

Legislative Council

Tuesday, the 2nd May, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

BILLS (2): INTRODUCTION AND FIRST READING

1. Juries Act Amendment Bill.
2. Acts Amendment (Legalisation of Bingo on Licensed Premises) Bill.

Bills introduced, on motions by the Hon. R. F. Cloughton (for the Hon. Grace Vaughan), and read a first time.

FAMILY COURT ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.00 p.m.]: I move—

That the Bill be now read a second time. Members will be familiar with the situation whereby under provisions contained in the Commonwealth Family Law Act, a State Family Court was set up to operate in this State in relation to all aspects of matrimonial jurisdiction.

The substantive law governing the State Family Court was, of course, the Family Law Act, 1975, of the Commonwealth.

State jurisdiction was also conferred on the Family Court by this Parliament.

Western Australia was the only State which had one court which dealt with all aspects of family law. In other States, persons having resort to law might have to take separate proceedings in several different courts in order to settle the matters in dispute.

Our State Family Court, which opened on the 1st June, 1976, has provided a service, superior to any other in the Commonwealth, of which we are justly proud. There have not been the inordinate delays here which have occurred in some of the other States, up to 15 or 16 months in some cases.

Because we have had a State Family Court the State Government has been able to make appointments of additional judges from time to time prior to Commonwealth funding being received. The judges were simply appointed under

the State's powers until such time as the Commonwealth was in a position to accept responsibility for them. This has been the principal means whereby we have avoided the serious delays which have occurred elsewhere.

However, all Family Courts including our own, received a setback when the High Court decided that the power given by the Family Law Act, whereby the court could make orders with respect to property of the parties to a marriage, was not valid unless proceedings had been instituted for principal relief; that is to say, proceedings for dissolution or nullity of marriage or declaratory orders. In effect, this meant that the parties had to be able to establish that they had lived apart for 12 months so as to found a writ for dissolution or similar proceedings. In the meantime, although the parties to a marriage might be in dispute, the court could not entertain proceedings to grant relief in respect of their property.

The State Family Court was affected, along with the other Family Courts in Australia by the decision of the High Court because the jurisdiction was granted by the Commonwealth Family Law Act which was held to be excessive to this extent.

No effective action has yet been taken by any State to remedy this problem although some States are contemplating making a reference of power to the Commonwealth.

Once again, by virtue of having a State Family Court, the State Parliament is in a position without waiting on other States or the Commonwealth to grant to the State Family Court the jurisdiction which the Commonwealth cannot supply.

The Bill presently before the House is designed for this purpose; namely, to invest the State Family Court with property jurisdiction in proceedings between the parties to a marriage without the necessity of such parties having to wait for the period of 12 months to elapse before such proceedings could be instituted.

This will enable Western Australians who are unfortunate enough to be involved in a matrimonial dispute to obtain relief where some question arises in relation to the title or disposition of property in advance of the principal matrimonial relief which they may be seeking.

It will also enable the parties to a marriage who do not wish to be involved in a formal dissolution of marriage, for reasons of their own, to invoke the powers of the court to settle their property disputes.

We have deliberately refrained from using any phrase in the Bill which might provoke an argument as to whether or not there has been or is likely to be a breakdown of marriage, because it is believed that if this phrase—which is being contemplated by some of the other States in connection with their reference—is used it will provoke an argument in advance of each decision where parties are in genuine dispute. The court is likely to be asked: Is there an actual or likely breakdown of marriage? The question would require to be answered in the affirmative before the court would have jurisdiction to determine the dispute.

This question will not need to be asked in the case of proceedings under our Bill as there is no reference specifically to a breakdown of marriage.

Nevertheless, so as to prevent the amendment before the House from being used in some improper manner or for some improper purpose not related to the marriage, the Bill imposes strict controls on the exercise by the court of its enlarged jurisdiction.

Where the court makes a declaration in regard to the title or rights to property of the parties to a marriage, it will have to take into account certain principles set out in section 25 of the Act, and an additional principle has been added so that the court is required to have regard to the effect of any order on the stability of the marriage and the welfare of the children of the marriage. Further, where any alteration of property interests is involved the court is given a specific power to adjourn the proceedings upon such terms and conditions as it thinks fit for any period including such period as may be necessary to enable it to consider the likely effect of the order on the marriage and/or the children of the marriage. The court is specifically directed not to make any order unless it is satisfied that it is just and equitable to do so, bearing in mind the need to preserve and protect the institution of marriage, the need to give the widest possible protection and assistance to the family, the need to protect the rights of children and promote their welfare, the means available for assisting the married parties to consider reconciliation or the improvement of their relationship, and the effect of the proposed order on the stability of the marriage and the welfare of the children.

There are certain special factors which the court may also take into account in making its property order. These are already set out in the Family Law Act and they are repeated in the Bill before the House.

These are—

the financial contribution made directly or indirectly by or on behalf of a party or a child to the acquisition, conservation or improvement of the property;

the contribution made directly or indirectly by either party including any contribution made in a capacity of homemaker or parent;

the effect of any proposed order upon the earning capacity of either party;

and certain other matters.

These special criteria differ from the normal common law rules for determining title and rights to property and to that extent there has been a change in regard to the determination of questions affecting the property of the parties to a marriage.

Other general powers of the court and ancillary powers in order to ensure that the court's orders are carried out are imported into the amending Bill from the Family Law Act.

One important provision is that which enables the Family Court to set aside or restrain the making of a disposition or instrument to defeat an existing or anticipated order of the Family Court. This is necessary so as to prevent one party to a marriage from taking proceedings in another court or disposing of the family property prior to the commencement of proceedings for dissolution of marriage. Members will appreciate the hardships which this could cause to the innocent party and hence it is necessary that the Family Court should have this restraining or injunctive power.

The amending Bill also contains a provision in relation to proceedings in a court of summary jurisdiction as such courts may still exercise family law powers outside the metropolitan area. Property jurisdiction is conferred on such courts but the jurisdiction is limited to property not exceeding \$1 000 in value unless the parties consent to the proceedings being heard in that court. In any event the proceedings may be transferred to the Family Court.

In summary, what the Bill does is to ensure that the parties to a marriage may now go to the State Family Court for a resolution of their property disputes although they are not in a position to formally commence dissolution or similar proceedings.

The court may likewise entertain proceedings in cases involving the parties to a marriage where for some reason or other they do not propose to proceed to divorce.

A spouse will not be able to dispose of the property in which he or she has the legal interest thereby putting it beyond the reach of the other spouse without the jurisdiction of the Family Court being liable to be invoked.

The special principles which apply under the Family Law Act will be brought to bear on property disputes.

The State is conferring its own non-Federal jurisdiction on the State Family Court to enable that court to act in these circumstances with a view to the settlement of such disputes and to the restraining in appropriate circumstances of proceedings in other courts.

Once again Western Australia will have scored a first. In effect, we will be restoring to the State Family Court the jurisdiction which it was thought to have before the recent High Court cases. We will be doing it in a meaningful way to ensure that it will grant effective relief to State citizens, and we do not have to await the further negotiations which must ensue between the other States and the Commonwealth before they reach agreement on the terms on which the citizens of the other States can get relief in such cases.

The wisdom of our action in setting up our own State Family Court is once again vindicated and I have much pleasure in commending the Bill to the House in the hope that it will pass into law as soon as possible.

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT

Disallowance of Amendment: Motion

Debate resumed, from the 26th April, on the following motion by the Hon. R. F. Cloughton—

That, in accordance with the provisions of Section 32 of the Metropolitan Region Town Planning Scheme Act, 1959-1976, the proposed amendment No. 138/31 to the Metropolitan Region Scheme relating to Herdsman Lake and environs, made pursuant to Section 33 of the Act, published in the *Government Gazette* on Friday, the 17th March, 1978, and laid upon the Table of the House on Tuesday, the 21st March, 1978, be and is hereby disallowed.

THE HON. R. J. L. WILLIAMS (Metropolitan)
[5.09 p.m.]: In reply to the move to disallow this amendment to the Metropolitan Region Scheme,

I think, perhaps, it is as well that I review as simply and as quickly as possible the development and history of this situation.

I do this, not just for the sake of members who are well informed, but also for the sake of the people of my constituency, of which Herdsman Lake is a part. They have expressed to me one or two grave concerns on what appears to be happening. I have to assure members that what they have heard in this House up till now bears little semblance to the truth.

As you, Mr President, will be aware, Herdsman Lake was reserved for Parks and Recreation under the Metropolitan Region Scheme of 1963. Increasingly over the years, leading up to 1974, the authority was required to re-examine the area and propose certain amendments.

During 1974 the authority agreed to establish a technical advisory committee to advise on the planning and development of the lake, supported by a further technical committee examining the road system surrounding the lake.

The technical committees reported to the authority on a number of occasions, and on the 23rd April, 1975, the authority adopted a report entitled "Plan for Herdsman Lake" as a basis for public discussion. In order that such public discussion proceeded on the plan, the Town Planning Department conducted a seminar amongst interested parties on the 14th August, 1975. Views represented at the seminar were put forward by 23 organisations.

I regard it as absolutely necessary to list the 23 organisations which attended that seminar, because it is a very important subject. They are as follows—

- Conservation Council of Western Australia.
- Environment 2000.
- Department of Fisheries and Wildlife.
- Department of Conservation and Environment.
- Department of Agriculture.
- Department of Education:
- Nature Advisory Service.
- Biological Science.
- Department of Tourism.
- Public Health Department.
- National Parks Board of Western Australia.
- Australian Institute of Parks and Recreation (WA Division).
- Community Recreation Council of Western Australia.
- Metropolitan Water Supply, Sewerage and Drainage Board.
- Main Roads Department.
- State Energy Commission.

Metropolitan (Perth) Passenger Transport Trust.

Department of Lands and Surveys.

Public Works Department.

Industrial Lands Development Authority.

Royal Australian Institute of Architects (WA Chapter).

Royal Australian Planning Institute (WA Division).

The Australian Institute of Landscape Architects Incorporated (WA) Branch.

City of Stirling.

City of Perth.

To me this is as broad a scope which any body can cover. To slip anything under the net of the organisations represented at that seminar would have been quite impossible.

The Hon. F. E. McKenzie: Something must have slipped under the net of the Main Roads Department.

The Hon. R. J. L. WILLIAMS: The Main Roads Department was not represented at the seminar; nothing slipped under the net of the Main Roads Department. That seminar was designed to take a whole day but it was concluded before lunchtime, because general agreement amongst all the bodies represented on the desirability of the plan had been reached.

Subsequently on the 2nd July, 1976, the authority resolved to amend the Metropolitan Region Scheme, and the proposal was then gazetted for public inspection.

Twenty-seven submissions were received and considered by the MRPA which led to a modification of the original amendment. The modified amendment was approved by Cabinet and the Governor and gazetted on the 17th March, 1978, and that is the amendment now under discussion.

So that members will not be confused about the matter, I wish to advise that the main features of this plan are—

- (a) the relocation northwards of the region "blue road" to the shore of the lake;
- (b) a reduced land reservation for the Stephenson freeway;
- (c) retention of the compensation basin and natural lake features;
- (d) the creation of areas of open water and islands as bird refuges; and
- (e) the foreshore area developed as natural parkland.

In moving his motion to disallow the proposed amendment No. 138/31, Mr Claughton placed before the Chamber some arguments which do

not appear to be consistent with the facts. I think Mr Claughton has fallen into a trap which many of us are falling these days, because since I have been in the House I have never known Mr Claughton to make a misleading statement to members and consequently I think that his error is a mathematical conversion error rather than a deliberate attempt to mislead the House. He would not be a party to a thing like that; that I know. However, he did say that when the 1963 Metropolitan Region Scheme was introduced 1 000 acres had been reserved for the lake, and that had now been reduced to 320 acres, a difference of 680 acres. I submit that originally the Herdsman Lake scheme of 1963 covered 400 hectares or 988.4 acres. Under the region scheme—

The Hon. R. F. Claughton: I said 1 000 acres approximately.

The Hon. R. J. L. WILLIAMS: Under the region scheme the reserve was reduced to 327 hectares—not acres—or 808 acres by May, 1974. In fact the reserve had not been reduced by 680 acres, which was the figure mentioned by Mr Claughton. I am sure he meant to say that it was reduced to 327 hectares or 400 acres, which mathematically equate. It may have been a slip of the tongue.

The Hon. R. F. Claughton: I quoted 168 hectares which is the figure in the 1975 MRPA report.

The Hon. R. J. L. WILLIAMS: Mr Claughton stated that the land reserved originally was 1 000 acres. As the actual figure is 988.4 acres, I do not argue with that statement. Mr Claughton said it was then reduced to approximately 320 acres. I am sure he meant to use the word "hectares".

The Hon. R. F. Claughton: No; I was quoting the 1975 MRPA report.

The Hon. R. J. L. WILLIAMS: I do not think so, because the note I made is that the reserve was reduced to 327 hectares. The reserve has not been reduced by 680 acres, as Mr Claughton indicated in his speech, and I am sure he did not intend to imply that, because it would be ridiculous to say that the lake had lost two-thirds of its area.

The Hon. R. F. Claughton: We are talking about the total effect of the amendment.

The Hon. R. J. L. WILLIAMS: That is true, but it would not be reduced by that amount. The reserve will be slightly greater than the quoted figure with the reclamation of the land from the Stephenson reserve.

Mr Cloughton also said—

It is my contention that the whole northern corridor is becoming extremely short of public open space.

Of course, that is true. However, as urban areas expand, surely it will be natural that public open space will be identified and fixed in area, location, and, in some instances, detail use. No matter what we do, this process occurs with the greatest regard to the flexibility of planning operations.

Another statement made by Mr Cloughton was that the Stephenson plan of 1955 allowed for open space, but this was not reflected in today's planning. I have referred this matter to planners, and the comment I received is that the recommendations contained in that report in relation to public open space have been taken into account to a greater or lesser degree with other land uses. In view of the expanding population, I do not think any planner can put his pen to paper and say in 1955 that this will be the case for all time. Flexibility has to be allowed to planners.

For instance, if large quantities of gold had been found at Girrawheen, would we have stipulated that the gold must stay in the ground because planners are sacrosanct, and the 1955 plan did not allow for the removal of gold? We could not do that. There must be provision for other land use requirements in time.

According to Mr Cloughton the amendment allowed for increased industrial zoning in the north-east section of the lake. When we consider public open space in the area, surely we realise that the reason for the increased industrial zoning relates just to the rationalisation of the existing disorganised industrial land use in the area and the effective operation of the road system—in relation to site access—serving the industrial area, balanced against the public open space needs in the area. Other industrial areas in the corridor are not related to this problem.

Mr Cloughton also expressed concern about the alienation of land for industrial purposes, without proper public discussion. This has not been the case, because there was proper public discussion. The amendments to the local authority scheme were advertised in accordance with statutory procedures. I do not think anyone, knowing the case, would deny that.

The report—Herdsmen Lake—produced by the MRPA has had a wide circulation. It was published on the 17th December, 1975.

Mr Cloughton went on to say—

The regional road connection between Pearson Street and Powis Street is not necessary.

I take issue with him on this point from a practical angle. A regional road connection is necessary—and I think this is where Mr Cloughton may have become a little confused—in order to serve the east-west movement of traffic between the coastal suburbs and the Mitchell Freeway, and not the north-south movement of traffic as implied by Mr Cloughton. Mr Cloughton may have overlooked the east-west movement between the suburbs and the freeway, and the fact that that road connection is the main access point to and from the Mitchell Freeway. The Pearson Street connection with Flynn Street and Herdsman Parade would not be desirable, because the Perth City Council opposes through traffic in the immediate area south of Herdsman Lake.

I would like to go back for a moment to the claims Mr Cloughton made about the large amount of industrial land which had been set aside in the northern corridor. He said this would mean that any companies in the proposed extended industrial zone would not be disadvantaged if the amendment were disallowed. I must disagree because the company, Herdsman Nominees—which represents the interests of the majority of companies located in the industrial area—has been negotiating with planning authorities over a period of years at a considerable cost, and it would be costly to renegotiate alternative zone sites elsewhere in the corridor. More significant is the fact that—I am given to understand—the companies prefer this location for a variety of individual reasons.

I should also say that Mr Cloughton indicated that silting could occur in the drainage system between Lake Karrinyup and Lake Carine. He indicated that he based his fear of this occurring on the fact that Herdsman Lake could not be properly drained and that what had occurred in Lake Monger could occur in Herdsman Lake.

I have referred this matter to an authority who told me that it is understood the silting around Lake Monger arises from the squeezing efforts of the rubbish dumps on the margins and probably from normal ecological changes more than from dropped silt from compensation basins. I have not had time to check this with the board, but I realise that Herdsman Lake as such will be taken care of by the water board, and silt and the like will be cleared on a regular basis. Therefore, that will not occur.

Mr Claughton referred to mining operations. I could not find out anything about this. He did refer to some type of rare earth, and this could be peat. However, whatever it is—and I have not studied this aspect—if peat were cleared from there we would have—and this is an ecological matter—first the removal of the peat after which we would revert to open lake. The ecological chain of events of open water in the metropolitan area—or, indeed, in any area—is a gradual growth of wood, changing to reed, then to bush, and then to woodland. By mining for peat—if this were done—that ecological process would be completely reversed and we would go back to open water. Therefore I cannot envisage that that in itself is an objection.

As I mentioned earlier, Herdsman Lake is in my electorate and I pass it quite often. The only stables which have been removed from the area are the old police stables which were demolished in order that road straightening and road widening might take place. In fact, the establishment of a pony club or riding school is permitted under the old concept plan. What is not allowed are trails for pony rides, because this activity causes some of the greatest ecological damage as any environmentalist or ecologist would agree.

Mr Claughton also referred to Plunketts' land, how much had been spent on it, and how much Plunketts had been paid for the residue. I cannot speak authoritatively on this matter, but I understand that 5/6ths, or 41 hectares, of the original landholding of Plunketts was purchased by Katanning Holdings, Hutchinson International, and Transport Holdings on the 16th February, 1978, for \$2.55 million as reported in *The West Australian* on the 18th February, not \$4 million as mentioned by Mr Claughton. The amount was \$1.5 million less than the figure he stated.

I think I have said enough on that aspect to convince my colleagues on this side of the House that the amendment be allowed to stand instead of being disallowed. Everyone identified with the area—some 23 bodies have got together on this matter—has said that this is a good plan. If we are not going to rely on bodies like those involved, on whom do we rely?

I want to correct just one thing that Mr McKenzie said, and to explain why certain things happened and why certain matters have been drawn to the attention of the House. Mr McKenzie objected on behalf of one of his constituents (Mr Uren) that his submission had not been heard. I have here copies of letters from

Mr Uren also, and he claimed that his submission was not heard by the authority. However, if one looks closely at his submission one finds it does not constitute an objection to anything shown in the amendment.

The Hon. F. E. McKenzie: That is his submission?

The Hon. R. J. L. WILLIAMS: Section 31 (f) of the Metropolitan Region Town Planning Scheme Act provides that the authority shall consider all submissions that have been duly lodged, and where a submission contains an objection to the scheme the authority shall not dismiss the objection until the person making the submission has been given the opportunity of being heard. Within that submission there is nothing that affects the amendment before the authority, so under the law there is no right to be heard.

The Hon. F. E. McKenzie: So that the purpose of amending the Act was to provide that the submissions are the criteria?

The Hon. R. J. L. WILLIAMS: Quite possibly, but I would like to add this: I made further inquiries when this letter hit my desk, and Mr Uren's submission was fully considered. There was some confusion in the House, because 27 submissions had been admitted and the 28th had been left out. I want to assure Mr McKenzie that from the inquiries I made Mr Uren's submission was in the 27 admitted and it was not the 28th submission that had arrived too late, or something of that order. The authority said Mr Uren's submission did not constitute an objection to any feature of the proposals as set out in the amendment, and the authority decided not to hear him.

The Hon. F. E. McKenzie: Could you tell us who submitted the 28th submission?

The Hon. R. J. L. WILLIAMS: No. I was told there were 28, and I will not say what I think, because I must stick to facts. However, I can say positively it was not Mr Uren's submission.

The Hon. F. E. McKenzie: Does it not indicate some sloppiness on the part of the MRPA, that one submission was not dealt with?

The Hon. R. J. L. WILLIAMS: I believe there is a reason for it. It may be that the person who submitted it said at the last moment he did not want it considered because of something that happened prior to the sitting of the authority.

I do not want to take up any further time of the House, but I feel I should add this: I travel frequently through this area, and I live

very close to it. In point of fact, I believe only one member of this House lives nearer to it than I do, and that is the Hon. R. G. Pike. If this concept gets off the ground, the area will be protected jealously by people like me who live in the area. We will see that there are no encroachments of an extraordinary nature. I would like to add that my constituents who live in this area know where I live, and believe me, when there is a smell of sewage about in Floreat, they demonstrate very quickly that they know where I live. I say to my constituents, "Come and sit in my lounge room, and you will see it is no different here." So had there been any rigid objections to the scheme by any of the residents or concerned people in the area, I would have known about it.

I received no such representations, and in fact in my opinion the move to disallow the amendment in this House was triggered off as a machinery measure to address ourselves to agreements that have nothing to do with the Herdsman Lake situation. However true and honest the previous amendment upon which an objection was lodged had been, it has nothing to do with this case, and I ask the House to vote against the motion to disallow the amendment.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.35 p.m.]: I must assume that in his last remarks Mr Williams was attempting to damn this motion to disallow with faint praise. I listened very carefully to what he had to say, and I must confess I found his reasons for disagreeing with the motion very slender indeed. They do not have a great deal of substance or any sound argument behind them. I understand Mr Williams was replying on behalf of the Government.

The Hon. G. C. MacKinnon: It is odd we get these different points of view. I thought Mr Williams gave an excellent summation, point by point, with meticulous logic.

The Hon. R. F. CLAUGHTON: The Leader of the House could have made a speech—

The Hon. G. C. MacKinnon: I thought he did too well for that.

The Hon. R. F. CLAUGHTON: —and given us his views. I paused to see whether any other members wanted to speak, and as no-one has risen I will press on with my reply. I can understand the concern of the Leader of the House to protect Mr Williams.

The Hon. G. E. Masters: He did not protect him; he just stated a fact.

The Hon. R. F. CLAUGHTON: It is no purpose of mine to discredit Mr Williams. I am attempting to seek the support of Government members for the motion I moved. The arguments presented by Mr Williams were not particularly sound.

The Hon. G. C. MacKinnon: I thought they were good; Mr Williams did a first class job.

The Hon. R. F. CLAUGHTON: At the commencement of his speech he said that the remarks made so far in the debate had little semblance to the truth. That was a rather unfortunate statement, because I quoted the source of all my remarks.

The Hon. R. J. L. Williams: I was talking about mathematics.

The Hon. R. F. CLAUGHTON: I quoted the source of the figures. That is apart from the 1 000 acres.

The Hon. R. J. L. Williams: That was the mathematics I was talking about.

The Hon. R. F. CLAUGHTON: I gave that as an approximate figure.

The Hon. R. J. L. Williams: But the figure of 320 acres was not correct.

The Hon. R. F. CLAUGHTON: I gave that figure of 320 acres as a conversion of the figure contained in the 1975 MRPA report. I gave the page number, and that could have been checked. However, for the benefit of members, I will read the statement that appears on page 23 of the annual report. It says—

The plan proposes a lake of 167.3 ha with a permanent water area (108.4 ha), natural wetlands (41.9 ha) and nesting islands (18.0 ha).

So that comes to 168.3 hectares and not 167.3 hectares. However, that is a minor error only, and I point out that the MRPA was the authority I quoted. I referred to these figures to indicate the fact that our open spaces are slowly disappearing. Although the MRPA has not quoted how much open space is left, I believe it would be more than the figure I quoted.

The Hon. R. J. L. Williams: Are you referring to the figures on page 12?

The Hon. R. F. CLAUGHTON: No, these are the figures given on page 23 of the 1975 annual report.

The Hon. R. J. L. Williams: I have figures here of the 17th December, 1975. On page 12 of this it has the extent of the Herdsman Lake reserve—

The PRESIDENT: Order!

The Hon. R. J. L. Williams: I was only trying to help.

The Hon. R. F. CLAUGHTON: I did not contest the figures Mr Williams gave when he was on his feet. The report Mr Williams was looking at refers to 1974, and there is a further alienation in the current plan. My main concern is this gradual cutting away of the lake area, and the process is being continued in this place. There is nothing to indicate the amendment we are discussing will be the end of it. I hope, even if my motion is not carried, it will be the end of it, but there is no guarantee of that.

Further north in Wanneroo I believe it has been possible to save more areas of open space than in the City of Stirling. We have seen this marked reduction in the areas of open land, and in the 1955 report the area of urban farm land was indicated as a broad strip flowing north and south through the whole corridor. Mr Williams spoke of finding gold in Girrawheen, but I believe a few people found their pot of gold when these former farmlands were subdivided and sold as real estate for industrial and residential purposes. That has been a commanding feature in deciding the future of the land.

Unfortunately, it is the same principle that is being applied in respect of this last remaining large area of open space at Herdsman Lake. It is not logical to say we should approve of this, because an east-west route has been drawn on the plan to connect the north-south extension of the regional road on the west side of Herdsman Lake with the Mitchell Freeway; that is, the blue road on the northern end of the plan. It is not logical to say that, because there is a piece of regional open space left between that area and the area set aside for industrial purposes, the regional open space should be used for industrial purposes also.

It appears as though the reason for the amendment is to tidy up the map, but we are not talking about tidying maps. We should be doing things for the general community. People who work in factories benefit by having a garden environment around their factories, in the same way that people who work in offices, shops, or about their homes appreciate an attractive environment. Any number of studies have proved that productivity increases in these circumstances. It is not logical to turn that piece of regional open space on the north side of the blue road into industrial land.

The Hon. R. J. L. Williams: It already is industrial land.

The Hon. R. F. CLAUGHTON: If it already is industrial land—

The Hon. R. J. L. Williams: The proposal is simply to tidy it up.

The Hon. R. F. CLAUGHTON: Either it is industrial land, or it is not. At the moment, until this plan completes its course through Parliament, it is regional open space. With the acceptance of this plan, it will become industrial land, but it does not have to be; we can reject the amendment.

When speaking to my motion, I made the point there were considerable areas of industrial land north of the lake and north of Scarborough Beach Road, in Osborne Park, Balcatta and Wanneroo which are available for businesses that want to expand or relocate their manufacturing concerns.

I can well understand why the people involved in Herdsman Nominees would like to expand where they are; I think they purchased the land at a very good price, from their point of view. But that is only one of the community considerations which are involved. Other areas of vacant industrial land exist in the northern corridor, but there is a marked shortage of remaining public open space.

Although there has been no great public agitation about this piece of land, I can tell members that in the future they will be very sorry people were not moved to make a great fuss about it. Some time ago, a lot of people and members from both sides supported the retention of the area of land west of Perry Lakes, when it was proposed by the Perth City Council that it should become residential. It is a pity those people are not as concerned about the future of this piece of land.

Of course, there are a number of horse riding establishments situated around the lake, and I can tell members they have been under threat of relocation for a considerable time. I thank Mr Williams for quoting the correct figure of \$2.5 million paid by various interests for this land; I mentioned the incorrect figure, as I was relying on my memory, and I ask members to forgive me for misleading them to that extent. However, \$2.5 million is still a considerable price to pay for a piece of land.

I cannot believe the new owners of the land will be content to leave it as undeveloped land; they will want to turn that money back into

profit. I am not saying that is anything bad; that is the purpose of the investment. However, it will mean that we will find springing up all along the western edge of the lake medium and high density residential premises, and the area which now is available for people to stable their horses will be unavailable in the future. It may well be the sons and daughters of members in this House, or their successors, who will regret that facility was not retained.

There is no place like the Herdsman Lake area for a long way. At the moment, there is some land adjacent to the mental home, in Graylands—also in Mr Williams' electorate—and I imagine some horses could be relocated there. However, apart from either of these two places one would have to go a long way to find a similar facility, and I think it will be a sad loss for the people concerned.

Miss McAleer, by interjection, raised the matter of the pony club. The concept plan indicates that an area will be made available to the club. However, that is only one section of the people who are involved; there are many more people who gain recreational enjoyment from the area and, if one likes, keep out of mischief, which is a term one often hears in this place.

Horse riding is a very healthy outdoor occupation, and these people are able to use their horses in a way they could not if they were forced to stable or agist their horses miles from the city. Undoubtedly, this land will not be available to these people from now on. The Opposition would like to see the plan designate this area as rural, so that it could continue to be used as it is now used, and so that the people located in the various establishments around the lake would not be disadvantaged by being relocated.

On the question of the regional road, I believe Mr Williams gave insufficient reason for not supporting my motion. There is no doubt that the regional road runs north and south and that the plan indicates an east-west blue road on the northern end of the lake. That road could still be located in the vicinity—possibly, even where it is. However, there are other east-west roads such as Scarborough Beach Road, Grantham Street, The Boulevard, Cambridge Street and Salvado Road which cater for east-west traffic, so even if the east-west road indicated on the plan were not proceeded with the traffic would be catered for.

It is not the blue road to which I am objecting; I question the necessity for the retention of the regional road in this area. Nearly \$1 million has been spent upgrading Pearson Street, and it

could be widened again in much the same way as it was some 18 months ago. So, on that score, Mr Williams' argument was not particularly forceful or relevant to my argument, and I again appeal to members to support my motion.

Mr Williams said public discussion had taken place. I would say there was no public discussion at all on the rezoning of land on the northern end of the lake for industrial purposes; it has just been happening, and I do not think people were really aware of the fact.

The Hon. R. J. L. Williams: Then people do not read the notices, because under the law they must be advertised.

The Hon. R. F. CLAUGHTON: The problem is that people do not understand what is happening until they see it happening, by which time it is too late to do anything about it.

I would agree with Mr Williams' remarks about the seminar which took place on the 14th August, 1975, and which was attended by many different interest groups. That seminar took place because the Naturalists' Club was very interested in the land, and aroused public concern about what was potentially going to happen to the lake; as a result, the Government was moved to set up the discussions with the different groups.

I can well believe that, among those 23 organisations attending the seminar, the Main Roads Department was very happy with the proposals. The department was still keeping its slice of land; that was not being taken away from it. The planned road has been moved backwards and forwards quite a bit, as Mr Uren forcibly pointed out in notices to some members. However, that was partly because of a landholder by the name of Daniele, to whom Mr McKenzie referred. If the June, 1976, road alignment had been followed, he would have been very much disadvantaged in respect of his house and property. So, it was moved back to the 1963 alignment, which left the best portion of his property unaffected. By "best" I mean that portion which was highest, and an area satisfactory to him; he will still lose a portion of his land.

While a seminar was conducted in 1975 and many interested groups were invited along to talk about the matter, I still contend that, in a number of vital areas, there has been no public discussion. I refer particularly to the proposals concerning the new industrial area, about which there is little public awareness, and of the likely developments on the southern and eastern ends.

At times, the Perth City Council has been very vociferous about the degree of high density residential development to the south of the lake. I

mentioned when moving the motion that the Minister in fact had approved a further 96 flats on a site where previously there had been a single house. That sort of decision puts a lot of people into the area and creates congestion and many problems for the local authority.

I accept Mr Williams' statement that the Metropolitan Water Board will make every effort to ensure that silting is controlled. It cannot be disputed that road drainage running into a basin will eventually cause silting. I certainly hope the appropriate control measures are invoked. I did refer to Lake Monger being used previously as a rubbish dump.

If the lake water is deep enough, there is a temperature difference which sets up a circulation of the water, and this helps to prevent stagnation and the growth of botulism. That was why I referred to the proposal to mine the area, and to the various minerals sought by the company; namely, silica—which, of course, is sand—diatomaceous earth, kaolin, and talc. The application did not mention peat. However, these are various residues from evaporation, and salt precipitation.

I do not wish to prolong my reply. I am disappointed with the attitude adopted by the Government and with the lack of public response in relation to this matter. One of the problems in that respect is that regularly every year the lake seems to catch fire and sends up a cloud of smoke, followed by a shower of dust across the district. We also have a regular, seasonal distribution of bulrush seeds, which can be annoying to some people. Many people believe it would be of advantage to develop the lake area.

Regardless of that aspect of the matter, nothing I have said has been against the development of the lake area for recreational purposes. The lake area already has been reduced from its 1963 size; there has been a tremendous loss of public open space to higher stages of development. For miles around, the region has become residential and industrial, so all that land has been lost.

If it had been left there, planning options would have been available; and land which is not used could be utilised for recreational or community purposes. In the main all that has gone, and very small areas are left.

This lake will become an extremely important resource within the total, but unfortunately the people are not sufficiently aware of it at this particular time. The lake is of great value to bird life as fen land; it is seasonally wet and dry, and this attracts a large variety of birds. To date

some 102 varieties of bird life have been discovered, but there might be more. Its use as a bird refuge cannot continue with the great alterations to the character of the lake; and such alterations are inevitable, with the development going on around the edges of the lake. Further in there will be the planned changes, such as the building of roads. So, the total area will be reduced more and more.

The very wide expanse of rushes that has existed up to now has afforded protection to bird life. If this is removed we will encroach more and more on the protection that is offered. It is the character of the site access that keeps intruders, such as human beings, out of the lake and allows the birds to remain there.

I hope members will support the motion. If it is agreed to it will not mean that we are rejecting all that is taking place at the lake; it will merely mean that the planners will have to find ways to ensure that a much larger area of the reserve, as originally laid down in 1963, is retained. I ask members to support the motion.

Question put and a division taken with the following result—

Ayes 8

Hon. R. F. Cloughton	Hon. R. Hetherington
Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. R. T. Leeson
	(Teller)

Noes 19

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

Question thus negatived.

Motion defeated.

Sitting suspended from 6.07 to 7.31 p.m.

COMMUNITY WELFARE ACT AMENDMENT BILL

Third Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [7.31 p.m.]: I move—

That the Bill be now read a third time. I did indicate to the Hon. R. Thompson that I would hold up the passage of this Bill so that

he could have a chance to see if indeed there was any conflict between a clause in this Bill providing for a penalty of \$200 and a clause in the Police Act which provides for a penalty as stated by the honourable member. I think the Hon. Ron Thompson has had an opportunity to ring and speak to the Crown Law Department.

The Hon. R. Thompson: I did not ring.

The Hon. D. J. WORDSWORTH: I thought perhaps the member had. I contacted that department and was informed there was no direct relevance in the two offences. The offence in the Police Act is referring solely to police discipline and obstruction to police officers who are empowered by law to carry out certain duties under the Criminal Code. I was informed that the offence listed with a \$200 fine in the Community Welfare Act Amendment Bill is a very minor one.

The Hon. R. Thompson: It is not the Criminal Code. It is the Police Act.

The Hon. D. J. WORDSWORTH: It is a criminal offence.

The Hon. R. Thompson: No; it is the Police Act, not the Criminal Code.

The Hon. D. J. WORDSWORTH: I realise that; it is a different sort of offence to this relatively minor one in the Community Welfare Act Amendment Bill which relates to a person who is given some responsibility by the Minister and does not carry it out as directed while that offence under the Police Act relates to someone who is prevented from carrying out an occupation for which he has a licence. This is a completely different offence from that covered by the Police Act.

Question put and passed.

Bill read a third time and passed.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th April.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [7.34 p.m.]: The Opposition agrees with this Bill in principle and in detail. However, in his second reading speech the Minister made a number of rather strange comments and I would like him to clarify some of these during the Committee stage. As I understand the Bill, it relates to any vessel—and that includes any ship or boat or any vessel used in navigation including air-cushion vessels—that may have been registered in another State by such a body as the Maritime Services Board of New South Wales and brought across to Western

Australia. These craft will become subject to the laws of this State—the regulations of the Harbour and Light Department and the provisions of the Western Australian Marine Act. In other words, it would be a similar situation to a motor vehicle registered in New South Wales becoming subject to provisions of the Western Australian Traffic Act when it arrived in this State.

The Bill will enable the Minister through his department to exercise effective control over non-commercial vessels which are arriving in this State by road, and this is where I am a little confused; this does not seem to read right. If a vessel turns up at Norseman, who would apprehend the offending vessel? Would the Minister have to send for the Water Police or an officer of the Harbour and Light Department?

The Hon. J. C. Tozer: The navy, of course.

The Hon. D. K. DANS: I do not believe Mr Tozer is right. I am not being facetious, but it seems strange to refer to "vessels which are now arriving, especially by road, in increasing numbers since the sealing of the Eyre Highway".

While all States are currently working towards reciprocal provisions for the control of private vessels, this seems to be a long-term objective. If we take that as it is, it seems a rather strange way to approach a Bill that will amend the Western Australian Marine Act. I believe there should be some means of control over such vessels and they should be provided in the short term until there are reciprocal arrangements between the States. It is not clear to me how this Bill will control overseas vessels.

In terms of the definitions in this Bill it is possible for a vessel to be brought down from Singapore and offloaded at Fremantle or to come from New South Wales by road, quite safely since the sealing of the Eyre Highway. As the Minister quite rightly stated in his second reading speech, the Act presently defines the term "vessel" as it applies to non-commercial craft as craft which are used for pleasure privately, and not for hire and reward. The Minister continued—

There is some doubt that this definition would include vessels coming into Western Australian waters from another State or from overseas which would not otherwise be subject to our legislation. Thus the anomalous situation arises where visiting vessels operating in Western Australian waters are outside the jurisdiction of the State and are thus not liable for breaches of the law.

I would like the Minister to clarify for me the fact that this legislation would apply equally to vessels that enter the State from anywhere at all. I am quite aware that this legislation is complementary legislation to the proposed amendment to the Police Act.

It is not clear to me if this Bill will cover those vessels arriving from Singapore or Taipei; they could be normal non-commercial vessels operating in and around Western Australian waters. I know there are difficulties with this, but if the Bill does not apply to these craft surely some way can be found so that it does apply. I know the Commonwealth would have some overriding authority in such a situation.

Perhaps the situation could arise where this legislation would apply to pleasure craft which can flit in and out of our waters and which we consider to be involved in such illegal activities as drug trafficking. However, at the time the offence is taking place it may be that there is no Commonwealth legislation that would apply.

I do not understand the part of the Bill relating to vessels which might arrive at Norseman by road and which are registered by a particular authority in another State. What is the situation applying to vessels coming from elsewhere? There are many vessels which are built out of the State and which are subsequently registered here. There are a number of vessels that come here and are not registered, and there are boats that are registered in Singapore or elsewhere that belong to someone from that country. Perhaps this Bill will cover them.

The Opposition support this Bill as we think it is necessary and desirable. We are fully aware it is complementary to the Police Act and we have an amendment on the notice paper which we believe will help, although there might be a section of the Police Act which could apply.

THE HON. T. KNIGHT (South) [7.42 p.m.]: I rise to support the legislation. I believe the Bill will cover some of the anomalies that we were faced with last year involving actions of members of the Green Peace Foundation during their attempts to stop whaling in the Albany area.

I mentioned last year in this House the dangerous situation those people were placing themselves in by going to sea in the craft they had to interfere with the legal activities of the whalers. I referred specifically to the position they placed themselves in by crossing under the bows of the

whalers while they were carrying out their normal pursuit of whale chasing. I mentioned the possible injuries that could have occurred to the protesters and the crews of the whalers when the chasers were forced to avoid a collision.

This measure will give the Government some sort of control, if only to protect those people from themselves. The protesters were obviously not prepared to go to the trouble of getting large enough ships in which to put to sea. I believe the Government should be able to move in and stop these people from carrying out such activities in unsuitable craft and stop them carrying out subversive action against an industry's legal operations. I also mentioned last year the cost to the Government in searching for these people, because at one stage they ran out of fuel and could not return to shore. On another occasion a whaler had to reduce its speed to allow the protesters to follow it in, because they had no navigation equipment. These whalers often go out as far as 60 miles from the sight of land. The cost to the Government of search and rescue operations is phenomenal, and I am pleased the Government has introduced the legislation which will protect these people against themselves and remove an anomaly which I believe existed in the past.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [7.45 p.m.]: In reply to the Leader of the Opposition, reciprocal legislation with other States has been mentioned. It has been the aim of various marine and ports conferences, of which there have been three. In the past this matter has been of little concern to us. In New South Wales, one has only to travel up the Murray River and cross the border—

The Hon. D. K. Dans: And become subject to the provisions of the navigation legislation.

The Hon. D. J. WORDSWORTH: That is right. One has to obtain a permit to drive a motorboat in some of those States. We have managed to live above those conditions because of the Nullabor. Now that the Nullabor is sealed the boats are starting to "sail" across it—as Mr Dans said. It is not uncommon nowadays to see aluminium boats on the roofs of Landrovers and other vehicles, and obviously the owners of those boats want to be able to use them before they register them, without committing an offence. They want to be able to use their boats until they reach a Harbour and Light Department office where they can obtain registration. The reason for the legislation is to overcome that problem. However, if it is thought necessary to drag them in, that can be done.

The Hon. D. K. Dans: It is a little more sweeping than that in its final analysis. I do not disagree with that provision in regard to that particular type of boat.

The Hon. D. J. WORDSWORTH: Then there is the other type of boat mentioned by the Leader of the Opposition which comes in from Hong Kong. In many cases that type of boat is already in the harbour before it is put over the side. Sooner or later the owner has to come ashore and he then has to abide by the legislation and register the boat in the normal course.

The greatest difficulty is in relation to overseas boats which never come ashore; they simply go up and down our coast. They pretend they are going past. Under the provisions of this legislation, if one is suspicious then the provision in the Bill can be invoked, a notice can be placed in the *Government Gazette*, and the boat inspected.

I thank members for their support. I hope this measure will enable us to have better control.

The Hon. D. K. Dans: I thought that was what the Bill meant, but I wanted to hear the Minister say so.

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. D. J. Wordsworth (Minister for Transport), and transmitted to the Assembly.

MURDOCH UNIVERSITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th April.

THE HON. R. HETHERINGTON (East Metropolitan) [7.55 p.m.]: The Opposition receives this Bill with no enthusiasm whatever. Let us say we regard it very much like the curate's egg; good in one part and bad in another.

I have no objection to clause 3 of the Bill which is designed to extend the term of persons serving on the Murdoch University Senate. They will be able to serve three terms of three years instead of two terms of two years.

The original provision was written as it was, because at the University of Western Australia some people had a permanent lien on positions in the senate. They had been there for years and years, and that is a bad thing—particularly as sometimes people feel that because a person has been on the senate for so long it would be cruel to cast him off. For that reason it was decided that after a certain number of terms—two—people had to get off the senate. They could then be re-elected after a further period of three years, if that was thought desirable.

The Hon. R. G. Pike: Do you believe the same argument should apply to Labor Party members in safe seats?

The Hon. D. K. Dans: No, only to members opposite.

The Hon. R. HETHERINGTON: It is a different question, because the electors are not necessarily so kind. Another problem confronting university senates is that students who are elected to governing bodies quite often take a long time to find out what goes on. They meet usually monthly, and it requires three, four, or five years before they find out what is happening. In this case, although the senate meets quite frequently, it is like Parliament.

Very frequently, in a small university like Murdoch, the staff leave and where there is a rapid turnover there is an insufficient number of experienced people on the senate of the university. For that reason the proposed amendment seems to be quite sensible.

The other clause of the Bill is the one I want to take to task. I had considered moving an amendment, but on seeing how the matter was treated in another place I thought I would not bother to do so. However, I am opposed to the clause. The Minister, in his second reading speech, said—

Section 12 (1) (h) of the Act currently provides that two members of the senate shall be selected from persons who are members of either House of Parliament, and appointed by the Governor, of whom one shall be nominated by the Premier and the other by the Leader of the Opposition. The experience of the last five years has tended to confirm the view that such appointments are not desirable and this Bill seeks to delete that provision.

I would suggest that the experience of the last five years has tended to prove no such thing. It has tended to prove that in the appointment of members the Tonkin Government made a mistake. in the first instance, in principle, and this was

then exacerbated by the succeeding Liberal Government. Where members of Parliament have worked successfully on university governing bodies, they have been back-bench members and not Ministers.

The Murdoch University is an autonomous body and it requires people who are not there to express the will and wishes of the Government. My experience comes from the University of Adelaide where the practice of appointing members of Parliament dated back from the time when party politics were not so prevalent. I cannot see why they should not be prevalent. Of course, we have to have party politics, but Mr Withers tells me that back-benchers still have independence in this Chamber. Members of Parliament who were placed on the Senate of the University of Adelaide did, in fact, act as independent back-benchers to the benefit of the university, to the benefit of themselves, and to the benefit of their parties. They grew to understand more about the problems of the university.

There are some members in this Chamber who would be excellent members of university governing bodies, and I am looking at one right now. Members who read *Hansard* will know I am talking about Gordon Masters, who would learn a lot from being on a university governing body.

The Hon. D. K. Dans: Impossible. There would be too many militant feminists for him!

The Hon. G. E. Masters: Mr Hetherington has waited a long time to get in that one on me.

The Hon. R. HETHERINGTON: In due course Mr Masters would have much to contribute..

The Tonkin Government appointed the Hon. Don Taylor to the Murdoch University Senate, a person temperamentally and eminently suited to the position. However, a Minister of the Crown cannot be placed on the governing body of an autonomous institution, because immediately one feels that Big Brother is looking over one's shoulder, and that is quite undesirable.

I think the appointee of the Court Government was less temperamentally suited, and the whole thing has not worked very well—particularly as I gather that some busy members have been unable to attend meetings. Therefore, I suggest to the Minister that the experiment has not failed; it has not been tried properly. However, I do not suppose it will be tried properly.

The amendment I intended to move was merely to allow the Governor on the advice of the Premier and the Leader of the Opposition, to appoint two, three, or four members to the governing body, instead of the Governor on the

advice of the Premier and the Leader of the Opposition, appointing members under certain restraints. If the Premier or the Leader of the Opposition wanted to appoint a politician to a governing body—a person who seemed to be suitable and not a Minister—that could be a good idea. There are other people in this House who would, I think, be very useful on the governing body of a university. Modesty forbids me to say too much about them, but certainly my colleague on my left wing, the Hon. Roy Cloughton, would be very good in that job.

The Hon. V. J. Ferry: Extreme left wing!

The Hon. R. HETHERINGTON: Well, I have referred to Mr Pike as my colleague on my left wing, so we are never sure whether one is serious or ironic.

I suggest that the Government rethink this proposal. I know that if I move an amendment the Government would not do anything about it. I do not accept the clause, but I do think it is a principle worth thinking about—it is sometimes desirable to appoint back-bench members. If we want a university governing body which is, to a large extent, interested in the bipartisan attitude of the university, and the development of scholarship, we could do well to have both the appointments of the Premier and the Leader of the Opposition. Because a mistake was made in all good faith, the Government is now taking a retrograde step by means of this legislation. I repeat: This is more curate's eggish legislation; rotten on the top and good on the bottom, if I might put it that way.

I do ask the Minister, after he has ridden over my objections, to take the measure back to the Minister in another place, lay before him my recommendations, and ask the Government to think again so that it may yet change its mind and introduce yet another amendment.

I must say I happened to lose a file and I had to look at the Bill again. I think we should consider in this House that in the moving of amendments the whole of a clause should be deleted and substituted with a completely new clause so that we can read what is going on, instead of having to flip backwards and forwards through a Bill and getting terribly confused. I have finally managed to work out the amendment but I would rather not have gone through the exercise in this particular instance. The Minister intends to move an amendment to an amendment to the Act, which gets rather confusing—particularly as I get no joy out of the original Act,

or sections of it, and nor do I get any joy out of the amendment now under consideration. We will not oppose the Bill, but we will oppose one clause of it.

THE HON. A. A. LEWIS (Lower Central) [8.00 p.m.]: I do not want to take issue with the Deputy Leader of the Opposition on whether back-benchers are qualified to serve on university bodies.

The Hon. Grace Vaughan: You had better not.

The Hon. A. A. LEWIS: Looking around this Chamber, I think some of the products of the Adelaide University may not be as good as the senate which ruled them, if we go along with the remarks of the Hon. Robert Hetherington. I agree with the Deputy Leader of the Opposition that the Hon. Gordon Masters would be an excellent person to have on a senate—

The Hon. D. K. Dans: That is where we differ.

The Hon. A. A. LEWIS: —without any provisos. However, members of Parliament tend to become wound up in parliamentary work to a great degree. I know of many appointments of members of Parliament to various bodies by Government of all colours—the Community Recreation Council, senates, and what-have-you—and those who are really involved in their parliamentary work and in this place cannot do justice to themselves or the job, because of the amount of work they have to do as members of Parliament. I am not casting aspersions on them. The Hon. Grace Vaughan is probably one who does her job extremely well as far as the senate is concerned—it is obviously the day for compliments—but to say back-benchers can take on a job such as this shows a slight lack of knowledge of the full commitments of a member of Parliament.

I will excuse the Deputy Leader of the Opposition, because probably he has not been in this place long enough to get wound up into the situation of a member of Parliament.

The Hon. R. Hetherington: I am winding up rapidly.

The Hon. A. A. LEWIS: But I do not think he has got even within cooee of the work he will be doing when his leader whips him along. In the first year or two after coming into Parliament we think this is not a bad job. One's constituents do not know who one is and let one have a fairly easy ride. There is certainly a honeymoon period on coming into Parliament, which I can assure the Deputy Leader of the Opposition ceases after a while. I do not think

his seat is any different from the others, and I am sure in three or four years' time he will have a look at what he said tonight and wonder where he would have found time to do the job properly had he been appointed to the senate.

It seems to me one can take on many jobs—I have always been accused of taking on far too many—but one cannot do them properly. A job such as an appointment to a university senate must be done fully to obtain the maximum benefit from it for the university and the member concerned. The conflict between parliamentary duties and the duties involved in serving on a senate could become an obstacle, and as a member of this House is elected for a province I believe his parliamentary duties should come before his duty to a university or any other establishment.

The Hon. R. Hetherington: I do not want to be on the university senate. I have too many other things to do.

The Hon. A. A. LEWIS: I am glad to hear it. The Deputy Leader of the Opposition, as the Opposition spokesman on education or the shadow Minister for Education—I am pleased to see the Labor Party has woken up to the fact that the upper House exists—will find he has plenty to do, but he looks around and blithely nominates people who may have the time, without knowledge of what those people do with their time in their parliamentary duties.

When I look around this Chamber I find some members can do particular jobs for their party better than anybody else in the Chamber. The Hon. Don Cooley is highly experienced in union and labour matters, as is the Hon. Fred McKenzie. They have both been brought up in that field, so the general public will go to them. The Hon. Roy Cloughton and the Hon. Robert Hetherington have been brought up in education, and it might be said they have time to go on a senate or a board dealing with education, but I believe their jobs as Opposition Whip and Deputy Leader of the Opposition in this Chamber would take all their time and they could not really give to the senate the time it should have.

The Hon. R. T. Leeson: What do your constituents go to you about?

The Hon. A. A. LEWIS: Just about everything, because I am so brilliant.

The Hon. R. Hetherington: You could have fooled us.

The PRESIDENT: Will the honourable member confine his remarks to the Bill?

The Hon. A. A. LEWIS: Certainly, Mr President. It is very easy to talk but in practice it is extremely difficult for back-bench or front-bench members of Parliament to take jobs on the outside. Those of us who have other occupations outside, for our sins, find that those occupations suffer badly. I do not believe the education system in this State should be made to suffer, because a member is busy with his parliamentary duties and cannot give sufficient time to the senate of a university.

I therefore think the Government has done the right thing. In my opinion, fewer members of Parliament should be appointed to boards, authorities, and what-have-you, because of the nature of their duties. One could probably make out a case for an appointment to a university senate running parallel to the duties of the Opposition or Government spokesman on education, but one would tend to lean towards the tertiary area rather than to cover the whole expanse of education from pre-primary right through to tertiary.

The Hon. R. Hetherington: I did not suggest either Ministers or shadow Ministers.

The Hon. A. A. LEWIS: I know, but some people have a certain amount of expertise in various subjects—the Hon. Grace Vaughan in social welfare, the Hon. Fred McKenzie in railways, the Hon. David Wordsworth in marketing—

The Hon. D. K. Dans: That is what you would call a backhand crack.

The Hon. A. A. LEWIS: It was not meant as a crack. The Hon. David Wordsworth has shown, since I have been in this House, that he knows more about marketing than any other member does.

The Hon. Grace Vaughan: What about the "pommie shop steward"?

The Hon. A. A. LEWIS: The Hon. Gordon Masters has a great deal of knowledge about business; and thank the Lord he has, because we must counterweigh the unions.

The Hon. D. K. Dans: What has this to do with the university senate?

The Hon. A. A. LEWIS: We are talking about ability to serve on the senate of a university in this State. If I read *The Australian* correctly, perhaps we are jumping the gun. One of its headlines yesterday was to the effect that Murdoch might close. I hope for the sake of Western Australia it does not.

The Hon. R. Hetherington: The Minister in another place might do something about that.

The Hon. A. A. LEWIS: We hope he will. It would be a great loss to the stock industry in Western Australia if we did not have the veterinary school at Murdoch. I do not think the other courses matter so much as the veterinary school, because it provides guidance in raising stock and exporting stock overseas.

The Hon. D. K. Dans: Did you see the programme on veterinarians the other night, which said we have too many?

The Hon. A. A. LEWIS: We may have too many the way they are being used at the moment.

I support the Government on this move. The arguments of the Hon. Robert Hetherington were reasonable but I do not think they would really work.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.12 p.m.]: I could not resist getting to my feet after hearing the Hon. Mr Lewis bumbling through the Government's rationale in taking the step proposed in this Bill. What the Government is doing is removing from itself the choice of some very capable people to serve on boards.

I have not served on a university senate or the board of a college of advanced education, but I have served on the Museum Board, from which I was removed—I believe on political grounds—and I doubt that any other members on that board had as good a record of attendance as I had. I think my contribution was of some value to the board. Certainly no complaint about the job I did has ever come back to me.

In relation to members of Parliament serving on boards, if one wants someone to do a job one asks a busy man, because busy men are the people who are geared and motivated to perform difficult tasks. My colleagues are a solid bunch of people who are capable of making a real contribution in all kinds of fields. The four years I served on the Museum Board was a very valuable experience to me in enabling me to see how the establishment operated and to see at close quarters how bureaucracies operated, and members of Parliament can gain valuable experience from a term spent in these areas—experience which can contribute to their value as members of Parliament in assessing matters on which we have to make decisions in this Chamber. In fact, it pays a dividend to the public.

If a member does not wish to take on any more duties and feels he is already over-extended, he has the right to say, "No." Surely it is sensible to leave the matter open so that if a Government

feels it has a person amongst its members who can contribute in a worth-while way, that person can be appointed. However, that cannot happen if the option is taken away by this Bill.

I would think the members of Parliament who have served on different boards have performed a very valuable task. I am sure the Hon. Grace Vaughan is continuing to contribute in a most valuable manner to the deliberations of the Senate of the University of Western Australia. At one stage I was asked if I would like to be on the council of a college of advanced education, and I told those concerned that if they really wanted me I would join, but that I would prefer not to. I think that is the way it should be done; we should have the opportunity to be on boards, and not have that opportunity arbitrarily removed as is being done in this Bill.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.17 p.m.]: I do not take issue with the Government for attempting to eliminate paragraph (h) of section 12 (1) of the Act. The matter on which I take issue with the Government is that it is limiting the categories of people who may become members of the Senate of Murdoch University. By deleting paragraph (h) the Government is taking away the possibility of two members of the senate being members of the Houses of Parliament.

In paragraph (i) of section 12 (1) we find that two members of the senate may be appointed by the Government and by the Opposition, and they must not be members of Parliament. I consider that before deleting paragraph (h) the Government should have considered paragraph (i). In fact, if we were able to elect two members, one of whom should be nominated by the Premier and the other by the Leader of the Opposition, that would be fair, but to say absolutely that category is excluded and that in fact members of the senate who are selected from the community cannot be members of Parliament is wrong.

I believe within the Parliament there are people who would be valuable members of the senate; but the Government is deleting one paragraph without considering another which actually prohibits members of Parliament from being seen as members of certain categories of the community; and that is a bad thing.

I believe to run a University it is extremely important to have a normal distribution of types, as far as is possible within the governing body; and if it is going to be said categorically that

we will not have members of Parliament, it would be a bad thing. The number of members appointed under paragraph (g) is being increased. They are the members appointed by the Governor—that is, by the Premier—and the number is being increased from four to six. But no-one in his right mind would say that Sir Charles Court would appoint the Hon. Bob Hetherington as a member of the Senate of the Murdoch University. Nor would a Labor Premier appoint the Hon. Bob Pike or the Hon. Gordon Masters.

The Hon. G. E. Masters: Why do you say that?

The Hon. GRACE VAUGHAN: Now, let us be realistic. Members opposite really try my patience! Mr Masters knows perfectly well the Premier would not appoint Mr Hetherington. If Ron Davies were Premier, he would not appoint a member of the Opposition just as Sir Charles Court would not. Let us face it; we operate on a two-party political system, and that just is not on. Mr Masters should stop kidding himself.

We know, therefore, that under paragraph (g) members of governing bodies will be appointed only if they are politically consonant with the Premier of the day. So we need to have a provision under which we can appoint people from the community to governing bodies, and we should not exclude those people who are members of Parliament.

All sorts of things are said about members of Parliament. I find that as a result of being in the category of a member of Parliament I suffer a lot of shame and guilt in the community.

The Hon. G. E. Masters: Why?

The Hon. GRACE VAUGHAN: If I am approached on the basis of my being a member of Parliament, I find people are extremely nice to me, because I might be helpful to them some day. However, let us face it, as far as the category is concerned the people of Australia and Western Australia see members of Parliament as being not very high in the ranking of occupations.

The Hon. R. G. Pike: That is only Labor Party parliamentarians.

The Hon. GRACE VAUGHAN: Come, come! Mr Pike should use the little grey matter he possesses. If Mr Pike does a little reading he will find that in any sociological index members of Parliament are very low down in the ranking of occupations. Whether it is those people who continually change from one party to another who bring the occupation into low repute, I cannot say; and I would not like to say it with the Hon.

Bob Pike being present, because he might feel I am talking about him personally. Nor do I know whether it is a fact that members of Parliament are not always of the very best standard. You, Mr President, and I represent a very good province and we are of a very high standard as far as politicians are concerned. However, that does not apply to everybody.

Nevertheless, the point is that members of Parliament should not be excluded from being able to be elected to governing bodies of universities, and that is what the amendment does. I believe the Government in this Bill has done some good things. As Mr Hetherington said, it is like the curate's egg; it is good in parts and rotten in other parts. However, I ask the Minister for Transport if he will request the Minister for Education to consider the fact that by removing paragraph (h), which in fact modifies paragraph (i), it means only people who are not members of Parliament can be appointed to governing bodies of tertiary institutions.

The Premier of the day might have in mind some very good people whom he would not be able to nominate; nor would the Leader of the Opposition be able to nominate suitable persons if paragraph (h) is deleted, because paragraph (i) states specifically that the two members appointed under its provision cannot be members of Parliament. That was stated in paragraph (i), because paragraph (h) already stated members of Parliament would be on the senate. I am sure the Minister understands that, and it is not necessary to spell it out further than that.

Some very important things must be considered when appointing people to the governing body of a tertiary institution. To obtain a normal distribution of types on the governing body, we must consider not only from what section of the community appointees come, but also their capacity and ability. I do not consider I am on the Senate of the University of Western Australia simply because I am a member of Parliament; far from it. I think that would be something the senate would want to avoid. I feel possibly I was appointed to that senate as a result of my community affiliations. Although I do not know, I feel perhaps it was because of my ability to communicate with community organisations and to bring the community into the university that I was asked to join the senate, to which I devote a great deal of time.

I feel the contention of the Hon. Sandy Lewis that members of Parliament, if doing their job properly, really should not have time to be on governing bodies of tertiary institutions has a very

tenuous base. After all, there are members of this House who are farmers, members of community organisations, and businessmen. If we look beyond the Parliament and consider the Senate of the University of Western Australia itself—with which I am well acquainted—should we say that the members of this senate should have no other jobs? Are we to say that they should devote their entire lives to looking after the governing body of the university? It is implicit in the statement of Mr Lewis that if one is a member of Parliament one has not time to be a member of the governing body of a tertiary institution; and if that is so the reverse must apply, and if one is a member of the senate one should not have time to be anything else.

The Hon. G. E. Masters: That is not what he said at all; he didn't even suggest it.

The Hon. GRACE VAUGHAN: It is implicit in his argument.

The Hon. G. E. Masters: That is your interpretation.

The Hon. GRACE VAUGHAN: Obviously Mr Masters has never taken logic as a subject, because if he had he would see that applies. There are members of the Senate of the University of Western Australia who are very busy people indeed and who are performing an enormous job and making a tremendous contribution in many other spheres of society. Therefore, I think it is belittling to members of the Senate of the University of Western Australia and other governing bodies, the personnel of which I am not acquainted with, to say they cannot do anything else in their lives except look after tertiary institutions. I think it is belittling also to people in this Parliament who are members of sporting and other bodies.

Mr President, you belong to literally hundreds of organisations in the community to which you contribute. The same can be said of other members of Parliament. They contribute to community organisations by their membership; not just a token membership of going along annually, smiling sweetly, and saying, "I hope everybody votes for me next time", but by offering real contributions, ideas, practical expertise, and by offering physical help as well.

So we cannot say exclusively that certain people shall not be members of the governing body of a tertiary education institution simply because they are members of this or that; and that applies equally to members of Parliament.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [8.28 p.m.]: I thank members for their contribution to the debate. I feel some of the speeches we have heard have provided the reason the Bill is before the Chamber. Perhaps in the old days when we had back-benchers who were non-political, it was a good idea to have members of Parliament on governing bodies. If we could have only one member of Parliament on a body, perhaps the bodies would not become so political. However, nowadays we must balance the representation and have two members of Parliament; therefore, politics come into it.

I would like to take the Hon. Grace Vaughan to task in respect of her point that by excluding members of Parliament we are missing out on a very fine body of people. If I read the Bill correctly, paragraph (i) of section 12 (1) says that two of the members may not be members of Parliament, but paragraph (j) says that persons, not being more than three in number at any one time, may be co-opted to serve as members of the senate by an absolute majority of the other members.

Therefore, I believe members of Parliament are not excluded, and the Bill does not exclude the fine body of people in this Chamber.

The Hon. R. Hetherington: That argument doesn't wash. You co-opt people because they have special qualities.

The Hon. D. J. WORDSWORTH: Nevertheless, I feel once one becomes a member of Parliament one has special qualities. I will take up the Hon. Grace Vaughan on the other point she made that all members of Parliament are considered to be of rather low character. I am sure one sets one's grade and lives by it. I am sure many members of Parliament are highly respected.

I got the message from the Deputy Leader of the Opposition that he objects to my other amendments, but I am sure he would hate to see such bad English in a piece of legislation after he had sat in consideration of it. Therefore, I have on the notice paper some consequential amendments which should be made following the acceptance of the other amendments.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 12 amended—

The Hon. D. J. WORDSWORTH: I move—

Page 2, line 5—Delete the word "and".

Page 2, line 7—Delete the passage "(1)."

and substitute the following—

(1); and

(c) as to paragraph (b) of subsection (2), by deleting the passage "paragraph (h) or", in line three, and substituting the word "paragraph".

I do not feel these amendments need very much explanation as they are consequential on the main amendment.

The Hon. R. HETHERINGTON: I am not objecting to the amendments. However, I am objecting to the clause, but I do not wish to canvass it at any great length except to say that some of the arguments from the opposite side of the Chamber do not stand up, and it is a pity that members of Parliament are excluded even though they can be co-opted.

Co-option onto a university body is usually reserved for a person with very special qualities. I was arguing for members of Parliament not to be excluded. I agree with what the Government is doing in deleting the mandatory provision for two members of Parliament to be included. Tertiary institutions were growing and burgeoning. It looks as though they may start to shrink in this State although I hope we can avoid that. But obviously if there was a mandatory inclusion of members of Parliament on every tertiary body we would run out of members of Parliament. Therefore, I am not objecting to that part of the amendment in the Bill but it seems to me quite undesirable that members of Parliament are precluded, because by their very nature members of Parliament are representative people although they may represent in an odd kind of way.

The Hon. Robert Pike keeps reminding me that in many ways I do not seem to represent my electorate, because he seems to think I belong somewhere else. But I am an elected representative of East Metropolitan Province. Certainly I was not pushing my own barrow, because I do not think an Opposition spokesman on education should be on a governing body. Back-bench members, who do not have to speak for their parties in the sense that Ministers or shadow Ministers do, can quite often contribute a great

deal. I am not saying they should be included of necessity—I am agreeing with the Government this far—but they should not be excluded in particular; it should be possible for a Government to include them.

It is the tendency of Governments of all political colours to multiply the number of people who are appointed by His Excellency on the advice of the Government of the day. If the amendment the Opposition suggested in another place were accepted, whereby there would be three people nominated by the Premier and the Leader of the Opposition, the Minister would find that members of a university body would not play politics. They would not lose their political attitudes; but who will suggest that some of the businessmen sitting on university governing bodies lose their political attitudes? Of course they do not. Quite often they do not intrude, because they are talking about academic subjects; they learn something, and they are subdued.

If three people were appointed by each side of the Chamber, and if some of them were politicians, I do not think we would get the party politics on university governing bodies which the Minister seems to worry about. For this reason I am not going to do anything vigorous such as forcing the vote on this clause to a division. I merely oppose it in principle and hope that, as the Hon. Grace Vaughan suggested, the Minister will suggest to the Minister in another place that he think about this again and make a minor amendment which does not preclude politicians. He should also think about the Opposition, because the Minister may be in Opposition one day. If the present Premier were to become the Leader of the Opposition he might appreciate the opportunity to contribute to the governing body of the university by recommending appointments to the Governor.

This is not a very radical solution and I do not think party politics rule this out as a possibility. It has worked in other places and I am quite sure it could work here to the benefit of both the governing bodies of the universities and of the politicians concerned.

The Hon. D. J. WORDSWORTH: I appreciate the Deputy Leader of the Opposition's points, which he has made forcefully. Members of Parliament who are on governing bodies should not feel that this is any reflection upon them, and I am sure the Hon. Grace Vaughan does not. In case the Hon. Roy Cloughton feels that, I can assure him that his record on the governing body of the Museum was very good and we appreciated his coming down to Esperance on several

occasions. If this is to be the policy of the Government—and it is the policy of the Government—I am afraid it must be done across the board and we cannot differentiate one board from another.

The Deputy Leader of the Opposition said that each side of politics should have more choice, rather than appointments being made by the Governor on the advice of the Government. Once one has been a member of Cabinet for a time and has had to choose people to sit on such boards one finds that politics do not come into the decision at all. One endeavours to find the very best people, and when looking at people on boards it is very hard to pick out which political party was in power when they were appointed.

The Hon. GRACE VAUGHAN: I wish to emphasise one matter which the Hon. Bob Hetherington did not emphasise as much as I should have liked. The Minister is quite right when he said that in paragraph (j) there is allowance for the intrusion, if one might call it that, of the community into the sanctity of the ivory towers. But this Bill has done something to reduce the probability of members of Parliament being on those governing bodies. Certainly paragraph (j) is still there, but by increasing the number in paragraph (g) we have the opinion of the Government of the day deciding who ought to be appointed.

It is all very well to say that it is difficult to differentiate between persons appointed by different Governments, but the bias is there and can be seen to be there on occasions. Some of the most recognisably conservative people on the governing body of the University of Western Australia have allied themselves with me on the most unusual sorts of questions and I have allied myself with them at times when they have been most surprised that I should do so. I agree that people are people, but they are still political animals, and they are still party political animals.

I do not think members of Parliament as a body are held in very high esteem by the community. In particular instances they are; probably the Hon. David Wordsworth is thought to be a fairly marvellous sort of guy, and some people think I am all right. But as a body we are not held in high esteem. Therefore, it is unlikely that we would be given top priority for being invited to join the governing body of an institution under paragraph (j). If we reduce the probability of selection from the normal distribution in the community, we are doing something wrong.

I wish the Hon. Sandy Lewis was present in the Chamber, because he is one person I should genuinely like to see on the governing body of a tertiary institution. When I first became a member of this Parliament I was recorded in *Hansard* as calling him a philistine. I have not completely changed my mind about that! Nevertheless he has qualities which would be very useful in bringing some of the people of the governing bodies of tertiary institutions down from their ivory towers, even if he only yelled at them loudly enough to topple them off. He has an earthiness which is needed in these places.

I know the Government is not very keen on losing face by doing something that the Opposition suggested, but if it can introduce legislation which will not militate against the probability of members of Parliament being included it will be doing something very good for tertiary institutions in Western Australia.

The Hon. D. J. WORDSWORTH: I believe the honourable member does herself an injustice by suggesting that perhaps we should have a provision in the Bill that will enable a member of Parliament to end up on the board, because members are not considered to be of sufficiently high esteem to enable them to be appointed to the board otherwise.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 3: Section 14 amended—

The Hon. D. J. WORDSWORTH: I move an amendment—

Page 2, lines 9 to 12—Delete paragraph (a) and substitute the following—

(a) as to subsection (1)—

(i) by deleting the passage “, other than a person appointed under paragraph (h) of subsection (1) of section 12,” in lines two, three and four of paragraph (b);

(ii) by deleting the passage “one further term of three years”, in the last two lines of paragraph (b), and substituting the passage “two further such terms of three years each”; and

(iii) by deleting paragraph (c); and

I believe the amendment, once again, is only consequential and perhaps it should have been made earlier. It leads to the use of better English.

The Hon. R. HETHERINGTON: I am happy to place on record the Opposition's support of the amendment and the clause.

The Hon. GRACE VAUGHAN: I want to register my disapproval of such clumsy drafting. I am not blaming the Government. One of my Bills will be read a second time tomorrow. I had to burn the midnight oil to see if there were other passages—and there may be others—for which I should have made provision. However, if the Crown Law Department cannot spend time looking through a Bill as small as this one, how would it cope with amendments to the Liquor Act or the Local Government Act, if it had to go through the whole Act to ensure something was not retained which would be irrelevant as a result of an amendment to another section? I believe the Minister ought to make some sort of protest to the department about the situation.

The Hon. D. J. WORDSWORTH: I thank the member for her comments. I seem to remember having a little difficulty in the past as to whether we should amend one of the honourable member's Bills. In the case of the Liquor Act Amendment Bill we may look at it and decide that, rather than amend it, we will have to toss it out, because it contains some incorrect technicalities.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

House adjourned at 8.50 p.m.

QUESTIONS ON NOTICE

EDUCATION

School Sites

119. The Hon. R. F. Claughton (for the Hon. GRACE VAUGHAN), to the Minister for Transport representing the Minister for Education:

(1) Further to the reply to my question No. 94 on the 18th April, 1978, would the Minister inform the House why the Seaforth Primary School is sited on only 3.64 ha, when the minimum, as stated by him, for the metropolitan area is 4 ha?

(2) Is the Education Department taking steps to supplement the area by purchasing further lands?

The Hon. D. J. WORDSWORTH replied:

- (1) As stated in my answer to question No. 94 on the 18th April, 1978, the standard requirement for a primary school site prior to the introduction of pre-primary centres was approximately 3.6 hectares. The introduction of the pre-primary scheme was in 1975. The Seaforth Primary School opened in February, 1972.
- (2) No.

ROAD

Mitchell Freeway

120. The Hon. R. F. CLAUGHTON, to the Minister for Transport:

- (1) When is it expected that construction of the Mitchell Freeway to Hutton Street, Osborne Park, will be completed?
- (2) (a) What is the next planned construction stage of the Freeway; and
(b) when is it expected that work will commence on this stage?

The Hon. D. J. WORDSWORTH replied:

- (1) Early June, 1978.
- (2) (a) Hutton Street to North Beach Road.
(b) No construction timetable has been set but it is hoped to place filling during 1980 as a preliminary to later construction work.

FISHERIES

West Ocean Canning

121. The Hon. D. K. DANS, to the Minister for Fisheries and Wildlife:

- (1) What evidence did the Director of Fisheries and Wildlife present before the magistrate in Beaufort Street Court recently, to show why he made a decision preventing West Ocean processing salmon at Albany?
- (2) Is he aware that a statement made to the Government by the Director of Hunts Canning Company that the company would close if it did not get all the salmon from Albany, had not been substantiated by facts and figures?
- (3) In view of Hunts Canning Company's statement to the Court, can he explain how the Managing Director of Hunts Canning Company was able to convince him that he should make a decision forcing all professional fishermen operating on the south coast to sell their salmon exclusively to Hunts Cannery?

The Hon. G. C. MacKINNON replied:

- (1) In general terms, evidence of declining abundance of salmon on the south coast of Western Australia.
- (2) The statement by Mr Hunt that he would close has now been put into effect.
- (3) Yes.

ROADS

Beechboro Road, Bayswater

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

- (1) Does the Main Roads Department intend to provide a raised median island in the centre of Beechboro Road, near Winifred Road, Bayswater, to enable aged persons from the Mertome Village and children from the special school in the same vicinity, some form of refuge when crossing this busy road?
- (2) If so, when will the facility be provided?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) The Main Roads Department is not currently considering any such proposal. However, the Bayswater Shire Council advised some time ago that it would undertake an investigation. I am unaware whether this has been done, but I will arrange for the Department to make enquiries with the Council and, if necessary, undertake investigations.

HEALTH

Aerial Medical Services

123. The Hon. N. E. Baxter (for the Hon. T. McNEIL) to the Minister for Transport representing the Minister for Health:

Further to my question No. 111 of the 26th April, 1978, regarding aerial medical services—

- (1) Is the Minister aware that arrangements were made early in 1977 at a meeting between the previous Minister, departmental officers, the President, Secretary and Dr. Oxer from the St. John's Ambulance Association, for a working party comprising representatives from the St. John's Ambulance, the Flying Doctor Service, and departmental officers, to discuss and attempt to bring about an integrated aerial ambulance service?

- (2) Was this arrangement for a working party followed up by the Commissioner of Public Health?
- (3) If the arrangement was not followed up, why?
- (4) If the arrangement was followed up, what was the result of deliberations?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Yes.
- (3) Not applicable.
- (4) That there should be increased use of aerial transport to convey patients from areas between 100 and 300 miles from Perth.

TRAFFIC ACCIDENTS

Marmion Avenue

124. The Hon. R. F. CLAUGHTON, to the Leader of the House representing the Minister for Police and Traffic:

How many accidents—

- (a) fatal; and
- (b) other;

have occurred on Marmion Avenue between Warwick Road and Mullanoo Drive over the past 12 months?

The Hon. G. C. MacKINNON replied:

Reported accidents—

- (a) fatal—2;
- (b) other—37.

HEALTH

Lodging Houses at East Perth

125. The Hon. LYLA ELLIOTT, to the Minister for Transport representing the Minister for Health and Community Welfare:

- (1) Did any of the departments under his jurisdiction recently conduct a survey of lodging house tenants in East Perth?
- (2) If so, will he please table the report of the survey?
- (3) If not, why not?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes, but the survey could not be regarded as a formal departmental inquiry.
- (2) Yes.
- (3) Not applicable.

The paper was tabled (see paper No. 158).

CULTURAL AFFAIRS

W.A. Opera Company

126. The Hon. R. F. CLAUGHTON, to the Minister for Transport, representing the Minister for Cultural Affairs:

- (1) What action, if any, is the Government taking to ensure that Federal Government grants to the W.A. Opera Company are maintained?
- (2) If the above grants are discontinued, will the Government give an assurance that State Government grants will be increased to cover the loss to the Opera Company?

The Hon. D. J. WORDSWORTH replied:

- (1) The W.A. Arts Council is opposed to the decision taken by the Music Board of the Australia Council to reduce financial support for opera, including grants to the W.A. Opera Company, and representations have been made to the Australia Council to reverse this decision.
- (2) The W.A. Arts Council and the Board of the W.A. Opera Company have been meeting to discuss future financial needs and, as yet, no decision has been made.

PREVENTION OF CRUELTY TO ANIMALS ACT

Amending Legislation

127. The Hon. LYLA ELLIOTT, to the Leader of the House, representing the Chief Secretary:

- (1) Is it the intention during this Session of Parliament to amend the Prevention of Cruelty to Animals Act to control the setting of steel jawed traps in the metropolitan area?
- (2) If not, when will this urgently needed legislation be introduced?

The Hon. G. C. MacKINNON replied:

- (1) No.
- (2) The matter has been referred to the Department for investigation. A submission from the Hon. Member would be welcomed.

QUESTIONS WITHOUT NOTICE

LATE NIGHT SHOPPING

MTT Arrangements

1. The Hon. D. K. DANS, to the Minister for Transport:

I regret that I have given no prior notice of this question; however, it is in the public interest that I ask it. In view of the introduction of late night shopping next Thursday night, does the Metropolitan Transport Trust intend to run additional suburban services?

The Hon. D. J. WORDSWORTH replied:
I think we answered this question the other night; if I recall correctly a reply was given to another member.

The Hon. N. E. Baxter: It was announced on the air this morning.

The Hon. D. K. Dans: Unfortunately, I did not hear it on the air.

The Hon. D. J. WORDSWORTH: I am afraid I did not hear it; however, from the interjection it seems it was announced on the air this morning that they would be running.

ROAD TRANSPORT

Perth-Meekatharra

2. The Hon. D. K. DANS, to the Minister for Transport:

- (1) Did the Minister see the full page advertisement by Bell Freightlines in *The West Australian* on Monday, the 1st May?
- (2) Are the rates quoted on the items for the Government franchised transport company and the rates on these items for alternative tenders submitted correct?
- (3) If so, why will the Minister not recall tenders so that people in the Murchison can receive substantial freight savings, particularly as one alternative tender was overall \$10.50 per tonne cheaper than the tender accepted?
- (4) If the rates quoted are incorrect, in what way are they not correct?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Bell Freightlines submitted a tender not giving a kilogram rate, but only a tonne rate which was correctly quoted. The rates quoted in the advertisement for less than tonne lots have apparently been apportioned on the tonne rate quoted.

I have endeavoured to get over to the public that tenders were called for 12 different varieties of items to the Murchison, because we were endeavouring to replace a Westrail rate book which of course has many more items than that, and because we wanted the people there to be able to associate the charges directly with what they had been used to.

We asked for 12 different groups and felt that was probably as much as we could expect the tenderers to do, and within those 12 groups we asked for four different weight ranges to three different towns. So, obviously there was going to be a variety of weights and prices, and in no way can one say which was the cheapest. As it happens, one of those prices quoted in the newspaper was for a tonne of beer. If it had been for one tonne and one kilogram to Mt. Magnet, it would have been cheaper than the price quoted as being the cheaper of the two. This shows the variation that one can get.

- (3) A committee of which I was chairman and consisting of the Commissioner of Railways, the Commissioner of Transport, Mr W. Broad of Yalgoo, and Mr J. Lloyd of Meekatharra who were elected to represent the district interests, examined all tenders received; and in the interests of the three towns, Mt Magnet, Cue, and Meekatharra, examined the type and consignment sizes of goods which were considered would normally be sent to the area, and made a considered decision that the successful tenderer would provide the greatest benefit overall to the Murchison. Therefore, I do not propose to recall tenders.
- (4) Answered by (2).