

# Legislative Council

Wednesday, 6 August 1980

The DEPUTY PRESIDENT (the Hon. V. J. Ferry) took the Chair at 4.30 p.m., and read prayers.

## RAILWAYS: MERREDIN

### *Transportable Residence: Petition*

**THE HON. J. M. BROWN** (South-East) [4.31 p.m.]: I wish to present a petition from residents in Western Australia praying that the Minister for Transport cancel the order by Westrail for a transportable residence at Cunningham Street, Merredin. It reads as follows—

TO: The Honourable President and Members of the Legislative Council.

WE, the undersigned residents of Western Australia hereby: Petition to the Hon Cyril Rushton M.L.A. Minister for Transport calling for the cancellation of the order by Westrail for a Transportable residence at Cunningham Street, Merredin, because

1. It is contrary to the wishes of the residents in the town.
2. It is contrary to the decision of the Merredin Shire Council which has been overruled by the Hon. June Craig minister for the Local Government.
3. It is contrary to the standard of residences erected in Merredin over the past 15 years by City and Country building contractors.
4. It is contrary to the policy of decentralisation a transportable residence has never been approved in the Merredin Townsite.

Your Petitioners will ever pray that their humble and earnest petition will be acceded to.

The petition contains 45 signatures and bears the certificate of the Clerk that it is in conformity with the Standing Orders of the Legislative Council. I move—

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

Question put and passed.

*The petition was tabled (see paper No. 159).*

## QUESTIONS

Questions were taken at this stage.

## COMMITTEES FOR THE SESSION

### *Representation of President*

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.10 p.m.]: I move, without notice—

That during the absence of the President, the Chairman of Committees be authorised to represent the President on the following Standing Committees—

The Library Committee  
The House Committee  
The Printing Committee.

Question put and passed.

## SUPPLY BILL

### *Standing Orders Suspension*

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.12 p.m.]: I move—

That so much of the Standing Orders be suspended so as to enable a Supply Bill to be taken on receipt of a Message from the Legislative Assembly, to have precedence each day before the Address-in-Reply, and to be passed through all stages at any one sitting.

This motion is moved at the commencement of each session of Parliament for the purpose of enabling the House to deal with the Supply Bill ahead of the Address-in-Reply.

The previous Parliament authorised the appropriation of funds for Government spending in the year ended 30 June 1980. Changes to the procedure for granting supply were adopted in 1978 to enable such a measure to be dealt with in the autumn sitting of Parliament. The circumstances in an election year are that the new procedures cannot be followed, and the Government operates on warrants until the passing of a Bill authorising supply, pending further appropriation of funds. I shall explain these procedures in more detail when speaking to the Supply Bill at a later stage. In the meantime, I commend the motion to the House.

Question put and passed.

## COMMITTEES FOR THE SESSION

### *Assembly Personnel*

Message from the Assembly received and read notifying the personnel of sessional committees appointed by that House.

## SUPPLY BILL

### *Receipt and First Reading*

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

*Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—  
Leader of the House) [5.15 p.m.]: I move—

That the Bill be now read a second time.

This measure seeks the grant of supply to Her Majesty of \$910 million for the works and services of the year ending 30 June 1981, pending the passage of Appropriation Bills later in the year.

Before moving on to the actual provisions of the Bill I would like to recount the change that has taken place in recent years in seeking the grant of supply.

For many years prior to 1978 it had been the practice of successive Governments to introduce a Supply Bill at the beginning of the Budget session of Parliament, usually at the end of July or early August. This practice had its origin in the years when Parliament did not normally sit in the first six months of the calendar year and there was no practicable opportunity for the Government of the day to obtain supply before 1 July of the ensuing financial year.

Although this procedure had been accepted by Parliament and sustained by custom and tradition, it meant that Governments had expended moneys from the Public Account in the initial weeks of a financial year in reliance upon subsequent ratification of this action by Parliament when a Supply Bill was passed.

Strictly speaking this custom was in conflict with the intent of the Constitution Act which provides for the appropriation by the Legislature of moneys from the Consolidated Revenue Fund. It was decided, therefore to seek supply for the ensuing financial year in the autumn sitting of Parliament. This was done in each of the years 1978 and 1979.

However, this procedure cannot be followed in an election year when there is normally no sitting of Parliament before the commencement of the new financial year.

Members will recall that, to regularise the situation in these years, the Audit Act was amended to provide for an automatic grant of supply for the first weeks of the new financial year.

The authority provided by that amendment to the Audit Act limits both the amount of supply which is provided automatically and the period for which it is available. The authority given to the Government to expend funds in the first two

months of the year is limited to one-fifth of the expenditure authorised by the Appropriation Act for the preceding financial year. This limit provides for reasonable requirements for two months allowing for cost increases during the preceding year.

The limits imposed on the automatic provision of supply are intended to require the Government of the day to bring down a Supply Bill as soon as Parliament is in session and pending the passage of the Appropriation Bills, in line with normal parliamentary procedure.

With the introduction of the new supply arrangements from 1978, the practice of giving an account of the financial transactions of the previous financial year when speaking to the Supply Bill was discontinued. However, in accordance with an undertaking previously given to Parliament, a statement on last year's results has been circulated for the information of members. Full details of transactions for 1979-80 will be laid before Parliament in the Statement of Public Accounts accompanying the Auditor General's Report.

The task of the Government in framing the Budget for 1980-81 has been most difficult.

Across-the-board increases in public sector salary and wage levels and a significant lift in the price of petroleum products are adding to the cost of providing Government services at an alarming rate. The resulting rate of growth of expenditure on existing activities alone is outstripping the rate of growth of our revenues. Moreover, the Commonwealth Government has decided to maintain contributions for the community health, school dental, childhood services, and agricultural extension services programmes at the 1979-80 dollar amounts.

These factors, particularly salary increases over and above those resulting from national wage indexation decisions, have created severe budgetary problems for the Government. There is no doubt that expenditure will have to be curtailed with greater severity than has been the case in recent years and the Government has had to review and increase charges for a wide range of services in an effort to recover the increased costs with which we are faced. The only alternative is to cut back on staff and the services provided and indeed the latter course may prove to be necessary before a tractable Budget can be presented to Parliament.

On the capital side, the general purpose capital allocation approved by Loan Council allowed for an increase of only 5 per cent. There was no increase in the basic borrowing programmes of larger authorities. These decisions mean that the

increase in funds available to the Government for its normal works programme are less than the inflation rate in the building and construction industry and impose serious difficulties upon us in putting together a balanced and effective capital works programme.

More will be said on these issues when the Budgets are presented to Parliament in September.

I now turn to the provisions of the Supply Bill before the House.

An issue of \$800 million is sought from the Consolidated Revenue Fund and \$75 million from moneys to the credit of the General Loan Fund. Provision is also made for an issue of \$35 million to enable the Treasurer to make such temporary advances as may be necessary.

The amounts have been based on needs and estimated costs of maintaining the existing levels of services and no provision has been made for any new initiatives which must await decisions in relation to the revenue and capital budgets to see the extent to which they may be financially possible.

I commend the Bill to the House.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [5.21 p.m.]: As I am sure all my colleagues will confirm, I am about the least contentious person one could find. At the same time I have the view that if one has something to say, one ought to say it plainly. If in the course of speaking plainly I go beyond the limits normally associated with a speech to which the courtesies of the House are extended, I am happy to waive those courtesies rather than restrict my ability to say what I think.

It is inconsistent with the spirit of the Constitution of this State that Supply Bills should be dealt with as though it was seriously open to us to either accept or reject them. Our system of government is based on the premise that whichever party has the support of a majority in the lower House is entitled to govern. Not only that, but it is entitled to govern for a full constitutional term while it retains the support of the lower House. But a Government cannot govern without supply; so that a refusal of supply by this House would destroy a Government, no matter what its standing in the Legislative Assembly.

To refuse supply would therefore be legal, but wrong. And if it is wrong to do it, it is wrong to carry on as though we are entitled to do it.

Perhaps at the expense of our collective ego, we ought to remember that the unlimited power of

this Chamber is nothing more than an accident of history and has nothing better to commend it.

The fact is that when the State established two Houses of Parliament in 1890, it saw no reason to go past the Westminster Parliament as a model. The Westminster Parliament had the Commons and the House of Lords, and the assumption was that that must be all right. So that is what we did, or at least as closely as possible, given the absence of a local nobility to do the job properly. In lieu of the titled aristocracy, we limited the upper House franchise to a propertied aristocracy.

Unfortunately, what was missed in the course of this process was that the model we were adopting was itself an anachronism in an advanced state of decay.

Twenty-one years after our Constitution was enacted, the House of Lords was severely limited in its general legislative powers, and its powers in respect of money Bills effectively was abolished altogether. That was in 1911. Today—in 1980—we in this Chamber have still not caught up with that basic reform, and it is about time we did.

Perhaps the position might not be so serious if the Council had some other redeeming feature; for example, if it were democratically elected, or if it were game to face the consequences of its rejection of supply or other Government legislation by a double-dissolution provision. But none of that applies to us. In 90 years under the present State Constitution the Labor Party has not once had a majority in this Council. After the recent election in which the Labor Party gained 48 per cent of the votes on a two-party preferred basis, we have no more than 28 per cent of the membership of this Council. As the Leader of the Opposition pointed out just a few days ago, one-third of the population of the State elect two-thirds of the membership of the Council. In this context the universal franchise becomes meaningless. Worse than that, it mocks the democratic process by a facade of respectability for an institution which is fundamentally undemocratic.

In a democratic age, a body built on our foundations has a most questionable right to decide anything. It certainly has no business deciding on the life or death of a Government. Yet that precisely is what the power to accept or reject supply involves.

It is to the credit of earlier members of the Council that, in spite of obnoxious examples set elsewhere, the House has never come to the point of actually refusing supply, and that is instructive. It is the clearest indication possible of an

historical acceptance of the principle that no matter what the legal form it is constitutionally improper for the fate of a Government to be decided elsewhere than in the House which creates it.

A Government which has the approval of supply by the Assembly, should not have to seek the further approval of this House. That is an elementary proposition and we should legislate to give it effect. If, in the meantime—as is the case now—the Constitution requires our approval, then that approval should be given as a matter of form.

The Opposition will not oppose the Bill or delay it. As far as the Opposition is concerned, the Government may pass the Bill through all remaining stages forthwith.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.27 p.m.]: I am glad to hear that the Opposition proposes to endorse the Supply Bill. It is certainly very pleasing that we should have supply granted so readily and so quickly, and it is a cause of gratification to the Government. I must say that some of the views which the honourable member expressed during his maiden speech were expressions of his own opinion and value judgments which do not necessarily reflect any ultimate truth as the manner in which he appears to be producing them would seem to imply.

The Hon. R. Hetherington: They are also expressive of his party's views.

The Hon. I. G. MEDCALF: The view that the Constitution of this House is an accident of history is true. What is not an accident of history? I suppose we are all accidents of history. We are the product of what has gone before, and so are our Constitutions as well as the laws which we have inherited, and the books which we study. Everything we have we have received from history—from what has occurred on previous occasions. It has been handed down to us and, in that sense, I suppose everything is an accident.

On the other hand, it is a question of whether or not we believe there is some design in human affairs; and, of course, human relationships and human institutions change from time to time with the passage of the years. Therefore it is really not very significant to say that the Constitution this Chamber has is simply an accident of history. It may be, and it is apparent that the honourable member and some other members would not agree with the Constitution of the House. They do

not agree with the fact that this House clearly does have the right to reject supply. I noted that the honourable member made it clear he believed that legally this was the position, and I was gratified to hear it, because some people have suggested that is not the position. However, that is clearly the position. The House does have the right to reject supply.

The honourable member was quite proper when he said that the House has never rejected supply. That is so, although it has had the opportunity to do so on a few occasions. That does not alter the fact that the legal power is there, although it has not been used.

The general views expressed were well put, but I have heard them before. All members have heard them before. It is an old record which is being replayed. As an expression of a member's opinion, it simply joined the expressions of opinion we have heard on previous occasions.

Nevertheless, I do thank the Opposition for its support of supply on this occasion.

The Hon. R. Hetherington: We are not supporting it. We are just not opposing it.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

## ADDRESS-IN-REPLY: THIRD DAY

*Motion*

Debate resumed from 5 August.

**THE HON. R. G. PIKE** (North Metropolitan) [5.34 p.m.]: I rise in this debate to speak on a subject which would be classified by me and, I think, by my listeners, as controversial. I take the opportunity to deal with Aboriginal land rights, particularly in the Northern Territory. This is a matter I would have raised normally in the adjournment debate; but as all members know, I

am not given to introducing controversial matters in the adjournment debate. I thought it more appropriate to do so in the Address-in-Reply.

The Hon. D. K. Dans: You mean you are not going to do it again?

The Hon. R. G. PIKE: I will be quoting from an article in *The Northern Territory News* which is headed "Land rights flash point approaching". Of course, a copy will be made available if members require it.

Yesterday our Minister in another place, Mr Grayden, made some statements with regard to this matter as a consequence of opinions expressed by various sources regarding the administration of land rights in the Northern Territory. The document from which I will quote presents the best, detailed, factual presentation of what happens when foolish legislation is implemented. I ask the Labor Party—

The Hon. P. M. Dowding: The Liberal Party thinks it is foolish?

The Hon. R. G. PIKE: I ask members of the Labor Party to note this carefully because there are times when Liberal Party members criticise the Liberal Party. The fact is that I do not agree with the Federal Government's legislation in regard to land rights in the Northern Territory. Of course, this is a personal viewpoint. It would be wrong for me to say otherwise.

I now quote from the article to which I referred as follows—

The future looks bleak. Confrontation is the order of the day. Consultation is a dirty word.

Aboriginal land rights, the central issue of Saturday's election, will continue to divide the community to an increasing degree until a flash point is reached.

The widely differing approach to Aboriginal land rights by electioneering political parties in largely Aboriginal or non-Aboriginal electorates is indicative of the respective feelings of these two groups.

As I have often stated neither I or many others are opposing the provision of land on a basis of Aboriginal needs.

The methods adopted under present legislation is one that can only create increasing bitterness in the growing realisation that the Northern Territory is being fragmented into a series of pockets of land subject to normal self-government or State government control.

Please note this—

The only areas in which the non-Aboriginal population may enjoy the same rights as all people in other states will be restricted to very small pockets of coastline and decreasing internal areas extending internally to the border of South Australia.

I ask this House to remember that this is precisely the comment made by the Hon. Bill Withers in this House some time ago when he raised the situation of what he called "reverse apartheid" in regard to this matter.

The Hon. P. M. Dowding: What about Lord Vestey? Does he have a fair bit of land?

The Hon. R. G. PIKE: I continue my quote—

In the early stage of implementation of the Aboriginal Land Rights (NT) Act most non-Aboriginal people unaware of the content of the Act assumed that land would be made available on a basis similar to other land titles in the Northern Territory and took little interest in what was happening.

Today is different.

The restrictive implications of rapidly growing Aboriginal land claims and the massive proportion of Aboriginal land now vested in a superior form of freehold land exempt from normal self-government control is causing growing alarm.

Where will it end?

Non-Aboriginal people are being boxed in and free movement throughout the Territory restricted in a manner beyond rational comprehension.

People now see that the normal structure and scope of government is being denigrated.

They view with growing apprehension the land claims on national parks, fauna and flora reserves, railway reserves, stock routes and a host of other Government land reservations for the benefit of the public.

They are now comprehending that access to 80 per cent of the coastline of the mainland is denied to them and all of the coastlines of almost every island off the coast.

This is pretty dramatic stuff; but this is what is happening in the Northern Territory. The quote continues—

They fail to understand why land claims may soon deny access to two kilometres of sea bordering Aboriginal land—10 kilometres if some activists have their way.

They fail to understand why Government reservations of land for town planning

purposes should be attacked so savagely by extreme land rights supporters.

A significant part of the non-Aboriginal population is descended from pioneers who opened up the Northern Territory or who have lived here for generations, who have fought for Australia in armed conflict.

Realisation that movement into or over Aboriginal land is more complicated than travel to foreign countries is slowly being driven home.

The question, why is this major division of land, sea and people taking place under the blessing of the Australian Government?

As I say, in this speech I am disagreeing with the legislation of the Federal Liberal Party in this regard in the Northern Territory. It is wrong for the proponents of that legislation to try to thrust it upon the State of Western Australia. That is something, of course, our Opposition friends support. The quote continues—

If it is the Government's intention to return all land and ownership of minerals and forests to Aboriginal people then it should say so and apply the same laws to the ACT and to all other States.

If it is the Government's intention to permanently alienate the Aboriginal and non-Aboriginal peoples of Australia then let it say so and be judged accordingly.

A growing number of Aborigines are coming to realise that it would be more beneficial for Aboriginal people to own land under the normal land laws of the Northern Territory and under normal government control.

They are beginning to realise the growing public reaction to what can only be a fast growing monopoly of the assets of the Territory, its land, its beaches, its seas and harbors, its minerals and forests.

A monopoly that if imposed by government on other States would result in overthrow of government or even civil war.

It may not yet be too late to try and reverse this situation and provide land on the same basis and under the same control that it is made available to non-Aboriginal people.

I feel that, at times, I am a voice crying in the wilderness.

I will finish the quote by reading the following—

We are at the crossroads. Those of us who care want to see Aboriginal people standing beside non-Aboriginal people, working under

one set of laws sharing one set of responsibilities.

We do not want Aboriginal people set apart with different laws, different land tenures, a different people who have the rights of our world and whose own world is set apart.

In closing, I indicate that Mr Jon Isaacs, the leader of the Labor Party in the Northern Territory, wrote a letter to an Aboriginal group prior to the last election in the Northern Territory. That letter read in part as follows—

In addition, the ALP will close the seas for two km around land which was previously an Aboriginal reserve, like Wagait.

The Government has been able to do this for over a year, but has refused to do so.

There we have the factual situation.

That enlightened report, sets out what would be the *de facto* and *de jure* situation in Western Australia if we were to listen to this clobber and "Bovril" on land rights in terms of the legislation existing in the Northern Territory.

Debate adjourned, on motion by the Hon. R. T. Leeson.

#### ADJOURNMENT OF THE HOUSE: ORDINARY

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.45 p.m.]: I move—

That the House do now adjourn.

*Aborigines: Land Rights*

**THE HON. P. M. DOWDING** (North) [5.46 p.m.]: We often read in the Press and hear members of the so-called establishment make statements under the guise of reasonableness in regard to Aborigines. These statements fall into two classes. In general terms, they either denigrate Aborigines or tell us what Aborigines really think. We have seen a very good example of this in the speech we have just heard from the Hon. R. G. Pike when he read a piece of racist nonsense from a newspaper article.

Members may have forgotten that, during the period of 150 years since the establishment of this State, Aborigines have been denigrated constantly by the Government and by the Establishment. All sorts of legislative and actual restraints have been placed upon Aborigines.

The debate about land rights in this State ought not to be seen in the context of Aboriginal groups seeking a slice of the action to which no-one else is entitled, but rather it should be recognised that, firstly, Aborigines were here

when the first white people came to Australia; secondly, they had a system of land tenure and land use at that time; and, thirdly, they were in recognised occupation of this country. Until the recent past, the land tenure of people in the north of this State—people in my electorate—was not interfered with.

In 1926 some of the relatives of people living in the north were massacred because they sought to defend their country from attack by marauding members of the Wyndham community. One has to look only at the evidence presented to the Royal Commission into the Forrest River massacre to see how recently those events occurred. In fact they occurred more recently than the Gallipoli landing which we were so happy to commemorate of late.

The Hon. A. A. Lewis: There will be a massacre here if you are not careful.

The Hon. P. M. DOWDING: I am sorry the member is anxious to get out of here and have his dinner; but the matter has been introduced and it is very serious and important.

The Hon. A. A. Lewis: It was introduced in the Address-in-Reply debate, not on the adjournment debate. You should learn the procedures of the House.

The Hon. P. M. DOWDING: The real issue must be recognised, when a member opposite stands up and mouths untrue platitudes about Aborigines.

#### *Point of Order*

The Hon. A. A. LEWIS: Being very new to the House, the member obviously does not understand what he can and cannot say.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): What is the point of order?

The Hon. A. A. LEWIS: The member accused a member of the Government of mouthing untrue platitudes. In fact Mr Pike read from an article in a newspaper. I ask Mr Dowding to withdraw his remark.

The DEPUTY PRESIDENT: I regret that I was talking to the Clerk of the House at the time the statement was made and I did not hear it. Therefore, I ask the member to continue with his speech and to have regard to the Standing Orders.

#### *Debate Resumed*

The Hon. P. M. DOWDING: I was referring to the newspaper article which I suggested contained untrue platitudes.

The Hon. A. A. Lewis: You suggested the member mouthed untrue platitudes.

The Hon. P. M. DOWDING: If members opposite do not intend to recognise the tremendous devastation which has occurred to the Aboriginal community over the last 150 years and the continued denigration which is occurring as a result of the attitude of members of the Liberal Party and their supporters in areas such as the Kimberley, it is a very sad day for this country.

Nothing will lead to a situation designed to achieve racial disharmony more than constant denigration of Aborigines being introduced into discussions about land rights or Aboriginal affairs.

The Hon. R. G. Pike: I was not denigrating the Aborigines. I was referring to the situation in regard to land.

The Hon. P. M. DOWDING: We did not hear the member complaining about the vast areas of land acquired and retained by Lord Vestey, despite constant complaints made about it. We did not hear the member complaining about the acquisition by a private company of freehold land situated just out of Kalgoorlie. That private company owns the freehold and mineral rights for thousands of hectares of land in that area.

The Hon. W. R. Withers: That was a mistake.

The Hon. P. M. DOWDING: It is a mistake which has continued since 1890 and the Government has done precious little to rectify it.

The Hon. A. A. Lewis: You would take it away from them, would you?

The Hon. P. M. DOWDING: If members opposite are concerned about equality, they should apply benefits to individuals rationally and fairly.

This House has heard an expression of opinion by a newspaper journalist. Such an opinion is not worthy of debate in this House. I am surprised that, during the third day in which I have sat here, members should be forced to listen to such rubbish.

#### *Adjournment Debate: Misuse*

THE HON. H. W. GAYFER (Central) [5.50 p.m.]: I was not able to be present in the House yesterday and I do not know whether on the adjournment debate a similar speech was made, as has been made tonight. I was present in the House on the only other day it has sat this session and at that time a similar sort of tirade was delivered by the Leader of the Opposition.

The Hon. R. Hetherington: It was not a tirade. You are talking nonsense.

The Hon. H. W. GAYFER: At that stage I was prepared to be a little forgiving towards the Leader of the Opposition for his having spoken in

such a manner on the adjournment debate. My reason for this was that last year a Government member spoke in a similar vein and was castigated by the Leader of the Opposition. At that time the Leader of the Opposition asked members to use the adjournment debate only for the purposes for which it was intended and not as an opportunity to make political speeches which were designed to draw fire from members opposite.

Therefore, when the Leader of the Opposition committed what I consider to be practically a parliamentary sin in this House—I am not referring to the fact that he spoke to the adjournment debate, but that he used an issue with political overtones—I felt it was time that Standing Orders should be examined. It is possible the Leader of the House should request that Standing Orders be perused in order that this sort of situation can be obviated.

The Hon. Lyla Elliott interjected.

The Hon. H. W. GAYFER: I have been speaking to the adjournment debate; but when Mr Pike spoke just now on the Address-in-Reply, as is usual, he caused somebody's hackles to rise—

The Hon. R. Hetherington: As is usual!

The Hon. H. W. GAYFER: —in the same manner as the Leader of the House on a previous occasion became annoyed and criticised a member in regard to the issue he spoke to on the adjournment debate. Mr Dans said he doubted that a member should have been allowed to speak in that vein.

The Hon. D. K. Dans: Did I say that?

The Hon. H. W. GAYFER: I do not have *Hansard* with me—

The Hon. D. K. Dans: I take your word for it.

The Hon. H. W. GAYFER: The point I am making is that the adjournment debate should not be used as a medium by which a member can empty a bucket of water over another member in reply to a contribution made in the Address-in-Reply debate.

I have been a member long enough to know that, in spite of what people might think about this House, it has certain traditions and Standing Orders that should be observed. It is my understanding that it is only since 1974 that we have been permitted to speak on the adjournment debate in regard to a matter of urgency.

It may be true that it is common for members to speak on the adjournment debate in the House of which Mr Berinson was previously a member; but it is not a common practice here and it has not been used in that way during the 12 years I have been a member.

I do not necessarily want an appeal to be made to the Leader of the House to examine Standing Orders and alter them. However, I believe we should use common sense and the adjournment motion should be spoken to only when absolutely necessary. It should not be used when a reply can be made at another more appropriate time, nor should it be used to introduce fresh material, as was the case when the Leader of the Opposition spoke on the adjournment debate at the opening of this session.

Debate adjourned until a later stage of the sitting, on motion by the Hon. M. McAleer.

#### ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.53 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 12 August.

Question put and passed.

#### ADJOURNMENT OF THE HOUSE: ORDINARY

Debate resumed from an earlier stage of the sitting.

**THE DEPUTY PRESIDENT:** The question is—

That the House do now adjourn.

Question passed.

*House adjourned at 5.54 p.m.*



**QUESTIONS ON NOTICE**

**HOUSING: PURCHASE AND RENTAL**

*Waiting List*

8. The Hon. D. K. DANS, to the Minister representing the Minister for Housing:

- (1) How many people were on the waiting list for State Housing Commission assistance at 30 June 1980?
- (2) What is the average waiting period for persons wanting—
  - (a) to purchase State Housing Commission accommodation;
  - (b) rental accommodation; and
  - (c) rental pensioner accommodation?

The Hon. D. J. WORDSWORTH replied:

(1) (a) Rental Assistance

	Caucasian	Aboriginal	Total
Metropolitan Country (including NW)	4 511	153	4 664
Totals	1 980	755	2 735
	6 491	908	7 399

(b) Purchase Assistance

Metropolitan	2 116
Country	96
Total	2 212

- (2) (a) In August 1978 the State Housing Commission closed its lists for purchase assistance. There are currently 2 212 applicants prior to this date still listed, but each of these applicants has had an offer of finance to build or buy a home with low-interest funds provided under the home purchase assistance account through terminating building societies and the interest subsidy scheme. For varying reasons the applicants have requested deferment for a 12-month period in accordance with normal policy. Further final offers will be made to these applicants as quickly as possible depending upon the availability of funds.
- (b) Waiting times by applicants for family housing in the metropolitan area and country towns can vary from immediate assistance to up to two or three years depending upon—

- (1) the housing need;
- (2) the commission resources;
- (3) the degree of preference exercised by the applicant.

Generally in the metropolitan area, any family can be accommodated immediately whilst in the north-west and country areas the delays vary from nine to 12 months.

- (c) Applicants for pensioner housing in the metropolitan area and the country areas average around two to three years depending upon—
  - (1) housing need;
  - (2) commission resources and availability of funds;
  - (3) degree of preference by the applicant.

**HEALTH: TOBACCO**

*Sales to Minors*

9. The Hon. W. M. PIESSE, to the Attorney General:

In the past 10 years—

- (a) how many charges have been brought against retailers for selling tobacco products to minors; and
- (b) how many, if any, of these charges have been proven and penalties imposed?

The Hon. I. G. MEDCALF replied:

- (a) and (b) I regret no statistics are kept for this type of offence.

**RAILWAYS: STATION**

*Perth City*

10. The Hon. F. E. MCKENZIE, to the Minister representing the Minister for Transport:

- (1) Further to my question 364 on Wednesday, 21 November 1979, concerning the possible re-location of the Perth city railway station to a point east of Barrack Street, could the Minister advise me whether the central area technical advisory committee has reached a decision on this matter yet?
- (2) If "Yes" to (1), will he advise me of the decision?
- (3) If "No" to (1), when is it likely a decision will be made?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) Answered by (1).
- (3) My understanding is that it will be at least a further six months before the central area technical advisory committee's report on the overall development of the Perth central area is completed.

## HEALTH

### *Giardiasis*

11. The Hon. P. G. PENDAL, to the Minister representing the Minister for Health:

- (1) Can the Minister advise the incidence in Western Australia of the disease Giardiasis?
- (2) What information is made available by his department to registered medical practitioners regarding—
  - (a) the early diagnosis of the disease;
  - (b) the collection and despatch of pathology specimens;
  - (c) the recommended specific treatment for its elimination; and
  - (d) the availability and distribution of information on the condition?
- (3) What information, if any, has been made available to the media and the public and, specifically, food handlers and inspectors?
- (4) Are travellers to South East Asian ports advised of the prevalence of the complaint in those areas and, if so, are they advised of the precautions to avoid possible infection?
- (5) Is it a condition that is also prevalent among ethnic people of Western Australia as a result of poor hygiene?
- (6) Does the Minister share the concern of some health professionals that the disease is said to be prevalent, but may be overlooked or underestimated at present because of the paucity of published material and, indeed, a lack of knowledge on the condition?

The Hon. D. J. WORDSWORTH replied:

- (1) No. Giardiasis is not a notifiable disease. The number of cases identified by the State health laboratories in recent years are as follows—

1977	1 121
1978	1 032
1979	1 512

- (2) These form part of a doctor's normal undergraduate and intern training. Doctors employed by the department in areas of high incidence do receive in-service training on this and other similar diseases.
- (3) Health education and the basic principles of hygiene for food handlers is non-specific and would cover Giardiasis.
- (4) This is not known and would be the responsibility of the Commonwealth Health Department and travel agents.
- (5) Giardiasis is related to poor hygiene and poor living conditions, rather than ethnicity.
- (6) There are proposals to make Giardiasis a notifiable disease so that the trends in incidence may be known.

## CONSERVATION AND THE ENVIRONMENT

### *National Parks: Boat-launching Facilities*

12. The Hon. D. K. DANS, to the Minister for Conservation and the Environment:

Is the Minister correctly reported in *The Esperance Express* on 2 May 1980, as having responded with a definite "maybe" on an Esperance Shire Council request for more boat-launching facilities at local national parks?

The Hon. G. E. MASTERS replied:

I was tempted to answer the honourable member by saying "Maybe".

My visit to Esperance was a familiarisation and fact-finding tour. The remarks would have been in the context of—

It maybe that work on improved boat-launching facilities could be undertaken in the 1980-81 financial year, but this work is entirely dependent upon available finance.

For the information of the honourable member, the Esperance Shire Council also has been requested to submit any proposals it has to me for consideration.

**COURTS OF PETTY SESSIONS**

*Defendants: Bail Forfeiture*

13. The Hon. H. W. OLNEY, to the Attorney General:

- (1) In the calendar year 1979, how many persons charged with non-indictable offences in the Courts of Petty Sessions in Perth, Fremantle, and Midland, failed to appear after being released on bail following their arrest?
- (2) How many of such persons—
  - (a) have had their bail forfeited; and
  - (b) were arrested on bench warrants?
- (3) In the case of persons referred to in (2) (b), what offences were they charged with?

The Hon. I. G. MEDCALF replied:

- (1) to (3) It is regretted that the information necessary to answer the question is not readily available. It would be necessary to make a detailed examination of about 48 000 charge sheets at the courts mentioned to extract the information. This would be a time-consuming exercise and could cause some difficulties within the courts if it were necessary to divert staff to compile the information.

**HOUSING**

*Kalgoorlie*

14. The Hon. R. T. LEESON, to the Minister representing the Minister for Housing:

- (1) How many State Housing Commission homes have been built in Kalgoorlie during the past five financial years?
- (2) How many homes are proposed to be built during the coming financial year?
- (3) How many people are currently on the Kalgoorlie State Housing Commission waiting list?

The Hon. G. E. MASTERS replied:

- (1) Houses built by SHC.

	Commonwealth State Rental	Aboriginal Housing Scheme
79-80	—	—
78-79	—	—
77-78	30	—
76-77	11	5
75-76	40	—

- (2) (i) Units currently under construction for Commonwealth-State rental is two and a further two for the Aboriginal scheme.
- (ii) In addition 10 units are programmed under the Aboriginal scheme for 1980-81 subject to availability of suitable land.

(3) Waiting List.

Commonwealth-State rental—115  
Aboriginal housing scheme—50.

**RAILWAYS: FREIGHT RATES**

*Wheat*

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

Will the Minister advise me of the current railway freight haulage rates for wheat in—

- (a) Western Australia;
- (b) South Australia;
- (c) Victoria;
- (d) New South Wales; and
- (e) Queensland;

over the following distances—

- (i) 100 km;
- (ii) 200 km;
- (iii) 300 km;
- (iv) 400 km; and
- (v) 500 km?

The Hon. D. J. WORDSWORTH replied:

- (a) to (e) I am advised by Westrail as follows—

	(a) WA	(b) SA	(c) VIC	(d) NSW Gazetted Rate	NSW After Government Subsidy*	(e) QLD
	\$	\$	\$	\$	\$	\$
100 km	5.00	5.25	7.40	8.01	7.96	11.20
200 km	9.30	8.42	11.20	11.91	10.29	17.00
300 km	13.00	10.07	13.50	14.86	12.84	22.10
400 km	15.50	11.19	15.10	16.78	14.50	26.10
500 km	17.50	12.72	16.20	18.18	15.66	28.60

\* The NSW subsidy is applicable only to wheat grown in NSW and railed to a NSW destination.

**SHOPPING: CENTRES**

*Proliferation*

16. The Hon. J. M. BERINSON, to the Minister representing the Minister for Urban Development and Town Planning:

- (1) Is it a fact that, as a result of the continued proliferation of shopping centres in the metropolitan area—

- (a) a number of stores in new centres remain unoccupied long after construction;
  - (b) some stores in new centres have been let on a rent-free or near rent-free basis; and
  - (c) there has been a substantial increase in business failures among independent retailers?
- (2) If "Yes" on any aspect of (1), what action by the Government has been taken or is contemplated?

The Hon. I. G. MEDCALF replied:

- (1) (a) to (c) No specific information is available on the points raised.
- (2) The existence of vacant retail space in some centres is a normal function of the commercial market. As with other types of floor space—for example, office, industrial and warehousing—the supply and demand varies in accordance with market conditions. The construction of a commercial building is an investment decision which includes consideration not only of existing market conditions, but of future market conditions where a potential for economic rental is considered to exist.
- The Government believes that normal market forces should be allowed to operate so that persons intending to invest in small retail businesses are free to make their own choices and decisions.

#### EDUCATION: SCHOOL

##### *White Gum Valley Special*

17. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:
- (1) Is the Minister aware that the White Gum Valley Special School has no school oval or other playing field suitable for organised sport or other outdoor recreational activities?
  - (2) Does the Minister agree that there is an urgent need to develop the available waste ground adjacent to the school buildings as a playing field?
  - (3) If so, what plans have been made to put the work in hand?

- (4) If the Minister is not personally aware of the situation, is he prepared to visit the school, either with or without assistance from local parliamentarians, to see for himself?

The Hon. D. J. WORDSWORTH replied:

- (1) to (4) It is agreed that a developed playing field is required by the White Gum Valley Special School and action is under way to have the area adjacent to the school buildings developed in conjunction with the school.

#### ABORIGINES

##### *Sacred Sites: Determination*

18. The Hon. D. K. DANS, to the Minister representing the Minister for Cultural Affairs:

What criteria does the Government rely on in determining a genuine identified Aboriginal sacred site?

The Hon. D. J. WORDSWORTH replied:

"Aboriginal site" is defined in section 5 of the Aboriginal Heritage Act, 1972; that definition refers to four kinds of "places". They are—

- (1) Places where traditional cultural objects have been left by persons of Aboriginal descent, which are mostly only of archaeological interest;
- (2) those which are of current sacred importance or special significance to living Aboriginal people;
- (3) those that are or were associated with Aboriginal people and are historically, or otherwise, significant; or
- (4) those where sacred ritual objects are stored.

#### WORKERS' COMPENSATION ACT

##### *Amendment: Appointment of Select Committee*

19. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:
- (1) Does the Minister share the view that it is wrong for judges to be used to conduct fact finding inquiries and that members of Parliament should be used in this role?

- (2) If so, does he agree that the so-called judicial inquiry into the Workers' Compensation Act, conducted by Mr Justice Dunn in 1978, was a mistake?
- (3) Will the Minister move for the appointment of a Select Committee of members of this Parliament to examine proposals to amend the Workers' Compensation Act before the foreshadowed amendments are introduced?

The Hon. G. E. MASTERS replied:

- (1) No. It is considered that each issue should be treated on its merits.
- (2) No, and I point out that His Honour Judge Dunn had retired from the judiciary prior to the commencement of the inquiry.
- (3) No.

#### SHOPPING: CENTRES

##### *Lessees: Goodwill Payment*

20. The Hon. J. M. BERINSON, to the Attorney General:

- (1) Is the Minister aware of the recent development of a practice whereby shopping centre owners require, as a condition of any assent to assignment of a lease, that lessees pay to the owners as much as 50 per cent of any goodwill payment received?
- (2) Will the Minister consider legislative action to prevent this new and unfair burden on small business?

The Hon. I. G. MEDCALF replied:

- (1) Yes. I am given to understand that a practice exists where up to 50 per cent of the goodwill payments received on the assignment of a lease could be directed to the property owner.

In one case the percentage is on a sliding scale of 50 per cent for the first year; 30 per cent for the second; 25 per cent for the third; 20 per cent for the fourth; and 15 per cent for the fifth year of the centre's operation.

The practice is designed to bring pressure to bear on "short term entrepreneurial small shopkeepers" who enter new centres, establish a small shop, and sell out quickly for a suggested windfall profit. Owners of centres consider such entrepreneurial

activities to be undesirable as the rapid turnover of small retail premises gives the centre an unfavourable trading image.

- (2) This question falls within the jurisdiction of the Minister for Industrial Development and Commerce and should be referred to him for consideration.

#### QUESTIONS WITHOUT NOTICE

##### CRIME STATISTICS BUREAU

##### *Establishment*

4. The Hon. H. W. OLNEY, to the Attorney General:

In view of his answers to questions 9 and 13, which reveal the absence of statistics in matters relating to prosecutions and other associated matters, will he give consideration to the establishment in Western Australia of a bureau of crime statistics similar to that established in South Australia in its Crown Law Department?

The Hon. I. G. MEDCALF replied:

The absence of crime statistics is, of course, a matter of concern to the Government. In fact, it has already been raised at the Conference of Attorneys General. It applies not only in Western Australia, but throughout Australia. I cannot give a definite answer to the question because it would require consideration in terms of cost, but I can assure the honourable member that consideration is being given to the whole matter.

#### ABORIGINAL COMMUNITIES ACT

##### *Operation: Extension*

5. The Hon. P. M. DOWDING, to the Attorney General:

- (1) With reference to the Aboriginal Communities Act, is it intended to extend its operation to tribal communities other than La Grange and One Arm Point; and if so, when and to which communities?

- (2) Is it intended to extend the operation of the Act to non-tribal communities in the north; and if so, when and to which communities?
- (3) Is it intended to extend the operation of the Act to non-tribal communities elsewhere than in the north; and if so, when and to which communities?

The Hon. I. G. MEDCALF replied:

- (1) to (3) The honourable member would have had a better answer had he given me an advance copy of his question, but I will answer it as well as I can. Yes, it is intended to extend the Aboriginal Communities Act to three communities at the present time. They are Beagle Bay, Lombardina, and Balgo. It is quite conceivable that the Act will be extended at a future date to other

communities, both tribal and non-tribal, but the question of priority of extension will have to be given careful consideration.

## HEALTH

### *Giardiasis*

6. The Hon. P. M. DOWDING, to the Minister for Lands representing the Minister for Health:

Could he inform this House what is Giardiasis?

The Hon. D. J. WORDSWORTH replied:

I was not sure how to pronounce the word. If the honourable member puts the question on notice I will obtain a suitable answer.

