

Mr BERTRAM: We just dealt with paragraph (a) but our move to have it deleted was unsuccessful. With regard to paragraph (b), I would like formally to repeat all the arguments advanced in respect of paragraph (a). It all involves the one matter; namely, the appointment of a legal practitioner for a period not exceeding seven years. This proposition is opposed strenuously by those on this side of the Committee. I therefore move an amendment—

Page 3, lines 21 to 38—Delete paragraph (b).

Amendment put and a division taken with the following result—

Ayes—16

Mr Bertram	Mr Jamieson	
Mr B. T. Burke	Mr T. H. Jones	
Mr T. J. Burke	Mr May	
Mr Carr	Mr McIver	
Mr Davies	Mr Skidmore	
Mr H. D. Evans	Mr A. R. Tonkin	
Mr T. D. Evans	Mr J. T. Tonkin	
Mr Fletcher	Mr Moller	(Teller)

Noes—23

Mr Blaikie	Mr O'Connor	
Sir Charles Court	Mr Old	
Mr Coyne	Mr O'Neill	
Mrs Craig	Mr Ridge	
Mr Crane	Mr Rushton	
Mr Grayden	Mr Shalders	
Mr Grewar	Mr Sibson	
Mr P. V. Jones	Mr Stephens	
Mr Laurance	Mr Watt	
Mr McPharlin	Mr Young	
Mr Mensaros	Mr Clarko	(Teller)
Mr Nanovich		

Pairs

Ayes	Noes
Mr Barnett	Dr Dadour
Mr Bateman	Mr Sodeman
Mr Bryce	Mr Tubby
Mr Taylor	Mr Cowan

Amendment thus negatived.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Clarko.

House adjourned at 11.26 p.m.

Legislative Council

Wednesday, the 11th August, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3): WITHOUT NOTICE

1. ALCOHOL AND DRUG AUTHORITY

Mr G. J. Murphy: *Inquiry into Death*

The Hon. Lyla ELLIOTT, to the Minister for Health:

- (1) Will the Minister confirm that there was a longer than normal delay between when the Matron at Quo Vadis Centre, Byford, first

attempted to obtain medical attention for Mr G. J. Murphy, a patient at that centre, and when medical attention was eventually given?

- (2) Was Mr Murphy certified dead immediately after being given medical attention at the Armadale-Keimscott Memorial Hospital?
- (3) What was the time lapse between the Matron's first attempt to contact a medical practitioner and the arrival of a medical practitioner to give medical attention to Mr Murphy?
- (4) Was the delay in obtaining medical attention the result of—
 - (a) the Quo Vadis Centre being unable to contact medical practitioners by telephone; or
 - (b) did the medical practitioners, if contacted, refuse to provide medical attention to Mr Murphy?
- (5) What action has the Minister taken to ensure that such events cannot occur again?

The Hon. N. E. BAXTER replied:

As I did not receive notice of this question until about midday and it involves a fair amount of research, I suggest that it be placed on the notice paper.

2.

POLICE

Mr W. A. Wilson: *Prosecution*

The Hon. Lyla ELLIOTT, to the Attorney-General:

In respect to the case just heard in the Wyndham Circuit Court against the owner of Billluna Station, Mr William Alex Wilson, will the Minister advise—

- (1) What arrangements were made to ensure the attendance of witnesses for the Crown?
- (2) Is it a fact that the prime witness, Yupupu, was placed aboard a plane in Alice Springs without either an accompanying attendant, or an interpreter?
- (3) (a) Did the Crown counsel seek an adjournment of the court proceedings when Yupupu failed to turn up?
 (b) If not why not?
- (4) (a) In view of the acknowledged fact that Yupupu's English was poor and inadequate for the purpose of court proceedings, did the Crown make arrangements for an interpreter to be present?

(b) If so who and with what qualifications?

- (5) Is the Minister satisfied that there was adequate evidence tendered on behalf of the Crown?

The Hon. I. G. MEDCALF replied:

In answer to the question asked by the Hon. Lyla Elliott, the contents of which I was notified of some 20 minutes ago, I advise as follows—

- (1) Subpoenas were issued and provision was made for travel arrangements where necessary.
- (2) Yupupu was placed on board a plane but is understood to have left the aircraft at an intermediate stop before the plane arrived at Kununurra. He was reluctant to attend court and could not lawfully be prevented from leaving the aircraft.
- (3) (a) No.
(b) There was evidence available to the Crown from other sources which resulted in the Crown being unable to demonstrate sufficient prejudice to its case to warrant an adjournment.
- (4) (a) Yes.
(b) Mr Hansen, a qualified linguist, who knew Yupupu and had interpreted for him in previous Court proceedings.
- (5) Yes. All the available evidence was placed before the jury and there was ample material to obtain their decision as to liability.

3.

POLICE

Mr W. A. Wilson: Prosecution

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

- (1) To whom were subpoenas issued to appear in court?
- (2) Why was this Aboriginal expected to appear unattended in court?
- (3) Is it a fact that the Crown arranged for the interpreter to be present, or was that arranged by the Aboriginal Legal Service?

The Hon. I. G. MEDCALF replied:

- (1) to (3) Apart from the fact that I could not hear Miss Elliott, I must ask that the question be placed on the notice paper so that I can obtain the relevant information.

QUESTIONS (7): ON NOTICE

FISHERIES

Amateur Fisherman's Licence

The Hon. R. F. CLAUGHTON, to the Minister for Education representing the Minister for Fisheries and Wildlife:

Will the Minister give consideration to lifting the present bag limit on jewfish applied to amateur fishermen?

The Hon. G. C. MacKINNON replied:
Not at this time.

STATE FOUNDATION ANNIVERSARY

Use of Kings Park

The Hon. CLIVE GRIFFITHS, to the Minister for Health representing the Minister for Lands:

With reference to the 150th Anniversary of the foundation of this State, would the Minister advise—

- (a) are there any proposals for alienating any area of Kings Park for any purpose;
- (b) are there any proposals for any additional building construction and/or parking area within the boundaries of Kings Park;
- (c) If the answer to (a) or (b) is "Yes"—
 - (i) what is the nature of such proposal; and
 - (ii) what areas are involved;
- (d) will the Government give an assurance that no permanent structure in Kings Park will be approved, nor any area alienated without first obtaining the approval of State Parliament?

The Hon. N. E. BAXTER replied:

- (a) There are no proposals to alienate any area of Kings Park for any purpose, however, the tenancy of the existing Hale Oval may be transferred from one body to another.
- (b) Kings Park Board is drawing up a building programme to meet the long-term needs of Kings Park and Botanic Garden to perform effectively its functions and services to the public.

- (c) Currently Kings Park Board is considering, subject to the allocation of funds, the enlargement of car parking by 500 square metres (one-eighth of an acre) to serve the Ivey Watson Playground for small children.

In relation to the 150th Anniversary Celebration there is a proposal to modify the existing kiosk in the Botanic Garden.

- (d) The Minister for Lands and Kings Park Board are aware of the provisions of Section 5, subsection 3 of the Parks and Reserves Act 1895-1972, consequent to the Parks and Reserves Act Amendment Act 1954 and will proceed in accordance with same.

3. LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Sitting Times and Cost

The Hon. D. W. COOLEY, to the Minister for Justice:

- (1) How many hours did—
 (a) the Legislative Council; and
 (b) the Legislative Assembly; sit for the years—
 (i) 1974—First Session;
 (ii) 1975—Second Session;
 (iii) 1976—Third Session (first part)?
- (2) What was the actual cost per annum to the taxpayer in maintaining the Legislative Council for the financial years—
 (a) 1973-1974;
 (b) 1974-1975; and
 (c) 1975-1976?

The Hon. N. McNEILL replied:

(1) (a) Legislative Council:

- (i) 1974—First Session—224 hours 57 minutes
 (ii) 1975—Second Session—155 hours 15 minutes
 (iii) 1976—Third Session (first part)—74 hours 21 minutes

(b) Legislative Assembly:

- (i) 1974—First Session—324 hours 41 minutes
 (ii) 1975—Second Session—206 hours 16 minutes
 (iii) 1976—Third Session (first part)—121 hours 11 minutes

(2) (a) 1973-1974:

Administration, payroll tax, printing & stationery, and salaries to officers	\$109 550
Parliamentary salaries and allowances	434 764
	\$544 314

(b) 1974-1975:

Administration, payroll tax, printing & stationery, and salaries to officers	\$179 537
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(includes \$24,317 salaries & administrative expenses of electorate offices)

Parliamentary salaries and allowances	602 828
	\$782 365

(c) 1975-1976:

Administration, payroll tax, printing & stationery, and salaries to officers	\$223 780
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(includes \$58 161 salaries & administrative expenses of electorate offices)

Parliamentary salaries and allowances	567 089
	\$790 869

4.

ROADS*South-west: Upgrading*

The Hon. V. J. FERRY, to the Minister for Health representing the Minister for Traffic:

In view of the increasing volume of traffic, particularly from tourist vehicles, and the need for adequate roads to service an area relying solely on road transport, what will be the nature and timetable of work programmed to upgrade roads over the next three years—

- (a) from McLeod Creek to Augusta; and
- (b) from Karridale to Alexandra Bridge?

The Hon. N. E. BAXTER replied:

- (a) McLeod Creek-Karridale Section:

Funds have been provided in the Main Roads Department's 1976-77 Programme of Works for the reconstruction of this section. Work is expected to be well advanced by the end of 1976.

- (b) Karridale-Augusta Section: Consideration will be given to the provision of funds for upgrading this section when the 1977-78 Programme of Works is being prepared.

- (c) Karridale-Alexander Bridge Section:

Consideration will be given to the provision of funds for upgrading this section when the 1977-78 Programme of Works is being prepared.

However, no commitment can be given now for 1977-78 funds as any allocations will depend on total funds available and other competing demands. Traffic growth on the Margaret River-Augusta section is quite low.

5.

EMUS*Slaughter: Prosecutions*

The Hon. D. W. COOLEY, to the Minister for Justice representing the Minister for Agriculture:

- (1) Have any charges been laid against the person or persons responsible for the slaughter of a large number of migrating emus in the Perenjori area during the weekend the 12th-13th June, 1976?
- (2) If not, will the Minister advise whether prosecutions are pending?

The Hon. N. McNEILL replied:

- (1) No charges have been laid by the Agriculture Protection Board, or are pending.
- (2) Police Department enquiries are still proceeding for the period May 22 to 29.

6. **CUNDERDIN AGRICULTURAL HIGH SCHOOL***Additions and Improvements*

The Hon. J. C. Tozer for the Hon. H. W. GAYFER, to the Minister for Education:

In matters concerning the Cunderdin Agricultural Junior High School—

- (1) Is it correct that drawings for a Resource Centre and additional classrooms were prepared and funds allocated for 1974, but the project was deferred because of more urgent work?
- (2) If the answer to (1) is "Yes" when may the project as originally intended, be expected to be commenced?
- (3) As there are many applications turned down yearly for enrolment at this school, when may it be expected that a further 32 student dormitory blocks will be erected?
- (4) (a) Was it recently announced by the Minister for Education that a house has been listed for construction at Cunderdin; and
(b) would it be a correct presumption that this house is to be a residence for the School Principal?
- (5) If the answer to (4) is "Yes" when may it be expected the proposed house will be commenced?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) In view of the limited availability of funds, it is not possible at present to indicate when the proposed works will be undertaken.
- (3) There are no definite plans to provide additional dormitory accommodation at the school.
- (4) and (5) The need for a house has been considered. However, funds are not available at present to enable the proposed work to proceed.

7.

POLICE*Firearms: Registration*

The Hon. D. J. WORDSWORTH, to the Minister for Health representing the Minister for Police:

- (1) What types of rifles are able to be licensed—
 - (a) only by those of the general public who can show that they have a special use in the destruction of vermin; and
 - (b) by others in the general public who wish to own a rifle for general shooting purposes?
- (2) What are the special conditions in regard to size of property, numbers of vermin, etc., with which those persons mentioned in (1) (a) have to conform?
- (3) (a) Is there a limit to the number of rifles an individual can register if he conforms to (1) (a); and
 - (b) if so, is encouragement given to these persons to use a type of rifle which is best suited to the local conditions and to the vermin at time of shooting?
- (4) What is the delay in processing applications?
- (5) What officers, and in which centres, process these applications and decide if a licence should be granted?

The Hon. N. E. BAXTER replied:

- (1) (a) Those of the general public who can show that they have a special use for a particular firearm for the destruction of vermin may apply for a licence for a rifle not included in Regulation 25 of the Firearms Regulations 1974. Each application is subject to extensive inquiry.
 - (b) Generally firearms included in Regulation 25 are available for licensing by the public for general shooting purposes subject to local inquiry.
- (2) There is no designated standard or policy relating to size of property or number of vermin. Approval would be subject to local conditions.
- (3) (a) No, but an applicant must justify the need for possession of additional firearms.
 - (b) Should an application for licence for a high powered rifle be made for the destruction of vermin, the applicant would be advised the type considered adequate for such purpose and the local conditions.

- (4) The delay varies with the degree of inquiry needed to be made on the application.
- (5) Applications are processed by the Officer in Charge of the local police station who may refer any particular application to his District Office or the Firearms and Inquiries Branch in Perth for a decision, depending on the circumstances and the type of firearm.

LEAVE OF ABSENCE

On motion by the Hon. R. F. Claughton, leave of absence for 12 consecutive sittings of the House granted to the Hon. R. Thompson (South Metropolitan) on the ground of parliamentary business overseas.

HOSPITALS ACT AMENDMENT BILL*Introduction and First Reading*

Bill introduced, on motion by the Hon. N. E. Baxter (Minister for Health), and read a first time.

LAW REFORM COMMISSION ACT AMENDMENT BILL*Second Reading*

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.55 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is simple. At the present time section 6 paragraph (b) of the Act provides that one of the members of the Law Reform Commission shall be a full time member of the academic staff of the Law School of the University of Western Australia who has an academic status or position of associate professor or professor.

The Dean of the Law School has advised the Government that he has difficulty in providing professors or associate professors for the commission. He has suggested that consideration be given to amending the Act to provide that the description of the University representative on the commission includes academic staff of the status of senior lecturer or a person of equivalent status to a senior lecturer.

A further consideration is that if, in the future, the Murdoch University has a law school, provision should be made to include the academic staff of that university also. The Bill covers any university in Western Australia.

The Bill before the House proposes to amend the Act to provide that the particular member shall be of a status not less than that of senior lecturer or the equivalent thereof engaged in the teaching of law at any university in Western Australia. I commend the Bill to honourable members.

Debate adjourned, on motion by the Hon. S. J. Dellar.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Second Reading

THE HON. LYLA ELLIOTT (North-East Metropolitan) [4.57 p.m.]: I move—

That the Bill be now read a second time.

The Bill seeks to amend the Prevention of Cruelty to Animals Act by inserting a new subsection in section 4 which sets out offences against the Act.

The new subsection specifies it as an offence for any person to abandon or cause or permit the abandonment of any domestic animal by taking it or permitting it to be taken to a place other than that in which it is usually kept, there to fend for itself.

I am sure all members at some stage in their lives have come into contact with an abandoned animal and felt anger and disgust at the cruelty of the person responsible for its abandonment.

Although the abandonment of a dog is an offence under section 21B of the Dog Act, there is no legislation relating to cats or other animals, whose suffering is no less than that of a dog when left to starve and exposed to the elements.

The Royal Society for the Prevention of Cruelty to Animals has received many calls from persons complaining about the dumping of cats, but has found it difficult to obtain a prosecution because of the inadequacies of existing legislation.

Many of the complaints have come from residents in outer metropolitan suburbs such as Kalamunda and Lesmurdie. It would appear that people drive into these areas, mainly at weekends, and dump unwanted cats.

The abandoning of cats is more pronounced than that of dogs, perhaps one of the reasons being the offence related to dogs is specifically spelled out in the Dog Act, and the threat of a fine has a certain salutary effect.

Most cases occur during the Christmas holidays and the summer months when cats breed prolifically and when their heartless owners find it cheaper or less bother to abandon them than to take other steps for their care or more humane disposal.

The RSPCA figures for the past six months are—

Cats collected for euthanasia	536
Dogs collected for euthanasia	135
Complaints re alleged cruelty	813
Run-over cats	56
Run-over dogs	240

Owing to its financial position, the society is finding it increasingly difficult to meet the demands being made upon it by the public. In the financial year ending the

30th September, 1974, its expenditure exceeded income by \$14 710. In the year ending the 30th September, 1975, the expenditure exceeded income by \$28 085.

Further evidence of increasing demands on the society will be seen in the fact that it was informed that its after hours telephone answering service—(UTAS)—which was costing \$270 annually, would be renewed only for a fee of \$900, because the after hours calls had increased to such an extent. Figures for the period the 1st April to the 13th June, 1976, showed 544 calls had been received after normal working hours. A cheaper service was installed, but even this may have to be discontinued due to lack of funds.

Legal expenses for unsuccessful prosecutions have to be met by the society and in all cases is the added cost of the inspector's travelling time, vehicle maintenance, petrol, accommodation and overtime.

As well as acting as a deterrent, thereby initially saving a great deal of time and expense incurred by the RSPCA the proposed amendment would make it easier for the association to obtain a conviction in cases of proven abandonment, contrary to the existing unsatisfactory position.

The South Australian Prevention of Cruelty to Animals Act was amended in 1973 to contain the following provision—

5D. Any owner or person in charge of an animal who abandons that animal, or causes or permits it to be abandoned in circumstances likely to cause the animal unnecessary suffering, shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars or to imprisonment for any term not exceeding six months.

The Victorian Protection of Animals Act, 1966 contains even more severe penalties for abandonment. The appropriate section in that Act, *inter alia*, reads as follows—

4. (1) Any person who—
(g) abandons an animal of a species ordinarily kept in a state of confinement or for any domestic purpose—shall be guilty of an offence.

Penalty:

For a first offence—\$250 or imprisonment for three months.

For a second offence—\$500 or imprisonment for six months.

For a third or subsequent offence—\$1 000 or imprisonment for twelve months.

The Tasmanian, Queensland, and New South Wales Acts each contain a provision which defines abandonment of domestic animals as an offence. The New

Zealand Animal Protection Act also makes abandonment of any animal a serious offence.

The RSPCA has provided me with a copy of a communication forwarded to it by the Acting Assistant Police Commissioner (Mr H. L. Taylor) in May, 1975. In it appears the following opinion from Senior Inspector W. Connolly of the police law education office:

Mr Calvert's proposal for an additional subsection to section 4 (1), covering abandonment of animals would be a valuable addition to the Western Australian Cruelty to Animals Act. Provision is made in section 21B of the Dog Act whereby it is an offence for any person to abandon a dog. However, no similar provision exists where other animals are abandoned.

I am sure members will agree that the proposed amendment is humane, logical, and necessary to remove the present inadequacy in the Act. I commend the Bill to the House.

Debate adjourned, on motion by the Hon. N. E. Baxter (Minister for Health).

BILLS (2): RECEIPT AND FIRST READING

1. Building Societies Bill.

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

2. Road Traffic Act Amendment Bill (No. 2).

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.05 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 17th August.

Question put and passed.

House adjourned at 5.06 p.m.

Legislative Assembly

Wednesday, the 11th August, 1976

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

QUESTIONS (39): ON NOTICE

1. RAILWAYS

Rockingham-Garden Island Line

Mr BARNETT, to the Minister for Transport:

- (1) Is he aware that work has begun on the proposed railway line through Rockingham to Garden Island?
- (2) Will he please provide me with a map detailing work to be carried out?
- (3) (a) What is the estimated date of completion;
- (b) what is the estimated cost of construction;
- (c) what is the number of people who will be employed on the project;
- (d) will construction workers from Rockingham be employed on the project;
- (e) is it expected that a passenger service will operate on the line to and from Fremantle;
- (f) what gauge will the line be;
- (g) how much revenue does the department expect to derive from the first two years of operation?

Mr O'CONNOR replied:

- (1) No. Work has not begun on this railway.
 - (2) and (3) The construction of the Mangles Bay Railway line through Rockingham and terminating in the vicinity of the existing causeway to Garden Island is dependent on plans for development of new harbour facilities in the area. The question of extension of this railway over the causeway to Garden Island is a matter for the Commonwealth Government. The State is not aware of any such proposal.
- The railway is a long term proposal and no detailed planning other than preliminary location of the route—which has not yet been finalised—has been carried out. Therefore a map cannot be provided and question 3(a) to (g) cannot be answered at this stage.

2. BALDIVIS SCHOOL

Upgrading

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

Subsequent to the recent deputation from Baldivis Primary School relative to the upgrading of the school, will the Minister please confirm the results of that deputation and the department's plans for the school?