

# Legislative Assembly

Tuesday, 14 August 1984

**THE SPEAKER** (Mr Harman) took the Chair at 2.15 p.m., and read prayers.

## LOCAL GOVERNMENT: WANNEROO SHIRE COUNCIL

### *Royal Commission: Petition*

**MRS WATKINS** (Joondalup) [2.18 p.m.]: I have a petition to present which bears 53 signatures of residents of Western Australia. It reads as follows—

To the Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia, being ratepayers and residents of the Shire of Wanneroo request an urgent Royal Commission to enquire into the actions of the Wanneroo Shire Council in respect to the administration of the Shire of Wanneroo Town Planning Development Schemes and its general acquisition and sale of land since 1970.

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

The petition conforms to the Standing Orders of the Legislative Assembly and I have certified accordingly.

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

(See petition No. 34.)

## LOCAL GOVERNMENT: WANNEROO SHIRE COUNCIL

### *Royal Commission: Petition*

**MR CRANE** (Moore) [2.20 p.m.]: I have a petition couched in terms similar to the petition which has just been presented. It bears 150 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 35.)

## PORNOGRAPHY: VIDEO FILMS

### *Banning: Petitions*

**MR TERRY BURKE** (Perth) [2.22 p.m.]: I have two petitions directed to you, Sir, and members of this House. They read as follows—

We, the undersigned plead that because it will cause serious harm to the community the Parliament will not legalise the sale, hire or supply of any video tape, video disc, slide or any other recording from a visual image which can be produced, which portrays scenes of explicit sexual relations showing genitalia detail; acts of violence and sex; sexual perversion such as sodomy; mutilation; child pornography; coprophilia; bestiality or the use and effect of illicit drug taking.

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

The petitions bear 3 504 and 45 signatures respectively and I certify that they conform to the Standing Orders of the Legislative Assembly.

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

(See petitions Nos. 36 and 37.)

## ABORIGINAL AFFAIRS: LAND RIGHTS

### *Opposition: Petition*

**MR TERRY BURKE** (Perth) [2.24 p.m.]: I have a further petition addressed to you, Sir, and members of this House. It reads as follows—

WE, THE UNDERSIGNED, firmly believe all Australians should have equal rights to acquire and to own land. We express our opposition to any special land rights for Aborigines. We believe that special land rights granted to Aborigines in Western Australia will—

- (1) SEGREGATE WESTERN AUSTRALIA into black and other territories and communities
- (2) CREATE DIVISIONS in the community through the granting of special land rights on racial grounds to one racial group
- (3) DESTROY the Australian tradition that each Australian shall be equal before the law
- (4) DAMAGE THE ECONOMY of Western Australia

The petition bears nine signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 38.)

### HEALTH: DENTAL

#### *Technicians: Petition*

MR BRADSHAW (Murray-Wellington) [2.25 p.m.]: I have a petition addressed to you, Sir, and members of this House. It reads as follows—

We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support:—

- (i) The amendment of the Dentist's Act, 1939-1972 to include provision for Dental Technicians who qualify through Legislation to treat members of the public direct in the fitting, manufacture and repair of removable dental prosthesis (dentures), thereby providing members of the public with a free choice of consultation in the matter of fitting, manufacture and repair of removable dental prosthesis; and
- (ii) The establishment of a recognised course of clinical training to be undertaken in addition to the existing Dental Technician's apprenticeship to enable existing and future Dental Technicians to qualify under the term of paragraph (i) above.

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

The petition bears 104 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 39.)

### DENTAL PROSTHETISTS BILL

#### *Introduction and First Reading*

Bill introduced, on motion by Mr Hodge (Minister for Health), and read a first time.

### LEAVE OF ABSENCE

On motion by Mr Gordon Hill, leave of absence for seven consecutive sitting days of the House granted to Mr Brian Burke (Balga—Premier) on the ground of ill-health.

On motion by Mr Gordon Hill, leave of absence for 28 consecutive sitting days granted to Mr Bertram (Balcatta) on the ground of urgent public business.

### LEGAL AID COMMISSION AMENDMENT BILL

#### *Report*

Report of Committee adopted.

#### *Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Grill (Minister for Transport), and transmitted to the Council.

### ACTS AMENDMENT (ABOLITION OF CAPITAL PUNISHMENT) BILL

#### *Second Reading*

Debate resumed from 8 August.

MR CRANE (Moore) [2.27 p.m.]: In continuing my remarks on the Bill before the House, a Bill which is commonly called the hanging Bill, I would like to reiterate what I said last Wednesday when commenting on it. Ample evidence exists that an increase has occurred in the incidence of murder and pre-meditated murder in most countries. I suppose one of the exceptions to that would be Singapore where the Prime Minister (Mr Lee Kwan Yeu) has very quickly and equitably made people realise that death is permanent. As a result of this, Singapore is one of the world's safest places; it is possible to walk at night in Singapore without any fear of being molested. This is particularly the case with women.

I said last week and I repeat now that this penalty should be retained and it ought to be applied to the perpetrators of pack rape and of brutal attacks on women where they are raped—there is plenty of evidence of this—in the privacy of their own homes. Our homes are very sacred to us and it is very wrong indeed that people cannot feel secure in their own homes. It is a most serious offence for a home to be broken into and a person brutally attacked and raped. At one time these offences were punishable by death. That should be the case again today.

Pack rape is also a very serious offence. There is no reason at all that we should not accept our responsibilities in this place to protect society. We are elected to Parliament to pass or retain laws so that people may feel free and secure. It is all very well to talk about people's rights, but the innocent people of this world have just as many rights as do criminals. Criminals are making it exceedingly difficult for people to enjoy the passiveness which is our right. Therefore, the only deterrent which would be a real deterrent indeed is to maintain the death penalty.

If I can pass a criticism of our previous Government, it is that we are often asked why we retained this law when it has not been used since the 1960's. I believe it ought to have been used on a few occasions, but the Executive Council of the day felt otherwise. Members may think I am a cruel or hard person. I believe it is generally known that I am a soft touch.

Mr Jamieson: Ha!

Mr CRANE: I am very firm in my views on the rights of other people. I would probably be one of the softest touches in this place and I would be the first to admit it.

Mr Tonkin: Hear, hear!

Mr CRANE: At the same time, I do not duck for cover when difficult decisions have to be made. It is not an easy decision to take away a life, but when one considers one's responsibilities to society, and the way in which society has become gradually degraded over the years so that nobody feels secure any more, we must take stock of where we are.

The retention of capital punishment is important in order that people who are planning to kill others or take the sort of action that will lead to death may fully appreciate the consequences of their actions. Terrorism is increasing at an alarming rate throughout the world, and innocent people are being killed daily through no fault of their own, except that they happen to be there at the time. In a free world we ought to be free to go wherever we wish to go. We should not have to run the risk of being hijacked when we board an aircraft or suffer serious injury or death as a result of carrying on our private business.

An international agreement is needed, in conjunction with the death penalty, to make sure no asylum is given to people taking part in any act of terrorism. I know some countries do not use hanging as their method of inflicting the death penalty, but whatever the country uses, so be it. In Australia we use hanging as our death penalty, except of course in wartime when people can be put against the wall and shot; but that is a military matter.

I can only strongly reiterate that it would be a very sad day indeed for Australia if we were to take away the death penalty. It is a deterrent, it has been shown to be a deterrent, and I believe it is the only language those sorts of people recognise.

Varying degrees of murder exist, some of which are not premeditated—that is, an act of uncontrolled emotions. A jury is able to differentiate between the different types of killing and it does so very well. I am not suggesting that everybody who

takes a life should be hanged. In some cases, it cannot be proved beyond doubt that a person did take a life, and I would be the last to say that the death penalty should apply in those circumstances. No doubt must exist at all, and the death penalty would be warranted only in violent cases of murder or attack.

Somebody once said it would be better to let a criminal go free than to hand an innocent person. I believe the law makes provision for this; as I said, there must be absolutely no doubt at all as to whether a person is guilty. If doubt exists, life imprisonment and other forms of punishment are available.

Therefore, I say in the strongest possible terms that the death penalty must be retained, and in doing so I believe I speak for a large majority of the people of Western Australia. I know the vociferous few are always able to make themselves heard, but I am quite sure that if a referendum were held on this issue, the result would be in no doubt. In support of our free society and of the freedom of individuals and their right to live and let live, I oppose this legislation.

MR MENSAROS (Floreat) [2.37 p.m.]: I wish to participate in this debate mainly to place on record that the vote I will cast on this question will not be the result of following perhaps the majority view of my party, but as a result of very serious and longstanding consideration. I have been involved on and off in this question since my university days. I have read a lot about it on and off, and unlike some much more learned people, I did not come to the conclusion that I should change my mind.

It is a pity that many people have a prejudiced view on this question and follow either religious or perhaps political or party-political convictions without examining the questions themselves and coming to a conclusion. Hence I welcome the adopted policy on our side in Parliament that in these sorts of social-ethical issues we have an entirely uncontrolled vote, irrespective of whether we are in Government or Opposition.

If one looks at various countries one can establish that the attitude of a particular country or its Government to capital punishment is not based on any political creed, because if we accept there are, roughly speaking, two sides of politics in the free world—one we might call the free-enterprise or capitalist side, represented by members on this side of the House, and given various names such as "Conservative" or "Liberal", and the other the socialist side which has more radical views and more restrictions—we cannot say that the majority of people voted for one or other side and

constantly followed a view of capital punishment according to the party. In the West, countries dominated by conservative parties have abolished capital punishment, and others which have had socialist Governments have retained capital punishment.

It is quite clear that it should not and ought not to be a party-political consideration, but rather a social, philosophical, and perhaps legal consideration. That applies equally to the religious question which has been brought up in this debate since the Premier introduced the Bill, and used as an authority his Christian religion—perhaps more particularly his Roman Catholic religion.

The Leader of the Opposition argued about that. It became a sort of contest of interpreting the Bible. I do not want to participate in that argument. I could not say anything more than was said or anything better.

If we argue that our beliefs are based on the Christian faith, surely we should recognise and admit that Christianity is based on one of the most bestial types of capital punishment, the crucifixion.

Mr Jamieson: I do not know whether I agree with that, though.

Mr MENSAROS: Well, if the member does not, why did one of the murderers who was crucified beside Christ, according to the Bible, say, "We have got what we deserved"? Why is it that the Almighty made no complaint? If capital punishment—a form of society protecting itself by whatever means it thinks necessary—were to be condemned according to Christian beliefs, the scriptures would indicate that Jesus Christ condemned capital punishment. Yet, Christianity revolves around the crucifixion which took place in 33 AD. I therefore think the use of that argument for the abolition of capital punishment is not valid.

The decision of every member should be based on deliberate considerations. Some of my arguments will reinforce those arguments which have been introduced already and others will deal with arguments which have not been introduced.

Of course, the argument of a deterrent comes up often. I think it would be very difficult, indeed, almost impossible, to use this as a valid argument for one side or the other.

I do not think that we can prove, with statistics, whether capital punishment is a deterrent against crime. I think we would have to consider individual statistics and collective statistics to enable us to conclude whether capital punishment is a deterrent. We would also have to consider the nature of the people concerned. However, even then, it would be only a theory.

Therefore, I do not think that one should try to introduce statistics into an argument like this. However, there are plenty of statistics which could prove the situation one way or the other.

When capital punishment was abolished in other States of Australia there were a large number of cases which would have attracted the ultimate punishment. The proportion of crime did not decrease after capital punishment was abolished in New South Wales. However, I am not arguing that that is a conclusive argument for the non-abolition of capital punishment. I am saying that we should set aside the argument of capital punishment being a deterrent to crime when considering the question of abolishing capital punishment.

Perhaps a more important and more interesting argument is that which has been brought up about whether we can counter illegal killings with legal killings. It sounds very ethical, perhaps, to say that, because we condemned one wrong, we cannot undo it with another. The argument that we cannot counter illegal killings with legal killings would be complete only if we were to say that we would not allow any form of legal killing. Yet we do. Has anyone suggested that we should abolish the right of a person to kill in self-defence? Would anyone suggest that a person who is being attacked and is in danger of losing his or her life should not kill in self-defence? Is it not illogical to say that that type of killing is legal but another type of killing, that of executing a condemned criminal, is not?

Furthermore, has anyone suggested that a community that is threatened by another community should not defend itself? Has anyone suggested that if Australia were being attacked, we should not go to war and defend ourselves? Should we allow everyone to be killed instead of applying a cumulative self-defence to kill the enemy? That is a legal killing also. Yet, religious leaders go to the front line and bless the weapons which will do the killing.

Mr Jamieson: There is an argument for salvation on both sides.

Mr MENSAROS: I am arguing that it is lopsided to say that the State cannot be excused for legal killings but a person can be excused for killing in the defence of himself or his country.

The argument has been introduced, not in this debate, but previously, about the internationally accepted United Nations covenant which mentions personal liberties and that the preservation of life should be considered as a supreme right. That is so, of course. However, I do not think that argument should be used against capital punishment. The very same United Nations charter talks also

about the sanctity of personal liberty. Should we not imprison someone for a crime which is considered by a community, State or country as being an offence because of the internationally accepted covenant which states that everybody has the right to life and liberty? Again, that argument does not stand up.

People could argue that capital punishment, as it operates in this State, is barbaric or inhuman. Some people might say that Western Australia's laws are antiquated and that we use a very bad method of execution.

I think members should read the report of the United Kingdom Royal Commission which considered this question about 15 years ago. It is one of the most exhaustive legal documents that one could read on criminal law.

After listening to an enormous number of experts, including medical people and prison officers in various countries, the Royal Commission came to the conclusion that hanging, from a psychological and physical point of view, is a much more humane method of capital punishment than any other method. That Royal Commission sat about 15 or 18 years ago. I cannot name it for members but I remember very well that I read it at the time.

Mr Jamieson: You should read the history of hangings in this State.

Mr MENSAROS: I am pointing out only what were its findings. The finding might have been more theoretical than pragmatic, but that is what the Royal Commission found.

Of course, there is the argument of public opinion that has been very well canvassed and, therefore, I will not dwell on it. Firstly, I have always believed, rightly or wrongly, that not everything should be decided by public opinion. If in a certain measure one could establish the right or wrong of that measure, then one should not necessarily seek public opinion. There is no conclusive evidence to show that public opinion is in favour of the abolition of the death penalty.

It is interesting that when one follows public opinion, as much as one can trust Gallup polls or public opinion polls, one realises that the views of the community do change. The general attitude towards the retention or abolition of capital punishment in the area concerned depends a lot on the types of crime being committed in that area at a particular time.

In the United States of America capital punishment was suspended, but that decision has now been overturned. During that time public opinion increased in favour of the retention of capital punishment. The same example can be found in the United Kingdom. There is no clear indication. I

think the indication is that if more crime is committed it might be vaguely connected with the deterrent argument. Of course, in that situation, more people would believe that the penalty should be applied; but when there is a lesser crime rate people are inclined to be of the opinion that capital punishment should be abolished.

One of my strong arguments, from a pragmatic point of view—having explained the ethical side of it—is that by implementing capital punishment, quite often more lives could be saved than the one life that was taken in applying the penalty.

With the increase in hijacking, terrorist actions and organised crime, day after day we see evidence in various parts of the world of organised criminals combining because of the supreme interest involved; that is, either a monetary interest or a nationalistic interest like in Ireland, some of the African countries or the Middle East. They combine in order to free someone who would have been executed had capital punishment been retained. Crimes are committed by way of blackmail in order to free a criminal from prison. These could involve the hijacking of an aeroplane or gross terrorist actions like those which have been experienced in various parts of the world, and the lives of innocent people could be taken. It could occur in other ways; blackmail could be directed towards freeing the head of an organised crime syndicate and in the process of doing that, many lives could be lost.

The same thing occurs in cases of espionage. It is a very compelling argument to say that if capital punishment is retained and implemented we save lives. If we abolish capital punishment lives might be sacrificed in order to free convicted criminals.

I place those arguments on record after long and serious consideration.

MR JAMIESON (Welshpool) [2.55 p.m.]: I have listened with interest to some of the Opposition speakers in order to ascertain if they were suggesting the retention of capital punishment as a deterrent. Members of the Opposition can be sure that the only case in which it is a deterrent is the case of the person who is executed. It has been said that if the prisoner is released he may commit the same crime again, but that very rarely happens. Some cases have been reported where a violent criminal has committed a crime against warders and other people, but in the main there is no way of guaranteeing that the penalty death is likely to be a deterrent in any country.

I suppose that if a referendum were held in a country where the people believed in the stoning to death of a person who committed the crime of adultery, the people of that country would agree to

the retention of that penalty. The people in countries where that action is taken probably have a lot of fun. Perhaps if that penalty were applied in this country we would have fewer legislators. However, these are the sorts of things that occur throughout the world and penalties have been applied as a result of religious law being tangled with statutory law.

No doubt the death penalty was inherited from biblical times—an eye for an eye and a tooth for a tooth. However in this day and age when we are supposed to be enlightened, is it a desirable feature of our community? I suggest it is not.

One thing about which we must be sure is that we do not in any way take some final action that could prevent information that subsequently becomes available from being used to the advantage of the person who is incarcerated for a crime he may not have committed. The recent incident in Adelaide is a classic example. Had the death penalty been carried out in that case and a subsequent inquiry been held and the same decision had been handed down there would have always been a doubt in the minds of the people of South Australia that they had been murderers to one of their citizens. This type of action cannot be justified under any stretch of the imagination.

The death penalty has been abolished in every other State of Australia, except Western Australia. Let us not be made to look foolish and to be known as the State that has not advanced with the times in judging people and in regard to general criminology.

When the death penalty was operative in the other States of Australia it was only used in cases of wilful murder. I will not go back to pre-war days, but since the war that has not been the case in Western Australia because people have been convicted of the lesser crime of murder and they have been executed. I would suggest that it is very unsavoury to have such a difference between States.

Indeed, in this State, we have provision for capital punishment for those who commit murder, but that does not stop the occasional murder from taking place. A large percentage of murders are crimes of passion. They will always be with us; they have come down through the ages, and I do not know how one can avoid them. Man is subject to certain strains, and when cracks appear, violence occurs against the person who is hated. It depends on the circumstances just how far the offender goes in trying the wreak vengeance on the person responsible for his being in that state of mind. Let us not get to the stage of wreaking vengeance on people just for the sake of doing so.

It was interested to hear the member for Floreat dealing once again with the fact that the abolition of capital punishment is not part of the general socialist philosophy in other countries, and the Labor Party being in Government and having a socialist background, should not have a policy of abolishing capital punishment. This shows a failure to appreciate that different parties in different areas of the world have different ideas and they are entitled to write them into their platforms. It is not necessary to be guided by other countries.

This same argument was recently associated with nuclear power. It is fallacious to use the argument that because it has a certain philosophy, every item of that philosophy should be the same. Nothing is more ridiculous; it shows a lack of knowledge on the part of the member. One socialist country is as different from another as is chalk from cheese. It is generally acknowledged that socialist countries run their systems quite differently from us. One would think, from what the member for Floreat said, that they should all be the same.

Mr Mensaros interjected.

Mr JAMIESON: They are entitled to. The Labor Party in this country is entitled to the philosophy that it has on capital punishment. There is nothing wrong with it. The party should not follow another doctrine if it thinks that doctrine should be avoided. The Labor Party has evolved from the trade union movement. Knowing that capital punishment was involved in doing away with some of the early union leaders and the actions taken against them, no wonder it is regarded in the platform of the Australian Labor Party as something objectionable which should be avoided in all circumstances.

Let us consider the matter of contract killers. I presume we do not take much notice of contract killers. They are not as prevalent here as in some other parts of the world, and in some parts of Australia where people are available to kill at a price. It has been suggested they are available in many parts of Australia. We do not seem to bother too much about mercenaries who may go to places like Africa and return to live here in normal circumstances. We say that is all right. They are killers in their own right, but I suppose with some justification in their own minds. They kill for a price.

One may reach the stage of having to fight for one's life because of different philosophies or attitudes; or because somebody may have something which one may deem to be one's own. In those circumstances death is the supreme sacrifice, and

perhaps one is entitled to do that. I suggest that should be a last resort, to be avoided if possible.

Terrorism was referred to by several speakers. That is nothing new. Admittedly new techniques, such as hijacking aircraft, are used now, but throughout the ages terrorist gangs have slaughtered whole areas of people. Tragic killings have occurred, the justification being given as the cause the terrorists support. They are killers, and they get away with it. If they were questioned when they crept into religious areas to cut the throats of men, women, and children sleeping, there would be chaos. As to whether it is justified or not, it is all a matter of which side one is on at the time the killing takes place.

We should not take sides in a legislative body like this. Let the judiciary determine whether people should be locked away from their normal lives, because of offences they have committed; and let that be the end of it. No great outcry has occurred in the Eastern States because this takes place. Once an offender has been committed to life imprisonment or whatever it might be, that is the end of the matter. There have been some escapes; we have known of escapes by all kinds of criminals; but in the main our system has been reasonably successful.

A perfect system is not possible. As for hanging being a humane method of capital punishment, I do not know about that. I have read several accounts of what has happened in Fremantle where people have had to grab the dangling legs of the hanged person to make sure his spine was completely broken. It may concern some people to read through the records of exactly what is done to prisoners condemned to be hanged before they are taken to their deaths. They are subjected to different sorts of investigations.

This is all on file. I was privileged at one stage to go through the records, and it is amazing what has happened to these people. All these things which have been going on in the name of humanity and in the interests of the community are repugnant to me, to say the least, and should be avoided. They can be avoided by saying to the judiciary, "You do not have to apply the death penalty, but the termination of that person's sentence will be a matter for another day, another occasion altogether".

We must remember that such a person might turn out to be a satisfactory citizen; so if there is a possibility he can be converted, at least something might be saved.

In a Christian community the main task is to attempt to convert people into good citizens with

whom we would all want to be friendly and whom we would like to see take part in the affairs of the State. We should not want to do away with them. The ability to be able to eliminate these people achieves very little and certainly it has not been proved to me that it acts as a deterrent.

Finally, one of the more recent decisions made in the House of Commons is an interesting one because the members of that Parliament were subject to many polls and advice from outside indicating that the death penalty should be brought back. Despite there being a Bill introduced and presented to Parliament, it was resoundingly defeated. This indicated that the legislators there felt, in their considered opinion, that the State did not have the right to extinguish a life for the purpose of exacting revenge against a person who had committed a crime. Therefore it is time we caught up with the rest of the world—or the rest of the reformed world—and the rest of Australia particularly.

Mr Spriggs: If the rest of the world is sick, why should we be sick?

Mr JAMIESON: If the member has been as sick as the rest of the world, that is his fault. He should see his local medical practitioner.

My suggestion is that we are a part of the healthy world and that, overall, we probably have less crime in our community than in similar communities around the world. Someone mentioned that people can walk unmolested and unharmed in Singapore. I found to my surprise that in the bigger cities of China I felt safe walking the streets inhabited by millions of people, more safe than I would walking in the streets of Perth of a night. The Chinese have their own means of disposing of people, and very quickly too. They do not provide a second chance should it be found later that the person was innocent, and this situation has occurred. I do not believe that is right, but that is their choice.

Our choice should be that capital punishment should cease in this State. We would then be on a par with other States in Australia and we could all be considered to be judging matters on an equal basis.

MR I. F. TAYLOR (Kalgoorlie) [3.13 p.m.]: I do not intend to speak at length on this important matter.

Mr Hassell: Are you a member of the broad left or the heavy left?

MR I. F. TAYLOR: I will be happy to discuss that issue with the Leader of the Opposition later, but the nature of this debate is of sufficient importance to put that side of politics away for a while.

I consider this Bill to be probably one of the most important pieces of legislation to have come before the Parliament in the just over three years I have been a member. It is an important Bill because it raises moral, ethical, and philosophical questions that we all must address and take into account at some time in considering where we as members of Parliament stand on what amounts to an issue of life or death for the people involved.

It is some 18 years since the last hanging occurred in Western Australia, and that involved Eric Edgar Cooke. Since that time we have witnessed a number of cruel and dastardly crimes and I think that people who think hanging is appropriate should wonder why the then Governments did not decide to carry out capital punishment.

One crime that comes to mind occurred a few years back when an escaped prisoner murdered a young couple near Mandurah. I think he had kidnapped them first and then murdered them.

Mr Hassell: That was Edwards.

Mr I. F. TAYLOR: I think it was. That crime was probably as cruel as anyone could imagine. However, the decision was made by the Government of the day that capital punishment should not be carried out on that prisoner. It must have been a difficult decision, but it is certainly one with which I, as a member of Parliament, would have to agree.

I believe capital punishment in itself to be an unusual and nasty way with which to deal with a crime. It is not an appropriate way for a civilised society to deal with any crime.

The retentionist arguments we have heard from members opposite recently are probably not so much based on vindictiveness and retribution for a crime, but more on the moral principle that a punishment should fit the crime. I suppose we would not expect someone faced with a parking offence to be put to death, although those supporting the retentionist argument would consider that a murderer should pay the ultimate penalty. I cannot go along with that.

My moral and ethical view is that we are a civilised society and therefore we should find alternative ways with which to deal with such people rather than putting them to death. One of the most important reasons for this is that people must be proved beyond any reasonable doubt to have committed the crime. It is probably more significant than in any other legal situation, that if a person is charged with murder, reasonable doubt can always exist. History proves reasonable doubt has existed in a number of cases where persons have been sent to prison for a long time or in fact

sentenced to capital punishment and hanged by the neck. The member for Welshpool referred to the recent case in South Australia where a person was freed by the Government, having been originally found guilty of murder. No doubt exists that if capital punishment had been on the Statute books of South Australia at the time he was found guilty, he would have been put to death and only now would we have seen a posthumous pardon.

Mr Clarko: That is not true. His alleged crime was no worse than the crime committed by Edwards, and he was let off in this State.

Mr I. F. TAYLOR: If capital punishment had been on the South Australian Statute book, every chance exists that he would have been put to death.

Mr Clarko: But evidence in Western Australia shows that that person would have got off had it happened here.

Mr I. F. TAYLOR: That is the point. A number of horrible crimes have taken place in this State since Eric Edgar Cooke was hanged, yet Governments have made the decision not to put people to death. I wonder what crime the member is considering if a person is to be put to death for it?

Mr Clarko: A hired killer.

Mr I. F. TAYLOR: What must always be remembered is: Is a person guilty beyond reasonable doubt?

I will give members 12 examples of cases in Britain where, after the event, it has been established that reasonable doubt did exist, yet in some cases a person was sentenced to death. I would hate to be a legislator or a member of a Cabinet that decided to extract the ultimate punishment for a crime, only to find out later that the person had in fact been not guilty or that reasonable doubt did exist. I would hate to live the rest of my days with that knowledge hanging over my head. That is something we as legislators must take into account.

In Britain, since the war, we can find at least 12 arguments against hanging. I will not refer to each case, but I will give some examples. The first occurred in 1946, when a person by the name of Walter Rowland was found guilty of battering a person to death with a hammer. In 1947 a person in another gaol confessed to the murder, so an appeal was made to the Court of Appeal. The appeal was dismissed and Rowland was hanged. Four years later the person who had confessed was found guilty of attempting to murder a woman by attacking her with a hammer, but was found to be insane. It is quite possible his original confession was true.



Timothy Evans is probably the classic case. Evans was hanged at Pentonville Prison in March 1950 for the murder of his baby daughter. Evans' accusations that John Christie murdered both his wife and his daughter were not believed. It was not until 1953 that Christie, having strangled four more women in the meantime, was also hanged at Pentonville.

A number of publications, including one by Ludovic Kennedy, who is quite famous for writing books on these matters, demonstrated conclusively that there had been a miscarriage of justice and Evans was finally granted a posthumous free pardon in October 1966.

James Hanratty was hanged for the infamous A6 murder in London. The victim had been shot dead and his companion sexually assaulted, shot and left for dead. However, she survived and he was condemned largely by her identification evidence, though she had picked out someone else at an earlier identity parade. There had always been doubt as to his guilt, particularly since the original police suspect, a person by the name of Alphon, led several people to believe that he was the killer. Two books were published on this matter, which brought forward fresh evidence that he was not guilty. However, the intensive campaign to issue him a free pardon did not succeed.

I could go on and read another nine of those cases, all in the same light, of people who have been found guilty. As I said earlier, in some cases they were hanged by the neck until they were dead, and later there was reasonable doubt—in some cases conclusive proof—that they were not guilty of the offence for which they had been sentenced to death and hanged.

The same could also be said in relation to the hanging of Ronald Ryan in Victoria many years ago, for murder while attempting to escape from prison. A prison warder was killed. There seemed to be some serious doubt as to whether Ryan was guilty of that murder. We will probably never know because certainly the ultimate deterrent, as some people would like to call it, was carried out.

I received some time ago a letter from the Catholic Justice and Development Committee which represents the Perth Archdiocese. That letter asked me, as a member of Parliament, to support the abolition of capital punishment. I think it is worthwhile to point out some of the salient points in that letter. They are points which should be regarded by every member of this House.

First of all, capital punishment was abolished in Canada in 1976; it was abolished in Great Britain in 1971, and recent attempts, as mentioned by the member for Welshpool, to have it reintroduced in

Britain have failed. Only France and Spain have used it in the last decade. France has now abolished it. The Catholic bishops in the United States voted overwhelmingly in favour of the abolition of capital punishment and in 1980 they had this to say—

Abolition sends a message that we can break the cycle of violence, that we need not take life for life, that we can envisage more humane and more hopeful and effective responses to the growth of violent crime. It is a manifestation of our freedom as moral persons striving for a just society. It is also a challenge to us as people to find ways of dealing with criminals that manifest intelligence and compassion rather than power and vengeance. We should feel such confidence in our civic order that we use no more force against those who violate it than is actually required.

The three aims of punishment are said to be retribution, deterrent, and rehabilitation. It goes without saying that capital punishment does not bring about any rehabilitation. A great deal of evidence on both sides has been provided as to whether capital punishment is a deterrent. One can only look at the evidence and come to one's own point of view. My point of view is that capital punishment does not serve as a deterrent. It does not serve as a deterrent as far as terrorism is concerned; in some cases it may be that terrorists are quite happy to play the part of the martyr and accept capital punishment as a fit way of punishing them for their crime. It may be that as far as terrorism is concerned, rather than serving a prison sentence as a deterrent, capital punishment could encourage further acts of terrorism.

Mr Hodge: Many members of the Baader-Meinhof group committed suicide while in jail so that they could become martyrs.

Mr I. F. TAYLOR: It may well have been that if they considered capital punishment was the alternative, from their point of view it would be preferable to be martyrs.

Mr Clarko: In my view they deserve death.

Mr I. F. TAYLOR: That is where we differ. I accept the fact that the member thinks that way and certainly in this speech I will not be able to change his mind.

Mr Clarko: It is well known that those terrorists took innocent lives.

Mr I. F. TAYLOR: I recognise that. There would have been no difference whatsoever in that case. What the member is saying is rather than being a deterrent, he is considering it to be retribution.

Mr Clarko: I did not say "retribution".

Mr I. F. TAYLOR: It is certainly retribution. They were certainly in a gaol which would have prevented them from escaping for the rest of their lives. There is no doubt that they did take innocent lives. However, it may have turned out that they became better people.

Mr Clarko: What about the professional killer who comes to the end of his time?

Mr I. F. TAYLOR: Leave him in gaol. Under the suggested legislation we have before us there is a possibility that such people could remain in gaol for up to 20 years.

Mr Clarko: Will you let them out after 20 years?

Mr I. F. TAYLOR: It would depend on what they are like after 20 years.

Mr Laurance: While they are alive they will always encourage other terrorists to hold hostages.

Mr I. F. TAYLOR: Another terrorist could also be encouraged by the martyrdom of previous terrorists as retribution for the fact that they became martyrs. We can continue that argument for some time and get nowhere. We have different points of view on this issue, and while I do not accept the member's point of view I recognise that he has every right to hold it. My point of view is that as an individual and as a member of Parliament I could not go along with the continuation of capital punishment in this State. I very much hope that this Parliament is of the same point of view in considering the legislation.

MR GRILL (Esperance-Dundas—Minister for Transport) [3.27 p.m.]: The critical issues in respect of this legislation have been well canvassed. However, I do think it appropriate, as the Minister now handling this Bill, that I recapitulate on some of the arguments put forward by the Premier in his second reading speech.

The foremost of those arguments was that this State, while retaining the death sentence, has not used it for 18 years. During that period we have continued to earn the disrespect of other civilised parts of the world by retaining that sentence and earning the epitaph of "The hanging State".

It seems to me to be somewhat hypocritical for us on the one hand to retain this barbarous law on our books while, on the other hand, not use it. I do not think it reflects well on the State or on our legal system. If we have laws on our books they should be used. If we have laws on our books that are not meant to be used they should be deleted. In this case we believe that by replacing the death penalty with the penalty of strict security life im-

prisonment we are replacing a barbarous penalty with an adequate penalty.

We consider strict security life imprisonment to be adequate and proper, and more in line with the feelings of a civilised community. It is becoming harder each year for a growing number of people to sanction official killing within our State. It is becoming less acceptable for a vast number of our citizens to be sanctioning official killing. It simply means that Western Australia is regressive in its official approach to sanctity of life. We are running against the mainstream of public opinion, as has been pointed out by a number of speakers before me.

Mr Clarko: All the opinion polls show the opposite. They show 70 per cent support capital punishment.

Mr GRILL: When I talk about the mainstream of public opinion, I am talking about the worldwide mainstream of public opinion. The view expressed by the majority of people in Europe, for instance, where capital punishment has been abolished progressively, has led to a situation where now only one country in Europe still has the death penalty.

Contrary to the opinion put forward by the member for Karrinyup, no countries in Europe have reintroduced the death penalty. When that question came before the House of Commons fairly recently—a House of Commons which was dominated by a newly-elected majority of the Conservative Party—

Mr Clarko: They had a free vote.

Mr GRILL: Whether they had a free vote or not, they voted against reintroducing the death penalty. That is contrary to the opinion of some of their conservative brothers in this part of Australia who have not yet had their blinkers taken off.

As I understand it, not a country in Europe, apart from Spain, still retains the death penalty. Even countries such as Turkey have done away with the death penalty.

Some people have argued over the years that the death penalty is a deterrent against various crimes. Once there were hundreds of crimes for which the death penalty could be invoked under the common law of England. Today, there is none. This State has inherited the common law from England and there are still very few. The fact is that the death penalty has been progressively removed from a variety of violent crimes and we have not seen major outbreaks of violent crimes or crimes which result in death.

In fact, if one considers laws in other States of Australia and compares their records with Western Australia—Western Australia being the only State that has not done away with the death penalty—one will find that those records of crimes are not very different and have not been consistently different from Queensland's record, which State abolished the death penalty 70 years ago. Those who argue that the death penalty is a deterrent have not established their case.

Mr Clarko: It deters them from repeating the murder.

Mr GRILL: That is a facetious remark.

Mr Clarko: Many prisoners who have got out of prison have committed further murders.

Mrs Beggs: There are very few repeat crimes.

Mr GRILL: That is quite correct. The fact is that in this day and age and with modern technology, there are safe prisons. I believe there are safe prisons in Western Australia. The Opposition may say there are not, but I believe there are. I believe we should have safe prisons in which offenders can be incarcerated for extended periods. We should also have strict security prisons. That would ensure that offenders could be imprisoned for at least 20 years and would not be sentenced to the death penalty and be subject to the same mistakes which have been made through the years.

We should be careful about the terrible mistakes that have been made over the years when we advocate the death penalty. Mistakes have been made and mistakes will continue to be made. I think, if the truth ever came out, we would be rather shocked at the number of innocent people who have suffered as a result of mistaken prosecutions or verdicts made by law enforcement agencies. In fact, one of the arguments against capital punishment is that people sitting on juries in Australia and around the world will not bring in a finding of wilful murder because the result would be the death penalty. I suggest that many people sitting in this Chamber would think twice about bringing in a verdict of wilful murder, if there was any doubt, let alone any reasonable doubt, which would result in the accused being hung.

That is another reason, in this changing world, for moving towards imprisonment with strict security rather than imposing the death penalty.

Mr Clarko: Shorter terms of imprisonment is the next step. That is what you people believe.

Mr GRILL: That question can be argued separately. I do not think the member will find anyone on this side of the House arguing, now or in future, that people who are dangerous have a propensity to kill or that people should be released before such time as we can establish whether they are a danger. If they are a danger they should not be released.

Mr Crane: Have you got anybody in prison now who might be dangerous and about whom you have ideas of letting out?

Mr GRILL: I doubt whether that is the case. In fact, I am sure it is not the case. Public opinion is overwhelmingly in favour of our doing away with the death penalty.

Mr Clarko: That is not so. In fact, some people have argued that life imprisonment is too lenient.

Mr GRILL: That may have been the case. However, this side of the House and the Opposition agreed last year that strict security life imprisonment was an effective deterrent. That is now part of our law.

I am not able to adopt the stance taken by the Premier in relation to the religious aspect. The Premier put his arguments very well. I will not endeavour to repeat them. In fact, it would be fairly hypocritical of me to do so. However, I can say, as a humanist, that I believe in the sanctity of life and I believe—although I cannot prove it—that it is this belief in the sanctity of life, if held widely in the community, which, in the final analysis, is the critical factor for deciding or motivating people to decide on a penalty in relation to violent crime.

A number of very well-known judicial bodies in Western Australia thoroughly oppose capital punishment, and I list a few of them: Firstly, there is the Law Society of Western Australia; secondly the Western Australian Bar Association, which comprises all of our barristers in Western Australia; thirdly, the Western Australian Group of Amnesty lawyers; fourthly, the Women's Lawyers of Western Australia; and, finally, a group comprising senior jurists in our State including the Chief Justice, who strongly and proudly support the abolition of the death penalty. I think in any civilised society, people of compassion and thought should think very very carefully about opposing a Bill of this nature.

**Question put and a division taken with the following result—**

Mr Barnett  
Mr Bateman  
Mrs Beggs  
Mr Bryce  
Mrs Buchanan  
Mr Terry Burke  
Mr Burkett  
Mr Carr  
Mr Cowan  
Mr Davies  
Mr Evans  
Mr Grill  
Mrs Henderson

**Ayes 25**  
Mr Hodge  
Mr Jamieson  
Mr Tom Jones  
Mr McIver  
Mr Pearce  
Mr Read  
Mr P. J. Smith  
Mr I. F. Taylor  
Mr Tonkin  
Mr Troy  
Mrs Watkins  
Mr Gordon Hill

(Teller)

Mr Blaikie  
Mr Bradshaw  
Mr Clarko  
Mr Court  
Mr Crane  
Dr Dadour  
Mr Grayden  
Mr Hassell  
Mr Peter Jones  
Mr Laurance

**Noes 20**  
Mr MacKinnon  
Mr McNee  
Mr Mensaros  
Mr Old  
Mr Rushton  
Mr Spriggs  
Mr Stephens  
Mr Thompson  
Mr Trethowan  
Mr Williams

(Teller)

**Ayes**  
Mr Brian Burke  
Mr Wilson  
Mr Bertram  
Mr Parker

**Pairs**  
**Noes**  
Mr Watt  
Mr O'Connor  
Mr Coyne  
Mr Tubby

**Question thus passed.**

**Bill read a second time.**

*In Committee, etc.*

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

### *Third Reading*

Leave granted to proceed forthwith to the third reading.

**MR GRILL** (Esperance-Dundas—Minister for Transport) [3.47 p.m.]: I move—

That the Bill be now read a third time.

**Question put and a division taken with the following result—**

Mr Barnett  
Mr Bateman  
Mrs Beggs  
Mr Bryce  
Mrs Buchanan  
Mr Terry Burke  
Mr Burkett  
Mr Carr  
Mr Davies  
Mr Evans  
Mr Grill  
Mrs Henderson

**Ayes 24**  
Mr Hodge  
Mr Jamieson  
Mr Tom Jones  
Mr McIver  
Mr Pearce  
Mr Read  
Mr P. J. Smith  
Mr I. F. Taylor  
Mr Tonkin  
Mr Troy  
Mrs Watkins  
Mr Gordon Hill

(Teller)

**Noes 20**

Mr Blaikie  
Mr Bradshaw  
Mr Clarko  
Mr Court  
Mr Crane  
Dr Dadour  
Mr Grayden  
Mr Hassell  
Mr Peter Jones  
Mr Laurance

Mr MacKinnon  
Mr McNee  
Mr Mensaros  
Mr Old  
Mr Rushton  
Mr Spriggs  
Mr Stephens  
Mr Thompson  
Mr Trethowan  
Mr Williams

(Teller)

**Pairs**

**Ayes**  
Mr Brian Burke  
Mr Wilson  
Mr Bertram  
Mr Parker

**Noes**  
Mr Watt  
Mr O'Connor  
Mr Coyne  
Mr Tubby

**Question thus passed.**

**Bill read a third time and transmitted to the Council**

## **LAND DRAINAGE AMENDMENT BILL**

### *Second Reading*

Debate resumed from 9 May.

**MR MENSAROS** (Floreat) [3.51 p.m.]: Imagine a couple who spent a holiday in a rented cottage on the Murray River and who enjoyed it very much. They enjoyed the beauty of the river, the play of their children, the river being only a few feet away, the birds, and the fishing, so they decided to save and try to buy a block which they could enjoy for the rest of their lives, with their children. They started to save, and in due course, having denied themselves many pleasures, they were able to save enough money to buy the block on the river. They cherished it, and visited it fairly often. However, that was only half of the exercise, because they started to save again, to build a simple cottage. In the meantime, they visited the block and lived in a tent on it. Finally, after years had passed, they had enough money for the construction of a very simple cottage which they had planned and replanned, drawn and redrawn.

By that time, it was 1983, and the Public Works Department flood plans had been published, and the shire council decided that it would not give these people a permit because the block was in a floodway. After experiencing the tremendous shock of being told that after having planned for years and years, they did not even have the consolation of being able to sell the block because, contrary to what happened with other real property which appreciated during the, say, 10 years, the value of their property became about one-quarter of what they paid for it 10 years previously.

Imagine the other couple—indeed, I know them—who spent their honeymoon about 45 years ago in this part of the Murray delta, and who liked

it so much that they soon bought an old cottage and for the past 40 years they spent most of their spare time in the cottage. The old cottage was not built on stilts and had a low floor level. That had never bothered them, and they were very happy approaching the autumn of their time. Now they live in constant fear that if this Bill is passed and becomes an Act of Parliament, the Minister can order them to demolish the home.

These are very simple demonstrations of the effects of this Bill on people. Why is it being put into effect? I suppose it is the result of a bureaucratic urge to control the people and to persuade the people in charge that such a move is necessary. The professional people are very good people, and the bureaucrats might be very good people; but when they were left on their own without any human supervision—that is the job of the Minister who is elected by the people, while the bureaucrats are not—they just went berserk and recommended measures which were quite unnecessary as you, Sir, would know if you had a cottage in your electorate on the shores of the Swan River and found it was subject to demolition because of this legislation.

I know that the exercise within the Public Works Department started during the time when we were in Government, and I happened to be the Minister; but I would never have allowed the officers to draft legislation which removed an acquired right and interfered with the people's property through provisions allowing expropriation, in most cases without compensation. That devalues property because proper development is not allowed. This legislation will make building so much more expensive in affected areas because of the tremendous restrictions which will be placed on developers.

I am not saying that it is unnecessary to be concerned about flood damage, but it is necessary to consider the matter humanly and consult with the people who are likely to be involved. Consultation will not lead to the drastic results which this measure will have.

I do not think many members would have noticed how I came to the conclusion about the difference between the Minister whose job, as I said, is to represent the electorate at large, and the bureaucracy. The difference is set out in specific provisions of only two Acts of Parliament which were drafted by me personally, and not by the Crown Law Department. Those Acts contain the provision that instructions by the Minister ought to be recorded. The two Acts are the State Energy Commission Act and the Metropolitan Water Authority Act. The recorded instructions are to be brought to the attention of the next Minister, whether he be from the same party or another

party. That is in order that the Minister may have a certain period of time to decide whether to maintain the instructions or allow them to lapse. At least he knows what his predecessor thought about various matters. Unfortunately, the Public Works Department did not have the same provision because it was, and still is, for the time being, a department and not an authority.

The engineers who dealt with this question knew that my instructions, at least, were for the widest consultation with members of Parliament on both sides, with the local authorities—it is not enough to send them a copy of the Bill when it is introduced and a copy of the Minister's second reading speech and say, "What about it? What are your comments?"—and with various experts who can check the measures which a few very good engineers operating in an inbred situation have recommended to the Minister and the Government. That instruction would have been maintained had we remained the Government, and legislation would have come to the Parliament only after all those people had been consulted and after the Minister and the Government, from the human point of view, had been satisfied that there would be no undue intrusion into the acquired rights of people.

The Minister may claim that this Bill has been before Parliament for a considerable time, and so it has. However, to some extent, it was a *fait accompli* and regulating something is not an adequate solution to a problem.

I mention another point which is probably not of great importance. When I was Minister, I instructed the department that whenever it was necessary to amend this legislation, an entirely new Bill be drafted, because the old Land Drainage Act had been amended so frequently and so many insertions had been made in the original text, that the paper on which it was printed probably barely held together. That instruction was accepted with some reluctance, because it resulted in more work and it was simpler to amend the Act.

Now the Government has introduced an amending Bill which is not very different from a new Bill. Indeed, it is quite unusual because it contains seven or eight clauses, all but one of which are of a machinery nature and are relatively unimportant. However, clause 6 contains 75 proposed new sections and comprises 47 pages. I wonder how that clause should be dealt with in Committee. Will we be given 15 minutes to speak initially and then 10 minutes on each of the 75 proposed new sections? I ask that, because it is an amending Bill and all the proposed new sections are contained in one clause. It is a little like a

State agreement except that, firstly, a State agreement is presented to Parliament as a schedule to a Bill; secondly, it is signed before it comes to Parliament for approval; and, thirdly, most Chairmen of Committees allow it to be taken in parts.

Therefore, if in Committee I am to deal with this matter seriously, I must either ask the Chairman of Committees to allow us to treat every proposed new section as a clause, or, alternatively, every time I want to speak, I must move that the relevant passage be deleted in which case, as I understand it, I am able to speak on each occasion.

I say that simply to show it would have been much better for the Minister to introduce a new Bill to deal with the whole drainage question, as I instructed the department previously.

Of course, this lengthy legislation contains many enormously involved rules and the Bill is probably longer and more complicated than the procedural rules of the United Nations. However, in a material sense, the legislation is overly restrictive and will affect the acquired rights of people; it will deprive them of their assets, often of their life savings; it will infringe on the autonomy of local authorities which will then have to pay for the result of that infringement, which is almost humorous if one looks at it in that way; and all for no good reason.

I ask members: What is the reason for all of these restrictions? It has not been mentioned at length, but the reason is that, as a rule, it could be claimed that if a flood occurs, both State and Federal Governments pay damages. Of course, payment of damages is not compulsory; it is an *ex gratia* payment, and there is no legal obligation to make it. If one wants to be kind to Government, one could say it is a payment which is made for humane reasons; but if one wants to be unkind to Government, one could say it is a payment which is made for political reasons. However, it amounts to the same thing.

It is entirely unwarranted and undesirable to have such harsh rules and for the Government to try to meliorate the position in respect of compensation in this way.

I shall draw an analogy: We know that when one builds a structure, whether it is a house or some other building, there is much more likelihood it will catch fire if it is in the hills than if it is in the suburbs. If we adopt the attitude displayed in this Bill, we ought to compel people who wish to live in the hills to build houses with three-day fire resistant walls, windows, and roofs, and to build a bunker next to the house so that they will not incur any damage which subsequently might result in the Government having to make an *ex gratia* payment.

Drawing a similar analogy, we should not allow anyone to go out to sea in a boat, because frequently people must be rescued and rescue operations are rather expensive. Therefore, in order to avoid that cost to the Government, we should simply deny people the right to be involved in that recreational pursuit.

I do not believe that is the right philosophy. In this case I believe the powers of the bureaucracy are being over-reached by very eager engineers who are interested only in drawing up these provisions and are not charged with or responsible for the human consequences of the recommendations they make to the Minister and, indirectly, to the Government, and which result in a Bill being introduced in Parliament in this fashion.

This Bill confers unnecessary powers on the Minister. I say that, despite the tremendous amount of procedure laid down in it, the objections and appeals contained in it and the entirely new QANGO which will be created by it. Indirectly the Minister will have the power to decide about the value of individual people's property.

Without valid reason, provisions in the Bill simply do away with the legitimate jurisdiction of the courts, because they remove the right of people to take out an injunction. To my mind, that is unprecedented. If, as a result of an administrative provision, I find something untoward, I should be able to go to court and seek an injunction to stop that procedure. However, the Bill seeks to remove the right of people to go to court in that way. No explanation is given as to the necessity for these measures.

Based on my experience, I imagine an anxious Crown Law Department officer drafted the legislation and no-one noticed this particular provision. However, I wonder whether the Minister for Transport, for instance, would agree in principle that the legislation should contain provisions which prevent citizens from finding remedy on a judicial basis, which in all other normal circumstances, they are entitled to do.

The Bill has five parts and I suggest we examine briefly its main provisions in order that we may better understand it.

The first part deals with the flood-prone land. Various and lengthy processes are involved; firstly the Minister may make an interim declaration, and ultimately the Governor, with the final gazetting, may declare flood-prone areas or floodways. Floodways are roughly those areas where in case of a flood the water flows freely towards some discharging point, usually the sea or some wetland area, and the flood-prone areas are

virtually the remaining areas where the flow of water is not so noticeable, but where the water level is higher and the water spreads.

In floodway areas very severe restrictions indeed are imposed and they are the examples I brought up at the beginning of my comments. The Bill immensely restricts building permits—every outbuilding, even plants and the like which could, in the opinion of the Minister or his delegates, prevent the flow of the water. It creates enormously over-cautious conditions, which unfortunately already apply today, because the floodplan, particularly in regard to the Murray district, has been made public. The local authority, of course, despite the fact that it is not compelled by legislation, issues building permits only in compliance with the recommendations of the Public Works Department's plan because it is afraid to issue a permit which is not in compliance with this recommendation of a floor level having to be 750 millimetres above the 100-year flood level. It is an enormous caution, the necessity for which probably none of us will live to see.

It is absurd that the permits are issued this way. We have not even yet begun to see the implications of the legislation and already people are subjected to the loss of value of their properties and the realisation that they are not able to build anything on a block which they bought for that purpose. In the flood-prone areas perhaps there are even fewer warranted regulations because there, I suppose, the water only spreads and reaches certain heights, but the restrictions to build to this enormously high level are really very overdone. The interesting thing with the argument, of course, is that the Government might have to pay damages, yet the local government, which never paid damages, shall—according to other parts of this Bill—pay preventive costs. No wonder local governments are up in arms about these provisions.

Another interesting aspect regarding these flood-prone areas and floodways is that the Crown is exempted. I wonder why that is so. I would be really appreciative of the Minister's explanation to the House, because if the purpose of the general provision is to let the floodwaters flow easily to prevent them doing greater damage to certain other properties, why is it that if something belongs to the Crown, whether it be an MWA building, an SEC building or even a local government building, it can be constructed without any restrictions, and it can remain without any sort of harassment? Indeed, it is an interesting observation in regard to one of the islands of the Murray delta—the Minister for the Environment gave me the answer that it was due to a combination of

local government and the Peel Inlet Management Authority—that a cafeteria for Cooper's Mill has been built at absolutely ground level without raising it an inch and a toilet facility has been built which nobody needs there which was raised about 18 inches from the ground—only so the concrete could be properly poured. This was constructed from CES funds, funds to keep people employed which are usually used for projects which are not really needed; yet only about a mile away the naturalists' association which wanted to build a house because its members wanted to observe nature, birdlife, fish, and insects, had to build up the floor level by about eight feet. I cannot see any logical explanation for the Crown being exempted.

Maybe this provision was drawn up with a view to the casino, because it was interesting that the Minister for Water Resources responded to a question asked by my colleague, the member for Murray-Wellington, saying that Burswood Island is not a floodway. When I raised the matter again, by way of a question without notice, he said, "No, it is not a floodway".

I followed it up with another question and I have not yet received the answer, but I suppose the previous reply by the Minister is an answer which is only correct formally but is not correct materially. I suppose Burswood Island is not a floodway because we have not got a flood plain and we do not call it such. I cannot imagine what would be a floodway of the Swan River if Burswood Island is not one. Tomorrow I will ask another question which members may be interested to know about now: According to the provisions of this Bill, could Burswood Island ever be classified as a floodway? I just wonder whether the Minister could say "No" to that question, because if the immediate shores of the river flood—we know in wintertime that they do flood to some extent—if that is not a floodway then I do not know what is one.

Mr Tonkin: You don't understand the term, apparently. If something is flooded it does not mean it is a floodway.

Mr MENSAROS: A floodway is where the water flows. That is how the Government explains it in the Bill—that the free flow of the water should not be obstructed.

Mr Tonkin: It is different from the floodway which is responsible for the carriage of the flood and the floodplains which may be inundated but which do not carry the water.

Mr MENSAROS: I am simply wondering if the water goes—

Mr Tonkin: It is marked on the map. Didn't you see it?

Mr MENSAROS: The map was drawn up long before this legislation, and at that time the expressions of "floodway" and "flood-prone area" were not used. Entirely different expressions were used. However, we will see the Minister's response to my question in due course.

The most hurting provision, of course, not only from a practical point of view, but also from the point of view of principle, is that with all these deprivations of individual rights, property, and assets there is no provision for compensation. Under only one provision in the Bill is compensation payable for demolishing an old existing building. I cannot see any provision for compensation to be paid for demolishing buildings in normal, existing floodways. It is an expropriation without compensation of not only a physical building; it could relate to an asset or the value of the property. I just do not know whose policy that is. Is that the policy of the new broad left or the centre right or whatever faction the Labor Party has organised itself into now?

Several members interjected.

Mr MENSAROS: I do not know; I must admit to ignorance.

Mr MacKinnon: Is it confused?

Mr MENSAROS: I am confused because I do not understand it.

Mr MacKinnon: I do not think the member for Welshpool is too confused. I think he knows.

Mr MENSAROS: In my book, whether broad or restricted, whether upper or lower, or whether central or not, it is socialism, in an unadulterated fashion. If one reads Dr Blewett's explanation of the centre left, one finds he says, "Don't worry, we are just as good socialists as we have always been".

Another point is that the creation of these floodways and flood-prone areas is an immensely involved process. Yet, the interesting thing is that having gone through these processes—and there are various announcements in local papers and gazettes and considerations by local committees and the rest of it—once it exists, the Minister can cancel it without any further process, or further activity. A further sore point is that the expropriation is a retrospective measure, because the building structure or any other structure in many cases can already exist at the time of the coming into operation of the Act and if it is constructed in such a way that it would not have been approved according to the provisions of this new Act, the Minister can decree that it ought to be demolished. I cannot find any provision for compensation. If the building belongs to the Crown, of course, it can stay.

The second part of the Bill deals with river management, which was the responsibility of local government for many years, until it was legislated that it should be taken over by the Waterways Commission and the various management authorities, such as the Swan River Management Authority, the Peel Inlet Management Authority, etc. Despite the fact that we have these management authorities, river management is now to be the responsibility of the Minister or his delegate. The difference is that so far, despite the fact the local authority has been responsible to some extent and the Waterways Commission was responsible to a large extent, the funding came from general revenue. Now the Minister is taking it over, but the local government is going to fund it. That is strange to me. No matter which local government one contacts, if it has read properly the provisions concerning river management, it is unhappy about them.

The cost has been transferred to the local authorities and it is their job to decide. Surely, they do decide in a more democratic way than a ministerial decision about what sort of money should be spent, and for what purpose, in the interests of their ratepayers.

They will be charged with that responsibility without discussing whether it is necessary. It makes one wonder what sort of policy that is. It goes against the principle which we have followed so far and I cannot understand it.

The Minister also says it is for the good of the local authorities, therefore they should be for it. What if I ordered a Rolls Royce and said it is good for the Minister, so he should pay for it? I do not think that is a proper proposition, but that is really the principle which is behind the river management part of the Bill. According to the description of what the Minister can do in the name of flood prevention, not only flood prevention is involved; he also could virtually manicure the shores of the river, and do all sorts of things which could fall within the description of proposed section 71AH, and the Minister could still charge the maintenance to the local authority. Apart from the unnecessary nature of the provision, it is a help for action because it could result in various discriminatory actions. It could result in something being done here and not there, according to the preference of the Minister's delegates who decide these matters.

Of course, in this part there is provision for an appeal to the Minister. I am not against that under normal circumstances because experience shows how these things work and in a large department or instrumentality, the Minister has the responsibility for the administration but he cannot



be aware of everything that occurs. If there is an appeal personally to the Minister he ought to be alerted to it.

So I think this provision is quite normal; but I remind this House that whenever we had a provision like this when I was a Minister, the cry from the Opposition was, "It is a Caesar to Caesar appeal". The attitude of the Labor Party when in Opposition is different from its attitude when in Government.

The third part of this Bill deals with urban drainage and these provisions do not differ much from the previous ones. The Bill allows the Minister or his delegate to do certain things regarding urban drainage, and to charge the upkeep of the works to the local authority, being magnanimous and vesting the Crown land in question in the local government. There is one provision about which I would like the Minister to give me a reply. I am curious why there is a provision in proposed section 71AK(3) on page 28 which separates the metropolitan situation from the country situation. We are all given to understand that in a comparatively short period of time—and I would guess much before this Bill is in operation, if it passes Parliament—a merger will happen between the Public Works Department and the engineering section of the Metropolitan Water Authority. The new Water Authority of Western Australia—I think people call it WAWA—would be in effect much earlier and be in operation sooner than this proposed Act. What was the reason for separating the metropolitan part and the country part? Quite apart from the rights or wrongs of the provisions, the same provisions should apply to the merged water authority.

The next part of the Bill relates to land drainage and the resolution of disputes. It is the only part of the Bill with which I agree very much in principle; but I do not agree with the proposed procedure. In the past the discharge of water, which broadly can be called drainage, from one property to another, and from one occupier to another's land has caused an enormous number of problems. This is particularly so if the source land, as the Bill calls it—and I think it is a good expression—is not separated from the land where the discharge is received. In the past there was no remedy. As the Minister said in his second reading speech, people went to the Public Works Department—and I experienced it often—but there was no remedy in the hands of the department or the Minister. They were powerless to adjudicate. People had to take very expensive and lengthy civil litigation which seldom, if ever, led to a proper solution.

In one case, for instance, the natural course of the Moore River was diverted almost at its source.

It is quite unusual to be able to divert a natural river. I suppose it was done in summer when the river did not flow, but it caused innumerable difficulties to people downstream and the Public Works Department was not able to solve the problem. It was not only the discharge or drainage of water but also the use of water which led to disputes—and generally speaking we called that in civil litigation the "riparian rights"—but the department did not have any jurisdiction to solve them.

This part of the Bill intends to solve the problems in an administrative way more or less based on fairly commendable principles of equity, so that people behave in a normal and equitable way, on a give and take basis, if I can express it like that. The implementation of this principle—which I support—leaves a lot to be desired. I cannot see why the Minister should not observe the rules of evidence when he can do all sorts of things which courts of law do, and he has the same powers. I do not know the proper interpretation of proposed section 71AR(4) because it indicates the Minister has the right to enter premises without a warrant. It does not say so, but it may mean that because the clause contains no exclusion.

I also had to laugh when I read proposed section 71AS(7). I was criticised for days on end about 10 years ago for using the expression that the delegated power in the hands of the delegate should be judged according to the state of mind of that person. I do not know whether the Minister for Police and Emergency Services was here at the time, but I think days were spent on discussing this expression, and the Government was called everything on earth. We were asked how we could use such an expression.

This is further proof of the attitude of the Labor Party and how different it is when it moves 20 feet from one side of the House to the other. It shows how seriously we should take the Labor Party's criticism when it is in Opposition. I think the proper recourse would be for all members who were in Opposition at the time to receive a penalty of writing 500 times the provision of the Bill which includes the reference to a person's state of mind. That would teach them a lesson about how to behave a little more consistently when in Opposition and in Government.

There is another objectionable provision which means that an aggrieved person cannot offer new evidence, or if he does a tribunal can absolutely reject it. That provision is incorporated in proposed section 71AV(2)(b). I would be interested to know whether that is a proper interpretation on my part, or whether there is another explanation.

I refer now to proposed section 71AW. It is a disgrace that the right to an injunction is taken away and that therefore the judicial procedure and the protection the judiciary can give to everyone is sought to be taken away by legislation. I have queried this with people who understand it properly, and the response fortunately was that they would hope and trust the judiciary would not be influenced by such measures when the draftsman simply wants to annul the function of one arm of Government, and the judiciary will say this provision is *ultra vires* and an injunction can still be sought in those cases.

The last part of the Bill relates to the establishment of the tribunal. It is another QANGO. The Bill creates a land drainage tribunal with four members. The chairman appears to be all right; he must be a legal practitioner of eight years' standing and therefore qualified for appointment to the Supreme Court. There are two other members who need no qualification other than the opinion of the Minister that they are reasonable people, and one member must have the same qualification as well as having some local knowledge. The first three are appointed for three years, and the member with local knowledge is appointed for the case or group of cases being considered in a particular locality. The chairman is appointed by the Governor and the other members by the Minister.

Again, comment has been made to me about this—they are not my comments—by local authorities who have written to me saying that if we go on past experience of this Government, the qualification the Minister has to judge will probably be that the members are good supporters of the Labor Party, because nothing else is required in the provisions of the Bill. An inconsistency exists in proposed section 71BB(1) in both proposed paragraphs (b) and (c). These provide that the members are appointed by the Minister and not the Governor. Yet proposed section 71BE says the Governor only may terminate their appointment.

Under proposed section 71BE(2) in the case of a vacancy only the Governor has the power to reappoint members to the tribunal on the recommendation of the Minister. Inconsistencies occur because the Governor has the power to appoint the chairman and the Minister has the power to appoint the other three members of the tribunal, but it is only the Governor who can terminate the appointment of a member, yet he can appoint a substitute member to fill that vacancy. I do not know the reason for this.

Generally speaking one could say that this Bill, in its present form, is entirely unnecessary and it attacks the rights of the individual in regard to his

right to his property. Also, it takes away from citizens the protection of the judiciary and it intrudes into the jurisdiction of local government. Therefore the Bill should be withdrawn and given a new start.

The widest possible consultation, not just an indoor job by perhaps listening to some of the Government's supporters, should be carried out in a way similar to that of the consultation process which took place for System 6. That study took years to complete. There is nothing urgent in this Bill and a proper consultation process should be undertaken. Everyone who has the slightest involvement in this question should be consulted.

The Government has obtained the idea for this Bill from the legislation which applies in Victoria. The conditions in Victoria are entirely different. However, the legislation in that State was the result of a very lengthy and thorough investigation by a Parliamentary Select Committee. It is not right to say that because this has been done in Victoria, the legislation should be copied in this State without investigation. The conditions in this State are entirely different from those of Victoria and I am sure no-one would contradict me. I do not know which department will be responsible for the flood plains that are being considered. Will it be the Water Authority or the Department of Marine and Harbours? The engineers from the Public Works Department will handle the work, but I do not know to which department they will be transferred. In any event, the flood plains involve areas of Western Australia which are flood-prone. Some of the flood plains are not scheduled to be prepared for the next five or 10 years. Therefore, there is no hurry to implement this legislation and it should be framed in a better way. The immense restrictions contained in it must be deleted.

It is an impossible task for the Opposition to attempt to amend the Bill. We do not have the resources, engineers or the time and money that would be involved in undertaking a hearing. It would be impossible. Such an undertaking should be carried out by the Government. If this is not the case, we will have legislation which will be contrary to our way of life.

I oppose the Bill.

**MR BRADSHAW** (Murray-Wellington) [4.45 p.m.]: This Bill should be given more examination before it passes through this House. The effect of the flood plain study and its recommendations to flood-prone areas of Western Australia, in particular to the area within the Murray Shire, will cause and is causing a lot of worry and heartache. It has resulted in the lowering of real estate values.

The residents of the Murray Shire have lived happily for years without the worry of the flood plain study which has recently been undertaken by the Public Works Department. The study has had a dramatic effect and has created a lot of anger. My constituents are certainly enraged about the findings of the flood plain study.

People have been placed in unfortunate positions. Many of them bought blocks of land without any knowledge of the study and consequently they have been faced with added problems. One of the recommendations of that study was that people building houses in the Pinjarra area must build them above the proposed 100-year flood level.

One couple who purchased a block have been told by the shire that their house must be built 1.8 metres above the road level. This is roughly six feet in the old measurements and it will increase the cost of the building by \$5 000 to \$6 000. The house next door to the proposed building is only two feet above the road level because it was built before the study was undertaken. One can imagine what it will do to the aesthetics of the town if the houses are built at varying heights above the road level.

Several people who have been told that they must build their houses at the recommended level have not proceeded and have been inconvenienced not only by having to rent houses, but also with the extra cost burden that has been imposed on them. The residents do not want to build their houses at such heights above the road level. Some people have built under these conditions. In one case, where this has been done, the sand has been enclosed in sleepers. It is not pleasing to the eye and apart from that, there is more chance of problems arising because the sand will be able to get away and cracking to the walls will occur.

In Ravenswood it has been recommended that a house be built 18 feet above the water level. The decision has been made by the Public Works Department and the shire has been placed in a situation where it must instigate the recommendations because if it approves applications for homes to be built at a lower level and a flood occurs, the shire will be held responsible.

Recently I called a public meeting in order that the Public Works Department and the local shire could explain the flood plain study to the local residents. A lot of angry people attended that meeting and they believe that the study should be thrown out and the recommendations not imposed. People have lived in the area for 100 years and during that time the designated flood level has not

reached the levels predicted by the Public Works Department.

They have been able to live with it for this long, so they will be able to live with it in the future. If the Land Drainage Amendment Bill is passed, the recommendations will be gazetted and it will become compulsory for the shire to impose these conditions.

When the standard gauge railway line was laid in Western Australia to join with the Eastern States, the Federal Government wanted to use only a 25-year flood level for the line. The State Government at that stage went up to the 50-year flood level. Now we have the Public Works Department trying to impose not only the 100-year flood level, but also an additional height of 2 feet 6 inches or 750 mm.

As well as the levels designated by the Public Works Department for the flood-prone areas, we also have the floodways. These measures have had a devastating effect on the value of real estate, particularly in places like North Yunderup, where vacant blocks were valued in the vicinity of \$100 000. Now there are such severe restrictions on building in these areas that if one has a building on a block near the Murray River in this designated floodway, one is not allowed to build onto it. If one wants to knock the building down, one is not allowed to rebuild. This has had a devastating effect on real estate values. This is a worry, not only to the real estate people, but also to people who are considering buying, selling, or building in this area.

The Bill makes no mention of any compensation for the difficulties which have been imposed and the worries brought about by the devaluation of the blocks in the Murray Shire. The Bill should address this and include a compensation clause for those who are so drastically affected.

New section 71K(1) of the Bill says this—

A person commits an offence who, without the approval of the Minister or in contravention of a condition attached to an approval, constructs or erects any structure or work on flood-prone land.

Lower down the new section continues—

- (c) erects a fence;
- (d) carries out an excavation or other earthworks which by altering the natural condition or topography of the land would increase the level of inundation by flood waters;

One can imagine that being necessary in a floodway, but not in a flood-prone area, where the water does not rush out as it will in a floodway.

This might be farmland, and the person would be unable to put in a crop without approval from the Minister. The Bill oversteps the mark in this respect. I do not know whether the Bill is intended to apply only to a floodway, where approval is necessary to grow a crop or to build a fence. I would like the Minister to address this point in his summing up and say whether it is necessary for people to have his approval to erect a fence or to grow crops in a flood-prone area.

The section dealing with river management is out of step with reason. The Public Works Department can do work on a river and then charge the local shire. This is done without any consultation; it can just do the work and then present the bill.

In this day and age it would be more appropriate for the shire to be consulted to decide whether it is prepared to pay. I believe it is a State Government responsibility to deal with river management. The river starts several kilometres from the shire boundary. Because it brings down silt and debris and drops it in the shire, why should the shire be responsible for cleaning up and making sure the river flows for the benefit of another shire?

All in all this legislation is highly sensitive. It is certainly creating a lot of financial hardship and worry for many people in Western Australia, all for no real reason. This Bill should be investigated a lot more before it is passed. People have lived in these flood-prone areas for many years without any worries about flooding. Any flooding has been only minimal. Possibly some areas have been flooded a lot more, but in the Murray Shire flooding has been nowhere near what the Public Works Department is predicting.

I believe a review should be carried out by the Government as to whether the hardships, the costs and the worry are worth the introduction of this Bill. Similarly the shire councils should be consulted about the work to be carried out in their areas.

I oppose the Bill.

**MR LAURANCE** (Gascoyne) [4.53 p.m.] This measure seeks to give wide powers to the Government and the Public Works Department. It will have a very significant effect on my electorate, particularly at Carnarvon, and therefore I want to play it hard in the debate. It would be helpful if the Minister were here. I realise he is conferring with his advisers, who are well known to me, but I think his place is in the Chamber, particularly as we have just had a contribution by the member for Murray-Wellington whose area is also vitally involved in this Bill, and for much of his speech the Minister was not in the Chamber.

**Mr Blaikie:** I think you had better seek leave to continue later.

Several members interjected.

**Mr Tonkin:** I am here.

Several members interjected.

#### *Withdrawal of Remark*

**Mr BLAIKIE:** Would the Minister withdraw that remark?

The **ACTING SPEAKER** (Mrs Henderson): At the time the remark was made I did not hear it because there were several members speaking and I had given the call to the member for Gascoyne.

**Mr BLAIKIE:** The Minister, who is the Leader of the House, referred to me as being a halfwit. I ask that you instruct the Leader of the House to withdraw the remark that I find offensive.

**Mr Clarko:** He should interject from his seat.

The **ACTING SPEAKER:** I repeat, I did not hear the remark. I was giving the call to the member for Gascoyne, and I give him the call to continue.

**Mr TONKIN:** Perhaps I can short-circuit the matter. Members cannot blame the Acting Speaker if she did not hear me. She cannot ask me to withdraw something she did not hear. However, I am happy to say that I called the member for Vasse a halfwit, and I withdraw it.

#### *Debate Resumed*

**Mr LAURANCE:** This is a very sensitive issue. The cowboy way in which it has been handled in the last few minutes is not good enough. I should not be addressing an empty chair. The Minister handling this very important measure knows he should be here.

**Mr Tonkin:** I am discussing it with your spokesman.

**Mr LAURANCE:** He has made his contribution, and now I am speaking, and I represent an area vitally involved with this legislation. The Minister did not listen to the previous member's address, and I would prefer to make my comments directly to the Minister responsible.

**Mr Blaikie:** Be careful with this Minister, because if he takes offence he will call you names.

**Mr LAURANCE:** Even away from his seat. It may be more appropriate to have the Minister's senior advisers sitting opposite me; but what a farce that would make of Parliament.

**Mr Bryce:** In a spirit of co-operation, the Acting Premier indicates he is happy to take note of your points and to pass them on to the Minister.

Mr LAURANCE: If the Minister has run into trouble with the Bill, surely he should seek leave for the debate to be continued at another stage. I would be happy to hold over my remarks to later stage.

Mr Bryce: I withdraw my offer.

Mr LAURANCE: I did not take it seriously in the first place.

Mr Clarko: The Acting Premier's idea of taking notes would probably be robbing a bank.

Mr LAURANCE: If the Minister is tied up and is unable to take part in the debate, should we seek leave to continue the debate at a later stage?

The SPEAKER: You can seek leave if you want to, but whether it is granted is another matter.

Mr Tonkin: If you are granted leave, that will adjourn the debate.

Mr LAURANCE: If I asked leave to continue my remarks at a later stage?

Mr Tonkin: I have just been speaking to your spokesman and other people, and I am happy to make a comment on the Bill if you would like to resume your seat.

Mr LAURANCE: Surely the Minister would not want to close the debate prematurely?

The SPEAKER: Order! The member for Gascoyne has the call from the Chair and he should address his remarks to the Chair.

Mr LAURANCE: It would be appropriate for the Minister to be in his place and taking part in the debate. That is the custom and I see no reason for the Minister to do otherwise. This is a very sensitive matter because the Government is seeking wide powers in bringing this legislation before Parliament. The Bill could have a very severe impact on the plantation industry at Carnarvon, and that is my greatest interest in the matter.

Already we have had members refer to some of the clauses of the Bill, particularly clause 6 and new section 71C in particular, which provides that people can be prevented from carrying out a number of works, such as erecting buildings, carrying out alterations, erecting fences, excavating or altering the topography of the land, or planting any hedge or vegetation in such manner as to obstruct the passage of floodwaters. Obviously any person who has a plantation must plant vegetation—that is his very livelihood. We are concerned that the Minister is to have the right to prevent a person carrying out his livelihood, which is what all this amounts to when we consider the impact of this legislation on Carnarvon.

Because of the geography of the Carnarvon area and the Gascoyne River, all the plantation industry is on flood-prone land, so this Bill will impact on the entire area of this industry.

Mr Tonkin: In what way?

Mr LAURANCE: Because the Bill gives the Minister the right to do certain things.

Mr Tonkin: It gives me the right to do what?

Mr LAURANCE: The right to prevent the erection of a fence or the planting of vegetation. The Minister can correct me if I am wrong, but because the land is flood-prone and includes areas which are floodways, the terms of this legislation will apply; therefore it gives the Minister tremendous powers. I am not saying it will severely disadvantage the industry, but it could. It gives the Minister the power to determine the future of the industry in Carnarvon, right down to the last bean plant, because all the industry is conducted in a flood-prone area.

It has already been said that we are not talking about just any flood level, but about the 100-year flood level. I am used to dealing in terms of 10-year, 50-year and 100-year floods because I have been involved with the area for a lengthy time. We always have problems with the river: Either it does not flow, and that causes problems, or it does flow, and that causes problems.

Mr Spriggs: You caused that problem the last time.

Mr LAURANCE: Yes, I do claim credit for that. We had not had a water flow for 19 months, with disastrous consequences for the area, so it was necessary to call upon the Almighty. Fortunately He answered us. On several occasions I have been requested to organise another prayer meeting to stop the rain, but I am reluctant to do so because the next time the rain might never start again.

The 100-year flood is an occurrence which some areas have experienced while others have not. Perhaps we can consider it an engineering term. We tend to see the 1980 flood as a once-in-100-year flood. Other floods have been referred to as 10-year floods. When considering the region of the Gascoyne River, we must realise that if we are to obviate any difficulties that might be caused by bad floods, including a 100-year flood, we will have to look at legislation taking into account very severe possibilities. I am not sure that the 100-year flood is an appropriate mark when we are trying to organise people's lives and industries around a particular event. In that area it might be more appropriate to take a 10-year flood and to say that if we had a 100-year flood, that would be a natural disaster and we would need special

measures to overcome it at that time, rather than legislating for the whole area on the basis of a 100-year flood.

Because the measure is so sensitive and significant, its interpretation and administration will be of importance. I make that point to the Minister and the people who will be called upon to administer the Bill, because it will need to be done with sensitivity and co-operation with other groups and local authorities. It could be draconian legislation.

Mr Tonkin: That is why we provide for consultative committees.

Mr LAURANCE: I will come to that point. It will also need some time for it to be considered. I appreciate the need for flood planning; it is essential. I appreciate also that property owners in the flood-prone areas cannot act independently of each other. If they did they could cause drastic problems to their neighbours. I realise insufficient flood planning could cause problems with development. The best example of this was the situation following the 1974 floods in Brisbane. That had an impact on my area of Carnarvon. A number of areas in Brisbane were flooded in 1974 and for the first time in history the property owners took legal action against the local authorities which had issued building permits.

Mr Tonkin: There is a danger of that in Western Australia, too.

Mr LAURANCE: Those people who suffered property damage took action against the local authority, because it had issued a building permit in the area where houses were washed away. They felt that permits should not have been issued. I am sure local authorities would be devastated by such a possibility; they issue building permits in good faith. I know that for some time after that situation occurred in Brisbane, the Shire of Carnarvon refused to give building permits. It was only after it was agreed that the shire could seek disclaimers that it issued building permits.

I appreciate the need for regulations; however, I believe also that no matter how much planning or regulation is made, natural disasters will always occur. We have natural disaster arrangements with the Commonwealth Government and the State Government but sometimes we just cannot plan for a natural disaster. I believe if a disaster of greater magnitude than we have planned for occurred we would have to have a disaster arrangement to come into play.

The member for Florcat used several analogies when speaking about possible legislation. He mentioned the example of the hills area, and that in order to prevent anything like the Ash Wednesday fires occurring there we should clear

areas near the homes. He mentioned also the instances of people going to sea unprepared and the costs involved in trying to locate them. I would like to give another example.

We should look at the possibility of counter-disaster legislation. Members should look at the possibility of legislating to be able to regulate in times of a disaster; for example, a cyclone in the north of the State. I was involved in a course some years ago at the Counter Disaster College of Mt. Macedon. I was representing the Government at the time and the member for Perth—the present Parliamentary Secretary of the Cabinet—was representing the Opposition. That conference brought together members of Parliament from the Commonwealth and all the States.

Queensland and Tasmania do have legislation regulating disasters, but we decided not to legislate in that area because it would have to be draconian legislation. For example, if a person had a dilapidated house in a disaster-prone area he could be ordered to knock it down. No Government in this State has taken on such legislation, even though it is in existence in some other States. That is the sort of legislation which would be required to provide for a 100-year flood. It is a substantial measure to take.

#### *Leave to Continue Speech*

I seek leave to continue my remarks at a later stage of this day's sitting.

**Leave granted.**

**Debate thus adjourned.**

#### **QUESTIONS**

Questions were taken at this stage.

*Sitting suspended from 6.15 to 7.15 p.m.*

#### **LAND DRAINAGE AMENDMENT BILL**

##### *Second Reading*

Debate resumed from an earlier stage of the sitting.

MR LAURANCE (Gascoyne) [7.16 p.m.]: I shall bring my remarks to a conclusion by saying this Bill is a very far-reaching measure and that is the danger in it: This Government could overstep the mark and it is possible when a Government takes unto itself powers such as this that they can be abused or misused. In order to be able to achieve what the Government wants to achieve—that is, to have complete control over areas completely inundated by floodwaters—one needs very real powers indeed, and Governments of any political colour are usually reluctant to take unto themselves such powers. I guess the Govern-

ment looked at this very closely before it decided to proceed in this manner.

I do acknowledge that the Bill was introduced in the last session and was left over until now, although even that process has not given people ample opportunity to meet and discuss the Bill. It is only now that people in my electorate and other parts of the State are able to comment back to the Opposition and to the Government. Local authorities, which are very, very closely associated with the requirements of this legislation have not yet been adequately canvassed for their opinions.

In my case the grower organisations in the plantation industry of Carnarvon have been given copies of the Bill by me and have had discussions with the local authority, but they really have not had sufficient time to consider it. In fact, Mr Ray Green, a senior engineer in the Public Works Department, was in Carnarvon only yesterday to meet with the local authority and grower organisations. He did allay a considerable amount of their fears and the meeting was quite successful; but the feeling among the grower organisations is still one of suspicion that these great powers are going to be handed to the Government.

So there is a great deal of concern in my electorate because of the possible implications of this Bill, not only on the development of the town, but more particularly on the plantation industry. This measure could be described as, "Operation Overkill".

Compensation will be an important issue and we will refer to that in more detail at a later time, but it is important if the value of people's land is affected. The Bill does allow for local advisory committees which is a good idea; there is one already in operation in my electorate of Carnarvon. That is known as the Gascoyne River Advisory Committee and it plays an important role in bringing together the private grower interests and the Public Works Department. If this Bill proceeds it will be important to have such a body as this to be operational in this flood area.

The powers of delegation also concern me. I believe these powers are very broad and it is dangerous for the Minister to have the ability to delegate his powers to any person who is a public servant under the Public Service Act.

I am also concerned at the composition of the tribunal. That concern has been adequately expressed by the lead spokesman for the Opposition when commenting on the Bill.

I have appreciated the opportunity to be able to bring before the Parliament and before the Minister the concerns of the people in my electorate, particularly the plantation industry and the local

authority. I conclude by saying the Bill seems to be too far-reaching and needs far greater study before the Government proceeds in this direction. I hope it does not decide to proceed at this stage without further study. Like my colleagues in the Opposition I oppose this measure.

**MR BLAIKIE** (Vasse) [7.21 p.m.]: I also wish to make a few brief remarks on this Bill. Let me say from the outset that I support the comments already made by my colleagues on this side of the House. I oppose the legislation that the Government has put forward and I will recommend that the Government withdraw the Bill so that the community has a chance of understanding the proposals.

The Bill provides for radical changes to the drainage system as it exists. One of the proposed changes is to establish as many as possible land drainage areas throughout the State. That change will have wide implications in many areas of the State. Certainly the area I represent will be affected. Members should use their imagination and consider how many areas of this State will not be affected—very few.

The Bill proposes wide powers and it also gives the Minister extreme powers. We have already seen the propensity of this Minister in his relationship with drainage ratepayers and the poor regard he has for them certainly has come to light in response to previous legislation.

**Mr Tonkin**: How much did drainage go up this year? You say we have little regard for drainage ratepayers. It increased less than it did in your time in Government.

**Mr BLAIKIE**: To ensure the Minister has now cooled down—

**Mr Tonkin**: I am cool enough.

**Mr BLAIKIE**: —in the electorate that I represent some 60 or 70 per cent of all drainage ratepayers have experienced fairly dramatic increases in their rates. Notwithstanding representations made to him, the Minister has a propensity for increasing the charges to drainage ratepayers. I comment that the Minister's—

**Mr Tonkin**: All on my own?

**Mr BLAIKIE**: —regard for drainage ratepayers is as subtle and considerate as Dracula's regard for the blood bank.

**Mr I. F. Taylor**: I have heard that before somewhere.

**Mr Tonkin**: That is original. Did you write that down on your bit of paper?

**Mr BLAIKIE**: That is the regard the Minister has for drainage ratepayers. The second point I want to make is that to the best of my knowledge

the Minister has not had discussions with local government. I give him the opportunity to indicate across the Chamber those local authorities that he has visited personally and had discussions with. I take the fact that he has not replied to mean that his answer is "No". The Minister has not spoken to any local authority personally in relation to this Bill. Officers of his department may well have had discussions with them, but that is not the same thing.

Mr Tonkin: Do you think I should go out and speak to local government?

Mr BLAIKIE: That is the Minister's obligation. Officers of his department cannot give commitments; however, the Minister can. That is another weakness in the legislation currently before us.

Mr Tonkin: What, that I haven't been out to see local government?

Mr BLAIKIE: The Minister certainly has not seen the Shire of Busselton.

Mr Tonkin: Has the Shire of Busselton asked to see me?

Mr BLAIKIE: I will come to that in a moment. Local authorities will be affected more than any other group in the community.

Mr Tonkin: When did the shire ask to see me?

Mr BLAIKIE: This legislation has caused great concern to the community. The member for Murray-Wellington and the member for Gascoyne have indicated their concern with the Bill. I am also indicating my concern for the constituents I represent.

The Shire of Busselton received a copy of the Bill from the Minister and also one from myself. The shire replied to the Minister on 12 July on four points. In regard to flood-prone lands the Shire of Busselton said—

Council is unable to comment on this section of the Bill until such time that Busselton's Flood Plain Study is completed by the Public Works Department sometime in 1985. However, Council acknowledges that the Busselton area will be greatly affected by the proposed legislation and it therefore considers that controlling legislation should only be determined as and when floodway lands are delineated.

That shire has made a very important request. How on earth can the shire—or any shire—make an intelligent contribution to the Minister on the proposals if the shire does not know where the flood plains are to be?

The same applies to the Shire of Capel in relation to the Stirling drainage area. In regard to river management the Shire of Busselton said—

Council is totally opposed to the intended provision of what appears to be an open ended commitment, to be forced on the local authority for a financial contribution towards river management works.

In respect of a principal area of this legislation the shire has said, "We are opposed to it because we do not know where the flood plain is going to be". In respect of a second part, river management, it is opposed to the new arrangement.

In regard to urban drainage the council said—

Again Council is totally opposed to this section of the Bill as it is considered that it would be totally beyond the financial resources of this Shire to accept any obligation for the care, control and maintenance of drainage works, following the completion by the Public Works Department of the relevant works on the Crown land.

The council made other comments, but they were related to the Minister's power. It made a fourth point in relation to the land drainage tribunal and the council expressed concern over the provisions contained within that part of the legislation.

The Government expects members of the Legislative Assembly to support this Bill without understanding what the full definition of "flood plain" land will be and how it will affect members' electorates; in other words, the Government is asking members of the Opposition to sign a blank cheque and I certainly will not be a party to that. I have already indicated the tendency of this Minister to ignore drainage ratepayers in his so called interests of the State.

Mr Tonkin: Are you saying that I refused to come down and see your shire?

Mr BLAIKIE: No, I am not saying that the Minister refused to go down and see my shire. Certainly I now issue an invitation to the Minister and would be delighted to accommodate him in the Vasse electorate; but, when proposing legislation as important as this, with the dramatic changes incorporated in the Bill, it should be incumbent upon the Minister to ensure that he sees those shires which will be principally affected by it. It is not good enough to simply have senior officers of the Minister's department do the job that ought to be his province.

Mr Tonkin: Were you a bit upset when Ray O'Connor, as Minister for Consumer Affairs, sent Dick Fletcher to argue with me on radio? You would be upset about a civil servant arguing with a politician.

Mr BLAIKIE: That may be the case, but the Minister will understand that an officer of his



department cannot make commitments that a Minister can make. Commitments made by an officer are not as binding and do not have the proper depth of those made by a Minister. That is an important difference.

The Minister has a responsibility to those areas which will be critically affected by this change. It would not take him any time at all to see the areas—there may be eight or nine—and go to the local authorities and explain the legislation. He would be able to meet them at first-hand to iron out any anomalies that might occur.

My final point is that the Government should withdraw the Bill to enable full and adequate consultation with all parties and local authorities. The Bill should not proceed in this or any other form until the flood-declared areas are known. In the case of the Shires of Busselton and Capel, that will not be until 1985. At that stage, if the Minister still insists on the legislation going through, we will have an understanding of the areas affected and we will be able to fully and properly consider them. The same goes for local authorities who want full consideration of the legislation.

**MR GRAYDEN** (South Perth) [7.32 p.m.]: I do not want to take up the time of the House unnecessarily, but we have heard a speaker from the south-west indicate the problems which would beset farmers particularly in that part of the State, should this legislation go through. We also have had a speech by a member for the Carnarvon region who has outlined the problems which will undoubtedly be experienced there. The problem goes infinitely further than has been outlined so far. The two speakers also said local authorities have not had time to peruse this legislation adequately.

**Mr Tonkin**: Four months! You used to ram stuff through in a week.

**Mr GRAYDEN**: I am pointing out what they have said.

**Mr Tonkin**: This was introduced on 9 May, and they have not had time!

**Mr GRAYDEN**: Had local authorities had the opportunity to look at this legislation—

**Mr Tonkin**: They have had the opportunity.

**Mr GRAYDEN**: If they realised what was in it, they would without doubt reject it out of hand. There can be absolutely no doubt about that.

I oppose the legislation for the reasons advanced by the member for Floreat in his speech. I will not recapitulate them because it would unduly take up the time of the House. I emphasise that this Bill has wide and serious implications for farmers throughout Western Australia. It will have with-

out any doubt—and it can be proved—the reverse effect to that intended by the Minister. It will stifle attempts to reduce flood damage rather than help the situation.

One only has to look at the legislation to realise how all-embracing it is. I want to illustrate how it will have the reverse effect by referring to my own experience. I refer first to proposed section 71H(1) which states—

Where the Minister considers, having regard to recorded rainfall, river flows and other data which he thinks relevant, that any land has a chance of being inundated by floodwaters once during any period of 100 years, he may, by notice published in the Gazette, make an interim declaration that the land is flood-prone.

I have a farm in the northern wheatbelt about 13 or 14 miles north-east of Morawa. Virtually the whole of that area comes within this category. Until relatively recently we never experienced any problems at all. We got a flood about once every 10 years and a minor flood possibly every five or six years. That has been the situation over the ages. The silt was carried by the water down the valley and deposited so that the areas to which I refer are virtually billiard table flat as a consequence of that flooding over generations. As the land is relatively flat it caused the water flooding down the valley to spread out and, therefore, it did not do much harm at all, even when the land was cleared.

About 20 years ago in this House, I repeatedly brought up this subject. I referred to the question of chaining in adjacent agricultural areas. Notwithstanding anything I said or the questions I asked, the Government of that time went ahead and permitted an incredible amount of chaining—100 000 acres here and there—when it was obvious that ultimately it would cause a run-off of water and flooding and salt problems. Sure enough, that situation has come to pass.

As a consequence, farmers who were responsible for the clearing complained that there might be obstructions further down the valley. I have a property there with a floodway four miles long and half a mile wide. A few years ago the local authority saw some trees on the verge of the road which crosses the floodway and some trees within the boundary of my property and thought they must be impeding the floodwaters. Without consulting me, the local authority cleared the trees on the verge of the road and came into my property and cleared the trees with this result: At the first flood, because the water's progress was no longer impeded, the velocity of the flow increased

and it scoured an area probably half a mile long and quarter of a mile wide. With every successive flood since then the area scoured has increased and now it is four miles long from one end of the property to the other. That resulted from that act of vandalism by a local authority.

I never took any action for damages against the local authority—and I had a cut and dried case with its having cleared under those circumstances—because I have too much regard for local authorities and because that was the act of an employee who did not know what he was doing. One does not interfere with nature where water is concerned if one wants to avoid scouring of that kind. There was nothing wrong with the situation which had obtained over the ages. The water came down the valley and spread out over a large area and it ran relatively slowly because of the obstructions. It deposited silt and fertilisers from further up the valley on the floodplain; that is a natural process. But when the local authority interfered with the natural process, the water velocity increased and the scouring took place.

There is only one way to get back to the original situation, and that is for me to plant trees where they were prior to being cleared by the local authority. I have done that, but it will be some time before they are able to impede the velocity of the water. Immediately they do the situation will be restored because again the silt and fertiliser carried in the floodwaters will be deposited and we will have a situation as we do now, of being able to crop successively because the ground, like a flood plain in India, is refertilised every time a flood occurs.

Under this Bill that area would have to be proclaimed as a flood area and we would be precluded from planting trees to impede the flow of the water. The legislation goes further and refers to buildings on flood-prone land. It states—

(1) A person commits an offence who, without the approval of the Minister or in contravention of a condition attached to an approval, constructs or erects any structure or work on flood-prone land.

There is nothing wrong with that except for the perfectly valid objections raised by previous speakers. The new section goes on to say—

(2) For the purpose of subsection (1), the expression "constructs or erects any structure or work" means—

It then refers to various meanings, one of which is to erect a fence. If one erects a fence, one is erecting a structure. The new section goes on as follows—

(e) plants any hedge or vegetation in such a manner as to obstruct, or cause a potential obstruction to, the passage of flood waters,

For the purpose of this new section one has erected or constructed a structure or work if one plants a hedge or vegetation. The provision starts off talking about constructing or erecting any structure, but it soon becomes obvious that that also includes putting up a fence or planting herbage of any kind. The section goes further than that and could include cropping of flood plain areas.

People put in crops for various reasons, and we do it deliberately. We put crops on the areas subject to flooding and leave the stubble during the summer months, because that is when we get the flooding, to prevent soil being washed away. This legislation could preclude that, so it is manifestly absurd. It will affect farmers not only in the south, but also throughout the wheatbelt. Huge areas of the wheatbelt are subject to flooding. The mountains of the past have disintegrated and the land is relatively flat as a result of the flooding which has taken place. Legislation such as this will affect a large part of Western Australia.

This legislation will have exactly the opposite effect to that which is intended by the Government. If the Government were to say, "We are going to set up a committee, which will have access to civil engineers and other people skilled in this particular science, and which will give advice to farmers who are affected in this way", then I can assure the Minister that those farmers would take the advice because they are hungry for it. They want to prevent erosion on their properties. By setting up such a committee the Government would establish a way to bridge the problem and it would be widely accepted throughout country areas. If a farmer did not take the advice given to him and damage was caused to land, then, of course, the Government would require to have the power to go further.

I emphasise that this Bill will have exactly the reverse effect to that which is intended by the Government.

**MR STEPHENS** (Stirling) [7.46 p.m.]: I indicate the National Party's opposition to this Bill. There is a need to tidy up the Bill. The weaknesses of the legislation have been outlined by previous speakers and, therefore, it is not my intention to cover the same ground. However, there are a couple of points I would like to make.

Earlier today the Minister interjected and said there had been plenty of time for members to consider this Bill, as it had been introduced in the last session of Parliament. That is correct, but there was no guarantee when the session expired

that the Bill would be introduced in the following session of Parliament in the same form. Members will recall many occasions when Bills which have been introduced in a session have been reintroduced in the following session in an altogether different form. No doubt, members thought that this would be the case on this occasion.

In his second reading speech the Minister said—

It authorises the Minister to construct drainage works on Crown land. It provides that on completion of the construction, the land be vested in the local authority, and that the responsibility for the care, control, and maintenance of the drainage works be assumed by the authority.

There is no indication that local authorities will have a say in that. It is patently wrong for the State Government to foist something on local authorities and cause them to incur additional expenses without their having any say in the matter.

If the drainage applies to Crown land it behoves the State Government to bear the cost of maintenance of any work it sees fit to carry out. No doubt local authorities are quite happy to carry out work on behalf of Government departments, but they should receive sufficient remuneration.

The following statement made by the Minister in his second reading speech amazed me—

The Bill provides for the tribunal to have the power of a court of law to set penalties and to recover costs. It will not, however, be bound by the rules of evidence, as is the case with a court of law, but may inform itself as it sees fit.

This is a strange case. It could be that a "Rafferty's rules" court may apply because it is left to the Court to determine certain factors as it sees fit. The poor unfortunate who may find himself appealing against the Court's decision would not know the manner in which the court would be conducted. The Minister's statement continues—

It is proposed that it act according to equity...

It is only proposed; it is not guaranteed that that will be the case.

Although there is a need to amend the Act to overcome some of the problems, I think that in the interests of justice the Government should withdraw this Bill and start again.

**MR RUSHTON** (Dale) [7.50 p.m.]: I want to emphasise one point; namely, the relationship of this Bill to local government. I request the Minister, in his reply, to give special attention to how he sees local government participating and having its

say. It is understood that local government will undertake much of the work that will be required without any obvious right to participate in the decision making. It is something which causes a certain anxiety in people involved in this issue. Much of the work can be invoked by the person requesting it and the local authority concerned will be required to pay the costs.

Commonwealth and State Governments are often guilty of instituting services and works and leaving local authorities to carry the can. As far as I am concerned it is something about which we should be very careful because it will increase the rates struck by local authorities, and that should not happen.

I am all for work being carried out by local authorities on behalf of the State or Commonwealth Governments, but they must be compensated properly. It is quite often the case that the local authority is the appropriate body to carry out various works.

I would like the Minister to address himself to the involvement of local authorities and how they will have a say and have redress against some of the charges that will be raised against them.

**MR TONKIN** (Morley-Swan—Minister for Water Resources) [7.52 p.m.]: We have seen a lot of posturing tonight of members demanding, in their best demonic style, that the Bill be withdrawn when they knew that in fact it would be. However, they wanted to be able to go back and strut in their electorates and say, "I made the Government withdraw the Bill". They would have more credibility if it were not known that I had indicated before the tea suspension that the Bill was to be withdrawn.

Of course, members might be surprised that the Bill is to be withdrawn. I would remind them that this is a very different Government from the Government behind which they sat. We have heard members say tonight, "Give us more time because people have not had a chance to look at the legislation". It is over three months since this legislation was introduced, and the Government of previous years—the conservatives who sit opposite—used to ram things through in a week. They say we are not giving them enough time after three months!

The reason the Bill is to be withdrawn is in accordance with my promise which I made on 9 May when I said—

The Bill is to lie on the Table of the House during the recess so that members will have a great deal of leisure in which to study it, and also to enable submissions from all our friends in local government and other places.

Submissions are being sent to me at the present time.

It seems to be a night of clichés, so I will enter into the spirit of things by using another one and saying, "Empty vessels make the most noise". That is a very apt description of the member for Vasse who seems to have very little respect for the truth when he averred, "Ah, you have not been to a single local authority. You should go out there and not simply leave it to engineers".

The member for Murray-Wellington should have leaned over and tapped him on the shoulder and told him that I had agreed to visit Pinjarra which is in his shire. I spoke to another shire only a week ago regarding this matter. No shire which has asked me to speak to it has been refused.

Mr Bryce: Politics of consensus and co-operation.

Mr TONKIN: That is right; yet the Opposition, when in Government, was ruthless and rammed things through this House in a couple of days; it now says, "Give us more time to have a look at the Bill". The Opposition has had over three months to consider this legislation, yet we are still receiving comments of this kind.

Mr Rushton: What is unique about that?

Mr TONKIN: I did not say it was unique. I suggest to the member for Dale that he does not put words into my mouth.

The Government is still receiving submissions and it is happy to receive them. The debate was brought on today to give Opposition members a chance to make comments in order that the Government could study them and study the attitudes of local government and anyone else who wanted to make an input.

Mr Mensaros: I do not think I asked you for more time. What I asked—

Mr TONKIN: Excuse me, but I was not quoting the member for Floreat. I was quoting speakers who spoke after him because they said that local government had not had a chance to look at the Bill. Three months is far more time than the previous Government gave to any Bill. Actually, it is more than three months because, as I indicated in my second reading speech on 9 May, the Bill was introduced to enable discussion in order that people could say what they thought about it. The Government would then have been in a position to draft a Bill which would be acceptable to everyone.

In the months ahead I will be listening to anyone who cares to contact me and indicate his attitude towards this matter.

I would indicate that there is a need for some action because there are people in this State who have bought land and who have built on it, or who want to build on it. It is a grave indictment on legislators of the past who have done nothing to see there is some orderly management of flood-prone lands.

Mr Bradshaw: Tell the people in Pinjarra that.

Mr TONKIN: I will when I see them.

Mr Bradshaw: They will not be impressed with that.

Mr TONKIN: That is their problem, but I will say things which I think are fit. If there was proper management of flood-prone lands we would not find ourselves in this situation today.

Mr Bradshaw: What situation?

Mr TONKIN: The situation where people have bought land in good faith because they want to build on it.

I know the member for Floreat is not a fool like some members opposite and he would understand that the advice I am receiving from the department's engineers is the same advice he received when he was Minister. The point is that if people continue to build on floodways the problem of flooding will increase. The flood plain is only there because rivers have flooded. That point seems to have escaped people. However, people always ask, "Where is the evidence of flooding?" The whole topography is carved out by floods that have gone on for millennia. The fact is that when people are disadvantaged by flood they will say, "Why didn't the Government take action?" They will then ask for some flood relief and the Government will be faced with applications for flood relief to the tune of millions of dollars. Who will pay for this flood relief? Of course, it will be the taxpayers.

Mr Laurance: You cannot legislate to prevent flood.

Mr Old: Yes, you can, but it does not work.

Mr TONKIN: No, there are some things we cannot legislate against, but I suggest there are some things to legislate for and wise Governments endeavour to do that.

If waters cannot escape along a floodway because of fill and because of buildings, they will go elsewhere and that means they will flood into other areas. What Opposition members are saying is, "Do not worry about it. Let people build where they like. Let us not have legislation".

Mr Laurance: No-one on this side said that.

Mr Spriggs: Rubbish.

Mr TONKIN: The member for Darling Range obviously disagrees with me.

Mr Laurance interjected.

Mr TONKIN: I am pleased to hear the member for Gascoyne say that, because it is important to see that over 100 years of neglect in this State is remedied.

This Government would like to remedy it. The Opposition sat there and did nothing about it for nine years.

Several members interjected.

Mr TONKIN: The fact of the matter is that wise Governments attempt to solve problems, and this is a serious problem.

Mr Watt: Of course it is.

Mr TONKIN: It is necessary to take action. What this Bill provides is for consultative committees to help determine where the flood-prone lands will be delineated. We are asking for input from local people, hand in hand with the professionals, to say where these areas should be so that action can be taken.

The Bill does not prevent people from planting trees, as the member for South Perth seems to suggest.

Mr Watt: You have not read it.

Mr Rushton: You have told us the legislation is no good, you will withdraw it.

Mr TONKIN: The member is a very dishonest person. It is dishonest to say that, because I have not said the legislation is no good. If the member cannot understand the difference, it shows why he was such an abominable Minister. Saying that we are prepared to listen to constructive comments is not the same as saying that the legislation is no good. It is saying that the legislation is not perfect.

Mr Rushton: You will bring it back after the next Federal election because you know it is a sensitive issue.

Several members interjected.

Mr Grayden: One may plant trees but the Minister may direct they be pulled up again.

Mr TONKIN: Proposed section 71S says this—

- (1) This section applies where a work or structure has been or is being constructed, erected, altered or extended on any land in contravention of section 71C.
- (2) The Minister may by notice in writing served on the owner and the occupier of the land, or any owner or occupier, direct him or them, within a specified time and in any specified manner to—

(a) cease any construction, erection or alteration being carried out;

(b) remove, pull down, take up, or alter the work or structure or any part thereof.

And that includes trees and plants. That underlines the inability of members to understand what they read. The Bill does not prevent anybody from planting trees.

Mr Grayden: But one may be directed to remove them.

Mr TONKIN: That is a different matter altogether. The point I am making is that the Minister, whether conservative or one of the present Government, will be advised by hydrographers—engineers. If members think engineers are half-witted they should say so. Engineers know better than the member opposite, whether he will admit it or not.

Mr Grayden: You say you cannot stop a person planting trees. Here the Minister has the power to make the person pull them up. Do you suggest one can then go back and plant the trees again? Of course you cannot. You obviously have not read the Bill.

Mr TONKIN: The member for South Perth appears to be a little demented.

Several members interjected.

Mr TONKIN: Seriously, the member is talking about pulling up trees. All I said was that the Bill does not prevent people from planting trees, and it does not.

Mr Grayden: But the Minister can tell you to pull them up.

Mr TONKIN: That is a different matter altogether.

Several members interjected.

Mr TONKIN: Of course it is a different matter, because what the member is suggesting is that the Minister, acting under technical advice, will tell people to pull up the trees, and then tell them to plant them again the next week.

Mr Grayden: I will tell you about a case where they went in and pulled the trees up.

Mr TONKIN: Who did?

Mr Grayden: The local authority.

Mr TONKIN: This is not the local authority.

Mr Grayden: The local authority will give the advice.

Mr TONKIN: This is not the local authority, this is a Government department with the most skilled engineers in the State.

Mr Grayden: You are talking absolute rot.

Mr TONKIN: Let the member show me the last dam that failed, the last road that fell to bits, the last bridge that fell down. All those were built by engineers. He may slander them if he likes, but I will not.

Several members interjected.

Mr TONKIN: My belief is that people who give advice to this Minister, and also gave advice to the previous Minister, the member for Floreat, and other Ministers for Works, are skilled people who know what they are doing.

Mr Grayden: But you obviously do not. If I knew you were going to take this sort of stand we could have spent the evening debating this and pointing out some of the ways in which this legislation falls down. We let you off the hook by being as brief as we could, this is the way you repay that attitude on our part.

Mr TONKIN: I am glad that the Opposition has indicated what it sees as flaws in the Bill. That criticism should be tempered with intelligence and with reading the Bill correctly. Many of the comments are valid, and we will be looking at them. In my reply I did want to say that some of the comments were just not moderate or sensible; they showed that the Bill had not been understood, even if it had been read. There is a big difference between a Government having the power to do something, and a Bill actually preventing people from doing something—all the difference in the world. A Bill brought to this place which says, "Thou shalt not plant trees" is quite different from a Bill which gives the Minister the power, with the best advice available in the State, to enable floodwaters to get away, or to protect the land from floodwaters, and to take certain action. If members cannot see the difference between those two positions, they are not doing their job properly as legislators.

Mr Grayden: Let me put this to you: Certainly if a Minister were to direct that certain trees be removed, it would help certain farmers who were being subjected to flooding a little further up the valley. But when trees are removed it causes erosion on the properties below the trees, and that surely is doing more harm than the flooding further up. That is what I am trying to point out.

Mr TONKIN: I am aware of that. That is different from the point I was addressing, which was that someone said that the Bill prevented people from planting trees. That is not true.

Several members interjected.

Mr TONKIN: There is all the difference in the world. The Bill was put forward in good faith by

the Government to enable comment to be made, not only in this place but also elsewhere.

Mr Rushton: You put the Bill up in its best form, you did not put it up just to fool around as you have been doing. You are responsible for what is in this Bill.

Mr TONKIN: The member is a very little man. The Bills he brought to this place were abominable, and they were rammed through in spite of the fact that they were second rate and amending legislation had to be brought in within months, having ignored our comments in Opposition. So the member must not talk to me about people who do not bring in good legislation. The only difference is that we are prepared to bring legislation here and say right at the outset, "It is for comment, we would like to hear your views". People like the member, who are frightened to listen to views, felt so insecure that for nine years they accepted no amendments.

Mr Rushton: That is not true.

Mr TONKIN: I do not apologise for bringing in this Bill because it has enabled people to see the kinds of problems we have and the ways of addressing them. I am man enough to say that I am happy to change aspects of the Bill when we have examined the criticisms of it. I make no apologies for saying that. The fact the member opposite was not able to do it indicates that he is not the man I believe a Minister should be. Anyone who is man or woman enough to admit that he or she is wrong, or that what he or she brought forward is not perfect, must be admired. A person who cannot do that is not really a very big person at all.

I have risen to my feet in order to indicate publicly—as I have indicated privately to the member for Floreat and the member for Gascoyne; and I remind members of my second reading speech on 9 May—we are still receiving deputations from local government, and I shall be visiting as many local authorities as I can to discuss the matter with them.

I will seek leave to continue my remarks, the reason being that that will adjourn the debate and we can then go on with the next business of the House, because that is the only way to adjourn the Bill at this late stage.

*Leave to Continue Speech*

I seek leave to continue my remarks at a later stage.

**Leave granted.**

**Debate thus adjourned.**

## STOCK DISEASES (REGULATIONS) AMENDMENT BILL

### *Second Reading*

Debate resumed from 1 August.

**MR OLD** (Katanning-Roe) [8.12 p.m.]: This Bill was brought in as a result of the tuberculosis eradication programme in the Kimberley. It is the result of a decision made in 1970, when the tuberculosis-brucellosis eradication programme was evolved by the Agricultural Council. It is something that I and successive Ministers have supported—and I know the incumbent Minister during his previous period in Government very keenly supported it. Over the seven years I was Minister I certainly supported it. I believe it is one of the most successful campaigns of disease eradication which has been undertaken in Australia.

The situation is rather like providing television to country areas in Australia. One covers a fair amount of land—in this case probably not much more than half—but that is the easy part. We have now come to the crunch point and reached the stage of trying to eradicate TB in the northern part of Queensland, the Northern Territory, and the Kimberley.

A lot of consternation is being expressed by pastoralists in the Kimberley who are concerned that the eradication programme is of such a magnitude that it could very severely disadvantage the cattle industry in the northern part of Australia. While I reiterate my wholehearted support for it, I believe that perhaps it is time to rethink the eradication campaign as far as the northern areas are concerned.

A couple of weeks ago while speaking to a very well-known station owner in the Kimberley I was informed that on one of his stations the incidence of TB so far detected, mainly through testing of cattle coming south and those going into the Broome abattoir, was in the order of 0.05 per cent. That indicates a TB-free herd. But this gentleman, and the department and the Government, are faced with the problem of a very expensive operation in an endeavour to declare the north TB-free.

What would we have if we declared the north a TB-free area? If we declared the southern part of the State, taking a parallel somewhere up near the Pilbara as the boundary, to be TB-free, and we left the other area as a control area, that should in no way inhibit the export of meat to countries insisting on their meat coming from TB-brucellosis-free areas.

Recently I asked a question about the status of TB in American herds, because I had heard that

some 23 States were currently back on the treadmill with respect to the TB eradication programme. The department advised that in 1983 TB was detected in 11 herds from five mainland States, with all but one herd being totally destroyed. Certainly my original information was proved to be incorrect, because I have no doubt that the department's advice would have been well researched. Nevertheless, I was of the opinion that some 15 States in America still experienced problems with TB. Brucellosis is not a problem in the north; it has been recognised as a free area. TB is the problem.

I was interested to learn also that on two occasions the remaining bison herd in the United States of America was quite severely affected with TB. That being the case, eradication becomes almost an impossibility, because although we freely talk about the hard part of eradication being solved by rifle fire from a helicopter, I am sure no US Government agency has the courage to shoot one bison, considering that country's record in almost eradicating the entire bison herd on that continent.

Americans are presently very preoccupied with preserving our kangaroos, to the extent that occasionally they interfere with our kangaroo culling programme. That is a matter for their consciences, but I know they will not go into their bison herd.

The answer I received was that the Australian Bureau of Animal Health had advised that the present herd was considered free of TB. I do not doubt the word of the bureau, but I suggest, as a matter of academic interest, the Minister should have that checked, probably by contacting the American Consulate. Of course, I can do that myself, and I intend to. However, given that the story told to me was in some way correct—that there was an incidence of TB in the bison herd—that makes the eradication of TB in the United States almost impossible.

The United States is a prime market for our north-west beef and it insists on TB-free meat, as we all should. It is therefore important that we keep a very tight control on the incidence of TB in the Kimberley.

There must be other ways of attacking this problem, because not only is it going to cost the country millions of dollars but also it will create other problems, not the least of which will involve the conservationists. Already, the TV media is showing film of brumbies being shot in north Queensland and the Northern Territory, and there is talk of eradication of the buffalo herd.

Irrespective of the thoughts of the people concerned with the control of the disease in Australia,

we still have a very big fight on our hands when we come to a total eradication programme with a gun. I can just imagine the furore it would cause if we started to move into the buffalo herds using rifles. I can assure members that the horse is considered a friend and servant of man, and it tends to create a very emotive situation when people witness horses being shot from helicopters. We are still involved in a programme in Western Australia of trying to control feral donkeys in the Kimberley. Even though they are declared vermin, they are still animals and people have an empathy with them. The department and the Government come in for quite an amount of criticism for the culling of donkeys by shooting from helicopters. This is the sort of thing the Federal and State Governments will have to face.

Recently I asked the Minister whether the TB-brucellosis campaign was discussed at the recent Agricultural Council meeting—the question was a bit academic, as I knew it had been—and whether any firm decisions were made having regard to the concern of northern cattle producers as expressed at the Darwin meetings. The Minister replied—

Yes. Australian Agricultural Council decided to establish a high level committee including veterinary, economic and financial expertise, to report within three months on destocking policies and future guidelines for the TB campaign in northern Australia.

Not the least of concerns felt by cattlemen in the north is the requirement for fencing.

The station owner with whom I was talking told me that he had received a letter from the department stating that it would not TB-test cattle that were not behind wire, which meant that to have a TB-testing programme undertaken on one of his stations, he would have to incur fencing costs in the order of \$1.25 million.

Such an amount is quite out of the question, even though the Government has said it is prepared to make low-interest, long-term loans available for fencing and stockyards. Those loans still have to be repaid in the end; they still represent a liability on the pastoral leases. I have been assured by the Minister, however, that such is not the case and that the department is not insisting on the complete boundary fencing of pastoral leases.

In this instance we are considering a station which virtually borders the Simpson Desert, which forms a natural barrier. However, on the odd occasion when the area receives rain, the cattle are apt to move out into the desert and stay there until the water and feed are finished. They can be mustered only when they eventually return. The same situation applies on Crown land, because one

of the amendments embodied in this Bill relates to cattle on Crown land and provides that the Crown will be responsible for those cattle after a reasonable time has been given to enable pastoralists to muster. I note that the time is to be decided by regulation, and I commend the Minister for that because it is very hard to put a time-frame on the mustering of cattle on Crown land. This is so because the seasons play a very big part in determining how long it takes to bring them in and muster them. It could take two years. It has been suggested to me that a period of two years should be embodied in the regulations because this would give pastoralists time to retrieve their cattle and for any remaining cattle to become the responsibility of the Crown.

The question can be raised here: Who is responsible for stray cattle on Aboriginal reserves? The Minister needs to consider this, and he might mention it in his reply.

I understand also that the Commonwealth Government is now satisfied with the conduct of the Aborigines running Noonkanbah Station and believes that the time is almost here when it can declare the station viable and hand it over to the Aborigines as a going concern. I applaud the community at Noonkanbah for having brought the station to that stage, but again the question must be asked: Who is to be responsible for the eradication of TB on that station and other stations which fall within that category in the future? A TB eradication programme is expensive both to the landholder and the Government. Were the Noonkanbah community suddenly to be given the right to run its own affairs and at the same time told it had to find, say, \$250 000 for a TB eradication programme, the community would probably find itself back to square one. Therefore it is incumbent on the Minister to liaise with the Federal Minister for Aboriginal Affairs and get the matter cleared up.

I believe we can overcome the problem of TB in the north by looking at control rather than eradication. I must reiterate my complete and utter support for the TB eradication programme, but doubts have been expressed by various States at a number of Agricultural Council meetings about the possibility of a total eradication of TB in the Kimberley and the Northern Territory. It is time for a rethink of the whole situation.

I have heard it claimed that the testing of cattle in the station environment will not give an accurate reading, the reason being that cattle under stress, be it feed stress or emotional stress, do not give a true indication.



Mr Davies: How do you gauge that they are under stress?

Mr OLD: We can gauge when they are under feed stress because it occurs naturally during lean years.

I do not know whether the theory that has been promoted is correct. I asked the following question of the Minister—

Is the effectiveness of TB testing of cattle diminished, as has been claimed by experienced cattlemen, when the animals are experiencing nutritional deficiencies or stress from other causes?

To that, the Minister replied—

The effectiveness of the skin test for tuberculosis is affected by various factors, including the level of infection in the herd and the state of the disease in the individual animal.

Whilst there is a belief by some that nutritional stress may reduce the efficiency of the test this has not been validated scientifically.

The theory was promoted at the Darwin meeting and the representative of the Bureau of Animal Health was of the opinion that stress could play a very important part in the assessment of whether the beast was affected by tuberculosis. If a stress factor is involved, the physical action of mustering cattle, yarding them, and testing them could have an effect upon the ultimate test result. If that is the case, perhaps we will waste much money.

Perhaps we should return to the system of control under which cattle coming south of a certain latitude from the Kimberley were subject to two TB tests prior to leaving the station, and were tested for TB again when they were depastured in the southern part of the State. I understand that proved to be very effective.

There is no problem whatsoever with cattle going to slaughter at any of the northern meatworks, because the identification of TB in a carcase is relatively simple and it is easily picked up by the meat inspectors from the Department of Primary Industry. In that case, the carcase is destined for the byproducts chute.

I hope that countries such as America will accept the fact that buying carcase meat or processed meat from northern abattoirs would be an effective guarantee that the meat was tuberculosis-free. The Minister might like to think about that angle because, as I said before, we have now reached the crunch point.

The various Departments of Agriculture throughout Australia have been justifiably proud

of progress in the southern parts of Australia. We receive regular reports and maps showing the contraction of TB-affected areas in the southern parts of the country, and we have reached the stage where we have virtually none left. That is a great achievement, and I congratulate the Bureau of Animal Health and the various State departments for the way they have handled that matter.

However, I suggest to the Minister that we should consider other control measures. In some cases, if eradication means destocking—there is no doubt in my mind that in some of the rougher country in the Kimberley it will mean destocking—it will mean aerial shooting and the destruction of herds, for which the pastoralists will be paid compensation out of the compensation fund. The compensation will be assessed on the market value of the cattle. Nevertheless, it would be physically and financially impossible for any pastoralist in the Kimberley to restock after destocking and being compensated. I say that, because it would be necessary, as the Minister is well aware, to bring cattle from Queensland in order to restock. My information is that breeding cattle in Queensland are about double the price of those in Western Australia, so it just could not be done.

With those reservations, I indicate the Opposition's support for this Bill and hope that the Minister will give consideration to some of the points that have been made.

**MR BRIDGE** (Kimberley) [8.36 p.m.]: I have a number of comments to make on the Bill. Firstly, I commend and congratulate the Government on the initiative it has taken. The Bill is complementary to a programme which has been operating successfully in the northern parts of the State for quite some time.

As the previous speaker indicated quite clearly, pastoralists in the area have expressed much concern about tuberculosis, and there has been a concerted effort on the part of the people in the industry to work towards the ultimate eradication of the disease. The provisions in the Bill simply tidy up an area which, from time to time, becomes a problem in relation to effective operation on Crown land. By virtue of the status of the land, it becomes the responsibility of the Government to monitor the situation and implement a programme within the confines of that land, as opposed to the pastoral activities on the properties affected by the programme.

This measure will be welcomed by the pastoralists in the north who are involved in the implementation of the tuberculosis programme. As the previous speaker outlined, the programme is progressing well. In the Kimberley, it has reached

the point where a fairly small area is involved. Further eradication is being carried out, and it is hoped that the total area will be cleared. I am sure that result will be achieved.

I will touch on a couple of points made by the member for Katanning-Roe so that I can give information to the House. I do so because I have been involved in discussions with the various interested parties in respect of this matter. I refer to the point made about responsibility and the funding of the scheme as it relates to the properties held by Aboriginal people in the Kimberley and, in particular, on Noonkanbah Station where the economic position of the property and the ongoing funding arrangements mean that the property will be largely the responsibility of the Aboriginal community.

I understand that the Aboriginal Development Commission has committed itself to funding the communities when additional funds are required for the eradication programme. Last year, the then chairman of the ADC (Charles Perkins) indicated to a large group of people in Broome that funds would be made available as required. I suggest to the House that in the case of a shortfall and the inability of a community to meet the cost, the ADC is prepared to help out.

The other point worthy of comment is the one raised by the previous speaker about the destruction of cattle in the inaccessible areas of pastoral properties. On a number of occasions I have raised my concern about the size of pastoral properties in their present form. This is another illustration of the point I have continued to make. Because of the size of the properties and the policy of amalgamation of the previous Government, such problems will be created rather than being minimised. When properties are productive and capable of running a sizeable but controllable herd, it will not really be necessary, practical, or relevant to talk about inaccessible areas and, I suggest, uncontrollable stock. In a situation of inaccessibility and uncontrollable stock, the problem is largely the result of the large areas of pastoral holdings in the north-west, with properties that are simply too big to be managed. That is the situation in a nutshell.

While those large properties continue, it will not matter how effective a destruction and eradication programme might be. We will always be faced with the problem because the properties are simply too big and the beasts are scattered through the inaccessible areas. The size makes it almost impossible to talk about complete fencing. Sooner or later, somebody must take the initiative and recognise that what I and other people have been saying for a long time must be considered seriously. We are really talking about proper

cattle husbandry and management controls being implemented effectively in the northern parts of the State, and in other parts of the State, for that matter. Serious consideration must be given to the size of holdings.

On smaller properties, the managers have the ability to muster nearly all of the stock on the pastures, and the preventive programmes are more likely to work than on the larger-sized holdings. This matter should be borne in mind when we consider the overall situation.

The Bill contains very important measures that are necessary; and the comments made by the previous speaker are relevant. He was supportive of the measures introduced by the Government; and in turn I express my support wholeheartedly for those measures.

**MR EVANS** (Warren—Minister for Agriculture) [8.45 p.m.]: I thank the members who have addressed themselves to this measure. I am pleased to note that both support the programme that has existed since 1970 and which is moving towards something that will be achievable in 1992. This is a major undertaking, particularly for Northern Queensland, the Northern Territory and the Kimberley—some of the most rugged country in Australia.

I would like to comment on several points which were raised by both speakers. Firstly, the member for Katanning-Roe gave a good background of the programme which has been established. The programme has been successful with stock in the southern areas, and now the really difficult aspect of the programme is being confronted. I note that the member for Katanning-Roe expressed some reservations and suggested that it might be time for a rethink of the total programme. It certainly is being evaluated, and it has been only in the last 18 months that the monitoring work has been stepped up in the Kimberley in an endeavour to identify the infected areas.

It appears the existence of the disease is variable—it goes from very low levels to comparatively high levels. They seem to be taking a pattern of expanding over several stations, and it would appear that this may be the sort of approach that may be undertaken.

I am conscious of the apprehension of the pastoralists, and I refer members to *The Western Mail* of 4 and 5 August this year which ran the headline, "Cattlemen face ruin in TB war". I would like to think that that is a stronger expression of the situation than the facts would reveal. We are certainly aware of the problems the pastoralists may be faced with and the answer I

received recently at the Agricultural Council meeting in Townsville offered some hope.

The Northern Territory will feel the impact to a greater extent than the Kimberley and Queensland. They are fairly well advanced in the centre of Australia with their programme, but they will of course have the difficulties of other northern areas, particularly in the wetter regions.

The point made by the member for Kimberley—who is someone well experienced in the industry—was the need for fencing in the Kimberley area, from the point of view not only of disease control, but also of stock husbandry.

I asked for the figures which show the extent of assistance to the pastoral industry in the Kimberley. Section 75C of the Income Tax Assessment Act provides a total concession for subdivisional fencing—which of course does not apply to boundary fencing—and a concession for subdivisional fencing has been granted up to the end of 30 June 1984. A further approach has been made to the Commonwealth Government which has indicated a degree of sympathy to the extent of reviewing the concession for a further few years. Just what will emerge from that I am not able to say, but the concession over the four-year period from 1980 to 1984 for the west Kimberley area involves 11 stations and a total of \$382 500. In the Broome area, with nine stations the amount was \$591 000, while in the east Kimberley area, with 14 stations involved, the amount was \$1.786 million. A total of 34 stations was involved.

The concession provided for under section 75C of the Act also allows for costs involving stock or construction in the west Kimberley district. For east Kimberley the figures were \$160 500, \$283 000, and \$505 000, in the respective areas, a total of \$948 500, with a total Kimberley concession of \$2.753 million. The point I am making is that there has been a conscious effort by at least 34 stations to upgrade their fencing, and of course to improve their management opportunities.

The member for Katanning-Roe made reference to the expense of fencing. In fact it is in the order of \$800 to \$1 000 per kilometre. I would like to reiterate that the Government is concerned about the financial situation of the pastoral industry and point out that we are in the process of obtaining the services of an economist with a view to providing some practical assistance and guidance for the people in the region.

The member for Kimberley made the point that the ADC will be providing finance and funding for any worthwhile undertaking, such as disease control, and hopefully that matter is in hand. I thank members for their support.

**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*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Evans (Minister for Agriculture), and transmitted to the Council.

## HERD IMPROVEMENT SERVICE BILL

*Second Reading*

Debate resumed from 2 August.

**MR OLD** (Katanning-Roe) [8.55 p.m.]: This Bill is the result of a lot of study of the activities of the Artificial Breeding Board and the herd recording programme. The Artificial Breeding Board has had a history of ups and downs; in fact it started off many years ago at Wokalup as a semen collection centre. From that beginning it evolved into an artificial breeding centre inasmuch as semen was imported from other parts of Australia, and indeed internationally. We have reached the stage where great reliance is placed on semen from the United Kingdom, Europe and other parts of Australia.

There is no doubt that the import of this semen has done much to improve the beef and dairy herds in Western Australia. Of course, like everything else it fluctuates with the economy. When the economy is buoyant people are able to and are very anxious to improve their stock and are keen to purchase semen from proved animals. The Artificial Breeding Board, in fact, has been an important tool in the cattle industry in Western Australia. However, it is a body that has been fraught with many frustrations, certainly in the financial world.

The board has assiduously applied itself as a body of men interested in the cattle industry and has endeavoured to provide a service at a reasonable cost and one which would be attractive to the cattle industry. In doing so, at times it has incurred some fairly worrying losses.

Successive Governments having regard for the improvements of the herd and therefore increased productivity, have gone along with the fact that the board has had financial difficulties. In particular, they have seen fit to allow the debts of the board to accumulate to the extent where it reached a situation some four years ago when con-

sideration was being given to the future of the board.

All sorts of theories were promoted. Of course there were other people in the semen collection business who were prepared to distribute imported semen, but it did seem a pity to cease operations of a board which was a going concern and which was providing an excellent service to the industry.

So, methods were looked at as to how it could be either incorporated with another part of the industry or the board itself could improve its performance to the extent where it could at least break even.

Many things were tried. There were great reductions in staff and in the service provided, because at that time the board was supplying quite a lot of the outside staff, and its members were travelling around the various farms in the dairy industry area as well as the beef areas promoting the sale of semen. They were delivering semen in canisters, etc., but all this had to be rationalised to the extent where the staff of the institute became small. It virtually became a very restricted operation, but was still losing money. It seems to have that ability.

The object of this Bill is to combine the Artificial Breeding Board with the dairy herd recording scheme which was set up some years ago. The object of the dairy herd recording scheme is to improve productivity. It is a system whereby a dairy farmer has monthly access to the performance of various animals. It is a very much valued tool of the dairy industry by those who use it. By no means do all dairy farmers avail themselves of the advantages of the herd recording scheme. Those who do have, in the main, express great satisfaction with it.

We have now reached a point where the object of the Bill is to combine those two operations. I believe there is a great amount of merit in doing so because some of the services which are being rendered by both organisations are common. Therefore, I am quite certain that there will be some savings.

I was interested to see that, instead of making the service a part of the Department of Agriculture, it is proposed, under the Bill, that the Herd Improvement Service of Western Australia will be established as a body corporate. My first reaction to that was that it was probably a little extravagant and it could well be a duplication of some services. However, in looking through the Bill and in reading the Minister's second reading speech, I have now realised that there are certain advantages in having a corporation inasmuch as its whole operations will be outside the control of

the Public Service. That, obviously, must have advantages because there will be times when the combined operation will need to hire casual labour during certain parts of the seasons. It will therefore be able to employ people outside some of the stringent controls which are exercised by the Public Service. I agree, therefore, that that is a good move and I go along with it.

A couple of points have been brought up to me. One related to the fact that the Government, in the past, has been prepared to pick up part of the cost of the herd recording scheme. Although it was a considerable amount of money, it certainly was not outside the realms of reality. Successive Governments have been reasonably happy to pick up the deficit which has been experienced in the herd recording scheme.

My understanding now is—I would like the Minister to clear up this matter when replying to the debate—that this subsidy will be phased out over a two-year or three-year period and that the scheme will become self-supporting. I find it very hard to argue with that concept, even though it is encouraging a very essential service to the industry.

The Government has subsidised the herd recording scheme for some years. I believe that the people who have availed themselves of the service have been very happy with it and have increased their productivity. There must come times when Governments have to look at the costs and say, "We think we have promoted it far enough to enable it to stand on its own feet".

Although my thoughts will not be shared by all, I see that as a move in the right direction. I think that if people have to be encouraged to adopt better husbandry practices by subsidising those practices, so be it. That is in the interests of the industry. However, it is not necessary to continue to subsidise that industry *ad infinitum*. It may well be that it is not yet time to do away with that small Government contribution. I am sure some of my colleagues will have something to say about that.

I will bring up a couple of points during the Committee stage. However, before I leave the matter of the subsidies, I must say that, apart from the deficit which showed up with monotonous regularity in annual reports, there have been other hidden subsidies which will continue to be made available by the Government. I understand that those subsidies relate to office staff, office furniture, accommodation, and administrative help. So it is not as though the scheme is being abandoned; far from it. It will be housed, in the future, in a very good building in the Bunbury

region. I think that is a great centre from which it should operate.

With regard to the building from which the Artificial Breeding Board has been operating in Harvey, due to a long and involved negotiation which has been going on for some years, Treasury has agreed that the debts of the breeding board—debts which are quite considerable—will be offset by the sale of the building in Harvey. There is no way that that sale will go anywhere near to wiping out the debt. However, the Government and the Treasury have agreed to write that off. I believe that that is the sensible thing to do.

I will be bringing up a couple of small points during the Committee stage. They will be purely technical points and I do not intend to go into them now. However, we generally support the concept of the amalgamation of the two bodies. It has been under discussion for about five or six years.

There is a gentleman sitting in the Speaker's Gallery who is an ex-Assistant Director of Agriculture, Mr John Craig. He had a lot to do with the board and had a tremendous amount to do with its budgeting. He endeavoured to get it onto an even keel. It was due to his efforts that we were able to keep that board going as long as we did.

With those few remarks I indicate the support of the Opposition for this Bill.

**MR BLAIKIE** (Vasse) [9.09 p.m.]: I also want to make a few remarks on the Herd Improvement Service Bill. We have held an inquiry which made a very appropriate recommendation. As a member of that inquiry I intend to take some of the credit for the legislation which is currently before the House.

The Royal Commission into the dairy industry recommended that the Artificial Breeding Board and the Herd Improvement Service of WA be amalgamated to provide a total service to the dairy industry of Western Australia. As the two bodies currently exist, they are run as two separate entities. However, both have the same general direction which is to improve herds and to assist the dairy industry in building up and improving the dairy herds of Western Australia.

The member for Katanning-Roe indicated a number of features in the Bill and has spoken about those features. It is not my purpose to go over what has been said already.

However, I want to say to the Minister that I will be listening to his remarks during his reply. I will be seeking from the Minister the level of contribution that the Government intends to make to the new Herd Improvement Service. On the figures that have been made available to me, the

herd recording scheme, as it currently operates, has been subsidised to the extent of \$90 000 by the Government. I am concerned that, with the amalgamation of the two bodies, the level of subsidy will be reduced or the level of Government assistance will be altered so that farmers who are taking part in the service will be further disadvantaged.

It is my view that the herd improvement scheme such as is proposed, is a very important part of a service to this State. While farmers make a contribution by way of the per-cow fees that they pay, it is my very strong view that the service which helps to upgrade herds will give to the State a future benefit and as such should be subsidised substantially by the State and by the taxpayers.

Herd recording schemes are the method by which farmers are able to have their herds tested. They are able to have selective culling programmes and selective breeding programmes which will lead to a substantial improvement in herd yields. That will lead to a substantial improvement in the efficiencies of the herds and to the general wellbeing of the people in the industry. Of course, the ultimate benefit will come to the State in which those people are located.

It is therefore my view that the Government should be a very positive contributor to this scheme and ensure that fairly substantial amounts of Government funds are made available.

I have indicated already that the amount of subsidisation in this State is \$90 000. The figure per-head of cow population is substantially higher in other States. I commend those States for the financial contributions which they make.

A great deal has been said about the role that technology will play in the industry and about the benefits that technology will give to the industry in this State in general. What we are talking about here tonight is technology as it relates to the dairy industry. I will be very interested to see whether those Government members who support technology in the industry will extend their support to new technology in the dairy industry.

I raise one final point with the Minister regarding amalgamation of these two bodies. Does the Government expect the Artificial Breeding Board section of the new Herd Improvement Service to subsidise what is now the herd recording scheme? I would be most concerned if this happened because the artificial breeding side is very commercial and competitive. I would be concerned if the Herd Improvement Service had to raise charges to partly offset some of the charges made to producers for their herd recording. As the Minister would understand, if the new corporation had to raise charges for artificial breeding services, of

course, farmers will look for different avenues. If they go to other sources of supply for semen and artificial breeding services, the herd improvement corporation as proposed will be at some risk and its success will be threatened.

I ask the Minister to indicate whether the Government intends that the corporation will be expected to subsidise its own operations through the service it provides.

With those remarks I give my qualified support to the Bill.

**MR EVANS** (Warren—Minister for Agriculture) [9.17 p.m.]: I will reply briefly to some of the points raised. The member for Katanning-Roe gave the genesis of the amalgamation of the Artificial Breeding Board and the dairy herd improvement scheme. I recognise that the principle has been accepted by both speakers, and I think rightly so.

One of the most important aspects of this amalgamation is the economies that it is hoped to achieve by establishing these two services firmly on a sound, viable, ongoing basis. The recommendation to which the member for Vasse referred from the Royal Commission, of which he was chairman, certainly did have an effect on the Government's thinking on the matter. The member can derive some satisfaction from that.

The member for Katanning-Roe made some observations with regard to the creation of a corporation. He correctly observed that as it is now operating outside the Public Service system, it has greater flexibility and an opportunity to enter into contracts and obtain seasonal labour as required. That is a most useful aspect, but there is a further point. The corporation is detached and divorced from the department which means that it will be operating on a truly commercial basis. That should give the impetus and incentive to the corporation to perform as well as it possibly can in the commercial world.

The point was made that in the past the Government subsidised the operations of the ABB and the herd improvement scheme. It will probably be as well if I indicate the situation which pertains. The cost of the amalgamation will be met by the industry and this will involve a transition cost of \$60 500 and working capital cost of \$75 000. The approval has been given for the transfer of stock, equipment, etc. from the ABB to the new organisation at no cost. It will be set up in that way. Approval has been given to the net deficiency of the ABB after the realisation of assets and payment of sundry creditors of \$184 969. That is the write-off figure entailed. Approval has been given for the immediate suspension of interest charges

on the outstanding general loan and Treasurer's advance. There is also the question of the transfer of existing superannuation liability from the ABB to the Government, and approval for the support of maintenance of five positions that will serve the new organisation. In that way it can be seen that the Government has continued to maintain a fairly high level of support for the new organisation.

**Mr Blaikie:** Will the first two costs you referred to be met by the DAP?

**Mr EVANS:** To some extent.

**Mr Blaikie:** To the total extent?

**Mr EVANS:** Yes, that is the source of funding. The dairy assistance funds provide an advance of \$75 000 and that will come from a DAP fund to establish working capital.

**Mr Blaikie:** That is \$135 000 in total?

**Mr EVANS:** Yes, that is about it. I might add that the accumulated loss on the balance sheet is \$232 218. The figures can be provided to the member for Vasse. There is no problem in that area.

I do not think I have left any points unanswered. It is hoped that in due course the herd improvement scheme can become a viable unit able to stand on its own feet in the industry. After three years, at least, the situation will be reviewed.

**Question put and passed.**

**Bill read a second time.**

#### *In Committee*

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Evans (Minister for Agriculture) in charge of the Bill.

**Clauses 1 to 4 put and passed.**

**Clause 5: Composition of the Board of management of the Corporation—**

**Mr OLD:** Paragraph (4)(a) refers to a period of 21 days during which the Primary Industry Association of Western Australia (Incorporated) may nominate one of the persons whose names appear on the panel for appointment to the office of member. I ask the Minister to give consideration to amending this period to 28 days. He is aware that the PIA meets on a monthly basis and if it wishes to hold a plebiscite to determine its nomination, it feels that 28 days would be far more expedient than 21 days. I will not move an amendment, but perhaps the Minister will consider amending that figure.

**Mr EVANS:** That is a reasonable request. I move an amendment—

Page 5, line 13—Delete the figure "21" and substitute the figure "28".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 6 to 8 put and passed.**

**Clause 9: Disclosure of pecuniary interests—**

Mr OLD: I refer members to the wording of subclause (4). It has been pointed out to me that a person who is a contributor to the herd recording scheme could be designated as one who has an interest in the matter. It is felt that after the words "breeders of stock" the words "a member of a herd recording scheme" should be added. In that case, were such a member appointed to the board, he would be exempt.

I am sure the Minister would agree such an amendment is desirable. Without it, very capable people who are members of the herd recording group could be precluded from being elected to the board or from speaking on something in which they have an interest.

Mr EVANS: I shall have this matter checked with the Crown Law Department.

Mr Old: An amendment could be moved in another place.

Mr EVANS: If it is desirable to move an amendment, we shall consider it at a later stage. However, I shall have the matter checked by the Crown Law Department before the Bill is dealt with in the Council.

**Clause put and passed.**

**Clauses 10 to 15 put and passed.**

**Clause 16: Funds—**

Mr BLAIKIE: This clause relates to the financial provisions and sets out the way in which funds may be made available to enable the corporation to perform its functions under the Act.

During his reply to the second reading debate, the Minister indicated \$135 000 would be transferred from the dairy assistance fund to set up a working fund to enable the new corporation to operate. I object strongly to that money being used for that purpose. That money rightly belongs to the producers of this State and it should be returned to them. The money was raised by way of a levy imposed on consumers. This enabled the establishment of the industry at its current level in this State.

I pay a tribute to the involvement of Sir Charles Court in setting up what a number of people regarded as being his pet scheme. In some quarters it might have been called the "Ptolomey plan", after Mr Ptolomey who was Chairman of the Dairy Industry Authority at the time. The price of a pint of milk was increased by 1c to create a fund to purchase milk over and above that

produced in the State. It also enabled people to have what were called at the time *de facto* milk quotas. The growth in the industry has eventually caught up with the quotas which are allocated around the State.

That fund was contributed to by the dairy industry. It enabled the consumers of this State to achieve a stable industry in which dairy producers guaranteed supply. The price paid presently by this Government to the producers of this State is probably the lowest of any State in Australia.

Dairy producers have met their end of the bargain. The Government seeks to sneak this \$135 000 away from the production side of the industry and it is a very niggardly way to get back at dairy producers. The contributions to that fund should have been returned to the dairy producers to enable them to continue in the industry.

All sorts of problems are being experienced by dairy producers in the manufacturing side of the industry and in respect of imports from the EEC. Small as that \$135 000 may seem to be, it should have been distributed to the production side of the industry. Treasury should have made that contribution on behalf of the taxpayers of the State.

I take exception to DAP funds being used in this manner. As the Minister would be aware, in other cases the funds were used in various quarters. Treasury should have provided the funds and set up this body and the \$135 000 from the DAP should have been returned to the producers.

Mr EVANS: The member for Vasse has a rather jaundiced view of this matter. That fund was created by a deliberate levy on every consumer who used milk. It was used to extend the quota system which it achieved, but it is not right to say it is the property of the producer. If the money were to be returned, logically and legally the consumers would have a rather high priority demand on it.

Mr Blaikie: Consumers have had one of the cheapest supplies of milk in Australia.

Mr EVANS: Be that as it may, the industry is in a far healthier state here than it is in other States at present. The producer organisations agreed to go along with this and that is how it was funded.

Mr Blaikie: All I can say about the producer organisations is that it is like leading a lamb to the slaughter. They ought to be ashamed of themselves.

**Clause put and passed.**

**Clauses 17 to 30 put and passed.**

**Schedule—**

Mr OLD: I refer members to the wording of paragraph 4(2) and suggest that the words "or a majority of members of the board" should be added after the word "chairman". We could have the situation where the chairman is out of the State or he may even have dropped dead the day before. It may be necessary to have a meeting to discuss something important and a special meeting cannot be called because the only one who can call it is the chairman. I ask the Minister to look at that clause with a view to adding the words "or a majority of members of the board". Perhaps an amendment could be moved in another place if the Minister agrees.

Mr EVANS: The fact that the Minister is there indicates that he is in a position to take action.

Mr Old: It could well be, but it is something that could be checked with Crown Law.

Mr EVANS: I shall do that.

**Schedule put and passed.**

**Title put and passed.**

**Bill reported with an amendment.**

## PLANT DISEASES AMENDMENT BILL

### *Second Reading*

Debate resumed from 2 August.

MR OLD (Katanning-Roe) [9.43 p.m.]: The Opposition has no quarrel with this Bill. It seeks generally to update the Act and it is certainly a Bill with which we would agree inasmuch as it seeks to tighten up the quarantine situation in respect of imports into Western Australia.

As the Minister pointed out in his second reading speech, in recent months and years the quarantine regulations of this State have been flouted by devious means. People have arrived with large road transport pantechinons in which they are able to conceal prohibited imports. It is only by good fortune that, on some occasions, the offending material has been discovered. Unfortunately, when that has occurred, the penalties which apply to people prosecuted under the Act have been totally inadequate.

Every year when Christmas approaches and the South Australian cherry crop comes into production, Western Australia is looked at as a premium retail outlet.

Owing to the incidence of brown rot in South Australia and the fact that we do not have that disease in Western Australia, the import of cherries from South Australia is prohibited. I can well understand the frustration of the producers in South Australia when they see this chance to participate in the market in Western Australia being denied to them. The market people get a little

stodgy because there are not enough cherries in Western Australia to provide for the luxury market at Christmas time. However, the incidence of brown rot is something against which we must continually protect the orchard industry in Western Australia. The tidying up of this Act will go some way towards assisting our quarantine officers in going about their duties in a very efficient manner.

I note that within the Bill the powers of quarantine officers are to be increased. This is something that normally we would take issue with, but in this instance it is well warranted because of the fact that people have been apprehended while trying to short-circuit our quarantine regulations, especially with fruit, and to a lesser degree with honey. Both of these products are very important to primary industries in this State.

While I am on my feet I suggest to the Minister that the Act is in a very ragged state. I picked one up to try to apply the amendments and found I had a copy which was thoroughly outdated. It was partly my own fault because I introduced the amendments. I suggest that we prevail upon the Government Printing Office for a reprint of the legislation to get it back in order.

With those few remarks, I indicate the support of the Opposition for the Bill.

MR EVANS (Warren—Minister for Agriculture) [9.47 p.m.]: I thank the Opposition for its support of the Bill. As the member who has just resumed his seat has said, it is an updating to meet a particular circumstance and I suppose that situation is brought about through the improvement in transportation methods between the east and the west. The Act is sufficiently strong to offset the efforts of some of these people who do not seem to worry as long as they are making a dollar out of it.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

### *Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Evans (Minister for Agriculture), and transmitted to the Council.



**AUDIT AMENDMENT BILL**

*Second Reading*

Debate resumed from 7 August.

**MR HASSELL** (Cottesloe—Leader of the Opposition) [9.50 p.m.]: This is an administration Bill to facilitate the arrangement of Ministers that has been explained. The Opposition does not oppose the Bill.

**MR BRYCE** (Ascot—Acting Premier) [9.51 p.m.]: In the most succinct of fashion I thank the Leader of the Opposition for the Opposition's support of this measure.

**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*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Bryce (Acting Premier), and transmitted to the Council.

Mr Bryce: What great co-operation!

*House adjourned at 9.53 p.m.*

## QUESTIONS ON NOTICE

### FINANCIAL INSTITUTIONS: BANKS

#### *Licences: Joint Venture*

134. Mr COURT, to the Acting Premier:

Should local Western Australian companies make a joint venture arrangement with a foreign bank for a new Australian banking licence, will the Government withdraw its instruction for the Government's instrumentality, the Western Australian Development Corporation, to become an equity holder in a new bank?

Mr BRYCE replied:

Members should be aware that, largely at the insistence of the Opposition, the Government has no ability to instruct, order, direct or in any other lawful way cause the WADC to do anything not required of any other similar corporation. Further, the WADC, largely as a result of the insistence of the Opposition, operates outside the influence of Government.

The corporation, largely at the insistence of the Opposition, is not obliged to provide information to Government outside the terms of the Companies Code and limited specific provisions of the Western Australian Development Corporation Act 1983.

### ABORIGINAL AFFAIRS: LAND RIGHTS

#### *Seaman Inquiry*

226. Mr BLAIKIE, to the Acting Premier:

- (1) Was it correctly reported that a Mr Robert Isaacs received financial assistance via the Seaman inquiry to investigate the sale of land in the Margaret River district?
- (2) What was the amount of money involved?
- (3) On what or whose authority was the financial assistance made available?
- (4) Who made the request for funds?
- (5) What conditions, if any, were attached to the granting of funds?

Mr BRYCE replied:

- (1) On 21 March 1984 Mr Isaacs was granted \$2 500.
- (2) As above.

- (3) The financial assistance was made available by the Aboriginal liaison committee.
- (4) The request was from R. F. S. Isaacs, Langford.
- (5) As with all such grants it was made available according to the Seaman inquiry terms of reference for research and preparation of a submission. Monthly reconciliation forms are requested to be completed and returned to the liaison committee. This was complied with.

### MINERALS: DIAMONDS

#### *Western Australian Diamond Trust*

236. Mr HASSELL, to the Acting Premier:

- (1) In regard to the launching of the Western Australian Diamond Trust held at the grand ballroom of the Merlin Hotel on 18 July, who issued the invitations?
- (2) How many invitations were issued?
- (3) What was the cost of the function?
- (4) What criteria were used to select invitees?

Mr BRYCE replied:

- (1) Invitations were issued by the Department of the Premier and Cabinet.
- (2) 746
- (3) The cost of the function is in the order of \$8 750, the apportionment of which remains to be determined.
- (4) Invitations were issued to a broad cross-section of Western Australian business executives and senior representatives of private and Government organisations.

### WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

#### *Accountability and Independence*

238. Mr PETER JONES, to the Acting Premier:

- (1) Having regard to the Premier's public commitment that the Western Australian Development Corporation would be "independent" and "accountable"—*Hansard and The West Australian* 20 April 1984—for what reason did the Government appoint a Government adviser from the Department of Premier and Cabinet to be a board member?

- (2) Has the Government sought any specific advice from the Western Australian Development Corporation, as referred to by the Premier on 19 April 1984?
- (3) What are Mr Tony Lloyd's qualifications, capacities and experience which fit him for such an appointment?

Mr BRYCE replied:

- (1) Appointments to the Board of Directors of the Western Australian Development Corporation were made on the recommendation of the chairman.

The member would be aware that the appointment of one representative of the Government to a board of nine directors, would follow from, firstly the Treasurer, on behalf of the State, owning all the shares in the capital of the corporation and, secondly, the Government's assets management programme.

- (2) Yes. Under the Government's assets management programme, the WADC has a general brief to evaluate the management of the State's major assets and commercial activities and to recommend the most appropriate means by which to improve financial returns with the application of the latest private enterprise methods and expertise.
- (3) Answered by (1).

239. *Postponed.*

## SUPERANNUATION

### *State Scheme: Review*

249. Mr MENSAROS, to the Acting Premier:

- (1) Was it correctly reported that the Government is intending to review the present superannuation scheme?
- (2) If so, what body/committee is undertaking the review?
- (3) What is the aim of the review and what are the terms of reference?
- (4) When is the result expected to be at hand?
- (5) Will it be published for comment?

Mr BRYCE replied:

- (1) Yes. A review of the State superannuation scheme is presently being carried out.

- (2) The review is being undertaken by a committee which includes representatives from the Treasury Department, Public Service Board and Superannuation Board. The Government's consulting actuary and the contributors' elected representative on the Superannuation Board are also members of the committee

- (3) The purpose and terms of reference of the review are to examine the problems and anomalies of the present scheme and to report to the Government on the most appropriate method of remedying them.
- (4) The committee is hopeful that the review will be completed early in 1985.
- (5) At this time the Government can see no reason that the result of the review would not be made public.

## SPORT AND RECREATION

*Cricket: Western Australian Cricket Association*

270. Mr MacKINNON, to the Minister representing the Acting Treasurer:

- (1) How much money from any Government body or statutory authority has been paid to the Western Australian Cricket Association this year?
- (2) Would the Minister detail for me the amounts so paid to the association and the purpose for which they were paid?

Mr BRYCE replied:

- (1) During 1983-84 \$733 915 was paid to the Western Australian Cricket Association from the Sports Instant Lottery fund.

	\$
(2) Sports personnel subsidy (2)	22 443
Subsidy for under-16 team to national championships in Brisbane	1 472
State Government contribution to WACA ground development under the international standard sports facilities programme	750 000

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\$773 915

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## SPORT AND RECREATION

*Football: Western Australian Football League*

271. Mr MacKINNON, to the Minister representing the Acting Treasurer:

- (1) How much money from any Government body or statutory authority has been committed to the Western Australian Football League for the year ending 30 June 1985?
- (2) For what purpose is the amount committed?

Mr BRYCE replied:

- (1) The Government is committed to meet the following payments—
  - (i) \$612 000—from Consolidated Revenue Fund; as against this payment the State will receive \$150 000 from the WA Football League;
  - (ii) \$14 667—from Sports Instant Lottery funds.
- (2) (i) Subiaco Oval subsidy;
- (ii) sports development officer.

272. *Postponed.*

## TOURISM

*Holiday WA Centres*

273. Mr MacKINNON, to the Minister representing the Acting Minister for Tourism:

- (1) When did the Western Australian Tourism Commission open its second Holiday WA centre in Perth?
- (2) Where is the centre located?
- (3) What work will be carried out by the centre?
- (4) Why was the centre established?
- (5) Are the staff at the centre new positions which have been created, or else have they been transferred from existing positions within the commission?
- (6) What is the budgeted cost for running this centre for the coming 12 months?

Mr BRYCE replied:

- (1) 19 July 1984.
- (2) Shop 26, Merlin Shopping Plaza, 99 Adelaide Terrace.

- (3) The centre will provide the normal range of services offered by our established Holiday WA centres.
- (4) To maximise sales opportunities presented by the adjacent location of numerous hotels, including the Merlin, Sheraton, Ambassador and Airways; Government offices; private businesses and residences.
- (5) Transferred from existing positions within the commission.
- (6) \$63 000.

## TRANSPORT: FERRY

*"Islander V"*

275. Mr MacKINNON, to the Minister representing the Acting Minister for Tourism:

- (1) What assistance did the Government provide to the purchasers of the *Islander V* ferry in Albany?
- (2) Is the Government in any way committed in an ongoing way to providing assistance to the operators of the vessel?

Mr BRYCE replied:

- (1) Research and marketing advice was provided by the Western Australian Tourism Commission.
- (2) The Western Australian Tourism Commission will continue to provide advice and assistance, particularly in the area of marketing.

TOURISM: WESTERN AUSTRALIAN  
TOURISM COMMISSION*Operating Costs*

276. Mr MacKINNON, to the Minister representing the Acting Minister for Tourism:

Can the Minister now detail the ways in which \$600 000 in operating costs have been saved by the Western Australian Tourist Commission following its change in operation from a department to a commission?

Mr BRYCE replied:

At this time the figures are still being compiled.

# AUSTRALIAN BICENTENNIAL CELEBRATIONS

## *Expo 88*

284. Mr MacKINNON, to the Acting Premier:

- (1) Has the State made any approach to the organisers of *Expo 88* in Queensland to ensure Western Australian participation in the expo?
- (2) If so, when was that approach made?
- (3) To whom was it made?
- (4) If there is to be such participation, what will be the nature of that participation?

Mr BRYCE replied:

- (1) to (4) This matter is still under consideration.

# WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

## *Staff: Appointments*

294. Mr PETER JONES, to the Acting Premier:

- (1) Adverting to the reply given to question 37 on Thursday, 26 July 1984, concerning the operations of the Western Australian Development Corporation, is it a fact that applications were not called for all the various appointments as promised by the Premier?
- (2) Why was the Premier's indication relating to appointments ignored?

Mr BRYCE replied:

- (1) and (2) I refer the member to section 15 of the Western Australian Development Corporation Act. In addition, the member should be aware that, largely at the insistence of the Opposition and as otherwise provided by the WADC Act, the Government has no ability to instruct, order, direct or in any other lawful way cause the WADC to do anything not required of any other similar corporation.

# WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

## *Directors*

296. Mr PETER JONES, to the Acting Premier:

Having regard to the reply given to question 95 on Tuesday, 31 July 1984, regarding possible exemption of directors of Western Australian Development

Corporation from some requirements of the Companies (Western Australia) Code, for what reason has the Governor-in-Executive Council approved the regulations tabled in the Parliament on 26 July 1984?

Mr BRYCE replied:

The duties, liabilities and rights of directors of the Western Australian Development Corporation imposed by the Companies (Western Australia) Code, are identical in all respects to those applying to directors of public companies, except for sections 222, 223, and 225 of the code.

For the member's benefit, sections 222, 223, and 225 of the Code relate generally to the appointment and removal of directors. The WADC Act has specific provisions on these matters, as approved by Parliament, in respect of which there is no need for the Code to apply.

It should be noted that by section 34 of the Interpretation Act, the power of the Governor to appoint directors pursuant to section 6(1) of the WADC Act includes a power to remove a director so appointed.

The provisions included in the relevant part of the Code are summarised in the index, a copy of which is supplied to the member.

Pursuant to section 28, the Governor makes regulations to prescribe all matters that are required for giving effect to the purposes of the WADC Act.

298 and 301. *Postponed.*

# GOVERNMENT ADVERTISING

## *"Holiday WA"*

308. Mr MacKINNON, to the Minister representing the Acting Minister for Tourism:

- (1) Where were the Holiday WA television advertisements produced?
- (2) What amount of the production cost has been in Western Australia?
- (3) Was the singer used in the advertisement a Western Australian?

Mr BRYCE replied:

- (1) In Western Australia.

Approximately 80 per cent, as—some production e.g., 35 mm processing—can be undertaken only in the Eastern States.

- (3) A combination of talent from Western Australia and South Australia was utilised in the advertisements.

## GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

### *Accommodation: Leased*

322. Mr BLAIKIE, to the Acting Premier:

- (1) What is the—  
 (a) cost per square metre;  
 (b) amount per square metre,  
 of office space rented by the Government for the following departments—  
 (i) Public Health Department;  
 (ii) Conservation;  
 (iii) Premier and Cabinet?
- (2) What is the expected yearly cost of each department in the 1984-85 year?
- (3) Further to (1), what was the cost of each department in each year since 1980?

Mr BRYCE replied:

- (1) (a) The work required to compile information on the cost of office space is considerable, particularly in respect to an organisation such as the Health Department, which has regional offices throughout the State and administrative responsibilities for public hospitals.  
 If the member could be more specific in respect to his inquiry I would be prepared to consider the practicalities of providing the information required.
- (b) It is not clear from the question as to the information sought.
- (2) Further clarification is required as to whether this question refers to rental costs or total costs.
- (3) See (1) above.

## FORESTS

### *Pine: Plantings*

323. Mr BLAIKIE, to the Acting Minister for Forests:

- What is the amount of—  
 (a) private;

- (b) public,  
 land that has been or is proposed to be—  
 (i) cleared;  
 (ii) planted,  
 to pine trees or other species in the—  
 (A) 1983-84; and  
 (B) 1984-85  
 financial years in the Donnybrook-Balingup Shire?

Mr BRYCE replied:

- (a) Private land cleared or planted: Not available.
- (b) Public land  
 (i) Cleared for pine 1983-84—150 hectares.  
 Cleared for pine 1984-85—100 hectares.  
 Cleared for other species 1983-84—Nil hectares.  
 Cleared for other species 1984-85—Nil hectares.
- (ii) Planted with pine 1983-84—Nil hectares.  
 Planted with pine 1984-85—674 hectares.  
 Planted other species 1983-84—six hectares.  
 Planted other species 1984-85—five hectares.

## FORESTS

### *Pine: Plantings*

324. Mr BLAIKIE, to the Acting Minister for Forests:

- What is the amount of—  
 (a) private;  
 (b) public,  
 land that has been or is proposed to be—  
 (i) cleared;  
 (ii) planted,  
 to pine trees or other species in the—  
 (A) 1983-84; and  
 (B) 1984-85  
 financial years in the Busselton Shire?

Mr BRYCE replied:

- (a) Private land cleared or planted: Not available.
- (b) Public land  
 (i) Cleared for pine 1983-84—Nil hectares.

Cleared for pine 1984-85—Nil hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

- (ii) Planted with pine 1983-84—Nil hectares.

Planted with pine 1984-85—Nil hectares.

Planted other species 1983-84—18 hectares.

Planted other species 1984-85—20 hectares.

## FORESTS

### *Pine: Plantings*

325. Mr BLAIKIE, to the Acting Minister for Forests:

What is the amount of—

(a) private;

(b) public,

land that has been or is proposed to be—

(i) cleared;

(ii) planted,

to pine trees or other species in the—

(A) 1983-84; and

(B) 1984-85

financial years in the Augusta-Margaret River Shire?

Mr BRYCE replied:

- (a) Private land cleared or planted for pine: Not available.

Private land cleared or planted for other species: (estimated) five hectares planted.

- (b) Public land

- (i) Cleared for pine 1983-84—Nil hectares.

Cleared for pine 1984-85—Nil hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

- (ii) Planted with pine 1983-84—1 363 hectares.

Planted with pine 1984-85—956 hectares.

Planted other species 1983-84—Nil hectares.

Planted other species 1984-85—Nil hectares.

## FORESTS

### *Pine: Plantings*

326. Mr BLAIKIE, to the Acting Minister for Forests:

What is the amount of—

(a) private;

(b) public,

land that has been or is proposed to be—

(i) cleared;

(ii) planted,

to pine trees or other species in the—

(A) 1983-84; and

(B) 1984-85

financial years in the Nannup Shire?

Mr BRYCE replied:

- (a) Private land cleared or planted for pine: Not available.

Private land cleared or planted for other species: planted 15 hectares (estimated).

- (b) Public land

- (i) Cleared for pine 1983-84—Nil hectares.

Cleared for pine 1984-85—Nil hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

- (ii) Planted with pine 1983-84—395 hectares.

Planted with pine 1984-85—Nil hectares.

Planted other species 1983-84—135 hectares.

Planted other species 1984-85—10 hectares.

## FORESTS

### *Pine: Plantings*

327. Mr BLAIKIE, to the Acting Minister for Forests:

What is the amount of—

(a) private;

(b) public,

land that has been or is proposed to be—

(i) cleared;

(ii) planted,

to pine trees or other species in the—

(A) 1983-84; and

(B) 1984-85

financial years in the Manjimup Shire?

Mr BRYCE replied:

- (a) Private land cleared or planted for pine:  
Not available.

Private land cleared or planted for other species: Planted 221.4 hectares (estimated).

- (b) Public land

- (i) Cleared for pine 1983-84—35 hectares.

Cleared for pine 1984-85—160 hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

- (ii) Planted with pine 1983-84—200 hectares.

Planted with pine 1984-85—500 hectares.

Planted other species 1983-84—1 304 hectares.

Planted other species 1984-85—1 320 hectares.

## FORESTS

### *Pine: Plantings*

328. Mr BLAIKIE, to the Acting Minister for Forests:

What is the amount of—

- (a) private;

- (b) public,

land that has been or is proposed to be—

- (i) cleared;

- (ii) planted,

to pine trees or other species in the—

- (A) 1983-84; and

- (B) 1984-85

financial years in the Boyup Brook Shire?

Mr BRYCE replied:

- (a) Private land cleared or planted: Not available.

- (b) Public land

- (i) Cleared for pine 1983-84—Nil hectares.

Cleared for pine 1984-85—Nil hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

- (ii) Planted with pine 1983-84—Nil hectares.

Planted with pine 1984-85—Nil hectares.

Planted other species 1983-84—79 hectares.

Planted other species 1984-85—Nil hectares.

## FOREST

### *Pine: Plantings*

329. Mr BLAIKIE, to the Acting Minister for Forests:

What is the amount of—

- (a) private;

- (b) public,

land that has been or is proposed to be—

- (i) cleared;

- (ii) planted,

to pine trees or other species in the—

- (A) 1983-84; and

- (B) 1984-85

financial years in the Bridgetown Shire?

Mr BRYCE replied:

- (a) Private land cleared or planted for pine: Not available.

Private land cleared or planted for other species: (estimated) 5 hectares planted.

- (b) Public land

- (i) Cleared for pine 1983-84—Nil hectares.

Cleared for pine 1984-85—Nil hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

- (ii) Planted with pine 1983-84—Nil hectares.

Planted with pine 1984-85—Nil hectares.

Planted other species 1983-84—1 hectare.

Planted other species 1984-85—1 hectare.



## FORESTS

*Pine Plantings*

330. Mr BLAIKIE, to the Acting Minister for Forests:

What is the amount of—

(a) private;

(b) public,

land that has been or is proposed to be—

(i) cleared;

(ii) planted,

to pine trees or other species in the—

(A) 1983-84; and

(B) 1984-85

financial years in the Harvey Shire?

Mr BRYCE replied:

(a) Private land cleared or planted: Not available.

(b) Public land

(i) Cleared for pine 1983-84—Nil hectares.

Cleared for pine 1984-85—Nil hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

(ii) Planted with pine 1983-84—Nil hectares.

Planted with pine 1984-85—Nil hectares.

Planted other species 1983-84—Nil hectares.

Planted other species 1984-85—Nil hectares.

## FORESTS

*Pine Plantings*

331. Mr BLAIKIE, to the Acting Minister for Forests:

What is the amount of—

(a) private;

(b) public,

land that has been or is proposed to be—

(i) cleared;

(ii) planted,

to pine trees or other species in the—

(A) 1983-84; and

(B) 1984-85

financial years in the Collie Shire?

Mr BRYCE replied:

(a) Private land cleared or planted for pine: Not available.

Private land cleared or planted for other species:

cleared 1983-84—5 hectares (estimated).

planted 1983-84—3 hectares (estimated).

(b) Public land

(i) Cleared for pine 1983-84—Nil hectares.

Cleared for pine 1984-85—Nil hectares.

Cleared for other species 1983-84—Nil hectares.

Cleared for other species 1984-85—Nil hectares.

(ii) Planted with pine 1983-84—Nil hectares.

Planted with pine 1984-85—Nil hectares.

Planted other species 1983-84—30 hectares.

Planted other species 1984-85—30 hectares.

## WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

*Funding: Western Australian Diamond Trust*

332. Mr PETER JONES, to the Acting Premier:

(1) Is it fact that the Western Australian Development Corporation will supplement any shortfall in the necessary funding available to the Western Australian Diamond Trust, by providing funds from its own sources?

(2) From what source will the Western Australian Development Corporation provide such funds?

(3) Will any such funds be recoverable by the Western Australian Development Corporation in due course if the Diamond Trust is financially able to repay any such advanced funds?

Mr BRYCE replied:

(1) to (3) The Western Australian Diamond Trust prospectus and in particular information contained therein, has been prepared by and is a matter for the Western Australian Development Corporation.

The member should also be aware that the Companies (Western Australia) Code prohibits the corporation from publishing, issuing, circulating, or disseminating information likely to draw attention to the prospectus.

#### MINERALS: DIAMONDS

##### *Western Australian Diamond Trust: Prospectus*

333. Mr PETER JONES, to the Acting Premier:

- (1) With reference to page 12 of the prospectus released by the Western Australian Diamond Trust, "if potential areas of uncertainty have been significantly reduced", what areas of "uncertainty" remain?
- (2) What level of funds have already been committed to preproduction?
- (3) What funds are estimated to be required for capital expansion and will need to be forthcoming from the Diamond Trust before December 1986?

Mr BRYCE replied:

- (1) to (3) See reply to question 332.

#### MINERALS: DIAMONDS

##### *Western Australian Diamond Trust: Prospectus*

334. Mr PETER JONES, to the Acting Premier:

- (1) With reference to the prospectus released by the Western Australian Diamond Trust, on what basis has it been calculated that the Argyle project will produce some four per cent of the world supply of gem diamonds, by value?
- (2) What consideration has been given to likely future diamond value fluctuations in reaching such a decision?
- (3) What allowance has been made for changing patterns of demand between the various grades of Argyle diamonds?

Mr BRYCE replied:

- (1) to (3) See reply to question 332.

#### WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

##### *Printing: Eastern States*

335. Mr PETER JONES, to the Acting Premier:

Having regard to the spelling mistakes, the costs involved, and the need to support Western Australian industry, will the Government ensure that the Western Australian Development Corporation does not repeat the error of approving printing or other services being undertaken by Eastern States companies?

Mr BRYCE replied:

The member should be aware that, largely at the insistence of the Opposition and as otherwise provided by the Western Australian Development Corporation Act, the Government has no ability to instruct, order, direct or in any other lawful way cause the WADC to do anything not required of any other similar corporation.

348. *Postponed.*

#### INDUSTRIAL RELATIONS

##### *Job Security Test Case*

349. Mr HASSELL, to the Acting Premier:

- (1) Is the outcome of the job security test case in the Commonwealth Conciliation and Arbitration Commission satisfactory?
- (2) Will he support similar measures flowing to Western Australia including the new redundancy provisions?

Mr BRYCE replied:

- (1) The Australian Conciliation and Arbitration Commission is an independent organisation and has made its in principle decision after receiving extensive information from all parties and accordingly has the support of this Government.
- (2) Yet to be decided.

## STOCK: CATTLE

*Tuberculosis*

351. Mr OLD, to the Minister for Agriculture:

- (1) What are the criteria for declaration of TB-free status in cattle in the United States of America?
- (2) Are these same criteria applicable in Australia?

Mr EVANS replied:

- (1) A State—in the USA—may be declared TB-accredited free when there has been no evidence of disease in cattle for five consecutive years and an adequate monitoring system is in operation.
- (2) In Australia a TB-free area may be declared when there is no known disease in that area and an approved monitoring system is in operation.

## PLANNING

*Town Planning Commissioner: Resignation*

357. Mr RUSHTON, to the Minister representing the Minister for Planning:

- (1) Was the resignation from the appointment as Commissioner of Town Planning negotiated with Dr David Carr?
- (2) What date did negotiations commence?
- (3) What salary and expenses did Dr Carr enjoy as Commissioner of Town Planning?
- (4) What salary and expenses will Dr Carr have under the new appointment?
- (5) What is the title of Dr Carr's new appointment?
- (6) What are his responsibilities under the new appointment?
- (7) What are the supporting reasons for creating the new position?
- (8) When will a permanent appointment of Commissioner of Town Planning be made?

Mr PEARCE replied:

- (1) and (2) Dr Carr was involved in discussions with the Minister for Planning and the Public Service Board for some time prior to the decision to appoint him as a consultant to the Western Australian Government on special projects.
- (3) Salary—\$58 120 per annum. Expenses of office—\$1 650 per annum.

(4) As in (3) above.

(5) Consultant to the Western Australian Government on special projects.

(6) and (7) Dr Carr's first assignment will be to investigate the State's involvement in a major overseas town planning project to assist with the planning of a new city in the Chinese Province of Qinghai.

(8) The question of a permanent appointment will be determined in due course.

## PLANNING: MRPA

*Herdsmen Lake*

372. Dr DADOUR, to the Minister for Local Government:

- (1) Is he aware that the Metropolitan Region Planning Authority has entered into an agreement with the proponents of the Herdsmen Park Estate, which is within the City of Stirling?
- (2) If "No", will he ensure that he is briefed on the agreement?
- (3) If "Yes" to (1), what date was he briefed or informed of the agreement?
- (4) On what date was he informed that the Stirling City Council had approved the payment of \$200 000 in the 1985-86 financial year to fund the earthworks and construct one carriageway of a major regional road which forms part of the development agreement between the Metropolitan Region Planning Authority and the proponents of the Herdsmen Park Estate?
- (5) On what date was he informed that the Stirling City Council had approved the payment of \$40 000 towards construction of an intersection at the junction of Ellerby Street, Herdsmen Parade and Jon Sanders Drive?
- (6) Is he aware that this construction forms part of a development agreement between the Metropolitan Region Planning Authority and the developers of the Herdsmen Park Estate?
- (7) In view of the agreement between the Metropolitan Region Planning Authority and the developers of the Herdsmen Park Estate, would he please state the reasons that the Stirling City Council has approved the payment of \$240 000 towards the cost of development of the Herdsmen Park Industrial Estate?

(8) Which Government agency/agencies is/are responsible for the—

- (a) planning of major regional roads in the Perth region;
- (b) the construction of major regional roads in the Perth region;
- (c) the costs of construction and maintenance of major regional roads in the Perth region?

(9) Would he please list for the years 1981-82, 1982-83, 1983-84 the payments approved by the Stirling City Council related to the development of the Herdsman Park Industrial Estate?

(10) From what council budgets were funds made available?

Mr CARR replied:

- (1) to (10) The information requested will take some time to collate. The Minister for Planning will write to the member shortly detailing this information.

### TAXES AND CHARGES

#### *Financial Institutions Duty: Foreign Exchange*

376. Mr COURT, to the Acting Premier:

Will the Government remove its financial institutions duty on the new authorised foreign exchange dealers as has the New South Wales Government?

Mr BRYCE replied:

The question of an exemption from FID for foreign exchange dealings conducted by licensed non-bank financial institutions is being considered by the Government as part of the general review of FID.

377 to 381, and 389. *Postponed.*

### FINANCIAL INSTITUTIONS: BANKS

#### *Licences: Joint Venture*

390. Mr COURT, to the Acting Premier:

- (1) Will the Western Australian Government insist on a minimum 51 per cent Australian equity if the Western Australian Development Corporation and other Western Australian companies enter into a joint venture project with a foreign bank to gain a new banking licence?

(2) If "No", what Australian equity would it require?

Mr BRYCE replied:

- (1) and (2) See reply to question 134.

### TRANSPORT: BUSES

#### *School: Contracts*

391. Mr PETER JONES, to the Minister for Education:

- (1) Has the Government approved the Education Department offering school bus operators new contractual arrangements applying to their operations?
- (2) For what reason has the basis of assessing financial returns to a school bus operator been changed?
- (3) Do the new proposals include a flat rate of assessment?
- (4) If so, on what basis was the flat rate of return calculated?
- (5) Had it previously been indicated that a flat rate would not be included in any new proposals?
- (6) Were the proposals agreed between the Education Department and the Western Australian Road Transport Association?
- (7) Do the new proposals involve assessing return to each operator on basis of purchase price of bus and operating costs, rather than the distance involved in each route as now applies?
- (8) Is the Education Department seeking commitment and acceptance of new proposals within 14 days of receiving them?
- (9) How is it considered the new proposals better support and assist school bus operators than the existing arrangements?
- (10) Will he and the Government review the wisdom or otherwise of the new proposals, and enter into discussions with the various parties involved to reach agreement on acceptable school bus contractual arrangements?

Mr PEARCE replied:

- (1) Yes.
- (2) As a result of a Transport Commission study recommending a more equitable and accurate system.
- (3) and (4) The majority of the components of the cost statement are now based on a flat rate—other components are negotiable within a range as determined from

discussions with the WA Road Transport Association.

- (5) No. At one time, this was considered but discarded as a result of negotiations.
- (6) Yes.
- (7) No—they are based on a combination of factors including purchase price of bus, operating costs and distances.
- (8) Yes, but I have allowed contractors a two week extension if necessary.
- (9) The new system is considered to provide a more equitable rate of return.
- (10) The WA Road Transport Association has been advised that a review of any apparent anomalies in the new system will be carried out following implementation.

#### MINERALS: DIAMONDS

##### *Northern Mining Corporation NL: Valuation*

392. Mr PETER JONES, to the Acting Premier:

- (1) Adverting to the reply given to question 176, dated 1 August 1984, but handed in on Tuesday, 7 August, on what basis has the Western Australian Diamond Trust valued Northern Mining Corporation NL, whose virtual total asset is a five per cent equity interest in the Argyle diamond project, at \$45 million, when the market value of shares traded values the five per cent equity at a much lower figure?
- (2) What persons or companies advised the Diamond Trust that \$45 million was an appropriate and fair valuation for Northern Mining?
- (3) Having regard to the circumstances involved in arriving at a purchase price of \$45 million, does the Government consider the transaction to be in the best interest of all Western Australian taxpayers?
- (4) If the answer to (3) is "Yes", on what basis is such an affirmation made?

Mr BRYCE replied:

- (1) to (4) See reply to question 332.

393. *Postponed.*

(24)

#### SIR LENNOX HEWITT

##### *Involvement with Government*

394. Mr PETER JONES, to the Acting Premier:

- (1) Adverting to the reply given to question 303 on 7 August 1984, what is the duration of Sir Lennox Hewitt's appointment?
- (2) What fees, remuneration and other forms of emolument are payable to Sir Lennox by virtue of this Government appointment?

Mr BRYCE replied:

- (1) Sir Lennox Hewitt has been engaged as a consultant. There is no specified term but the engagement may be terminated by either party by one month's notice.
- (2) An annual fee of \$10 000.

#### GOVERNMENT EMPLOYEES

##### *Mr Selby*

395. Mr BLAIKIE, to the Minister for Lands and Surveys:

- (1) What are the terms of employment and salary of Mr Selby?
- (2) Does Mr Selby have a contract of employment with him and, if so, would he please detail?

Mr McIVER replied:

- (1) and (2) Mr Selby's contract of employment was terminated on 9 August 1984 in accordance with its terms.

396, 399, and 400. *Postponed.*

#### DEFENCE

##### *HMAS Leeuwin*

401. Mr BLAIKIE, to the Acting Premier:

- (1) Has there been any discussion or negotiation by him or the Government on the future of the land comprising the Navy base HMAS Leeuwin?
- (2) When did discussions commence?
- (3) Does the State Government support the re-siting of HMAS Leeuwin?

Mr BRYCE replied:

- (1) to (3) It is understood that the Commonwealth Government proposes to retain HMAS Leeuwin site for defence pur-

poses. The State Government supports this intention.

### TAXES AND CHARGES

#### *Payroll Tax: Abolition*

403. Mr HASSELL, to the Minister representing the Acting Treasurer:

Is the Government giving consideration to abolishing payroll tax in the coming Budget in keeping with its election promise to do so?

Mr BRYCE replied:

I am sure the member would be aware that this is a budgetary matter and I would not wish to pre-empt normal budgetary processes.

### TAXES AND CHARGES

#### *Payroll Tax: Assessments*

404. Mr HASSELL, to the Minister representing the Acting Treasurer:

- (1) How many employers are subject to payroll tax assessments?
- (2) How much payroll tax was collected in 1983-84?

Mr BRYCE replied:

- (1) I am advised by the Commissioner of State Taxation that 6 305 employers were registered for payroll tax purposes at 31 July 1984.
- (2) \$267 467 090.

### GOVERNMENT ASSISTANCE

#### *Beneficiaries*

405. Mr HASSELL, to the Minister representing the Acting Treasurer:

- (1) What statistical basis was used to determine—
  - (a) the cost to revenue;
  - (b) the number of beneficiaries quoted by the Premier in his Budget speech last year?
- (2) Who advised the Minister of these?
- (3) From what data base were these obtained?

Mr BRYCE replied:

- (1) (a) and (b) The cost to revenue and the number of beneficiaries associated with the increase in the basic payroll tax exemption level and the provision of an

exemption in respect of the wages and allowances paid to first year apprentices was determined from an analysis of the registered employer records kept by the State Taxation Department and details of registered apprentices.

(2) Treasury.

(3) Refer (1).

### TAXES AND CHARGES

#### *State Taxation Department: Computer*

406. Mr HASSELL, to the Minister representing the Acting Treasurer:

- (1) Does the State Taxation Department have the use of a computer?
- (2) What is the capacity of that computer?
- (3) Is that computer used to compute payroll tax commitments?
- (4) What data associated with payroll tax is stored on the computer?

Mr BRYCE replied:

- (1) The department utilises the Government Computer Centre for some taxation purposes.
- (2) I understand that the Government Computer Centre is presently nearing its maximum capacity but that it is in the process of expanding that capacity.
- (3) No.
- (4) Particulars of registered employers.

### TAXES AND CHARGES

#### *Payroll Tax: Commissioner's Advice*

407. Mr HASSELL, to the Minister representing the Acting Treasurer:

- (1) Referring to his answer to question 75 on 31 July, concerning payroll tax paid by employers, will the Acting Treasurer confirm that the question was referred to the commissioner and that his advice was in accordance with the first part of his answer?
- (2) If the Acting Treasurer did not refer the question to the commissioner, who was responsible for advising him on the matter?

Mr BRYCE replied:

- (1) Yes. Question 75 was referred to the commissioner who advised that the information could not readily be extracted

from State Taxation Department records.

(2) Answered by (1).

408. *Postponed.*

# PARLIAMENT WEEK

## Co-ordinator

409. Mr HASSELL, to the Minister for Parliamentary and Electoral Reform:

- (1) Was the position of co-ordinator of the Government's Parliament Week advertised?
- (2) If not, why not, and how was the incumbent selected?

Mr TONKIN replied:

- (1) No.
- (2) The incumbent was asked to take on this detailed and difficult task, in addition to his other work.

# PARLIAMENT WEEK

## Co-ordinator

410. Mr HASSELL, to the Minister for Parliamentary and Electoral Reform:

- (1) In regard to the Government's co-ordinator for its Parliament Week, is Mr Hunt, the co-ordinator, a public servant?
- (2) If "Yes", what is his classification?
- (3) If not, what are the terms and conditions of his employment—
  - (a) generally;
  - (b) specifically as to duration of appointment and remuneration?
- (4) What knowledge and/or experience of parliamentary affairs does he have?
- (5) What are his qualifications and experience?

Mr TONKIN replied:

- (1) Yes.
- (2) C.11.10 minimum.
- (3) (a) and (b) Not applicable.
- (4) Mr Hunt is working as the co-ordinator of Parliament Week, not as an expert on parliamentary affairs.
- (5) Mr Hunt has a background in economics, marketing and advertising. He was previously chairman of two Western Australian companies. He was respon-

sible for initiating major aspects of Western Australia's 150th celebrations.

# PARLIAMENT WEEK

## Staff

411. Mr HASSELL, to the Minister for Parliamentary and Electoral Reform:

- (1) In regard to arrangements associated with the Government's Parliament Week, how many staff are associated with the co-ordinator, Mr D. de V. Hunt?
- (2) When was each appointed to this task?
- (3) How many are—
  - (a) permanent public servants;
  - (b) temporary public servants;
  - (c) on contract?

Mr TONKIN replied:

- (1) One typist;  
one promotions organiser;  
one public relations assistant.
- (2) Typist commenced work on Parliament Week on 16 July 1984—already appointed in the department for three months;  
promotions organiser commenced work on Parliament Week on 22 June 1984;  
public relations assistant commenced work on Parliament Week on 23 July 1984.
- (3) (a) to (c) Answered above.

412. *Postponed.*

# HEALTH: PATIENTS

## Isolated

413. Mr HASSELL, to the Minister for Health:

- (1) What benefits and concessions are available for patients from isolated or country areas who are required to travel to receive specialist medical attention?
- (2) Have any of these benefits been reduced or removed during the past 12 months, and if so, what are the details?

Mr HODGE replied:

- (1) The Commonwealth Government provides travel assistance under the isolated patients' travel and accommodation assistance scheme (IPTAAS) to people who need to travel more than 200 kilometres from their homes to obtain

specialist medical treatment or specialist oral surgery.

For persons who do not qualify for assistance under IPTAAS, the State Government—through the Department for Community Welfare—provides assistance to pensioners and low-income earners who cannot afford travel expenses involved in keeping medical appointments.

(2) No.

## EDUCATION

### *Peace Studies*

414. Mr CLARKO, to the Minister for Education:

- (1) When is it proposed to introduce peace studies as a separate subject into Government schools, at all grades of primary and secondary education?
- (2) Who will prepare the course aims and objectives and the curriculum in peace studies?
- (3) Will care be taken to ensure that the course is prepared by those who are non-partisan, with activists for peace and members of peace groups being excluded so as to ensure that the course is academically sound?
- (4) Will the use of armed force be studied as a possible option in the resolution of conflict between disputing nations?
- (5) What is the proposed time allocation in peace studies at each grade?
- (6) Since Federal Government funds—community employment programme—have already been provided for the employment of three peace education project officers, to prepare and distribute materials to schools relating to peace studies, to what extent will such materials be utilised in schools?
- (7) Would he regard these project officers as being neutral and impartial on peace studies or as persons who are already committed to a partisan position?
- (8) In what specific ways are these project officers qualified to prepare and select materials in peace studies for distribution to schools?

Mr PEARCE replied:

- (1) to (8) The individual inquiries contained in question 414 indicate some lack of understanding of the curriculum process in Western Australian Government schools. This process allows school communities flexibility in determining the ways in which centrally recommended educational objectives are achieved in their own school. The prescription implied in the question fails to take account of this flexibility.

Provision has existed for many years within the school curriculum—e.g. the social studies syllabus for students to develop understandings related to international co-operation and the resolution of conflict. Strategies which teachers may use to address this topic are developed in teachers' guides. Recently the practice has developed of grouping such studies under a peace education or peace studies theme.

The school curriculum is not highly prescriptive. It defines knowledge, skills and understandings appropriate to the developmental level of students. The way in which these objectives are achieved is decided by the school staff.

The decision of the Commonwealth Government to fund a peace education project team to make peace education resources available to schools may stimulate the attention given to this aspect of the schools' curriculum. However, as with all other resource materials used by them, teachers will be required to take account of the policy concerning the treatment of controversial issues and ensure that balance between alternative viewpoints is maintained.

It is understood that the Schools Commission's curriculum development centre is also interested in the development of materials relating to international co-operation and the resolution of conflict. The Education Department of Western Australia is represented at the highest level on this council. If, and when, materials from this source are available, their use shall also be subject to the same considerations.



## FISHERIES: PEARLS

*Disease*

415. Mr OLD, to the Minister for Fisheries and Wildlife:

What is the current situation regarding disease in pearl oysters in the Broome region?

Mr EVANS replied:

The high mortality experienced in the pearl oyster industry is associated with handling techniques and conditions which allow the rapid increase in a marine vibrio bacteria.

Better handling has helped to reduce mortality although outbreaks still occur.

## FISHERIES: ROCK LOBSTER

*Catches*

416. Mr OLD, to the Minister for Fisheries and Wildlife:

- (1) What amount of rock lobster was caught in Western Australia in—
  - (a) 1980;
  - (b) 1981;
  - (c) 1982;
  - (d) 1983; and
  - (e) 1984?
- (2) What is the estimate of the catch for 1985?

Mr EVANS replied:

- (1) The following is the catch of western rock lobster by professional fishermen:
  - (a) Season ended 30 June 1980—10 698 tonnes;
  - (b) season ended 30 June 1981—9 957 tonnes;
  - (c) season ended 30 June 1982—10 548 tonnes;
  - (d) season ended 30 June 1983—12 416 tonnes;
  - (e) season ended 30 June 1984—10 400 tonnes (approx.)
- (2) The 1984-85 season is expected to yield in the order of 10 000 tonnes.

## FISHERIES: PRAWNS

*Trawlers*

417. Mr OLD, to the Minister for Fisheries and Wildlife:

- (1) How many prawn trawlers are currently operating in Exmouth Gulf?
- (2) Who are the licence holders of the vessels?

Mr EVANS replied:

- (1) 16.
- (2) M. G. Kailis Gulf Fisheries Pty. Ltd. and Nor-West Seafoods Pty. Ltd.

## FISHERIES: PRAWNS

*Trawlers*

418. Mr OLD, to the Minister for Fisheries and Wildlife:

What areas in Exmouth Gulf are currently available to prawn trawlers?

Mr EVANS replied:

All waters except the permanently closed nursery area and the waters south of a line starting from a point on the high water mark of the Indian Ocean situated south of the southernmost extremity of Locker Island and extending north to the high water mark of that extremity; thence southwesterly to the high water mark of the northernmost extremity of Fly Island; thence southwesterly to the high water mark of the northernmost extremity of "Y" Island; thence west to 114° 15' 18" east longitude; thence southwesterly at a bearing of 220°T to a point on the shoreline at high water mark approximating the site of the M. G. Kailis Gulf Fisheries Pty. Ltd. prawn factory.

## HEALTH: HOSPITAL

*Murray Districts*

419. Mr BRADSHAW, to the Minister for Health:

- (1) Why did he remove the name of Mr Colin Lane of Pinjarra from the list forwarded after the recent Murray Districts Hospital Board election when last year he refused the board's recommendation to replace Mr Howard Taylor from Pinjarra on the board when

he resigned soon after the election with Mr Colin Lane?

- (2) Does he have any reason for not allowing Mr Colin Lane to become a Murray Districts Hospital Board member?

Mr HODGE replied:

- (1) The results of elections of the annual general meetings of non-teaching hospital boards on nominations received for appointment to the boards are intended as recommendations only to the Minister. Appointment of members is made by the Governor on the advice of the Minister who, in formulating his recommendations, must have regard for the overall management needs of the hospital and the interests of the community.

Murray Districts Hospital services the communities of Pinjarra, Mandurah and Waroona. It is considered that the composition of the hospital board should have a balance of representatives from each of these three districts.

The acceptance of Mr C. Lane's nomination would have resulted in an imbalance in the composition of the board.

The nominee with the next highest number of votes, Mr D. A. Clement, was appointed.

- (2) No.

420. *Postponed.*

## EDUCATION: TEACHERS

### *Sick Leave*

421. Mr MENSAROS, to the Minister for Education:

- (1) Are there any records kept about the number of working days lost by teachers on account of sick leave entitlement in the section of migrant education in technical and further education for the past five years?
- (2) If so, can he give any information about the aggregate days lost every month?

Mr PEARCE replied:

- (1) Individual records are maintained; however aggregate figures are not compiled.
- (2) No.

## EDUCATION: TECHNICAL AND FURTHER EDUCATION

### *Migrant Education: Teachers*

422. Mr MENSAROS, to the Minister for Education:

How many teachers—

- (a) permanent;
- (b) part-time (casual),

have been employed with the migrant education section of technical and further education or previously the Education Department each year (or financial year if statistics are kept that way) during the past five years?

Mr PEARCE replied:

- (a) No permanent teachers have been employed during the past five years.
- (b) The number of casual part-time staff varies according to demand. The average figure for the past five years is 128.

## ENVIRONMENT: NATIONAL ESTATE

### *Nominations*

423. Mr MENSAROS, to the Minister with special responsibility for Aboriginal Affairs:

Adverting to the reply to my question 312 (2) of 1984 by the Minister for the Environment, concerning Western Australian nominations for the Australian Heritage Commission, would he please list the places nominated since 19 February 1983, to the Australian Heritage Commission?

Mr WILSON replied:

The following Western Australian Aboriginal places were nominated on 21 March 1983 and are now listed on the Register of the National Estate:

Upper Swan Bridge archaeological site—AHC No. 5/13/026/0056  
 Bates Cave art site—AHC No. 5/06/099/0003  
 Lake Hillman art site—AHC No. 5/10/134/0002  
 Wilgie Hills ochre mine—AHC No. 5/10/134/0003  
 Orchestra shell cave—AHC No. 5/13/027/0014  
 Morung archaeological site—AHC No. 5/09/213/0016

In addition the following Western Australian Aboriginal places were nominated on 13 July 1984, but are not

yet listed on the Register of the National Estate:

Tulleryanna Hill art site  
Edney's Spring art sites  
Boyatup art and occupation sites  
Trotman's cave art and occupation site  
Katjara mythological and art site  
Kanatukul mythological and art site  
Warritin mythological and art site  
Nyingan mythological and art site

## PORNOGRAPHY: CENSORSHIP

### Ministerial Conference

424. Mr MENSAROS, to the Minister representing the Minister for Administrative Services:

When is the next meeting of Commonwealth and State Government Ministers responsible for censorship scheduled and what is going to be the venue?

Mr PEARCE replied:

Not known.

425. *Postponed.*

## ENVIRONMENT

### System 6

426. Mr MENSAROS, to the Minister for the Environment:

- (1) Has the Government considered yet the recommendations contained in part 1 Red Book of the System 6 study?
- (2) If so, would he please inform the House which of the recommendations have been considered, accepted or rejected?

Mr DAVIES replied:

(1) Yes.

(2) Part 1 has been accepted in principle.

## WATER RESOURCES: DAMS

### Storage

427. Mr MENSAROS, to the Minister for Water Resources:

What were the average minimum levels of the sites where the Metropolitan Water Authority regularly measures water levels in the years 1975 to 1984 inclusive?

Mr TONKIN replied:

The Metropolitan Water Authority regularly monitors groundwater levels at over 1300 stations on the coastal plain between Gingin and Mandurah.

The annual maximum and minimum levels at nine representative sites have been published regularly by the authority since 1973. These levels are summarised on the attached sheet.

The average minimum levels as requested are—

Location	Average Minimum Groundwater Level (Metres Australian Height Datum)
Lake Joondalup	16.7
Lake Joondalup Bore	18.5
Merrick Way, Duncraig	3.7
Lake Gngangara	41.7
Malaga Bore	29.7
Thompson Lake	11.6
Collier Swamp	4.5
Bibra Lake	13.6
Piercy Way, Kardinya	5.6

## METROPOLITAN WATER AUTHORITY

### WATER TABLE LEVELS (METRES A.H.D.) ISSUE No. 14

Location	Lake Joondalup		Lake Joondalup Bore		Merrick Way Duncraig		Lake Gngangara		Malaga Bore		Thompson Lake		Collier Swamp		Bibra Lake		Piercy Way Kardinya		Rainfall
Year	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	mm.
1973	17.5	16.6	19.3	18.5	—	—	43.2	42.2	31.7	29.8	14.1	12.3	6.0	4.7	15.0	13.7	5.4	4.6	975
1974	17.7	16.8	19.5	18.6	4.3	3.6	43.3	42.4	31.8	30.3	13.7	12.6	6.3	5.2	15.0	14.0	5.8	5.0	939
1975	17.8	17.0	19.5	18.9	4.4	4.1	43.3	42.6	31.5	30.5	13.5	12.8	5.9	5.4	14.9	14.1	6.0	5.4	682
1976	17.6	17.0	19.3	18.9	4.4	4.1	42.9	42.5	31.0	30.2	13.1	12.6	5.6	5.1	14.6	14.0	6.0	5.6	711
1977	17.2	16.7	19.0	18.6	4.0	3.9	42.4	41.9	30.4	29.9	12.4	12.0	5.2	4.7	14.2	13.4	5.8	5.5	608
1978	17.4	16.6	19.2	18.3	4.1	3.4	42.6	41.3	30.6	29.4	12.8	10.9	5.4	4.4	14.4	12.6	6.0	5.2	924
1979	17.3	16.6	19.0	18.4	4.1	3.6	42.4	41.7	30.0	29.5	12.2	11.4	5.0	4.5	14.3	13.6	5.9	5.5	560
1980	17.2	16.5	18.9	18.3	4.0	3.3	42.2	41.2	30.0	29.1	12.5	10.7	5.1	4.0	14.3	13.3	6.1	5.5	847
1981	17.3	16.4	19.0	16.3	4.1	3.2	42.4	41.0	30.5	29.2	12.6	11.1	5.3	4.1	14.6	13.3	6.4	5.5	849
1982	17.4	16.6	19.1	18.4	4.4	3.7	42.6	41.4	30.6	29.6	12.7	11.4	5.5	4.6	14.7	13.9	6.5	5.7	817
1983	17.4	16.6	19.1	18.3	4.4	3.6	42.7	41.1	30.7	29.5	12.8	11.3	5.2	4.2	14.8	13.5	6.5	5.7	820
1984	—	16.7	—	18.3	—	3.7	—	41.8	—	29.8	—	11.5	—	4.4	—	13.9	—	5.9	—

**TAXES AND CHARGES***Water Supplies: Payment Options*

428. Mr MENSAROS, to the Minister for Water Resources:

What is the estimated percentage of Metropolitan Water Authority consumers for the 1982-83-84 years who opted—

- (a) to pay the full amount of their bill taking advantage of the discount;
- (b) pay one half of their bill;
- (c) pay one quarter of their bill;
- (d) not to pay at all?

Mr TONKIN replied:

The following percentages are based on the initial option determinations each year.

	1982-83	1983-84	1984-85
(a)	59	57	61
(b)	15	9	10
(c)	6	7	8
(d)	20	27	21

see note

Note: This category either did not respond or they paid an amount not applicable to either options 1, 2 or 3. There are no statistics available on those customers who did not respond at all.

**TAXES AND CHARGES***Water Supplies: Income*

429. Mr MENSAROS, to the Minister for Water Resources:

- (1) How much money was received by the Metropolitan Water Authority during the month of July 1984 on the 1984-85 water, etc., bills plus any arrears?
- (2) How does this amount compare with the corresponding aggregate receipts last year?

Mr TONKIN replied:

- (1) and (2) As 30 July and 31 July 1983 were non-business days a direct comparison of payments received during July 1983 and July 1984 is not very meaningful. The following figures represent the total payments (including arrears) treated as "July payments" for the purpose of qualifying for the statutory payment options:

- (1) July 1984—\$85.4M
- (2) July 1983—\$87.8M.

**WATER RESOURCES***Reservoir: Joondanna Site*

430. Mr MENSAROS, to the Minister for Water Resources:

- (1) Has an agreement been reached between the Metropolitan Water Authority and Stirling City Council regarding the lease/purchase of reservoir site Roberts Street, Joondanna?
- (2) If so, what are the conditions agreed to?

Mr TONKIN replied:

- (1) The City of Stirling has been seeking to use the reservoir site to overcome the lack of recreational amenity since 1980. The MWA and the council have recently reached agreement in principle to the lease of a portion of the reservoir which is surplus to MWA requirements.
- (2) Conditions have not been finalised but it will be necessary for the council to undertake the rezoning of the site for recreational purposes. Negotiations have been based on the Valuer General's assessment of \$410 000 market value of the land. An annual rental of \$41 000 over a 10-year period with subsequent vesting of the site in the council is under consideration.

**SEWERAGE***Coodanup*

431. Mr MENSAROS, to the Minister for Water Resources:

- (1) When is work going to be commenced for backlog sewerage construction in the Coodanup area?
- (2) Which properties will be affected (could he let me please have a plan)?
- (3) When are the works anticipated to be completed?

Mr TONKIN replied:

- (1) Subject to funds being approved in the 1984-85 Budget, it is anticipated that work will commence early in 1985.
- (2) The properties affected are in the locality of Coodanup, generally between Broun Road and Peel Parade; Beacham Street and Wanjeep Street as shown on Plan PWD WA 54764-1-1. This plan was on public display for one month from 9 July 1984 and a copy is being forwarded to the member.

- (3) Subject to the availability of funds, it is anticipated that the work will be completed during the 1985-86 financial year.

## EMPLOYMENT AND TRAINING

### *Community Employment Initiatives: Newspaper*

432. Mr MacKINNON, to the Minister representing the Minister for Employment and Training:

- (1) In relation to the community employment initiatives newspaper, how much does each issue cost to produce?
- (2) What proportion of this cost is borne by the Government?
- (3) What is the cost of distribution of the newspaper?

Mr PEARCE replied:

- (1) WA Newspapers Ltd. has printed the newspaper free as part of a co-action project sponsorship arrangement.
- (2) None.
- (3) The R & I Bank as sponsor of this co-action project has donated funds to cover all costs of distribution.

## EMPLOYMENT AND TRAINING

### *State Employment Task Force*

433. Mr MacKINNON, to the Minister representing the Minister for Employment and Training:

- (1) Is the State employment task force preparing a report on alternative codes of employment in the Public Service?
- (2) If so, when is it expected that the report will be completed?

Mr PEARCE replied:

- (1) and (2) No.

## PLANNING

### *Cottesloe Hotel Site*

434. Mr HASSELL, to the Minister representing the Minister for Planning:

- (1) Has the Minister extended the approval period for redevelopment of the Cottesloe Hotel site?
- (2) Was the Town of Cottesloe, being the local authority involved, consulted before this decision was made?
- (3) If not, why not?

Mr PEARCE replied:

- (1) to (3) The developer sought changes to the development which it thought might be appropriate and spent some time on progressing plans for change. Crown Law advice was that no approval should or could be given by the Minister for Planning to any changed proposal and in view of the time lost by the developers in this endeavour the approval period was extended by six months. No referral to the authority occurred in view of the particular circumstances.

## EMPLOYMENT AND TRAINING

### *Labour Market: Programmes*

435. Mr MacKINNON, to the Minister representing the Minister for Employment and Training:

- (1) Has the submission to the Kirby inquiry into labour market programmes, as referred to in question 278 of 7 August, been made public?
- (2) If not, why not?

Mr PEARCE replied:

- (1) and (2) No. The matter is under consideration.

## EMPLOYMENT AND TRAINING

### *Apprentices: Group Apprenticeship Schemes*

436. Mr MacKINNON, to the Minister representing the Minister for Employment and Training:

What are the additional group apprenticeship schemes referred to by the Minister in answer to question 278 of 7 August?

Mr PEARCE replied:

Apprentice cooks, apprentices in the automotive industry.

Also under consideration—

furniture industry, plumbing industry, electrical and printing industries.

## EMPLOYMENT AND TRAINING

*Labour Market: Reports*

437. Mr MacKINNON, to the Minister representing the Minister for Employment and Training:

(1) Are the monthly labour market reports referred to by the Minister in answer to question 278 of 7 August, made public?

(2) If not, why not?

Mr PEARCE replied:

(1) and (2) No. The report is for internal purposes.

## EMPLOYMENT AND TRAINING

*Employment: Public and Private Sectors*

438. Mr MacKINNON, to the Minister representing the Acting Treasurer:

Why was it possible for the Minister to provide me with an answer to question 802 of 24 August 1983, and yet not to my question 199 of 2 August 1984, concerning the current percentages of Western Australian employment?

Mr BRYCE replied:

Because of workloads it is not always possible to provide information that can be obtained by the member of his own accord without difficulty.

439. *Postponed.*

## HOUSING

*Completions*

440. Mr MacKINNON, to the Minister for Housing:

Why is not possible for him to immediately provide me with the answer to question 212 of 2 August, concerning the number of commission homes completed in 1983-84?

Mr WILSON replied:

The Government has undertaken to provide 5 000 units of public housing accommodation in its first three years.

The year 1983-84 saw the introduction of an integrated housing approach utilising private sector builders with their own house designs and the considerable planning and restructure of existing work force resources impacted the initial completion of units.

As planning and working guidelines become consolidated and accepted, the construction programme will be facilitated with greater productive results and the 5 000 target will be attained in the period stated.

A total of 1 970 units have either been made available or are under construction or are committed as at 30 June 1984.

The objective 1984-85 Commonwealth/State programme to flow on from the above is approximately 1 800 units.

441. *Postponed.*

## LAND AND BUILDINGS

*Quo Vadis*

442. Mr RUSHTON, to the Minister for Health:

(1) Has he or his department negotiated with the Shire of Serpentine-Jarrahdale over the future use of Quo Vadis, Byford (buildings and land)?

(2) What is the intention of the Government and/or department for the use in the future of the Quo Vadis facility at Byford?

Mr HODGE replied:

(1) Communication has been established with the Shire of Serpentine-Jarrahdale. Further contact will be made when a clearer picture as to the future use of Quo Vadis is known.

(2) The Government has not yet decided the future deployment of Quo Vadis.

443. *Postponed.*

## TRANSPORT: MTT

*Review: Assistance*

444. Mr RUSHTON, to the Minister for Transport:

(1) Will he table a copy of the notice to all Metropolitan Transport Trust employees by the Managing Director of the Metropolitan Transport Trust in which notice a direction is given for Metropolitan Transport Trust staff to provide every assistance to members of the study review group including the Labor members for Joondalup and Whitford?

- (2) Did the union—AT & MOEA—insist that its representative be added to the committee?
- (3) Does he consider committee member, Mr Bernard Terry, represents the AT & MOEA or the Joondalup department of the Metropolitan Transport Trust?
- (4) Why was Mr Terry appointed to the committee?
- (5) Is Mr Terry the secretary of the Wanneroo branch of the Australian Labor Party?
- (6) How many hours a week will Mr Terry be involved on the review committee?
- (7) Is Mr Terry to be located in the Minister's office?
- (8) Why was the Metropolitan Transport Trust considered incapable of carrying out its normal function and practice of reviewing its services in conjunction and co-operation with the public?
- (9) Who were the original members of the review committee and what was the supporting qualifications for these appointments?
- (10) Who has now been added to the committee and why was he or she appointed?

Mr GRILL replied:

- (1) I have no objection to the member approaching the Managing Director of the Metropolitan Transport Trust with a view to obtaining a copy of the notice.
- (2) No. It has always been the intention of the project to include input from all relevant groups. As part of this process a representative of the AT & MOEA was added to the review committee.
- (3) No.
- (4) It was recognised that the project would require general assistance. Mr Terry was chosen because of his local knowledge, enthusiasm and availability.
- (5) It is not my place to issue a list of ALP office bearers; this is the prerogative of the ALP itself.
- (6) An average of 20 hours a week.
- (7) When necessary.
- (8) As the member rightly points out, the MTT reviews its services in conjunction and co-operation with the public. This project, through its review committee, will provide a public input channel to the MTT. At the completion of the project a

report will be presented to the MTT for consideration.

- (9) Pam Beggs, MLA

Jackie Watkins, MLA

Hugh Wildermuth, public transport planner, office of the Co-ordinator General of Transport

Graeme Brice, research officer, MTT

Rodney Vaughan, transport consultant to the Minister

Bernard Terry, general assistant to the committee

- (10) Mr Arthur Rock, President of the AT & MOEA was added to represent the views of his union. The MTT officers union has been approached and has indicated willingness to participate in an appropriate way.

The review committee will, when necessary, consult with wider groupings. If the member has any suggestions or ideas, please forward them to convenor, Dr Rodney Vaughan.

445 and 446. *Postponed.*

#### REGIONAL DEVELOPMENT: "BUNBURY 2000"

##### *Projects: Capital Grants*

447. Mr BLAICKIE, to the Acting Premier:

- (1) Will he give details of the number and type of projects that would be considered for financial incentives in the form of interest-free capital grants, and taxation concessions as contained in the Government's "Bunbury 2000" policy?
- (2) How many projects have been assisted to date?
- (3) What is the total amount of assistance involved?
- (4) How many applications have been received and how many have been—
  - (a) accepted;
  - (b) rejected;
  - (c) under consideration?
- (5) How many projects have been tourist industry projects?

Mr BRYCE replied:

- (1) The Government expects to introduce legislation which will provide for a wider range of financial incentives for indus-

trial development. This new legislation will enhance the initiatives already taken by the Government in pursuit of its "Bunbury 2000" programme. In the meantime the existing capital establishment and regional industry grants and Government guarantee schemes have continued to operate.

- (2) to (5) Accordingly, the remainder of the questions are at this time not applicable. However, if the member would like information about assistance given under existing schemes I would be happy to supply appropriate information.

### HOUSING: RENTAL

#### *Renovations*

448. Mr BLAIKIE, to the Minister for Housing:  
What undertakings has the Government made to expand its renovation and improvements programme to State Housing Commission rental accommodation by each regional area in the State?

Mr WILSON replied:

The Government did give an undertaking to upgrade the maintenance programme of the State Housing Commission. This year the commission has planned to carry out a substantially increased renovation programme to rental properties in all areas of the State.

### COURTS

#### *Legal Aid: Aboriginal Officers*

449. Mr BLAIKIE, to the Minister representing the Attorney General:  
(1) What is the number of Aboriginal legal aid officers in Western Australia?  
(2) What towns and/or cities have resident Aboriginal legal aid officers?  
(3) What is the yearly cost of the service?

Mr GRILL replied:

- (1) to (3) The Aboriginal Legal Service is a Commonwealth instrumentality and the

inquiry should be redirected to the appropriate Commonwealth authority.

### COURTS

#### *Legal Aid: Cost, Lawyers, and Offices*

450. Mr BLAIKIE, to the Minister representing the Attorney General:

- (1) How many legal aid offices are there in Western Australia and where are they located?  
(2) What is the annual cost of the legal aid service?  
(3) Can he advise the number of lawyers employed by the legal aid service?

Mr GRILL replied:

- (1) Three, located in Perth, Fremantle and Midland.  
(2) Total expenditure for 1983-84 was \$8 925 951.  
(3) 34, as at 10 August 1984.

### POLICE: OFFICERS

#### *South-west*

451. Mr BLAIKIE, to the Minister for Police and Emergency Services:

Would he advise the number of personnel, rank and duties (i.e. traffic, CIB, general, etc.) of policemen at the—

- (a) Manjimup;  
(b) Donnybrook;  
(c) Collie;  
(d) Harvey;  
(e) Bunbury;  
(f) Busselton;  
(g) Margaret River,

police stations in each year since 1980?

Mr CARR replied:

	No. of Personnel	Rank	Duties
(a) 1980	11	2 sergeants 9 constables	6 general 5 traffic
1981	11	2 sergeants 9 constables	6 general 5 traffic
1982	10	2 sergeants 8 constables	5 general 5 traffic



	No of Personnel	Rank	Duties
1983	10	2 sergeants 8 constables	5 general 5 traffic
1984	10	2 sergeants 8 constables	5 general 5 traffic
(b) 1980	3	1 sergeant 2 constables	2 general 1 traffic
1981	3	1 sergeant 2 constables	2 general 1 traffic
1982	3	1 sergeant 2 constables	2 general 1 traffic
1983	3	1 sergeant 2 constables	2 general 1 traffic
1984	3	1 sergeant 2 constables	2 general 1 traffic
(c) 1980	13	3 sergeants 10 constables	8 general 3 traffic 2 Police & Citizens Youth Clubs
1981	13	3 sergeants 10 constables	8 general 3 traffic 2 Police & Citizens Youth Clubs
1982	14	3 sergeants 11 constables	9 general 3 traffic 2 Police & Citizens Youth Clubs
1983	14	3 sergeants 11 constables	9 general 3 traffic 2 Police & Citizens Youth Clubs
1984	14	3 sergeants 11 constables	9 general 3 traffic 2 Police & Citizens Youth Clubs
(d) 1980	8	1 sergeant 7 constables	4 general 2 traffic 2 Police & Citizens Youth Clubs
1981	8	1 sergeant 7 constables	4 general 2 traffic 2 Police & Citizens Youth Clubs
1982	8	1 sergeant 7 constables	4 general 2 traffic 2 Police & Citizens Youth Clubs
1983	8	1 sergeant 7 constables	4 general 2 traffic 2 Police & Citizens Youth Clubs
1984	8	1 sergeant 7 constables	4 general 2 traffic 2 Police & Citizens Youth Clubs

## [ASSEMBLY]

	No of Personnel	Rank	Duties
(e) 1980	55	2 commissioned officers 13 sergeants 40 constables	3 administration 31 general 12 traffic 4 Criminal Investigation Branch 2 Police & Citizens Youth Clubs 2 Liquor & Gaming 1 Prosecuting
1981	55	2 commissioned officers 13 sergeants 40 constables	3 administration 31 general 12 traffic 4 Criminal Investigation Branch 2 Police & Citizens Youth Clubs 2 Liquor & Gaming 1 Prosecuting
1982	55	2 commissioned officers 13 sergeants 40 constables	3 administration 31 general 12 traffic 4 Criminal Investigation Branch 2 Police & Citizens Youth Clubs 1 Prosecuting
1983	55	2 commissioned officers 13 sergeants 40 constables	3 administration 31 general 12 traffic 4 Criminal Investigation Branch 2 Police & Citizens Youth Clubs 2 Liquor & Gaming 1 Prosecuting
1984	55	2 commissioned officers 13 officers 40 constables	3 administration 31 general 12 traffic 4 Criminal Investigation Branch 2 Police & Citizens Youth Clubs 2 Liquor & Gaming 1 Prosecuting
(f) 1980	11	3 sergeants 8 constables	7 general 4 traffic
1981	11	3 sergeants 8 constables	7 general 4 traffic
1982	11	3 sergeants 8 constables	7 general 4 traffic
1983	11	3 sergeants 8 constables	7 general 4 traffic
1984	11	3 sergeants 8 constables	7 general 4 traffic
(g) 1980	4	1 sergeant 3 constables	2 general 2 traffic

	No of Personnel	Rank	Duties
1981	4	1 sergeant 3 constables	2 general 2 traffic
1982	4	1 sergeant 3 constables	2 general 2 traffic
1983	4	1 sergeant 3 constables	2 general 2 traffic
1984	5	1 sergeant 4 constables	3 general 2 traffic

452. *Postponed.*

## ROAD

### *Bunbury Highway*

453. Mr BLAIKIE, to the Minister for Transport:

- (1) What new initiatives has the Government succeeded in providing within its undertaking to provide for a four-lane flow on the Bunbury Highway?
- (2) Has the Government had discussions with the local government bodies affected by the proposed four-lane highway development?
- (3) When did the discussions take place and with what shires, and were they conducted by either members or officers of the Government, or both?
- (4) Will he table plans showing detail of survey of route of highway and indicate whether there will be any need to vary, resume or amend the existing road reserve?

Mr GRILL replied:

- (1) New initiatives include—  
     duplication of Ennis Avenue;  
     construction of Mandurah bypass;  
     bringing forward planning for the Australind bypass

The second carriageway on Ennis Avenue is currently under construction and will provide a dual carriageway between Perth and Mandurah before the end of the year. A contract will be awarded shortly for the construction of Mandurah bypass, including a new bridge over the Peel Inlet. The bypasses at Mandurah and Australind will each each provide two lanes as the initial development towards a four-lane highway.

- (2) Yes. Plans showing details of the Australind bypass proposal have been made available to the local authorities affected.

(3) Discussions have been progressing since the Government came into office. Both members and officers of the Government have been involved.

(4) Yes. The tabled plan summarises the present position.

*The paper was tabled (see paper No. 99).*

## TRANSPORT: RAILWAYS

### *Bunbury-Perth*

454. Mr BLAIKIE, to the Minister for Transport:

- (1) Has the Government commenced building diesel railcars for the Perth-Bunbury railway?
- (2) What is the number involved and estimated total cost?
- (3) Has the Government sought tenders for this work, and if so, what was the range of tenders submitted, and who was the successful tenderer?

Mr GRILL replied:

- (1) No.
- (2) Three driving cab cars and two non-driving cars—all vehicles are powered. Estimated cost is \$5.75 million, April 1984 values.
- (3) No.

## TRANSPORT: RAILWAYS

### *Electrification*

455. Mr BLAIKIE, to the Minister for Transport:

- (1) What progress has the Government made on electrification of the—  
     (a) Kwinana-Bunbury;  
     (b) Jarrahdale;  
     (c) Kalcine;  
     (d) Collie lines?
- (2) As the above lines were part of a Westrail study that indicated the branches in (b), (c), (d) would become

economically viable in the 1984-86 period, does this view still stand?

- (3) As the Australian Labor Party "Bunbury 2000" policy statement said when referring to the above lines, "These findings are supported in a national rail electrification study which identified the Kwinana/Collie/Bunbury line as a firm candidate for electrification", when will this work commence, and does the Government expect that the rail electrification programme will be completed before the 1986 State election?

Mr GRILL replied:

- (1) The Government has requested Westrail to commission a comprehensive study of the technical and economic conditions under which it would be viable to electrify the railway sections nominated. It is expected that the consultant to undertake the study will be appointed in December 1984 and that the study will be completed by September 1985.
- (2) Previous feasibility studies indicated potential viability of electrifying the sections nominated. Part of the study purpose is to establish the timing for electrification to be viable.
- (3) Taking into account the periods required for the study, evaluation and decision making, commencement of construction could be possible by early 1987, subject to the findings of the inquiry.

#### QUESTIONS WITHOUT NOTICE

##### ABORIGINAL AFFAIRS: LAND RIGHTS

###### *Legislation: Drafting*

99. Mr HASSELL, to the Acting Premier:

Is it correct that Cabinet has given instructions for the drafting of legislation in relation to Aboriginal land rights?

Mr BRYCE replied:

I answered a question on this subject last week for the benefit of the Leader of the Opposition and indicated to him that the Seaman inquiry was not yet finished, and that when it was finished the Government would consider it and then make up its mind about legislation it thought necessary and that it would then proceed. We have not received the Seaman report yet.

Mr Hassell: Is the answer to the question "No"?

##### FISHERIES: TUNA

###### *"Kiryō Maru"*

100. Mr P. J. SMITH, to the Minister for Transport:

Is the Minister able to advise the House of the circumstances of the grounding of the Japanese tuna fishing boat *Kiryō Maru* off the west end of Rottnest Island on Monday, 6 August?

Mr GRILL replied:

I would like to indicate that under the present law, State and Federal Governments have little or no jurisdiction over foreign vessels. However, the master of the *Kiryō Maru* and his agent have been interviewed by the officers of the Department of Marine and Harbours and by the Department of Transport. Some disturbing facts have emerged from that interview, among which are the following—

The estimated position used at 2340 hours on Sunday evening local time was wrong by at least 10 nautical miles.

It is also clear that the navigational skills displayed by the two officers of the watches during the 3½ hours prior to the grounding were extremely poor.

The vessel was fitted with radar but it was out of order and inoperable and the satellite navigation system was also suspect and probably gave false data.

The navigation watch was kept by one person prior to 0200 hours local time and he was relieved at that time by another crew member. Neither of these watchkeepers hold any certificates of competency, or licences.

A distress message was sent out shortly after the grounding but the radio operator transmitted the wrong position and this caused some confusion both here and at the Australian Coastal Surveillance Centre, Canberra, in that the position given was approximately four miles inland from Greenhead, some 220 kilometres to the north.

The vessel activated three emergency position indicator radio beacons (EPIRBs) immediately after

the grounding and these proved to be helpful in establishing her position.

The vessel had approximately 13 kilolitres of distillate on board at the time of the grounding. One or more of the tanks containing this distillate have been ruptured and the fuel has leaked. This has not posed a serious pollution problem as it is a very light liquid and evaporates to air fairly quickly. A potentially greater threat to the environment was a quantity of lubricating oil, about 1.2 kilolitres, located in the engine room tank.

The vessel was inspected by a licensed surveyor on Saturday, 11 August once the previous heavy weather had abated a little and he reported no trace of oil left on board. Hence it is now probable that any possible pollutants on board have since leaked and been dispersed by the rough weather conditions prevailing at the time.

The vessel's insurers have indicated that they would cover any pollution damage caused by the vessel, whether from oil products or the fish catch which it is understood has caused minor problems on the island after leaking from the damaged vessel.

The Rottneest Island Board is keeping a close watch on the situation along with officers of the Department of Marine and Harbours and it is anticipated that there will not be any further significant problems with pollution.

It is generally conceded that the vessel cannot be salvaged and will be recorded as a total loss. I understand, however, that negotiations for the sale of the vessel's remains are proceeding and that ownership may change later this week.

The master has indicated that the navigation aids available to a vessel approaching Rottneest Island are more than adequate. However, he did suggest that an additional light at the west end of the island could be useful. The Department of Marine and Harbours intends to investigate the merit of this proposal.

The Government is concerned that foreign fishing vessels are approaching our coast, inside the territorial sea, with unqualified people in charge of navigation. It is a position that we do not tolerate with our own commercial vessels in that a vessel of over 35 metres in length is required to have a minimum of three qualified deck personnel.

In this case with a Japanese vessel involved the Government believes it is justified in expressing its concern to the Japanese Government through the normal diplomatic channels with a view to seeking some assurance that in future Japanese fishing vessels entering our territorial waters are manned by appropriately qualified personnel. It was extremely fortunate that no loss of life or serious pollution damage occurred. However, we will be doing everything within our power to ensure that such incidents do not occur again.

## ABORIGINAL AFFAIRS

### *Sewerage, and Water Supplies: Kalumburu*

101. Mr HASSELL, to the Acting Premier:

I direct my question to the Acting Premier in the absence of the Minister with special responsibility for Aboriginal Affairs who, I understand, is ill—

- (1) Has the office of the Premier or has the Government received a telex message from the Kalumburu community similar to that which I received and which referred to publicity concerning a lack of further capital works expenditure from the Department of Aboriginal Affairs and the resulting consequences for water supply and sewerage at the community?
- (2) If so, will he tell me what action has been taken by the Government in relation to what appears to be and what is described in the telex as an urgent need?
- (3) If the Acting Premier is not aware of the telex, will he, if I provide him with a copy, be good enough to have the matter investigated as a matter of urgency because of the community's concern?

Mr BRYCE replied:

- (1) to (3) I think it is fairly obvious that that telex would have gone to the responsible Minister. Certainly, I have not seen a copy. If a copy has been sent to him it is in the system somewhere.

Mr Hassell: I will give you a copy.

Mr BRYCE: I would be happy to respond if a copy of that telex is supplied.

### LIQUOR: HOTELS

#### *Bunbury: Austmark Project*

102. Mr BLAICKIE, to the Minister for Regional Development and the North West with special responsibility for "Bunbury 2000":

Is it correct that the Government no longer has a committed interested party in building, operating and running the much publicised five-star international-class hotel which was to be the key factor in the Bunbury Austmark International Ltd. project?

Mr GRILL replied:

No, that is completely incorrect. It is a term of the agreement between Austmark and the Government that Austmark should construct an 11-storied office block and, at the same time, construct a resort hotel of international standard at Bunbury. The Government will not be occupying the office building until such time as the hotel is completed.

### MINERALS: IRON ORE

#### *Pilbara: New Mine*

103. Mrs HENDERSON, to the Acting Premier:

There have been reports in the local and Australian papers of a new iron ore mine opening in the Pilbara. I ask—

Will the Acting Premier comment on the extent of this new project?

Mr BRYCE replied:

Last week Hamersley Iron Pty. Ltd. and the Metallurgical Import and Export Corporation of China reached agreement to produce a feasibility study of a new mine at the Channar deposit near Paraburdoo.

The State Government will certainly assist and have an input into the feasibility study. Work on the study is expected to start almost immediately. It should be finished by the end of this year. If every-

thing goes well, work should begin on the new mine about mid-1985.

I know that members opposite will be pleased to hear that the deposit involves about 200 million tonnes of high-grade iron ore. It is expected to be developed on the basis of an export of up to 10 million tonnes of iron ore a year.

It is anticipated that this mine, which is only approximately 20 kilometres from Paraburdoo, will be developed on the basis of the existing infrastructure with the Hamersley Iron company and that therefore, additional town, port, and rail facilities will not be involved.

If a new crusher is involved, the investment in the project is expected to be as high as \$300 million. If not, investment is expected to be about \$200 million.

Overall, in job terms, this is good news. The exercise that I have just outlined would produce somewhere in the vicinity of a couple of hundred new jobs.

Just in case members of the House tend to believe all that they read in the newspapers, let me assure members on both sides that the representatives of the Western Australian Government, with representatives of the four iron ore companies, visited China in January of this year. That visit had a very significant influence on the decision. I am reminded of a very wise old Chinese saying that success has many friends; however failure, all too often, is an orphan.

### DEFENCE

#### *HMAS Leeuwin*

104. Mr MacKINNON, to the Acting Premier:

What action, if any, has the Government taken to protest to the Federal Government against its decision to close HMAS Leeuwin?

Mr BRYCE replied:

I have had discussions with the office of the Minister for Defence, Mr Scholes. We are very pleased to discover that that site and its facilities will be retained for defence purposes.

Mr MacKinnon: Did you protest against its closure?

Mr BRYCE: Yes, I did. I received prior notice. I conveyed my resistance to such a course of action prior to the announce-

ment actually being made. Members opposite will be interested to know that during the course of the history of that facility and the ups and downs of the intake, the closure of that facility has been directly related to the labour market and the supply or the availability of adult personnel available straight off the street to be enlisted by the Navy.

Mr MacKinnon: What do you mean by "adults"? What about the younger people?

Mr BRYCE: When the supply of available labour on the market is very low, the Navy relies on training its own junior recruits. It takes them into the Navy from those recruits. It is finding, at the present time, that its intake requirements can be matched. It can actually find available people at a slightly older age straight off the street.

That information was drawn to my attention at a briefing I had on Friday last week with the Joint Chiefs of Staff here in Western Australia.

Just in case any of the members opposite are feeling a little anxious about this matter, I remind them, lest they be tempted to misrepresent the true position, that the increase in real terms in defence expenditure in the Hawke Budget last year was 4.5 per cent compared with the previous three years which averaged out at a real increase of only 2.5 per cent.

#### ABATTOIRS: MEAT

##### *Inspection Fees*

105. Mr TROY, to the Minister for Health:

I understand that representations have been made to the Minister from some members on behalf of country shires concerning the length of time which elapses between the shires' applications for an increase in meat inspection fees and for a decision to amend the fees to be gazetted. I ask—

Can the Minister advise whether he will amend the Health Act to streamline the procedure for amending meat inspection fees to eliminate the costly delays which occur under the present system?

Mr HODGE replied:

I have received a number of representations from members on behalf of some country shires.

One of the reasons for the delay is that the Health Act at present requires that the food and drug advisory committee recommend the making of all regulations and amendments to the Governor for his approval. Because meat inspection fees are encompassed by the range of food and drug matters on which regulations can be made and amended, any changes in fees for meat inspection are required to await the meetings of the food and drug advisory committee to receive its recommendations. From the time a local authority determines that a constant loss is being incurred in its meat inspection services and resolves to seek a more appropriate fees scale, months may elapse before a new scale for that local authority is gazetted.

I am pleased to advise the member that the Government yesterday approved the drafting of a Bill which will amend the Health Act to allow meat inspection fees to be set and varied by the Governor without the recommendation of the food and drug advisory committee. This should have the effect of markedly speeding up the procedure.

I have also asked my department to act expeditiously on applications received to amend meat inspection fees.

#### INDUSTRIAL RELATIONS

##### *Secondary Boycotts*

106. Mr COURT, to the Acting Premier:

- (1) Does the Government support the dropping of sections 45D and 45E of the Trade Practices Act which relate to secondary boycotts?
- (2) If "Yes", does the Government believe the arbitration system in this State is capable of handling the disputes involving secondary boycotts?

Mr BRYCE replied:

- (1) and (2) I suggest that the member for Nedlands should put this question on the Notice Paper.

## TRANSPORT: BUSES

*Drivers: Conditions*

107. Mrs BUCHANAN, to the Minister for Transport:

During the last parliamentary session I inquired as to the working conditions of long-distance bus drivers. I ask—

Has the Minister received, as suggested in his answer, a report on the matter from the Transport Commission.

Mr GRILL replied:

I am happy to report that, as a result of a recommendation of the Commissioner for Transport, Mr Ray Ellis, Cabinet has approved the drafting of certain amendments to the Transport Act.

It has been argued that the carriage of a relief driver on long-distance bus operations constitutes a safety hazard, as he cannot get adequate rest, despite the fact that he has a curtained-off bunk in the rear of the bus.

Other States which have the power are currently taking steps to curtail this practice, and will require that relief drivers be stationed at strategic points along the bus route.

Accordingly it is proposed in the interests of road safety that the Commissioner of Transport will have similar powers in this State by an amendment to section 29 of the Transport Act. This power will extend to conditional omnibus licences by restricting the carriage of relief drivers on the bus. Likewise, he will have the power to apply this condition at his discretion, as on some routes there may be no practical staging point to station a relief driver.

Cabinet approved of the proposed amendments on 25 June 1984, and directed that the drafting of same should receive an "A"-priority.

## EDUCATION

*Non-Government Schools: Allocation*

108. Mr CLARKO, to the Minister for Education:

It is reported in tonight's Press that the Government has allocated \$703 million to non-Government schools in Australia in 1985, which is a mere 1.8 per cent

more than the amount allocated in 1984. I ask—

- (1) What effect, if any, will this have on State Government funding arrangements for non-Government schools in Western Australia in 1984-85?
- (2) Does the Government intend to increase its support for non-Government schools in Western Australia?

Mr PEARCE replied:

- (1) and (2) The member for Karrinyup will regret having asked this question. He has misread the figures fairly substantially and for his benefit I will explain that the figures released by the Commonwealth Government are all in estimated December 1983 prices so that as one moves along the columns the figures are upgraded in terms of estimated 1983 prices. What the member says is a 1.8 per cent increase in fact is a seven per cent increase for non-Government schools in real terms.

Mr Clarko: In fact it is mentioned in the papers as a 1.8 per cent increase in real terms.

Mr PEARCE: It is not and someone has clearly misread the figures.

Mr Clarko interjected.

The SPEAKER: Order!

Mr PEARCE: The fact of the matter is that there has been a substantial increase for non-Government schools in the package of funding. There has also been a substantial increase for Government schools. This afternoon I indicated that I thought the Commonwealth package proposals for the financing of Government and non-Government schools would be greeted with a great deal of joy by both the Government and the non-Government sectors.

Mr Clarko: I will be surprised.

Mr PEARCE: I suggest that the member talk with the people involved and he will be surprised after that. The community standard arrangement on which the whole package is based was strongly supported by non-Government schools in Western Australia. The only people who opposed it were Opposition members.

Mr Clarko: You said you were going to work on a needs basis and you have not done so.



Mr PEARCE: If the member wishes to keep asking new questions he will become more and more embarrassed. The Government did not move to a needs basis in the funding last year because of discussions with the non-Government schools. They asked for the needs-basis arrangement to be held off for a year so that they could accommodate the changes and make great input into them. I have an arrangement with the non-Government sector, both Catholic and independent, that as soon as the guidelines are released—which was today—I will hold discussions with them within a few days to work out how the needs-basis State funding arrangement will slot in with the Commonwealth arrangement. Therefore, non-Government schools will not be put in a double-jeopardy situation whereby because the State has a needs-basis arrangement and the Commonwealth has a needs-basis arrangement, the effect of loading up schools at one end or taking away at the other end will be magnified because both Governments are working on the same principles, but not in conjunction. I will be holding discussions with representatives of the non-Government sector.

I suggest to the member that he obtain a full copy of the Commonwealth Government's response to the Schools Commission's guidelines. He will see that it is a package with which Government and non-Government schools should be happy, particularly as it contains a guarantee.

Mr MacKinnon: Until after the next election.

Mr PEARCE: The member for Murdoch should not speak out of sheer ignorance. The package arrangement guarantees the funding arrangements with increases year-by-year for non-Government schools for the next four years. That is not only after the election but also it guarantees the whole next term of the Hawke Government. None of this money will come up and be snatched away after the election. We are not living in the Fraser times.

Several members interjected.

Mr PEARCE: It will not be a case of a fistful of dollars to be snatched away after the election. The Commonwealth is guaranteeing stepped increases for non-Government schools for the next four years in

legislation with the intention to carry that phasing-in for four years beyond that, in contrast to the Fraser Government which worked on a year-by-year basis.

Mr Clarko: What are you going to do for the non-Government schools this year?

Mr PEARCE: I have already told the member. I will be having discussions with the non-Government schools in the next few days in order to align the State Government's contribution to non-Government schools with the arrangement already made by the Commonwealth.

## MINERALS: IRON ORE

### *Industry: Future*

109. Mr I. F. TAYLOR, to the Acting Premier:  
In view of the expressions of confidence in the future of the iron ore industry, what evidence is there to support assertions that the industry is beginning to emerge from its past problems?

Mr BRYCE replied:

I do not think there is any doubt that 1984 will go down on record as an important landmark year for the iron ore industry in Western Australia. During the course of this year the one-billionth tonne of iron ore was exported from the Pilbara which in itself is a significant landmark for an industry that has been in the doldrums for nearly a decade and in a particularly serious downturn situation for the last five years. The year 1984 has seen a significant upturn in the demand for steel production around the world. Of course, that has had its effect on the demand for the most important single mineral export from Western Australia.

Of equal significance to the future of this great industry was the agreement signed this year—in fact, last weekend—involving representatives of the Commonwealth Government, the State Government, the companies and the trade union movement, in the form of the iron ore industry consultative council agreement. We are confident that that agreement will issue in a period of better informed understanding in that industry than has been the situation in the past. It is to be hoped that the second 20-year period of this industry will be a great deal more peaceful and marked by a period where the actual co-operation and understand-

ing between employer and employee groups does not produce the polarisation which was a major problem to that industry during the first 17 or 18 years of its life.

I sincerely hope that all of the members of this House will give moral support to that concept. In the next 20 years, the industry will face severe competition from India and Brazil, whereas during the 1960s, effectively we had the world at our feet. Our customers were virtually falling over one another to obtain the first-class quality and volumes of iron ore in this State. The reality we must face is that the quantity and the quality of Brazilian and Indian iron ore is as good as ours, and we therefore must be productive, efficient, and effective.

I sincerely hope that what happened over the weekend was the beginning of the end of a myth all too frequently perpetrated by some of the members sitting opposite and some of their colleagues for very narrow and petty party-political purposes. They have put the rumour around the world that we are an unreliable supplier of iron ore.

Mr Clarko: Have you arranged the sale of one extra tonne yet?

Mr BRYCE: It might come as a source of great disappointment to the member for Karrinyup to know that the chances look absolutely excellent.

Mr Clarko: But you have not done it.

Mr BRYCE: I am the Minister of the Crown with an interest in this matter—I might say it is a temporary one at the moment since I am not the Minister for Minerals and Energy. Ministers of the Crown do not sell iron ore; companies do that.

Mr Clarko: So you will not take any credit for sales that take place?

Mr BRYCE: Is this not indeed interesting? We will not take all the credit, and that is what I want to stress. I am prepared to give the Prime Minister a little bit of the credit, too.

Mr Thompson: He took it all for himself.

Mr BRYCE: What we were talking about was a new mine.

Mr Clarko: Has it happened yet?

Mr BRYCE: By the sound of the member for Karrinyup and his interjection, I suspect he will be slightly jaundiced at the great news of a 90-plus per cent chance of a new mine exporting more than 10 million

tonnes of ore a year; and there is another one, but we have not said very much about it yet!

## ABORIGINAL AFFAIRS: LAND RIGHTS

### *Uniform Legislation: Review*

110. Mr HASSELL, to the Acting Premier:

Is it a fact that the Commonwealth Government has already agreed with the State Government to undertake a review of the Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act?

Mr BRYCE replied:

That specific question will be the subject of discussions on Friday between my colleague, the Minister with special responsibility for Aboriginal Affairs, and his counterpart in the Commonwealth Government.

Mr Hassell: You know they have already agreed. You know who will be on the committee.

## TRAFFIC

### *Lights: Upgrading*

111. Mr BURKETT, to the Minister for Transport:

I refer to the article in *The Western Mail* on 28 July 1984 entitled "It is the green light for drivers", and I ask—

Will the Minister comment on the scale of the exercise and its possible future?

Mr GRILL replied:

The initial system of nine sites featured seven in Albany Highway and two in Manning Road. The cost of \$300 000 covered intersection signal upgrading and the computer installation. The system has now been extended to a further six sites in Shepperton Road; 13 sites in the central city block—Barrack Street, William Street, south of the railway line—eight sites on Leach Highway between Riseley Street and High Road; and, three sites in Scarborough Beach Road at Innaloo. The current number of intersections connected is 39.

For the current financial year, the Main Roads Department is planning the extension of co-ordination to sites in Wellington Street, Perth, to Loftus-Thomas Streets in West Perth, and to sections of other arterial roads such as Great Eastern and Canning Highways.

Signal installation works for the last year, including isolated sites and those sites involving computer control, were funded from a total allocation of \$1 million, of which about 40 per cent was spent directly on signal co-ordination.

The system, which was developed in Sydney and has gained acceptance throughout Australia and surrounding Pacific regions, embodies control techniques among the foremost in the world, which enable better response to traffic flow patterns.

## TRANSPORT: BUSES

### *School: Contracts*

112. Mr CRANE, to the Minister for Education:

I am sorry I have not been able to give prior notice of this question, which concerns an answer the Minister gave last week. I hope he will expand it for me so that the matter is clearly understood. The question is asked on behalf of a school bus contractor who has received his new contract and who finds that as a result of the new contract—

The SPEAKER: You should ask the question.

Mr CRANE: In view of the reply given by the Minister last week that the people who receive new contracts will be paid at the same rate as they would have been paid under the old system until the increases in the new rate bring the rate up to that level, I ask—

Will the person who had his three contracts reduced to 25.7 per cent in the first instance, 23.4 per cent in the second instance, and 13.4 per cent in the third, be paid at the old rate until the new one comes up to the present level?

Mr PEARCE replied:

The simple answer to the member's question is, yes, the contractor and every other contractor in the State will be paid the same cash figures as they were paid under the old arrangements until such time as increases in the rate currently being offered reach that level. In some cases, that will possibly take three or four years; but that is the clear intention.

I may say, since this is a matter of interest, that the new rate agreement I

have entered into is the result of negotiations and agreement with the Road Transport Association; and, although that decision gives some contractors reductions in real terms in their rates—that is, with the variation I have just mentioned to the member—there is still a fairness because some bus contractors have been receiving returns on investment in excess of 120 per cent per year.

Mr McNee: That is the way you would like to see it. If you were running the business, you would not say that.

Mr PEARCE: If members want to raise the question of bus contractors, they can put questions on notice or ask questions directly at this time.

The fact is that under the previous Government, the system was allowed to grow to glory, to the extent that trading in Government contracts became so lucrative that two temporary contracts giving an income of \$30 000 a year were on the market for \$80 000. The advice of the Education Department bus section and the Transport Commission is that the conditions I have indicated are reasonable and were reached by agreement with the Road Transport Association.

Members of the Opposition clearly need to know where they stand on this issue. Are they seeking to protect the private profits of individuals, or are they seeking to control the funds paid by the taxpayers of this State?

Several members interjected.

## TOURISM

### *America's Cup: Effect*

113. Mrs BEGGS, to the Acting Premier:

(1) Has any research been undertaken by the State Government on the likely impact on the State's tourism industry of the America's Cup series in 1986-87?

(2) If so, is it possible to make estimates of visitor numbers?

Mr MacKinnon: That was announced eight weeks ago.

Mr BRYCE replied:

(1) and (2) I will guarantee that the Deputy Leader of the Opposition cannot remember part of the information, so I will give him a reminder. Not only will I give him a reminder, but also I will give him a bit more.

Mr MacKinnon: Go for your life.

Mr BRYCE: When he goes out of the Chamber after question time, he will go as a well-briefed shadow Minister for Tourism.

The research division of the Western Australian Tourism Commission has undertaken some work on the likely impact of the America's Cup defence series on the State's tourism industry. Its prediction is that international visitor traffic could rise from 175 000 in 1983-84 to 375 000 in 1986-87; that is, more than double.

The prediction for the number of interstate tourists is that they will double from 300 000 to 600 000. Direct visitor-spending in the cup year is expected to inject more than \$600 million into the State's economy.

It is said that spending by tourists has a multiplier effect, with every dollar spent by an interstate traveller being worth \$2.60 and every dollar spent by an international traveller being worth \$2.50. On this basis, the cup year tourist spending would be worth more than \$1.5 billion to the economy.

Clearly, these prospects are tremendously exciting. I can just see from the look on the faces of members opposite that they share in this sense of excitement.

Several members interjected.

Mr BRYCE: However, there is no need for them to take their excitement to the point of quiver.

Nevertheless, the Government recognises that a dedicated and fully professional approach is needed to maximise the cup year benefits. Work is already well under way to ensure that the State can capitalise fully on the opportunity.

Mr Hassell: We will be in Government by then, so we hope you do a good job.

Mr BRYCE: Mr Speaker, did you hear that note of unbelievable and extraordinary optimism injected into this discussion? This man sitting opposite, in respect of whom our latest research shows his credibility rating with the electorate is less than 30 per cent, whose lack of acceptance by the electorate jumped from 26 per cent to 34 per cent according to the last poll in *The Bulletin*, this Leader of the Opposition who in a political sense

could not pull the skin off a rice pudding, is suggesting they will be back in office so soon.

Mr Hassell: You keep your America's Cup arrangements in order, because we will be wanting it properly done under our Government.

Mr Tonkin: Most Liberal supporters prefer Burke to you.

Mr BRYCE: The Government's efforts are not aimed solely at bringing the maximum number of visitors here in 1986-87.

Mr Thompson: Isn't it true that you don't like being the Acting Premier?

Mr BRYCE: As humbly as can be imagined, I have said that I just do not enjoy the job, one which has me alternating between the sea and the mountains—a sea of meetings during the day and mountains of paperwork of a night. But there is one little aspect of it in which I really find the beginnings of enjoyment, and that is question time, when the nitpickers opposite try their hardest to find something to hang on the Government.

The Government's efforts are not aimed solely at bringing the maximum number of visitors here in 1986-87, but also at maximising the international awareness of Western Australia as a travel destination.

## PASTORAL INDUSTRY

### Sales

114. Mr PETER JONES, to the Minister for Regional Development and the North West:

What stage has been reached in the negotiations with Arabian-Agri Consultants International for the sale of Camballin Farms and Riveringa Station?

Mr GRILL replied:

As yet there is no proposition before the Government for the sale of Camballin Farms to the group mentioned.

Mr Peter Jones: You had better have a look in your file.

Mr GRILL: The matter is in the hands of the receiver, Mr John Anderson. The matter may well come into the hands of the Government in a day or two, and perhaps the member has more information than I do.

Mr Peter Jones: You have had it for quite some time.

Mr GRILL: I have nothing as yet.

Mr Peter Jones: There is a letter from the Premier to the people concerned in which he nominated you as the man.

Mr Tonkin: You are a little mixed-up.

### LIQUOR: HOTELS

#### *Bunbury: Austmark Project*

115. Mr MacKINNON, to the Minister for Regional Development and the North West with special responsibility for "Bunbury 2000":

Is the Western Australian Development Corporation or the Western Australian Tourism Commission to be involved in any way in the operation of the Bunbury hotel facility which is part of the Austmark development?

Mr GRILL replied:

There are no proposals in that respect before Government and I doubt whether there will be.

### LIQUOR: HOTELS

#### *Bunbury: Austmark Project*

116. Mr BLAIKIE, to the Minister for Regional Development and the North West with special responsibility for "Bunbury 2000":

- (1) With the impending construction of the Austmark office block at Bunbury, what is the commencement date of building the Government's five-star hotel?
- (2) Who will operate the hotel?
- (3) When is it expected that the hotel will be operative?

Mr Pearce: You really hate development in Bunbury.

Mr Blaikie: Nonsense.

Mr GRILL replied:

- (1) I cannot give the member the commencement date for the hotel, but I can give him the completion date, which will be no later than the date upon which the Government undertakes to accept delivery of the accommodation within the office tower block. Those matters are tied together.
- (2) and (3) The operator of the hotel is not a problem presently before the Government and nor is it likely to come before the Government. The operator of the ho-

tel is a question to be resolved by Austmark, the owner of the hotel, and whoever it decides to operate it.

Mr Blaikie interjected.

Mr GRILL: How many questions does the member want to ask? Mr Speaker, the funny thing about members opposite is that, according to the latest statistical information and the latest poll data, over recent months they have taken on the mantle of being anti-development, while this Government has taken on the mantle of being pro-development. If they want to continue that line with their negative, whining and nitpicking procedures, they can do so, but I can tell them this: Developments in Bunbury are going well, contrary to their hopes and aspirations. The whole project is one that is shaping up much better than our initial thoughts, and this particular development is going ahead extremely well.

### LIQUOR: HOTELS

#### *South-west*

117. Mr MacKINNON, to the Minister for Regional Development and the North West with special responsibility for "Bunbury 2000":

In the light of his answer to the member for Vasse, could he indicate when the next of the five five-star hotels in the south-west will be developed, and where?

Mr Bryce: It is under consideration.

Mr GRILL replied:

The question of the hotel development in the south-west has been considered by the South West Development Authority and a number of private developers. If members opposite want to continue to enhance their reputation as being anti-development, they should go ahead. We as a Government, and the South West Development Authority, believe there is every reason to hold out hopes that within the next few years we will see the successful completion of five, and possibly even more, hotels of international standing in the south-west, associated with a whole circuit of tourist development.