Legislative Council

Thursday, the 7th September, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

STATE ENERGY COMMISSION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [2.45 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to extend the State Energy Commission's borrowing powers to meet its immediate financial obligations and, in addition, to remove all doubt as to its power to levy certain tariffs and charges.

Members will be aware that the State Energy Commission came into operation on the 1st July, 1975, under legislation combining the old State Electricity Commission and the Fuel and Power Commission.

The intention at that time was to revise the existing State Electricity Commission Act, but the Government decided it would be of considerable value if the newly formed commission operated for a period and reviewed the whole situation in the light of experience gained.

This review has subsequently been completed, but, because of the amount of drafting required for a new energy Bill, it will not be possible to introduce the legislation until later in this session.

Consequently, it is necessary to introduce this amending legislation now to overcome several problems particularly in regard to borrowing powers and charges affecting the immediate operations of the commission. Complementary validating legislation will be introduced simultaneously in relation to the past.

The amendments in this Bill have been taken directly from the draft legislation being prepared for the proposed energy Bill so that it is expected no further change will be introduced in these areas when that legislation is presented.

The need for the State Energy Commission to obtain increasing amounts of finance to enable the provision of the services required by its customers will no doubt be appreciated. Members may also have read comment in the Press regarding its powers in the areas of tariffs and charges.

The first proposal in this Bill relates to the commission's ability to raise the funds necessary to carry out its obligations to its customers as it is quite evident that traditional funding methods are not sufficient for the commission's future capital needs.

Should it be impossible for the commission to raise sufficient capital, its needs would impose very considerable pressure on State funds for which there is great demand in many other areas.

The provisions of this part of the Bill will allow the commission to take advantage of the new overseas borrowing rules approved by the Loan Council and enable it to compete within the complexities of the money market on equal terms with other utilities and, to some extent, with private corporations.

In the interests of the Energy Commission's customers, and the State generally, it is essential that it be able to take advantage of all available financial means to obtain the necessary funds locally, nationally, and internationally.

There should be little basic difference between the commission as a public instrumentality and private enterprise either in efficiency, forward thinking, or borrowing powers.

Typical of the financial amendments in this legislation is that which will enable the commission to use bills of exchange, a power which is generally given to a private company in its articles of association.

The increasing demand for energy by the people of Western Australia and projects such as the Dampier to Perth natural gas pipeline will further expand the financial needs of the commission.

An indication of the increasingly large sums of money required is given by the recent successfully completed loan of $60 million, the largest loan floated by a State instrumentality in Australia.

The legislation has been the subject of considerable study by the commission, the Crown Law Department, and the State Treasury and will define more clearly the powers of the commission in the particular areas mentioned and tidy up some administrative procedures.

The second proposal in this Bill arises from legal doubts as to the powers of the commission relating to tariffs and charges generally, and in particular the account establishment fee.

Charging policies of any instrumentality need to be economically efficient, equitable and related to the actual cost of providing the service.

Since the restructuring of the commission, it has been policy to institute and implement a system of charging based on the philosophy of "those who incur the costs pay the charges".

This is a principle of charging which is becoming almost universal throughout the service utilities of the world and is fully justified on any commercial, community, or economic criteria.

The account establishment fee was introduced last year in line with this policy. It covers the average costs incurred by the commission when a domestic account is established or transferred. Previously these costs were met from overall income of the commission.

The costs include the additional administrative costs of preparing and processing information to update the customer files and the costs of various field operations such as additional meter readings and reconnecting the supply. It is not reasonable that these costs be subsidised by other customers.

While there is no doubt that the commission's charging practices are justified, the section of the amending legislation dealing with tariffs and charges puts the matter beyond all legal doubt.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

STATE ENERGY COMMISSION (VALIDATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the State Energy Commission Act Amendment Bill and is intended to validate past actions by the State Energy Commission in respect of funding and charges.

As explained when presenting the State Energy Commission Act Amendment Bill, it has become necessary to broaden the borrowing powers of the commission and to more clearly define the legal basis for its tariffs and charges. That Bill puts future powers in those areas beyond doubt.

In the financial area there have been increasing problems in that the traditional funding methods were not sufficient to provide for the capital needs of the commission.

For this reason administrative actions have been necessary in practice which may not have complied with the strict legal provisions of the original legislation.

In the interests of the State Energy Commission customers and the State generally, it has been and will continue to be essential that the commission is able to meet its financial commitments without further recourse to State funds.

Legal doubts have also been raised as to the validity of the commission's tariffs and charges generally and in particular the account establishment fee. Members will be aware of the recent publicity in this regard.

An investigation has been carried out by me and while there is no doubt that the commission's charging methods are justified, there are legal technicalities which could be considered to make the validity of some of the tariffs and charges doubtful.

The provisions of the State Energy Commission Act Amendment Bill clearly spell out the powers of the commission to levy such tariffs and charges in the future and this validation Bill puts beyond doubt the legality of tariffs and charges made by the commission in the past.

Commission tariffs and charges are set at a level to cover as closely as possible the costs incurred. Any loss of revenue occurring from the non-validation of the existing situation would have to be recompensed by increased future charges.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.55 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to broaden certain sections of the Weights and Measures Act and to clarify some of its provisions.

The need to implement these measures is the result of recommendations by the standing committee on packaging. This committee has the

responsibility of tendering advice to the Commonwealth and State Governments in order to maintain uniformity in weights and measures legislation affecting packaged goods.

It was formed at the instigation of Commonwealth and State Ministers responsible for weights and measures as an advisory body and all States and the Commonwealth are represented.

Uniform legislation relating to packaged goods was introduced in this State in 1967 by the inclusion of part IIIA in the Weights and Measures Act.

It is desirable that this uniformity of legislation be maintained as it has been found that benefits have accrued to industry, commerce, and consumers, from a uniform approach in relation to marking and standardisation of packaged goods.

Metric conversion has seen the introduction of new terminology in the use of units commonly referred to in weights and measures parlance for length, area, mass—previously weight and volume.

The Bill provides that where the word "weight" is required to be included in an expression marked on a packaged article, provision is made for the word "mass", where substituted, to comply with the requirement.

The Act currently provides for markings of true mass or measure to be made on pre-packaged articles. As other markings such as date, coding, or ingredients may be used in the future, an amendment will empower this to be done in accordance with regulations to be made for that purpose.

Whilst the metric conversion programme is under way, markings on articles may be expressed in both metric and imperial units.

It is an offence if the true mass or measure is less than that stated on the article, but further clarification of this offence is made in an amendment to the subsection concerned.

It is necessary also to broaden the area of offences in respect of incorrect marking of the price of an article, especially where it is sold at a price per unit of the stated weight or measure, and the marked price for the article is inconsistent with the details shown.

To enable action to be taken against the responsible person it is necessary to include those persons who marked the price on the article, caused or permitted the package to be so marked, or who sell such an article.

Experience has shown that under some sections of the Act it is impracticable to sustain a prosecution when an inspector finds a breach committed when articles are taken at random by an inspector for checking.

Legal argument has shown that the word "random" is not suitable on which to base a case and more appropriate words for packages "selected by an inspector without prior measurement" have been substituted.

Certain expressions which contain words such as "king", "giant", "jumbo', are "restricted expressions" and the list is contained in the regulations. Some restrictions are placed on their use when marked on a packaged article. The amendments will further clarify some points on the use of such terms.

Section 27J (4) defines a "prohibited expression" and makes provision for such to be declared in the regulations.

The expressions are considered to be misleading and an additional provision is to be inserted to include as a "prohibited expression" a statement the veracity of which is not likely to be proved or disproved; for example, a statement marked on a package of dehydrated potatoes that it is equivalent to 20 potatoes.

Also in line with the committee's recommendations an increase in penalties is provided for in the Bill. It is incongruous to have penalties varying between the States for the commission of the same offence.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

YOUTH, SPORT AND RECREATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.59 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to repeal the Youth, Community Recreation and National Fitness Act of 1972, to create a youth, sport and recreation advisory committee, and to establish a small departmental structure under the Public Service Act.

The Bill acknowledges that clear ministerial responsibility and accountability for the State's recreation service should be established.

The functions of the new committee will be to advise the Minister on matters pertaining to community recreation, which includes sport and youth activities, and will examine and report to the Minister on any matters referred to it by the Minister.

It is intended that the committee will consist of seven members comprising the permanent head of the department, *ex officio*, plus six other members appointed by the Governor and nominated by the Minister for their knowledge, experience, or association with the administration or development of recreation, local government, sport, and youth.

The committee will have the power to form advisory committees relating to particular areas of concern and such committees would reflect the individual expertise or interests of its constituent members.

The new structure will establish formal ministerial responsibility for the State's recreation service. At present, Western Australia is the only State which operates its recreation service through a statutory council.

The smaller advisory council will also increase the effectiveness of the present organisational machinery and improve its responsiveness to community needs.

The Government is aware of the increasing importance of leisure time, and the provision of leisure opportunities as a means of improving the quality of life for the individual and the community.

It is the Government's belief that involvement in leisure activities which improves the quality of living, improves the total health of the individual and the community, and that it is necessary to take a positive approach at this time.

The economic significance of the leisure industry to the Western Australian economy, which is presently conservatively estimated at $400 million per year must also be recognised.

Recreation has become an increasing responsibility of both State and local government and it is now essential for the Government to improve the necessary organisational machinery.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

TEACHERS' REGISTRATION ACT REPEAL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [3.03 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to repeal the Teachers' Registration Act, 1976.

Members no doubt are aware that the decision to repeal this Act was made late last year and as a consequence the deferment provisions under section 21 were applied.

Some of the reasons for this decision were the result of significant changes in educational administration since the Act was originally passed; unforseen problems in relation to technical, part-time and pre-school teachers; and an increasing awareness that many of the supposed objectives would not be fully satisfied within the legislation.

At the same time it was recognised that some of the original intentions had considerable merit and the principle of teachers' registration and other matters such as the rights of employing authorities to discharge incompetent or inefficient teachers, was referred to a committee under the chairmanship of Dr W. D. Neal, Chairman of the WA Post-Secondary Education Commission.

The committee has made several recommendations including that consideration be given to methods of assessing teacher competence. It also considers that the mechanism to detect and either assist or discharge incompetent teachers is not adequate.

While the committee recommends that the present legislation be repealed it has indicated that the object of the Act—namely, ensuring that the public interest is safeguarded by only competent persons being permitted to teach in schools—is still a valid and worth-while objective for which to strive.

These proposals are far-reaching and may involve legislation in due course. Meanwhile, these aspects should be considered and the Minister for Education has invited the WA State School Teachers' Union and the Education Department to consider the proposal and submit their recommendations in due course.

The Bill also allows for certain transitional provisions relating to property vested in the Teachers' Registration Board and fees already received.

I commend the Bill to the House.

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

REAL ESTATE AND BUSINESS AGENTS BILL

Recommittal

Bill recommitted, on motion by the Hon. G. C. MacKinnon (Leader of the House), for the further consideration of clause 4.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clause 4: Interpretation, and construction—

The Hon. G. C. MacKINNON: I move an amendment—

> Page 3, lines 18 and 19—Delete the passage "and in the interpretation "small business" ".

I suppose there is some reason for a degree of alarm that we have to do this. However, I am grateful to Mr Berry, who appears to have taken the place which used to be occupied by the Hon. F. J. S. Wise, who became quite famous in this place for the care with which he researched every individual piece of legislation, even to the stage where he was able to point out that punctuation marks were missing.

Mr Berry has noticed that in lines 18 and 19 of clause 4 we neglected to take out a further reference to "small business", which was an amendment agreed to at the request of the Opposition in another place. I am grateful to Mr Berry because if he had not picked up this error it would have been necessary to correct the Bill at a later date.

Amendment put and passed.

Clause, as further amended, put and passed.

Bill again reported with a further amendment.

ADJOURNMENT OF THE HOUSE

THE HON G. C. MacKINNON (South-West—Leader of the House) [3.09 p.m.]: I move—

That the House do now adjourn.

Replies to Questions: Secrecy of Government

THE HON. LYLA ELLIOTT (North-East Metropolitan) [3.10 p.m.]: I have a matter which is causing me great concern and which I believe should be raised in this House. I believe there is developing in this State a very unhealthy and undemocratic situation in that there is an increasing tendency on the part of the Government to obstruct the free flow of information and a tendency towards more and more secrecy.

I shall give a few examples of what I have in mind. There have been a number of occasions but I shall refer only to three or four of them. On the 15th November last year I asked a question without notice concerning the Government's intention to amend the Aboriginal Affairs Planning Authority Act to give permission to people to enter Aboriginal land. I was told the information would be forwarded to me by letter.

I waited four months for that information. It was not a very diffcult request but it did take all that time before I received a reply. Two weeks after asking the question I wrote to the Minister in an effort to get the information, but to no avail. I did not get a reply until the opening of Parliament four months later, and I have a strong suspicion that the Minister had wind of the fact that I was to ask the Government another question along these lines and he did not wish to be embarrassed.

A second incident concerns a question I asked in this Chamber recently and again I believe the information I requested was not unreasonable. I addressed the question to the Minister for Conservation and the Environment and I was rather surprised when the reply came from the Attorney-General. I asked the following question—

> (1) Has the Environmental Protection Authority's report on Alcoa's Environmental Review and Management Programme yet been printed?
>
> (2) If not, when is it anticipated that it will be printed and available to the public?

I believe that to be a reasonable request to the Minister responsible for the administration of the Environmental Protection Authority.

I received a reply from the Attorney General as follows—

> The Hon. Member is referred to the answer to Question 1273 in Legislative Assembly on 23rd August, 1978.

I was taken aback to say the least to find I was told to refer to a question and answer in the Legislative Assembly.

I thought we had the right to ask questions in this Chamber within the confines of Standing Orders. Nevertheless, I checked the answer to the question in the Assembly and I found it consisted of four lines. The question was—

> Will the Minister have the Environmental Protection Authority publish the report on Alcoa's environmental review and management programme?

The reply was—

> This will be a matter for decision after the Government has received the Environmental Protection Authority's report and recommendations.

I do not see why that answer could not have been given to me.

I charge the Government with evasion in this answer. I do not think it is going to release the report. I have it on fairly good authority that the report is so damning to Alcoa's proposed project that the report will not see the light of day. That is why we are not getting straightforward answers to this type of question.

I challenge the Government to have the report printed and made available to the public. There is too much secrecy and concealment by the Government these days. Another example of this was shown after I asked a question a week or two ago when the Minister for Agriculture announced the rather disastrous decision to close down the Midland Junction Abattoir and saleyards.

I made inquiries on this matter and during my inquiries I was made aware of a report called the DESP report. I asked the Parliamentary Librarian if he could obtain a copy of the report for me. I was astounded to learn from him that it was a confidential report and that the EPA would not release it. The Parliamentary Librarian found there were other reports with the Public Health Department dealing with air pollution in the vicinity of the Midland Junction Abattoir and saleyards. He endeavoured to obtain copies but once again he was told these reports were confidential, even if required by a member of Parliament. If a member of Parliament wanted a copy he or she would have to obtain special permission from the Commissioner of Public Health to even read these reports.

I think this situation is outrageous. Not only should the reports be available to members of Parliament but they should also be available for public consumption. Surely things that are of interest to public health should be available to the public. A Government has no right to make these things confidential. The Government is not a closed club. Governments are there for the benefit of the people and the people should be told what is going on when inquiries are held.

The most serious matter about which I strongly protest is that on the 10th May this year I endeavoured to obtain information by way of a question about the number of Aboriginal prisoners who had died in police custody. It was a question without notice although I had observed the normal practice and had rung the question through earlier in the day. I appreciated it would take a little time to prepare the answer so I was quite happy to accept the Minister's reply at that stage that the information would take some time to collate and would be conveyed to me by letter.

However, the letter I received from the Minister for Police dated the 26th May informed me that the answer to my question would require considerable research as such figures were not kept in the central police records. The Minister went on to say that, even if they were, there could be no accurate breakup of Aborigines and non-Aborigines as files were kept in name only and no distinction was made between races.

I was most unhappy with that answer so I decided to get information on the number of all races of people who had died in police lockups and on the 17th August I addressed a question to the Leader of the House representing the Minister for Police. I asked also, if the records referred to name only, how was he able to establish that a person charged with an offence was of the Aboriginal race.

The answer to the first part of the question was—

> The information is not readily available.

I think that is outrageous; the police should be able to say how many people have died in custody. Surely to goodness in an important matter like this they should have statistics available at their fingertips. To continue with the answer—

> An endeavour will be made to collect the information requested but it will take several weeks to obtain from perusal of all Sudden Death files throughout the State, numbering some thousands.

In this day and age of computers this information should be readily available instead of this nonsense of someone having physically to go through thousands of files. I find that hard to accept.

I am advised by a legal person that the Police Department uses a computer for its records and if a person is charged the department can immediately use the computer and check that person's previous convictions, if any. Surely on a subject like deaths in police lockups, the Commissioner of Police should know immediately where, how, and when such deaths occur without his having to wait for some member of Parliament to ask the question and be told it will take weeks to research. If the Police Department does not have this information—I am assuming what I have been told is correct—it is about time it started to get some statistics together.

I asked the question because it was alleged that in one police lockup three Aboriginal people had died. If this sort of thing is happening, surely the commissioner should have the relevant information.

I also find it very hard to accept that the records or files do not make reference to the fact that a person is an Aboriginal. I have been asking a series of questions in an attempt to obtain some information. Perhaps the little card which is associated with the computer does not record the fact that the person is an Aboriginal, but do not the police handling the matter talk to the Coroner or the Attorney General's Department? Does the Attorney General's Department not keep a photograph and the person's name on the files? When an inquest is held, does not the pathologist refer to the colour of the person concerned or any other distinguishing facts about the person? I am becoming very suspicious as to why I have not obtained this information long before now.

I have another matter I wish to raise. One of the questions I asked was addressed to the Minister for Police, but was answered by the Attorney General. The question was—

> Is it a practice complaints issued out of Courts of Petty Sessions against Aboriginals contain the fact that they are Aboriginal?

I was trying to get some sort of information as to the kind of details kept following a court procedure. I was astounded at the reply which was, "No".

I was astounded because I have in my possession an actual complaint sheet with the word "Aboriginal" on it, and it was issued in March this year. I know the Attorney General is an honourable man and perhaps he misunderstood my question originally directed to the Minister representing the Minister for Police.

The Hon. I. G. Medcalf: I tabled a copy of the complaint form. Is that the same as yours?

The Hon. LYLA ELLIOTT: Just a minute. I asked another question.

The Hon. G. C. MacKinnon: What about answering his question?

The Hon. D. K. Dans: Who is making the speech?

The Hon. LYLA ELLIOTT: It is actually typed on.

The Hon. G. C. MacKinnon: It should not be.

The Hon. LYLA ELLIOTT: It is, and I have a copy of it. It is a complaint issued by a constable in a Court of Petty Sessions or through the Magistrate's Court and it is a fact that the word "Aboriginal" is typed on the sheet.

The Hon. G. C. MacKinnon: It was very improper of him.

The Hon. LYLA ELLIOTT: I thought the question must have been misunderstood so I asked another question without notice of the Minister representing the Minister for Police. I rang it through to his office and members heard the question I asked, which was—

> Is it a practice in a case where a police officer lodges a complaint in a Court of Petty Sessions for such a complaint to record the fact that a person is an Aboriginal?

Again, I received the answer, "No". Apparently Ministers do not know what is going on in their departments. I do not understand why I am getting these answers. That is another way in which information about whether a person is Aboriginal appears on the records.

The Hon. I. G. Medcalf: You got the correct answer to your question.

The Hon. LYLA ELLIOTT: I can show the Attorney General a copy of the complaint.

The Hon. I. G. Medcalf: How do I know what people put on forms? The form does not have it. I do not know what you have in front of you.

The Hon. LYLA ELLIOTT: I asked—

> Is it a practice in a case where a police officer lodges a complaint in a Court of Petty Sessions for such a complaint to record the fact that a person is an Aboriginal?

The Hon. I. G. Medcalf: The answer is, "No".

The Hon. LYLA ELLIOTT: I am sorry, the answer is, "Yes".

The Hon. I. G. Medcalf: Why did you not ask yourself the question then?

The Hon. LYLA ELLIOTT: It may not be so in every case, but there are complaints which contain the information that the person is Aboriginal.

The Hon. R. G. Pike: What is to stop someone with mischievous intent typing it on afterwards?

Several members interjected.

The PRESIDENT: Order!

The Hon. LYLA ELLIOTT: I am told on good authority, by a lawyer who deals with these cases, that even if the word "Aboriginal" is not typed on the top near the person's name, it is a fact

that on the bottom of the form it is stated that secion 49 of the Aboriginal Affairs Planning Authority Act has been complied with. In other words, the person concerned must be informed of his rights and understand the charge laid against him.

The Hon. I. G. Medcalf: Is there anything wrong with that?

The Hon. R. Hetherington: No-one is saying there is.

The Hon. LYLA ELLIOTT: I did not say there was. I am indicating this is another way in which a complaint sheet registers the fact that a person is an Aboriginal. Surely members can understand that.

In reply to a question today I did not get the right answer. I did not want a copy of the complaint sheet, but a copy of the charge sheet. I am using the term lawyers use.

The Hon. I. G. Medcalf: That is the one they call a charge sheet.

The Hon. LYLA ELLIOTT: I am told there is a daily charge sheet which lists all the charges at the court and there is a special column for "race" on this sheet. That is what I wanted tabled.

The Hon. I. G. Medcalf: You are talking about something else.

The Hon. LYLA ELLIOTT: I am using the terms the lawyers used. I was told it was called a charge sheet.

The Hon. I. G. Medcalf: No. That is what everyone refers to as a charge sheet. It has "Charge No." at the top.

The Hon. LYLA ELLIOTT: I will not argue about this particular question although I did not get the answer I wanted. I could argue all day with the Attorney General, but that is not concerning me as much as the fact that I have not received proper answers to the questions. Therefore I felt it was important that I should raise the matter in this way and draw attention to the fact that I believe this rather unhealthy and undemocratic situation is developing in this State.

THE HON. G. C. MacKINNON (South-West —Leader of the House) [3.27 p.m.]: Although I believe that that speech was much ado about nothing, nevertheless it displays such a total lack of understanding of some very fundamental principles that I felt constrained to answer the allegations.

The first thing which must be clearly understood—and I thought it was clearly understood because it enters into almost the primary course of one's behaviour in this place—is that Ministers in this place are under no hide-bound obligation to answer a question. Questions are answered in Parliaments in many different ways and it might surprise the honourable member to know that in Tasmania, which has been subjected to an ALP administration for far too many years, it is the practice for all questions to be submitted to Cabinet once a week and then to be answered subsequent to that. It is a very slow and laborious procedure and many questions are not answered at all.

It also seems to have escaped the honourable member's memory that, standing in this place or in one of the positions on the front bench, either Gerry Dolan or Ron Thompson in the capacity of Minister for Community Welfare—and I rather suspect it was Ron Thompson—introduced a Bill which laboriously took out the word "Aboriginal" from the whole of the legislation and referred instead to "disadvantaged persons".

It was stated with very little equivocation that everybody knew we were referring to Aborigines but they were being called "disadvantaged persons" because the word "Aborigines" looked racist.

The Hon. Lyla Elliott: Why is it still used on the sheets at the courts?

The Hon. G. C. MacKINNON: If the honourable member can show me any sheet which has printed on it the word "race"—alongside which one could put "Greek", "Italian", "Aboriginal", or whatever—

The Hon. Lyla Elliott: The Courts of Petty Sessions have a sheet.

The Hon. G. C. MacKINNON: The word is simply not there. In fact, if it were there the first person who would be screaming over here getting his name on the front page of a newspaper would be one of the Hon. Lyla Elliott's dear friends, Al Grassby. We have never followed the American practice of using the words "Caucasian" and "Negro" to differentiate between white and black. We have had a definition of an Aboriginal, and it has been varied from time to time. Some people in the community who could under some circumstances claim to be Aboriginal elect not to, and others who could well claim to be white elect not to be referred to as "Caucasian".

The Hon. Lyla Elliott: When am I going to get the answer?

The Hon. G. C. MacKINNON: The honourable member will never get the answer. What I am at such pains to tell her and the Hon. Roy Claughton is that we have rules in regard to

answering questions, and indeed the answering of questions is not an obligation. The answering of questions with total truth is an obligation, one which I cannot recall any Minister in this Chamber, from the ALP or any other party, ever transgressing.

The Hon. Lyla Elliott: If you do not answer it, it means you are not prepared to answer it.

The Hon. D. K. Dans: Do you not agree it has been the past practice in this House to answer questions?

The Hon. G. C. MacKINNON: It is still the practice in this House.

The Hon. D. K. Dans: And what happens in America has nothing to do with this House.

The Hon. G. C. MacKINNON: That is precisely what I am saying; and the practice used in this House has been used for a long time.

The Hon. D. K. Dans: And is continuing to be used.

The Hon. G. C. MacKINNON: It is continuing to be used, and the Hon. Lyla Elliott simply does not understand the system.

The Hon. Lyla Elliott: Do not talk rubbish. You are not prepared to answer difficult questions.

The Hon. G. C. MacKINNON: I regard all questions as being difficult, in that I deal with them with care, I look at them personally, and I answer them personally on information supplied to me by my department, as I think any Minister would. The honourable member referred to a question in which she claims there was four months' delay. I remember the question and am prepared to admit there was a delay; indeed, I apologise for it. Such things happen and I apologise for it. If the honourable member wants me to do so, I will apologise again—bearing in mind that I do not know where questions are answered as promptly as they are answered here, and I refer to a statement made by the Hon. Robert Hetherington which backs me up. We have a very good practice in this place. We bend over backwards to answer questions the day after they are asked. On occasions mistakes are made but they are very few.

The Attorney General answered a question for the Minister for Conservation and the Environment because he represents that Minister in this House. Surely that is a matter sufficiently simple for the Hon. Lyla Elliott to understand.

The Hon. D. K. Dans: She understands.

The Hon. G. C. MacKINNON: Then why did she make the comment?

The Hon. D. K. Dans: Because she understood she was getting the wrong answers.

The Hon. G. C. MacKINNON: What she said she could not understand was why the Attorney General answered a question for the Minister for Conservation and the Environment. The reason is that he was representing that Minister in this House, and on the day she asked the question Mr O'Connor was the Minister for Conservation and the Environment.

The Hon. Lyla Elliott: I apologise for that one.

The Hon. G. C. MacKINNON: The honourable member has apologised to me, and I have apologised to her. Let us accept each other's apologies with good grace.

She went on at considerable length with regard to secrecy. Surely it is time we appreciated the difference between secrecy and confidentiality. A number of matters come to the attention of Ministers which must be regarded as confidential. Indeed, penalties are written into a number of Acts of Parliament in which the very matter of confidentiality is treated as of great importance. The breaching of such confidentiality is a punishable offence which is subject to a very severe fine. Such provisions are written into some Acts.

In addition, if a report is made on an industry which could be extremely harmful to that industry and it is a matter of correction, any Government has an obligation to deal with it confidentially. I can recall one such case when I was the Minister for Health. Some trouble arose about admissions to a hospital. The matter was noted on the Friday, and on the Monday when the factory opened the whole matter had been corrected and the 100 employees were assured of their jobs because the factory could continue to operate. It was highly desirable in the interests of everybody that the matter be treated with confidentiality.

The Hon. F. E. McKenzie: Does that apply to Alcoa?

The Hon. G. C. MacKINNON: I will come to that in a minute. The example I gave was a real one.

The Hon. D. K. Dans: I hope they are all real ones.

The Hon. G. C. MacKINNON: Of course they are. I have been a Minister for long enough to be able to recall matters which Labor Ministers handled in the same way, with kindness, courtesy, and confidentiality.

The Hon. Lyla Elliott: Why should a matter of air pollution be a matter of secrecy?

The Hon. G. C. MacKINNON: If the honourable member cannot think of reasons for herself, I will not hold up the House to explain it. Accidents can happen, and they are corrected. Mr McKenzie—and I do not blame him and other members of the Opposition for trying to protect and assist Miss Elliott after a speech such as she made—asked whether the report on Alcoa would be a matter of confidentiality. The answer to that is: "Maybe and maybe not".

The Hon. Lyla Elliott: Depending on how damning it is.

The Hon. G. C. MacKINNON: It has nothing at all to do with that.

The Hon. Lyla Elliott: Oh yes, it does.

The Hon. G. C. MacKINNON: Bear in mind that the report is put forward under legislation which was passed by this House when I was sitting in the seat Mr Hetherington now occupies. In short, the procedures being followed are the procedures laid down in a piece of legislation which was put through this House when the State was under the control of the Hon. J. T. Tonkin. That is the Government which proposed the legislation under which the EPA operates.

The Hon. R. F. Claughton: The Act has subsequently been changed by your Government.

The Hon. G. C. MacKINNON: The Act has not subsequently been changed in any major effect whatsoever, and all the procedures laid down in that Act are the procedures the Labor Government laid down to tighten up the Act and "put teeth into it", to quote that Government's words. Speaking from memory, every Government member who spoke to the Bill on that occasion used those words in one form or another, and we accepted the legislation.

The Hon. R. F. Claughton: There was no provision in our legislation for an environmental review and management programme, as there is now.

The Hon. G. C. MacKINNON: There was provision for reports. The honourable member asked why the question with regard to the report not being printed has not been answered. The reason is that we are not sure whether it will be printed or typewritten and copied.

The Hon. Lyla Elliott: Why should it not be printed?

The Hon. G. C. MacKINNON: There may not be a need for sufficient copies to justify printing. Let us say, for argument's sake, that the report said the company ought to be allowed to proceed after a total re-examination of certain aspects, but apart from that the matter was acceptable. In other words, the report was simply calling for a re-examination. What is the point in printing that? There is no point whatsoever in doing that. Members opposite created the Environmental Protection Authority, and it is not at all a bad organisation.

The Hon. R. F. Claughton: The report could be made public.

The Hon. G. C. MacKINNON: It could well be, and that is a matter of personal belief. It is a matter for the Government of the day to decide. No-one has said it will not be made public. However, let members opposite bear in mind that the EPA, with the powers and authorities it has at the moment, was set up by their Government.

The Hon. R. F. Claughton: And you changed it.

The Hon. G. C. MacKINNON: We did not change it. Certain matters which go before the EPA are strictly confidential; indeed, everyone knows and understands that.

The Hon. Lyla Elliott interjected.

The Hon. G. C. MacKINNON: Sir, we are wasting our breath talking to the Hon. Lyla Elliott because she simply does not understand the fundamental issues we are talking about.

The Hon. Lyla Elliott: You are being insulting now.

The Hon. G. C. MacKINNON: I mean to be insulting. I feel as a result of the potential damage such statements could do when read in *Hansard* by people outside, they must be answered. There is a difference between secrecy and confidentiality, and that is the point I am trying to make.

The Hon. R. F. Claughton: It must be difficult, because you are making hard work of it.

The Hon. G. C. MacKINNON: That is because it was such a terrible speech; but the implications are there.

The Hon. D. K. Dans: You are taking a long time to answer it.

The Hon. G. C. MacKINNON: I did not ask Miss Elliott to get up and speak on such a trashy subject.

The member for Rockingham in another place made an awful fuss about a very minor distribution of some supposedly radioactive waste, and he really frightened many people. He based his statements on something which was given to him in a confidential manner.

The Hon. D. K. Dans: The people are frightened of this Government.

The Hon. G. C. MacKINNON: The member for Rockingham made a fuss about absolutely nothing, despite the factual assertions of the Commissioner of Public Health that there was no danger.

I believe I should spend some time on the matter of the classification of people, as raised by Miss Elliott.

The Hon. Lyla Elliott: I am more concerned about the number of people who have died; forget about the Aboriginal side of it. Why can't I obtain the number of people who have died?

The Hon. G. C. MacKINNON: Here again, the honourable member seems to want us to programme computers to make every statistic imaginable available. She does not seem to realise that we can get out of a computer only what we programme into it.

The Hon. D. K. Dans: Thank you for that information.

The Hon. G. C. MacKINNON: Well, Miss Elliott does not understand it; why does not the Leader of the Opposition take her aside and have a little talk to her?

The Hon. Lyla Elliott: When you have no answer you get personal.

The Hon. Grace Vaughan: The easiest way to make yourself look good is to denigrate someone else.

The Hon. G. C. MacKINNON: That is something I learnt from the Hon. Grace Vaughan; as a matter of fact, it is the only thing I have learnt from her. It is the only thing I have been able to learn from her speeches, while trying to ascertain the nub of what she is talking about. Miss Elliott apparently wants us to commence a racist policy of recording the race of every person about whom a complaint sheet is compiled.

The Hon. Lyla Elliott: I didn't say that.

The Hon. G. C. MacKINNON: The honourable member did, and it is obvious that is what she wants. I can tell her that we will not do it. It is our belief that all these people should be regarded as Australians. When the Labor Government initially introduced the Department for Community Welfare—I think it was Mr Thompson who introduced the Bill in this Chamber—it ensured that Aborigines would be treated as Western Australians, and there would be no differentiation between whites and Aborigines. We accepted that and agreed to it, and we expect members opposite to do the same thing.

The Hon. R. Hetherington: You are bringing in red herrings.

The Hon. G. C. MacKINNON: I am not introducing red herrings. We have no intention whatsoever of starting to write, "Greek", "Italian", "Scottish", or "Australian", let alone "Aboriginal", alongside a person's name.

The Hon. Lyla Elliott: I did not say you should do that.

The Hon. G. C. MacKINNON: The honourable member has no right to base her argument on the fact that a constable in a police station wrote "Aboriginal" across the bottom corner of a form—as he apparently did—because the form does not seek a person's race. There are some forms which seek the sex of a person, and one must fill in "F" or "M". However, I have yet to see a form which sought the race of the person involved.

Question put and passed.

House adjourned at 3.46 p.m.

QUESTIONS ON NOTICE

EDUCATION: TEACHERS

Trainees: Number Graduated and Employed

271. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

(1) How many trainee teachers graduated from each of the teacher training institutions at the end of 1977?

(2) How many from each institution sought employment in teaching?

(3) How many from each institution were employed at the beginning of the 1978 school year?

(4) How many from each institution have been employed since the beginning of the 1978 school year?

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

	Question (1)	Question (2)	Question (3)	Question (4)
Churchlands	358	350	153	90
Claremont	199	180	73	28
Graylands	160	156	89	28
Mount Lawley	340	340	156	60
Western Australian Institute of Technology	181	179	92	33
Murdoch	...	47	22	8
University of W.A. and Secondary Teachers College	635	537	341	49

NOTE:

(1) The numbers given in question (1) are estimates of teachers available for initial employment. The University of WA and the Secondary Teachers College numbers

are combined because they share Dip. Ed. programmes. Estimates for Murdoch are unavailable.

(2) The numbers in question (2) include a significant but unknown number of teachers who also applied for non-Government schools and a few teachers who withdrew applications at a later date.

(3) The numbers in questions (3) and (4) do not include teachers who have been appointed to non-Government schools.

RAILWAYS

City Arcade Booking Office

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

What revenue has been obtained by Westrail from the City Arcade Booking Office for each of the financial years ending June 1977 and June 1978?

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

	Gross Revenue $
30th June 1977	1 190 000
30th June 1978	1 561 000

ABATTOIRS: EXPORT

Beef Cattle: Killing Costs

273. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Agriculture:

Will the Minister provide relative killing costs for different categories (or weights) of beef cattle at export abattoirs at—

(a) Wyndham;

(b) Broome;

(c) Geraldton;

(d) Midland Junction;

(e) Robbs Jetty;

(f) Wooroloo;

(g) Harvey;

(h) Bunbury;

(i) Katanning; and

(j) Albany?

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

The costs of slaughtering livestock at privately owned abattoirs are confidential to the management concerned and are not known to the Department.

The slaughtering fees for cattle at the Government service abattoirs are set out in the *Government Gazette* of August 19, 1977 (pages 2711/12).

HEALTH

States Grants (Home Care) Act: Federal Subsidies

274. The Hon. LYLA ELLIOTT, to the Minister for Lands representing the Minister for Health:

In view of the announcement by the Federal Government on the 22nd June, 1978, that subsidies for home care services and provision of welfare officers for the aged salaries under the State Grants (Home Care) Act would be reduced from $2 for $1 to $1 for $1, would the Minister advise—

(1) Will the State increase its allocation to this area of social welfare to prevent cuts in home care services and the sacking of welfare officers?

(2) What arrangements will be made with local government in respect to its commitments to these services?

(3) What steps has the State Government taken, or does it intend taking, to strongly protest to the Fraser Government about these cuts which will seriously affect a vital area of social welfare?

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

(1) The State's allocation for Home Care Services will remain the same but the cost to the State will increase because the amount received from the Commonwealth will be reduced.

(2) The welfare officers have been employed under an arrangement between the local authority and the Commonwealth. In the present financial constraints, I do not anticipate that the State will be in a position to provide funds for this purpose.

(3) This is only one of a number of areas where the Commonwealth has reduced the level of funding or ceased to fund programmes. Continuous protests have been unsuccessful and it is unlikely that a particular protest in regard to this area would be any more successful.

RAILWAYS

"Prospector" Service

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

(1) Is the Minister aware that "The Prospector" has not been departing and arriving from outside the main building at the Perth Terminal because diesel fumes from the train have been entering the air-conditioning system causing patrons and employees inside the building discomfort and nausea?

(2) Is he also aware that the arrival and departure point away from the main building is very inconvenient for passengers, and complaints to staff are resulting?

(3) Will he take steps to ensure that the exhaust system of "The Prospector" cars is modified to prevent the fumes entering the air-conditioning of the building or, alternatively, have the air-conditioning intake ducts of the building located away from the fumes?

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

(1) There are occasions due to the late arrival of the interstate passenger train when the Prospector must of necessity depart from the north end of Perth Terminal Station.

It is acknowledged that problems have been experienced by fumes from Prospector entering the building through the air conditioning ducts and this has also necessitated positioning the train away from the main building.

(2) and (3) Tests are currently being carried out to see if a satisfactory solution can be found to the problem. The Minister will let the honourable member know the outcome.

276. *This question was postponed.*

RAILWAYS

Finances

277. The Hon. H. W. GAYFER, to the Minister for Lands representing the Minister for Transport:

Further to my question No. 226 of Tuesday, the 22nd August, 1978—

(a) am I to understand that the interest figure of $12 799 000 as a charge against the Railways on its share of State loans at the 1977/78 average rate of 6.5 per cent represents a total loan indebtness of the Railways for 1977/78 of $196 907 692; and

(b) what is the sinking fund figure for 1977/78 in respect of this loan which the Western Australian Government Railways has to meet?

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

(a) The loan indebtedness of the railways at 30th June, 1978, was $197 974 732. The actual interest charge for 1977/78 was assessed at $12 536 673.

(b) $2 450 586.

REGIONAL DEVELOPMENT

Geraldton and Albany

278. The Hon. W. M. PIESSE, to the Attorney General representing the Minister for Industrial Development:

(1) What is the cost per year, including salaries paid, of the Regional Development Office in Albany?

(2) What is the range of salary, including allowances, for a Regional Development Officer?

(3) What specific benefits have eventuated from having a Regional Development Officer in Geraldton?

The Hon. I. G. MEDCALF replied:

(1) Although separate costs are not maintained for each regional office of the Department of Industrial Development, it is estimated that the Albany Office costs for 1977-78 were $26 000.

(2) $12 736 to $13 106.

(3) A number of company representatives have told me of their high regard for the regional officer and the contribution he is making to the region. It is difficult to be specific without discussing company business. Undoubtedly many regional industries and businesses have benefited through being able to avail themselves of departmental services in regional centres rather than having to contact the department's Perth head office.

COURTS

Charge Sheets

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

(1) Is it a fact that Courts use charge sheets which include a column for "Race"?

(2) Will he please table one of these sheets?

The Hon. I. G. MEDCALF replied:

(1) No.

(2) The court form known as a charge sheet is submitted for tabling. *(Paper No. 295)*.

QUESTION WITHOUT NOTICE

ABORIGINES

Courts of Petty Sessions Cases

The Hon. LYLA ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

Is it a practice in a case where a police officer lodges a complaint in a Court of Petty Sessions for such complaint to record the fact that a person is an Aboriginal?

The Hon. G. C. MacKINNON replied:

No.