportunity to examine this question at leisure.

The least casual examination of the area in question should be sufficient to satisfy anyone who is sincere and has an interest in the welfare of the people, a concern for the environment, and the quality of life that people are able to experience that there is a real necessity for the larger area to be set aside. I will deal later with the specific remarks the Minister made in his address to my motion.

Besides the material which is being circulated to members at the moment, there is a scale model of the locality which I had hoped to be able to bring today. I will certainly have it here tomorrow at a convenient place in the building so that members who are unable to go to the area will have a good idea of what is involved in connection with the swamp and its relationship to the various plant communities surrounding it.

I have expressed the view that a larger area is needed to protect the array of plant communities. If we reduce the area in line with the Minister's amendment, we will excise the whole of the open heath vegetation which would lie east of the line which would be the boundary of the land referred to in the amendment. It would not even get to the fringes of it. The whole of the banksia community would be excluded and all the plant and animal life depending on it would disappear. The food the vegetation provides would not be available, nor would the shelter for birds. The nesting facilities it provides would be lost so that the birds dependent on that style of vegetation would not be able to maintain themselves within the area set aside.

I am surprised the Minister made the claim that the recommendations of the EPA indicated sufficient study had been made which would support his proposal. When I spoke to the original motion I attacked the deficiencies in the studies undertaken by the EPA.

Again I hope members will keep an open mind and thus be able to make a fair decision about the two propositions.

Debate adjourned, on motion by the Hon. R. Hetherington.

QUESTIONS

Questions were taken at this stage.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.31 p.m.]: I move—

That the House at its rising adjourn until 2.00 p.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 5.32 p.m.

QUESTIONS ON NOTICE EDUCATION

Department: New Building

447. The Hon. R. F. CLAUGHTON, to the Leader of the House representing the Premier:

- (1) Has the Premier received a request from the Shire of Wanneroo to have the proposed new Education Department headquarters located at Joondalup?
- (2) If so, will he advise—
 - (a) if he supported the request; and
 - (b) if he opposed the request, and further advise the reasons given to the shire in support of this decision?

The Hon. G. C. MacKINNON replied:

- (1) The last letter I received from the Shire of Wanneroo requesting that the proposed new Education Department headquarters be located at Joondalup, was dated the 28th February, 1978.
- (2) (a) and (b) On the Premier's behalf the Deputy Premier replied to the shire, advising them of the need to centrally locate the Education Department headquarters in the Perth business area. The shire was advised of the reasons for this decision, and I quote, in part, from the reply—

The head office is visited daily by very many people, including teachers, parents, prospective professional and non-professional employees, and others on departmental business. These people come from all parts of the metropolitan area, and a head office at Joondalup would be an inconvenience to these people, as well

as to the many employees who live south of Perth.

You may be assured that the Education Department will continue to regionalise its activities, but its head office needs to be centrally located in the Perth business area.

SHIPPING

SSS: Effect of "Townsville Trader"

448. The Hon. D. K. DANS, to the Minister for Lands representing the Minister for Transport:

- (1) Is the Australian National Line about to introduce the roll-on/roll-off vessel *Townsville Trader* into the Melbourne/Hobart/Fremantle trade on a fortnightly service?
- (2) If "Yes", what effect will the new service have on the monthly service at present operated by the State Shipping Service to Melbourne/Hobart and Fremantle?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (1) The Minister has heard a rumour to this effect and it is known the *Townsville Trader* is laid up in Melbourne. However, there has been no official information from Australian National Line. In reply to telephone inquiries today, Australian National Line has advised the operation of an east-west service is under consideration but they are not yet in a position to make a decision.
- (2) Not known.

RAILWAYS

"Albany Progress"

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

- (1) Will the coaches currently used on the *Albany Progress* be retained and stowed for emergency situations such as holiday peaks or use on picnic excursions, etc.?

(2) If not, what is to happen to them?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

(1) and (2) Although no final decision has been made, consideration is being given to the possible need to retain some coaches.

CYCLEWAYS

Report and Government Funds

450. The Hon. LYLA ELLIOTT, to the Attorney General representing the Minister for Local Government:

Further to my question No. 176 of the 10th August, 1978, as to what action the Government had taken on the recommendations of the cycleways advisory committee dated August 1975, and the Minister's reply that the Minister for Local Government had appointed an Advisory Committee to examine the whole question of bicycle use in the metropolitan area, will the Minister advise—

- (a) how many times that committee has met since its appointment; and
- (b) on what dates?

The Hon. I. G. MEDCALF replied:

- (a) Twice on preliminary aspects of the study.
- (b) The 27th July, 1978 and the 29th August, 1978.

Inspections of cycleways have also been made both within the State and in Victoria and South Australia and a subcommittee is collating data. As representatives of organisations of cyclists have since been appointed to the committee, it will now commence its formal exercise.

EDUCATION

Department: New Building

451. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Town Planning:

Further to my question No. 440 on the 16th November, 1978, will the Minister advise what recommendation/s, if any, in respect of the proposal to site the new Education Department headquarters at East Perth, was made by the Metropolitan Region Planning Authority following its consideration of this question?

The Hon. I. G. MEDCALF replied:

East Perth was one of several areas suggested as an alternative to the West Perth site. The authority concurred in the recommendation earlier this year but has yet to confirm the present decision. I understand the matter will be considered by the authority at its meeting today, Wednesday the 22nd November.

RAILWAYS

Leighton and North Fremantle Yards

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

- (1) Has Westrail any intention of ceasing or curtailing operations at the Leighton and North Fremantle shunting yards?
- (2) If "Yes", when are the changes expected to take place?
- (3) Where will existing staff be re-located if a surplus exists?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (1) No.
- (2) and (3) Answered by (1).

RAILWAYS

Radiators

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

- (1) What is the cost of a radiator for a Class ADG railcar?

- (2) Is it a fact that regardless of cost, a debit of \$1 000 is raised when costs associated with running the metropolitan rail service are being compiled?

- (3) If not, how much is the debit?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (1) The cost of a new radiator modified to fit an ADG railcar is \$2 143.
- (2) No.
- (3) The actual cost of \$2 143.

LOCAL GOVERNMENT

Shelters for Bus and Railway Passengers

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

- (1) Does the Government provide financial assistance to local government authorities in the form of a subsidy for the erection of bus shelters?
- (2) If so, how much is provided for each shelter constructed?
- (3) Is any similar financial assistance in the form of a subsidy provided to local government authorities for the construction of shelters for railway passengers on railway stations?
- (4) If not, why not?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (1) Yes.
- (2) \$250.
- (3) No.
- (4) All bus shelters are on land administered by local authorities and become the property of the local authority.

Railway shelters are on railway property and are funded out of railway moneys. Railway stations are similar to bus stations where no finance is provided to local authorities and on subsidy given by the Government.

TRANSPORT AND RAILWAYS

Subsidies

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

- (1) For the year ending the 30th June, 1978, could the Minister advise the Government subsidy paid for each passenger carried on—
 - (a) MTT buses; and
 - (b) suburban rail?
- (2) Could he explain how the subsidy for each passenger is calculated?
- (3) How do these subsidies compare with any Commonwealth or State subsidy paid in respect of airport facilities provided for each passenger travelling by air?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (1) (a) 26.6 cents.
(b) \$1.14 cents.
- (2) The net loss divided by the number of passengers carried.
- (3) There are no State subsidies in respect of airport facilities but it is known that the Commonwealth does not recover all of its outlays on the operation and maintenance of airports even though successive Commonwealth Governments have been increasing air navigation, etc., charges with the aim of eventually effecting a high percentage of cost recovery.

TOWN PLANNING

Map

456. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Town Planning:

- (1) Did the special coloured photographic Metropolitan Region Scheme Map gazetted on the 2nd, 9th and 16th August, 1974, relate in any way to a recommendation made by Mr Dixon, the Parliamentary Commissioner, in April and June of 1973?
- (2) When will the *ex gratia* payment of \$3 000 which was part of that recommendation, be paid?

The Hon. I. G. MEDCALF replied:

- (1) This matter is the subject of a Supreme Court action No. 1600/1978 and is therefore *sub judice*.
- (2) The \$3 000 will be paid when a Supreme Court action (no. 1378/1977) for the recovery of \$32 662.18 is determined.

QUESTION WITHOUT NOTICE

MEDICAL AND PUBLIC HEALTH DEPARTMENTS

Curtin House: Accommodation

The Hon. R. G. PIKE, to the Minister for Lands representing the Minister for Health:

- (1) What is the total area rented by the Western Australian Government's Medical and Health Service Departments from the Australian Labor Party in the building known as Curtin House in Beaufort Street, Perth, at the present time?

- (2) What is the total amount of rental paid to date by the Western Australian Government to the Australian Labor Party for these premises?
- (3) What further period has the lease to run?
- (4) What escalation of payment provisions, if any, exists in the lease document?
- (5) What is the estimated, or known, total payment to be made by the State Government to the Australian Labor Party from the date that the previous State Labor Government implemented the lease agreement to the finish of the term of the lease?
- (6) If known, what was the capital cost of the Australian Labor Party building known as Curtin House?
- (7) What percentage of the capital cost of this building is represented by the total lease payment to be made by the State Government?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

I ask the honourable member to put the question on the notice paper.

