Legislative Assembly

Tuesday, the 21st November, 1978

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

EDUCATION: SCHOOL NURSE

Cannington High School: Petition

MR BATEMAN (Canning) [4.32 p.m.]: I wish to present the following petition—

> To the Hon. Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned petitioners respectfully request that the Hon. Minister for Education investigate why there is no permanent school nurse for the Cannington District Schools and earnestly request that an appointment of this nature, to be centred at the Cannington Senior High School, be made.
>
> Your petitioners therefore humbly pray that your Honourable House will give this matter urgent consideration and your Parliament as in duty bound will ever pray.

The petition bears 287 signatures, and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 52).

EDUCATION: SCHOOL BUS

Eaton to Bunbury: Petition

MR T. H. JONES (Collie) [4.35 p.m.]: I have a petition to present in the following terms—

> We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will reconsider the change in policy which is to be introduced for children using Gilmore's School Bus from Eaton to Bunbury Schools.
>
> We are of the firm opinion that the present system of transporting children by the school bus service should be retained and we strongly oppose the introduction of a public transport service to transport children from these areas to the Bunbury schools.
>
> The existing school bus service is completely free to children using the service and we consider the new system to be introduced next year, under the Education Regulations, which will provide that the parents will become responsible for the first 30c of the daily fare, constitutes a further burden to parents generally and we sincerely trust that as a result of this petition the matter of bus services generally in the district will be reconsidered.
>
> The petitioners also raise strong objection to the withdrawal of the bus service operated by G. R. & M. E. Gilmore, as in their opinion, G. R. & M. E. Gilmore have operated a very efficient service in the Eaton area. The extention of Loves Bus Service, in the petitioners' opinion, could result in reduced efficiency in the area concerned.
>
> Your Petitioners therefore humbly pray that your Honourable House will give this matter earnest consideration and your Petitioners as in duty bound will ever pray.

The petition bears 412 signatures, and I certify that it conforms with the Standing Orders of the House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 53).

COMMUNITY WELFARE: FAMILY SUPPORT SERVICES CENTRE

Communicare: Petition

MR MacKINNON (Murdoch) [4.37 p.m.]: I wish to present the following petition—

> TO: The Honourable The Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned residents of the Riverton, Rossmoyne, Willetton, Bentley, Wilson, Langford and Lynwood areas, humbly petition the Minister for Community Welfare, in view of the Federal Government's rejection of a funding application for the community-based group, Communicare, under the W.A. Family Support Services Scheme, to take the following immediate action:—

(a) Immediately request the Federal Minister for Social Security to reconsider her decision to reject the recommendation made by the Federal-State Committee to allot funds to Communicare under the W.A. Family Support Services Scheme, and,
(b) To give immediate consideration to providing funds to Communicare to enable it to carry on its most worthwhile community activities.

Your petitioners, therefore, humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 814 signatures, and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 54).

QUESTIONS

Questions were taken at this stage.

BILLS (8): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Taxi-cars (Co-ordination and Control) Act Amendment Bill (No. 2).
2. Government Railways Act Amendment Bill.
3. Prisons Act Amendment Bill.
4. Country Areas Water Supply Act Amendment Bill.
5. Country Towns Sewerage Act Amendment Bill.
6. Water Boards Act Amendment Bill (No. 2).
7. Rights in Water and Irrigation Act Amendment Bill.
8. Pensioners (Rates Rebates and Deferments) Act Amendment Bill.

HEALTH: TRONADO MACHINE

Reintroduction: Motion

MR DAVIES (Victoria Park—Leader of the Opposition) [5.16 p.m.]: I seek your guidance, Mr Speaker. I would like to add at the end of my motion the words "and for the purposes of research".

The SPEAKER: The Leader of the Opposition will need to obtain the leave of the House to add the words to his motion. Is leave granted?

Leave granted.

Mr DAVIES: I thank you, Mr Speaker, for your guidance and I thank the members of the House. I move—

> That in the opinion of this House the Government should use its influence to have brought back into use the Tronado machine for the treatment of cancer and for the purposes of research.

This matter has been discussed in the House on an earlier occasion, and I do not propose to go over all of the history of this form of treatment of cancer. I will refer to the form of treatment, rather than to the machine. If members want to know the history of what is now known as the "Tronado Machine S101" in Western Australia, I would refer them to the report of the National Health and Medical Research Council published several years ago in which report the council stated it did not think the form of treatment, or the machine in particular, was of any significant value. Indeed, the council said it was of no value whatsoever. The history of the machine is contained in appendix No. 2 of that report.

I do not intend to read the whole of the report, but I remind readers of the report that the first action took place on the 31st January, 1973. The report then goes on to detail all that happened up till the 16th May, 1974, when the NHMRC carried out an inquiry into the machine.

I also want to make it known absolutely that I do not speak with any professional or medical competence on this matter; I speak only as a layman. However, I will detail to members some of the research that I have done into the history of the treatment of cancer by this machine, and also I will try to bring to the notice of the House the need for Western Australia to take advantage of the fact that the machine is here, and we should join the rest of the world in using it for research.

Significant research is being carried out now, and it has been carried out during the past several years in some major centres throughout the world. I believe it is a great pity that we have in this State a form of treatment, by use of the Tronado machine, and that machine is lying idle. If it is not intended to use the machine for specific treatment, then I think there is ample scope for it to be used for research. I believe there are elements within the medical field in Western Australia who would like to have the advantage of the machine being made available to them for the

purposes of research. I will deal with that aspect of my motion in some detail later.

I also want it quite clearly understood that I do not claim—and I do not think anyone has ever claimed—that hyperthermia in itself is a complete and absolute cure for cancer. Cancer comes in many different forms; I just cannot begin to comprehend the forms which have been catalogued, but, from what I have read and from reports in reputable medical journals, I am quite certain there is scope for further work to be done in this field and, indeed, not only in Western Australia, but in other parts of the world also.

Competent professional medical men have had some success—more than a little success—with this kind of treatment. If those people are having success, there is not the slightest reason that the machine, as it stands, should not be brought back into operation and used in Western Australia for the purposes of research by people who are interested enough to carry out that research. I do not refer to two specific doctors only; there are more than two doctors in Western Australia who are interested in this field. I believe the machine should be made available to them as soon as practicable, and on the best possible terms. It seems quite wrong that we should have this facility and not be taking advantage of it. As I have stated, I do not claim the machine is a cure in itself, but it appears doctors have had some success with some forms of cancer—and with certain forms it seems a marked success—when combined with what we call the traditional or orthodox treatment.

If we are able to use different treatments in conjunction with each other, and get some marked success, then I believe—as I have already said and as I will say again several times—it is quite wrong—indeed, I believe it is criminal—for the Government not to take advantage or not to use its influence to make certain that advantage is taken of the equipment which is now available in Western Australia. It certainly will not do any good gathering dust as it is at the present time. From evidence available it could be doing considerable good if it were put to use by the people in Western Australia who are prepared to use it.

Heat treatment, or heat therapy, for cancer apparently has been accepted over many years. Indeed, it was reported in an annotated article written in 1866 by Busch, a German physician that there was a complete disappearance within two years of a facial carcinoma in a patient who developed high fever, secondary to two episodes of erysipelas. This disease raises the body temperature, and back in 1866 there is this documented record of cancer disappearing after a patient had erysipelas.

Twenty seven years later Coley published an article concerning 38 patients with advanced cancer who had developed high fever secondary to erysipelas bacterial toxins. In 12 of the 38 patients, there was a complete disappearance of tumors, and two of the patients with sarcomas survived for seven and 27 years respectively. Over the years there have been other documented cases of people being cured by heat therapy of one kind or another. Of course, that indicates there is a wide variety of heat treatments. It is not only this type of heat, which is generated by microwaves, that is successful; there are other forms also. However, it appears that this form of hyperthermia with a microwave length of 434 megahertz is the most successful with the machines that have been tried up to the present time.

I referred earlier to the report of the NHMRC and said it was rather scathing—perhaps to say the least—in its opinion of the Tronado machine. Since then, some considerable doubt has developed as to whether the measurements used by the council were accurate. This is something which needs to be proved one way or the other; whether or not the council came to its conclusions on a false premise. If the council states the measurements were not accurate, how can it possibly state whether or not the machine was successful. I want to draw to the attention of members the fact that the report was made when relatively few patients had been treated on the machine.

In May, 1976, arising out of a motion moved in this House another committee was set up. It was a local committee, headed by Dr Letham. At that particular time he had not long been retired from the Public Health Department. The committee was set up by the then Minister for Health (the Hon. N. E. Baxter) and it was given a specific charter. I will not go over the whole of the charter, and I do not think I need to detail the members of the committee or the work it did. What I do want to draw to the attention of members is the fact that the committee indicated there should be some further research. At page 7 of the report, which is the final page, it is recorded—

> The Committee agreed that conclusive assessment is impossible within the context of a retrospective study such as that which has been undertaken. It considers that there is strong need for an experimental study on the

effects of very high frequency radiation using the Tronado machine in solid malignant tumors.

The committee virtually said that the terms of reference made it very difficult for it to carry out a proper survey retrospectively. That is significant. The committee claimed it was given a job without the necessary tools to carry out that job. The committee said it was not able to do the job adequately, because it was not done in the form the committee would like to have carried out the work. The committee stated there was a strong need for experimental study using very high frequency radiation. That is significant, because the report was dated the 28th May, 1976; since the introduction of the Tronado machine which the committee indicated should be used in an experimental capacity. That machine has been gathering dust and that, mainly, is what I am complaining about tonight.

Despite the fact that the committee was set up as a result of a motion agreed to in this House, and despite the fact that it was difficult for its members to carry out the terms of reference, and despite the fact that the committee recommended there should be some further work on the machine, it has not been used since then. I think that is a great shame.

I can understand that within the medical profession there are conservative elements which, for one reason or another, would not want to see the machine used and it would be impertinent for me to suggest the reason for their bias. The fact remains the committee recommended that there should be further experimentation with the machine, and the Government has not taken up the option. The committee comprised Dr Letham, and three other members.

In a question earlier this year I asked whether it was possible for the Royal Perth Hospital to do some work in this regard, and the reply came back that it did not have the capacity to do the work. I believe Royal Perth Hospital does have the capacity to carry out some of this research, and there might be at that hospital persons who are anxious to carry on the research if the machine is made available to them. Here again I am suggesting what has been made known to me could indeed be fact, and it seems a great pity that if there are people with expertise who want to do some work, and if there is an increased acknowledgment of the effectiveness of hyperthermia treatment for various types of cancer, we have not been doing all we might to ensure the machine is used to advantage.

(4)

Following the publication of the report of the committee headed by Dr Letham, *The West Australian* said in its editorial on the 26th June that the case for keeping the Tronado shut down is not quite so strong now. The editorial went on to say—

> Inevitably the Tronado controversy—yet another example of conflict between human faith and scientific conservatism—is an emotive one. It would be cruel to raise false hopes in cancer sufferers and their families by pretending the machine is something that it is not. But it would also be cruel to deny what to some people represents their last chance.

That is the point I would like to make. We do not claim the machine can effect a cure. We claim it has proved effective, combined with other forms of treatment for cancer, and we draw attention to the fact that at the present time there are figures to prove this. But it is wrong to deny people the option of being treated with the machine if they so elect. It is quite wrong for us to continue to hold the machine in cold storage when it could be used for either treatment or research.

On the 13th April this year I asked what action was being taken on the suggestion regarding further experimental study, and the answer, as I have already indicated, was—

> It has always been considered that such an experimental study was beyond the resources available in Western Australia.

I believe that is underwriting and belittling the medical expertise that is available in Western Australia. I am wondering whether any attempt has been made to see if anyone is interested. Has the Government advertised that it would be prepared to make the machine available if anyone is interested in conducting research, or has it just supposed no-one is interested and, because it has been inactive in this field, said the study was beyond the resources available in Western Australia? What positive action was taken to find out what resources were available and who was interested in medical study?

In the same question on the 13th April I also asked—

> (2) As Royal Perth Hospital has research workers of repute—as instanced by a recent newspaper report—will he arrange for research workers to follow up the suggestion as per (1)?

The answer was, "No". I think that is disgusting. I point out that it was not the present Minister for Health who gave the disgusting answer. I honestly

believe that at least some interest should have been shown. I did not ask the question for nothing; I did not ask it mischievously.

The DEPUTY SPEAKER: Order! The level of audible conversation is far too high.

Mr DAVIES: I asked the question in the hope that some people in the department would try to find out whether anyone was interested, but when I gave the Government the opportunity to try to find out whether anyone was interested and drew attention to some good research work that had been done, the Government said it would not do anything about it. I think that is disgusting and does the Government no good at all. It should at least say it will find out whether anyone is interested and, if the machine is gathering dust and someone wants to do research on it, make the machine available.

In my question of the 13th April I then asked—

(3) (a) What study is being pursued or interest shown in V.H.F. radiation treatment of cancer proceeding in overseas countries; and

(b) by whom are these studies being undertaken?

The answer was—

(3) (a) and (b) A list of the studies and the persons conducting the studies, as reported in the recent literature, has been tabled.

A list of 18 articles which had been written on the use of VHF radiation in the treatment of cancer was tabled. They were written by people from all over the world. I presume this came from the library at the Public Health Department. Some of the articles referred to Dr Nelson and Dr Holt who have been active in this field in Western Australia.

I obtained copies of the various articles. When one goes through them one can only be encouraged by the work that has been done, the conclusions that have been reached, and the hope that is put out that hyperthermia or VHF radiation treatment is perhaps a significant advance in the treatment of some forms of cancer. To be perfectly honest, some of the articles are beyond my comprehension, and, clever as you are, Mr Deputy Speaker, I am sure some parts of them would be beyond your comprehension. Without going through the specific research that has been done, I will refer only to the concluding paragraphs which generally sum up the feelings of the researchers.

I draw attention to the fact that all the articles from which I will quote, and which I believe to be significant, have been published since the Letham report was published in May, 1976. They highlight what the Letham report says—namely, that further work needs to be done—and the fact that we have not done as much work as we might in Western Australia.

An article by Jens Overgaard, MD, in the June, 1977, edition of *Cancer* deals at some length with the effect of hyperthermia on malignant cells. The article runs to half a dozen pages or more and is well annotated, with references given in each case. The author says—

> Although, from a theoretical point of view, hyperthermia may be useful, one of the main problems in future trials seems to be the development of satisfactory techniques for the establishment of hyperthermic conditions in human tumors. At present, however, a number of observations indicate that local therapy (e.g. diathermy, microwaves, regional perfusion of extremities or the bladder, etc.) as well as whole-body hyperthermia may have significant effects on human tumors. It must therefore be supposed that, in all probability, the technical problems related to the application of heat will be solved in due course.

That is the point I am trying to make. We have the facility here. We should be doing research on this type of treatment and we are doing nothing about it.

The journal *Radiation Biology* contains an article by William G. Connor and others entitled "Prospects for Hyperthermia in Human Cancer Therapy". Once again, reading the article with my limited knowledge I can be impressed by the work that has been done and by the hope that is exhibited. For instance, at the beginning of the conclusions the authors say—

> The prospects for hyperthermia in cancer therapy are generally encouraging.

The concluding paragraph of the article reads—

> Before hyperthermia can be used widely in man, with or without irradiation, techniques of local and systemic heat production must be refined. Methods of heat production and dosimetry need to be improved so that the volume of tissue at risk can be heated safely and uniformly. Since a single technique probably will not apply to all situations, investigations of a number of heating modalities, among them ultrasound, microwaves, diathermy, low-frequency

current fields and perfusion should continue. There is also a pressing need for an *in vivo* system which can be used to image thermal distributions during the production of localized hyperthermia.

I imagine that is saying, "Once again we have had some encouraging results. Could you please do some further research?" This brings me back to my point, that we have the facility here in one specific area; it has been suggested further work needs to be done with that machine. In subsequent articles it has been indicated something needs to be done and so far nothing is being done.

The front page article in a Canadian publication, *The Medical Post*, of the 3rd January, 1978, is headed, "Anti-cancer recipe calls for X-ray and microwave heat". It is written by John Henahan, who is presumably a medical reporter, and carries a Denver dateline. It says—

> A combination of microwave hyperthermia and X-ray therapy has produced both "objective" and "subjective" responses in a substantial number of patients with advanced, deep-seated cancers, according to Dr Ned Hornback, chairman of the department of radiation and oncology at Indiana University School of Medicine, Indianapolis.
>
> Sixty-four of 66 patients whose tumors were heated with microwave units either before or after X-ray treatment had an objective response to the combined therapy, Dr Hornback told a meeting of the American Society of Therapeutic Radiologists.

Further on the article says—

> Each patient now receives 30 minutes of hyperthermic treatment from four microwave units arranged in a ring around the patient's body at a distance of about three to four inches. The units operate at 433.92 Megahertz, a frequency at which the heat-producing microwaves can reach deep-seated tumors (such as inside the mouth and vagina) without damaging overlying tissue—

I will not read any more of that report but it is available for interested members to have a look at. Once again we come back to the point that success is being encountered, experimentation is being carried out overseas, and Western Australia is doing nothing about it.

I now want to refer to a publication called *The National Enquirer*, which came from the United States Information Service. I understand the publication is a weekly magazine similar to *The Readers' Digest* and is published in America. The article is headed, "Heat treatment saving doomed cancer patients". That is not the type of headline I like. It may be perfectly true, and we must acknowledge that cancer and the treatment of cancer is an emotive issue.

Of course, that kind of headline can certainly stir up emotions; I do not think it is a good headline for the article. I quote briefly from the article as follows—

> "It's probably the biggest boon to cancer treatment in the last 50 years."—Dr Joseph Washburn, assistant professor of radiation therapy, Univ. of Nebraska Medical Center.
>
> "It's extremely exciting. It's almost to the point of being so exciting that you're afraid to think about it for fear you'll lose you objectivity."—Dr Dennis Leeper, radiation biologist at Thomas Jefferson Univ. Hospital, Philadelphia.
>
> These and other top cancer experts across the U.S. are excited over the amazing success they've had using heat treatment to destroy all types of solid tumors and keeping alive cancer patients who were given up for dead.
>
> Hyperthermia, or heat therapy, is now being used on a limited basis by at least 18 medical centers in the U.S. on advanced and terminal cancer patients doomed because no other known treatments could help them.

That is fairly strong reporting, and I believe it is emotive. However, the fact remains that people in the United States are excited about the treatment. They point out it is being used in at least 18 centres in that country. We are able to use one form of hyperthermia in Western Australia, but we are doing nothing about it.

What are we doing? Are we sitting back waiting for the rest of the world to do all the work; and, when it is done, will we say, "That is old hat to us; we have had that treatment here for years"? We will be too ashamed at that time to tell people that we have not been using the machine, but at least we will be able to boast that we have had the treatment for years.

In the article to which I have referred the reporter talks about hyperthermia being used on terminal cancer patients who are doomed because no other known treatment can help them.

I do not believe hyperthermia alone can do what this reporter claims it is doing; however, I do believe it can be used in combination with other forms of cancer treatment. Later in the article, the following is found—

> Another expert, Dr Kent Woodward, associate professor of radiology at Duke Univ. Medical Center, said:
>
> "All types of tumors have responded to hyperthermia, in one person's hands or another."

I believe the Duke University Medical Centre is a fairly famous one; I have no reason to believe it is in a little back alley somewhere. Indeed, I believe all the institutions which have been quoted are proper and responsible authorities. The report contains several other quotations. I will not read all of them; however, I would like to quote as follows the remarks of a Dr LeVeen—

> "Our work in the last 12 months has shown that this is more than a short-term cure. We consider its importance is now beyond question," declared Dr LeVeen.

Dr Harry LeVeen is the chief of surgery at Brooklyn's Veterans Administration Hospital, and he is a pioneer in the development of hyperthermia. Other experts are quoted in that article, which is dated the 27th December, 1977. The article was published less than 12 months ago, and it highlights once again the fact that more than encouraging responses are being found overseas. We in Western Australia must do something, but we are doing nothing. I repeat what Dr LeVeen said: "We consider its importance is now beyond question." That is something to which we should pay attention.

The last overseas article on which I wish to comment appeared in the December, 1977, issue of *Cancer*. The article was written by Ned B. Hornback, MD; Robert E. Shupe, PhD; Homayoon Suidnia, MD; B. T. Joe, MD; Edgardo Sayoc, MD; and Carol Marshall, RN. The article lists in some considerable detail the experiments which have been conducted. If any member of the House is interested—and I hope all members are—he or she can read the articles I have quoted. Perhaps the articles might be of interest also to the Medical Department. I repeat that all the articles I have quoted come from reputable medical journals, with the exception of the two I mentioned which are reports, one from a medical journal and one from a popular weekly.

The article appearing in *Cancer*, to which I was about to refer, deals with preliminary clinical results of combined 433 megahertz microwave therapy and radiation therapy on patients with advanced cancer. I will not weary the House by quoting it at length. However, the article concludes by saying—

> The results of our clinical study, while preliminary and not conclusive, have been encouraging enough for us to begin a randomized series involving previously untreated patients with late stages of head and neck and gynecological malignancies.
>
> From a theoretical standpoint, the combined treatment offers exciting new avenues of approach in the management of patients with malignant disease.

Once again, I want to point out those doctors have not said they have found the ultimate answer; but if you, Sir, study the case studies listed in the article you will see the encouraging responses that have been achieved from the treatment of various forms of cancer with various forms of therapy, including hyperthermia. The article does point out that while the preliminary results are not conclusive, they are most encouraging. This highlights what I have already said several times: that we should be doing some work in this field. I believe we have the expertise available, and certainly the equipment is available.

The final article from which I would like to quote appeared in *The Medical Journal of Australia;* therefore, it is much closer to home. The article was written by Alan J. M. Nelson and John A. G. Holt, both of whom have an impressive string of qualifications and degrees dealing with medicine. Both doctors are from the Radiology and Oncology Centre of Leederville, Western Australia. The article explains at some length the work that has been done in this area. Rather than deal with the article written by the doctors, which appeared in *The Medical Journal of Australia* on the 29th July, 1978, I would like to refer to a report in the *Daily News* of the 21st August, in which the article was very well summarised.

The article in the *Daily News* was headed, "Call: Bring Tronado back to hospitals" and, referring to the paper written by Drs Nelson and Holt, it states—

> They said their results had shown the Tronado appeared to be a superior and effective adjunct to treatment with ionizing radiation for advanced cancer of the ear, nose and throat.
>
> The doctors said in the report they had treated 52 patients with cancers of the head and neck over a two year period. The patients had been given daily conventional X-ray treatment combined with the Tronado.

I point out that here again the greatest success has been achieved from a combination of treatment, including hyperthermia. Further down, the article states—

> For comparison two similar series of other patients were selected.
>
> The first series was treated with X-ray and high-pressure oxygen and the second series with conventional X-ray treatment alone.
>
> Doctors Holt and Nelson claim in every case the combined microwave treatment was at least two to three times better than conventional treatment.
>
> Complete disappearance of tumours occurred after treatment in 94 per cent of combined microwave treatment, 62.5 per cent of those treated with oxygen and cobalt and 36.5 per cent in those treated with conventional supervoltage therapy.
>
> The doctors said the elimination of non-cancer deaths in the figures would make an even greater contrast to the survival rates at each stage.

Of course, it is presumed that anyone who has been treated on the Tronado machine and subsequently dies, has died from the cancer for which he or she was treated; but that does not always follow. Patients are killed by other factors apart from the cancers they may have. I continue to quote from that report in the *Daily News* as follows—

> They explained the report covered only cancer of the areas of the ear, nose and throat and the tests they had done were only preliminary at this stage.
>
> They called for the Tronado to be reintroduced to public hospitals and for a controlled trial to be run on the machine.

That is the significant part of the article which I want to draw to the attention of the House. That is a very proper and restrained report; Drs Nelson and Holt are saying that they have had some extraordinary success over a period of two years in respect of some forms of cancer in some parts of the body. They ask that further research be done. Indeed, that is what I am asking for tonight. I am asking that the Tronado machine be brought into operation for the purposes of carrying out further research.

We have in a private clinic in Western Australia a Tronado or hyperthermia machine already operating at 434 megahertz in round figures. I do not want anybody to take me to task and say it is operating at 433.97 megahertz, or something like that. Apparently it is in that area the greatest success has been achieved in Western Australia, and this is where the greatest success has been achieved overseas. The success both here and overseas has been achieved from a combination of hyperthermia with other forms of treatment. That is an important point.

As we have had a Tronado machine operating in a private clinic in Western Australia since 1974, the House might like to know what interest has been shown in that machine. Amongst the articles published, several have appeared in overseas journals in respect of the success of the machine. Of course, the latest article is that from *The Medical Journal of Australia*, from which I have just quoted.

Some six months ago, Professor William Caldwell, who was then the chief of radiation therapy at the University of Wisconsin, in Madison, Wisconsin, visited Western Australia and was so impressed with the work being done here that he ordered the very same machine for the University of Wisconsin. He ordered a machine operating on the same principles and at exactly the same wavelengths as the machine in Western Australia. He studied the results that have been tabulated at the local clinic, and he confirmed those results from his own investigations. Since returning to Wisconsin he has again analysed and confirmed the results. That is significant. Professor Caldwell has been so impressed that he has ordered the same machine. He has not ordered an updated version, nor a later version. He has ordered the same machine as the one we have in Western Australia. That is the machine which is gathering dust at the Sir Charles Gairdner Hospital or at the Queen Elizabeth II Medical Centre—I am not certain where it is.

Mr Young: When did he look at the machine?

Mr DAVIES: Some six months ago.

Mr Young: He saw it at Dr Holt's and Dr Nelson's clinic?

Mr DAVIES: Yes, that is the information I have. I believe that Professor Caldwell is also of the opinion—this is only hearsay—that further work needs to be done on the evaluation of the effects of this type of heat treatment on solid cancers.

Some people have said that the machine is only a microwave oven. Of course it is not a microwave oven. My reading indicates that some forms of microwave ovens can cause cancer. The machine uses a form of microwave, but operating as it does at 434 megahertz it is able to heat the cancers effectively without doing any damage elsewhere.

No doubt some patients have been adversely affected by the treatment. There are some people, of course, who cannot take aspirin, for one reason or another. There are always exceptions to any rule. The general position is that most patients have been able to benefit by this treatment, even though it has been combined with other forms of treatment.

I believe further machines are being designed in Germany, where some deficiencies have been detected. Further research also is being carried out in Germany. In that country, people recognise the advantages of the treatment. They know, as I said, that the machine is being used in 18 centres throughout the United States, in Germany, in Marseilles, and at the West Leederville clinic. The machine is not being used in any of our Government hospitals. There has been no effective explanation why the machine is not being used in the hospitals of Western Australia.

A couple of months ago Dr Nelson attended the UICC conference in Buenos Aires. Those initials stand for something like the union of international contra-cancer. That is a broad interpretation. I do not know the exact phrase. I imagine it is a French title. That conference is recognised throughout the world as being the leading conference on cancer. The conference, which is held every four years, was last held in Buenos Aires, and it was attended by about 8 000 people from throughout the world. The previous conference was held in Florence, and that was attended by about 6 500 people. Dr Nelson, of the West Leederville clinic, attended the 1978 conference.

I am pleased that Dr Nelson was supported in his attendance at that conference by the Cancer Council of Western Australia. That organisation helped Dr Nelson with his travelling expenses for the conference. I hope that action is some chink, some breakthrough in the wall surrounding the treatment of cancer by hyperthermia. I was very pleased to learn that the Cancer Council was assisting Dr Nelson, because Dr Nelson, apart from being the leading exponent in this State of this type of treatment, is now becoming known internationally. He shares that reputation with Dr Holt. They have both believed for a long time that the treatment is successful.

At the UICC conference, which extended for more than a few days, five papers on this form of treatment were delivered. It was significant that each of the papers delivered was related to treatment using the same wavelength as is being used in Western Australia on the Tronado machine—that is, 434 megaherz. I do not know whether that wavelength was worked out initially on a scientific basis, or whether it was a wavelength arrived at after trial and error. We do know that in Western Australia this form of treatment is having some success.

In other parts of the world also this treatment is having some success. The five papers delivered at the world-famous UICC conference a few months ago were directed at the use of similar wavelengths for the heat treatment of cancers.

Mr Young: Is that the same wavelength used in the original Tronado machine?

Mr DAVIES: Yes. It has always been 434 MHz, give or take a degree. The setting can vary by a degree or two. It is not possible, I understand, to bring it to perfectly accurate measurements.

I believe the National Health and Medical Research Council was at fault in that it appeared to present its report based on a wrong premise. It made inaccurate calculations in regard to the wave length of the Tronado machine. It has always been supposed to operate at the wavelength of 434 MHz. This is the wavelength at which success is being obtained all over the world. Five papers were delivered at the UICC conference in relation to that.

The Cancer Council said that the Tronado machine did not create heat. Doctors using the Tronado machine say that it does heat. Instead of relying on the report by the NHMRC, the Cancer Council should be making itself more knowledgeable in the light of the later information that has come to hand.

I wish to emphasise that all of the quotes I have given are from articles which have been published since May, 1976, when the latest report was presented. Indeed, most of the articles were written within the last 12 months or so.

If the Cancer Council says that the machine does not heat, and the people who were using the machine say it does heat, what steps has the Cancer Council taken to discover who is right and who is wrong? The council is as culpable as the Government if it is not interested in finding out what the position is, and making sure that the machine is available for research, particularly in the light of the further information which has been made available.

Someone needs to take the initiative to make the machine operative again. There is expertise available within the medical profession in Western Australia. There are people who are anxious to carry out the required research. They

are most capable people. I believe the Government should give to those people the opportunity to do that research. The Cancer Council itself should take the initiative at the present time. No-one is taking any initiative. The organisations which I believe should take the initiative—the Sir Charles Gairdner Hospital, the Queen Elizabeth II Medical Centre, the Royal Perth Hospital, the Government, and the Cancer Council—are doing nothing at all.

Mr Young: They are all wrong?

Mr DAVIES: No.

Mr Young: That is what you are saying—that they are all wrong.

Mr DAVIES: Yes, I will say they are all wrong. If the Minister does not listen—

Mr Young: I was listening.

Mr DAVIES: If the Minister wishes to be fair, he must feel that, in view of the evidence which has been published since 1976, there is room for believing that the treatment is being effective, not in itself, and not as a complete cure, but as going a long way towards a cure when used in conjunction with other forms of recognised treatment. That is all I am saying at this stage.

There are people within the medical profession in this State who believe in this treatment. Dr Nelson may be a member of the Cancer Council; so he should be able to convince that body. The council paid part of his fares to the UICC conference. The council knew the subject Dr Nelson would be speaking about at that conference. This is the first significant breakthrough. There may be something in the fact that the Cancer Council paid part of Dr Nelson's fare. I congratulate the Cancer Council on its action.

It seems that there is something surrounding the machine which is not quite in keeping with the feelings of the medical profession in Western Australia. The medical profession—those who are in a position to do something about it—appear to have closed their eyes to all the published material that I have quoted. That information has been available to the profession; it would be known to the Public Health Department; it would be read by many medical practitioners in Western Australia.

No-one is prepared to make the move. No-one is prepared to say, "Perhaps we were a bit hasty. Perhaps on reflection, with two years' research overseas, something has been done to prove that we should have a second look at it." No-one would criticise people for having a second look at the position. I would say it would be more power to those taking that action. I would like to hear someone say at this stage, "We are prepared to re-examine the position." If I can see someone doing some measurements on the machine, or hear someone saying, "We are prepared to have a go; we are prepared to detail our patients; we are prepared to do work similar to that done by Nelson and Holt; we are prepared to make our findings available", I would be happy.

If members of the profession are game enough to have a go—and I do not use "game" in the sense that they have not the nerve—if they do not feel it could be beneficial to a person, or more particularly if they feel it could be harmful to a person, I do not want them to use the treatment. People who want that treatment, of course, can have it done privately. I do not know whether the private machine is available to all. However, there is a machine here.

On a previous occasion the then Minister said that the authorities were not interested in doing any research on the matter. He detailed articles which showed that there was more than a small ray of hope that the treatment was successful. He said, "We know about these articles; we know what is happening overseas, but we are not prepared to do anything in regard to trying it ourselves."

I wish I had the money. I would make it available for this research. I am certain that in due course, following the research which has been carried out overseas, there will be an announcement that the machine has been refined, or that significant breakthroughs have been made.

Doomed people are being kept alive. We have known about that all along. The only problem is that we did not do anything about the problem. That will be the story of the whole mess.

We have a responsibility to use the facility which is available. It has been paid for at the expense of the taxpayers. The machine has been described by some as a heap of junk. However, there are people who are alive today, allegedly because they had treatment on the machine, combined with other treatment. Those people now live normal lives.

I do not wish to bore the House by listing case histories. They are available to me, but I will not read them out because I do not think that is necessary. That is not the purpose of the argument.

The purpose of the argument tonight is to indicate that there is significant evidence available. On that evidence alone, the

Government should be prepared to change its mind. The Government and the Parliament should use their good influence to say to the medical profession, "Let us have another look at it. Let us put the machine into operation. Let us treat people who might elect to be treated on it. Let us give to them other treatment as well, in line with what is being done overseas. We have a responsibility to keep people alive, and to keep them in good health if possible." This treatment is being carried out in some places.

Surely there is no member in this House who is biased enough to suggest that we should not review our opinion. Surely this is worth a chance. Are we going to leave it to the people who are doing the work overseas? I could understand the Government not doing research on the question if a machine was not available. I could understand Western Australia not being interested in this kind of treatment if a machine was not available.

Sitting suspended from 6.14 to 7.30 p.m.

Mr DAVIES: I want to recap on a few of the points I made earlier in my address. I have additional references available, but I selected some which I thought were significant. I do not want to present all of my evidence to the House. I want to point out simply that the quotes I made from the various articles were responsible. For the most part they did not say that the complete cure had been found and we should abandon all else. They used terms like, "It seems possible", "It is interesting", "We believe", and so forth which indicate generally that at this stage enough has been done to encourage the Government of this State to bring back into use the Tronado machine.

I do not want to become emotive and indeed I do not believe I have been emotive about the matter. I have been quite restrained. Real doubts exist as to whether the initial decisions made in regard to the Tronado machine and its use in Western Australia were the correct ones. The decisions were not made by any one person. In the case of the Queen Elizabeth II Medical Centre the board made the decision. I do not know whether it was a unanimous decision. I notice that the medical superintendent has been quite restrained in his comments; but there has been doubt regarding the future use of the machine.

I hope when the Minister replies he will not rest his case wholly and solely on the NHMRC report and the Letham report. I believe the Minister has a responsibility to update his information. Indeed, the department has a responsibility to update the information it gives him. If the department indicates it is making its decisions on outdated reports, it will be an indication of the lack of proper consideration the department has given the matter. The reports I have mentioned are well and truly out of date at the present time. I am speaking as a layman; but a person with average intelligence at least would appreciate that the contents of the report I have quoted have given some encouragement and hope and have indicated that hyperthermia on the same wavelength we have been using in Western Australia helps certain types of cancer sufferers.

I want to draw attention to the fact that the Letham report says, "Certain work should be done." I am only a layman, but I am able to understand the conclusions reached and I hope the Minister will have the opportunity to read the same kind of material I have read and that he will pay attention to the fact that the Cancer Council helped fund Dr Nelson's visit to the UICC conference. This would indicate that the council is interested in this form of treatment. The position has changed greatly since the matter was first introduced in this House and certainly since the machine was brought into Western Australia early in 1974. A great deal more evidence is available on which to base our opinions.

I want proof that the department is keeping up to date, and that it has evidence to back up the stand it takes—I suppose I can be accused of becoming emotive now—because it would be most irresponsible and indeed possibly criminal if the Government flys in the face of evidence available and refuses for whatever reason to bring back into use the Tronado machine at least to treat the persons who might elect to be treated by it, but more particularly so that research may be carried out on the machine especially in regard to wavelengths and the like. There is a demand for this and it must be done.

It gives me pleasure to move the motion in a restrained and responsible manner. As mentioned previously, I have added the words "and for the purposes of research", because I believe the evidence available shows we should at least be using the machine for research, even if we use it for nothing else.

The SPEAKER: The question is that the motion moved by the Leader of the Opposition to which was added the words "and for the purposes of research" be agreed to. Is there a seconder to that motion?

Mr JAMIESON: I formally second the motion.

MR YOUNG (Scarborough—Minister for Health) [7.37 p.m.]: I do not intend to take a great deal of time in replying to the motion moved by the Leader of the Opposition for reasons which

will become apparent as I speak. The Leader of the Opposition mentioned the fact that he had not—and indeed he did not—become emotive in regard to this matter. I congratulate him, because this is the first time such a motion has been dealt with in this House without a great deal of emotion being injected into the debate.

The Leader of the Opposition expressed the hope that I would not rely too heavily in my reply on the National Health and Medical Research Council report, or on the Letham report. I want to assure him I do not intend to do that.

The Leader of the Opposition expressed the hope also that the department has up-to-date information beyond that which it had at the time the Letham report was presented to the Government and indeed at the time the former Leader of the Opposition (Mr John Tonkin) was attempting to get the Government to use its influence—I think that is the word—to bring back into use the Tronado machine.

I can assure the Leader of the Opposition that as far as the Medical Department is concerned, and I hope as far as hospitals are concerned, information on matters such as this is updated continually. I hope they never reach the stage—and I certainly hope I or this Government never reach the stage either—where they close their minds on an issue and say simply, "It is closed forever and we intend to do nothing about it."

When the Leader of the Opposition moved his motion he sought leave of the House to amend it. For a fleeting moment between the time he announced he intended to ask for leave to amend the motion and the time he actually moved that the words be added, I hoped the Leader of the Opposition might be thinking in terms of using words such as "to use our influence to have the situation reconsidered" instead of using the words "the Government should use its influence to have brought back into use . . ."

The Leader of the Opposition allowed the motion to stand with the exception that he added words which incorporated the aspect of research. He made much play of the matter of research during the course of his speech. As far as I can see the words, "for the purposes of research" were an afterthought. How late an afterthought they were, I do not know; but obviously they were used in order to give the motion some sort of validity before the House.

The plain fact of the matter is when a motion such as this comes before the House where the Government and members opposite are asked to vote in favour of a proposition that the Government use its influence to have brought back into use a certain medical, thereapeutic device, one must realise that is a very important decision for this House to make. When the word "influence" is used in respect of a Government surely what is being said really is that the Government ought to bring all the influence it has to bear on a matter. In other words, if we take that to its logical conclusion, we are saying virtually that the Government should instruct medical officers and boards of hospitals to use certain therapeutic and medical devices, because the Government says they should.

When listening to previous debates in relation to the Tronado machine I have often wondered whether the Opposition would be prepared to say that a highly qualified group of engineers charged with the responsibility for constructing a major dam perched over a big city should use a particular technique or whether the Opposition would leave it to the Government to make that decision.

I do not believe the Leader of the Opposition would suggest for one moment that the Government or any member of the Government whether he be the Minister for Health, the Premier, or anyone else ought to direct a brain surgeon as to the sorts of instruments he should use, the operating theatre he should use, and indeed how he should go about the operation he intends to perform on a patient. For that matter I do not believe the Leader of the Opposition would suggest that the Government should instruct a brain surgeon as to how he intends to treat the patient in any way at all.

If a Government takes that particular line, a definition should exist setting out where the influence stops. Surely if that line has to be defined at any time, the time to define it is when we are talking about matters of life and death. The matter which we are discussing at the present time happens to be one of life and death as far as medical practitioners are concerned.

The Leader of the Opposition made the point that if the Tronado machine were allowed to remain in use at the Sir Charles Gairdner Hospital a better facility would be available for research. Inherent in his argument was the underlying suggestion also that if the Tronado machine continued to be used at the Sir Charles Gairdner Hospital, patients would derive certain therapeutic benefits from it. In the main these patients would be terminal cancer cases.

That assumption is being made by the Leader of the Opposition and indeed probably by the Opposition itself also. However, with all due respect to members opposite, they are not qualified to say that. The Leader of the Opposition claimed it would be both wrong and criminal—he used the word "criminal" on a number of occasions—for the Government not to instruct—and if members do not like the word "instruct" I could say "not to use all of its influence"—to bring back into operation the Tronado machine. Indeed, the Leader of the Opposition virtually said it would be criminal for the Government not to instruct medicos to continue with the use of the machine.

It would be just as irresponsible of me to denigrate the Holt and Nelson report and denigrate the Tronado machine when I have no knowledge of it whatever, as it is for the Leader of the Opposition to suggest this Government should use its influence to direct medicos to use the machine. I do not intend for one moment to go down in history books as saying a particular therapeutic device was of no use, because it may be of some benefit at some time used in proper circumstances.

I have no idea whether or not this particular machine may one day become a device which could not only give relief to cancer sufferers but also make great strides towards a cure for it. What I am saying is that evidence has not yet been produced to this effect, notwithstanding the fact that so many quotations have been made both by the Leader of the Opposition and his predecessor, who quoted certain reports of certain people who have done certain work in regard to this sort of therapeutic treatment and said therefore there is a sign that the machine is of some significant value in the treatment of cancer.

I certainly do not intend to take the line that it is useless. On the other hand medical practitioners who are highly qualified in the field have said they doubt the value of the machine. The Letham report expressed grave reservations about whether or not it had a value as a therapeutic device. The NHMRC substantiated that particular point of view; and, finally, the board of the Sir Charles Gairdner Hospital determined it would not continue to use the Tronado machine.

Those decisions were based on the opinions of people who knew—or certainly ought to be presumed to know—what they were talking about. I do not think it is right for me to say that the Leader of the Opposition does not know what he is talking about, but, by the same token, I do not think he is right in saying this Government ought to take overt action to force the opinion of the Government on the minds of the people who ought to be able to make the evaluations based on medical and scientific grounds. As Minister for Health, I do not intend to take that step and, for that reason, I will ask the House to defeat the motion.

At the same time I want to say that certain steps have been taken already by the Government once again to re-evaluate the Tronado machine. At one stage during the course of his speech the Leader of the Opposition said, "That is all I am asking for." Therefore in that respect and for that reason, the speech I make will not be terribly long.

Mr H. D. Evans: Can you indicate those steps?

Mr YOUNG: In answer to the member for Warren, I will be telling the House exactly the steps that have been taken in that regard.

The Leader of the Opposition made much play of the research aspects of the machine. He cried out for research to be done. He knows, we know, and everyone in Western Australia who shows an interest in this particular machine knows, that Drs Holt and Nelson have been operating with a Tronado machine since it was introduced into Western Australia, and they have used it to treat many patients. I am certain there is no question that they genuinely believe the treatment they give those patients is in their best interests, and I will not deny it is. I am sure that being men of science they have gone through those years trying to evaluate the machine and trying to see exactly where they stand, and where it stands in regard to the treatment of cancer. It is significant that the research they must have done is being done in Western Australia, contrary to the claims of the Leader of Opposition, and that the research being done by them could perhaps be done by other people.

Certainly research into the machine is being done in Western Australia as evidenced by the fact that the two doctors presented a paper to the *Medical Journal of Australia* in July, 1978. I hope I am not being disrespectful to them, but I think it was the first time those doctors got down to doing some scientific homework and presented a paper to be judged by their peers.

Mr Davies: Dr Holt published earlier papers.

Mr YOUNG: That may be so, but I also understand that the treatment given on the machine over the last two years is a treatment different from that which was given on the Tronado up till then.

Mr Davies: It is a combined treatment.

Mr YOUNG: I understand the heads of the machine have been changed to some extent, and in fact the whole treatment has centred on the neck and head therapy.

Mr Davies: That is what I quoted.

Mr YOUNG: They are now taking a different line on the treatment. They are getting into a shorter range in the delivery of their therapy and it seems they have significantly changed their outlook. I understand that the paper they presented to the AMA journal is the first scientific explanation they have given of what they are doing now. Because they have now presented a paper which can be judged by their peers based on current techniques, there is no question in my mind that a proper assessment should be made of that particular paper.

The Government's interest in the Tronado machine is simply this: the Sir Charles Gairdner Hospital, which is a teaching hospital under the direction and some control of the Medical Department of the Government, happens to own the Tronado, and therefore—

Mr Davies: They do not actually own it. They did not pay for it.

Mr YOUNG: The Sir Charles Gairdner Hospital now owns the machine.

Mr Davies: It is on their premises. The hospital does not own that machine any more than I own the Government car I drive.

Mr YOUNG: That may be a fine point of law but the hospital owns the machine by gift or whatever.

Mr Davies: Did they make a book entry?

Mr YOUNG: The Leader of the Opposition knows that such book entries do not happen in hospital accounts.

Mr Davies: Has there been any formal handing over of the machine?

Mr YOUNG: Is that important to the argument?

Mr Davies: Yes. You raised it.

Mr YOUNG: It was only a passing comment. I tried to point out how the Government had an interest in the machine. If the Leader of the Opposition says the Government does not own the machine, fair enough. I do not agree with him. I believe it has been given over and vested in the hospital board. That is my opinion. However, it really does not make any difference to the argument. The point is that the Opposition is asking the Government to use its influence to bring the machine back into use for the treatment of cancer and for research purposes, and because of that the Government obviously has an interest in the machine.

We do not intend to use our influence to tell qualified practitioners of medicine who are in a better position than we are as a Government to make an evaluation of the situation, that they must use a particular therapeutic device. That position has been made clear, and we have remained consistent on the point. I would have thought the Opposition would understand we would not shift from that point of view.

It may be said that the research material which has been provided by other people and was quoted by the Leader of the Opposition should justify the Government's taking such a stance. Quite frankly I do not believe it does.

I know I am plucking one instance out of the air, but the Leader of the Opposition relied fairly heavily on the research of one particular medical practitioner and because he referred to quite a number of researchers, I do not intend to quote the name of the one to whom I am referring for reasons of confidentiality. However, I promise the Leader of the Opposition I will show him from the file a letter from one of the people he claimed was an expert in this field. I am prepared to accept he is. He said there was absolutely no relationship whatever between the treatment given on the Tronado in Western Australia and the treatment he wrote about, and indeed he went further and said he thought there was a possibility that the treatment referred to in the papers he had read even amounted to fraudulent treatment. This is one of the people the Leader of the Opposition quoted and I will give him an undertaking to show him the letters on the file, but I cannot make them public because it would immediately put that particular person in a difficult situation. I do not intend to do that.

Mr Davies: If I have quoted him I think you have a responsibility to tell the people.

Mr YOUNG: The Leader of the Opposition quoted a number of researchers, and because he quoted a number, I am saying that one of them upon whom he relied fairly heavily made the statement to which I referred. Because he quoted a number of researchers I can say that, but if he had quoted only one I would not have said it. I would merely have shown him the letter on the file.

Mr Davies: I do not want to see the file because that requires me to keep it in confidence, and I am not prepared to do that.

Mr YOUNG: I take the point.

Mr Davies: If I have quoted him from a reputable journal, you have a responsibility to say that this fellow is a fraud.

Mr YOUNG: I am glad the Leader of the Opposition went on to make that particular point because I want to make it absolutely clear that I am not claiming that is the situation. I think I commenced my speech by saying I did not intend to do that sort of thing. I want to say simply that one of the people quoted by the Leader of the Opposition has made that statement. The Leader of the Opposition can accept it or reject it. He can look at the file or not. I make the point that that was the opinion of one man and it is not necessarily my opinion. I am simply saying that one person the Leader of the Opposition quoted certainly does not agree with him.

I think I am right in saying that the Leader of the Opposition went on to say that the people of Western Australia have never been given a valid reason for the hospital not continuing to use the Tronado. I would have thought that the Letham report, upon which the Leader of the Opposition did not want me to base my whole argument, and I did not, and the NHMRC subcommittee report, upon which he did not want me to base my whole argument, which I did not, had clearly set out the reasons which were the basis for the Sir Charles Gairdner Hospital's clinical staff eventually advising its board not to continue using the machine. I repeat that it was the clinical staff of the hospital which, having looked at the NHMRC and the Letham reports, advised the board that it should not continue to use the machine. It was upon that opinion that the board based its decision.

Mr Davies: What was the letter which I have not decided I will see? When was that?

Mr YOUNG: I said that the Leader of the Opposition claimed in his speech that the people of Western Australia had never been given a valid reason for the non-continued use of the machine. I simply said that those two reports and the report of the clinical staff of the Sir Charles Gairdner Hospital Board had been widely canvassed and were reasonable grounds for the board to arrive at the inevitable conclusion that to fly in the face of its clinical staff's opinion would be foolish, and therefore it refused to continue to use the machine.

Mr Davies: You also said you had a letter denying one of the reports I have quoted. I had not decided whether I would look at it. I do not know whether I put you off, but you did not go on to talk about the letter. Can you give me the date of it?

Mr YOUNG: The Leader of the Opposition does not know who wrote it, or to whom it was addressed, but I can give the date; it was July, 1976.

Mr Davies: Thank you.

Mr YOUNG: As I have said to the Leader of the Opposition, the situation is that the Government is not about to make a mockery of the medical profession. It is not about to make a mockery of government by demanding that the medical profession and the advisers to the Sir Charles Gairdner Hospital Board use a machine that they do not want to use.

We do not want a situation where the clinical staff of a senior teaching hospital in this State advises its board not to use a therapeutic device for reasons listed in the National Health and Medical Research Council report, and based on the report of an expert committee set up by the State Government, and then fly in the face of that decision and say, "We demand that you use the machine." Even if we did that, it is highly unlikely the board would take any notice of the Government; indeed, the question would be whether it should take notice or whether it would have to take notice. We are not about to set our hand to that particular task. For those reasons the Government intends to defeat the motion.

That is the bad news for the Opposition, but the good news—and I am sure the Leader of the Opposition will be happy about this because at one stage in his speech he said all he was asking for was for us to consider the matter again—is that when I became Minister for Health and was made aware of the Holt-Nelson paper in the journal of the Australian Medical Association in 1978, I suggested a way to handle this matter. In my opinion the right course to take is to refer the whole problem back through the same channels that determined the matter originally; that is, to request the board to ask its clinical staff to evaluate that paper. In other words, I believe the paper prepared by Drs Holt and Nelson should be judged by their medical peers.

I have asked the Board of the Sir Charles Gairdner Hospital to request the clinical staff to assess the paper. I have no doubt whatever that Drs Holt and Nelson will make available any data, information, statistics, and papers, provided

the usual doctor-patient relationship is not breeched. After the clinical staff have studied that paper, I have requested the matter should be referred back to the NHMRC therapeutic devices subcommittee for further research and evaluation.

Surely that is the proper course to take. It would not be proper for the Government to make decisions in a matter that we, as politicians, do not understand. We are asking for an evaluation of the most up-to-date paper on the treatment of patients with the Tronado machine, and we are asking that the evaluation be made by the peers of the people who presented the paper. The clinical staff can then advise the board the course it wishes to follow, and if the board then has any doubts, it can refer the matter to the most eminent body for medical research in the country. Surely we could not be expected to do more than that. The Opposition cannot expect the Government to say blithely to the Board of the Sir Charles Gairdner Hospital, "You will use that machine whatever your advisers say. We are the Government of the day and that is what we say you are to do."

I have told the Leader of the Opposition the action we are prepared to take. It would be most improper for a Government to go beyond such action. So I hope that the motion moved by the Leader of the Opposition will be defeated, and I do not say that with any feeling of acrimony, but simply because it is not a proper motion for the House to carry. It is infinitely more proper for the matter to be handled in the way the Government has decided it should be handled. I do not make that statement in a spirit of non-co-operation. It is now several years since the Tronado machine was first used, and in that period things must have changed. I accept the point made by the Leader of the Opposition that the whole situation must be evaluated, and I am quite happy to accede to that request. However, it is certainly not the intention of the Government to insist that the machine is used again until it has been properly evaluated.

Mr Bertram: Did you say you hoped the motion would be defeated? You seemed to be lacking confidence in the outcome of this debate, and that staggered me.

Mr YOUNG: The contribution made by the member for Mt. Hawthorn was a quite significant one. If he feels I should have said the motion will be defeated, I will say that.

Mr Bertram: I think that would be better.

Mr YOUNG: I thank the honourable member for his comments. We intend to vote against the motion.

Mr H. D. Evans: Will you be monitoring, at an official level, the results of the present treatments that are being given?

Mr YOUNG: We are not in a position to monitor the results of the treatment currently being given because such treatment is carried out privately by Drs Holt and Nelson. We are asking for the clinical staff to evaluate the report. I am sure they will want to discuss the report and the current treatment programme with Drs Holt and Nelson and then the board can make its decision on all the current information. I ask members to vote against the motion.

MR JAMIESON (Welshpool) [8.06 p.m.]: I want to rise briefly to support this motion. The Minister for Health seems to rely on the information of experts; however it is very difficult to say who the experts are, particularly in the medical field. It seems that Drs Holt and Nelson are not regarded as experts, and yet, if any one of us discovered he had cancer and he was referred by his medical practitioner to one of these doctors, he would feel he was seeking the best advice available in the State. It has always been the attitude of the Government—including the present Minister for Health—that these doctors are considered in some way—

Mr Young: You know it is not true. I went to great pains to explain that was not the case, and here you are saying that I said something completely different from what I did say. You did not listen to what I said.

Mr JAMIESON: It worries me that Holt and Nelson are considered to be the bad guys.

Mr Young: I did not say that—are you saying it?

Mr JAMIESON: I am not saying it.

Mr Young: I did not say it. Who are you saying said that?

Mr JAMIESON: The Minister implied it.

Mr Young: No I did not.

Mr JAMIESON: A perusal of *Hansard* will show who is right.

Mr Young: I went to great pains to avoid that impression.

Mr JAMIESON: The Minister does not know just what he said if he believes that.

Mr Young: Perhaps you ought to listen more closely.

Mr JAMIESON: Perhaps the Minister ought to know a little more about what he says. Quite

plainly the implication was there. We were certainly left with the belief that the experts advising the Government were the foremost experts.

I am pleased that some action will be taken to evaluate the possibility of additional therapy from this source. It is a great shame if we do not take every opportunity available to us to try to help people who have this disease. The Leader of the Opposition referred to reports pointing out that heat therapy in its various forms has been used for a long time in treating cancer. The Japanese and the Poles indulge in bathing in very hot water and medical studies have indicated a very low incidence of renal cancer in these countries, although this particular form of cancer is fairly common in other nations. The Leader of the Opposition referred to a number of reports where heat treatment in some form had been applied with success.

Because of the molecular construction of the flesh, bones, and other organs in the human body, when subjected to heat treatment by the reversing of the polarity at the rate required, changes occur. Even at a much lower frequency, changes can be brought about in the cells of different organs. Anyone who has put his hand near a radio transmitter will find that it warms up fairly quickly.

I believe there is sufficient justification for investigating this machine as a therapeutic means of treating cancer. It is good to see that the Minister proposes to take some action. We have lost many brilliant men by denigrating them in their own particular fields. It has frequently happened that such people have taken up residence in another State or country and have then become acclaimed experts. I would hate to think that because of the Government's attitude Holt and Nelson will be driven from Western Australia—it could be said that they are regarded as some sort of charlatans in their own State. Some doctors know more about certain fields because of their own individual studies. Certainly they all have general medical knowledge as a basic background, but they then branch out into other fields of their choosing.

We certainly hope that the Minister will keep this matter under review, and that from time to time he will give us reports on the findings of the clinical staff at the Queen Elizabeth II Medical Centre. Just as a passing comment, this hospital is now commonly referred to as the QE II—the Premier will remember that at the time of the renaming of this medical concept I warned him about its name.

As I have said, I hope the Minister will keep us informed. Maybe some Government members can be persuaded to ask suitable Dorothy Dix questions. I hope it will be found that the machine has greater therapeutic value than was suspected by the previous investigating committee. It seems to me that the committee made a hasty decision because it was not prepared to attempt to understand how the machine worked. I support the motion.

MR DAVIES (Victoria Park—Leader of the Opposition) [8.14 p.m.]: I hope that when the Minister for Health says I am not emotive about this matter he does not suggest I did not move my motion with feeling, because I have real feeling on this subject. He said, "Is it a matter of life or death that certain action be taken?" It is such a matter, and I suggest we should make it a matter of life, rather than of death.

Most of the Minister's answer to my motion this evening was related to the wording of the motion and to the suggestion that in no way would the Government direct medical authorities what to do. I heartily endorse those remarks. It may not have been brought to the Minister's attention—although those who gave him the files he has before him and who no doubt spoke to him beforehand should have mentioned it—that by Act of Parliament we are unable to direct any hospital as to any form of treatment or machine which must be used. This provision was inserted into the Hospitals Act in 1975, and I was happy to support that amendment.

So, for the Minister to suggest he cannot support my motion because it would mean we would be instructing a hospital as to what action it must take is complete nonsense. The Minister does not know his Act.

Clause 2 of the Hospitals Act Amendment Bill of 1975 states as follows—

> Subsection (2) of section 18 of the principal Act is amended by adding after the word "functions", being the last word in the subsection, the passage ", but no such direction shall be given concerning the nature of the medical treatment to be provided at a public hospital.".

During the debate on that legislation, I said I was happy to support the amendment because, as a Minister, or leading the Government, or even as a member of a Government, I would not want to give directions to hospitals as to what they should do. My remarks appear at page 4615 of *Hansard* of the 13th November, 1975.

Mr Young: Why did you move this motion?

Mr DAVIES: The Minister is interpreting the words used in my motion in a completely incorrect way.

Mr Young: Don't you think that Government influence really amounts to instruction?

Mr DAVIES: The Minister certainly is interpreting the wording of my motion in a completely different way from the Government. If the Minister's advisers had remembered their own amendment and if the Minister had known his Act, he would have known he could not possibly interpret my motion in such a way. That is there for all to see. I said during that debate I would prefer the Government to use its influence, to bring these people into conference and say, "Look at what Davies has said. Look at the evidence which is available. Don't you think it is time you had a reassessment of the situation?"

Mr Young: Don't you think people are constantly reassessing the situation?

Mr DAVIES: Obviously, they are not. In reply to my motion, the Minister for Health did not give one tittle of evidence of any action which had been taken until the Minister took specific action to bring it up.

Mr Young: Who do you think drew my attention to the Nelson papers?

Mr DAVIES: I have no idea at all.

Mr Young: Why do you think those papers were pointed out to me, if my advisers were not evaluating the situation?

Mr DAVIES: I have no idea. One would think that, before tonight, the Government would have said, "We are aware of the situation, and we are acting on it." It is only because the Government has been backed into a corner that it has reluctantly decided to take some action.

My motion has been on the notice paper for weeks and weeks until finally, the Government has said, "We are embarrassed. What can we do about it? We will get the same people who said we should not use the Tronado machine to review their decision." That is the only thing which has been done by the Government. Despite the fact the Medical Department from its own library was able to let me have references which clearly indicate action is needed there is not the slightest bit of evidence that action has been taken by the Government.

I have already referred to some of those references, some of which are as recent as 1978. However, there is not the slightest indication that anything has happened in the meantime. It is disgusting that the Government must be forced into a position like this, where it is now sending the machine back to the people who originally banned it with a request that they ask their clinical staff to re-examine the situation, and then refer it on to the NHMRC. We all know that in 1975 the NHMRC said the Tronado machine was worthless. This is the body which based the major part of its recommendation on wrong measurements, and that has been proved since. What a situation!

Mr Young: You are getting emotive about it now.

Mr DAVIES: I am becoming emotive about the stupidity of the Minister's answer. He is not prepared to listen to a reasonable case, or to acknowledge that people elsewhere in the world are using this machine. Some 18 centres in the United States currently are using this form of treatment, but the best the Minister can do is quote from a letter written in July, 1976, by a man who has since published a later report.

The Minister says that something which happened in 1976 is sufficient argument for him to disregard not just one of the authorities I quoted tonight but in fact, all of them, because he will not name the person in the letter dated July, 1976. By not naming that person, he has blackguarded every authority I have quoted tonight. If he is going to be fair he should say to which of those authorities he was referring, because all the reports I have quoted tonight were written and published since July, 1976. The Minister's information is out of date.

I have never heard anything like the drivel spoken by the Minister tonight. First of all he did not know his own Act; then, he placed his own interpretation on my motion.

Mr Young: You are lousy because you forgot the Act and because you were conned into moving your motion. When you read it, you realised you were on the spit. You knew the Government could not do what you wanted your motion to do.

Mr DAVIES: Mr Speaker, is it not disgusting in the extreme—to use the words of the member for South Perth—to think the Government would sink so low that, when faced with a reasoned, cogent argument, it says, "The Leader of the Opposition has forgotten the Act"? Who remembered the Act in a flash and obtained the information and was prepared to stand and say it was there, and remind the Minister and his advisers of their own Hospitals Act?

I remember it distinctly and absolutely because it was introduced in 1975 after the Hon. J. T.

Tonkin had moved a motion asking that some action be taken. I think at that time his motion called upon the Government to direct the hospitals to use the machine. I did not agree with directing the hospitals then, and I do not agree with it now.

This is a disgusting state of affairs. The Minister pinned his answer on a letter dated July, 1976, and made not one reference to the authorities I quoted who had published their findings in 1977 and 1978. The Minister and his advisers have had their blinkers on. They have said, "How can we shut Davies up?"

I strongly resent the suggestion I have been instructed to move this motion. I have had a long experience with the Tronado machine. The Minister for Health forgets that I was Minister for Health at the time the Government made the original decision to purchase the machine. I was prepared to support that purchase and I have supported it both within and without Parliament since that time. My remarks are recorded in *Hansard*. I have not the slightest intention of not supporting the machine while there is a continuing bank of evidence—a mounting mass of evidence—to suggest that what we are doing is completely wrong.

The Minister did not bring forward one tittle of evidence to prove that anything I said was incorrect, and shame on him for it. He is hiding behind doctors who say, "We will have a look at this." I will bet the Minister London to a brick on that those doctors will say the evidence is not convincing, and the machine should not be reintroduced. They will not look at the reports I have quoted and at the others which are available in the Medical Department's own library.

Those doctors will take no cognisance of the fact that at the UICC conference in Buenos Aires not less than two months ago, Doctor Poltera, a renowned physicist and head of the Department of Physics at the Buenos Aires University was given $1 million to conduct research into this very machine.

The committee which is to review the Holt report is not going to pay any attention to the fact that 18 centres in America at present are using this system of treatment. It will not pay any attention to the fact that at that same UICC conference, some five papers were presented on this subject.

Mr O'Connor: I suppose 18 centres in the United States would equate with about one centre in Australia, on a population basis.

Mr DAVIES: What does that matter? They are world renowned men. One of them came to Western Australia, saw what we had, and ordered for the University of Wisconsin at Madison, exactly the same machine we purchased from Germany. He was convinced it had some merit and that more research needed to be carried out. That is only one centre. The people I have mentioned are all renowned in their field. They are certainly not known to me because I do not work in those circles; however, their names crop up again and again in different articles dealing with this matter.

Since the NHMRC report and the Letham report were published in 1976 there has not been a small step forward but rather a great leap forward in the work which has been carried out in the field of hyperthermia. However, the best the Minister can do is to say he is not going to direct a hospital what to do, when we know very well he cannot direct a hospital. Not for one moment would I stand for a situation where we, as a Parliament and as laymen, directed a hospital as to the procedures and equipment it should be adopting. It would be completely and utterly wrong and my remarks as recorded in *Hansard* of the 13th November, 1975, state precisely that.

In fact, the Act was amended in 1976 because the Government was frightened that John Tonkin would be able to get a motion through Parliament directing a hospital as to a certain course of action it should take. I accept the Government was acting with the best of intentions, and I was happy to support it.

However, to suggest my motion means we would direct hospitals is not correct. I have had long enough experience with hospitals, doctors, and boards of management to know there is not very much which can be done by a Government in regard to the activities of those hospitals except by cutting off their money supply; in that way, a Government certainly can dictate a few terms. However, whatever a Government does, it cannot dictate terms in regard to treatment. I would not be a party to that, and neither, I am sure, would the Government.

The Minister did not present one piece of evidence later than the NHMRC report and the Letham report of 1976. He acknowledged that the two men who published a report in the *Medical Journal of Australia* in July, this year—as was reported in the *Daily News* on about the 18th August this year—asked for the machine to be reintroduced. However, the Minister said it was not the same machine. It is the same machine; they have been experimenting with it

continuously. It uses exactly the same 434 megahertz wavelength, and the same distance from the tumor for the same time. They have found it is more successful on the neck, nose, throat, and head and apparently they have based their research and have reported their findings on that point.

That does not mean that is the only work they have been doing. It is a case of going back to Caesar. We have a hierarchy established comprising the NHMRC, hospital boards, and the Government. We are now saying these men should reverse their own decisions.

Mr Young: Who should advise the board?

Mr DAVIES: I would like a committee set up by the Governemnt to review all the evidence; not only the Holt and Nelson report, because they are not the only ones doing significant research on this matter, as was said in answer to a question asked on the 13th April last. The previous Minister quoted 18 reports. It is heavy reading to go through those.

If one did go through those reports, one would gather that there is some hope. There is more than some hope; there is a great deal of confidence now emerging indicating this treatment, combined with what could be termed orthodox treatment, is having a great deal of success. I think 92 per cent of the cases treated were considered to be successful in the Holt and Nelson report.

All this has happened since the UICC conference in Florence in 1974. I do not know whether the papers presented at that conference have been considered. I can guarantee papers presented recently, about two months ago, have not been considered. One of the great achievements is that Dr Poltera was granted $1 million to research this type of therapy.

Mr Young: Exactly?

Mr DAVIES: Hyperthermia.

Mr Young: That is not necessarily the Tronado machine.

Mr DAVIES: It deals with the use of this microwave length. I have no reason to doubt the information I have been given. We have a machine which is gathering dust and because of bias expressed, because the Government and the department want to put on medical blinkers, and because other people have made profound statements which they now may be asked to reverse, there is not going to be any positive action taken. I can tell members what the findings will be because they have been clearly evident in previous findings. The Government has said nothing would be done.

Mr Young: You are saying the National Health and Medical Research Council is biased.

Mr DAVIES: It has made mistakes already and it will not back down on its measurements. There are people in Perth who would be prepared to use the machine for measurements and to prove them correct or otherwise, but they are not being given the opportunity. Mr Speaker, is this not a scandal?

I am not saying the treatment is correct. I am talking as a layman, and I have made that clear. I am not saying the treatment is the genuine panacea in regard to curing cancers of all kinds. There are many forms of cancers and there must be many forms of treatment. Since the matter was last officially considered there have been great leaps forward in the work done in this field. People are accepting the treatment. People are alive today because of the treatment; people will be alive in a few years' time because of the treatment.

All this material should be reviewed. If we did not have the machine here I would not be calling upon the Government to do any work in regard to it; I would not be suggesting the Government spend money on it. I would be prepared to say we should wait until people overseas have done the research and then say, "Because they have done the work and spent the money, we should be quick to do some work here."

When I was a Minister in the Tonkin Government we bought a head scanner, a tremendous piece of equipment, which cost about $600 000. It was a magnificent piece of equipment which saved a lot of people much pain and trouble, but we waited until it was perfected, and then we were quick to buy it.

If we did not have the Tronado machine here and people were prepared to say, "Look at what good work has been done in the treatment of cancer by hyperthermia", the Government should say it was prepared to be in it itself. But because we did not get a consensus of every doctor in Perth to see whether or not the research should be carried out, we had to stand the shafts and cudgels of the medical profession which did not like it and was not prepared to accept it. I would venture to say members of the profession would not be man or woman enough to admit this and to say now they might have been wrong and that they were prepared to give it another go.

Drs Holt and Nelson have done a lot of work on this themselves. We could have had twice as much

work done had the Tronado machine continued in operation in Western Australia. Apart from the items the Government listed in reply to my questions, it did not indicate what other information it had. The Government had no hesitation in indicating it was not prepared to go on with my recommendations. It did not believe there was sufficient expertise in the State.

I do not believe the Government has made inquiries. The Government could use its own influence. The Minister should not say I mean direction. The Government could talk to the people who matter and who can make the decisions. The Government should talk to the people who could say, "In view of the material coming forward, in view of what Holt and Nelson have done locally, and in view of the fact it might be a proper time for us to start a bit of our own research, could we not do something now?"

Knowing that Dr Nelson had a clinic and had done work in this field the Cancer Council helped him to attend the UICC conference—and more strength to their arm because of that. It was a breakthrough and he was able to go there and learn what was happening. Five papers were presented, but there is no indication they have been considered as yet.

I really cannot believe the Government is prepared to let the matter drop in the face of all the information available. The Minister said certain steps had been taken. We know what those steps are. We are going back to Caesar to ask if he was wrong. The Minister said the machine had changed, and I pointed out that as I understood it the same distance, time, and wave length were involved and most of the successful work done overseas is in regard to head and neck cancer. I suppose the Minister is saying, "If you get cancer of the head or neck there is a good chance you might effectively be cured, for a few years at least, so make certain you get the cancer there." That is the kind of attitude that comes through to me, and it is a great mistake indeed. If I found I had cancer at any time, I would be prepared to throw my lot in with the Tronado machine and hyperthermia, coupled with orthodox treatment. This is where the success lies. I do not want to refer to specific cases and perhaps embarrass some people.

The Minister gave no new evidence; the latest evidence he was able to quote was a letter written in 1976. I quoted information from as late as this year. If the Minister had been able to stand and say my information could be discredited, and then proceed to do so, things may be different. However, the Minister did not do that. He used a letter written in 1976 in an attempt to discredit one of the doctors I spoke of. The Minister will not tell us which doctor, so they are all under a cloud. The Government loves doing this and it did it with the Bayswater Shire Council. The Government dismissed the council and appointed an administrator, but it will not tell us who were the goodies and who were the baddies. The Government has done the same here. It has besmirched the authorities I have spoken of because the man I spoke about in July, 1976, is not now of the same mind.

Mr Young: I did not besmirch the man; I admitted he was recognised as an authority on the subject.

Mr DAVIES: But the Minister is now saying all of the authorities and reports I have quoted are suspect, despite the fact they were all subsequent to the letter. As that letter existed in 1976 everything that has happened since is suspect because the Minister will not name the man who wanted to deny his position in 1976. Obviously that man has made further statements and I must have quoted them because the Minister mentioned the name. I do not want to see the letter. I have a strange feeling it was used in earlier debates, but I cannot be positive about it.

The Government seemed to look on it as a trump card and that is why I was careful not to go over old ground. I have mentioned what the references were and I indicated the latest material I could find had come from the Medical Department library. When the Minister stood to speak the latest quotation he used was a letter dated prior to everything I quoted tonight.

Mr Young: I said the Government was evaluating the 1978 Holt and Nelson report.

Mr DAVIES: That is the point I am coming to. I am not talking about the local material initially, but the overseas work. In the Minister's July, 1976, trump card he was not referring to the Holt and Nelson report; he was referring to the overseas authorities I quoted. I thought he would be sufficiently perceptive to see I was dealing with that aspect. I do not want the Government saying it will have the Holt and Nelson report presented to the Sir Charles Gairdner Hospital to review the findings. I do not want advice to be sought from the NHMRC, whose original report was suspect because of some alleged mistakes in it. I want a thorough review of all available evidence.

Mr Young: How many of your authorities were referring to treatment on the Tronado machine?

Mr DAVIES: They were using 434 megahertz as a basis. It is a pity the Minister cannot get the

word "Tronado" out of his head. It is a trade name given to a machine which emits heat on a certain wave length, which has the effect of heating cancers without heating surrounding tissue. The same wave length, whether it be used in a tall, long, octagonal, or round machine makes no difference. The fact is that there is a system of microwaves being used for a specific purpose. It is of no significance whether it be called a Tronado machine, a black, white mystery, or Pandora's Box. I am sorry the word "Tronado" was ever invented. We should be talking about hyperthermia which is heat treatment on 434 megahertz and which is the cycle that has been used with success.

I am sorry the Government has adopted this attitude. It is a matter of sincere regret to me because I thought the Government would be able to take some credit for itself by saying to whoever owned the machine—and there seems to be some doubt about that—"If you do not want it at Gairdner or QE II Medical Centre we will see if RPH wants it."

Some department of that hospital might be prepared to use it for research. Heaven knows we spend little enough on research in this State whether it be in the medical field or in any other field. However, no attempt has been made to ascertain whether anyone wants to use the Tronado for research. When I asked whether the Government was interested, the Government said, "No"—just one word. In answer to the previous questions the Government said it did not think it had the expertise available. I am paraphrasing and if I have used a word incorrectly, members know what I mean.

That attitude is rather disgusting. Perhaps no-one does want to use the machine, but no attempt has been made to ascertain whether anyone does want to use it on animals or measurements of wave lengths, or on experiments on humans. The machine is here and available and we do not have the right to deny other people the opportunity to use it. We are just as guilty in not making it available as we would be in directing that it be used. The situation is completely analogous.

Mr Young: Who is not making it available?

Mr DAVIES: The Minister.

Mr Young: Be reasonable. Who is not making it available?

Mr DAVIES: The Sir Charles Gairdner Hospital.

Mr Young: Who tells it to make it available?

Mr DAVIES: No-one, but the Government should use its influence and draw the machine to its attention.

Mr Young: Can you tell me what that means?

Mr DAVIES: Ask the hospital whether it considers it is time it had another look at the situation.

Mr Young: I have done that.

Mr DAVIES: The Minister has not.

Mr Young: I have. I do not know why you are still on your feet.

Mr DAVIES: I am on my feet because the Minister made such a mess of replying to the debate. It demonstrates how completely incompetent he is in regard to this matter and in regard to the Hospitals Act. That is why I am still on my feet. I am most angry that the Minister could be so stupid.

The Minister waves his finger but he does not know his own Act. He has been badly advised by his departmental officers. He should not forget that I have worked with some of them and I know their feelings on this subject.

Mr Young: You are now denigrating them and the National Health and Medical Research Council.

Mr DAVIES: The Minister is completely disregarding world-wide evidence that we may have a system right here on our doorstep gathering dust. It is gathering dust only because of the pig-headedness of the people concerned. That is a great shame. I have never seen such a display of incompetence as I have seen tonight on the part of the Minister. His trump card was a letter written back in July, 1976, and the Government believes that is sufficient evidence on which to hang its hat. That is completely and absolutely disgusting.

I will not divide the House on this matter because I do not believe we should make the Government show how incompetent it is, and how ashamed it should be.

Question put and negatived.

Motion defeated.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 31st October.

MR JAMIESON (Welshpool) [8.49 p.m.]: When the pay-as-you-use scheme for water was introduced we suggested some complications could arise, and indeed they have. The scheme had been examined for a number of years by all States, none of which was particularly anxious to adopt it. Many States had conducted Royal Commissions and other inquiries, all of which generally advised the Government concerned not to depart from its established rating procedure. However, our Government decided—and to a limited extent the Opposition agreed—to move into this new field.

Such a scheme can be successful only if it is applied in a manner which is satisfactory to all people. It must be well planned before it is introduced, but it appears this was not the case. It must apply fairly to all consumers, and I will demonstrate directly that this is not the case, either. It must not induce hardship to consumers, especially those with large families. The Minister said that it would not inflict hardship on large families, but I will demonstrate that it has done so.

The scheme must take into account the essential domestic needs of at least the average family, and again I will demonstrate that this has not been done. The scheme must also encourage consumers to conserve water, but again I will demonstrate this has not been achieved.

The Government's scheme seems to be rather poorly planned, ill-conceived, and badly implemented. For instance the amendments before us deal with a Bill we approved in the House five months ago. The amendments will make the Government's scheme even more inequitable than it has been up to date.

In the transition from the old system to the new system many anomalies and inequities have occurred. For instance, the average annual water bill for domestic consumers in the metropolitan area, using between 300 and 600 kilolitres per annum will increase by an average of $24.27 or 49.8 per cent. The highest increase in the average annual water bill under the new scheme will be by consumers of between 300 and 400 kilolitres which is the range into which most domestic consumers fall.

The annual water bill for a family which consumes 300 kilolitres per annum will increase by $19.11 or 45.1 per cent. The annual water bill for a family which consumes 400 kilolitres per annum will increase by $25.09 or 46.9 per cent.

The increases in annual water charges under the new scheme are lighter for the heavier consumers and heavier for the lighter consumers. This means that the households which consume 300 to 400 kilolitres subsidise the heavier users and surely this was never intended.

For example, the increase in the annual water bill for a domestic consumer using 400 kilolitres a year is $25.09 or 46.9 per cent while for a domestic consumer using 1 000 kilolitres a year the bill is $28.45 or 18.7 per cent more. This shows that the more water a person uses the cheaper it is.

When the then Minister for Water Supplies—the present Minister handling the Bill—introduced the new scheme into Parliament he said that most people—as a matter of fact 70 per cent—who pay water rates use more than the amount they are allowed, and therefore pay excess. In simple terms the Minister was saying that 70 per cent of the people who pay water rates exceed their annual allowance.

Last year under the old scheme, the annual average allowance was something like 333 kilolitres to each consumer in the metropolitan area. Under the new pay-as-you-use scheme the Government is cutting the annual average allowance from 330 kilolitres—which I said was the average—to 150 kilolitres.

This is a cut of some 183 kilolitres a year which, at 17c per kilolitre, will cost the average householder $31.11 plus his $36 annual service fee. It is certain that a much higher proportion of consumers will exceed the annual allowance of 150 kilolitres than exceeded the average of 333 kilolitres.

As a matter of fact a spokesman for the MWB was quoted in *The West Australian* of the 9th August, 1978, as saying that 150 kilolitres of water—the amount allowed for a year—was based on the efficient domestic use by a family of 3.5 people. The MWB has said that its 3.5 people would be expected to use 2 900 litres for domestic use only during a week, and that would be a very low amount as we know in our climatic conditions. A consumption rate of 2 900 litres a week gives an annual consumption of 150 kilolitres. It is a bit more because it is 150.8 which is for a family of 3.5 people.

According to the Australian Bureau of Statistics the average family comprises two adults and 2.4 children. So a family consisting of two adults and about three children would, for domestic purposes, consume at least 260 kilolitres a year based on the board's own calculations. This assumes that lawns and gardens have no merit with such a family.

The Government's new scheme discriminates against large families. A family comprising two adults and seven children, on the board's own figures, would consume 388 kilolitres a year for domestic purposes only, which would cost $76.46 under the new scheme. Therefore larger families will bear the brunt of the increased charges.

The Minister who is now in charge of the Bill and who was Minister at the time, said on the 26th May, 1978, that the then existing scheme did not differentiate between small and big families, and neither would the new one. But of course it does as I have demonstrated.

For some Perth households the new scheme began on the 1st January, 1978, although it was said the new charges and allowances would apply as from the 1st July. On the 1st September, a spokesman for the board was reported to have said that more than one in every 10 of the 6 000 domestic interim readings the board had done exceeded the water allowance and those people were on excess water.

In September over 6 600 householders had already exceeded the annual allowance of 150 kilolitres which indicated trouble for the Government. Indeed this was manifested in the action taken in the party rooms about that time.

According to the *Daily News* of the 31st August the present Minister stated that Perth water users were lucky to be getting 150 kilolitres free. People do not seem to regard the water as being free, and one can hardly blame them when the increases in the overall costs were as high as those I indicated earlier.

The new scheme does not encourage water conservation any more than did the old scheme, and I will demonstrate that in a moment. Also in a moment I will indicate that it should be one of the salient features of Liberal Party policy because it is in the party's State platform. I will deal with that a little later.

Under the old scheme, with an allowance of 400 kilolitres, the cost was $53.41. The average cost of 1 000 kilolitres per annum was $152.05, which was a difference of $98.64

Under the new scheme 400 kilolitres per annum will cost $78.50, and 1 000 kilolitres will cost $180.50, which is a difference of $102. With this scheme, the water gets cheaper as consumption increases. At a consumption of 200 kilolitres, the total annual charge is $44.50, which represents 22c a kilolitre. At a consumption of 500 kilolitres, the total annual charge is $99.50. That is a rate of 20c per kilolitre. At a consumption of 800 kilolitres, the total annual charge is $146.50, which is 18c per kilolitre. So, it will be seen that the water is getting cheaper all the time, and that should not be the intention of the Government when one looks at its policy. I will quote from "The Liberal Party of Australia, Western Australian Division, Party Platform", of September, 1976. That is about as recent as one could get, and at page 15 under D, "Water", the policy states—

> To encourage the economy of water in the metropolitan area by the development of private water supplies and by the continual review of the water rating system.

I am not too sure what that really means because if too many private water supplies are encouraged the Government will run into further problems with regard to water tables. That will not sort out the position. The policy states—

> . . . to encourage the economy of water in the metropolitan area . . .

I suggest the Government has acted against its own policy; it wants continually to review the water rating system. I do not know about that. Perhaps the Government hopes to confuse the public by constantly altering the scheme. Unless it is of some advantage, as I suggested earlier, it will be best left alone.

When introducing the Bill to provide for the new scheme, the Minister said—

> We propose to move partly to a pay-as-you-use system in an endeavour to persuade people to conserve water.

Evidently, his advisers and researchers were not on the ball when they advised him. The board is supposed to be autonomous. We went through some traumas many years ago when the then metropolitan water supply department was changed into a board. I think that occurred since the Minister has been in this House; I know it has occurred since I have been here. The board was supposed to have autonomy to run its own affairs without any influence from the Government, but it looks as though the Government is very much an influence here.

The Government scheme actually encourages people to consume more water by providing an incentive for some people. The more water they consume, the cheaper it becomes, as I demonstrated earlier. This is the antithesis of the scheme of charging for water; it is not the sort of system which is indicated in the party platform.

Another major concern with regard to the water survey is that only residential consumption has been considered. In 1977-78, the number of

residential properties in the metropolitan area supplied with water was 256 228. The total consumption of those residential properties in that year was 66.5 million kilolitres. The total number of non-residential services in the metropolitan area in 1977-78, was 18 564. However, 17 987 of those services were unmetered. That means more than 96 per cent of industrial and commercial consumers in the metropolitan area were unmetered in 1977-78.

On the 19th September, 1978, the Minister was asked to estimate the consumption of water by unmetered non-residential services in 1977-78. The Minister, representing the Minister for Water Supplies, replied that the information was not available in a form on which an accurate estimate could be based. That information appears at page 3231 of *Hansard*. In plain language, the Government does not know and cannot estimate what quantity of water was consumed by the 17 987 industrial and commercial consumers supplied with water in the metropolitan area in 1977-78.

Many of the properties and businesses are unmetered. In addition, the Government does not know whether or not the 17 987 industrial and commercial consumers exceeded their annual allowances in 1977-78. There certainly is no incentive for them to save water because they are unmetered and there is no charge for the water they use above their allowances. So there could be some considerable wastage there.

The 577 metropolitan non-residential consumers who were metered used 14.5 million kilolitres in 1977-78. That is an average of 25 000 kilolitres a year by metered industrial and commercial concerns. The question is then: How many million kilolitres are consumed by the commercial and industrial concerns which are unmetered, and unpaid for each year? I refer to hairdressing salons and so on.

Mr O'Connor: Their rating is very high, as you would know.

Mr JAMIESON: The rating is high, but those businesses also use a considerable quantity of water. If we are to conserve water we have to look at those concerns because the present legislation does not seem to cover their situation.

It is extremely difficult to obtain information from the Government on the number of non-residential properties which are unmetered. However, the Metropolitan Water Board is concerned and has stated that hotels, shops, factories, and service stations are examples of unmetered non-residential properties which have a high consumption rate. As the Minister has stated, it appears that those businesses use a lot of water. Perhaps not all shops, but certain types of shops, use a considerable quantity. Certainly, hotels and service stations with car washing facilities would use a considerable quantity of water.

A major criticism of the Metropolitan Water Board's present charging policy for non-residential consumption is set out in the Binney report. The report was prepared for the Metropolitan Water Board by an international consultant. The report states—

> The Board's present charging policy for water supply does not lay much emphasis on economic efficiency. This is because:
>
> (a) most industrial and commercial consumers are not metered and thus under no economic inducement to avoid wasting water . . .

Mr O'Connor: Do you agree with that report?

Mr JAMIESON: To some degree, but not all of it. I am worried about some of its implications. The report goes on—

> It would be quite feasible to improve the economic efficiency of this tariff structure by aiming for universal metering . . .

I do not think it would cost too much to install a meter at a hotel, for instance. That would impose a check on such premises. The report continues—

> The Non-Residential Charging System
>
> The government has not altered the charging system for non-residential consumers.
>
> The annual charges for non-residential consumers consist of an amount for water rates and a charge for excess consumption. The water rates are calculated on the annual value of the non-residential property.

The complicated system in use at the present time means that private residences have a double system. Some people are paying one type of rate, and other people are paying another type. A person can find himself living in a drainage area, and paying for sewerage and water rates. A pensioner wrote to me from Harborne Street, Glendalough. She was distressed and her case is worth recording in *Hansard* because I am sure a number of other people could be in the same situation. I believe some different form of metering could be used effectively in order to lessen the burden on some property owners. The letter reads—

Dear Sir,

I own and live in a unit at the above address. I had been hoping for a reduction in my account for Water, Sewer and Drain. There are 68 units in three double story blocks, a phone call to the appropriate officer at the Stirling City Council revealed that on that ground only 20 average houses could be built. I live alone and all owners received an account for the same amount regardless whether 1, 2, or more people occupied the units. On my reckoning the Water board would receive over $10 000 from the units and would only collect $3 000 odd from the area if houses occupied the land. I suggest a more equitable way would be the installation of a meter for other purposes than household water (there are no meters) then the 68 unit occupiers would share the cost of the water metered. Under the new plan pensioners in units could be charged allowerable water per person less the pensioner rebate. Land value shown on Stirling City Council rate notice is 713 while on the Water Board notice it is 858. My account this year is $151.48 less rebate is $113.61—

I assume she claimed her 25 per cent rebate, which brought the amount down to $113.61. To continue—

—which on the aged pension of under $52 per week is beyond my capacity to pay, and for the first time I have had to have it deferred.

Yours respectfully,
(Mrs A. E. Small).

Mr O'Connor: She paid $113.61 for water rates, did you say?

Mr JAMIESON: The charge was a combination because I just could not see where she would pay that sum. However, I followed up the matter. She was receiving a bill from the Metropolitan Water Board, and she included the rate for drainage because Glendalough is a drainage area. She receives a bill for sewerage, and she receives a bill for water rates. The total is certainly high when the figures are lumped together. So, I do not see that we have achieved what the Government set out to achieve.

The Minister mentioned high valuations, and non-residential lots. It is interesting to note that the average annual value of a non-residential property in the metropolitan area is only $2 041.

The charge for water rates is ascertained by multiplying the water rate of 10.45c per $1 of net annual value, by the net annual value. For example, the water rate of 10.45c multiplied by a net annual value of $2 041 gives a charge of $213.28. That is an example of the system which used to cover all consumers.

The annual water allowance for non-residential property is, like domestic property, calculated from the amount payable in water rates. An allowance of one kilolitre of water is provided for every 17c of water rates payable. Hence the average allowance for non-residential property is currently 1 255 kilolitres. Where consumption is in excess of this allowance, it is charged at the excess rate of 17c per kilolitre.

The Bill deals with several aspects. It adds to the interpretations provision, definitions of the terms "consumption year" and "rating year". The interpretation of "consumption year" in respect of section 90(3) will define more clearly the term within the Act. The terms "consumption year" and "rating year" are being incorporated within subsection (4) of section 90 so that the board may, and if the Minister so directs—here again we get back to the direction of the Minister which we were supposed to have lost when the board was given autonomy—shall, impose water rates applicable to the rating year then next following. That covers the situation of rebates.

However, it does raise doubts concerning the legality of the retrospective application of the new charges and allowances before the 1st July, 1978.

The Bill inserts in the Act a new subsection to grant a rebate to consumers for whom the consumption year commenced before the 1st July, 1978.

The rebate will apply to whichever is the lesser quantity of the actual water consumed from the 15th January to the 30th June, or 12.5 kilolitres for each month or part month in which water was consumed prior to the 1st July, 1978, for the consumption year appropriate to the land in question.

Where a charge has been made and paid in respect of part of a consumption year, which includes a charge up to the 30th June, 1978, that does not take into account the rebate to which I have just referred, the board shall give credit for that rebate against any subsequent demand until the rebate has been taken into account. That covers all the known aspects that might occur in respect of the granting of additional allowances.

The first two amendments relating to the definitions of "rating year" and "consumption year" are predominantly machinery measures. They incorporate those terms within the meaning of the optional charging system available to the board and are welcomed inasmuch as they make

clearer the relationship between the consumption year and the rating year, and the application of both to the charging system adopted.

On further examination, there might be a need to validate charges imposed prior to the 1st July, 1978, in addition to what has been done so far. It might be advisable for the Minister to consider whether that is necessary.

The amendments I have indicated will result in an extremely inequitable system of charging for water in the current consumption and rating years. That brings me to the matter of the amendments I have on the notice paper, which I will move in an endeavour to introduce a more equitable system. I hope we can convince the Parliament to accept the amendments I propose rather than the proposals in the Bill brought forward by the Minister. The Minister's proposals do not apply to all consumers, and they apply only to the current consumption and rating years.

Of course, after this year all consumers will revert to 150 kilolitres or, I suppose, any other amount the board deems fit from time to time as directed or influenced by the Minister. The concessions proposed amount to the board granting a rebate to consumers for whom the consumption year commenced between the 15th January, and the 30th June, 1978. The rebate is equal to whichever is the lesser quantity before taking into account the standard allowance of 150 kilolitres.

The following table was incorporated by leave of the House—

Month in which Consumption Year Commenced.	Approximate Consumption Period to which first bi-annual water bill refers.
January	January to June
February	February to July
March	March to August
April	April to September
May	May to October
June	June to November

The above table shows the consumption periods to which the first six-monthly water bill will refer according to the month in which the consumption year commenced. The rebate of a quantity of water calculated at the rate of 12.5 kilolitres for each month or part of a month in which water was consumed prior to the 1st July, 1978, will actually form an allowance in addition to the annual allowance of 150 kilolitres. For example, a consumer for whom the consumption year commenced in January will be entitled to a rebate of 75 kilolitres if his or her consumption for the period January to the 30th June equals or exceeds 75 kilolitres before the annual allowance is taken into account.

This means the consumer is entitled to an annual allowance of 150 kilolitres, plus a rebate of 75 kilolitres, the sum of which gives an overall allowance of 225 kilolitres for the year.

The rebate actually gives an allowance in addition to the annual allowance. However, if the consumer used only 68 kilolitres during the January-June period he is entitled to a rebate of 68 kilolitres—the actual quantity consumed—which in effect increases his allowance from 150 kilolitres to 218 kilolitres. Nevertheless, irrespective of the consumer's actual consumption during the period to which the rebate refers, the Government proposes a maximum rebate or, in effect, a maximum allowance in addition to the annual allowance of 150 kilolitres, according to the month in which the consumer's consumption year commenced. I have a table which illustrates this.

The following table was incorporated by leave of the House—

Month in which Consumption year Commenced.	Period to which rebate is applicable.	Maximum rebate for period Jan. to June 30, 1978.	Annual Allowance plus maximum rebate.
		kl.	kl.
Jan.	Jan. to Jun. 30	75	225
Feb.	Feb. to Jun.	62.5	212.5
Mar.	Mar. to Jun.	50	200
Apr.	Apr. to Jun.	37.5	187.5
May	May to Jun.	25.0	175.0
June	June to Jun.	12.5	162.5

The Metropolitan Water Board estimates that the number of residential units in the metropolitan area to which water will be supplied in 1978-79 is 288 000. The number of meters the board must read in order to determine the volume of water consumed by each residential property for which the consumption year commenced between the 15th January, 1978, and the 30th June, 1978, is 242 370—according to the answer to parliamentary question No. 2238.

Therefore, the number of residential consumers entitled to the maximum rebate on the basis that their consumption year commenced prior to the 30th June is 242 370.

The following table was incorporated by leave of the House—

Month in which consumption year commenced.	Jan.	Feb.	Mar.	Apr.	May	June	
Annual allowance plus maximum rebate according to month in which consumption year commenced. (kl.)	225	212.5	200	187.5	175.0	162.5	

Month in which consumption year commenced.	Jan.	Feb.	Mar.	Apr.	May	June	
Number of consumers eligible for maximum rebate plus annual allowance according to month in which consumption year commenced.	7527	47 053	52 508	43 196	31 036	61 050	242 370
Percentage of total residential consumers (288 000) entitled to maximum rebate plus annual allowance according to month in which the consumption year commenced.	2.6	16.3	18.2	15.0	10.8	21.2	84.1

The table shows the distribution of consumers according to the month in which the consumption year commenced. I think it is worth while recording the table, because it represents good research and we may care to compare it with what pertains later on. The table illustrates that 84.1 per cent of the estimated number of residential properties supplied with water in 1978-79 will receive between 162.5 and 225 kilolitres of water before being charged for excess consumption. The remaining 45 630 or 15.9 per cent of consumers in 1978-79 will receive only the annual allowance of 150 kilolitres before being charged for excess consumption.

The vast differences between the amounts of water consumers will receive under the Government's pay-for-use water scheme incorporating the proposed rebates will result in consumers with identical consumptions paying significantly different amounts for excess consumption. For example, a consumer for whom the consumption year commenced in January and who consumed 75 kilolitres during the period January to 30th June, will pay $12.75 for an annual consumption of 300 kilolitres; whereas a consumer who is entitled to an annual allowance of only 150 kilolitres will pay $25.50 for an annual consumption of 300 kilolitres. This inequity is a result of the Government's administrative bungling. It is scandalous that some people will pay more than others for the same level of consumption as a result of the Government's poorly planned and badly managed implementation of the new pay-for-use scheme. Under the amendments proposed in the Bill less than 37 per cent of the 288 000 households in Perth will receive at least 200 kilolitres per annum before being charged for excess consumption. The Opposition believes all families should be treated equally so that each household receives an annual allowance of 200 kilolitres.

The Minister for Water Supplies criticised the Opposition's proposal to increase the annual allowance to 200 kilolitres because, as reported in *The West Australian* of the 3rd October, 1978, "it distorted the pay-for-use principle". However, the Government now seeks to increase the amount of water consumers receive before being charged for excess water to 225 kilolitres a year in some cases. Therefore, it is hard to see where the Opposition's proposal distorts the matter, because the Government is even exceeding our figure in a number of cases.

The Bill seeks to assist by way of a rebate consumers who feel they were disadvantaged because the new scheme introduced charges and an annual allowance of 150 kilolitres some considerable time after their consumption year commenced. The same situation could arise next year and the year after if changes like this are to be made. In past years the Government has announced increases in water charges between May and July. If the Government announces a reduction in the annual allowance between May and July in any given year the same situation will occur again.

There will have to be a reversal of the process, because the consumption year commenced some considerable time before the changes in the allowance were announced, and some time before the charges for excess consumption were levied.

The concessions proposed in the Bill apply only to the current consumption and rating year. The Bill does not change the Government's inequitable pay-for-use water scheme; it merely delays the full impact of the scheme for a year.

If the Government changes the scheme again, there will be a furore in the community. I think I have said enough to indicate that I consider the Bill before us needs some amendment. It needs attention so that it is placed on a proper basis. Then we will know exactly what we face each year in relation to water charges.

It is the intention of the Opposition, through the amendments that I have placed on the notice paper, to try to achieve this end. We have put ourselves into a position where we have to cope with the problem of changing from one system to another. It appears to us the system we have suggested is a more equitable one.

When the Bill reaches the Committee stage, I will be taking the opportunity to move to correct the situation in such a way that will give the best possible deal to the consumers. Those amendments will also enable the Metropolitan Water Board to know its position from time to time. It will know in advance what is expected of it. It will have to balance its books accordingly.

The principal charter of the Metropolitan Water Board is not to make money, but to balance its accounts. We realise that we live in changing times. Problems are experienced in meeting high prices. Other inflationary trends affect the situation. It is difficult for the Water Board to keep up with this; but—

Mr O'Connor: Drought years have a very considerable effect.

Mr JAMIESON: Yes. In the past, when good years were experienced, the Water Board was relying on the sale of a considerable amount of excess water to provide additional funds which were ploughed into developments. Events in the last few years must have hit the board very hard.

In the main, the Metropolitan Water Board has given a good service to the people of Western Australia. The members of the board are to be complimented on that. Some very efficient people serve on the board. It is a pity that the board has been involved in a wrangle over the last few days. We hope that situation will not occur again. I understand that such a situation last occurred in 1911, so there should not be a recurrence during our stay in Parliament, if that record is maintained and sensibility rules. If there are discussions, I am sure such a situation will not occur again.

I support the Bill.

MR DAVIES (Victoria Park—Leader of the Opposition) [9.34 p.m.]: I would like to make a few comments about this Bill, because I believe this measure is one of the worst the Government has ever brought before this Parliament.

I believe the Bill was introduced without proper thought, and in a great deal of hurry. It is one which is making as much money for the Water Board as it possibly can, and it is intentionally or unintentionally ripping off the public. There is no other description for the Bill.

Mr O'Connor: You are not on Tronado now. You are on water supply.

Mr DAVIES: If the last effort of the Government was disgraceful, this one is equally so. Never in my time in Parliament have I received so many complaints about a Bill or an action taken by the Government.

I believe the Government itself was pushed into bringing this legislation, pitiful as it is, before the Parliament because it could see itself losing a few seats at the next election. That is not as funny as it sounds. From what I hear of the proceedings in the party room, there are back-bench members who would rather have seen the Government be more liberal.

Mr Nanovich: Were you listening through the wall?

Mr DAVIES: I did not listen through the wall. One can hear remarks on the subject all along the corridors. Members of the Liberal Party are disgusted at the way the Government is acting in regard to this matter. They can see seats being lost; they can see their own seats being lost. When members see their seats going, they start to run for cover. Then they are not as careful with what they might say in the corridors.

The fact remains that the back-bench members wanted the Government to go further than it has. The Government was adamant. It said, "We are sticking to what we have."

Members should not forget that this Bill is also a taxing measure, as 3 per cent of the money received goes straight to Consolidated Revenue. The more money received the more money will be paid into Consolidated Revenue.

Mr O'Connor: If you ever get into government, will you dispense with the taxing measure?

Mr DAVIES: All of the Government's actions are absolutely and completely wrong.

Mr O'Connor: If you are in the position, will you dispense with it?

Mr DAVIES: I am in no position to answer that interjection by the Minister at this stage. It is a hypothetical question.

Mr O'Connor: It certainly is!

Mr DAVIES: It is a red herring, of course. The Government hopes that by getting into some kind of debate on a "you did; you did not" kind of schoolyard argument—a "my dad's a policeman" style of thing—

Mr O'Connor: You want to head us off.

Mr DAVIES: The Government hopes that by getting into this kind of argument attention will be diverted from the Government's parsimonious attitude in the worst legislation ever to appear before the House.

I do not suppose any country members are worried; but certainly there are some metropolitan members who are worried. There are members who want the Government to go further than it has with this crumb it is throwing to the public.

We are supporting the Bill only so that we have the opportunity to bring in some amendments and

introduce a scheme which will be fair and equitable—a scheme which will do the things we hoped the pay-for-use water scheme would have done. This would allow the average working man a fair go in relation to his payment for water, either by way of rating or by way of the payment of excess charges at a later stage. We want this to apply equally to all consumers. We do not want a system of "the more you use, the less it will cost".

If there is to be an incentive to save water, the scheme should be, "The more water you use, the more you will pay for it." Once a person uses more than the average consumption, he should have to pay more for the water. We presented a report on the problem. That report has not been rebutted in any way, despite the fact that the Minister has described it as something of a "mouse". The Government has not been able to say that the assumptions and the calculations in it are wrong, as I might have expected the Government to do.

The Government could not oppose the assumptions and the calculations in the report, because they are based on answers to questions in this House. If the figures are incorrect, and if the assumptions are incorrect, that is only because we have been given incorrect information in this House. In that report, we have tried to point out that under the new scheme the average consumer was subsidising the large consumer. We said some proper incentives needed to be applied. We pointed out that the figure of 150 kilolitres which was to be given as an allowance was based on a wrong premise. The Government said that was based on the average family of 3.5. The Australian Bureau of Statistics points out that the average family consists of 2.4 children and two adults—a total of 4.4 as against the 3.5 mentioned by the Government as its basis for the consumption of 150 kilolitres.

Another amazing point to arise out of this debate is that the Government intended to make no allowance at all. It was only because of some rearguard action by a couple of Cabinet Ministers that an allowance was introduced. The allowance introduced was 150 kilolitres. That works out at 2 900 litres per week for the average family of 3.5, on the Government's calculation. That is the allowance for them to wash, clean their teeth, and attend to all of their domestic necessities. That does not allow for putting water on the garden, of course.

I am not suggesting that the people of Perth do not need to be reminded of the need to conserve water. However, can we not have a fair system for them? As I have already said several times in other debates, and as I have said before in this House, we need a system which will provide some incentives, and which will be fair and equitable to all people.

Never before have I received so much public reaction from the people who have been adversely affected by this type of legislation.

Mr Shalders: Country people get nothing—not one kilolitre.

Mr DAVIES: What is that supposed to mean?

Mr Shalders: You are saying what the metropolitan people should get. What are you advocating the country people should get?

Mr DAVIES: Of course, there are two distinct schemes. If members opposite want to debate another scheme, they can raise the matter by way of motion and we will debate it with them. Tonight we are debating the metropolitan scheme. If members on the Government side want to draw another red herring across the trail, as the Minister does—and as all the Ministers are wont to do—then they may draw all the red herrings across the trail they want to. Tonight we are debating the metropolitan scheme, and not the country water scheme. If members opposite want to debate the country scheme, they can raise it by way of motion and we will debate it with them. We have no responsibility to tell members opposite what we will do, or to make any other suggestions. As the member for Dianella points out, members opposite will not do anything. There is a lack of action.

Mr O'Connor: If we did that, we would be acting like some of the Opposition.

Mr DAVIES: Here we go with these funny, schoolyard-type interjections—"You know my father is a policeman. I will get you. I did; you didn't." I would not mind if we heard some intelligent interjections. I would listen to them and enjoy them.

Mr O'Connor: Look at his blood pressure.

Mr DAVIES: That is another of those interjections. It is not my blood pressure which is giving me trouble; it is my voice. I am able to keep my blood pressure under control.

Mr O'Connor: It would be better if you lost your voice.

Mr DAVIES: These are really intelligent interjections. They add a lot to the debate.

Let us return to the rip-off of metropolitan water consumers. Let us look at how they are being ripped off. Let us look at the fact that the

Government went into this legislation without proper thought. The Government is not reflecting enough on the needs of the people.

The average consumer is subsidising the larger consumer. The highest increase in water bills under the Government's present scheme will occur when consumers use between 300 and 400 kilolitres a year, which is the range in which most of the domestic consumers fall. Those figures were given to us by answers in this Parliament. The Government can deny the figures if it wants to. The annual water bill for a family which consumes 300 kilolitres a year will increase by $19.11, an increase of 45.1 per cent. The annual water bill for a family which consumes 400 kilolitres per annum will increase by $25.09, or 46.9 per cent. That means that households consuming between 300 and 400 kilolitres a year will subsidise the heavier consumers.

We want a scheme which provides a proper incentive. We want a scheme in which the man who is willing to make an effort to conserve water will benefit by it. We do not want a scheme in which the man who uses more water will find he pays less.

That is the kind of system for which the existing Act provides and it is the sort of system to which we object and we intend to try to amend it tonight.

The Minister asked about the Binney report. He wanted to know whether we agreed with everything in it. We most certainly do not agree with everything in the Binney report and if the Minister wants to debate it we will be happy to do so. The report said we should make the water saltier and people would not use so much. I do not know how much we pay for this kind of advice. Of course, if we made the water too salty it would kill the person who drank it and everything around him.

Mr O'Connor: The report did not say that.

Mr DAVIES: The report said that was one of the options—it said we could make the salt content greater and people would not find it so palatable; therefore, they would not drink so much water. It would ruin the taste of scotch, of course. Imagine paying good money for that kind of information. However, we are not debating the Binney report tonight, but we are happy to do so if the Government wants us to.

This Government has made some awful blunders, but the greatest of its blunders was altering the price of water. We supported the Government, because we thought the measures would be fair and equitable. We bought what is commonly referred to as a "pig in a poke". We got the poke. We certainly did not get the pig. The Government told us there would be several options and we believed it. We were told the measures would be fair to the consumer. They have been anything but fair to the consumer.

Mr O'Connor: The options were put up at the time we introduced the Bill.

Mr DAVIES: The Minister is correct. A total of four options were put up.

Mr O'Connor: Did you study any of them?

Mr DAVIES: Which one did the Government say it was going to use? Why did it put up four options?

Mr O'Connor: Did you study them?

Mr DAVIES: I studied the options; but we did not have any control over which of the options the Government would use. We thought the Government and the back-benchers in the party room would at least try to be fair to the electors, but they were anything but fair to them. The Government used the option which was the greatest rip-off and the greatest taxing measure.

The member for Welshpool has covered the matter very adequately. He has indicated where we feel the excess system is deficient, why it is unfair, and why it needs to be changed. We are supporting the Bill only in order that we will have the opportunity to amend it in the Committee stage.

MR B. T. BURKE (Balcatta) [9.48 p.m.]: It is important to note that when this pay-for-use proposal was introduced originally it was not quite as the Minister has told the House. The four possible propositions put before the House were not explained in detail and the full details and ramifications of the present scheme were not explained in any detail either.

In fact by referring the Minister and members to the debate which occurred at that time it becomes patently obvious that the Opposition was at great pains to stress to the House and the Minister the need to ensure that certain matters were guarded against before the scheme was introduced and before the existing system was changed so radically.

I refer members to page 1450 of the current *Hansard* and to the part of the Minister's speech where he was talking about the number of gallons of water supplied each week in the metropolitan area and the cost of that supply. At that stage I interjected and said—

> Has anything been done to ascertain what the average family needs, before it starts using water for other purposes?

The Minister replied that he would come to that in due course, but a close study of his speech fails to uncover any area in which he did in fact come to that matter.

Again a little later in the Minister's speech I interjected and said—

> The major point of concern is how you set that limit, how you arrive at it, and whether it could be tailored more precisely to the needs of people.

I made that interjection when the Minister was talking about the limit on the number of kilolitres to be made available to different householders in the metropolitan area.

Throughout the Minister's speech it was obvious the Opposition was attempting to ascertain as far as was possible the details of the scheme. I do not personally blame the Minister for what eventually evolved as a result of the change in the manner of charging for the water supplied to the people of this State by the Government. I do not really believe the Minister understood the full ramifications of the scheme. I certainly do not believe the Minister had the full details of the scheme that we would eventually endorse at the time he moved the second reading of the Bill.

It would be interesting to hear the Minister comment as to whether or not he knew about the restrospectivity of charging at the time he moved the second reading. I am sure the Minister did not know, but perhaps he can enlighten the House as to his state of mind with respect to the retrospectivity of charging at the time he moved to do so now, perhaps he will do so when he replies at the end of this debate. It would be very interesting to know whether the Minister knew about that. My guess is he did not know that the method of charging under this system would be put into effect when the meter readings were taken, which in some cases was several months earlier than the actual introduction of the scheme.

Some of the other remarks made by Opposition members during the second reading debate show quite clearly that whilst the Opposition was willing to support the Government and whilst it was willing to assist in any way possible in trying to impress upon the people of this State the need to conserve scarce resources—that is, the State's water supplies—we were most concerned to impress upon the people of this State that the system would be an equitable and fair one. That has not proved to be the case.

The member for Welshpool has demonstrated very ably that the infliction of this new charging system upon the people is falling more heavily on some people than on others. In fact it is not encouraging people to conserve water in the upper limits of consumption; it is encouraging them to consume more by charging less for the marginal units they use.

It has been shown also quite clearly that very little consideration was given to the actual amount of water demanded and needed by different families in their daily use throughout the year. During the second reading debate the Opposition said—

> I hope this is one proposition on which the Opposition may find itself in more accord with the Government. There are really two aspects to the question now before the House: Firstly, the philosophy of relating the usage of water to its cost, and, secondly, the translation of that philosophy into the practical application of a rating system.

It is not the philosophy referred to in the first part of that quote to which the Opposition takes exception. It is the translation of that philosophy into what has become a ferocious and horrible impost upon the people of this State. It is not true to say that the Government's actions have been fair and equitable and that the Government has been compassionate.

Among the points put forward by the Opposition to the Minister at the time when he was seeking not to implement a certain system but to take unto himself the power to change the basis of the rating system were these—

> Firstly, the Opposition puts forward the proposition that there should be some differentiation between flat dwellers and those people who are living in single residential homes.
>
> The Opposition also believes it is desirable to take account of the number of people residing in both flats and single dwellings.

The Opposition stressed also at that time the need to pay recognition to the different uses to which consumers put the water they used. The Minister conceded throughout the debate in answer to several interjections that it was difficult to introduce a pay-as-you-use water scheme. However, we on this side of the House did not believe it would prove as difficult as it did for the Minister to introduce the scheme.

At the time of the second reading of the initital piece of legislation the Opposition spoke also of the need to protect tenants from the actions of landlords who would take advantage of the new scheme to declare to their tenants that any consumption in excess of the limit of 150 kilolitres, or 250 kilolitres, or whatever limit was set would become excess water and was, therefore, a charge on the tenant. The Opposition pointed out that particularly with respect to the SHC which houses people least able to afford burdens of this sort, the Government needed to take firmer action to set a lead so that landlords did not pass on to their tenants burdens which were in the past earmarked specifically for their own bearing.

Perhaps that highlights the worst possible aspect of the Government's performance in the whole matter, because it was well aware that landlords were in a position to pass on to their tenants costs they should not morally or properly pass on to those people. The State Government found itself in the position of being a landlord and what did it do? It decided to pass on to its tenants costs which in the past, under the previous system, had been thought properly to have been its charges as the landlord. So the Government's position with respect to private landlords was made quite clear. If as a landlord itself the Government was not able to act properly, how could it expect private landlords to act correctly?

At the same time the Opposition pointed to the unrealistic limit of 150 kilolitres without knowing at that time that the basis upon which the limit was drawn up was a fallacious one and that the Government had made the elementary blunder of under-estimating the size of the average family within the community for which it is responsible. The Opposition pointed out that 150 kilolitres was insufficient for people to carry on the daily functions of the family and be able to do so with an adequate supply of water.

It was that fear, along with the reluctance of the Minister to give assurances on any of the points the Opposition had raised, that caused the following Press release to be circulated within Perth on the 22nd May—

> Whilst the Opposition is not opposed to the scheme in principle we are anxious that it should take into account the special circumstances of many people who may be adversely affected by it. These people include—
>
> * State Housing Commission and private rent payers.
> * Large families.
> * Dwellers in single flats.
> * Pensioners.
>
> The Government, in relation to both State Housing Commission rents and private landlords should assess an equitable level at which tenants should be forced to pay excess water. If landlords maintain the present system whereby tenants pay all excess water charges, the tenant will pay considerably more than under the old scheme.

And yet we have seen that the Government is prepared, as a landlord, to condone the system by which tenants pay more.

We found at the time of the second reading of this legislation that that was an unacceptable situation. We sought that the Government should set the lead for private landlords, but in fact it compounded the very worst aspects of private landlords by acting out the part itself and by passing on to tenants an inordinate amount of the burden of water rates for the water consumed.

It is not correct for the Minister to say he was able to outline in detail to the House the specifics of the scheme he intended to introduce. The Minister stated at the time of the second reading of the legislation which gave rise to this enormous change that he had not, at that time, decided what system would be introduced. Perhaps if the Minister disagrees with the way in which I am quoting him now, he might like to take exception to it; but if he recalls correctly he will remember that at the time he said, "There are a number of options facing the Government and none has been decided upon." Certainly the Minister made no mention of the retrospectivity. Certainly he agreed to take into account the number of people living in residential dwellings being serviced, and he said also that the difficulties inherent in introducing the scheme were known to him, were realised by him, and that he would do his best to overcome them.

It seems instead the Minister has overcome very few of them and it seems also that he has been intent on defending, rather than remedying the defects of the system.

The member for Welshpool very appropriately and adequately pointed out some of the shortcomings of the present scheme. The Opposition believes that it behoves this Government, given the co-operation with which the philosophy underlying the scheme was treated by the Opposition, to do its best to make good those areas in which the scheme has fallen short.

The Minister cannot be happy with this scheme. He cannot be happy to know it is based on the fallacious belief that the average size family is smaller than is actually the case. He cannot be happy to know that the allowance given to families is less than is calculated to be necessary to carry out the normal hygienic requirements and functions of the average size family. He cannot be happy with a system which will result in many large families paying a great deal more for what is an essential resource. We are talking once again of matters we spoke of when the Bill was first introduced; that is, the precision which is needed to match the needs of the community with the ability of the Government and the Metropolitan Water Board in particular to meet those needs. We needed precision at the time the legislation was introduced and now the community is demanding precision. Unless the Minister is able to say that needs will be met more precisely by a policy which is tailored to the supply at a reasonable cost, amalgamated with the encouragement to conserve a natural resource—the amount of water that is needed—then the Opposition will join the community in decrying what has turned out to be a very harsh measure undertaken by this Government.

I repeat, in conclusion, it is not true for the Minister to claim that the details of the scheme that has come about are the details he released to this House when he first moved the legislation which gave rise to the scheme.

At the same time, the Opposition backs not one whit away from its original support for the philosophy, and it says once again that the philosophy while sound has not been matched in the translation of that philosophy in the practical charging system.

MR PEARCE (Gosnells) [10.01 p.m.]: I remember, ironically as it turns out, that perhaps the first mention of a pay-as-you-use water system in this place came from the member for Clontarf on one of the rare occasions he made a speech in this House. In fact, he was heralding the policy of the Government, perhaps for the first time.

The irony is that it turned out not to be just a pay-as-you-use water scheme, but a "pay-more-as-you-use scheme". I think all people felt that given a pay-as-you-use scheme, as distinct from the rating system where everyone paid a fixed amount and received a fixed allowance, everybody would be better off. I, as I imagine every other member of this House, discovered that when I received my bill I was to pay twice, three times, or four times as much as I used to pay. I imagine other members found themselves in the same situation. They would have found they were in no way as well off as at first thought.

I must confess—perhaps with a touch of shame—that I referred to the member for Clontarf all those people who complained to me. I pointed out that the member for Clontarf called for this system, and the Government responded to his wishes. I do not know whether he received many calls from irate constituents as a result of one of his speeches. Perhaps he has not had that type of reaction as a result of any other speech!

There is an inherent fallacy in the way the Government is going about making water charges under the new scheme. Charges for water are only the end product of what is happening. Here again, this is a case of ineptitude and lack of foresight. The situation is that the Government has to have so much money to cover the operations of the board, but it virtually has no products to sell. After a couple of years of drought, and the failure of the Government to impose water restrictions—because it was a pre-election year—the Government carried on in the pious hope that it would rain and all the problems would be solved. That turned out not to be the case.

Suddenly the Government found itself with the hills area full of expensive dams, which certainly were not full of very expensive water. In order to cover unit costs, the cost of each unit sold has to be increased. The net result is—as other Government facilities have discovered—that when unit costs are increased the consumption decreases. The consumer tries to keep costs down to the same level, and that actually destroys the very efforts of the Government. If the consumer uses fewer units, the Government has to up the unit costs in order to cover its basic costs in the provision of the services. That is the situation the Government finds itself in at the present time.

In particular, I think the whole problem stems back to the failure of the Government in the year prior to the election to make proper provision for the future water supply of the Perth metropolitan area. I think it goes back even further to the point which has been raised so many times in this House by the member for Morley and the member for Geraldton; that is, the untramelled growth of the Perth metropolitan area and the failure of the Government to make proper planning for the area. Our service facilities have been considerably stretched.

Quite clearly, the provision of facilities has to keep pace with the population explosion. In some areas the Government has managed to battle on, but in the provision of water supplies and other public services—where there is a higher power over which even the Premier seems to have very little influence—we are short of supplies. We are not able to supply the facility which is required; it did not rain in the required areas.

The Government is now in a position of having to levy charges for water, which it does not have much of anyway. The shortage has led to the present situation.

I was fascinated to follow the saga of the back-benchers disagreeing with a Cabinet decision with regard to the amount of water to be charged for. I refer to the quota which went with the fixed charge. I was interested to see whether or not the back-benchers would be successful in having the amount raised to the quantity which the Opposition said was a meaningful minimum. I was hopeful as I watched the Press reports of the back-bench movement. Did they indeed have the numbers—to put it in crude words—to do the Government over?

I was astounded and shocked when I finally read in *The West Australian* that although the idealist back-benchers were subject to the same electorate pressures as you and I, Mr Speaker, and our many constituents who wanted to see the amount increased, when the crunch came the Government prevailed almost totally.

Mr Barnett: Perhaps the back-benchers are revolting in more ways than one!

Mr PEARCE: That is right; on reflection perhaps that is the case. I am very sorry indeed that the back-benchers did not get their way because if they had been successful in this matter they would have gone a long way towards assuaging many of the difficulties people have to face. A test of sincerity would have been for those back-benchers opposite to join with the Opposition, then they and we could in fact have forced Cabinet to back down on this particular issue, and the feeling of the people in this State actually would have been reflected in the individual members of this Parliament.

I understand that if 13 brave men and true decide, that decision is hard to overcome.

Today is probably an indication of another hot summer, but we on the Opposition side do not mind as much as do Government members because our leader allows us to take off our coats. However, the Government back-benchers wear a multitude of coats, despite your remarkable ruling, Mr Speaker.

Mr Tonkin: One has not got a coat on.

Mr PEARCE: I wonder who that could be.

Mr Stephens: A member of another party has not got his coat off either.

Mr PEARCE: I am astounded that the Premier should have an effect in such a minor area!

Mr Stephens: I cannot hear you so I will not comment further.

Mr PEARCE: Admittedly, there has been a slight lessening of water restrictions. Nevertheless, people are constrained, for economic reasons, to go easy on the use of water. Many people are finding that they are having to make decisions whether or not to have gardens or clean families. Many citizens are in an anxious situation, and I think they know who is to blame. They will know even more, indeed, as their expensive gardens and lawns die—except perhaps in Nedlands.

I do not intend again to run over the details of this legislation which my colleagues the member for Welshpool and the member for Balcatta so clearly covered. I also come from a dry suburban area where people are seeing their quarter-acre blocks—which are rapidly decreasing to fifth-acre blocks—beginning to die. For the first time in their lives those people are not able to live the style of life to which they are accustomed. Those people will be paying more for the lack of water than they paid previously for a supply of water, and they know who to blame for that.

MR TONKIN (Morley) [10.10 p.m.]: Perth is turning into a desert; there is no question about that. We noticed last summer as the days wore on that the lawns gradually died. Some people managed to keep them alive by putting down bores and others by standing, or sitting on folding chairs, for hours at a time hand watering. It was not until February or March that the damage began to be seen.

In travelling about my electorate, only today, I noticed that now in November—which is still spring even though it is ridiculously hot, and if we were in Government we would do something about that also—already many lawns are dead. It is not a question of the lawns gradually succumbing; many people have already given up.

Many people have dead lawns and the reason is that many of them have not recovered from the previous summer. What was once a garden city will increasingly become a desert because the

Government is deciding that only those in our society who can afford it will have a garden, and those who cannot will not have a garden. Many people will face a choice; the family and other pleasures, such as a bottle of beer, or their lawns.

Mr Nanovich: There are no regulations saying that they cannot water their lawns.

Mr TONKIN: That is so. I put down a bore in January, but until then I had to water by hand, and I know the battle I had. I know this was the case with many people and those who do not have bores are concerned.

I know many people are pulling out their lawns, and putting down slabs, bricks, and pebbles. I have pointed out to them that the surrounds of their houses will be much hotter.

Perth will revert to what it was before the white men came here, and it will become a desert again—in my opinion. I believe it is a question of the growth of Perth, to which the member for Gosnells alluded. I am tired of the Minister making stupid comments.

Mr Coyne: What about stupid comments from ordinary members?

Mr TONKIN: I am even more tired of comments from ordinary members. However, I am talking about comments from the previous Minister for Local Government and the present Minister for Local Government. The present Minister has put out exactly the same Press release as did the previous Minister and pointed out that there was an attempt to limit the growth of Moscow which could not be done. The previous Minister asked whether we suggested there should be a barbed-wire fence put around Perth and whether when two people died another two people should be allowed to move in. That was dishonest because it makes us look as though we are idiots. What the Minister said implies that is what we are suggesting, but, of course we are not suggesting that at all.

Every member of this House should know that during the past 150 years we have been doing various things to make Perth grow. We recall Sir David Brand, a former Premier of this State, all cock-a-hoop claiming to have obtained some industry for Kwinana. We know that had an effect on the metropolitan area. We know also that when iron ore was discovered in a big way in the Pilbara that had a big effect on Perth. We know that the present Premier was talking about an iron and steel mill in the Moore River area and it was estimated by the Minister for Mines, or his department, that that development would generate a population of 100 000.

We know that all these industries in fact do lead to the growth of Perth. When we talk about limiting the growth of Perth, we are not being asinine and suggesting a law should be passed to stop anyone else coming here, or that we should put the surplus population into cattle trucks and send it across the desert, as has happened at times in Siberia.

What we are saying is that if a Government, through conscious economic policy, can encourage the growth of Perth, it can also discourage the growth of Perth by economic action and activities. I wish the Minister for Local Government and the previous Minister for Local Government would have the good grace and honesty to see that in fact this is what we are suggesting—that we are not suggesting the growth of Perth can be brought to a halt. We are not suggesting this will be the population and no more people can live here. We are not talking about stopping the growth of Perth at its present figure or the figure in five years' time. We are talking about slowing down the rate of acceleration. We are talking about putting a brake on the development of Perth.

We as a society are not fatalists. We do not see the Premier sitting cross-legged, contemplating his navel like an Indian fakir. The Premier is a go-getter. He is a dynamic person. He believes in the gospel of economic growth. The Premier is not a fatalist and his Government is not fatalistic. So when we talk about the growth of Perth, why do they say we must sit back and cop what fate has in store for us? That is not the way to go about governing the State.

The present Government thinks in line with the ethos of the European man, believing that the future can be influenced and that there are certain things we can do to shape the course of events. Why is it then that it has a fatalistic attitude towards the growth of Perth and says it is inevitable? It is not in character.

I believe the Government says that because it is not sincere. It does not really believe it is desirable to put a brake on the growth of Perth. It is hooked on the drug of progress. It believes that to grow and grow and become bigger and bigger is to become better and better. The Premier is on a hard drug and if he tried to get off it he would have tremendous withdrawal symptoms. He really believes that to have more people in this State would somehow fulfil our destiny—it is doing good, we are fulfilling Christ's mission on earth, and we are here to tame the savage wilderness.

I suggest there are other ways in which a society can progress. A society can progress by

giving its citizens a better life. It can progress by the quality of life rather than by sheer quantity. We must realise that Western Australia is quite different from the lands from which we came. That is one of our problems. We are very clever animals in some ways but we are also very slow to adapt. I do not think European man in Australia has yet adjusted to the fact that he does not live in Europe. We have transplanted European customs. You, Mr Speaker, sit there with that nice wig on your head. It is a European custom.

The SPEAKER: Will the honourable member explain how that is related to the question before the Chair?

Mr TONKIN: I am speaking about the water supply of Perth. It seems to me the more people we have here the more troubles we will have, given our rainfall. I am saying we are Europeans who have not yet realised we live in a different land. We have brought with us our European attitudes. I give the instances of the institution of Parliament, our language, our culture, and so on. We have not yet realised we live in a very different kind of environment. As a consequence, we are destroying that environment and we will turn Perth into a desert.

If we could cease to be so materialistic and if we could realise that the good life does not necessarily stem from being bigger but that a good life can be had for one million people in Western Australia perhaps even more surely than for three million, we would begin to say Perth is big enough; we already have all the advantages to be derived from having a big city. That does not mean we must say Perth is big enough and must stop at this level but it means we must consider the kind of economic strategies we can embrace in order to ensure Perth does not grow any bigger than is absolutely inevitable.

Perth is growing at the present time from internal migration. Perth is growing faster than Sydney and Melbourne because people are coming here from the Eastern States. That will not alter very much. Perth will also grow from external immigration, and I believe it will grow from external immigration faster than, say, Sydney or Melbourne. Quite clearly, a decrease in our immigration rate will have an effect upon the growth of Perth. If Western Australia grows, our capital city also will grow, given the pressures which are in favour of urbanisation.

I believe Governments must give leadership. Unfortunately, I do not think we see any. A Government of courage would say today that there are dangers ahead of Perth if it continues to grow. That is not to be silly, as Ministers of the Government have been, and say we will therefore stop all growth by forbidding anyone else to come to Perth or by putting a fence around it. We must look at ways and means of limiting the growth of Perth—ways and means which are commensurate with civil liberties, with our attitude, and with all the constraints placed upon a Government working in a society that has some degree of democracy.

That will is absent. This Government—or, I suspect, a Labor Government—is likely to be fatalistic and say that Perth will keep on growing and, after all, growth is a good thing. A Government of that kind would preside over the deterioration of Perth.

I have indicated today that I have noticed in my electorate that people are letting their gardens die. One of the reasons is that 17c is quite a lot of money to pay for a kilolitre of water. Some people have used up their basic allowance very early, and they have to make a value-judgment as to whether they will buy some shoes, a bottle of beer, or an air-conditioner.

Mr Nanovich: Or go to the races.

Mr TONKIN: That is right; we all get our pleasures in different ways. Some people will say, "In that case I will do without a garden."

Mr Coyne: People let their gardens die not so much because of the water but because of the time factor. They can't use sprinklers.

Mr TONKIN: People can use sprinklers, but some are not even trying. I think the amount of time we can use sprinklers is quite generous and most people can cover their lawns in that time. I think it is a question of cost.

Mr Sodeman: Have you looked at planting semi-drought-resistant plants instead of lawn, and the improvement it can make to a garden?

Mr TONKIN: I know that suggestion was put forward by some people. Personally—and I suppose this means I am not a very loyal Australian—I think the Western Australian bush in one's front yard is horrible. It is dry and prickly. I do not know whether anyone has tried romping with the dog or the kids in the Australian bush among all the prickles and sand. I think lawns make a city look beautiful, and I also like exotic plants like roses and camellias. I suppose that makes me a reactionary.

Sir Charles Court: Do you think this question will worry people much longer? After all, you get five kilolitres of water for the price of a bottle of

beer, delivered to your house. That is a lot of water.

Mr TONKIN: People will make a value-judgment, and some people will opt for the bottle of beer.

Mr Pearce: Including those members of yours who are in the bar at the present time.

Mr Nanovich: There are more on this side than on that side.

Mr TONKIN: I have tied up the water question with a brake on Perth. I wish the Government could be more flexible and modern in its attitude and realise that continual growth for growth's sake is the ideology of the cancer cell, and that to continue to grow without any sane reason is not logical or desirable but mindless. We should again have a look at our assumptions about growth and our primitive attitude towards the environment, which suggests if we have not cleared the forest, put it under the plough, and built houses on it, somehow it is not quite developed. If we could examine these aspects, I believe the rest would begin to follow. We would say Perth will have disadvantages from continued growth. We would look at ways and means of lessening the growth of Perth.

I believe the reason the Premier will not consider that suggestion—and when I sat behind the Tonkin Labor Government it had the same attitude—is that in order to survive we have a popularity contest every three years and Premiers have to build themselves monuments. Just as the pharos of Egypt built the pyramids, so successive Premiers have built monuments—Yeelirrie, bauxite mining, and the Ord River dam. These are the great things which the Premier thinks will make him immortal so that people will remember him. He sees them as great achievements.

Mr Sibson: The member for Morley did that in his electorate during the last election campaign.

Mr TONKIN: Some of those pamphlets were put out in the hope of getting people to rethink some of their values, to move away from their materialistic attitude and realise that because a city is twice as big as it was previously, it does not necessarily make it twice as good.

I have spoken at length in this place before on some of those problems. I know people are running around tut-tutting about the crime rate. That is the direct result of the uncontrolled growth of the 1960s. There is no question that the rapid growth of urban areas results in various forms of social alienation and increases in criminal activity. We are following the pattern set by every other city on earth.

Mr O'Connor: It does not come about through lack of water.

Mr Jamieson: It does, because they are dirty crooks!

Mr TONKIN: No, it does not. What I am saying is that there are many disadvantages as a result of a policy of growth for growth's sake. The shortage of water is only one of those problems.

We should also look at all the other things which flow from larger cities, one of which is the increased crime rate, particularly crimes of violence. If people are prepared to pay that price, that is all right. However, I do not think most people realise that is the price they must pay. That is why we must establish an inquiry into the optimum population of Perth, because once people realise there are various costs or disadvantages associated with the continued growth of their city they will say, "Just a minute, perhaps we should reconsider whether or not we want this growth to continue unabated."

The water problem must be seen as part of the outstripping of our natural resource of water. We know there are still some rivers undammed. For instance, we have the Murray which is yet to be dammed.

Mr Shalders: I would not like that.

Mr TONKIN: I am sure the Government is going to do that in the future.

Mr Shalders: Not this Government.

Mr TONKIN: Perhaps not this Government. Of course, using the term "Government" in its correct and technical sense, the present Court Government will last only until the next election. Even if the same Premier leads the Government after the next election, it will be a different Government. So, perhaps the member for Murray was interjecting with tongue in cheek.

The fact of the matter is that if a Government is going to say to the people, "You have to go without water" it is going to be a very brave Government indeed and will not last long. That is the inevitable consequence of such an action. It will mean we will not have any more wild rivers for our people to enjoy. They will be left with sterile stream beds and artificial lakes where once rivers flowed. Western Australia is a very dry area. We did not start off with many rivers and we are going to destroy them all. If the member for Murray thinks that is progress, I would like to discuss the true meaning of the word with him.

Mr Shalders: Do you favour damming the Murray River?

Mr Barnett: No, just its member.

Mr TONKIN: The member for Murray, with his usual agile mind, really thinks he is going to score some political advantage out of this. He thinks, "I have him on the hip. The member for Morley has said something injudicious." The member for Murray thinks it will give him that extra 50 votes at the next election which will allow him to sleep a little easier in his bed tonight.

Mr Sodeman: The member for Balcatta is agreeing with you; he is nodding his head.

Mr B. T. Burke: I said that five minutes ago.

Mr TONKIN: I will answer the question: I do not believe in the damming of the Murray, and I will not believe in it even when I sit opposite.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [10.35 p.m.]: We have certainly done the rounds of the water holes tonight. I am sure that members listening to the debate sometimes would not realise just what Bill was before the House.

I remind members that the Bill we are considering is to grant an additional allowance of 12.5 kilolitres a month for those consumers whose meters were read before the 30th June, 1978. The debate has been wide-ranging, touching on criminology and various other aspects.

Mr Tonkin: It was all very relevant.

Mr O'CONNOR: I am sure it was. However, I should like to put things back into proper perspective. The last three years in Western Australia were the driest on record.

Mr Tonkin: That is only 100 years of record-taking; it is not long.

Mr O'CONNOR: Perhaps it is not. These three dry years created many problems which were not anticipated and caused a great deal of concern to the Government and the community.

Because of this problem, the Government commissioned the Binney report, one of the recommendations of which was that we should adopt a pay-as-you-use scheme. In fact, the study actually recommended imposing a charge with no allowance at all.

The Government, in endeavouring to be fair to all concerned, and realising the problems, believed it should impose a charge on consumers based on the approximate cost to the Metropolitan Water Board each year of running water to individual households. The Government considered a fair basic charge was $36. In addition, we agreed to grant an annual allowance of 150 kilolitres.

It is very easy to say that people now are paying $36 and if they use so much water in excess of their allowance, they could be paying a total of $60. However, people must also realise the Metropolitan Water Board is expected to run its own affairs—not at a profit, but certainly not at a loss—and, irrespective of whether this new system was introduced, increased water charges were inevitable and would have resulted in charges similar to those which apply under the new system.

The Opposition did not oppose the Bill when it last came before the House. It stated that it wanted to keep its options open. The Government was faced with several options and I believe the one we selected to be the most equitable.

It must be realised the old system was inequitable in many ways. For instance, two people could be living next door to each other, one paying water rates of $40 a year and the other paying $80 a year for a similar sized property, and not necessarily using more water. The Government realised it had to bring forward a scheme which not only tried to encourage people to conserve water—which we must do because of our climatic conditions and the absence of suitable storage space in the hills—but which also was fair and equitable to all concerned.

The member for Welshpool, a former Minister for Water Supplies, was aware of the problems in arriving at an equitable scheme and was most logical in his comments. He and his colleagues have stated their intention of supporting the second reading of the Bill.

Members opposite have stated it is their policy to increase the annual allowance to 200 kilolitres. However, that would have the effect of distorting even further the pay-for-use system. It is very easy for an Opposition to say, "The Government has given the people a water allowance of 150 kilolitres a year. We will make it 200 kilolitres or even 250 or 300 kilolitres." It is easy to try to gain points in that way.

However, what Governments, irrespective of their political colour, must do in the next few years is to conserve water and to try to get as much water as possible back into our dams so that if we experience difficult times in the years ahead we can cater for them in a proper manner.

The pay-for-use system is not new. A similar system has been in use in country areas for a long time. Country people are charged a flat rate, and so much for all the water they use. The only

difference is that they do not receive an annual allowance of 150 kilolitres. This system probably caused some concern to country residents when it was initially implemented but it has operated reasonably well and country people generally seem to accept it.

Our scheme encourages the conservation of water, which is something we must keep encouraging people to do. I agree that the annual allowance of 150 kilolitres is fairly meagre. However, it is up to the individual as to how much water he will use. If a person wants to use more than his average allowance he can do so in the knowledge he must pay a certain additional amount for that water. This is where the Government's system is more simple than the other schemes which have been put forward. It is easy for people to understand. They know that they will be required to pay 17c per kilolitre for every kilolitre consumed in excess of their annual allowance.

Mr Wilson: Do you concede that the more you use, the less you pay?

Mr O'CONNOR: Yes, and I also concede that if a person uses only one gallon of water a year, it is the dearest system as far as the board and the individual are concerned. I realise it is a ridiculous example. However, it has been calculated that it costs the Metropolitan Water Board in excess of $30 per household to provide water on demand. If a person uses only one gallon of water annually, he must be expected to pay the basic cost. I do not see why an individual should not be required to pay that amount when it costs the community that much to provide his property with water—whether or not it is used.

While it is easy for members opposite to say that the more one uses, the cheaper it becomes, the first few gallons from the connection to the house, with all the pumping services which are required, represent the expensive part of supplying water. If a person used only one gallon a year, it would cost the department about $35. I think that answers the honourable member's question.

Mr Wilson: It does not; you said yourself that it was a ridiculous example.

Mr O'CONNOR: He does not want his question answered.

The Premier made the very relevant point that it costs less for 1 000 gallons of water than for a bottle of beer. The average individual today does not worry about drinking a bottle of beer a day; however, he does worry about paying the same amount for 1 000 gallons of water which is supplied on demand for his drinking, showering, sewerage, etc. Water is a very cheap commodity; in fact, it is cheaper in Western Australia than in many other parts of the world.

We must realise that producing water is a commercial transaction. The same situation applies in almost every other field. If a family of six needs more food it must pay for that additional food. It is the same with water: If people want to use more water, they must pay for it.

The member for Welshpool made the point that the average of 330 kilolitres used annually now has been reduced to 150 kilolitres. What he did not say was that it would cost the consumer about $42 for that 330 kilolitres, in addition to which we must take into account the increased charge which would have been imposed this year. I am sure the member for Welshpool would realise that, irrespective of which system were in operation, the charge imposed would need to be sufficient to cover the cost of supplying that water. Let us assume it would now cost $50 to consume 330 kilolitres of water. It now costs $36 for an annual allowance of 150 kilolitres. We want people to conserve water; we do not want them to use in excess of their requirements.

Mr B. T. Burke: Did you know about the retrospectivity problem that arose before it actually did arise? I take it that was not anticipated?

Mr O'CONNOR: Not initially; not before the Bill came to this House. With our system, apart from that $36, the people who will pay for the water are the people who use the water, and I think these are the ones who should pay. If a person wants to put additional water on his lawn—and the member for Morley said he wanted a cool lawn just as I have around my place—he must be prepared to pay for the water he uses.

The public have been very patient. The people have understood we have had difficult times and they have had to pull their belts in with regard to water usage. The only point I think people have found difficult to understand is that the system was to commence as from the 1st July this year. This Bill will rectify that position. People charged prior to the 1st July will be able to get an allowance for any additional water they have used.

A number of people said that had they known the system would apply as from the 1st July they would have used less water. I doubt that because with the type of season we have had there has

been less water used this year than last year. However, the Government is prepared to give the people the benefit of the doubt.

Some people have been complaining about the 17c per kilolitre. In the Eastern States people pay as much as 22c a kilolitre. In country areas more is paid.

Mr Tonkin: Where?

Mr O'CONNOR: New South Wales is one such State. Some States are dearer than others. If one were to see the type of water people in South Australia have to use, where Mr Des Corcoran advised me there are two million tonnes of salt coming down the Murray annually, one would see that a glass container filled with water and left to stand for a moment would have a thick sediment at the bottom.

Mr H. D. Evans: Pemberton has that problem.

Mr O'CONNOR: Pemberton has its problems I know and I sincerely hope we can overcome them. The people there deserve a better system than they have at present and I am very sympathetic to their case.

The commercial system in the State uses about $9 million of water a year. I agree with what the member for Welshpool said when he said there are no meters on the commercial systems. If there were, they would pay less if we charged them the same as for the residential users. There are 52 000 commercial operations in the metropolitan area and 288 000 residential operations paying $9 million. The commercial section pays $9 million and the household section pays $9 million. If we equalled it out and metered the lot, the householders would pay a lot more.

Mr B. T. Burke: That is true, unless you had a system whereby commercial users were charged more per kilolitre. Eventually they pass on costs to the consumers.

Mr O'CONNOR: That is correct, and that is one of the reasons the pay-as-you-use system was not brought in at that stage. The member would agree that if we had gone on to a total pay-as-you-use system it would have introduced more difficulties.

The member for Welshpool commented on an elderly lady who had to pay $113 a year, but that was for water, sewerage, and drainage. Generally speaking, I do not believe that is a large amount to pay. If we were to look at the water section of her bill it would probably amount to no more than $36 because the greater section of it is for sewerage, which is very costly because of pumping requirements.

The Government has brought in something the public have demanded following the introduction of the earlier Bill. Many people thought the application of the new system was to start from the 1st July this year and they thought they were being cheated when they found it applied from the time of the meter reading. The Government is rectifying that situation so that the application applies from the date they were expecting. I trust members will support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Sibson) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 90 amended—

Mr JAMIESON: It is the Opposition's desire to try to change the format which the Minister put forward to cover the present situation. We feel our amendment will overcome the problem. There may be certain matters which will need amendment in future, but at least our amendment will give a basis for us to work on. The amendment on the notice paper clearly sets out how this is intended. We want to get rid of the section which indicates all these various situations that now apply for this temporary first period and put in a system which will be suitable and is contained in tables A and B of the proposed amendment. I take it it will be necessary for me to move to delete subsection (4)?

The DEPUTY CHAIRMAN (Mr Sibson): You will have to move to delete certain words.

Mr JAMIESON: Our amendment sets out the new fourteenth schedule. It is for a charge of 20c per kilolitre for the first 100 kilolitres in excess of 200 kilolitres. It then goes to 22c per kilolitre for the next 100 kilolitres in excess of 300 kilolitres, and the price rises as we go up the scale. We feel this would be a fair way of making people conserve water. It would be of little concern to the prudent water user, but would cause those heavy users to be more watchful.

The present system does not do that, and there is an encouragement to waste water and get it at a lesser rate. We consider this is a bad way to tackle the problem. We consider the best way to tackle the problem is to hit people in their hip pocket nerve and our schedule does just that. Therefore I move an amendment—

Page 3—Delete paragraph (b) with a view to substituting the following—

(b) by repealing subsection (4) and re-enacting that subsection as follows—

(4) Notwithstanding anything to the contrary in this Act the Board may and if the Minister so directs shall, in respect of any separately assessed piece of rateable land used for residential purposes, refrain from making and levying a water rate in the manner provided for elsewhere in this Act and instead impose a water rate applicable to the rating year then next following, and prescribe not less than two hundred kilolitres as the quantity of water which the owner or occupier of land so rated shall be entitled to receive by way of allowance in respect of that rate and a price in accordance with the scale set out in the Fourteenth Schedule, to be paid in respect of other water supplied by measure during the consumption year which terminates in the rating year then next following, in accordance with such one of the Tables hereinafter specified as the Minister, by notice published in the *Government Gazette* prior to the commencement of the rating year then next following, directs—

TABLE A.

A water rate by way of a prescribed standard charge unrelated to the rateable value of the land, together with the prescribed standard allowance of water in respect of that rate and the prescribed standard price for water supplied by measure in excess of that allowance.

TABLE B.

A water rate by way of a prescribed standard charge determined by reference to the rateable value of the land in not more than three graduated increments, together with the prescribed standard allowance of water in respect of that rate commensurate with the charge determined (but being not less than two hundred kilolitres) and the prescribed standard price for water supplied by measure in excess of that allowance.

Mr O'CONNOR: I oppose the amendment for the reasons I expressed in the second reading debate. The Government did quite a lot of research prior to introducing the system and in view of the difficulties involved with water in the metropolitan area we thought our system was the fairest way of covering the matter. Above all, we felt it was necessary that people pay-as-they-use and assist in the conservation of water. The suggestion of the member for Welshpool will move further away from the pay-as-you-use system rather than closer to it. I believe it is not as equitable as the system we have at present.

Mr JAMIESON: The Minister's explanation is not very good. He is suggesting our proposal will move further away from the pay-as-you-use system. That is not right if he is referring to the basic allowance of 200 kilolitres instead of 150 kilolitres. As I have said, everyone this financial year is going to be allowed far more than that. Goodness knows what the proposal will be next year because the system could change from year to year.

Our system has a set standard.

The Minister said that the Government conducted a lot of research. Perhaps it did, but the research did not bring down a system which was equitable in that it charged less for more water used. That is the reason we need a full pay-as-you-use system.

The member for Murray made mention of the country scheme by way of interjection. With the exception of a very small fixed payment, much like the situation with electricity, country people pay as they use for the service of water in their districts. There should be a system of unification. We believe our amendment is a move in the right direction which gives a base minimum allowance even if it is necessary to extend it to the country and have everyone on the one system, much like the one we have for electricity charges. I am not advocating uniform charges for water because I know there are problems with the excessive deficit we have with country water supplies. It would be difficult to have the metropolitan people make up that deficit.

We should try to get the two systems reasonably close. The way to do this is to have a pay-as-you-use system. If people realise they have to pay more if they use more they will make efforts to conserve water. This is a necessity and should not be talked about glibly by members of either side.

Amendment put and a division taken with the following result—

Ayes 17

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr Carr	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr T. D. Evans	Mr Wilson
Mr Grill	Mr Pearce
Mr Harman	*(Teller)*

Noes 26

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Sodeman
Dr Dadour	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Shalders
	(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Nanovich
Mr Bateman	Mr Watt
Mr Skidmore	Mr P. V. Jones
Mr Davies	Mr Grewar
Mr T. J. Burke	Mr Grayden

Amendment thus negatived.

Mr JAMIESON: As the other amendments in my name on the notice paper were related to the first amendment just negatived, there will naturally be no use in my dealing with them. Suffice to say we have given the Government an alternative which it has rejected and it must stew in its own juice. If other problems arise, we will be able to say, "We told you so. It is your own fault. You would not accept the alternative."

That is about all that needs to be said on the Bill and we can now get rid of it from this place.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th November.

MR H. D. EVANS (Warren) [11.06 p.m.]: The Bill is complementary and supplementary to Acts passed by the Commonwealth and the other wheat-producing States of Australia. Its purpose is to give the States virtual control of their own grain handling and to establish handling charges to the producers. The handling charges are levied by the appropriate handling authority and involve the reception and storage at the grain siding and haulage to and storage at the grain terminal. That is what is involved and although it may seem relatively simple, there are some far-reaching implications for the growers of Western Australia. The effects will be considerable whether or not the implications are fully realised.

First and foremost there is a potential advantage to Western Australia in that any freight saving on wheat exported from Western Australia to markets which are in close proximity to Western Australian ports will be passed on to Western Australian growers. With the expanding trade in Asia and, hopefully, the Middle East, there is a chance that significant benefits will accrue to Western Australian growers.

The other aspect is that Western Australian growers will have to pay more in the short term for their grain handling costs. The information I received from the Minister in reply to a question is rather enlightening. On Thursday last in question 2450 I asked—

> What is the charge per tonne levied on wheat by each of the grain handling authorities in Australia?

The Minister gave the following information—

	$ per tonne
Western Australia	10.09
New South Wales	8.89
Queensland	9.64
Victoria	5.22
South Australia	6.93

Western Australia has the highest levy, and there are reasons for it. No longer will the higher charges to Western Australia be diluted by averaging them with the lesser charges of the other States which means that the full benefit of the cheaper charges in Victoria and South Australia will be returned immediately to the farmer and, conversely, the increase in Western Australia will be quite significant.

The reasons for the higher charges in Western Australia are not difficult to find. First and foremost there is the construction of the grain terminal at Kwinana. This again was another tribute to a Labor Government because it was the Tonkin Government which arranged the finance for the terminal at a time when unemployment was rife in the area south of Fremantle. It was John Tonkin himself who, as Premier, arranged finance from overseas. The enabling legislation was raced through the Parliament in very short order and once again a Labor Government triumphed.

It is remarkable that the establishment of the most up-to-date grain handling facilities in Australia has been achieved by the Tonkin Government. Is it not remarkable that anything substantial achieved in the rural industry has been as a result of a Labor Government?

Mr McPharlin: It was the culmination of years of planning.

Mr H. D. EVANS: It was implemented by a good, sound Government in the days of John Tonkin himself. I make the point which is worthy of note, because this aspect arises often and is irrefutable.

One of the reasons for the higher charges in Western Australia is the servicing of that debt of $42 million and it might be pointed out too that the construction of the grain terminal at Kwinana is an engineering achievement. Because of the weight of the building and the loading which the sand of the area could take, a special compaction system had to be devised with fairly deep pylons so that the total weight could be sustained on the silos as they were being constructed progressively. This accounted for some of the $42 million. At current interest rates it may be some time before the amount is amortised and, through the charges to CBH, growers will be required ultimately to pay it off.

It is of course an advantage that even though the costs are high, the facility in existence in this State is owned by the producers themselves. It emanated in the days when the Wheat Board operated. CBH and the co-operative system which was established is—I am probably a little biased—the most efficient in Australia, and it certainly is the most modern.

While one of the reasons farmers are prepared to accept the higher costs is the fact that they do have ownership of the facility, this is the basic reason for the increase. A supplementary reason is the upgrading of the facilities in country areas. Facilities were constructed at sidings where normally they would not have been and also the varietal zoning has incurred a further impost and has brought about the cost to CBH which has had to be passed on.

As far as the future is concerned, in the long term Western Australian growers should benefit. Ultimately there would have had to be an upgrading of the export facility in Western Australia to enable our wheat to be exported in competition with other States and other countries.

To have done that today would have cost substantially more than the $42 million which was originally incurred, and when other States follow suit, as they must do if they are to remain in the modern grain trade, they will have to have a modern facility and the cost will be accordingly higher when they finally come to install it. Doubtless Western Australia would have liked to retain the existing scheme and the existing evening of costs among all the other States, for obvious reasons. If that system could have been retained for a few more years it would have been of advantage to Western Australian growers and to the State, but equally obvious is the fact that the other States would not tolerate it for very much longer.

The differentiation in charges between Western Australia and South Australia is $3.16 a tonne; between Victoria and Western Australia $4.87; between New South Wales and Western Australia $1.20; and between Western Australia and Queensland 45c. But I point out that over a period of time this could run into millions of dollars. I have not been able to obtain figures to demonstrate over how many years this amount will equal the total cost of Kwinana. A differentiation of $3.16 or $4.87 is a significant amount when we consider the tonnage of wheat handled in Western Australia.

If the Minister could give it, I would be interested in an analysis of the situation—what the implications of this are, whether in the long term Western Australian growers will have an advantage in having a new facility here, even though they will pay a greater rate for it at this time, and whether it would have been preferable to make haste slowly and have the benefit of cheaper grain handling fees for some years into the future. Even though it may be necessary for a modern complex to be built, it may have worked out cheaper. I have not seen the costs or projections in this regard but the fact remains the facility exists, it is a reality, and it is modern; and in the long term it will serve the Western Australian wheatgrowers well into the future.

An aspect of wheat stabilisation is the varietal zoning problem, which will be facilitated to some extent by this measure. It is increasingly important that the varieties grown in Western Australia—or in Australia for that matter—be segregated and that the full range of varieties and qualities of wheat be available to our customers. If they cannot get satisfaction in Australia, customers will go elsewhere. That is axiomatic. We must be able to provide the range of quality wheats which our customers require. For this reason there will be some advantage in the Bill.

The Australian Wheat Board has pressed for zoning very strongly over a period of years and it has been supported in its endeavours by the Australian Wheat Growers' Federation. By way of example in this regard and what it means to Western Australia, the variety Tincurrin, which is a prime biscuit wheat, is restricted to the triangle based on Brookton, Corrigin, and Narrogin. There must be a handling facility to enable this to take place. I suppose the position with Egret indicates what is required under the terms of the legislation with the provision of the facility by CBH.

The overriding consideration of the Western Australian industry must always be to ensure that the major areas of bread-making quality wheatgrowing areas be retained as far as possible, with the exceptions for biscuit wheat and the prime hards we are able to produce. The position in Western Australia at the present time, as I understand it, is that the executive of the wheatgrowing section of the Farmers' Union is disposed towards varietal zoning. It has accepted the recommendations of the Wheat Board and the Australian Wheat Growers' Federation. However it still has a problem of convincing farmers, generally, that it is in their interest and in the interest of the wheat industry as a whole to accept varietal zoning.

This is the reason that this aspect will not be implemented until March next year—to allow further time to enable farmer education to proceed and to enable the Farmers' Union to convince those who still have reservations and doubts that zoning is the ultimate answer which they will have to accept in the interests of the industry not only in Western Australia but also nationally, to ensure that the customer can get the range of qualities which must be provided if we are to maintain our role as a major world exporter of grain.

The three categories of bins which have been provided by CBH at this time are category "A" for hard wheat, category "B" for Australian standard wheat, and category "C" for soft wheat and ASW wheat combined. I suppose it is understandable that individual farmers have reservations, and no doubt anomalies will arise when varietal zoning is made compulsory. At the present time varietal zoning is on a non-compulsory basis, but when it is made compulsory the farmer will opt to grow the variety which will give him the greatest yield and therefore the greatest return.

Economically the farmer is forced to do that but I understand the difference in rate of yield between the different varieties is something in the order of 2 per cent, so the problem is not necessarily so great as it would have been some years ago before the present varieties were introduced.

There will always be anomalies because we must have lines of demarcation indicating where the zones terminate. One person could be growing a particular variety on one side of the road while a person on the other side of the road was compelled to grow another variety which he may not be disposed to do. When varietal zoning becomes compulsory he will be required to grow it. That is the kind of anomaly which will arise, but if the figure of 2 per cent variation is completely factual and is acceptable, the problem will be minimised and should not cause such great concern as may be thought in some quarters.

I made reference to the fact that in New South Wales the handling charge is $8.89 a tonne, which is considerably more than the $5.22 in Victoria and the $6.93 in South Australia. New South Wales, and Queensland with its handling charge of $9.64, have a common problem and one which has become a very nasty and expensive problem; that is, the problem of pest control, which Western Australia does not have to the same marked degree. However, it will have to be watched very closely because if even one shipload of weevil-infested wheat goes to a country such as Egypt, that will be the end of that market. The cost of treating a shipload of wheat would put the economics of the transaction very much in doubt.

The Minister told me in reply to question 2285 on Wednesday, the 15th November, that from June, 1977, to date there had been 1 093 instances of outbreaks of Malathion-resistant weevils on farms—not just ordinary weevils but Malathion-resistant weevils. Malathion is a means of killing weevils. It is an insecticide which is recognised as having no deleterious effects on humans, whereas other insecticides which would get rid of the insect more effectively would not be

acceptable to exporters because they would have harmful effects on human beings.

It is important that Malathion be retained as the prime insecticide for as long as possible. If a farmer is tardy in applying Malathion in his cleaning operation, or gives a very cursory and hasty treatment in a shed or on a machine so that the Malathion reaches insects in small doses which are not sufficient to be lethal, the progeny of the insects which survive become somewhat resistant to Malathion. When this resistance is passed on we will have a strain of weevil which could become totally resistant, and chemists will have to come up with an alternative to Malathion. When Malathion is no longer effective as an insecticide and another one is used, if the farmer continues to be slipshod in his handling of the insecticide it will be only a question of time before a species is developed which is resistant to the new insecticide, and yet another insecticide will have to be found. The Ord River is a classic example of pests becoming resistant to insecticides.

There have been 1 093 instances of weevil infestation since June, 1977. Every year when the first deliveries are made to the sidings there are inevitably contaminations with weevils.

In answer to the second part of my question the Minister said there were 322 instances of weevil infestation in grain terminals in 1977, and in 1978 to date there had been 231 instances. We are looking at 563 occurrences of infestation with Malathion-resistant weevils.

In 1977 in grain terminals and ports there were 47 infected samples, and in 1978 there have been 35 samples. The first deliveries have hardly started, and it is probably in the first weeks or months of the new harvest coming into the terminals that the greater proportion of infected consignments are received. So by the end of the year it is probable that there will be more infected samples than in the previous year.

As the second part of that question, I asked whether it was intended to strengthen the regulations regarding weevil control on and off farm and, if so, the measures that were proposed. The Minister replied that the present regulations appear to be satisfactory. I hope so, because if they are not we are gambling with an industry worth many millions of dollars a year to Western Australia. Once the industry falls into some form of odium amongst our customer countries, we will have the difficulty of sales firstly, and secondly, the expense of eradication and control. It is because of the cost of eradication and control that handling costs are so high in New South Wales and Queensland. We cannot afford this additional burden as our handling costs are already the highest in the Commonwealth. If we have to impose an additional cost to control malathion-resistant weevils, the wheatgrowers will be greatly affected.

While I accept the Minister's statement that the regulations are satisfactory, I still feel some reservations. We ought to be able to tighten up our controls so that farmers who do not thoroughly clean the header of their machines and who do not ensure that the storage places on their farms are absolutely clean are not permitted to endanger the industry though their carelessness and tardiness. The time is coming when more stringent controls on the industry as a whole will be an absolute necessity.

There is no suggestion that the Opposition is in any way opposed to the measure. This legislation has been forced on Western Australia by the other States, and so with the best grace possible we must go along with it even though it will substantially increase the handling cost to the wheatgrowers of Australia this year. The concern I feel about the increased incidence of pesticide-resistant weevils merits a response from the Minister. I would appreciate an elaboration from him of the full ramifications of this problem.

MR McPHARLIN (Mt. Marshall) [11.33 p.m.]: In supporting the legislation I wish to make a few relevant points. The purpose of the Bill has been explained to us; it is to provide for the introduction of State accounting of the handling charges from the point of receival by the bulk handling authority of the State to the point of shipment. In achieving that object, the legislation provides also for crediting Western Australian growers with the maximum returns applicable, and these are covered in the agreements. There is no need to go into a lot of repetition on these matters.

For some time the idea of State accounting has been considered by the wheatgrowers of the State. There was some opposition to it originally, and particularly in Western Australia because of the expense incurred in the building programme of CBH, and particularly that of the Kwinana complex which is regarded as equal to if not better than any grain handling complex in the world. This is a credit to the wheatgrowers of Western Australia because CBH is owned and managed by them. This company illustrates quite clearly that the producers of Western Australia are able to administer their own industry. Of course the shareholders contribute also to the

success of this company through the constructive criticism they have offered over the years.

CBH has now obtained an assurance that the advantages, as well as the costs of each State's bulk handling system, will be conferred on the growers in the separate States. As I said, the system will incur an added cost to the growers in the initial stages. Another assurance has been given that there will be reciprocal arrangements between the AWB and the State BHAs for the exchange of relevant information in relation to these advantages and costs. This assurance was sought by CBH, and it has been agreed to.

Another requirement was that at some time consideration may be given to returning to the present system of pooling the costs and distributing via the Wheat Board. An assurance has also been given that no change will be made from State accounting to a pooling arrangement without the unanimous agreement of all States. Another assurance was that any freight advantage of the Western Australian growers would go to the growers of our State.

Costs can be influenced by seasonal fluctuations. Handling costs are low during a good season while they increase during a poor season. It is recognised also that costs may increase through inflation. Sales of wheat overseas and the production of other grains in Western Australia also influence handling costs. Applicable rates have been examined, and a projection of costs over the next four or five years has been made. The year 1978 has been taken as the base year and the projections are based on a 10 per cent increase in the handling costs a year. The base rate for 1978 is $4.82 a tonne. In 1979 it would be $5.30 a tonne; in 1980, $5.83 a tonne; $6.41 a tonne in 1981; and $7.05 a tonne in 1982. The farmers know that costs will increase, but they are in favour of State accounting. Costs in other States could rise in future years as their handling facilities are upgraded to somewhere near the standard of the Western Australian facilities.

I want to refer particularly to the deductions that are made before the farmers receive payment for their wheat. Apparently some people have the idea that wheatgrowers are the millionaires of the farming industry. However, due to the drought, many wheatgrowers are in a desperate situation, although the prospects for this year are much brighter and perhaps 90 per cent or even more of the wheatgrowers face the coming season with more hope than they have had in the last few years.

When we examine the costs that are taken out of the payments to the wheatgrowers, we see that the cash flow to the farmer is greatly reduced. The farmer loses at least 30 per cent of the first advance payments. The figures are as follows—

	$ per Tonne
Freight Deductions, WA Average	9.77
Co-operative Bulk Handling Tolls This may be altered at annual shareholders' meetings	3.31
Payment to stabilisation fund (under review at present time)	3.52
Payment to Wheat Research Fund (will be increased to 20c)	0.15
Handling and Storage Charges	11.88
Excess Freight (increased during pool year)	0.56
Shipping—f.o.b. (costs related to removal from storage onto ship)	0.88
Quality discounts	0.28
Export insurance cover	0.16
Bank interest	0.23
Administration and Marketing	0.67
	$31.33

That is the contribution made by the growers to the costs of handling wheat.

Mr H. D. Evans: Better that they do it through their own organisation than the railways.

Mr McPHARLIN: Certainly. That illustrates the costs involved. Of course the farmers have to meet other costs such as freight, the purchase of other commodities, and labour. The margin of profit is decreasing all the time. Before a farmer has any margin of profit at all, he must produce 15 bushels an acre for a reasonable return.

A few years ago, one could possibly expect a little less than that—12 bushels an acre, perhaps. These days, however, with ever-increasing costs, the margin of profit is far less than it was in the past. It becomes necessary, when there are negotiations for a future stabilisation scheme, for a realistic price to be set. Then the industry would remain buoyant and continue to provide job opportunity throughout the whole of Australia.

The other matter I wish to deal with is the varietal control which has been referred to. This will be given a trial run this coming season. This matter has been rather controversial in some

quarters in the wheat-growing areas. Farmers who have been faced with very high costs will grow the variety providing the most profitable return. One cannot blame them for that.

There has been a move amongst growers not to accept varietal control too rapidly. They are prepared to make the concession that they will accept it providing it is brought about by a common-sense method—by growing varieties which will yield acceptable wheat for bread manufacture and which will yield as well as varieties which are frowned on. The farmer will always seek a far better return for his outlay.

This is a measure which has been discussed for some time. It is a measure which the growers have looked at closely. The wheat section of the Farmers' Union has examined the proposal in detail.

In regard to State accounting, this matter has been generally agreed to and will be beneficial, in the long term, to the growers of Western Australia.

I support the amending legislation.

MR COWAN (Merredin) [11.48 p.m.]: This Bill certainly has the support of most of the major representative producer groups. I certainly will not take much time of the House in supporting the Bill.

With regard to State accounting, there has been a lot said tonight about the benefits which could accrue to growers. It is my opinion that there will not be any great benefits at all if the State handling authority, CBH, is prepared to continue to lead the rest of Australia with its handling of grain.

One of the biggest problems facing CBH is the servicing of the debt it incurred for the development at Kwinana. The member for Warren proudly mentioned that that loan was raised by the former Premier of the State. I would like to ask the member for Warren whether he was the same man who recommended that the loan be taken out or repaid in Deutschemarks? That has cost growers something like $13 million or $14 million extra.

Mr H. D. Evans: At the time they had no objection. They reckoned it was good business.

Mr COWAN: CBH has had to take responsibility for that.

CBH will continue to lead the Australian States in its ability to handle grain. Our handling costs will always be very high. The next step, of course, now that we have most of the major port facilities we require, is to ensure that some of the major country storages provide onsite cell-type structures for the control of insect pests. This is one of the major concerns of the grain industry in Australia at the moment. That will be a very costly programme.

I do not see that any great benefit will accrue to Western Australian growers in regard to State accounting. By the same token, I am not opposed to the measure. I think everybody should be prepared to accept responsibility for the cost of something which is first class. Most growers are prepared to do that.

Reference was also made to the growers of wheat being able to take advantage of the shipping differential which, at the moment, is 92c. I am quite sure that this will offset, to a degree, the increased handling costs they will be facing.

There was also mention made of the fact that this Bill excludes the States of Victoria and Western Australia with regard to varietal control. I have always been rather suspicious of varietal control. It has been demonstrated in other States that varietal control can be practised through the Australian Wheat Board, if growers wish to do so. There have been only two States in Australia which have suffered because of the quality of grain. Those States are Victoria, with its extremely large amount of soft wheat, and South Australia which has a red chaff variety known as Halberd. In Western Australia it would be possible for a disincentive to be provided by the Wheat Board and growers would not grow those types of grain. There would be no need for varietal control in Western Australia.

In conclusion, there is one question I would like to ask the Minister to answer, if he would. That relates to the fluctuating costs that may be incurred in handling charges when it comes to the difference in crop yield. The Minister said in his second reading speech that some arrangement would be made to make finance available to level out handling costs. I would like further information on that, if the Minister can give it.

The members of the National Party in this House support this Bill.

MR OLD (Katanning—Minister for Agriculture) [11.53 p.m.]: I thank the members for Warren, Mt. Marshall, and Merredin for their support of the Bill.

It is true that this matter has been the subject of a fair amount of discussion with grower organisations and at Agricultural Council. It is something which has not been entered into lightly. The points raised by the members have in all

cases been debated, and undertakings have been given.

There is no doubt that, as the member for Merredin has pointed out, the benefits to accrue to Western Australia will possibly take some time. Western Australia has, as has been demonstrated by figures given in answer to a question by the member for Warren, the highest handling charges in Australia. Our only near competitor is Queensland. I would point out that Victoria, the State with the lowest charges, will be faced very shortly with building its "Kwinana", one might say—that is, it will be faced with having to upgrade its port installations. The cost of such installations has already been met in Western Australia, with the construction of the facilities at Kwinana.

The cost has also been met in the outports. The last outport to be upgraded is Albany; and construction is in progress there. By the time the facilities at Albany are completed, Western Australia will, without doubt, have the best grain handling facilities in Australia.

Mr H. D. Evans: What is the future of Bunbury as a grain port?

Mr OLD: That is a matter of some conjecture. The CBH is looking at that question. As the member for Warren would be aware, the amount of grain passing through Bunbury is fairly minor at this time. There is also the fact that the grain handling facilities may have to be shifted. I could not really answer that question at the moment.

The member for Warren mentioned the savings that will accrue to Western Australia with its closer proximity to its markets. I would also point out that, due to the facilities available at Kwinana, the amount of money saved, or the amount of money received by the Australian Wheat Board in the past for prompt despatch from Western Australia, has been fairly high.

These are the benefits which will accrue to Western Australian growers. It certainly does not mean that the price of handling will decrease. I think all growers are realistic enough to realise that. With the amount of capital expenditure incurred in building these new facilities there will be, in the short term, an increase in the handling charges. In the long term, it is confidently anticipated that the charges in other States will increase and will in fact pass those of Western Australia. Therefore, in the long term it is expected that Western Australia will have the lowest handling charges in Australia.

If we were faced now with having to build the facilities at Kwinana as against the time when the facilities were built, the capital investment would be very much higher, and the handling costs would increase accordingly.

The member for Merredin asked about the fluctuating costs in regard to varying crop yields. This aspect was mentioned in the second reading speech. It is something that has been discussed at Agricultural Council. The actual negotiations which have been agreed upon will be undertaken between Co-operative Bulk Handling and the Australian Wheat Board, when the final contract is made between those two bodies. As members should be aware the position in the past has been that handling costs are apportioned by arrangement between the Australian Wheat Board through the Federal Minister and the bulk handling authority in each State concerned through the State Minister. Within the new Bill, provision is made for direct negotiation between the Australian Wheat Board and the bulk handling authorities in the various States.

Another point which will be taken into account at that time is that regarding shipping programmes. This was discussed and debated in Agricultural Council, because it is quite possible that if there is some problem on the eastern seaboard it may be necessary to ship grain from the eastern seaboard in preference to Western Australia. The shipping programme could be altered accordingly, and that could seriously disadvantage the growers in Western Australia. There will be provision made for recompense to wheatgrowers in the event of this happening.

The matter of varietal control is also provided for within the Bill. I know it will be of interest to members when this amendment to the Act is proclaimed. However, varietal control will only be introduced in Western Australia after an agreed trial period. It cannot be implemented until there is a further amendment to the Wheat Stabilization Act.

It is anticipated that this will happen in the next wheatgrowing season. For this season Western Australia held out, but other States agreed to go into varietal control. At the request of the wheatgrowers of Western Australia we held out and stated we would not introduce control this year, but would have a trial period of 12 months so that the producers could become accustomed to the system prior to introducing the actual control measures.

It is interesting to note that the State of Victoria had agreed to go into the varietal control situation, but at the last moment it opted out for another 12 months. This will give us plenty of

time to assess the situation and farmers will be able to sort out the problem mentioned by the member for Warren, such as the delivery of biscuit-type wheat to bins within reasonable distance of their own areas.

These matters are coming out now and I am receiving a number of questions about the reasons that bins are not able to receive the "C"-class wheat when in fact it is grown in a particular area. These matters will be sorted out during the 12-month trial period.

Reference was made by the member for Warren and also, I believe, by the member for Mt. Marshall to the resistant strain of weevils which are being discovered, particularly in the Northam area. I should like to assure members that the answer I gave recently which was that it was considered the regulations covering the control of weevils in Western Australia are adequate, is correct to the best of my knowledge. I can say only "to the best of my knowledge", because weevils now come under the jurisdiction of the Agriculture Protection Board. We are the first State in Australia to have achieved this. APB inspectors will inspect 95 per cent of wheatgrowing properties this year. With that type of efficiency I am convinced the problem areas will be pin-pointed and very strict controls and eradication procedures will be carried out by the APB which is conscious of the risk to one of our biggest primary industries.

I assure members every effort will be made to eradicate the resistant weevils. Varietal control will be instigated on a dockage system. I do not know whether this is understood clearly. It will not mean one cannot grow a certain type of wheat, but if one elects to grow that wheat, one will be docked an amount predetermined by the Australian Wheat Board.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Old (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 15 amended—

Mr OLD: I move an amendment—

> Page 7, line 1—Delete the word "subsection" and substitute the word "subsections".

This is a minor amendment which is necessary as a result of a printing error. The word "subsection" should have been "subsections" throughout the clause.

Amendment put and passed.

Mr OLD: I move an amendment—

> Page 7, line 10—Delete the words "that subsection" and substitute the passage "subsection (2) of this section".

The comments I made for the previous amendment apply in this case also.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ABORIGINAL AFFAIRS PLANNING AUTHORITY ACT

Disallowance of Regulations: Motion

MR HARMAN (Maylands) [12.05 a.m.]: I move—

> That Regulations made under the Aboriginal Affairs Planning Authority Act, 1972, as published in the *Government Gazette* on 7th November, 1978, and laid on the table in the House on the 7th November, 1978, be and are hereby disallowed.

On the 7th November, 1978, the Government advertised in the *Government Gazette* an amendment to regulation 8 of the Aboriginal Affairs Planning Authority Act Regulations, 1972. This amendment had been foreshadowed for some considerable time, so it was no real surprise to the Opposition that it was gazetted finally.

Subsequently I gave notice in the House that the Opposition would move that this regulation be disallowed. There are three main reasons for the Opposition taking this particular stance. Firstly, there is an historical, cultural, and economic relationship between the land and Aborigines. The spiritual and religious beliefs of Aborigines depend upon the land and its features. This special relationship has been recorded empirically by a host of anthropologists throughout Australia. Members are invited to read the latest objective study on the subject which is entitled, "Pioneers and Settlers" by Professor Ron Bernott. The second reason is there is an economic relationship

between the land and traditionally orientated Aborigines. They depend absolutely on the land and what it can offer in terms of water and food for their very existence. In recent years there has been an upsurge in Aboriginality whereby Aborigines, particularly those removed from the traditional way of life, have sought to return to their origins and to their beliefs.

One of the main beliefs, of course, is that the land is central to their whole cultural, religious, and economic life. Therefore, I do not believe it is necessary for me to quote chapter and verse from a number of sources to prove these points.

Over the past months and indeed years I have referred to this relationship between Aborigines and the land in this House on numerous occasions. I am sure all members of the Chamber would recognise this particular relationship. However, if there is a member of the Chamber who doubts the work which has been done by anthropologists around Australia over the last 50 years, who doubts that there is a significant relationship between the land and Aborigines, who doubts that that relationship is different from the relationship which Europeans have with the land, I should like him to enter into this debate so that the matter may be clarified. However, I feel members of this Chamber recognise this particular relationship and I am sure the Minister for Community Welfare recognises it also.

The third important reason for moving that the regulation be disallowed is this: in the past 15 years major changes have taken place in Aboriginal welfare policies. One of the fundamental changes in policy has been the encouragement for Aborigines to form their own community councils so that in the areas in which the councils have been formed the Aborigines are involved in the decisions made in respect of their particular regions. This has come about only in the past 15 years.

Prior to that there was no real encouragement for Aborigines to take part, individually and as a group, in the decisions made by authorities in respect of their own welfare and matters relating to their particular area. I can give some illustrations of that. In 1955-56 two areas of land were excised from the central reserve in Western Australia which is east of the Warburton Range. One area was for the establishment of a meteorological station and the other was for the exploration for nickel in the Blackstone Range.

Later an area of land was excised for mineral purposes from an Aboriginal reserve in the Kimberley. On those occasions no consultation with the Aborigines in the area took place. They had no opportunity to know what would happen, because the Government of the day did not explain it to them, and also if they knew about it, they were not given an opportunity to protest.

I do not want to blame the Government in power at the time, because I feel there was insufficient concern and appreciation by Governments of this very significant relationship held by Aborigines for the land. We can say now that the various Governments acted unwisely, but I believe they acted in good faith and they took into account the benefits which would accrue from the mining activities taking place in those particular areas. Of course, they failed to recognise the relationship which I have mentioned. They failed to recognise that much of the land held sacred ceremonial sites which would perhaps be destroyed by the activities of mining companies.

Getting back to the point, in the last 15 years we have seen an upsurge of decision-making directly related to the Aboriginal community. To give some sort of status to this decision-making, the Tonkin Labor Government in 1973 set up a statutory committee called the Aboriginal Lands Trust. That committee comprised Aborigines. When applications were made for entry to Aboriginal reserves, those applications were referred to the trust which then made recommendations to the Commissioner for Aboriginal Planning. Under a long-standing arrangement—not only under the present Act but also under previous native welfare legislation—the commissioner had the optional power to recommend to the Minister or not to recommend to the Minister that a certain application should be approved or not approved. That practice was continued after the establishment of the trust in 1973, right up till the present day. It has been the practice for the commissioner, where the trust does not recommend an application to be approved, not to recommend the application to the Minister.

So, in effect, the commissioner has the first option of refusing an application and of not recommending it to the Minister. The Minister is not involved in that situation. The position became acute for the Government when three mining companies sought permission to mine on the Forrest River Mission near Wyndham. I will refer to the actual question and answer—question 104 on Thursday, the 16th March, 1978—which really puts the matter we are debating tonight in some sort of perspective.

Firstly, I asked the Minister the following questions—

(1) Is he presently empowered to approve applications for entry to Aboriginal reserves?
(2) Has he received applications to obtain permits to enter certain Aboriginal reserves to prospect for diamonds?
(3) What action is proposed?

To my first question the Minister replied that under current legislation the Minister was empowered to approve reserve entry applications only if recommended by the Commissioner for Aboriginal Planning. To my second question, the Minister replied that he had not received applications directly although three such applications had been brought to his attention. To the third question, the Minister replied that one permit had already been issued by the Aboriginal Lands Trust by delegated authority, and that the Government proposed to issue another two after amending regulation 8 of the Aboriginal Affairs Planning Authority Act, to give the responsible Minister power to issue such permits. So, there the whole thing is explained in a nutshell.

The Government did not have the power to grant permits for people to go onto reserves. The Government recognised this, and has said it will change the law so that the other two mining companies will be able to go onto the Aboriginal reserve. The Government intends to change the law after the trust had recommended against the granting of the two additional permits. The trust recommended against those permits because it believed it should observe the operations of one mining company on the Aboriginal reserve, and not allow three mining companies to run all over the reserve with no supervision whatsoever, which could result in possible damage to sacred sites.

I think that was a reasonable and sensible attitude for the Aboriginal Lands Trust to adopt at that time. Of course, that did not suit the Government because the Government was interested in allowing the other two mining companies to explore for diamonds. So, the Government took the view that if that were the attitude of the trust and the commissioner, the Government must make a political decision to change the whole status of the law which has been operating for years and years. The political Minister is to have this power to grant entry to reserves.

That occurred in March, 1978, and we now see the result of that political decision by the Government. What has been wrong with the present system up to date? I know it might be frustrating for the Government that on certain occasions the trust has not recommended an entry permit to a reserve. I cannot see—and nor has it been shown by the Government—that that has seriously handicapped the future well-being of Western Australia. All I can see is that it may well jeopardise the future of some of the Aboriginal reserves. There is a very important point which I will come to in a few moments.

I ask: Why is it so necessary to make this change when we have had a system which has operated successfully, which has not resulted in abuse, and which has not caused any serious problems to the Aborigines or to the Western Australian economy?

The important point I want to make is: In the past 15 years there has been some build-up of pride and a build-up of confidence amongst the Aboriginal communities. They now have a decision-making role in respect of their own areas.

The areas are all Aboriginal reserves. The point should be stressed that these reserves were granted to the Aborigines for their use and benefit; not for the use and benefit of non-Aborigines, mining companies, or film production companies. The wording of the Act has been there since 1905, when the reserves were set aside for the benefit of the Aborigines.

There is only one interpretation, and one conclusion to the wording of the Act; that is, the Aborigines should have some say with regard to who goes on their reserves. What is more important is that we have come to recognise, as a result of studies, that these particular reserves have secret, sacred, and ceremonial sites, which the Aboriginal people hold in respect. In fact, the sites are basic to their cultural and spiritual system. That is the second point.

The third point is that now, after many years of paternalism and many years of Europeans deciding what was good for the Aborigines, in the last 15 years we have generated a system where the Aborigines are starting to take a responsible and participating role in their own affairs. That has been encouraged over the past 15 years by this Government, and by previous Governments, and the Aboriginal Lands Trust has been set up to make decisions in respect of entry permits. However, the Government now intends to turn that aside. It will put a reverse situation into practice. It will lead to despair and to disillusionment among the Aborigines. It will lead to hopelessness and a feeling of extreme frustration amongst those people who, over the

past 15 years, have started to become responsible in respect of their own areas. That is a cause for great concern, and for some alarm, and the Government has not been able to indicate the reason for the change.

The Government has merely said that the Aborigines have security of tenure over their land because no change can be made to the boundaries of those lands. Both Houses of Parliament must agree for that to occur. That is all right in respect of the security of tenure, but it is not all right with regard to who goes onto a reserve, if that reserve has been set aside for the benefit of the Aborigines, and if the area is sacred, secret, and fundamental to the whole Aboriginal system.

If those Aborigines are now taking a responsible and participatory role in the running of those areas, for the life of me I cannot see why the Government wants to take this drastic action which it proposes by amending the regulations.

It will mean that the Aborigines, through their local communities and through the Aboriginal Lands Trust will have no authority when it comes to who goes onto their reserves, and for what purposes. At least, they now have some control through the operations of their council and, ultimately, the Aboriginal Lands Trust. However, from here on in the Minister for Community Welfare will be able to say who will be able to go onto an Aboriginal reserve, and when it suits them, and against the wishes of the Aboriginal community and the Aboriginal Lands Trust.

Mr Young: Who says they may or may not go onto land under the old regulations?

Mr HARMAN: Firstly, an application is considered by the trust.

Mr Young: And a European decides in the final analysis.

Mr HARMAN: It does not make any difference. If the trust recommends, the commissioner will recommend also.

Mr Young: The commissioner is not required to recommend under the present regulations.

Mr HARMAN: No, but he accepts the wishes of the trust.

Mr Young: Does he, and will he always do it?

Mr HARMAN: So far he has done so.

Mr Young: You admit that in the final decision, it is a European.

Mr HARMAN: I do not think that question comes into it.

Mr Young: That is what you are getting at.

Mr HARMAN: No, the Minister is missing the point. The amended regulation will take away the authority of the Aboriginal Lands Trust.

Mr Young: No, not at all.

Mr HARMAN: Under the new regulations if the Aboriginal Lands Trust does not recommend the granting of a permit, the Commissioner of Aboriginal Planning will not recommend it to the Minister.

Mr Young: He would not have done so previously.

Mr HARMAN: If the trust recommends against a decision, under the amended regulations the Minister will be able to go against the wishes of the trust.

Mr Young: The commissioner could have done so previously. Is it not the elected representative who stands up in Parliament who is responsible for that?

Mr HARMAN: But why not take the advice of the trust?

Mr Young: We will, exactly as we have done under the old regulations.

Mr HARMAN: That is the point we are trying to make. The Government will not get the support of the commissioner if he elects to support the trust.

Under the Act the commissioner did not have to recommend to the Minister that the permit be not approved. He may recommend that.

Sir Charles Court: He could have done so in defiance of the trust.

Mr HARMAN: He elected to support the trust, and I believe any reasonable person in that position would do the same.

Mr O'Neil: Might as well not have him there if you are going to abide by the trust. You could go direct to the Minister.

Mr HARMAN: If that were the situation we might as well not have the trust. The trust was instituted for the express purpose of giving encouragement to Aboriginal decision-making.

Mr Young: And the rights of the trust have been strengthened by this regulation.

Mr HARMAN: I do not think that is so.

Mr Young: I know the Aborigines have been told something completely different, but the rights of the trust have been strengthened.

Mr HARMAN: The Minister will have his opportunity to explain how the trust will work and how it has been strengthened. The point I am making is that the Minister, despite the recommendation of the trust, will have the power to go against that recommendation and approve a permit.

Mr O'Neil: When you were a Minister did you abide by every recommendation made to you by departmental officers, elected bodies, or authorities?

Mr HARMAN: This is a statutory body.

Mr O'Neil: I am asking you a simple question: When you were a Minister did you accept blindly every recommendation made to you by such a body?

Mr HARMAN: Of course I did not.

Mr O'Neil: Thank you, you answered the question.

Mr HARMAN: That does not answer the question.

Mr O'Neil: But you are saying that you should in this case.

Mr HARMAN: I am saying that there is a statutory body, the trust, and unless it is in the national interest or for some very important reason—

Mr O'Neil: You are qualifying it. First of all you said you would abide by every recommendation of the trust.

Mr HARMAN: I am saying that unless something is in the national interest or represents some real benefit directly to the whole community, I cannot see why a Minister would want to go against a recommendation of the trust. The whole idea of the trust was to give the Aborigines a participatory role in the decision-making process of who should go onto their reserves. I am trying to make the point that these reserves are fundamental to the Aborigines' whole beliefs and cultural system. The Government wishes to ignore that point, or not to give any credence to it.

Mr O'Neil: You have conceded the Government's point.

Mr HARMAN: Unless the trust is given that sort of status, it will simply be a puppet in the hands of the Government. That is the reason it was written into the Act in 1973 that the commissioner—not a political appointee or a Minister—would have this power. A Minister may be subjected to all sorts of pressures from other Ministers or other sources, whereas a commissioner, as a public servant, is there to protect and support the Aborigines, and would naturally—given the legislation at the time—see his role as not recommending the issue of a permit if the Aboriginal Lands Trust did not support it.

As I said, the significant point of the Government's argument is this: Firstly, in regard to the security of the land, the Government argues that no land will be taken away from the Aborigines unless approval is granted by both Houses of Parliament. That is fair enough, and we accept it.

Secondly, the question of who goes onto reserves which have been set aside for the use and benefit of Aborigines will now be determined solely by the Minister for Community Welfare and not by the trust. The trust will consider any case that arises, and if it is agreeable, obviously it will make the appropriate recommendation to the Minister. The Minister may refuse to accept the recommendation of the trust, and under this regulation he would have to supply the House with the reasons for his refusal. On the other hand, the new regulation gives the Minister the power to reject a recommendation of the trust as to whether or not a person may go onto a reserve, and in that case he must also supply reasons to the House.

I want to point out—and I think the Minister is aware of this—that the new regulation creates a problem; where a straightforward application is received and referred to the trust, neither the trust nor the Minister will have the power to approve it unless a full meeting of the trust is held. It may be that this regulation is badly worded. Is it the intention of the Minister to resolve such a problem in a fairly businesslike fashion? Perhaps it is his desire that an application will lay around for three months because the trust meets only every three months. Perhaps that course would be acceptable to the Minister, but it is not a businesslike operation. Let us consider the case of a worth-while application. If the Aborigines of the trust agree to the request, delay would be occasioned by the wording of this regulation. Perhaps the Minister will indicate whether the regulation has been purposely designed in this way, or whether it is simply an oversight in the drafting.

I thought I should indicate to the House some of the attitudes expressed by various people in the community. Firstly, at an assembly at Shore River in Port Hedland of the Pilbara Aboriginal Bush Meeting on the 29th and 30th April, 1978, over 150 delegates from all Aboriginal

communities in the Pilbara attended. That is a sizeable number of delegates. Subsequently, on the 2nd May, 1978, this group wrote to the Prime Minister informing him of the result of its meeting, and of the following resolution—

> That the Secretary write to the Prime Minister urging him to legislate for land rights for the Aboriginal people of the Pilbara Region (along the lines of similar legislation in the Northern Territory) so that the people may obtain whatever lands they need and may use them for their benefit as they see fit without outside interference.

The letter continues to explain the reasons for the resolution. As it is quite a long letter, I will not read it to the House. However, I would be quite happy to pass the letter to any member who is interested. Similarly, the Beagle Bay Aboriginal Council sent a telegram to the Leader of the Opposition in the following terms—

> please take parliamentary action to stop the government changing regulation 8 of the AAPA Act regulation to take away the right to decide who can go onto Aborignal land from Aboriginal people.

That is the crux of the argument. It is not a question of the security of tenure; it is the right to decide who goes onto Aboriginal reserves which were set down years ago by Statute for the use and benefit of Aborigines.

Another telegram was received by the Opposition from the Oombulgurri Council. It reads as follows—

> Oombulgurri Aboriginal community opposed to State Government proposal to amend regulation 8 of AAPA Act and allowing mining companies other than those approved by the council onto the Forrest River reserve. Urgently request take parliamentary action to disallow the amendment.

So the attitude of the Opposition is supported by Aboriginal groups from the Kimberley, and from Beagle Bay to the Pilbara. One of these areas is represented by the present Minister for Housing, and another by the member for Pilbara. Presumably these members will be acting in the interests of their constituents in this debate, and they will make some contribution. Certainly they will vote with us when it comes to a division on this motion.

Mr Ridge: You would have to be joking.

Mr HARMAN: The whole Kimberley Land Council issued a statement which was inserted in newspapers around Western Australia. This advertisement stated that Aboriginal control over their reserves is essential to maintaining a link between man and land upon which Aboriginal confidence, purpose, and self-esteem are based. That particular objective was then elaborated upon.

In July, 1978, a meeting of the Kimberley Land Council was held. I want to quote from the minutes of that meeting, and some of the observations made by the Aborigines who attended it.

Sir Charles Court: I hope you quote the lot.

Mr HARMAN: I think it would be impossible to do that.

Sir Charles Court: It contains a few very interesting little pieces about your party.

Mr HARMAN: The opportunity is available for Government members to quote these particular items. At a meeting of the Kimberley Aboriginal communities, the following communities were represented—

Halls Creek	Kununurra
Noonjuwah	Moongoong
Balgo	Mirima Council
Gordon Downs	Yardungal
La Grange	Dunham River
Nookenbah	Lamboo Station
Pandanus Park	Turner Station
Looma	Nicholson/Kirkimbie
Fitzroy Crossing	Margaret River
Go Go	One Arm Point
Derby	Lombadina
Mowanjum	Mullaja
Kalumburu	
Gibb River	
Oombulgurri	
Guda Guda	
Turkey Creek	

This is what Norman Horace from Oombulgurri had to say—

> I'm from Oombulgurri. We have about four ICA members from America supporting Aboriginal people at Oombulgurri. But some of us don't want them there. We believe we can run Oombulgurri ourselves. We would like to show white people what our people can do. I'd like the Committee of the Kimberley Land Council to come to Oombulgurri to talk to the Community there, because the community is lost. They are listening to white men too much and the whitemen are making the decisions on running the place.Its not our countrymen who make the decisions. Now these ICA

people are supposed to have made a contract with the community. But they still haven't done this. The only way we are going to get things done is together, firmly, just like the early days when our great grandparents had the law that united the people. The white people have destroyed this and we have to get it back again. . . . We have to stand together and ask for what is right. We don't want miners on our land digging up our sacred places. We have to get together, and stay together and demand what we want.

Mr Young: What would you say if you received a similar letter from a pastoralist?

Mr B. T. Burke: What has that to do with it?

Mr Young: It has a lot to do with it.

Mr HARMAN: I have been speaking for half an hour and trying to tell the Minister there is a special relationship between Aborigines and the land which is different from the European attitude to land. That does not seem to be able to percolate through to the Minister.

Mr Clarko: When I was at Oombulgurri it seemed to me the whites did all the work and the Aborigines did very little.

Mr HARMAN: The member for Karrinyup will have an opportunity to make his observations. I now wish to refer what Norman Munroe had to say, as recorded at page 5 of the minutes of that meeting. I quote as follows—

> I think that this Council should ask for freehold land for Aboriginal people. And the mining companies—if they come onto this freehold land—then they should make arrangements with the Aboriginal people who should get some compensation for the use of it.
>
> Frank Chulung:
> Thats what we will be fighting for in the future.
>
> Norman Munroe:
> Some percentage of the royalties.
>
> Frank Chulung:
> In the Northern Territory they have mining companies going onto the Reserves but the people can get compensation like at Yirrkala. But its not happening here. At Oombulgurri there will be no royalties. We have to fight for that in the future.
>
> Nipper Tabagee (Nookenbah):
> At Nookenbah these mining people put a road through our sites and told us nothing. That is what we are crook about. They didn't let us know that they were coming or what they were after. They came around and told us a lot of lies. They have cut our fences and the cattle are all gone. The horses are all gone. All our places, our special places—they have gone through them. We want to stop them. If they want to come round again they have to get our full permission. But if we don't want them there then they shouldn't be coming around. Thats what we reckon, just from talking amongst ourselves.

Those comments are quite significant. I tried to obtain a representative sample of the views of the Aborigines from the whole of the Kimberley area. Let us now consider what David Turner, from Turner Station, had to say. This is recorded at page 20 of the minutes—

> A long story . . . . In the beginning that land, kangaroo, emu, snake, fish, turkey, what has been put there. Who has come and killed it? Captain Cook. God put land here for Aboriginal. Captain Cook sailed across the sea and took him. And the Government, he knows this but I think he don't want to know what white man has done to Aborigine. We that time and today. That man he got to think about this modern way and a man has to speak, push it, talk up for it, push it. That tribal law, marngai, from the beginning. We done a serve for the whiteman but he hasn't returned it. Some whiteman help us. But whiteman got his own law like us. But we've got a bigger law in this land. Whitman find gold, mineral—this is nothing. We got in this land a bigger thing, marngai, big sunday, tribal law, a bigger thing. Whiteman want to rule this way. Whiteman want to change his law. But black man never change his law. Captain Cook shot this people down like a dog but black man never change his law. This is the land. This is the womb—it is everything.

That is significant: "This is the land. This is the womb—it is everything." Here is an Aboriginal speaking his feelings at an Aboriginal meeting in the Kimberley and indicating the special relationship between him and the land. He used the phrase, "This is the womb—it is everything." He goes on to say—

> Why cant we have a return, a fair go, a block of land. We've made the whiteman rich, station manager, and he's given us nothing. We was welcome, friendly with them. And now these days he doesn't want to have this land or breed this cattle. Law come this way from West to East. Government doesn't want us to have it. We go back to the

> old way, back in big numbers to our land—like Wattie Creek.
>
> Anyway, what is it people want with mineral, mining rights. Sorry to say I know that old people won't talk about secret places. If Rockhole was bulldozed, old man would die. My place, if you see a stone fall theres a star in it. We don't need to prove it. Thats why we don't need whiteman. Whiteman have no love for us.

I hope those remarks make some impression on members opposite because they are most significant. I am sure the member for Kimberley and the member for Pilbara appreciate the special relationship between Aborigines and the land. I am sure they appreciate that feeling is very different from our own feeling. Our spiritual system is quite different from the spiritual system of Aborigines, and we must take that into consideration when we start making laws in respect of Aborigines.

That is why I am spending so much time tonight in an effort to convince—if that is necessary—members of the Government that there is a need to reconsider the whole question of entry onto Aboriginal reserves, to consider the wishes of Aborigines, to realise that reserves have been set aside by Statutes years ago for their use and benefit, to realise that these reserves now hold areas which are sacred to Aborigines and which we know about because most of them have been recorded in an objective fashion, and to realise that Aborigines in recent years have been encouraged to participate in the decisions that affect them. For all those reasons I believe we should at least allow the present law to continue unchanged, and not give to the Minister for Community Welfare the power given to him in the amended regulation.

I ask the Minister for Community Welfare to show where any deleterious affect upon Aborigines and upon Western Australia has been caused by the previous regulation. If he can supply details of where the trust has made decisions which are not for the benefit of Western Australia, I ask him to supply them to the House so that we may examine them. By and large it is my belief the decisions made by the trust have been carefully evaluated and carefully canvassed amongst Aboriginal communities before going back to the trust. The trust has, quite fairly and acting in the interests of Aborigines, made recommendations to the Government. I cannot see any reason that the present situation should not continue.

Let us now consider what some non-Aborigines have said. In *The West Australian* of the 5th August, 1978, there appeared a letter written by Fred Chaney, Senator for Western Australia. I invite members to read his letter. In one paragraph he said—

> It is a matter of judgment whether mining activities should be allowed priority over the rights of Aborigines living on their traditional lands in reserves. My judgment is that the wishes of the Aborigines should be given priority in those limited areas which have been reserved to them. In the same way I supported the farmer's case in 1970.

That was a Liberal senator speaking. Members may recall that in 1970 the law was changed so that mining underneath farmland had to be the subject of negotiation with the farmer in respect of approval and compensation.

Members probably noted that in *The West Australian* of the 10th May, 1978, a long letter was published and given feature status. It was written by Mr B. A. McLarty of South Perth, who was a former Deputy Commissioner for Aboriginal Planning in Western Australia. The first paragraph of his letter states—

> I am a fourth-generation member of a WA family whose second and third generations produced three members of the WA Parliament, including a Liberal Premier. I am a life-long supporter of the Liberal Party.

Part of his letter deals with the question of land rights. Mr McLarty was able to indicate quite clearly the existing Act and regulations, and his attitude to them. He adopted the view adopted by the Liberal senator for Western Australia in respect of Aborigines having the right to determine who may go onto their land. Subsequently, the Catholic Bishops of Australia presented a document entitled, "Aborigines: A statement of concern." In that statement they echoed the sentiments that Aborigines should have the right to decide who may go onto their reserves. The Australian Labor Party, of course, adopts the same view, for the reasons I have been enumerating tonight.

There is a great body of people including Liberals and religious organisations who believe there should be the right for Aborigines to determine who goes onto their reserves. Why is the Government frightened of this concept? Surely the Government should learn from the Federal Government's experience. The Federal Government was able to negotiate with the Aboriginal communities in the Northern

Territory with respect to the mining of uranium. I do not see any problem in Western Australia preventing the Government from negotiating with the Aboriginal Lands Trust in relation to allowing a person to go onto a reserve if the Government is so sure that it will be of benefit to the Aborigines and Western Australia's economy. I am sure the Government could sit down with the Aboriginal communities concerned and discuss the pros and cons and the options available. I am sure a reasonable compromise could be achieved. But to ride roughshod over the wishes of Aborigines will have a detrimental effect upon Aborigines all over Western Australia. Aborigines will become disillusioned and they will see the results of their work over the last 15 years in their participatory role go down the drain. They will be led further into a life of hopelessness and despair.

This is something members opposite must think about. They should consider that perhaps after all the Government is acting a bit high-handed and admit there is still room to allow the Aborigines concerned to have the right to discuss whether or not a mining company, if there is a real necessity, can go onto Aboriginal reserves. Surely this can be done by negotiation and discussion with the Aborigines, recognising the fundamental relationship the Aborigines have with the land and their sacred sites. There has been a great deal of work going on over the past 15 years to have Aborigines take a responsible role in their own lives.

The Mining Bill shows just what the attitude of the Government is. When and if the Mining Bill is ever proclaimed, the powers of the Minister for Community Welfare, in respect of mining, will be diminished. It will be possible for the Minister for Mines to grant permits to mining companies and other people to go onto Aboriginal reserves despite the wishes of the Aboriginal Lands Trust and the Minister for Community Welfare. The Minister for Community Welfare will not have the status of the Minister for Forests. Under the Mining Bill the Minister for Forests can say, "Yes" or "No" in respect of who can mine in State forests. The Minister for Mines will need the concurrence of the Minister for Forests as to whether or not such mining can take place.

In respect of Aboriginal reserves, all the Minister for Mines has to do is get a recommendation from the Minister for Community Welfare and he does not even need to take notice of that. As I have said before, trees are more important than human beings in the eyes of Government members. When the Mining Bill is proclaimed, regulation 8 will not mean a thing in respect of mining. The Minister for Community Welfare's status will be belittled even further, and the Minister does not seem to be concerned.

The other day we saw how the Government treats members who have been on the Aboriginal Lands Trust for some time, and I refer to Mr Bridge who has served for a period of six years in a very dedicated and responsible fashion. He has given unstinting service to the trust. He has gone out and discussed the applications with various Aboriginal communities. Most people in Western Australia would think this man has given tremendous service to the Aborigines and the trust. He is himself an Aboriginal.

This man, because he has had the audacity and temerity to seek election to this Chamber as a member of the Australian Labor Party, has had the Government say, "It is time he was axed and taught a lesson." The Government has dismissed him from the trust, having come up with weak excuses such as he has served for six years and it is about time someone new was appointed.

Does not that show to the people of Western Australia what steps this Government is prepared to take to resolve its own position? The Government does not want people like Mr Bridge on this trust. It wants "Yes" men; it wants people it can appoint who will not raise any opposition to its decisions. It is a means of achieving an objective in another way.

When I read of the announcement to dismiss Mr Bridge, despite my political affiliations and biases, I was quite annoyed that the Government had seen fit to take that action. I know Mr Bridge personally; I have known him for several years. He is a citizen above the average and one whom I respect. He has a tremendous knowledge of the feelings, law, and beliefs of the traditional Aborigines, even though he is removed from the traditionally oriented Aborigines.

Whilst being personally annoyed, I was also horrified to think what this person himself would feel when his dismissal was made known to him. If the Government wishes to be that heartless and, just because a man decides to accept a certain political philosophy and openly pursue it with the express purpose of assisting his fellow men, dismiss him from such a trust, I am absolutely disgusted.

The Government will rue the day this occurred. The member for Kimberley (the Minister for Housing), is well aware of the reaction which has taken place in the Kimberley.

Mr Ridge: I would not have reappointed him. I would be interested to know what the situation would have been if the position were reversed and you were in government and it was a Liberal Party candidate sitting on the Aboriginal Lands Trust.

Mr HARMAN: The member would find a Labor Government would be more responsible than this Government has been. The dismissal has taken place, and let us see how the people of the Kimberley view the Government's action.

The Aborigines would like to see some tenure over their land which would give them the opportunity to say who goes onto their land and who does not. As far as I can understand, they do not want the freehold title in the sense of having a title deed which is the same as the title deed on my home or on someone's farm. That title deed can be sold or subdivided, or whatever. They are seeking a special Act of Parliament which would provide them with the same benefits of a freehold title in that they can say who goes onto their land and who is trespassing.

If a person wishes to mine or exploit resources on their land they want to be in a position to negotiate, not to be able to dispose of the land to some other individual. Apart from the security of tenure on the land all they want is the right to say who can and who cannot go on their reserves.

It is not suggested they are going to deny every person the opportunity to enter their land. They are saying, "We want people to negotiate with us" for all the reasons I have been trying to impress upon the Minister for the last hour or so.

The Government should rethink its position. The present system has operated successfully and gives Aborigines a lot of encouragement to continue to improve their participatory role in decision making. The Government has not been able to show why it is so necessary to have this particular amendment. What has happened that has so severely injured the Government's policies? The Government has not been able to explain this.

We know three mining companies wanted to go onto the Forrest River Reserve. The trust said it would allow one to come in, but not the other two and gave its reasons for this. The Government said it would not take any notice of the trust and took it upon itself to have the right to determine who went onto the reserves; reserves set aside for the Aborigines' benefit and use.

That is hardly a sufficient reason; if it is it is not a very good one. The status quo should remain until the matter has been further evaluated and decisions made on the more important question of ultimately determining the rights of Aborigines to their land. I ask Government members to vote with me to disallow these regulations.

Mr JAMIESON: I formally second the motion.

MR STEPHENS (Stirling) [1.13 a.m.]: In speaking to this motion for the disallowance of regulations which affect the rights of entry onto Aboriginal reserves, it is important to bear in mind how the Aborigines look upon the reserves. My understanding is that the Aboriginal looks upon them in the same way as the white person looks upon his freehold land. If we bear that in mind we can clearly understand the feelings of the Aboriginal people in this matter.

The regulation we are referring to has been made under the Aboriginal Affairs Planning Authority Act. If we were to look at the Act we would all applaud its intention. The authority set up under the Act is charged with the duty of promoting the well-being of persons of Aboriginal descent.

There is almost a page of functions the authority has to carry out and several are worth commenting on. One is to make available such services as may be necessary to promote the effective control and management of land held in trust or for persons of Aboriginal descent. Another is—

> (g) generally to take, instigate or support such action as is necessary to promote the economic, social and cultural advancement of persons of Aboriginal descent in Western Australia, . . .

All these functions of the authority are most laudible and are designed to promote the development of the Aboriginal people, to encourage their initiative, and to help them develop a sense of responsibility and confidence in the decision-making concerning their own affairs. Regrettably the regulations will negate these worthy ideals.

As I understand the regulations and the Act, the unfortunate part is that the amendments to the regulations as promulgated are really unnecessary. On the 9th November in *The West Australian* the Minister is reported as follows—

> . . . applications could previously be made to the commissioner, who could recommend that the Minister approve an entry permit.
>
> The weakness in this system had been that if the commissioner did not make a recommendation, the Minister had no say.
>
> The commissioner in effect had had the power of veto by making no

recommendation, but he did not know of any case when this had happened.

I do not interpret the situation quite that way and I will explain why. Section 10(2) states—

> Subject to this Act and to the directions of the Minister, the Commissioner is responsible for the administration of this Act . . .

It clearly states that the commissioner is subject to the direction of the Minister. Section 51(1), which deals with the regulation-making powers reads—

> 51. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters that by this Act are required or permitted for carrying out or giving effect to the objects of this Act . . .

Regulation 8(1) states that whenever any person not being a person of Aboriginal descent or a person authorised desires for any stated reason to enter or remain in any reserve he shall apply to the commissioner for permission so to do and the commissioner may recommend that the Minister grant such permission to enter. As I see it in the first instance the application is made to the commissioner who may recommend to the Minister. However, under section 10(1) the commissioner is subject to the direction of the Minister, and the regulations are made under the Act. Therefore I can see no reason that in the final analysis, if there is any dispute the Minister may direct the commissioner to submit an application or recommendation to him for consideration.

As the position now stands without the regulation or amendment to it, the Minister has the power to grant an entry permit to a reserve. Therefore if we let the situation remain as is, the administrative procedure would be better because in most situations the commissioner would accept the ALT recommendation which would be submitted to the Minister. If a situation arises where, in the interests of the State, the decision should be overridden, the Minister would have that power.

Obviously the Minister's advisers have not advised him along these lines, but that does not mean that my assessment of the situation is wrong. Other speakers, and an article in *The West Australian* today, have indicated that already there is some concern that the interpretation of the gazetted amendment to the regulation will make the regulation administratively clumsy. The Minister may have to wait until a full meeting of the council for any decision.

Unless the Minister can submit some cogent arguments against the point made, the National Party will be inclined to support the motion.

MR YOUNG (Scarborough—Minister for Community Welfare) [1.21 a.m.]: Firstly, I want to reply to the member for Stirling and say that what he did not indicate was whether he supported the regulation in principle or whether he just felt there was some drafting error and that the Act ought to remain as it is for that reason. Perhaps by interjection he might clarify the point.

Mr Stephens: In the beginning I made the point that it is unnecessary because in the final analysis under the Act and the regulations you have the power.

Mr YOUNG: In other words what the member for Stirling also clearly said in the beginning was that the new regulation appeared as though it would break down the spirit of the Act. On the one hand, he was saying he thought the spirit of the Act would be destroyed by new regulation 8, and, on the other hand, he was saying we should leave it as it is because the Minister has the power anyway. Quite frankly I think that is a typical piece of National Party two-bob-each-way attitude.

Mr Stephens: Obviously you did not listen to my speech. It might pay you to read it in *Hansard* tomorrow.

Mr YOUNG: Perhaps the honourable member should get a copy and read it. He might be able to work out what it means better than I can. If he can, I will give him the two bob to toss up.

Mr Jamieson: You are in a nasty mood!

Mr YOUNG: My interpretation of section 10 is that the commissioner is responsible for the administration of the Act subject to the direction of the Minister. The Act gives the commissioner power to administer the Act. It is my interpretation that when the commissioner and Minister come into conflict, the section and regulation would have to be read according to the meaning of the words. The provision gives the power to the commissioner to be responsible for the overall administration of the Act, subject to the direction of the Minister. This would apply to normal administrative functions and would not override regulation 8. I believe that is the legal position.

The member for Maylands gave us a long speech most of which was based on his assumption that the Aborigines would lose all faith and sense of direction and would become disillusioned, full of despair, hopeless, and

frustrated if the new regulation were to remain. He based most of his speech on what he referred to as the affinity of the Aboriginal with the land.

We have a regulation concerned with allowing people onto a piece of property and the honourable member spent about two-thirds of his speech talking about the affinity of the Aboriginal with the land. This is not a debate about that subject, but about whether the regulation as tabled should or should not stand. Under the old regulation a person of non-Aboriginal descent had to apply to the commissioner who may or may not recommend to the Minister that the person be given the right to enter. Under the amendment the application will be made to the Minister.

Mr Harman: That is not all.

Mr YOUNG: So we had a long speech by the honourable member stating how the Aboriginal will become disillusioned, frustrated, and whatever, because in the final analysis the power of the Minister will prevail and the commissioner will no longer have the right to veto the application. It would be an amazing situation if Aborigines were so easily fooled as to become frustrated and full of despair because of that provision. However, I am sure someone will try to convince them that is so.

I want him and other members who would oppose the regulation to put themselves in the shoes of the Regional Director of Aboriginal Affairs who is the Commonwealth officer of the Aboriginal Affairs Department in Perth. He is also the Commissioner of Aboriginal Planning under our Act. So he wears two hats. He is a Commonwealth civil servant and a State civil servant. He works for two Ministers who sometimes are at loggerheads. Obviously the Commonwealth policy in regard to this matter differs from the State policy, but he is the man who has to act for the two Ministers, wearing two hats and employed by two Governments. He must administer two separate laws.

In addition he also happens to be the person who is the direct link between the Department of Aboriginal Affairs, the Aboriginal Affairs Planning Authority, and the Aboriginal Lands Trust. So he might be in a position of wearing three hats.

An officer might be in a position where, on the one hand, he might get advice from the ALT on an entry permit. He might advise one thing and then he must consider the Commonwealth policy prevailing for the time being. In addition he would have to consider the situation regarding the State Government's policy and finally he might have to take action to veto an application for an entry permit which the State Minister may well want. If the Opposition wants to leave the officer in that position it is not being fair. The officer works very hard under difficult circumstances.

Mr Harman: You have the solution to that.

Mr YOUNG: The final solution is for the matter to be taken out of his hands and put into the hands of the properly elected representative—the State Minister—who can stand up here and cop it on the chin if members do not like the position. He is also elected by the public and is finally answerable to them. The Minister for the time being happens to be me and I do not run away from the responsibility. That is where the responsibility should rest. Of course it would suit some members of the Opposition, on some issues like uranium mining to be able to say it was not their fault that it was stopped, because they did not have a say as the commissioner would not recommend it. But the Government which governs also takes the responsibility for making this decision.

Mr Harman interjected.

Mr YOUNG: I am saying the elected Government must have the final say in these matters. The honourable member knew that was so when he was a Minister but when he happens to be a member of the Opposition it is suddenly a completely different thing. During the debate on the Mining Bill recently several members cried tears of blood about the fact that the Minister for Mines would be delegating powers to an officer. I do not know whether it was the member for Kalgoorlie or the member for Yilgarn-Dundas who got up and said, "What sort of a Government is this to delegate these tremendous powers?" I think the member for South Perth said something like, "You are handing over powers to an officer, but do you know what is going on in his mind? He is not an elected man. You are handing over the resources of this State to an officer who is not an elected man. The Government must take the responsibility."

That is exactly what we are going to do in respect of this matter; so if anyone wants to complain about my decision it will be debated in this House and in the other House, if members like. At least I can take my responsibility in the Parliament and give my reasons. The commissioner would not be under any obligation to give reasons. He is not accountable to the people and he is not elected by the people.

The automatic assumption by the Opposition in nearly all of these matters is that the regulation

relates only to mining and that for whatever reason we give permits from time to time they will be used almost solely for bad and not for good, and they will be used for destroying sacred sites, as if the entire 22 million hectares of land under the control of the Aboriginal Lands Trust were covered with sacred Aboriginal sites. That impression has been given time and time again by the Opposition.

It will be noticed in the regulation the Minister has the power to make conditions. Those conditions are rather stringent when an entry permit is given and they cover things like sacred sites, interruption of community, and so on. They can specify where and when a person can come and go. So most of the talk about the fact that the minute we let someone in he will be running around destroying sacred sites and property is really only a red herring.

Mr Harman: I heard about this happening a few months ago.

Mr YOUNG: I am not saying it will not happen. Of course it will happen under some circumstances with some irresponsible people. But those things can happen even without a permit. The law can only be laid down; it cannot be enforced all the time. We cannot stop people breaking the law; we can only charge them when they do.

The member for Maylands spoke about the right of the Aboriginal to his land for his use and benefit according to his terms and conditions. He said if the land were set aside in a reserve for the use and benefit of Aborigines, then the Aborigines should be able to determine everything with respect to that land. I think that was the tenor of his whole speech.

Mr Harman: I said he should be able to determine who comes and goes.

Mr YOUNG: The honourable member suggested the Aborigines should be able to determine not only who comes and goes but what people do when they get there, and so on. I think at one stage he referred to a special type of title.

Mr Harman: The farmer has the same title. He can determine who goes onto his land.

Mr YOUNG: But a pastoralist has not the same title. The Aboriginal does not have a freehold title; he has a reserve. Does the honourable member suggest that pastoralists and Aborigines should have freehold titles? I suggest they have a very special type of title.

Mr Harman: But they have not the right to say who comes and goes and they have not the right to negotiate for compensation.

Mr YOUNG: The honourable member is really saying they should have a very special right that no-one else in the country has.

Mr B. T. Burke: He just said other people have it.

Mr Harman: I want a special title which cannot be alienated and which they cannot dispose of.

Mr YOUNG: That is what the Aborigines have.

Mr Harman: No. If they want to take any of the reserve away they can do so, if both Houses of Parliament approve.

Mr YOUNG: No-one in the Australian community has in respect of land a title stronger than that given to the Aboriginal people under our Reserves Act. That was recognised by Coombs in the central desert area report. In fact he made it clear the whole question was nonsense. On page 20 of his report he said it did not matter what sort of title they were given, and he opted for freehold because in his terms of reference he had no room to manoeuvre; he was virtually told what he had to decide. He virtually said it did not matter what title was put on the land provided the Aboriginal had the right to go about it.

When people talk about land rights they bandy the word around without stopping to define what land rights are. If a community or a group of people have a right to go about their land, which is held under an Act of Parliament in a trust administered by the community which sends representatives, freely and unfettered and they have a complete title which can be broken only by an Act of Parliament, it seems to me they have land rights. But if the honourable member wants them to have also the final right to say who can come and go on that land, he is saying they are above and beyond the laws of the land.

Mr Harman: The farmer has that right.

Mr YOUNG: I have not the right to say who may come and go on my property. People authorised under many Acts of Parliament in this State have the right to come onto my property. The honourable member is saying I should not have the final say; the Acts can override my rights but not those of Aborigines.

Mr Harman: I mean health inspectors, parliamentarians, and people with lawful excuse.

Mr YOUNG: These are people with lawful excuse. When a person applies for a permit, the

application goes to the Minister. Under this regulation it will be referred to the Aboriginal Lands Trust. If the trust says it does not want the person on the land and the Minister says he does want them on the land and decides to grant a permit, he has to lay his reasons before the Parliament and they can be debated. The honourable member is saying the Aborigines should be above the Acts of Parliament of the State and they alone should determine who may or may not go onto the land. I am saying I believe that is wrong because it takes the final say out of the hands of the elected Government, and we believe that should not happen.

Mr Harman: That is paternalistic justice.

Mr YOUNG: Why is it that when one makes a speech in support of the Aborigines and uses the words I have used one is being paternalistic? If I used the same words in regard to farmers, firemen, or engine drivers, I would not be paternalistic.

Mr Wilson: You are not looking at it from an historical point of view. You are disregarding past experience of European impingement on Aboriginal society.

Mr YOUNG: In how many hundreds of years would the honourable member like it to be reversed? I am saying the member for Maylands is putting to this Parliament that the Aboriginal should not be fettered by the law of the land in respect of his land. What the member for Dianella is saying is I am taking no pragmatic view of what may or may not have happened to the Aborigines in the past. I am asking him how far we go in reversing the situation so that the law of the land does not apply to Aboriginal land.

Mr Wilson: You are ignoring quite a number of years of experience.

Mr YOUNG: This is one of the great problems in regard to the attitude of so many people towards Aborigines. They have some sort of a guilt complex.

Mr Wilson: You read it in a newspaper.

Mr YOUNG: Unless one feels guilty and feels one has to beat one's breast and cry, one cannot do anything for them. I believe in a reasonable attitude of sitting down and talking to one another without either side crying on the other's shoulder and saying, "Are you a bad guy or a good guy?" If we sit down like men and throw all that away, we might make a chink of light in the dark tunnel of relations between Europeans and Aborigines.

Mr Wilson: That is what I am suggesting.

Mr YOUNG: I think the member for Dianella is suggesting I should do some crying and bleeding.

A question was raised by the member for Maylands in regard to consultation. He said a problem might arise. It appears on the surface there might be a problem in regard to someone who might urgently want to go onto the land and consultation might be difficult because the trust might not sit for three months.

I have discussed this matter with the trust. I have been told if that situation arises the trust can in fact hold a meeting over the telephone or by telegram, as it has done on some occasions, and that is regarded as full consultation. I have asked the trust whether it would consider delegating its power to the chairman for the purposes of consultation between him and me in respect of automatic transit permits and the like which would not be likely to cause any problem, and whether it would regard that as sufficient consultation which would be ratified at a subsequent meeting of the trust. If the situation is otherwise and that is found to be unlawful under this regulation, obviously the trust and I, in consultation, will have to work out another means of expediting those matters.

The member for Maylands made the point that the trust was being disadvantaged by this regulation. I suggest to him that in regard to consultation the regulation is much stronger than the previous regulation. How can the trust be disadvantaged by having to be consulted? The very matter he raised was that so much consultation is required on every point, which gave rise to the previous matter I discussed. If he looks at it with a clear and reasonable mind he will see the Aboriginal Lands Trust itself, in regard to its powers of consultation with the Minister, has in fact been strengthened because consultation has been written in quite clearly and it is expected by the trust and by me to take place. That is what the law says and that is what will happen.

Mr Harman: You will not be there for ever.

Mr YOUNG: I am talking about what will happen while I am the Minister administering this Act. In the final analysis, in the event of dispute about who may or may not go onto Aboriginal land and who should have the final say in the matter, the member for Maylands and other members of the Opposition say the Aborigines should have the final say.

The Government and the elected Minister of the day after proper consultation should have the

final say, for the reason I have already expressed in the course of this speech. If all the laws of the land were designed to give the same powers to all people in respect of every single matter concerning their land, regardless of what title they had to it, the suggestion may hold water.

I do not think the Opposition is reasonable in suggesting that the Aborigines should have the final say because no matter how democratic is the basis of consultation, no matter how and under what circumstances the decision is arrived at by the Aboriginal community, in the final analysis the people who are accountable for all land in this country are the members of the Government, which has power over all that land. Therefore, if we are going to administer an Act and administer it properly to ensure that the law of the land is applied properly, then someone must be answerable for the decisions made. We simply say it must be the Government.

While I am administering this Act it must be me, and it will not be a civil servant—particularly the civil servant trying to do the tremendous job being done by the present Acting Commissioner of Aboriginal Planning; because that is intolerable and decidedly unfair. No-one should remain in that situation.

I oppose the motion.

Question put and a division taken with the following result—

Ayes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr Pearce
Mr Carr	Mr Stephens
Mr Cowan	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr T. D. Evans	Mr Wilson
Mr Grill	Mr Bateman
Mr Harman	*(Teller)*

Noes 25

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Crane	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Hassell	Mr Spriggs
Mr Herzfeld	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders
Mr McPharlin	*(Teller)*

Pairs

Ayes	Noes
Mr Taylor	Mr Nanovich
Mr McIver	Mr Watt
Mr Skidmore	Mr P. V. Jones
Mr Davies	Mr Grewar
Mr T. J. Burke	Mr Tubby

Question thus negatived.

Motion defeated.

CONTROL OF VEHICLES (OFF-ROAD AREAS) BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 3, page 3, lines 27 to 29—Delete the interpretation of the term "owner" and substitute a new interpretation as follows—

"owner" in relation to a vehicle—

(a) which is licensed under the Road Traffic Act, 1974, means the owner within the meaning of the Act; and

(b) in any other case, includes any person who owns the vehicle or an interest therein or is the hirer of the vehicle under a hire purchase agreement, but where the vehicle is owned by more than one person as owner or hirer or otherwise, and one only of those persons is nominated by all such persons, by notice in writing given to the Authority, that person shall for the purposes of this Act be deemed to be the owner of the vehicle;

No. 2.

Clause 11, page 9, lines 28 to 34—Delete the passage commencing with the word "vehicle" in line twenty-eight and ending with the word "vehicle" in line thirty-four and substitute the passage—

"vehicle by some other person under the age of eighteen years and lawfully in possession of the vehicle, be liable in respect of the probable consequences of the driving and use of that vehicle, otherwise than on private land by consent, as though he had formed a common intention and acted jointly with that other person".

Mrs CRAIG: I move—

That amendment No. 1 made by the Council be agreed to.

During the Committee stage in this Chamber the member for Swan questioned the definition of "owner". I indicated I would have the matter considered and amended in another place if found necessary. This amendment arises from that undertaking.

Mr BERTRAM: The Opposition hotly opposes this amendment because it will bring about extreme mischiefs and absurdities of which we will not have a bar. The Minister told the Chamber that one of the intentions of the Bill was that a person injured by the negligent driving of an off-road vehicle by a person under 18 years of age would be protected because the owner of the vehicle would be liable jointly with the under-age driver.

The definition of "owner" states—

"owner" in relation to a vehicle—

(b) in any other case, includes any person who owns the vehicle or an interest therein or is the hirer of the vehicle under a hire purchase agreement, but where the vehicle is owned by more than one person as owner or hirer or otherwise, and one only of those persons is nominated by all such persons, by notice in writing given to the Authority, that person shall for the purposes of this Act be deemed to be the owner of the vehicle;

Let us assume an off-road vehicle has four owners and they want to exempt themselves from any responsibility under this Bill. All they must do is write a brief note of roughly two lines in length, signed by each of them, telling the authority that a certain member of their syndicate or ownership shall be responsible. We have not been told by what logic that formula is supposed to have some justification; nor will we be told because there is no justification.

Members will notice those four owners have no right to name three responsible persons or two responsible persons. For some unexplained reason they are obliged to name only one responsible person. Why is that? It has not been explained, and it is not capable of any explanation.

The proposed new definition referring to persons therefore includes corporate bodies, which leaves us open to another situation. The owners of an off-road vehicle could simply give a one-ten-thousandth part share in the vehicle to a corporate body. They could then write a two-line memo to the authority stating that the corporate body with the one-ten-thousandth part interest is to be responsible, and that body may have no assets.

Alternatively the four owners could decide they should have a fifth member of the group. They could pick an old chap of 99 years of age living peacefully at Sunset whose only income is the age pension, and make him a joint owner of the vehicle. They could give him a one-ten-thousandth part share—the Premier could put us right about how to carry out this sort of manipulation.

The group could notify the authority that the age pensioner is the responsible person. If a person is injured by the off-road vehicle, whom can he sue? He cannot sue the group of four because they have told the authority in writing they are not responsible. So the age pensioner who is residing peacefully in Sunset with no assets at all apart from a princely income of the age pension is sued.

Members can see just what a woeful provision this is. It is designed to assist those who are shady and not blessed with much conscience, those who are lawyers, and the well-informed; whilst the ordinary little people whom we on this side are proud to represent will be well and faithfully sunk by the provision because they will not know the meaning of this definition. They have been told the owners will be jointly responsible and so people injured by an off-road vehicle have a mental reservation given to them by this Government which is substantially false.

It is true there is no third party protection available under the provisions of the Motor Vehicle (Third Party Insurance) Act to persons driving or injured by off-road vehicles. The Government portrays that it has been very kind. It has established this completely new concept of law in relation to damages liability by making owners of off-road vehicles equally liable as the drivers. This is unprecedented in the law of this

State. The Government is looking after us and protecting us!

By the message from the other place we have this extraordinary amendment which allows any owner who is capable of writing to write a memo exculpating himself or herself completely from any responsibility flowing from the use of an off-road vehicle owned and driven by a person under 18 years of age. If any other justification is required for the opposition to this amendment, the Committee is hard to please—so hard to please that it would be impossible to do so.

For the reasons I have submitted, the Opposition opposes this particular part of the message. The Government should certainly have another look at this aspect. It should do something better than this. This provision is utterly hopeless and grossly unfair.

Mr H. D. EVANS: I am at a loss to understand why there should be a provision of this kind in relation to "owner" and redesignating it in this fashion.

I would like the member for Cottesloe to give me an interpretation of that. It seems to me that the two aspects are interjoined. Why should there be a provision whereby two, three, or four owners can nominate one of them to be fully responsible? Can the Minister give an indication?

I know of a number of partnerships where fellows have purchased a boat between them, and they have a jeep or a tractor that they use for putting the boat into and out of the water. This provision means that if they simply notify the authority, one of their number would be responsible as the owner for anything untoward that occurred. One person would accept the full responsibility and the other would have no liability at all.

One person could be an aged pensioner. That would mean that in the event of an accident the owner would be the aged pensioner. The other people who have equal rights to the use of, and to all intents and purposes, full access to and control of the vehicle, are able to avoid their obligations. That seems remarkable if they are part owners. Why whould they not share the responsibility?

Mr Chairman, with your tolerance I am sure you would not mind my referring to the next clause, which is closely related to this. That relates to the difference this amendment could make to the owner. It will make a difference to the operation of the law when it comes to liability for an accident. The two clauses are interrelated.

As the law stands, any accident involving an off-road vehicle licensed by the RTA would be met by the Motor Vehicle Insurance Trust. The Motor Vehicle Insurance Trust would not be in a position to charge the owner or obtain recovery against the owner. Under this clause, is that still the case? I do not think so.

If the second amendment is passed, the MVIT will be able to obtain half of the sum from the owner. If the owner is designated as set out in subclause (b) in the first amendment—

Mr Jamieson: It will be a struggle if he is your old age pensioner.

Mr H. D. EVANS: If he is the old age pensioner, he is a man of no substance. This is the situation at the present time. I ask the Minister to explain what is the precise situation, and what is the precise purpose of this. Why is this new concept being introduced?

Mrs CRAIG: This new concept was introduced in order to define more clearly the word "owner". It is being assumed by the Opposition that the authority would not exercise any responsibility in relation to the person who was designated as the owner.

If the driver of any vehicle was 18 years of age or more, he would be responsible in any event. We are looking at the situation of a younger person driving one of these machines.

Mr H. D. Evans: But the driver could be 17.

Mr GRILL: I do not think we can thank the Minister for any explanation there. In fact, she gave no explanation. I do not know whether she knew what she was talking about.

Sir Charles Court: She made it mighty clear. This was raised by one of your colleagues.

Mr GRILL: The Premier does not even understand what we are talking about.

Sir Charles Court: I do.

Mr GRILL: The Premier would not know what he is talking about.

The Minister does not understand what this is about. The Minister has given a foolish reply to a sensible question. Clause 3 allows four or more persons to nominate one person to take responsibility. That one person could be a person of straw, as suggested by my colleague. That person could in fact be a company set up specifically for the purpose. That may not appear to be very dangerous; but we are dealing with a Bill where there is no insurance. There is no third party insurance, and there probably is not any

general insurance over the vehicle. We are looking at a situation where responsibility should be shared as widely as possible, not limited in the way that this particular provision would allow it to be limited.

A similar provision is contained in section 5 of the Road Traffic Act. This clause is different from that in certain respects. Basically, the provision under the Road Traffic Act sorts out the problem where a conflict exists in respect of hire-purchase or leasing contracts.

The proposed provision goes much further than that. It limits the liability where there should be a sharing of responsibility. There may be a good reason for this, but it has not been explained tonight. If there is a good explanation, I would like the Minister to give it.

Mr HASSELL: The intent of the provision is clear. One must start off on the basis that a person who is negligent is liable for the result of the negligence. Whether the person is under the age of 18 or over it, the driver who is negligent is the person who is liable to the injured party. That is the basis on which the matter starts. It then proceeds to a situation in which, under the subject of the second amendment, there is an intention to extend the liability to cover not only the driver who was negligent but also the owner of the vehicle which was driven by the negligent driver who was under 18 years of age.

Mr B. T. Burke: Or over 18?

Mr HASSELL: No, it is not that. The extension of liability is only intended to go to the owner where the driver was under 18. It is not intended to extend to the owner where the driver was over 18.

Mr Grill: That is only one sense of "liable".

Mr HASSELL: The definition of "owner" deals with a person who is the owner, and in subclause (b) it makes the various categories fit into the definition of "owner". Clearly it would not be the intention of this Legislature to extend liability for a negligent act by a person under 18 to a hire-purchase company or a leasing company which, under the opening words of the definition, is an owner of the vehicle. Therefore, there has to be a provision which permits that owner—the hire-purchase company or the leasing company—to nominate the person hiring the vehicle under hire purchase, or the person leasing the vehicle under a leasing arrangement, as the owner for the purposes of the Bill. The liability will not be extended in accordance with the subsequent provision. That seems to be a fairly clear intent. It does not have any of the dastardly effects which the Opposition claims.

Mr BERTRAM: I do not disagree with what has just been said, in so far as it has been said. However, I am concerned about the circumstances which I have discussed and which can very easily arise.

To some people, the provision appears to have been inserted for the purpose of ensuring that people with a little knowledge can ride around the Act or go straight through it. What has happened in respect of this Bill is that the Parliamentary Liberal Party's legal committee has gone back to sleep. It clearly has not discharged its obligations. It has not informed the Minister and the Liberal Party what has happened in relation to this provision.

It is interesting to note that the previous speaker did not touch on the matters I raised. Why would that be? Have you any idea, Mr Chairman?

Mr B. T. Burke: Do you think it is a coincidence?

Mr BERTRAM: My comments were similarly ignored when this Bill was before us recently. I suggested a proposition which was dismissed out of hand. However, I noticed that the Minister introduced a similar provision in the other place the next day. If I make suggestions in Committee which are of substance and they are ignored, there is no use our spending time in Committee on them.

This is the worst clause I have seen since I have been here. The Minister mumbled a few words. What I did hear, I could not comprehend. What we want from the Minister is a clear intimation that what I have said is wrong. If she cannot do that, then since we the Opposition know what the provision is all about clearly it has to be rejected and dismissed out of hand. It is a monstrosity; there is no doubt about that.

Why should an owner be able to introduce a ring-in—a person of straw—and by that process avoid liability? A figure of $100 000 or more could be involved. It may be one of your offspring, Mr Chairman, who wants to sue and who finds suddenly that the under-aged driver does not have a cent to his name. The true owner of the vehicle, of course, would have plenty of cents to his name and may be backed by millions of dollars but he may have set up a dummy of straw to get over this rather unique position of the owner of the vehicle being made responsible jointly with the driver of the vehicle.

Other members in this place may find themselves on the receiving end of this monstrosity. If that occurs, they should not say I did not tell them what would happen. Lawyers and accountants will be establishing themselves as off-road vehicle corporations under either the Companies Act or the Associations Incorporation Act. They will be sending out letters to authorities giving notice as to who are the deemed owners of off-road vehicles. Our society will regard it as a piece of genius. Liability will be dodged and the people who are maimed and in some cases dependent on persons who are killed will not receive one cent of the damages they would have received otherwise.

It is possible for an owner to avoid paying the liability. The means by which he may do this are straightforward and they would not be very costly. As yet the Minister has not explained why one person should be named. If there are 10 owners of the vehicle why should one person be named? Would the test be the colour of his eyes or would the baldness of his head be the guide? I am suggesting he will be named on the basis that if a person claims damages against him that person will never receive those damages. It is a wicked provision. It is an understatement to say it is a monstrosity. The very least the Minister can do is to give us some sort of explanation. The best action to take with this matter is toss it out and draft a new povrision.

Mr H. D. EVANS: The Minister said the purpose of the amendment is to define more clearly the term "owner". However, it defines that term by adding an entirely new interpretation. The Minister has not explained why this is necessary. She says simply it will provide a clearer definition, but that does not tell us the rationale behind it.

The member for Cottesloe suggested its intent was clear and that it meant that a person who is negligent would be liable. He said that was the underlying premise behind the provision and the intention was to expand the liability to cover the owner and the driver in order that they would be liable jointly.

I presume that means the Motor Vehicle Insurance Trust could recover half the amount from the owner. I refer members to the wording of clause 11(2). What sort of provision is that to impose on the owner of the vehicle, having regard to the fact that the second amendment says the stipulated age is 18? However, drivers' licences are issued to 17-year-olds and in special cases to 16-year-olds. I do not see the necessity for including the age of 18, because a driver could be licensed at the age of 17 and he could be covered by the full provisions of the Motor Vehicle Insurance Trust.

The member for Cottesloe mentioned the categories of owner as set out in (b) of the first amendment. According to the categorisation, a hire-purchase company could nominate an individual; but there are far more situations in which a hire-purchase company and a purchaser are not involved. It may be a small syndicate of individuals who have an interest in a beach cottage and boat and, of course, a vehicle would be used in conjunction with this. There are many of these people throughout the south coast and to allow one of these people to be nominated to the exclusion of others is difficult to understand. Upon what basis is this selection made? If three people own a tractor or four-wheel drive which one will be nominated as the owner? Once he is nominated he has the full responsibility. If they decline to nominate an owner, I presume they would be responsible jointly which is preferable to the situation referred to in clause 1.

A pensioner father with no assets could be involved and he would be called upon to make reparation for injury. A child could be walking behind the vehicle and a substantial amount could be involved.

The member for Mt. Hawthorn has raised aspects which should not be contained in the legislation until reassurances are obtained from the legal advisers of the Government. The measure should not be passed until such advice is obtained. The Premier said it is clear and distinct. Let him explain it. There has been little information in the explanations from the Government up to date.

Mr BERTRAM: Your guidance, Sir, would be most helpful. Can you tell me the purpose of attempting to deal with a Bill in Committee by asking relevant questions if the Government neglects to answer those question which relate to the issue before the Chair? How will we proceed on that basis?

The CHAIRMAN: It is a long-standing practice of the Westminster system that no Minister can be bound to answer any question posed, regardless of its nature.

Mr H. D. Evans: Especially if she does not know the answer.

Mr BERTRAM: You are saying this Parliament conforms with the Westminster procedure?

The CHAIRMAN: To some extent, yes. It is the practice of this Chamber that a member can ask questions, but the Minister is not bound to answer them.

Mr BERTRAM: Often when I rise in Committee to ask questions I do not receive answers. It seems to be a lot less than fair.

Mr Blaikie: Have a look in the mirror in the morning and brush yourself up a bit.

Mr BERTRAM: I would not recommend that the member for Vasse look in the mirror in the morning.

The Premier interjected earlier and said how this position can be explained away easily. He has been invited to explain it. However, not even he has risen to his feet.

The member for Warren quietly and succinctly put the case. He asked the Minister to answer queries, but he has not received an answer either. The member for Yilgarn-Dundas has spoken. He has complained that the Minister has not made much of a fist of answering his questions earlier in the debate. We are in a hopeless position when questions posed are not answered.

One would imagine this would be the last time the Bill would be discussed in this place before it becomes law. It is irresponsible of members to let loose on the public legislation containing this amendment. It is not good enough.

I understand the idea of the Committee procedure was to get down to the details. All I can do is place on the record the Opposition's grave objection to being treated in this cavalier manner. It does not encourage us to participate in the debates in this place with any enthusiasm if, when the pressure comes on, we are ignored. We are not ignored because what we are saying contains no merit; we are ignored on the basis that numbers will prevail. The Government knows this and it is a thoroughly unacceptable position.

I feel tempted to say I shall withdraw from any further participation in the Committee discussions. That is what one should say if one wishes to have any dignity in this place. The time may not be very far off when I shall take this action. However, it is the type of action one would take only as a last resort. It is grossly unfair that the Opposition should be treated in this manner. It is being treated as if it does not exist and is of no account when in fact it represents almost half the voting population of this State.

Mr TONKIN: We have the disgraceful situation where the Premier has decided to sulk.

Sir Charles Court: The Premier is not sulking at all. The Minister is handling the Bill quite competently. I am trying to remind you this amendment was included in an effort to accommodate a query from the other side.

Mr B. T. Burke: You are wrong; the Minister is not handling the Bill.

The CHAIRMAN: Order!

Mr TONKIN: The Premier has decided to intervene by way of interjection.

Sir Charles Court: I have reminded you why the amendment was included, and all I got was abuse from the member for Yilgarn-Dundas.

Mr Grill: You will get another lot in a minute which will shut you up.

Mr TONKIN: The Premier decided to intervene. Instead of explaining why the amendment was needed, he decided to talk about the rudeness from members on this side.

Sir Charles Court: I told you why the amendment was included.

Mr B. T. Burke: That was not what was asked for.

Mr TONKIN: We are trying to make law during this Committee. The Premier is to take his marbles home because he has been insulted by the member for Yilgarn-Dundas, but I thought he could take a little more than that.

Sir Charles Court: It is not my Bill. The Minister is handling it quite well, and she can continue to handle it.

Mr TONKIN: The Premier can intervene; he has taken a matter out of a Minister's hands before today.

Sir Charles Court: I have not.

Mr TONKIN: The Premier did that with the Mining Bill. The Minister handling the Bill now before us conferred with the member for Cottesloe and, frankly, I could not understand the point which she made. I think in this case the Minister does not understand the amendment. I am not critical of her because we have an absurd Committee system where we lock ourselves in and we are not allowed to confer with people who can give us expert information, such as Crown Law. The Minister has been left holding the baby.

As we are not a debating society, this is the time for the Government to report progress so that the Minister can give the Committee the explanation which it deserves. This Committee should be treated with respect. The Premier's

attitude is that the Government does not give a damn because it has the numbers. I am disgusted at the display by the Premier.

Quite clearly, the Minister—or someone on behalf of the Government—should provide the Opposition with some kind of explanation. I sympathise with the member for Mt. Hawthorn who is the most sincere member in this Chamber.

This is a complex matter, but no member from the Government side will get up and explain. The Premier has said that everything was clear and it was quite obvious why the amendment was included. If that is so, why not explain it? I do not believe the Premier knows. We should come back tomorrow and have an explanation. I know the Premier wants to get legislation through, and I am not saying that we will necessarily knock off if progress is reported. To treat the Committee in this way, and to try to make laws in this fashion, is scandalous, and this Parliament is deserving of censure if it conducts itself in such a cavalier fashion.

The amendment before us concerns the lives of people in Western Australia, not just for now but in the future. The Opposition represents half the population of this State, but it seems it has no place in this Parliament at this time.

Mr B. T. BURKE: I agree with and support the comments of the member for Morley. In one respect, I would go further by saying that the Opposition has every right to expect the Minister handling the Bill to answer queries raised by the Opposition during the Committee stage.

There is absolutely no excuse for this Committee to be treated in the manner in which this Minister has continued—and has consistently done on previous occasions—to treat the Opposition. She has refused many times previously to explain measures which she has consistently sponsored. Tonight we saw an appalling example of the Premier intervening in an effort to help her. He misstated the situation and then said that the Minister was handling the Bill.

The Minister can squeal from behind the stack of *Hansards* which tower above her head. At the same time, we know the Minister has failed to answer any queries raised by the Opposition. She has ample opportunity, but instead she has called on the member for Cottesloe who has been here for 2½ minutes, and who gave an explanation which made very little sense.

This matter can be adjourned until tomorrow; it is not something which will hold up the progress of this Parliament in the one or two days which everybody seems to think we have left in which to rush legislation through. Valid points have been raised and they deserve some sort of answer.

As far as the Premier's interjection is concerned—that he is not in charge of the legislation—that is not the truth. The member for Swan simply sought a re-examination of the term "ownership", and of its definition. The Minister then proceeded to provide what she thought was a reasonable answer and re-examination. The Opposition does not agree with her estimation that the answer was reasonable, and the Opposition believes the amendment should not proceed. The member for Yilgarn-Dundas was quite right when he said the Premier is possessed with the preponderance of his own numbers, and is able to smile and ignore the true evidence which has been put before him.

Mr Blaikie: That is the fourth time you have raised that argument.

Mr B. T. BURKE: The argument has been raised repeatedly in order to get through the blockish head of the member opposite.

It is the job of the Minister to answer questions, and it is my job to point out the inefficiency of the Minister. It is also my job to say that as far as the Premier is concerned his attitude is consistently to take more matters out of the hands of his Ministers.

We saw the Premier somersault on the mining legislation.

The CHAIRMAN: Order! As the member would be aware, I have given him considerable opportunity to develop his point. I ask him and urge him to turn to the essence of the amendment promptly.

Mr B. T. BURKE: Certainly. I will conclude my comments by simply saying that the inconsistency of the Premier is quite clear. The opinions of the member for Mt. Hawthorn and the member for Yilgarn-Dundas are entirely correct. The comments of the Premier pale into insignificance when we consider the seriousness of the nature of the objections they have raised. We are talking about persons who may be seriously injured. Members will be aware of the amounts awarded in damages claims in our courts. This legislation should be reconsidered so that it will properly care for people who, through no fault of their own, or partly as a result of their own negligence, will be seriously injured. The Minister has refused on several occasions to explain her position to the Committee. The matter should be adjourned so that it can be considered within the next 12 hours.

Mr BRYCE: It is quite astounding that the Minister continues to remain seated and ignores the pleas of the legislators on this side of the Committee. Valid points have been raised. When this legislation was introduced it was obvious that it was complicated. I think I referred to it as a fairly typical prickly pear.

This is a classic example. The Minister had a very sympathetic reaction earlier in this Committee debate. The suggestion was put forward that there could be something wrong with the new interpretation or definition of what constitutes an "owner".

The member for Swan simply asked the Minister to question the definition of "owner". The member for Swan did not suggest that what has been put forward should be the definition.

Mrs Craig: Nor did anyone suggest he did.

Mr B. T. Burke: The Premier did.

Mr BRYCE: We saw the Premier's reaction. That was precisely the basis of the Minister's rather smug reaction to the Minister for Health who was sitting alongside her at the time. She turned to the Minister for Health and said, "It was their suggestion." I would like it to be recorded that the member for Swan expressed his reservations, but he did not provide the Committee with a prescription.

Mrs Craig: It has never been suggested that he did.

Mr BRYCE: That is exactly what the Premier said, and it is the explanation of the Minister's comment to the Minister for Health.

Mrs Craig: If that is how you wish to interpret it.

Mr BRYCE: I can well understand that the Minister has been given food for thought; she would like to change her mind. It is a great pity she chooses to contribute to the debate from her seat. It is her basic responsibility to stand up in her place during the Committee debate to provide justification for proceeding with this. The member for Cottesloe attempted to come to the Minister's rescue.

Mr Hassell: I did not.

Mr BRYCE: It was a very interesting exercise to watch from this side of the Chamber, and a perfectly valid matter for comment.

Mr Hassell: I gave an explanation that was requested by some of your colleagues. Don't talk rot.

Mr BRYCE: Might I explain, for the sake of the record, that when the member for Mt. Hawthorn was on his feet—

Several members interjected.

The CHAIRMAN: Order!

Mr BRYCE: —voicing his reservations, the member for Cottesloe joined the Minister for Local Government and they went into a huddle. Shortly after the member for Mt. Hawthorn resumed his seat, the member for Cottesloe, in a very half-hearted way, attempted to get the Minister out of trouble with a fairly complex legal explanation.

Mr Hassell: Rot.

Mr BRYCE: The Premier did not help the situation when he burst in then with a very ill-founded interjection which indicated to the Committee he had not really thought the matter through.

I would like to come back to the thread of the argument put forward by the member for Morley. Obviously the most sensible and responsible action for the Committee to take would be to report progress so that the Government's legal experts could reach some consensus. We are quite happy to accept a reasonable interpretation. It is now nearly 3.00 a.m., and it is a bad hour to try to push this matter through simply because the Government would like to conclude this session of Parliament at about this time on Friday morning. The most sensible and responsible course to take is to report progress.

Progress

Mr BRYCE: With a sense of responsibility, I move—

> That the Chairman do now report progress and ask leave to sit again.

Sir Charles Court: You cannot do that now you have spoken.

Mr Bryce: Yes I can, I checked it.

Motion put and a division taken with the following result—

Ayes 17

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr Pearce
Mr Carr	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr T. D. Evans	Mr Wilson
Mr Grill	Mr Bateman
Mr Harman	*(Teller)*

Noes 26

Mr Blaikie	Mr Mensaros	
Sir Charles Court	Mr O'Connor	
Mr Cowan	Mr Old	
Mr Coyne	Mr O'Neil	
Mrs Craig	Mr Ridge	
Mr Crane	Mr Rushton	
Dr Dadour	Mr Sibson	
Mr Grayden	Mr Sodeman	
Mr Hassell	Mr Spriggs	
Mr Herzfeld	Mr Stephens	
Mr Laurance	Mr Williams	
Mr MacKinnon	Mr Young	
Mr McPharlin	Mr Shalders	*(Teller)*

Pairs

Ayes	Noes
Mr Taylor	Mr Nanovich
Mr McIver	Mr Watt
Mr Skidmore	Mr P. V. Jones
Mr Davies	Mr Grewar
Mr T. J. Burke	Mr Tubby

Motion thus negatived.

Committee Resumed

Sir CHARLES COURT: I wish to say something on this matter although I have no intention of taking the Bill away from the Minister because she is quite capable of handling it. However, I want to restore a little sanity to the situation.

I attempted to explain by way of interjection the action that has been taken on the matter raised by the member for Swan. If members wish to check this, on page 4704 of *Hansard,* the reason for the review was spelt out very clearly. With some validity, the member for Swan said that the definition of "owner" was restrictive, and if members look at the original definition in the original clause 3, they will see this is so. The honourable member pointed out that this could provide an "out" in the case of one of these vehicles causing damage.

After argument on this point, the Minister undertook to have the matter looked at. That she has done. On the advice of the Attorney General and his department, the amendment was placed on the notice paper in another place. I suggest to Opposition members that if they have a legitimate reason for believing that this amendment is badly drafted, then they have a duty to tell the Committee their amendment.

Mr Grill: It is quite easily fixed up, and if you and your people do not know that, you should not be in Government.

Mr Bertram: Since when have you accepted our amendments?

Sir CHARLES COURT: I remind members that it is quite competent for this Committee to send a message to the Legislative Council requesting a further amendment to its amendment. It has happened before; there is nothing extraordinary about it. There can be changes of circumstances.

Mr Wilson: You have never accepted our amendments in the past.

Sir CHARLES COURT: I am suggesting to Opposition members that if they have a genuine objection to the drafting of this amendment—

Mr Tonkin: It is genuine.

Sir CHARLES COURT: I ask the member to listen to what I have to say. If Opposition members accept that the definition of the word "owner" had to be extended so that it had another compartment in it, then they have a responsibility to say to the Committee, "We believe that the amendment as now presented to the Committee should be further amended in a particular way." If the Opposition is not prepared to be specific, we can only assume that the amendment drafted by the Crown Law Department meets the situation.

Members must read the definition of the word "owner" in conjunction with clause 11 of the Bill. I could see the logic of looking further at this definition. If the Opposition believes that the amendment before us creates an anomalous situation or a potentially anomalous situation, it should present us with an alternative. In that case neither the Minister nor I would have any objection to reporting progress so that the Crown Law Department could look at a positive suggestion. I do not intend to adjourn the debate, ask the Crown Law Department to come up with another amendment, only to find that it is not acceptable to the Opposition. Would we have to follow the whole course over again?

I remind the Opposition that it has two legal experts on its side of the Chamber. The amendment has been on the notice paper for a few days. The Opposition has a responsibility to come up with an alternative. The Crown Law Department has attempted to give effect to the tenor of the argument advanced by the member for Swan. I suggest that members should read pages 4703 and 4704 of *Hansard* and then the later debate in relation to clause 11 in connection with the definition of the word "owner". I am not prepared to report progress on a nothing, a nonsense.

Mr BRYCE: The Premier is not being dinkum. He is setting himself about the task of trying to save face. To my knowledge during the four years that he has been at the helm of the Treasury bench he has never accepted an amendment from this side of the Chamber.

Sir Charles Court: The former member for Boulder-Dundas would not agree with you.

Mr BRYCE: Could I suggest to the Premier, through you, Mr Chairman, that the reservations expressed to this Committee by the member for Yilgarn-Dundas and the member for Mt. Hawthorn could well provide the substance of a submission to the Crown Law Department. The Premier does not need us to hurriedly design an amendment at 3.00 a.m. On this side of the Chamber we are not about to embark upon the business of saving face on the basis of a tit-for-tat mentality. The suggestions made by the member for Mt. Hawthorn could be taken to the legal advisers to the Government. If the legal advisers could say that the concern expressed by the member for Mt. Hawthorn could be laid to rest for such-and-such reasons, then the Minister could come back to this Committee later today and say, "For very good and sound reasons there is no need to worry."

On the other hand, the Minister may be gracious enough to say, "On the basis of the concern expressed by the member for Mt. Hawthorn, following further consideration by the Government's legal advisers, the Government is prepared to suggest to the Committee that the amendment from the other place be further amended."

Mr H. D. EVANS: The member for Swan originally expressed concern that the definition of "owner" did not cover vehicles registered under this legislation. As a consequence, we have before us this new definition of "owner". To me, however, it does not meet the objection the member for Swan raised initially. It simply adds paragraph (b), and that is where the query arises.

I certainly would not be so presumptuous as to put an amendment on the notice paper to a Bill as complex as this one, with so many legal implications once it gets to a court of law, where matters of liability and ownership would be discussed. This is the province of someone properly trained and experienced to do the job; I suggest, the Attorney General's staff. I do not think it is fair for the Premier to try to throw the onus of this redrafting onto the Opposition. We have capable legal practitioners in our midst but it is not their responsibility to redraft this clause.

Regrettably, the member for Swan is not present. I would be interested to learn from him whether this definition meets his initial objections. I do not think it does. It takes the definition and proceeds to introduce another situation; namely, to allow one individual from a group which is a constituted partnership to be nominated as the owner. I appreciate the efforts of the member for Cottesloe to clarify the new definition.

Mr TONKIN: The Premier made a "generous" offer for the Opposition to come up with something on which progress could be reported. The member for Mt. Hawthorn has exhausted the number of times he can come up to bat, and the reason is that he tried time after time to get some response from the Government, and failed. So, it is not possible for the member for Mt. Hawthorn to rise again on this matter. I believe that to be the result of the intransigence and obstinacy of the Government.

Nearly every member has commented on the complex nature of this matter. The idea that a member, while on his feet or in the few minutes he has at his disposal while another member is talking, can redraft this clause is not really supportable. No Parliamentary Draftsman would work in that fashion. To suggest the Opposition should be able to redraft complicated amendments of this nature at 3.00 a.m. is asking too much.

Even if we accept that what has been suggested is not so much the precise wording, but the idea, I believe it is a pity that the member of the Opposition handling this matter has been denied a further chance to speak.

The Premier has asked us to give him a reason on which he can report progress. I suggest that kind of gift is a rather cruel one. We are being forced to push through complex legislation at 3.00 a.m., as though this Bill must go through in these few minutes. That is a very bad way to run the Parliament. We have been waiting for this legislation since before the 1974 election and now, suddenly, it must go through in the next few minutes. That is a very cavalier way of treating this Chamber and I suggest it is not at all necessary.

Sir CHARLES COURT: If the Opposition really intended at the start to improve this legislation, it would have gone about it in a different way. It commenced in a very abrasive manner. At no time did it seek to be at all helpful or co-operative in expressing a point of view which would have helped the drafting of this legislation.

Mr Bryce: That is exactly what the member for Mt. Hawthorn did.

Sir CHARLES COURT: If we report progress now, quite frankly, if I were the Minister responsible for this Bill I would not have the faintest idea what to ask the draftsman to correct.

Mr B. T. Burke: That the owners be jointly and severally liable.

Sir CHARLES COURT: The member for Mt. Hawthorn raised the matter of joint and several liability in respect of the particular type of vehicle covered by the second leg of the new definition of "owner". However, we have now had a suggestion from the member for Warren that the amendment might not meet the main concern of the member for Swan.

I am seeking some clarity so that the Minister and the Government will have something with which to go forward to the Crown Law Department. As I understand it, the member for Mt. Hawthorn is taking exception to that part of the new definition which will enable us to nominate a person who is the owner. The member for Warren suggested that was not what the member for Swan was aiming at and in fact, might not have been the point he was making at all. It appears rather passing strange to me that the member for Swan, who initiated this matter should not be satisfied. In fact, if the Government had remained adamant and done nothing, we would not have it back here tonight.

Mr Bertram: You most certainly would have had it back, if you look at the rest of the message.

Sir CHARLES COURT: Well, we would not have had it back tonight.

Mr Bertram: It would have come back sooner or later.

Sir CHARLES COURT: The Minister responded to a request from the Opposition but had she not done so, the Bill would have gone to another place and been passed, and that would have been the end of it.

I wish to clarify exactly what the Opposition wants so we can report progress and know exactly what we are reporting progress on. At least then we can come back this afternoon with the points raised by the Opposition having been reconsidered by the draftsman. It is as simple, straightforward, and genuine as that. Otherwise, we will come back here later today and have the member for Mt. Hawthorn, the member for Yilgarn-Dundas, and probably, by then, the member for Swan raising points and saying, "That is not what we want."

Mr H. D. Evans: The member for Swan at no stage mentioned nominating ownership; however, that has now appeared in the new definition.

Sir CHARLES COURT: Even if the honourable member objects to that part of the drafting, what has not the Government covered? If he cannot tell us that, he will not be capable of dealing with any revised amendment we bring forward.

Mr Carr: If you look back at the pages of *Hansard* to which you referred, you would see that the member for Swan was concerned about the question of ownership, not so much of the vehicle licensed under the Road Traffic Act but of the vehicle licensed under this legislation. He felt it was not clearly dealt with and defined. It was his concern that it did not go far enough.

Sir CHARLES COURT: That is what we have dealt with in the amendment.

Mr Carr: Our main concern is that your amendment has raised a whole series of new problems. In attempting to deal with the member for Swan's objection, you have raised new problems.

Sir CHARLES COURT: Can I take it that what we are really getting down to is the objection raised by the member for Mt. Hawthorn, and not the new thing introduced by the member for Warren?

Mr Bryce: Basically, yes.

Sir CHARLES COURT: As I see it, the Minister has faithfully honoured the commitment she made to the member for Swan. Do I take it the only objection now is this question of nominating a person as the owner of a vehicle?

Mr H. D. Evans: And its implication in the second part of the amendment.

Sir CHARLES COURT: One is the corollory to the other. If we are clear on that, and we are not going to have a new ball game introduced when the member for Swan returns later today, and if the Minister is agreeable, I will support a progress motion.

Mr Bertram: This is in respect of this part of the message.

Progress

Progress reported and leave given to sit again, on motion by Mr B. T. Burke.

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [3.14 p.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. today (Wednesday).

Question put and passed.

House adjourned at 3.15 a.m. (Wednesday)

QUESTIONS ON NOTICE

TOWN PLANNING

Subdivisions: Augusta-Margaret River Shire

2440. Mr SKIDMORE, to the Minister for Urban Development and Town Planning:

(1) Has the Metropolitan Region Planning Authority granted approval to the Augusta-Margaret River Shire Council for the purpose of allowing an interim policy to be followed which would allow subdivisions to take place prior to the acceptance of an overall district zone planning scheme?

(2) If "Yes" what subdivisions have been allowed to take place under the power of this interim policy and would this be contrary to the decision of the Town Planning Board, as indicated in the answer by her under (1) to question 1830 of 1978?

(3) Would she make available the full text (with maps) of any interim policy documents?

(4) Was a new subdivision approved for development within Sussex location 166, Prevelly Park via Margaret River, after the Town Planning Board requested the shire to submit an overall town planning scheme?

(5) If approval for this subdivision was given, did she seek the advice of the Environmental Protection Authority with regard to the effect this subdivision may have on the environment?

(6) If not, why not?

(7) If the answer to (5) is "Yes" what recommendations did the Environmental Protection Authority make to her and did she request that the developer adhere fully to the recommendations of the Environmental Protection Authority?

(8) If not, why not?

(9) If the subdivision for Sussex location 166 was approved, would this be a breach of the Town Planning Board's instructions to the Augusta-Margaret River Shire, as contained in answer to question 19 (29th August, 1974) and her predecessor's answer to question 422 (12th April, 1978)?

Mrs CRAIG replied:

(1) The Metropolitan Region Planning Authority is not the relevant body; its functions are confined to the metropolitan region and do not include subdivisional control. The Town Planning Board, however, has agreed that a document known as "The Prevelly Park Corridor Report" is an acceptable basis to assist decision making providing that individual applications are assessed on their own merits.

(2) No subdivisions have been approved since the board's decision but in the event of subdivisions being approved this would represent a change to earlier policy.

(3) Yes, but as the Town Planning Board holds only one copy, it would be available for inspection at the office of the board by arrangement with the Secretary.

(4) Yes.

(5) to (8) The subdivision was approved on appeal by Hon. E. C. Rushton when he was Minister for Urban Development and Town Planning.

(9) It would not be consistent with the Town Planning Board's advice to the shire council, however, the Minister is empowered under the Act to determine appeals contrary to what the board might itself decide, therefore, the word "breach" is inappropriate.

LAND SALE

Compensation to Vendor

2464. Mr CARR, to the Minister for Urban Development and Town Planning:

In view of a Government officer releasing confidential information to a developer through his real estate agent and the subsequent result that the agent allowed a sale of land to fall through, which previously it was intended would be purchased, what steps will the Government take to recompense the vendor concerned in this case?

Mrs CRAIG replied:

None; I am not aware of any statutory basis on which compensation would be payable in the circumstances outlined.

2465. *This question was postponed.*

SKELETON WEED

Outbreak

2466. Mr GREWAR, to the Minister for Agriculture:

(1) How many outbreaks of skeleton weed have been reported to the Agriculture Protection Board in each of the past five years?

(2) How many of these outbreaks have now been completely eradicated?

(3) Will control measures eventually eliminate skeleton weed from Western Australian agriculture areas?

(4) What has been the total cost of the campaign since its implementation?

(5) (a) Are there surplus funds remaining from the levy imposed on cereal growers;
(b) if "Yes" how much?

Mr P. V. Jones (for Mr OLD) replied:

(1) 1973-74 Crop Year 10;
1974-75 Crop Year 7;
1975-76 Crop Year 6;
1976-77 Crop Year 4;
1977-78 Crop Year 9.

(2) 5.

(3) Good control has been achieved to date. Eradication is still a realistic objective.

(4) $1 125 723 to 31st October, 1978.

(5) (a) Yes;
(b) $207 007 at 30th June, 1978.

STATE FINANCE

American Dollar: Effect of Revaluation

2467. Mr B. T. BURKE, to the Premier:

What steps has the Premier taken, or is he considering, to protect the Western Australian economy from past and possible future moves by the United States Government to restore value to the U.S. dollar?

Sir CHARLES COURT replied:

It is important to note that the moves to support the U.S. dollar are part of a policy package designed to strengthen the U.S. economy. Such a strengthening will lead to direct and indirect benefits for Western Australia in the long term. In fact we were becoming concerned at what appeared to be a downward slide in the U.S. economy and a reluctance on their part to take effective corrective action.

At this stage it is too early to assess the short term effects of the measures on the State. They will impact differently on the various economic sectors and the precise effects will depend on relative movements in exchange rates, the response of overseas investors to the higher U.S. interest rates, the reaction of speculators to the measures, and the impact they have on the world trade.

I intend to keep the situation under review, although any major policy reaction lies largely within the Commonwealth Government's responsibility—but we will not hesitate to confer with the Commonwealth where appropriate.

Developments such as this underline the importance of the State Government's initiatives in encouraging resource development projects which will stimulate an economic revival in this State despite any temporary slow-down in world economic activity resulting from the measures being taken to correct the United States balance of payments problem.

The change in the strength and status of the U.S. dollar will undoubtedly mean that exporters will re-assess the currencies in which future contracts are written to obtain a wider spread of exchange risk and this is a matter on which the Government will consult with companies concerned so that we are aware of new trading patterns as they emerge.

EDUCATION

School: Anzac Terrace

2468. Mr TONKIN, to the Minister for Education:

(1) How many students are attending the Anzac Terrace primary school now?
(2) How many is it estimated will attend the school at the beginning of 1979?

Mr P. V. JONES replied:

(1) 553 as at the 17th November, 1978.
(2) 580.

EDUCATION

School: Hampton

2469. Mr TONKIN, to the Minister for Education:

(1) How many students are attending the Hampton primary school now?
(2) How many is it estimated will attend the school at the beginning of 1979?

Mr P. V. JONES replied:

(1) On the 17th November, 1978 there were 750 primary pupils attending the Hampton Park primary school. In addition, there were 71 children enrolled at the transferred Hampton Park pre-primary centre.
(2) 780 primary and 122 pre-primary pupils. The pre-primary component will be made up of 72 children at the transferred centre and 50 at a single unit facility to be provided on site.

EDUCATION

School: Weld Square

2470. Mr TONKIN, to the Minister for Education:

(1) How many students are attending the Weld Square primary school now?
(2) How many is it estimated will attend the school at the beginning of 1979?

Mr P. V. JONES replied:

(1) On the 17th November, 1978, there were 559 primary and 47 pre-primary pupils attending the Weld Square primary school.
(2) 580 primary and 50 pre-primary pupils.

EDUCATION

School: Camboon

2471. Mr TONKIN, to the Minister for Education:

(1) How many students are attending the Camboon primary school now?
(2) How many is it estimated will attend the school at the beginning of 1979?

Mr P. V. JONES replied:

(1) On the 17th November, 1978, there were 475 primary and 53 pre-primary pupils attending the Camboon primary school.
(2) 485 primary and 80 pre-primary pupils.

HEALTH

Hexochlorophene

2472. Mr TONKIN, to the Minister for Health:

(1) Are there any restrictions upon the use of hexochlorophene in sprays sold for use on the human body?
(2) What are the details?
(3) What pharmaceutical or other commercial substances are presently sold containing hexochlorophene?

Mr YOUNG replied:

(1) Yes.
(2) Hexachlorophane (Hexachlorophene) is a restricted drug in the Third and Fourth Schedules listed in Appendix "A" to the Poisons Act, 1964-1970, and in amendments of 13th April, 1973, and 21st April, 1978.

(a) Third Schedule:
Hexachlorophane in preparations for skin cleansing purposes containing 3 per cent or less of hexachlorophane except—

(i) in preparations for use on infants;
(ii) in preparations containing 0.1 per cent or less of hexachlorophane as a preservative.

(b) Fourth Schedule:
Hexachlorophane and substances containing hexachlorophane for use on infants, and hexachlorophane in all other substances except—

(i) when included in the Third Schedule; and
(ii) in preparations, other than preparations for use on infants, containing 0.1 per cent or less of hexachlorophane as a preservative.

(3) Pharmaceutical and other commercial preparations presently sold containing hexachlorophane—

Frostene foot spray;

Alphosyl shampoo;

Gamophen surgical soap;

Physohex;

Phisodan;

Zalpon antibacterial washing cream;

Sapodern skin cleanser;

Sapodern surgical;

Steraskin skin cleanser;

also used as a preservative 0.1 per cent or less in some pesticides and cosmetics.

INDUSTRIAL ACCIDENTS

Departmental Personnel

2474. Mr TONKIN, to the Minister for Labour and Industry:

(1) Does his department concentrate on firms and/or industries which have a bad record of industrial accidents?
(2) How many officers are available for this purpose?

Mr O'CONNOR replied:

(1) The prime function of the inspectorates in the Department of Labour and Industry is to secure compliance with requirements for health, welfare and safety and to promote and encourage safe working practices in all firms and industries. One of the many duties of inspectors is to investigate industrial accidents and take whatever action is appropriate to prevent a recurrence of those accidents.

(2) There are 109 officers in seven specific areas of expertise in the department who are directly involved with accident prevention.

TRAFFIC: MOTOR VEHICLES

Distance Gauges

2473. Mr TONKIN, to the Minister for Police and Traffic:

(1) Are motor vehicle distance gauges which are designed to assist drivers to calculate the safe interval from the vehicle ahead approved by the police in this State?
(2) Are they being sold at the present time?
(3) Is it the Government's policy to encourage motorists to fit these gauges?

Mr O'NEIL replied:

(1) No.
(2) Not to my knowledge.
(3) No.

SEWERAGE

Morley

2475. Mr TONKIN, to the Minister for Health:

(1) Adverting to questions 1999 and 2064 of 1978, has he or his department decided whether the south side of Fitzgerald Road, Morley, should have a higher priority for sewerage?
(2) If so, what action has been taken?
(3) If not, why is this?

Mr YOUNG replied:

(1) No.
(2) Not applicable.
(3) Departmental investigation revealed on site disposal systems functioning satisfactorily.

HEALTH

Drugs: Consumption

2476. Mr TONKIN, to the Minister for Health:

(1) Is there currently any monitoring of the consumption of drugs whether prescribed or not in Western Australia?

(2) If so, by whom and what form does it take?

(3) Can he indicate whether there is any reason to be alarmed at the degree of consumption of—

(a) prescribed drugs;

(b) non-prescribed drugs,

in Western Australia?

Mr YOUNG replied:

(1) Yes.

(2) (a) The Public Health Department receives four-weekly computer printouts of movements of Eighth Schedule drugs from the drugs of dependence monitoring system operated by the Commonwealth Department of Health.

The data provides total movements of Eighth Schedule drugs to the retail and hospital level. These reports are reconciled with hospital and pharmacy records by inspectors from the department. Where particularly heavy consumption is shown, these records are used to identify doctors and patients for follow-up by the department.

(b) Pharmaceutical benefits prescriptions from Western Australia are recorded by the pharmaceutical information section of the Commonwealth Department of Health. The information provided is used to investigate heavy prescribing by particular doctors, but this information is not available to the State.

(c) A pilot study of the use of special prescription forms for Eighth Schedule drugs commenced in April this year. The scheme has been successful in its objective of deterring forgery, and the prescriptions are available to the department for monitoring the use of Eighth Schedule drugs.

(3) (a) No.

(b) Yes. The need for concern was fairly accurately reflected in the report of the Senate standing committee on social welfare, "Drug Problems in Australia". The committee has commenced a further study on the use and abuse of medication available over the counter or on prescription.

HEALTH

Oestrogen

2477. Mr TONKIN, to the Minister for Health:

(1) Are there any requirements that warnings be given as to the possible hazards of oestrogen replacement therapy when any preparation containing oestrogen is sold?

(2) What are those requirements?

(3) Are the requirements being complied with?

(4) Has he or his department received any complaints that the requirements are not being complied with?

Mr YOUNG replied:

(1) There are no legal requirements in Western Australia that warnings be given to patients as to the possible hazards of oestrogen replacement therapy when prescriptions are dispensed.

(2) It has been recommended by the Australian Drug Evaluation Committee that manufacturers supply a patient instruction leaflet for distribution by pharmacists to each patient when dispensing oestrogen preparations for replacement therapy.

(3) I do not know. It is not obligatory to do so, but some pharmacists do issue the warning leaflet if it is positively indicated that the drugs are for replacement therapy. The pharmacist does not usually or necessarily know either the diagnosis or the prescribing doctor's reason for any particular treatment.

(4) No.

CITY MOTORS PTY. LTD.

Apprentices and Post-apprentices

2478. Mr TONKIN, the Minister for Labour and Industry:

(1) Is the Government involved in any way with the study grant scheme instituted for apprentices and post-apprentices by City Motors Pty. Ltd?
(2) If so, to what extent?
(3) Have any awards yet been granted?

Mr O'CONNOR replied:

(1) and (2) No.
(3) No. I am advised that applications which will close on 15th December, 1978, are currently being called for awards under the scheme and it is anticipated the successful applicants will be announced early in the new year.

MANPOWER PLANNING

Report

2479. Mr TONKIN, to the Minister for Labour and Industry:

Will he table the report on manpower planning submitted to the meeting of Commonwealth and State Labour Ministers on 24th February this year?

Mr O'CONNOR replied:

Yes. The report is tabled.

The report was tabled (see paper No. 512).

COMMUNITY WELFARE

International Year of the Child: Planning Committee

2480. Mr TONKIN, to the Premier:

(1) What Western Australian Government Departments are represented on the Commonwealth-State planning committee for the International Year of the Child, and by whom are they represented?
(2) What non-Government bodies are represented on the committee?
(3) Upon what occasions has it met?
(4) What action is the Government taking as a result of its recommendations?

Sir CHARLES COURT replied:

(1) The Minister for Community Welfare is the Western Australian representative on the Commonwealth/State Ministers' Committee for the International Year of the Child. A national events task force, comprising one officer from each State and Territory reports to the Ministers' committee. The Western Australian representative on the task force is the executive secretary of the State interdepartmental committee for the International Year of the Child.
(2) No non-Government bodies are represented on the Ministers' committee; however, a national non-Government organisation committee has been set up and is represented on the task force.
(3) The Commonwealth/State Ministers' committee has met three times since May, 1978, and the task force has met five times since August, 1978.
(4) The Commonwealth Government is implementing national events where appropriate and State activities are being planned by the State planning committee.

HEALTH

Toothpaste

2481. Mr TONKIN, to the Minister for Health:

(1) What brands of toothpaste contain chloroform and to what extent?
(2) Is any action contemplated, or has it been taken, either on a State or Australia-wide basis, to safeguard people from any possible hazards?

Mr YOUNG replied:

(1) No tests have been done in Western Australia.
(2) The Standards Association of Australia committee DN/13 oral hygiene agents and devices, is currently considering chloroform levels in toothpastes. When a standard has been agreed its adoption in Western Australia will be considered.

HEALTH

Pharmacists

2482. Mr TONKIN, to the Minister for Health:

(1) Is it a fact that many people who obtain prescriptions from medical practitioners at a late hour are unable to obtain the necessary medication due to the fact that pharmacists are not open at night?
(2) Does he have a record of pharmacists who are open at late hours?
(3) If so, what are the details?

Mr YOUNG replied:

(1) No, I understand that a number of pharmacists provide after-hours telephone numbers and will open their pharmacies to dispense emergency medication.
(2) No, pharmacists are free to open or close after normal trading hours for the dispensing of prescriptions as the local demand requires.
(3) Not applicable.

MANPOWER COMMITTEE

Government Representation

2483. Mr TONKIN, to the Minister for Labour and Industry:

(1) Who represents the State on the Commonwealth-State working party on manpower planning?
(2) Upon what occasions has the working party met in 1978?
(3) Who are the members of the State manpower planning unit, and what interests do they represent?
(4) Upon what occasions has this unit met in 1978?
(5) Has there been any study as yet, either by the working party or by the planning unit, upon the future needs of skilled trades-persons?
(6) If so, in what manner is the identification of these needs converted into the action necessary to avoid future shortages?
(7) How has the apprenticeship system been affected by the studies made by either of the bodies referred to above?
(8) What specific industries and/or regions have been studied to date?

Mr O'CONNOR replied:

(1) and (2) The Commonwealth/State working party on manpower planning was disbanded after completing its assignment in January, 1978. Its report was presented at the Commonwealth/State Ministers for Labour Conference of 24th February, 1978. (See answer to question 2479).
Representatives were—

Mr J. A. Campbell, Department of Labour and Industry;

Mr R. S. Laing, Department of Labour and Industry.

(3) An informal State manpower planning unit was formed in April, 1977, at the request of the previous Minister. This initially involved officers of the Departments of Industrial Development and Labour and Industry but has since been expanded to include representatives of the Commonwealth Department of Employment and Industrial Relations and the Confederation of Western Australian Industry.
At the present time members include—

Mr H. A. Jones, Under Secretary, Department of Labour and Industry, Chairman;

Mr B. R. Colcutt, Assistant Under Secretary, Department of Labour and Industry;

Mr R. Clark, Director, Department of Employment and Industrial Relations;

Mr R. King, Department of Industrial Development;

Mr W. Brown, Confederation of W.A. Industry;

Mr D. Hampton, Department of Industrial Development;

Mr G. Evans, Department of Employment and Industrial Relations;

Mr J. Tiborc, Department of Employment and Industrial Relations;

Mr R. Laing, Department of Labour and Industry;

Mr T. Pope, Department of Labour and Industry.

I am pleased to announce that, as a result of the advances made by this unit, it is now to be formalised and I will be

writing to the Confederation of Western Australian Industry, the Trades and Labor Council and the Technical Education Division of the Education Department to invite them to participate in this study.

(4) This unit has met twice in 1978; however, an interdepartmental working group which is comprised of some members of this unit meets at frequent intervals to exchange information and to ensure that the composite approach to manpower planning is maintained.

(5) Yes.

(6) I shall be releasing details of a proposed training scheme after the meeting of Commonwealth and State Ministers for Labour on 24th November.

(7) The training programme will complement the present apprenticeship system.

(8) Preliminary studies are presently being made of mineral and gas developments in both the north-west and south-west of the State.

CONSUMER PROTECTION

Magic Relighting Candles

2484. Mr TONKIN, to the Minister for Consumer Affairs:

(1) Have "magic relighting candles" been banned by the Commissioner of Consumer Affairs?

(2) Are such candles on sale in this State?

Mr O'CONNOR replied:

(1) No.

(2) Not as far as it is known.

HEALTH

Magic Relighting Candles

2485. Mr TONKIN, to the Minister for Health:

(1) Has the Commissioner of Public Health banned the sale of "magic relighting candles"?

(2) Are such candles on sale in this State?

Mr YOUNG replied:

(1) No.

(2) Not as far as is known.

CONSUMER PROTECTION

Packaging and Labelling: Report

2486. Mr TONKIN, to the Minister for Consumer Affairs:

(1) Will he table the report on packaging and labelling which was presented to him by the Consumer Affairs Council?

(2) If not, why not?

Mr O'CONNOR replied:

(1) and (2) The Consumer Affairs Council did not present a formal report on packaging and labelling.

A letter was sent by the chairman of the council indicating that a sub-committee had been formed to read and consider the report on packaging and labelling laws in Australia by the Trade Practices Commission.

This letter endorsed the major recommendations of the commission, although it also agreed with many of the suggestions made by Dr Pingilley in his separate statement to that report.

ANIMALS

Dibblers

2487. Mr TONKIN, to the Minister for Fisheries and Wildlife:

(1) How many dibblers have been found at Cheynes Beach?

(2) Where else have they been found in—

(a) Western Australia;

(b) elsewhere in Australia?

(3) Are they an endangered species?

(4) If so, to what degree?

(5) How many dibblers are known to be alive?

(6) What steps has the Government taken to protect these creatures?

Mr O'CONNOR replied:

(1) Nine.

(2) (a) Near Jerdacutup where two dead specimens have been found;
(b) nowhere.

(3) Yes.

(4) Unknown.

(5) None.

(6) The Government has—
(a) Let contracts to the Australian authority on the *genus antechinus*, Mr P. Woolley, of Latrobe University, to search for the dibbler. A number of sites have been investigated near Cheynes Beach and Two Peoples Bay, near Jerdacutup and in the Fitzgerald River national park. No further specimens have been found;
(b) successfully completed negotiations with the Shire of Albany for the setting aside of a small nature reserve at Cheynes Beach which will contain the known habitat of the species.

CONSERVATION AND THE ENVIRONMENT

Chemicals

2488. Mr TONKIN, to the Minister for Conservation and the Environment:

(1) Has an advisory committee been established by the Australian and State Governments to assess the environmental effects of chemicals and to recommend controls?

(2) If so, is Western Australia represented on it?

(3) If so, by whom?

(4) To whom does the committee report?

(5) How many reports has the committee made?

(6) Are they public documents?

Mr O'CONNOR replied:

(1) Yes. A national advisory committee on chemicals has recently been set up by the Australian Environment Council.

(2) Yes.

(3) A senior environmental officer of the Department of Conservation and Environment.

(4) The Australian Environment Council.

(5) No reports have yet been released by the Australian Environment Council.

(6) The Australian Environment Council will determine for each report whether it will be made public.

HEALTH

Ionic Swimming Pool Cleaners

2489. Mr TONKIN, to the Minister for Health:

(1) Is it a fact that so-called ionic swimming pool cleaners irritate the eyes and mucous membranes of swimmers?

(2) Are there any restrictions on the sale of such cleaners?

Mr YOUNG replied:

(1) and (2) No.

EDUCATION

Technical College: Carlisle

2490. Mr DAVIES, to the Minister for Education:

(1) Adverting to the answer to question 2367 of 1978, can he advise whether consideration has been given to using Government land lot No. 793-795 Canning Location 2 for off-street parking?

(2) If "No" will consideration be given to the use of this site?

(3) If "No" why not?

Mr P. V. JONES replied:

(1) Consideration is being given to using Lot No. 793-795 Canning Location 2 for off-street parking.

(2) and (3) Not applicable.

LOCAL GOVERNMENT

Liaison with Government Departments

2491. Mr SKIDMORE, to the Minister for Local Government:

What consideration has been given to the Cabinet-endorsed recommendation

made by the Environmental Protection Authority that local authorities be enabled to appoint professional reserve advisory officers for liaison with appropriate Government departments?

Mrs CRAIG replied:

No specific proposal has been directed to me. The recommendation referred to was of a general nature contained in a report. When a request for specific action is made direct to me it will receive consideration.

LAND

National Park: South Coast

2492. Mr SKIDMORE, to the Minister representing the Minister for Lands:

(1) (a) Of the reserves listed at Table 2.3 of Red Book 2, which Cabinet agreed should be included in the proposed south coast national park, which have not yet been changed in purpose and/or vested in the National Parks Authority to this end;

(b) what action is currently in progress to implement the adopted proposal?

(2) What vacant Crown land recommended for inclusion in the proposed national park has not yet been reserved and vested for this purpose?

Mrs CRAIG replied:

(1) (a) Of the reserves listed in Table 2.3 only reserves 26628, 28478 and 28479 have been changed as to purpose to national parks and water or vested in the National Parks Authority.

(b) Work is proceeding to have all lands to be included in the national park clearly defined to allow implementation of this detailed recommendation. The parcels involved include land tenures which cannot yet be dealt with; e.g. freehold lands and certain leaseholds and surveyed boundaries are lacking in other cases. Together with other recommendations in the first two "red books" this matter is receiving attention.

(2) Pending substantial advancement of the processes in (1) (b), the Crown lands referred to have not been reserved.

CAMPING

Tent Style

2493. Mr SKIDMORE, to the Minister for Health:

(1) What action has been taken subsequent to Cabinet endorsing the Environmental Protection Authority recommendation that ways and means of permitting and encouraging safe individual "tent-style" camping be investigated?

(2) If a committee has been established to examine this matter:

(a) when was it convened;

(b) who are members;

(c) on what occasions has it met;

(d) what recommendations has it made?

Mr YOUNG replied:

(1) No action has been taken by the Public Health Department to examine individual "tent-style" camping specifically, but an inter-departmental working party was formed by the Public Health Department in 1976 to review public health regulations and local government by-laws pertaining to camping and caravan park use generally.

(2) (a) The 11th February, 1976;

(b) representatives from the Departments of Local Government, Lands, Tourism, Industrial Development and Public Health;

(c) the working party has met formally as a group on 13 occasions and frequently in an informal manner;

(d) the recommendations of the working party are now being considered.

LAND

National Park: South Coast

2494. Mr SKIDMORE, to the Minister for Conservation and the Environment:

Further to the Environmental Protection Authority's recommendation, endorsed by Cabinet, that the National Parks Authority confer with holders of grazing leases in the proposed south coast national park, what action has so far been taken in this regard?

Mr O'CONNOR replied:

No reserves or Crown land on which there are grazing leases have been vested in the authority. Accordingly, while the authority has agreed in principle to accept the responsibility of administration of all grazing leases situated in the south coast national park, the authority has not been in a position to confer with any of the holders of grazing leases.

LAND

National Parks: Number, Expenditure, and Rangers

2495. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) (a) How many national parks are presently vested in the National Parks Authority;
(b) what is the total area of these national parks;
(c) what is the percentage increase in number of national parks controlled by the authority during the period from 1967-68 to 1977-78;
(d) what is the percentage increase in the total area of these national parks during the same period;
(e) what was the amount of the Treasury grant provided to the authority for 1977-78 and 1978-79;
(f) what is the percentage increase in the Treasury grants during the period from 1967-68 to 1977-78;
(g) how many rangers were employed as at 30th June, 1978 and what percentage increase does this represent over the position at 30th June, 1968?

(2) What number of resident rangers control the Nambung, Moore River, Drovers Cave, Tathra, Alexander Morrison, Watheroo and Badgingarra national parks?

(3) (a) What number of resident rangers control the Frank Hann and Boorabin national parks;
(b) what other goldfields national parks do they control?

(4) (a) What is the nature of ranger control of the Collier Range, Rudall River, Drysdale River, Wolf Creek and Kennedy Range national parks;
(b) during the past 12 months, on how many occasions have ranger staff visited each of these national parks;
(c) what distance is the nearest residential ranger located to each of these national parks?

(5) (a) What percentage of the national parks controlled by the National Parks Authority do not have resident rangers;
(b) what percentage of the total national parks do not have resident rangers and are more than a day's drive from the nearest resident ranger?

Mr O'CONNOR replied:

(1) (a) 48;
(b) 4 462 222 hectares;
(c) from 16 in 1968 to 48 in 1978, which is plus 200 per cent;
(d) from 328 842 hectares in 1968 to 4 462 222 hectares in 1978, an increase of 4 133 379 hectares or plus 1 257 per cent;
(e) 1977-78—$1 516 000,
1978-79—$1 621 000;
(f) 1967-68—$210 000,
1977-78—$1 516 000, or plus 622 per cent;
(g) number of rangers 30th June, 1968 =38,
number of rangers 30th June, 1978 =70,
increase 32 or plus 84 per cent.

(2) Two.

(3) (a) and (b) nil.

(4) (a) and (b) nil;
(c) the nearest rangers are at Exmouth, Wittenoom and Fitzroy Crossing and are fully occupied with their nearby parks.

(5) (a) Total number of national parks—48, number with resident rangers—18, number without resident rangers—30, or 63 per cent;

(b) two parks—4 per cent.

WATER SUPPLIES

Wardering Lake

2496. Mr TONKIN, to the Minister for Mines:

(1) Has a geological survey yet investigated the source of freshwater in Wardering Lake?

(2) If not, when is this survey programmed to be undertaken?

Mr MENSAROS replied:

(1) Yes.

(2) Not applicable.

LAND: RESERVES

Nos. 16379, 11047, 23187, 29857 and 18803

2497. Mr TONKIN, to the Minister representing the Minister for Lands:

(1) Have reserve Nos. 16379, 11047, 23187, 29857 and 18803 yet been declared class "A"?

(2) If not, what reasons are there for these proposals not yet being implemented?

Mrs CRAIG replied:

(1) and (2) Yes.

LAND

Chinocup Townsite

2498. Mr TONKIN, to the Minister representing the Minister for Lands:

(1) What is the present status of the land that comprised the Chinocup townsite as at the 6th February, 1976?

(2) If the Environmental Protection Authority recommendation that it be set aside as a class "A" reserve for the purpose of conservation of flora and fauna has not yet been carried out, what reasons are there for this?

Mrs CRAIG replied:

(1) Chinocup townsite has not yet been cancelled. It presently comprises vacant Crown land, "Excepted from Sale" Reserve 18965, Portion of Class "A" Reserve 18803 for "Water and Conservation of Flora and Fauna", surveyed rights-of-way, surveyed roads and partly surveyed roads.

(2) Three factors have affected the implementation of EPA Recommendation 4.8.7.

(i) Before cancelling the townsite and making it a Class "A" reservation it was necessary to extend the Chinocup Road No. 15655 across the townsite to connect with Road No. 8315. This action is completed;

(ii) road closure of existing surveyed townsite roads remains to be done;

(iii) the Shire of Kent has strongly opposed cancellation of the townsite and advice dated 2nd August, 1978, from Department of Fisheries and Wildlife requested a stay in the proceedings.

LAND

National Parks: Hamersley Range

2499. Mr TONKIN, to the Minister for Mines:

In regard to the Environmental Protection Authority recommendation that the whole of Dales Gorge be included in the Hamersley Range national park:

(1) Has the Minister or his department written to the company principally involved in the Mount Bruce Iron Ore Agreement, advising of Cabinet's endorsement of this proposal?

(2) If so—

(a) on what dates and

(b) what was the company's response?

(3) What other negotiations has the Government had with the company with the view to implementing Cabinet's undertaking, and which departments have been present at these discussions with the company?

(4) What further action is proposed, if any?

Mr MENSAROS replied:

(1) Yes.

(2) (a) 8th June, 1976;
(b) favourable.

(3) To my best recollections and according to available records, none by myself.

(4) No further action is proposed at this time.

LAND: RESERVES

Nos. 11039, 26802, 28395, 29860 and 29864

2500. Mr TONKIN, to the Minister representing the Minister for Lands:

(1) Have the Environmental Protection Authority recommendations concerning reserve Nos. 11039, 26802, 28395, 29860 and 29864, yet been implemented?

(2) If not, why not?

Mrs CRAIG replied:

(1) Reserve 11039, yes;
Reserve 26802, no;
Reserve 28395, no;
Reserve 29860, yes;
Reserve 29864, yes.

(2) The entire recommendation 4.8. para. 7 was referred to Mines Department which indicated in December, 1977, that Reserves 26802 and 28395 could be reserved as recommended although Lake Grace north (another portion of the proposed reservation) was affected by mining tenements. Piecemeal implementation of EPA recommendations has not been favoured but early action concerning Reserves 26802 and 28395 will be taken.

TRAFFIC: RTA

Tow Truck Operators: Report

2501. Mr DAVIES, to the Premier:

Referring to his reply to question 2410 of 1978 that the report of the Criminal Investigation Bureau investigation was not released to the media, on what basis were news organisations able to write such comprehensive reports of it?

Sir CHARLES COURT replied:

A press release was made to the media by the Acting Commissioner of Police, and a copy is tabled.

The paper was tabled (see paper No. 513).

CULTURAL AFFAIRS

Art Gallery: Mrs Berkman's Paintings

2502. Mr DAVIES, to the Minister for Cultural Affairs:

Referring to question 434 of 1978 in the Legislative Council, what was the precise nature of the costs for which Mr Saunders was reimbursed and how much was paid in respect of various items, e.g., travel, accommodation, etc.?

Mr P. V. JONES replied:

Mr Mark Saunders was reimbursed for the following expenses incurred during his visit to New York to arrange an exhibition of paintings owned by Mrs Lillian Berkman—

	$
Air fares and accommodation	3 840.00
Priority paid correspondence	72.50
	$3 912.50

Mr Saunders visited New York again in 1978 to complete some outstanding matters for this exhibition. He undertook these costs personally. The exhibition was initiated during an earlier overseas visit by Mr Saunders which also was funded by him personally; total costs of these visits was in excess of any recoup mentioned above.

RAILWAYS

Refrigerated Goods: Kewdale-Kalgoorlie

2503. Mr McIVER, to the Minister for Transport:

On what grounds would Westrail refuse to accept a private container of refrigerated goods from Kewdale to Kalgoorlie having regard for the common carrier clause contained in the Railways Act?

Mr RUSHTON replied:

Westrail does not hold itself out to be a common carrier for this type of goods between Kewdale and Kalgoorlie inclusive.

TRANSPORT

Studman Report

2504. Mr McIVER, to the Minister for Transport:

(1) Further to my question without notice of Wednesday, the 11th October, 1978, re the Studman Report, would he advise when he will be making an announcement on the report?,
(2) Will the report be tabled in the Parliament and made available to the public?
(3) What was the total cost involved in relation to the Studman report?
(4) In relation to recently held meetings by him with road transport drivers regarding freight rates, would he advise why there is always present a representative of the transport association but not a Transport Workers' Union representative?
(5) Does this discrimination do much to improve industrial relations between the union and the Government?

Mr RUSHTON replied:

(1) I am holding talks with parties concerned. I intend making an announcement as soon as possible.
(2) The report prepared by the Commissioner of Transport is one aspect of the review I am carrying out into the road transport industry. I have not yet decided whether it should be released separately.
(3) Estimated $9 000 to $10 000.
(4) The member's assumption is incorrect. I have met with persons or groups of people separately.
(5) There has been no discrimination, nor will there be.

TRANSPORT

Freight Rates: Inquiry

2505. Mr McIVER, to the Minister for Transport:

(1) Following the Transport Workers' Union strike of 1977 in relation to freight rates, did the Premier and former Minister for Labour and Industry give an undertaking that an inquiry would be conducted and the result of the inquiry made available to the Transport Workers' Union and the public?
(2) If "Yes" will the promise be honoured and will the report be released?

Mr RUSHTON replied:

(1) With a view towards creating economic stability and ensuring a continued role for both smaller owner-drivers and large companies in the road transport industry, the Premier and the former Minister for Labour and Industry gave undertakings to amend the role of the Transport Commission to give it statutory authority to:—

(a) have confidential access to the records and freight rating systems employed by the long range road transport operators, both large scale and self employed;
(b) recommended rates per ton or proportion of the master freight rate in the case of a subcontractor, which should be paid to the subcontractor.
(c) undertake such studies of the industry from time to time—in conjunction with the Director General of Transport—necessary to make recommendations to the Government about control of the industry to ensure greater operational and economic stability.

(2) I refer the member to my answer to question 2504.

CHILDREN'S COURT

Mrs Dettman

2506. Mr PEARCE, to the Minister for Community Welfare:

Further to my question 2463 of 1978 concerning the status of Mrs Dettman on the Children's Court, what are the legal or formal or academic qualifications which qualify Mrs Dettman for the position of special magistrate?

Mr YOUNG replied:

Special magistrates are appointed under Section 19 (1) (c) of the Child Welfare Act and are not required to hold legal or formal or academic qualifications.

Mrs Dettman is:

A Justice of the Peace since 1958; past president of the Royal Association of Justices;

junior vice president of the Royal Association of Justices;

past president of the Women Justices Association;

member of the International Youth Magistrates Association;

a trained teacher with primary and high school experience.

QUESTIONS WITHOUT NOTICE

HEALTH

Wittenoom Residents

1. Mr DAVIES, to the Minister for Mines:

(1) As it is now almost five months to the day since he, the then Minister for Labour and Industry, and the then Minister for Health visited Wittenoom to discuss health problems and the town's future, and in view of the fact that during the visit, the people of Wittenoom were told the Government would make a decision on their future within a fortnight, why has no decision yet been made?

(2) Why have the people of Wittenoom not been given information about the reason for the inordinate and unacceptable delay?

Mr MENSAROS replied:

(1) and (2) As far as I am aware the matter has been under constant consideration. Complicated side issues had to be taken into account. No Government could leave these matters outside its consideration. They concerned legal and health problems. As a result of my portfolios I am not closely connected with the matter but I understand the Government will announce a decision within a short time.

ROADS

Main Roads Department: Information Leakage

2. Mr CARR, to the Minister for Urban Development and Town Planning:

My question arises from the Minister's reply to a question without notice asked by the Leader of the Opposition last Thursday, in which she advised that an officer of the Main Roads Department had discussed with a developer town planning matters which she said were not of a specific nature. I now ask—

Will the Minister advise how the developers were able to obtain specific details of road routes and the cost of new roads which they were able to use to their own financial gain and to the detriment of one landowner?

Mrs CRAIG replied:

I request the member to place his question on notice.

CONSERVATION AND THE ENVIRONMENT

Chemicals

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

My question refers to question 2488 on today's notice paper in which I asked about the advisory committee to assess the environmental effects of chemicals

and the recommended controls. I asked whether Western Australia was represented on the committee and, if so, by whom was it represented. The Minister replied, "A senior environmental officer of the Department of Conservation and Environment."

As I understand it, this matter does not relate to defence secrets and the security of the nation is not likely to be involved. Therefore, I am wondering why the Minister was not able to tell me the name of the person, rather than making that vague comment.

Mr O'CONNOR replied:

I am quite happy to give the name of the person at a later stage.

CONSUMER PROTECTION

Diamond Corporation of Australia Pty. Ltd.

4. Mr CLARKO, to the Minister for Consumer Affairs:

(1) Is the Minister aware of the operations in Perth of an organisation bearing the name "Diamond Corporation of Australia Pty. Ltd."?

(2) Does the Minister know that this company has a paid-up capital of $2 and purports to trade in diamonds of allegedly high values?

(3) Has the Minister made any inquiries as to the bona fides of this company, as to its origin and background, and as to the background and qualifications of a Dr Tom Bontes, its chairman and manager?

(4) If so, is it true that the chairman's qualifications are in scientology?

(5) Has the Minister notice of a newsletter published by the company being Issue No. 3 dated October, 1978?

(6) Does the Minister agree that the statements contained in that newsletter are likely to induce the public to purchase diamonds at high prices?

(7) What checks are available to ensure that diamonds sold are of the grading and value claimed?

(8) Has the Minister taken steps to check the various grades claimed in the newsletter under the heading "Quality Diamonds"?

(9) Is not top grade alleged to be "River of Jager"?

(10) Is it not a fact that there is no such grading?

Mr O'CONNOR replied:

(1) Yes.

(2) Yes.

(3) Yes. The Bureau of Consumer Affairs has investigated this company and its background and has laid 15 separate charges for false and misleading advertising.

(4) I understand the chairman has two qualifications conferred by the Church of Scientology, which have now been revoked by that organisation.

(5) Yes, I am aware of the newsletter dated October, 1978.

(6) Yes.

(7) In respect of the Diamond Corporation where a diamond is sold above the price of $1 000 an independent valuation and grading of the diamond is given. No independent grading or valuation is given in respect of diamonds sold below $1 000.

Reputable jewellers and gemmologists are able to properly examine diamonds to ascertain their grading and to give independent assessments of the replacement and insurance valuation of diamonds.

(8) The Bureau of Consumer Affairs has examined the newsletter and made particular reference to the various grades claimed under the heading "Quality Diamonds".

Certificates relating to diamonds valued at over $1 000 have been examined in the past by the bureau, and discussions have taken place with the valuers.

The Bureau of Consumer Affairs is also examining the brochure to determine whether any of the claims made therein are false or misleading.

(9) Yes, the Diamond Corporation alleges that the top grade of diamond is "River of Jager".

(10) There is no such grading of diamond as "River of Jager". There were in use two grading qualities known as "River" and "Jager" which have now been substituted by a more modern system.

HEALTH

Wittenoom Residents

5. Mr HARMAN, to the Minister for Health:

(1) Why was the dust testing programme involving Wittenoom residents which began in the first week of October suspended?

(2) Has it now been resumed and, if so, how long will it continue?

(3) What results have there been from the programme and have they been communicated to Wittenoom residents?

(4) If they have not been communicated, why not?

Mr YOUNG replied:

(1) and (2) I have not received notice of the question. As I understand it, kits were provided for certain residents in Wittenoom for the purpose of monitoring asbestos dust. The kits were used for a period of three weeks during which time they were tested. Whether or not the tests have continued after that period, I do not know at this stage.

(3) and (4) I suggest the member place these parts of the question on notice.

GOVERNMENT DEPARTMENTS

Information Release

6. Mr DAVIES, to the Premier:

Is it the policy of the Government that civil servants can release confidential information to land purchasers before that information is available to land vendors and before the information is given to local goverment on a confidential basis?

Sir CHARLES COURT replied:

I am not quite sure of the purpose behind the question asked by the Leader of the Opposition. As I understand it, he wants to know whether we have a policy which says civil servants may release information to certain people before they release it to other people.

I know of no Government which has such a policy; but in view of the fact that this is a matter which has been the subject of a series of questions, some of which have contained certain implications, in fairness to all concerned I would prefer it if the Leader of the Opposition placed the question on notice in order that I may provide him with a considered answer to the total question involved.

ROADS

Main Roads Department: Information Leakage

7. Mr CARR, to the Minister for Transport:

In view of the Minister's answer to a question without notice last Thursday that he is not aware that any Main Roads Department officer leaked information, can he explain—

(1) Why information which the Canning Town Council has been told is still confidential has been passed on to prospective property purchasers by a Main Roads Department officer?

(2) Does this not constitute leaking of information?

Mr RUSHTON replied:

(1) and (2) If the member reads my answer he will find I said I was not aware of an officer of the Main Roads Department leaking information deliberately. I referred the member who asked the question to an answer given by the Minister for Urban Development and Town Planning also. The Premier has just answered a question asked by the Leader of the Opposition indicating he will give a full report on the matter.

Mr Davies: That is another matter altogether.

TRAFFIC: RTA

Tow Truck Operators: Report

8. Mr PEARCE, to the Minister for Police and Traffic:

My question relates to the tow truck issue, and it is as follows—

(1) Has the Minister seen the report produced by the Acting Commissioner of Police relating to the tow truck issue?
(2) If he has seen the report, what action does he propose to take as a result of it?
(3) Does the Minister intend to produce the report to Parliament?

Mr O'NEIL replied:

(1) to (3) Yes, I have seen and read the report. In answer to a question asked by the Leader of the Opposition, I indicated the Acting Commissioner of Police was prepared to allow the Leader of the Opposition to discuss the report with the Commissioner of Police. No action is available to me in respect of the matter.

LAND

Cope Street

9. Mr SKIDMORE, to the Minister representing the Minister for Lands:

Adequate notice has been given of my question, which is as follows—

(1) Is the Minister aware that a vacant lot at No. 47 Cope Street, Midland, is vested with the Crown, reserved for Government purposes?
(2) Is the Minister aware also that in February, 1977, I lodged a complaint with the Lands and Surveys Department regarding the said block requesting that it be cleared of all hazardous material and made safe from the possibilities of fire or health hazards?
(3) If the answer to (1) and (2) is "Yes", I now make the same urgent plea to the Minister to have the necessary work undertaken to remove any material constituting a possible fire or health hazard from the block and I request the Minister to ensure that the block is kept in such a condition at all times.

Mrs CRAIG replied:

(1) Yes.
(2) Yes.
(3) Firebreaks were established in March, 1977, at a cost of $135. An inspection on the 11th August, 1978, indicated that nearby landholders had dumped tree cuttings, household rubbish and debris on the reserve. It is suggested that the provisions of section 34 of the Bush Fires Act be applied by abutting landholders.

TRANSPORT

Studman Report

10. Mr McIVER, to the Minister for Transport:

My question relates to question 2504 on today's notice paper. As it appears the Minister is apprehensive about giving the full details of the Studman report, would he consider revealing the recommendations contained in it and tabling them in Parliament?

Mr RUSHTON replied:

As I have indicated already the report is from the Commissioner of Transport. I am discussing it not only with the commissioner, but also with other people concerned in order that I may obtain adequate knowledge of the material involved so that I may receive further recommendations in relation to the future of the industry.

When the member considers the question further he will realise that I expect to be in a position very shortly to make an announcement on this report.