# Legislative Council

Wednesday, 26 September 1984

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

## WHEAT MARKETING AMENDMENT BILL

*Standing Orders Suspension*

HON. D. K. DANS (South Metropolitan—Leader of the House) [2.25 p.m.]: I move, without notice—

> That Standing Orders be so far suspended as to enable the Wheat Marketing Amendment Bill to pass through its remaining stages during this day's sitting.

Question put.

The PRESIDENT: To be passsed, this motion requires the concurrence of an absolute majority. There being a dissentient voice, it is necessary for the House to divide.

Division taken with the following result—

Ayes 22

| | |
|---|---|
| Hon. J. M. Berinson | Hon. G. E. Masters |
| Hon. D. K. Dans | Hon. Fred McKenzie |
| Hon. Peter Dowding | Hon. I. G. Medcalf |
| Hon. Graham Edwards | Hon. N. F. Moore |
| Hon. Lyla Elliott | Hon. Mark Nevill |
| Hon. V. J. Ferry | Hon. P. G. Pendal |
| Hon. Kay Hallahan | Hon. I. G. Pratt |
| Hon. Robert Hetherington | Hon. Tom Stephens |
| | Hon. W. N. Stretch |
| Hon. Tom Knight | Hon. P. H. Wells |
| Hon. A. A. Lewis | Hon. Margaret McAleer |
| Hon. P. H. Lockyer | *(Teller)* |

Noes 5

| | |
|---|---|
| Hon. C. J. Bell | Hon. D. J. Wordsworth |
| Hon. H. W. Gayfer | Hon. G. C. MacKinnon |
| Hon. Tom McNeil | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Hon. J. M. Brown | Hon. John Williams |
| Hon. S. M. Piantadosi | Hon. Neil Oliver |

The PRESIDENT: I declare the motion carried with the concurrence of an absolute majority.

Question thus passed.

## ABORIGINAL POVERTY IN WESTERN AUSTRALIA

*Select Committee: Interim Report and Extension of Time*

HON. N. F. MOORE (Lower North) [2.29 p.m.]: I seek leave of the House to present an interim report of the Select Committee inquiring into Aboriginal poverty in Western Australia.

Leave granted.

Hon. N. F. MOORE: I am directed to report that the Select Committee inquiring into Aboriginal Poverty in Western Australia requests that the date fixed for the presentation of this report be extended from 30 September 1984 to 30 November 1984. I move—

> That the date fixed for the presentation of this report be extended from 30 September 1984 to 30 November 1984, and that the interim report do lie upon the Table and be adopted and agreed to.

Question put and passed.

*The interim report was tabled (see paper No. 160).*

## RACING RESTRICTION AMENDMENT BILL

*Report*

Report of Committee adopted.

## ACTS AMENDMENT (COURT FEES) BILL

*Second Reading*

Order of the day read for the resumption of the debate from 18 September.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

## ADOPTION OF CHILDREN AMENDMENT BILL

*Second Reading*

Debate resumed from 19 September.

HON. I. G. MEDCALF (Metropolitan) [2.34 p.m.]: The Opposition does not object to the proposals contained in this legislation. The Bill provides for the records relating to adoptions to be transferred to the Family Court. That is entirely in line with our thinking and we raise no objections to it.

HON. P. H. WELLS (North Metropolitan) [2.35 p.m.]: I rise to speak to this Bill because of the wider implications about the keeping of records relating to adoptions. I do not object to the proposition of moving those records from the Supreme Court to the Family Court. However, certain propositions have been floated in relation to adoptions. It has been proposed that certain

information should be made available to various people involved in adoptions. However, that proposition creates doubts in the minds of some people because they have made contracts and have understood that certain information relating to children who are being adopted would not be made available.

Hon. J. M. Berinson: That person is not in any way affected by this Bill.

Hon. P. H. WELLS: The Bill provides for the records to be held in an area, which, I believe, is under the control of people who are very responsible. I hope that that principle will be adopted. I believe that the transferring of those documents to Government departments, as responsible as those departments are, will raise fears in the minds of some people. The body controlling that sort of information should be able to protect that information and be above reproach. I believe that the choice of the Family Court for that purpose is ideal. I am pleased that consideration was not given to transferring the records to, say, the Department of Community Welfare. Although that department is very responsible, I think that transference would create fears in some people's minds because that department also arranges adoptions and could very well release information inadvertently.

As we move to amend various other pieces of legislation relating to adoptions, I hope the Government takes the same responsible attitude and makes certain that the people who administer the alterations are above reproach from pressure groups and other people in relation to that information.

I am concerned that the amendments to the legislation will frighten people. I do not believe that that is necessary.

If the Government proceeds with other legislation relating to adoptions as it has proceeded in this case, I am sure those fears are unnecessary.

**HON. TOM KNIGHT** (South) [2.38 p.m.]: Judgment of certain matters has been brought under the jurisdiction of the Family Court since its inception. I feel that the right approach has been taken in this Bill in transferring the adoption records to the Family Court, whereas, at the moment, those records are held by the Supreme Court. However, I believe that certain anomalies have risen by virtue of the fact that the same court which passes judgment should hold the records in relation to that judgment. The Opposition does not object to the provision, and supports the Bill.

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [2.39 p.m.]: There is nothing in the Bill which affects the confidentiality of the records. I believe that that answers the concern raised by Hon. Peter Wells. For reasons which other members have indicated, the Bill is restricted to the vesting of the records in the Family Court in which court adoption is now dealt with.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 1 put and passed.

**Clause 2: Section 11 amended—**

Hon. P. H. WELLS: I ask the Attorney General whether the Government is considering changes which will allow more liberalisation of the adoption records, and whether that will affect further amendments to this section.

Hon. J. M. BERINSON: I believe some studies of this kind may be under way. However, these do not come within my authority, but within the authority of the Minister for Youth and Community Services. Therefore, I am unable to answer that question.

**Clause put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

## DISTRICT COURT OF WESTERN AUSTRALIA AMENDMENT BILL

*Second Reading*

Debate resumed from 19 September.

**HON. I. G. MEDCALF** (Metropolitan) [2.43 p.m.]: There are three matters included in this amending Bill. The first is to extend the jurisdiction of the District Court; the second is to change the title of chairman of judges to chief

judge; and the third is to provide for the microfilming of court records. I will deal with them in reverse order.

The proposal to microfilm court records is entirely consonant with the amendments which have already been made in other legislation in relation to other courts, and in accordance with the general recommendations of the Law Reform Commission. We have no objection to it and, indeed, that part of the Bill has our entire support.

On the question of the title of the chairman of judges, I remind the Attorney General that this proposal was approved by the previous Government, as a perusal of the file by him would disclose. The previous Government approved the change in title and notified that publicly. I am surprised the Attorney General did not refer to that in his second reading speech.

Of course, there is always some debate about the titles of judges. I notice that other States have a variety of descriptions for the chief judge of the equivalent court. For example, in the County Court of Victoria, the chief of the judges is referred to as the chief judge; in South Australia in the District Court he is referred to as the senior judge; in New South Wales in the County Court he is referred to as the chief judge; and, in Queensland in the District Court he is referred to by the title of judge only.

There is no objection whatever to the amendment and, as I have indicated, the previous Government approved this. At the time, it indicated that the change did not merit a special Bill, but stated that on the next occasion the District Court Act was amended, such a provision would certainly be included. It is pleasing to see that the present Government has honoured that commitment.

However, I am concerned that the present Government has not honoured another commitment which appeared on the file, a matter which the Attorney General does not appear to have studied with his usual intensity; that is, the suggestion made by the Chief Justice that section 73 should also be amended on the next occasion that the District Court Act was before the Parliament. These were not considered to be urgent amendments, but nevertheless they are important.

Section 73 deals with the power of the Supreme Court to remit matters to the District Court. The Chief Justice suggested that although matters could be remitted when within the ordinary jurisdiction of the District Court, on occasions when matters which initially were not within the jurisdiction, but which came within it as a result of subsequent procedures—for example, where after an action had been commenced part of the claim was abandoned or admitted or there was a set-off of some kind and that left the balance of the claim within the amount of the jurisdiction of the District Court—there should be power for the Supreme Court to remit that to the District Court. At present that is not in the Act. Secondly, where judgment was given for part of a claim only, and the balance was then within the limit of the District Court jurisdiction, power should be given for remission of that matter to the District Court.

Thirdly, a case could be remitted to the District Court where it was purely a question of assessment of damages and it was clearly within the jurisdiction of the District Court. Fourthly, a case could be remitted where a writ could not have been issued in the District Court because of the size of the claim—in other words, being above the limit—but it subsequently came within the jurisdiction because of the enlargement of the District Court's jurisdiction.

I am sorry that the Attorney General's attention was not drawn to these matters by one of his advisers, because I can assure him that they are worthy of inclusion in this legislation. Indeed, the previous Government had given an assurance that such matters, which were entirely non-political and entirely for the advantage of litigants, would be included in the next amendment to the District Court Act.

It is a cause of regret to me that for some reason or other this has been missed. I find it hard to explain in view of the assiduous attention to detail which the Attorney General frequently displays. I sincerely hope that he may perhaps take a little time to look at that file and if he does not find the details on the file, he should make inquiries in the Crown Law Department about it.

Hon. J. M. Berinson: Are you sure you do not have the file? You seem to have all the details.

Hon. I. G. MEDCALF: I do have details. If the Attorney General is unable to locate the file, I will certainly make my copies available. As there is no particular urgency about the balance of the items of this Bill, I hope, even at this stage, that the Attorney General might be prepared to give consideration to including those matters or at least in the next week or so to look at the points I have raised with a view to inserting those quite important, but relatively easy amendments to section 73.

In other respects, the Opposition has no argument against the proposals of the Bill to increase the jurisdiction of the District Court. This is part of the historic progress of the District Court which has progressed from being a motor vehicle damages tribunal into a major court in the hierarchy of the State's courts. It has a large number of

judges who carry out their duties very effectively and efficiently, and has been fortunate in having extremely good chairmen from time to time, now to be known as chief judges, who have presided over that court.

For those reasons, the Opposition has no objection to the increase in jurisdiction in the present injury claims. These claims are now to be unlimited in terms of amount, in most cases other personal claims will be subject to a limit of $80 000, but in the case of land claims, a limit of $40 000 will apply. This represents an overall increase of 60 per cent, and in the case of personal injury claims, the jurisdiction will be unlimited.

I would like the Attorney General to indicate that he will give some consideration to the matters I have raised. If the matters I have mentioned are left until another amendment is proposed, because they do not justify an amendment on their own account, it may be two or three years before their introduction. In that case, quite a few litigants may suffer greater costs than they might otherwise have done because of the inability of the Supreme Court to remit a case to the District Court.

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [2.52 p.m.]: I thank Mr Medcalf and the Opposition for the general expression of support for this Bill. One question only has been raised and that relates to whether the Bill might go further in extending the powers of the Supreme Court to remit cases to the District Court. With my usual flexibility on such matters, I am quite happy to look at that matter between the second reading stage and the Committee stage. I have certainly not, in recent times, had my attention drawn to this aspect, and I suspect that the problem to which Hon. Ian Medcalf referred would largely be met by the extension of jurisdiction in this Bill as well as to the provisions of clause 4 in relation to the ability of the Chief Justice to remit certain cases. Nonetheless, there is no harm to be done by considering this further and I will do that.

In his concluding comment Mr Medcalf referred to costs which might be avoided by this amendment. I am speaking without the benefit of detail in front of me, but my understanding is that the scale of costs remains the same for the Supreme Court and the District Court, that that is not a relevant consideration.

With that comment, I commend the Bill to the House.

Question put and passed.

Bill read a second time.

## EXPLOSIVES AND DANGEROUS GOODS AMENDMENT BILL

*Second Reading*

Debate resumed from 23 August.

**HON. A. A. LEWIS** (Lower Central) [2.55 p.m.]: Again, we have a situation where the Government is trying to introduce another set of licensing laws. The House will remember that certain regulations were disallowed in this place because the Chief Inspector of Mines and his then Minister wanted more power over the licensing of motor vehicles. Having been knocked back on that occasion, they now come back and want to license the drivers of the vehicles.

On reading the debates in another place, I find that obviously the present Minister in charge of the portfolio knew very little about what was going on. He is like his predecessor who knew nothing at all about what was going on. We tried to explain it to him, and the House will remember we had some fairly hectic debate on the subject. Until now, unless the department has let me down, there is still no document, in a reasonable form, which explains what dangerous goods are.

Hon. Peter Dowding: Really, Mr Lewis, that is just beyond the pale. There is a set of regulations which I led you through most carefully on the last occasion. Most people understood them at the time.

Hon. A. A. LEWIS: How interesting! Mr Dowding knows something that the chief inspector does not know because the chief inspector, when he was speaking to me a couple of weeks ago, advised me that he was introducing another document because people could not understand the document already in existence. The Minister has made his small interjection and made a fool of himself. Can we now get on with the subject?

Hon. Peter Dowding: You look at the regulations.

Hon. Kay Hallahan interjected.

Hon. A. A. LEWIS: We have seen this Minister make a fool of himself time and time again by entering into a debate on a subject about which he knows nothing and it is obvious that Hon. Kay Hallahan wants to do the same. We will hear Hon. Kay Hallahan's comments on the subject a little later.

The DEPUTY PRESIDENT: Order!

Hon. Kay Hallahan: When I choose.

Hon. Robert Hetherington interjected.

Hon. A. A. LEWIS: Which will not be at any time. There is one person in charge of this House,

as Hon. Robert Hetherington would remind us when he is sitting in the Chair.

The DEPUTY PRESIDENT (Hon D. J. Wordsworth): I would ask the member on his feet to address the Chair.

Hon. A. A. LEWIS: I took up the matter of dangerous goods with the chief inspector after a letter was sent to one of my constituents, a letter which I thought was pretty good!

Hon. Peter Dowding: You took up the issue because you had a good time doing it last time.

Hon. A. A. LEWIS: If the Minister thinks I take up these issues because I have a good time, he is wrong. The Minister might, but my time can be put to better use than in trying to correct idiotic Bills which the Minister brings into this House.

I refer to the letter which my constituent acquired from the Explosives and Dangerous Goods Branch, and I quote—

> Dear Sir,
>
> TRANSPORT OF DANGEROUS GOODS
>
> Further to my letter of 23 February 1984 concerning the licensing of vehicle/s, Registration Number/s:
>
> W 5175
>
> up to date we have not received the required fee of $48.75.
>
> Please remit this amount, along with the declaration which was previously sent to you, to this office as soon as possible. (Another declaration is enclosed if needed.)
>
> You are reminded that it is compulsory for anyone transporting dangerous goods in bulk in Western Australia to hold a licence.

The declaration contains the following—

> I confirm that my vehicle/s:
>
> do comply with Section 403* and 406(1)* of the Dangerous Goods (Road Transport) Regulations 1983.

Section 403 provides—

> that the vehicle be insured for at least $500,000 public liability.

I have no objection to section 406(1), which reads as follows—

> the vehicle to be licensed has satisfactorily passed a police inspection within six months prior to the application for a licence.

This House brought that provision into being, despite the wishes of the Minister. I rang the Explosives and Dangerous Goods Branch and had an enlightening and illuminating discussion with an officer. I will not name the officer, because the Minister will shout and rant. Even after reading *Hansard*, the Minister has never apologised for the last time he accused me of abusing public servants.

Hon. Peter Dowding: Well, you did, while he was sitting in this Chamber.

Hon. A. A. LEWIS: Mr Dowding can read the record. I challenged him on it time and time again. Like Mr Berinson, he will never accept that he is ever wrong. He has been proved wrong twice, with that sort of smear campaign.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I ask the member to address the Bill.

Hon. A. A. LEWIS: I will.

I asked the Explosives and Dangerous Goods Branch about transporting pesticides in packages. There was my constituent having to sign a statutory declaration, while the roneoed sheet sent out contained the following information—

> The vehicle is not required to be placarded if conveying less than or equal to:
>
> (i) 250 kg or litres pesticides (Packaging Group I, see Note 2) or;
>
> (ii) 2000 kg or litres pesticides (Packaging Group II); or
>
> (iii) 5000 kg or litres pesticides (Packaging Group III).
>
> However, Reg 307*, 502* and 607(2)* still apply.

The branch did not require the vehicle to be placarded, although regulation 307 provided—

> All packaged dangerous goods for transport must be suitably marked.

Regulation 502 contains the following—

> Load to be well secured.

We are talking about a carrier who is in the business of carrying, and the chief inspector says that he must follow that sort of rule.

Hon. Peter Dowding: What is wrong with that?

Hon. A. A. LEWIS: A professional carrier will not risk the liability of losing his load. He would have his load tied down securely.

Hon. Peter Dowding: What about the people who are employed, not self-employed, and who do require regulations to ensure that they do the right thing?

Hon. A. A. LEWIS: Does Mr Dowding believe that the employees are no good?

Hon. Peter Dowding: We need regulation of this industry.

Hon. A. A. LEWIS: Mr Dowding is attacking the employees. For a member of the Labor Party, that is a disgrace.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. Peter Dowding: Rubbish! Your belief in some sort of world where people do not need regulating is fine, but it does not work.

The DEPUTY PRESIDENT: I will ask the Minister to make his second reading reply later. In the meantime, I ask Hon. A. A. Lewis to make his own speech.

Hon. A. A. LEWIS: Regulation 607(2) provides

> Shipping document to be carried in the cab the document shall contain technical details and quantity of dangerous goods being carried:
>
> (i) name of consignor, name of dangerous goods and U.N. number,
>
> (ii) Class or Sub-class of dangerous goods,
>
> (iii) packaging Group and type of container,
>
> (iv) Quantity to be carried.

That is a brief outline of the brochure I received. I shot it out to my constituent and said, "Can you explain this? You have been in the carrying business for a number of years". He later rang me and said, "There's no way I can understand that. There is no way any of the carriers I have talked to on the road can understand it, because I have been trying to get some sort of answers out of them". I followed that up. Mr Dowding will be proud of me, because I put in a lot of work on this.

Hon. Peter Dowding: I thought he was showing signs of stress lately.

Hon. A. A. LEWIS: I went over details of loadings for several weeks relating to goods that we thought may fall into the category of being dangerous goods. I sent the details to the inspectorate. Load one contained 32 Simatox, 20 litres, and 9 x 50 litres of Roundup, and they were classified as not dangerous goods. Load two contained 4 x 5 Cyperderm, 6 x 20 Igram, and 1 x 20 Roundup, and not one of those products was regarded as being in the category of dangerous goods.

I ask members to recall that this is the bloke who was written to by the department and asked to take out a $500 000 public liability policy. Then we go to the next load of 32 x 20 litres of Toxipest, a substance which was class 3, subrisk 6.1, packaging group II.

Of course, when one looks that up, one finds that one can, without licence, carry 2 000 litres of that. As only 640 litres were carried, a licence was not required. All that was required was the necessary packaging.

Then one of the loads contained Howet. I do not know what that is, and neither did the department; but obviously Mr Dowding will tell us what it is. We had another 9 x 50 litres of Roundup and 32 x 20 litres of Hoegrass. That was also class 3, subrisk 6.1, packaging group II. That was still only 640 litres, well under the 2 000 litres set down.

That load also contained 9 x 60 litres of Sprayseed. It was class 6.1, and packaging group III. One can carry 5 000 litres of that before it becomes dangerous.

There were other loads, but I will not bore the House by going through them all. It is obvious that a sane approach must be made to this problem. The sane approach has been taken by the industry; it will set certain types of examinations for its drivers. I have already seen some of the booklets prepared by the petroleum industry. The industry will test the drivers and say who is okay and who is not okay.

Now we come to the situation of who actually issues the drivers' licences. Members will note that I have on the Notice Paper an amendment which will leave the issue of licences to the Commissioner of Police.

The head of the Mines Department tells me that the chief inspector will accept the industry's word on suitable carriers and then issue a licence accordingly.

Hon. Peter Dowding: No, he will accept proficiency certificates.

Hon. A. A. LEWIS: He will accept the certificates given under self-regulation by the industry, and all that will need to happen is for the licensing authority to issue a licence. In regard to school buses, the Education Department has to inform the Commissioner of Police and, from memory, licence classification H refers to the school bus licence. There is no reason whatsoever that the industry cannot inform the Commissioner of Police of acceptable drivers and have the information endorsed on the drivers' licences. The Minister is about to say that the Commissioner of Police does not want to know, but I am not very worried about that. He may not have wanted to know about school bus drivers either.

Hon. Peter Dowding: You like building bureaucracies, do you?

Hon. A. A. LEWIS: Building bureaucracies? The Minister put a licensing man into an explosives branch to license drivers, and he talks about building bureaucracies! The Minister does not know what he is talking about again.

I now look at a different angle altogether —what is hazardous, what are dangeous goods, and how are they meant to be transported? I have a small volume which lists the hazardous goods in the mining industry. It is called the *Hazardous Material Manual*, Volume I, and it is put out by the WA Chamber of Mines and Industry. Just how much does a driver have to know? How much does a storeman have to know? We must be concerned about this if we read through the regulations which this Government is putting forward in regard to transport.

Costs are increased because of insurance. The Minister obviously would have read this document, and should know it from back to front, having been a very diligent Minister for Mines, yet I still have not heard of a new Mining Act. There is a section in the volume on transporting hazardous materials and a control programme for them. The Government does not have anything like this. The chief inspector could probably borrow or purchase a copy from the WA Chamber of Mines and Industry, but does the Minister really expect a driver to read it all and to know whether he is packaging goods of the category of class I, II, III, or even class III. 6.1?

This is the sort of lane this Government is leading us down, and the Minister had the hide to talk to me about bureaucracy. In reality the Minister is just trying to justify legislation passed in another place, but it is not good enough for this House. There is no justification whatsoever for another set of licensing provisions for drivers of vehicles transporting dangerous goods. The Minister in another place said that it really was intended only for bulk goods, but does he call a farmer who is transporting diesoline and amonium nitrate a transporter of dangerous goods?

Hon. Peter Dowding: If he exceeds the prescribed quantities. Even you must know that from the regulations.

Hon. A. A. LEWIS: Interesting, is it not?

Hon. Peter Dowding: As a concession to the farmers.

Hon. A. A. LEWIS: Is it not wonderful that the Minister provided that under those regulations farmers were exempt for up to 10 tonnes. This Minister is trying to tell us something else. Will all farmers need to be licensed? I believe they will have to be licensed, and that the Chief Inspector of Mines is also trying to get at the farmers.

This tendency of the Government to bulldoze its way through is evident. It was knocked back on the regulations for good and simple reasons. The Police Department can handle all the licensing of drivers, and I urge this House to accept the amendment I have on the Notice Paper in regard to this legislation.

I am not very happy with the averment clause. I have an old sense of justice that one is innocent until one is proven guilty and I do not believe officers of the Crown Law Department should have any superior position in this business at all. Why should the inspector's word be taken against a driver's word?

Hon. Peter Dowding: "Averment" does not mean that.

Hon. A. A. LEWIS: Does it not mean that the accused has to prove something—produce the evidence? I have a legal opinion on this.

Hon. Peter Dowding: Yes, it does.

Hon. A. A. LEWIS: I will read my legal opinion for the House and the Minister in particular because it might do him good. Mr Dowding challenged me, and he had better obtain legal advice on the point. Perhaps he wants to report progress.

Hon. Peter Dowding: No.

Hon. A. A. LEWIS: The opinion reads as follows—

> The "averment" provision contained in Clause 4 is not unusual. It shifts the onus of proof of the enumerated matters away from the prosecution to the defendant. It removes the duty of the Crown to prove the enumerated matters, if the defendant wishes to dispute the matter which is avered, he would need to lead evidence in support of his contention.

Hon. Peter Dowding: But only as to that matter.

Hon. A. A. LEWIS: Does the Minister agree or disagree?

Hon. Peter Dowding: Only as to the matter, the existence of a licence.

Hon. A. A. LEWIS: In regard to explosives, the Crown prosecuted somebody who had not stored dangerous goods properly or who had not loaded them on trucks properly. Back to the public and the driver again! "Belt the working classes" is this Government's theory. "Belt the bloke who is doing the job and doing some work in the community". I did not move to amend that clause because I have been guilty of accepting such a provision in the past. However, the amendments on the Notice Paper should be carried by this House.

**HON. W. N. STRETCH** (Lower Central) [3.20 p.m.]: I will speak briefly to support the points made by Mr Lewis.

It appears to me that this is another of the ALP-Burke Bills which seemed like a good idea at the time. In reality, only when these pieces of legislation come into operation in the field or on the road do we see the difficulties begin to surface. It shows a lack of understanding of the effects and long-term outcome of such legislation. It shows that the Government has no concept of the overall transport system in a State as large and diversified as is Western Australia.

We could excuse a little ignorance, but it is our job to point it out. It is a shame that the community has to be put to such inconvenience and extra expense, particularly at a time when most industries certainly all rural industries --are struggling for survival. Here we have more paperwork, more regulations, more licensing, and more authorities imposing further burdens on people. It is just crazy, and we must look at ways to help those people to meet their job commitments and to get their products transported--if they can grow them in the first place - as cheaply and efficiently as possible.

My colleague has pointed out that a stringent licensing authority already exists in Western Australia and it is quite capable of coping with the issuing of an extra licence to a driver, if such licence is needed at all. No doubt before the last election, the ALP leaders thumbed through the *Reader's Digest* and saw articles about chemical spills and petrol tankers crashing into caravan parks.

Hon. Mark Nevill: That is trite.

Hon. W. N. STRETCH: It is not tripe.

Hon. Mark Nevill: I said "trite".

Hon. W. N. STRETCH: I thank the member. I could not hear him.

Hon. P. G. Pendal: They wouldn't have been reading the *Reader's Digest*.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. P. G. Pendal: A couple of Micky Mouse comics, I think.

Hon. W. N. STRETCH: No, it was not the comics.

Hon. Peter Dowding: The member would know that this matter has been through his party room, although he was not there at the time.

Hon. A. A. Lewis: It never went through our party room.

Hon. Peter Dowding: You dragged Mr Douglas down there to explain it.

The DEPUTY PRESIDENT: Order! Mr Lewis will cease interjecting.

Hon. Peter Dowding: It was a baby of your administration.

The DEPUTY PRESIDENT: Order! I ask the Minister not to encourage interjections.

Hon. W. N. STRETCH: Mr Lewis has pointed out the amount of paperwork this will involve for people in the transport industry. The new trucks today have bigger and bigger cabins. They are not for the drivers' comfort, but for the extra paperwork they must take with them! It is crazy; where will it all stop?

We have work to do in the bush and we can do without these regulations. There may be a case for them here, but I assure members that out in the wide world where the exports are being generated, there is no place for them at all. The best licence for a truck driver carrying dangerous goods is the fact that he is still alive, and most of them are. When the Minister looks at the record of cartage of dangerous goods in outback areas of Western Australia, he will see it is excellent. We do not need all this stuff.

Hon. A. A. Lewis: Even by rail.

Hon. Fred McKenzie: That is much safer.

Hon. W. N. STRETCH: That has problems too. My colleague is introducing yet another red herring, and there have been plenty of them here today.

I also express my concern at the averment clause. Although it has been pointed out that it is not a new idea, it is a very bad idea. The basis of our justice—

Hon. Peter Dowding: What do you understand it to do?

Hon. W. N. STRETCH: I am sure members will have read the Bill, but in case the Minister has not, I refer him to page 3 where it states—

> (2) In a prosecution for an offence against this Act an averment in the complaint to the effect that, in relation to any matter the subject of the complaint, a licence or permit was not held or an approval or other authorization had not been given is deemed to be proved in the absence of proof to the contrary.

Hon. Peter Dowding: That is all it does. It is not a matter as to the facts of the offence; it is only as to the existence of a licence or permit. How do you prove one was never issued?

Hon. W. N. STRETCH: What if one is halfway between Mt. Newman and God knows where with 30 tonnes of nitroprill—

Hon. Peter Dowding: You have a copy of the licence in your pocket.

Hon. W. N. STRETCH: What if it has blown out of the window, or the dog has eaten it—

Hon. Kay Hallahan: Not an export contract! I hope that does not happen to them.

Hon. W. N. STRETCH: Be careful! One day I shall be tempted to give a talk on export contracts, and it will take a lot longer than I am taking now.

What happens if the driver does not have his licence? Will he be pulled off the road and told that because he does not have his licence with him, he must prove that he has one? It is just absurd and the Government is making a rod for its own back. The fewer regulations there are in matters like this, the better. The Government is trying to tie down people who want to do a good job as cheaply as possible, and people in the bush will not wear this proposal. I ask the Minister to consider these amendments carefully and to support them.

**HON. PETER DOWDING** (North—Minister for Planning) [3.26 p.m.]: I thank the members for their contributions. A certain sense of *deja vu* sweeps over me; they sounded like the sorts of speeches I might have made three years ago. One difference is that then we had the benefit of many of Hon. Graham MacKinnon's pertinent and cutting interjections during the course of my speech. The other difference is that my speech might have dealt with the Bill. Regrettably, the members who have spoken have woven a web of fantasy about the facts surrounding this legislation. I am sorry the member does not wish to make a note of these points.

Hon. A. A. Lewis: I am not handling the Bill like you.

Hon. PETER DOWDING: No, but one needs to make an odd note to keep abreast of where we are.

This legislation and the regulations were set in train during the life of the Liberal Government. The explosives division was beadling its way preparing this piece of legislation as part of a long-term plan to ensure greater safety for the public of Western Australia where the carriage of dangerous goods was concerned. The farming community sought concessions very properly, and as a result concessions were granted. I am instructed that, by and large, farmers carting goods for their own purposes are not caught by these regulations, or by the requirements of the Act. Only to the extent that volumes become so great that they are particularly dangerous, do they fall within the ambit of the regulations.

It is ludicrous to call this an ALP-Burke Bill. It is very much something which was generated within the areas of Government where departmental responsibility applies.

Secondly, it is very important to note that circumstances have changed over the last five years, and the volume, level and danger, of goods being carried has increased dramatically. My Government has ensured that very close consultation has taken place not only with the transport industry, but also with the packaging industry and those areas of consumer interest such as the farming community.

With the exception of Hon. Sandy Lewis and one or two other members of this House, everybody who has an interest in this subject has supported these amendments.

I make the point that the Bill has been rigorously discussed with representatives from the transport industry, the packaging industry, and the rural communities, and the consensus that has emerged is that it is an appropriate piece of legislation.

It is a fact that I am most unhappy with the level of regulation which occurs in Government. I am also unhappy about the level of regulation that appears to be involved in the regulations accepted by this House, but the point I make is that the level of regulation is very much less than that in the original document presented to me. I believe it to be a much clearer document, and these amendments are intended to avoid additional regulation where possible.

Those members who are left in the Chamber and who are interested in the position of the rural economy, will know that, firstly, farmers are excluded from the regulations. Unless there are exceptional circumstances, they will not fall within the ambit of the definition of the regulations of dangerous goods because, although they will be carrying goods of a generic type, which attract the label of "dangerous goods", because they are for farming purposes, they will be carrying much less than the prescribed quantities and, therefore, will not be caught by the regulations.

Secondly, it is not intended that there should be a licence that replaces the truck drivers' licence. It is not intended to introduce a separate system of licensing for the driver of a truck, to allow him to transport dangerous goods, in lieu of a truck driver's licence.

The level of information which will govern and determine the level of loads of dangerous goods or the degree of toxicity which will be covered by the

regulations, is not information about how to drive the truck around a corner or how to brake safely. The information is about what to do if there is an accident involving dangerous goods.

Drivers of trucks will require information about how to deal with toxicity spills, not in quantities which farmers use, but in quantities which are carted from Melbourne to Perth for paint mixing, or the level of explosives carted from Perth to Mt. Newman to be used in the iron ore mines. It is not a question of the driver's having a licence to drive a vehicle, but it is a question of a driver's having information as to the dangerous goods he is carrying.

With due respect to Hon. Sandy Lewis, it seems to me that he is misleading members on his side of the House when he suggests that this is an issue about drivers' licences. It is important to ensure that the most skilled truck driver not only drives his truck carefully, but also that, if he is carrying 15 or 20 tonnes of explosive material and he is involved in an accident, he knows what the risks are and the safety procedures to follow with emergency crews and the public in the area of the accident. That is what the Government is seeking. I believe that the honourable member who spoke in support of Mr Lewis' remarks did not have this fact drawn to his attention.

We are not talking about the information which rests within the driving licence, information which we reasonably accept. I am sorry that Hon. Sandy Lewis knows this and does not want to pay attention, but that is his prerogative.

Several members interjected.

Hon. PETER DOWDING: The point is that we are not talking about licensing people with skills to drive trucks. We are talking about licensing people to attend to the nature of the load they are carrying and what they are to do with that load if there is a problem.

Hon. W. N. Stretch: Most of them know that anyway.

Hon. PETER DOWDING: If the honourable member looks at the regulations—

Hon. W. N. Stretch: I have driven dangerous loads and I knew what I was carrying.

Hon. PETER DOWDING: The honourable member is familiar with some of the dangerous goods and I assume that his knowledge involves those goods which are commonly used on farms. He would be aware of the various pesticides and the problem associated with mixing ammonium nitrate with dieseline. I have no doubt that the honourable member's knowledge is greater than mine, but there are far more obscure materials carried as dangerous goods. It depends what the goods are.

Hon. A. A. Lewis: Surely you would know.

Hon. PETER DOWDING: Mr Lewis knows as well as I do—

Hon. A. A. Lewis: You know nothing about it.

Hon. PETER DOWDING: —that the administration arrangements are the subject of very close scrutiny by the Minister, but it is wrong to pretend that I have some omniscience about the schedule, because it is added to all the time.

Dangerous goods of severe toxicity are used in industrial activities and they must be transported by truck drivers who must be given the opportunity to be made aware of what they are carrying and to know what to do if there is an accident. There is a substantial training programme for police, firemen, and emergency services, to get information into the necessary areas, but there are always times when the responsibility falls on the driver of a truck, and when a truck driver is carting these goods, it is important that he has had the opportunity to gain some of that information.

The purpose of this Bill and the arrangements made with the industry is that the industry will carry out an educational programme for drivers who will be carrying goods which not only are dangerous, but also are of the volumes which, except for those normally carried by farmers, will fall within the ambit of the regulations.

Transport of these types of goods is a specialised area and involves drivers travelling from the Eastern States to Perth and within Western Australia. A special class of driver does this particular work and he or she needs to have additional training, apart from the ability to drive.

The traffic branch does not have the expertise to monitor the situation or to liaise with the industry to ensure that courses are conducted in the correct manner. The traffic branch says that that is a matter which is better addressed by a department which has the expertise and the responsibility for the administration of these regulations. That is what this Bill is about. It is a scenario which, I say with respect, is entirely different from the one painted by Hon. Sandy Lewis.

The Government has no axe to grind. The honourable member who was not in this Chamber when I made a comment at the beginning of my speech may not have heard my remark and, therefore, I will repeat it. The Government is only following advice from the department, advice which was tendered to the previous Government. It did not have the sense to ignore it. It was going along

well and Hon. Sandy Lewis was holding out against the regulations

Hon. W. N. Stretch: Well, now he has some support.

Hon. PETER DOWDING: --although he had the Minister of the day (Mr Peter Jones) supporting the explosives provision at that time.

Hon. A. A. Lewis: That is right.

Hon. PETER DOWDING: It is right, and it is simply part of an ongoing national programme to ensure that there is a national system. I ask members to take note of the requirements of the industry. I ask them to bear in mind that the vast majority of the goods about which we are talking are, in fact, transported from interstate and are not manufactured in this State.

The vast majority of the highly toxic materials, which are unusual in terms of the goods which farmers use, are manufactured in the Eastern States. This Bill refers to people transporting those goods from Melbourne, Sydney, and Adelaide to Perth.

Those drivers will be accredited by the organisations, which are national organisations, and they will be doing the courses that the national trade organisations will be setting up in the Eastern States. The proposal in this legislation is that the explosives division will be accrediting those courses through its counterparts in the Eastern States, and simply giving acknowledgement when the credentials are presented. They have the expertise, they are in the business, and they have the day-to-day contact with it.

I do not know whether one should accept everything which comes from one's advisers and public servants. I simply say that the Public Service has advised us that the Traffic Branch does not have the resources to deal with this issue; it would have to have some particular expertise within that department to be able to monitor it. The Traffic Branch would prefer this authority to be vested in the Explosives and Dangerous Goods Branch, and that branch deals with explosives on a day-to-day basis. It would prefer to handle it, and it has the resources to do so.

I do not know whether members accept this advice or not. I do, and I convey it to the House because I believe it to be the case. I think it is a sound plan and one which will meet the national needs of Australia.

Mr Sandy Lewis referred to the type of licence. It is not intended to be a driver's licence, according to his argument. It is not intended to be a licence issued upon proof of skill in road transport. It is specifically to deal with this area of expertise, and therefore his proposed amendment would result in real problems, because it would result in a class of person who would not need a driver's licence. That seems to us to be an error of judgment.

I am on record as being very much in favour of the prosecution's having to prove its case, but not being asked to prove something which is negative, because that is impossible. It is either impossible, or so difficult as to be enormously time consuming and irreparably damaging to the cause of a proper licensing system. How can the prosecution prove that no licence has been issued to somebody? Must it go through every office in the State? Must it ask every licensing authority? It would be knocked down immediately in cross-examination by a question such as, "Did you search in the second drawer on the left under the cobwebs to see that no record was hidden in there?"

It is not only common, but it is in fact the rule that the question of proof of an issue should be the reverse. That is, where you have an averment, it is sufficient to impose on the defendant the burden of establishing, not beyond reasonable doubt, but only on the balance of probability, that he or she had the relevant licence.

I invite members, before they reflect on this debate—and I am sure many of them have second businesses as well as their role as members of this House; as farmers and so forth—to consider the 170-odd pages of this schedule of the dangerous drugs regulations. Out of a total of 2 503 items of dangerous goods, although they are familiar with some of them, I will bet my last dollar—and that is about all I have—that they do not have a great knowledge of them. My point is that it is familiarisation with most toxic chemicals, some of which are the most toxic chemicals known to man—

Hon. Mark Nevill: Like PCB.

Hon. PETER DOWDING: PCB is an example. We must not make light of them. It is important that a high level of information be available. For instance, some chemicals must not simply be washed off the road into the drains; they may do irreparable damage to the environment or to people if that were to occur.

That is the intention; the trade training will be provided under clause 3 of this legislation.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*Sitting suspended from 3.45 to 4.01 p.m.*

## COMMONWEALTH PARLIAMENTARY ASSOCIATION: DELEGATES

*Malaysia: Statement by President*

THE PRESIDENT (Hon. Clive Griffiths): Honourable members, I take this opportunity to remind you that our branch of the Commonwealth Parliamentary Association is hosting a delegation from the various States of Malaysia. Those delegates are in attendance at Parliament House now and will be taking the opportunity to visit both Houses during the course of the afternoon. I inform members that they will be coming into this Chamber within the next 15 minutes or so. During the week they are here, I would recommend that any honourable member wishing to contact any or all the delegates to discuss any particular matter should take the opportunity to do so.

## EXPLOSIVES AND DANGEROUS GOODS AMENDMENT BILL

*In Committee*

The Deputy Chairman of Committees (Hon. Robert Hetherington) in the Chair; Hon. Peter Dowding (Minister for Planning) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Section 46C inserted—**

Hon. A. A. LEWIS: I move an amendment—

Page 2 Delete new section 46C and substitute the following-

46C. (1) Regulations may provide for the licensing by the Road Traffic Board constituted under the Road Traffic Act 1974 of drivers of vehicles, or vehicles of a prescribed kind, carrying dangerous goods or dangerous goods of a prescribed kind or in a prescribed quantity, and prohibit the driving of such a vehicle by a person who does not hold an appropriate driver's licence issued under this Act.

(2) The Road Traffic Board may refuse to issue a licence for the purpose of this section or issue a licence subject to such terms and conditions as it sees fit to impose, in the interests of public safety, and shall, for the purpose of making any decision relating to licensing, have regard to such recommendations as the Chief Inspector may make and whether a person has undergone a course of training approved by the Chief Inspector and attained a certificate or other evidence of proficiency recognized by the Chief Inspector.

I praise the Minister for his eloquent speech in reply to the second reading debate, but I indicate that I do not believe I misled the Chamber. I neglected to tell members that yesterday I received a call from the Road Transport Association indicating that it agreed with my amendment; so everyone does not agree with the Government, as the Minister attempted to make out.

Under the regulations, someone carting dangerous goods has all the details on the waybill, and that bill could have on it instructions for the handling of dangerous goods as well as instructions to the industries.

Everyone will be able to cope with the goods in his own way, making a recommendation to the Commissioner of Police and being issued with the licence in the way I have suggested in the amendment.

Hon. PETER DOWDING: The Government opposes the amendment for the reasons I expressed in the second reading reply and specifically because the Government believes that the drivers of these vehicles need a great deal more information than may be available on the waybill and because it believes they need the accreditation course that the industry intends to provide. Secondly, we oppose the amendment because we do not believe the Traffic Board is the appropriate authority to be involved with this. The amendment is opposed thirdly because the industry has accepted a mechanism whereby its courses will effectively be accredited, which will give national accreditation to them. We believe that to be in the interests of the transport industry.

**Amendment put and a division called for.**

**Bells rung and the Committee divided.**

The DEPUTY CHAIRMAN (Hon. Robert Hetherington): Before the tellers are appointed, I give my vote with the Noes.

**Division resulted as follows—**

Ayes 16

| | |
|---|---|
| Hon. C. J. Bell | Hon. Neil Oliver |
| Hon. V. J. Ferry | Hon. P. G. Pendal |
| Hon. Tom Knight | Hon. I. G. Pratt |
| Hon. A. A. Lewis | Hon. W. N. Stretch |
| Hon. G. C. MacKinnon | Hon. P. H. Wells |
| Hon. G. E. Masters | Hon. John Williams |
| Hon. I. G. Medcalf | Hon. D. J. Wordsworth |
| Hon. N. F. Moore | Hon. Margaret McAleer *(Teller)* |

Noes 14

| | |
|---|---|
| Hon. J. M. Berinson | Hon. Robert Hetherington |
| Hon. D. K. Dans | Hon. Garry Kelly |
| Hon. Peter Dowding | Hon. Tom McNeil |
| Hon. Graham Edwards | Hon. Mark Nevill |
| Hon. Lyla Elliott | Hon. S. M. Piantadosi |
| Hon. H. W. Gayfer | Hon. Tom Stephens |
| Hon. Kay Hallahan | Hon. Fred McKenzie *(Teller)* |

Pair

| Aye | No |
|---|---|
| Hon. P. H. Lockyer | Hon. J. M. Brown |

**Amendment thus passed.**

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

**Clauses 4 and 5 put and passed.**

**Title put and passed.**

**Bill reported with an amendment.**

## QUESTIONS

Questions were taken at this stage.

## WHEAT MARKETING AMENDMENT BILL

*Second Reading*

Debate resumed from 25 September.

**HON. MARGARET McALEER** (Upper West) [4.25 p.m.]: Some confusion occurred when the Leader of the House asked for leave to proceed with this Bill today. The Bill was introduced into this House only last night and the reason for the suspension of Standing Orders to deal with all stages of the Bill today was not known to many members of the Opposition.

I know that the Leader of the House advised the Opposition of this need for urgency as soon as he learnt that it was highly desirable that the Bill be dealt with today but, of course, that was only a few minutes before the House sat. It was, therefore, not possible to explain the position to all members of the Opposition.

The Bill is urgent because the pricing arrangement with which it deals has to become effective from 1 October—the beginning of the new wheat marketing year. The old arrangements expire on 30 September this year.

I understand that this Bill complements Commonwealth legislation. Important though the Bill is, it is only a measure to fill a gap until the Commonwealth Government proclaims the new Federal wheat marketing Act which will, in turn, require further complementary State legislation. In the meantime, this Bill will enable the pricing formula for wheat for human consumption in Australia to be changed. It should have the effect of lowering prices for the consumer while removing the cause for complaints by growers that they are subsidising, to some extent, domestic consumers.

The Bill provides also for the levying of a toll to cover the Tasmanian freight equalisation scheme. As I understand it, this means that, instead of the wheat growers bearing the financial burden of the subsidisation, that burden will be spread over all growers and consumers in a much fairer way.

The Opposition supports the Bill and does not wish to hinder its passage in any way.

**HON. H. W. GAYFER** (Central) [4.27 p.m.]: I join with my colleague, Hon. Margaret McAleer, in supporting the Bill through all stages. However, I must say I was not aware of the arrangement that the Bill should be completed today, although I was aware that the Minister, in his second reading speech, said that the arrangements must be in place by 1 October. Therefore, as I now find out we are not sitting tomorrow, I guess the Bill will have to be dealt with today.

The legislation is quite interesting. As Hon. Margaret McAleer said, the legislation relating to the pricing for wheat marketing expires on 30 September. New Commonwealth legislation is being put into place and it will require complementary legislation from all States prior to its acceptance on or about 1 November. In the meantime, similar legislation to this must be agreed to by all States to allow for the continuance of orderly marketing procedures. That is what this legislation is all about.

Several provisions in the Bill are new. One of them sets out a new formula for wheat to be sold as flour in Australia. That will apply from 1 October, and it is the reason for the Minister's requiring that the Bill be passed by 1 October. It will mean that the export price will be an average of the free-on-board price for the three preceding quarters. That simple formula has been worked out by the industry and it does not behove me to disagree with it.

However, there is one section in the Bill with which I disagree and I have to voice my criticism of it in this place. I refer to the loading to be put on all wheat sold in Australia to cover the cost of shipping the wheat to Tasmania. I apologise to Hon. David Wordsworth, my Tasmanian colleague, but although I am benevolent to him to some degree, I certainly do not believe in being benevolent to all his countrymen as far as subsidising wheat freight is concerned, bearing in mind that I live in Western Australia, 2 500 miles removed from that scene. I suppose if it were for the human needs of one Australian against another then I should have no objection.

If this provision applied only in regard to the carriage of wheat into Tasmania, I might not be quite so upset. In fact the same subsidy is given on sea freights between the mainland and Tasmania because, of course, there is no railway line to connect the mainland with Tasmania. However, that subsidy applies also to the reverse situation. The

fact that Tasmanian farmers are now able to ship starch, for example, to be sold at a much cheaper price than on the mainland, because of the concessions given, has made a few people think that they should be in a better position to stand on their own two feet in respect of this subsidy which is now to be borne by the Australian wheat growers. In other words, if the Commonwealth Government chooses in any way to subsidise Tasmania, it should be the responsibility of all taxpayers to do so, and the burden should not just fall on the heads of Australian wheat growers and their benevolence to look after colleagues in another State.

I apologise to our Malaysian friends in the President's gallery and explain that this is quite a friendly argument between States. I hope the 11 States represented behind me do not think we are fighting over the issue. Western Australia is a large State—a third of the Commonwealth—it is separated by a desert from the Eastern States, and the only problem with the desert is that it is not big enough.

To continue, by and large we support this particular stopgap legislation before us. We fully realise that complementary legislation will be brought down later, and Mr Dans well knows this contains the complex issues that will be debated. We have a month from the time this legislation expires until the new measure should be before us. We must fill that gap somehow, otherwise the whole system of orderly marketing will break down. That is the reason this legislation has been presented. Of course, other changes to the Wheat Marketing Act are associated with this. The home consumption price for the purchase of grain should give a net saving of $25 a tonne to the flour millers. We presume that benefit will be passed to the consumer. Let us wait and see what happens. It can be seen how benevolent we grain growers can be when it comes to looking after our colleagues in the more densely populated areas of the State. Perhaps I am only saying that so that I can remind Mr Dans of my benevolent attitude when we discuss other issues.

**HON. D. J. WORDSWORTH** (South) [4.35 p.m.]: As I was named as a former Tasmanian, I feel I should rise on behalf of all Tasmanians. I do not question the benevolence of wheat growers in sending Australian wheat across Bass Strait to Tasmania at a subsidised rate. However, that subsidy is not altogether for the benefit of Tasmanians, but also to safeguard the reputation of Australian wheat growers. Mr Gayfer would be aware that the wheat grown in Tasmania has a high protein content and it does not make such good bread as does the wheat grown on the mainland. No-one would be happy with the situation that Tasmanians had bread that did not rise properly because the wrong type of wheat was used. It is quite sensible for the better bread-making wheats of Australia to be sent to Tasmania to make bread. Tasmanian wheat, the small quantity that is grown, returns to Australia either in the form of biscuit wheat or starch.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

## STANDING ORDERS COMMITTEE

*Report: Consideration*

Debate on the consideration of the report of the Standing Orders Committee resumed from 21 August.

**THE PRESIDENT** (Hon. Clive Griffiths): For the benefit of honourable members and also for the benefit of our visitors, I will explain that the proposal before us is to change some of our Standing Orders which relate to the asking of questions in this House. The method by which we do this is that the President leaves the Chair and becomes the Chairman of Committees.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [4.39 p.m.]: I move—

> That the President be invited to take the Chair in Committee.

Question put and passed.

*In Committee*

The President (Hon. Clive Griffiths) in the Chair.

Hon. D. J. WORDSWORTH: As the Chairman of Committees, it is my duty to present the report of the Standing Orders Committee which was set up as a Standing Committee of this House and was requested to examine our Standing Orders to see whether they could be phrased in more modern English as many of them date back to the turn of the century. It was desired also that we should modernise the procedures of this Chamber.

As members will recall, this Chamber agreed to recommendations from that Standing Orders Committee concerning petitions and business dealt

with after 11.00 p.m., but on 21 August last, it referred back to the committee for further consideration the major part of the redrafted rules relating to questions.

So far as can be ascertained by the committee, certain members desired to retain the ability to give oral notice of their questions. The draft Standing Orders annexed to the report make provision accordingly.

For the benefit of visitors to this Chamber, this is one of the few Parliaments where members stand up to ask their questions orally—elsewhere questions are handed in—and Ministers, having taken those questions back to their departments, the next day orally give their answers; so everything is read out.

Generally your committee, Sir, remains firmly of the opinion that the proposed rules, which are the ones that have been circularised and printed, will result in a more efficient procedure for dealing with questions and it recommends that—

(a) the proposed Standing Orders be adopted in place of those already in force; and

(b) that the proposed Standing Orders, if adopted, remain in force for the duration of the current session.

**Chapter XIV: Questions.**

**Recommendation No. 1—**

14.2.1—Notice of Question.

14.2.1—Except as provided in SO 14.4.1, written notice of any question, signed by or on behalf of the member giving notice, shall be delivered to the Clerk's Office not later than the time appointed for the House to sit on that day.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

This provision would be a departure from our existing procedure. No longer will it be necessary to stand and deliver a question orally, but one will have to hand it in as a typed question.

Later on, the opportunity is provided for those who wish to rise and read out their questions to do so. In other words, we are trying to cater for those who would still like to have the opportunity to deliver their questions orally. However, they will still have to comply with new Standing Order No. 14.2.1 and written notice of the question must be handed to the Clerk's office before the time of the sitting of the House.

Members will recall the last time this matter was before the Chamber the committee indicated it felt questions should be handed to the Clerk's office an hour before the House sat. However, we have reconsidered that situation and believe that, if questions were handed in at the time of the meeting of the House, that would be acceptable to the staff who have to type the questions, put them on the word processors, and produce them in the form in which they appear on the Notice Paper.

Hon. P. H. LOCKYER: I support the move that the Chairman of Committees has put forward on the basis that your Standing Orders Committee, Sir, in recommending changes to the Standing Orders, has made it quite clear that the measure be adopted on a trial basis to the end of the current parliamentary session. It is on that basis that the House should give the measure a trial.

There will be arguments from both sides of the spectrum as to the merits of the procedure; and one argument may be that once the measure is here, it will never be got rid of.

Hon. H. W. Gayfer: That is a fair argument.

Hon. P. H. LOCKYER: That is the sort of argument I would expect from some members, but not from Mr Gayfer, because I have always accepted him to be one who is wise in these issues and who always looks for change.

It is archaic that we are one of the few Parliaments today in which members stand up to ask their questions orally. Another argument can be put that we are here not to save time, but to put in time and I agree with that on some points. However, it is not a sound argument, because I am yet to be convinced that anybody listens to the questions when we stand to ask them. The safeguards that have been proposed to the Chamber, such as the listing of the questions so that every member of the Chamber knows the questions which have been asked, and supplying to members a copy of all the questions which have been placed on notice, will overcome the necessity for members to stand to ask the questions orally.

After such a sound argument, one could only be accused of wanting to grandstand a little in asking one's questions, because that practice is not followed in any other Parliament in Australia, to my knowledge, and I cannot think of any argument which would convince me that it is absolutely necessary.

I know that change comes slowly, and consequently I would not have agreed to the suggestion but for the trial period. It is incumbent on every member to at least give it a go, and, if it is not satisfactory, a sunset clause exists under which we automatically return to the original Standing Order at the end of this session of Parliament. Therefore, to actually change the position and make this

measure part of your Standing Orders, Sir, it will be necessary for the new Parliament in the next session to move that that should occur.

I urge members to support the change.

Hon. P. G. PENDAL: The Hon. Philip Lockyer has made firmer my resolve that I should continue to oppose any change in this Standing Order, because he failed, as did other members in the debate in this Chamber on 21 August, to present any serious or cogent reason that we ought to dispense with the procedure of giving oral notice of questions.

The Hon. Philip Lockyer touched on nothing other than the fact that other Parliaments do not do what we do. It has been said frequently in the four years that I have been in this Parliament that Parliament is in charge of its own destiny. There is no reason whatsoever that this House, or the Parliament as a whole, needs to slavishly follow the dictates or procedures of any other Parliament in the Westminster mould.

Hon. Garry Kelly: Regardless of their nature?

Hon. P. G. PENDAL: On the contrary, if a good idea is introduced, in order to persuade members to support it, it is usually accompanied by at least one or two good reasons that members should support it.

On 21 August, when I made remarks of a similar kind, the Attorney General was one of the members who responded to those remarks. In the absence of any other sensible reason, he gave as the reason that we may consider altering the Standing Order the fact that we may go home 20 minutes earlier. That is not a sound enough reason for giving support to the amendment. Time and again in the period in which I have been in the Parliament and prior to coming into Parliament, people in the Chamber and outside it have protested, and indeed denigrated the workings of the Council, because on paper it does not put in enough working hours. For the Attorney General or, for that matter, for anyone else to suggest, therefore, that the saving of 20 minutes a day is a sound enough reason to support the amendment, is merely playing into the hands of those who will continue to denigrate this Chamber, and who will continue to denigrate the parliamentary system on the specious ground that the Parliament does not sit as often as it might.

By the same token, for the Attorney General or anyone else to use the argument that the oral notice of questions does not achieve anything could lead to the suggestion that one could also argue that the physical reading of second reading speeches by Ministers in the Chamber does not achieve anything, because one could also suggest that from now on we will change the Standing Orders, or whatever we need, so that when a Minister rises to move the second reading of a Bill, he will seek leave to have the second reading speech incorporated in *Hansard*. That will save us more than 20 minutes a day. As a matter of fact, some of the speeches we must listen to in this place are of a kind that not having to listen to them would bring great relief.

However, no-one has suggested that any of the Ministers should have their speeches recorded in *Hansard* without reading them.

Hon. P. H. Wells: You mean not yet.

Hon. P. G. PENDAL: Perhaps Hon. Peter Wells is closer to the mark than he thinks. There is no great argument to suggest that the oral notice of questions is slowing down the parliamentary procedure any more than the reading or the verbalising of a second reading speech.

The members of the Standing Orders Committee seem to have their feathers ruffled because their recommendations are not being accepted in total. There seems to be a suggestion that the committee's recommendations ought to be accepted without any debate or without any challenge to the philosophy behind the report.

Hon. Robert Hetherington: Who suggested that?

Hon. P. G. PENDAL: It is implicit, because on 21 August no reason was put forward suggesting it was a good idea to rid us of the system that we have at the moment.

I am not seeking to prevent any change that will speed up or make more efficient the parliamentary process. People are talking about saving time, yet this Chamber is to rise at 6.00 p.m., not sit tonight, not sit tomorrow, and not sit next week; and until last week we had not sat for three weeks. People have the temerity to tell me that we should attempt to change this Standing Order to save time!

Hon. P. H. Lockyer: That has nothing to do with it.

Hon. P. G. PENDAL: I suggest it has quite a lot to do with it. I also made the remark some weeks ago that were this Parliament of the size, for example, of the House of Commons, or perhaps of the Canadian Parliament, there may be some justification for our doing what we are intending to do. However, by world standards our Parliament is a small one. There has been no suggestion that the machinery of the place is becoming bogged down on this ground and this ground alone. Yet this is the only time-saving

measure that the Standing Orders Committee thinks should take our attention.

A suggestion in the report presented to members some weeks ago almost seemed to downgrade the place that questions played in the Chamber. At that time, the words used indicated that questions are merely ancillary to the other business of the House. I said on that occasion that that was very much a matter of judgment. Many people in this Chamber regard questions as essential and not ancillary to the other operations of the Parliament.

Therefore, on those grounds, and on the ground I mentioned on 21 August, I oppose strongly any suggestion that the business of the Chamber should be interfered with in this way. In my view, the mechanism suits the Ministers of the Crown. I do not care whether we are talking about Labor Ministers, Liberal Ministers, National Country Party Ministers, or any other Ministers. Ministers have great reponsibility to this Parliament and to the public, and if there is a suggestion that their workloads are becoming unbearable, they have a number of options. One option is to get out, and another option is to organise their days elsewhere, and not depart from the question procedure.

I oppose the motion before the Chair.

Hon. JOHN WILLIAMS: I have just listened to a speech with laudable sentiments. I reckon that George Stephenson would have hated Phillip Pendal because Phillip Pendal would have been the man walking in front of the locomotive with the red flag to stop it travelling too fast!

I admire Hon. Phillip Pendal, because if he strode up and down St. George's Terrace, he would preserve everything within sight. He is a great historian and one of the few members of this Parliament who makes obeisance to antiquity—and from time to time his speeches show it!

However, I am not here to castigate one of my colleagues for his absolute view of parliamentary representation. Every member in this Chamber has a different view as to how he should give representation to his constituents; and that applies particularly on my side of the Chamber.

Hon. Tom Knight would be a luminary for his example in the Address-in-Reply debate. We know that we will go around his electorate for two and one-half hours—

Hon P. H. Wells: Good representation of his electorate.

Hon. JOHN WILLIAMS: That is what Hon. Tom Knight does, and no-one would deny him that right. Other members do something similar.

Hon. Phillip Pendal is committed to the idea that the be-all and end-all of Parliament is the asking of questions.

Hon. P. G. Pendal: I did not say that at all.

Hon. JOHN WILLIAMS: It is almost implicit in what the member said. He intimated that it was a central core theory that if one emulates Perry Mason, one is bound to get on.

Hon. P. G. Pendal: It has not done me a lot of good.

Hon. JOHN WILLIAMS: On the business of asking questions, I suggest that no reasonable and honest member ask questions unless he knows the answers. If he does not know the answers, he should not be asking the questions.

Here we have a chance, albeit a small one, to remodel certain procedures. The Standing Orders Committee is quite a good committee and it has come to the conclusion, following the rejection of its last report, that it should put this proposition forward. I pay tribute to Hon. Phil Lockyer who said, "Honourable members, this is just an experiment", but at the end of the experiment we are not allowed to try it. We must not do that because it might be damaging, yet we go overboard by saying—

Hon. P. G. Pendal: It is a bit like testing the death penalty on a trial run.

Hon. JOHN WILLIAMS: Of course we will get smart cracks like that, but Hon. Phillip Pendal knows that it is nowhere near similar to testing the death penalty to test the veracity of members who sit in this Chamber to debate many issues. The idea is not to save time, but let us remember that the House of Commons has 635 members and the Legislative Council in Western Australia has 34. Let us, using those figures, determine a formula of the amount of time we should be spending on doing other things as well as asking questions.

One of the pipe dreams I have from time to time is on what Hon. Phillip Pendal says about the House of Commons and this Chamber—he always draws the comparison between the Mother of Parliaments and our Chamber. He would be the most frustrated member ever in the House of Commons because it is doubtful whether he, along with me and others, would ever get a seat on the floor to ask a question.

Hon. P. G. Pendal: With respect, that is precisely my point. The size of the House of Commons precludes those things, but our size does not.

Hon. JOHN WILLIAMS: The asking of questions has never been precluded and never will be precluded in this House. We are not saying, "No more questions". If, under this arrangement, Hon.

Phillip Pendal wishes to stand up and ask a question, nothing in the Standing Orders will stop his doing so. If Hon. Phil Lockyer wants to sit in his seat and hand in his question and receive the answer, great, nothing will stop him doing that. Nothing is changing in this House except that those members who do not wish to stand up to ask questions do not have to. If Hon. Gordon Masters, the Leader of the Opposition, thinks, "I have 28 questions I want to ask today. I want to ask about two of them verbally, and the remainder I will hand in", he can do so. If Hon. Phillip Pendal wishes to stand up to read every question he can do so. Under these Standing Orders nobody will deny Hon. Phillip Pendal his right to do that. At the end of it all we will come to the point where this House will meet to discuss the way that experiment went. Was it good? Was it bad? Was it indifferent? We will not know unless we try it.

Mr President, I point out to you that, as you sit up there during question time, how many times within the life of this present Parliament have people stood up on a Thursday or a Wednesday afternoon and said, "Mr President, on behalf of the member for 'x' I ask the following question"? That is farcical. If Hon. Mick Gayfer is not available in the House and he has many questions, he is kind enough to distribute them among us here and to say, "Would you ask this question on my behalf?" The great impact of this move will be that Hon. Mick Gayfer—and I am not picking on him specifically; I could say Hon. Sandy Lewis, or any member of this House—will not have to say, "Excuse me, would you ask this question because I have to attend a certain function?" In the future he will hand the question in and it will be put on the Notice Paper. If it is not answered, much to the embarrassment of the Government of the day, it will remain on the Notice Paper until it is answered.

So Hon. Phillip Pendal will not lose one iota of the privileges that he so jealously guards. That was the whole object of the Standing Orders Committee when it reflected initially on how best it could cater for those members who wanted to ask questions in their own way. The answer is very simple. A member can use the old method where wanted or, if a new method is desired, he can try that. At the end of the evaluation period a member can stand up in the House and say it did not work out. If it did work he can say, "Splendid, thank you very much for the innovation". As a member of the Standing Orders Committee I can do no more than support what we have put to the Chamber.

Hon. G. C. MacKinnon: Before you sit down, can you tell me whether it was a unanimous report or just a majority report?

Hon. JOHN WILLIAMS: In answering that question, all I can say is that I was in the room and to my knowledge, it was unanimous.

Hon. ROBERT HETHERINGTON: For the benefit of Hon. Graham MacKinnon, I was not present at the meeting of the Standing Orders Committee when this recommendation was made. Had I been there, it still would have been unanimous as it was on the previous occasion.

Hon. D. J. Wordsworth: It is a pity that Hon. Graham MacKinnon cannot read his notes, because it says, "Generally in the committee rooms"

Hon. ROBERT HETHERINGTON: Having in the past, when I was on the other side of the House, advanced ideas something along the line of those advanced by Hon. Phillip Pendal, I finally found that I had run out of arguments. In fact, I found, in discussion around the table with the committee, I could not think of any arguments for maintaining the oral questions. I must say that the honourable gentleman did not give me any arguments for maintaining them except for saying that we have always done it this way, that he likes it, that it cannot be done in the House of Commons, and therefore we should do it here. I could not find any real argument for maintaining the procedure, but what I want to point out to the honourable gentleman and to other members of the House is that they should read together 14.2.1 and 14.2.3 which we will deal with later, because they will discover that oral notice can be given. In other words, in order to meet the wishes of those members who do not want to read questions and those who want to deliver them orally, we have given an option. In other words, we are allowing freedom of choice and I would have thought that Hon. Phillip Pendal would have been the first to get up to support such a concept.

Hon. P. G. Pendal: But you are against freedom of choice for unions?

The PRESIDENT: Order!

Hon. ROBERT HETHERINGTON: I am for freedom of choice on this issue and that is what I am talking about. I am not going to be diverted to extraneous issues. I thought Hon. Phillip Pendal would be happy to convey his opinions on freedom of choice to this Chamber, and I invite him to do so.

I have sat in this Chamber for seven years listening to members delivering oral questions, and I have given up listening. During the delivery of oral questions, one reads letters or does something else, because if one wants to know what a member

said, particularly some members, one needs to read it the following day anyway because they mumble. I suppose we have to give them the freedom to mumble if they want to or to articulate clearly. I think it would be a good idea if we gave the mumblers freedom not to have to do that, and to say nothing.

Hon. H. W. Gayfer: Only one person in this Chamber mumbles.

Hon. Graham Edwards: What was that you said Mr Gayfer?

The CHAIRMAN: Order!

Hon. P. G. Pendal: We have six more years of mumbling to go.

The CHAIRMAN: Can we get on with this one?

Hon. ROBERT HETHERINGTON: I am doing my best amid the insults on my right.

The committee is unanimous on this point. We have discussed it in a general and particular way. There are more Opposition members than Government members on the committee; we are still in agreement, and we are unanimous. Mr Lockyer has done great service to this House with his forthright defence of the committee's recommendations. He has brought clear commonsense to the issue, and I support the recommendation.

Hon. G. E. MASTERS: I listened with some interest to members' discussions on the method of dealing with questions in this House. I made it clear the last time this was debated that I opposed the changes to the procedures for questions and answers. I have not changed my mind. There is something very personal and responsible in the way a member gets up from his seat and directs a question to the Minister.

I remind members, particularly those on the Government side, that when this question arose and was debated, Hon. Peter Dowding said that if we were not careful we would be buried in a sea of papers and paperwork. I think that is the case. I would not be happy to see a breaking away from the system we enjoy. I think we enjoy the system of asking questions.

Hon. Robert Hetherington: Speak for yourself.

Hon. G. E. MASTERS: I noticed when Hon. Robert Hetherington sat on this side of the House, he exhibited a great deal of glee in the way he asked questions and directed them personally to a Minister. I was often the butt of his activities.

I know that questions are not the be-all and end-all of what happens in the Parliament, but it is an important part of our system. It is something we should protect, and any weakening of the system will lead to its breaking down in the next year or the year after. There will be written questions and written answers and no personal contact in the way questions are dealt with, except in relation to questions without notice.

It is a very positive action to be able to stand up and direct a question to the Minister concerned. This proposal would downgrade the system. I remind members that we are a small Chamber; we are in personal contact with members, and we talk closely with each other regardless of which side of the Chamber we are on. I think that atmosphere should be maintained.

It is fair to say that Government members would not mind breaking down the system because after all, they do not want this Chamber to exist.

Hon. Robert Hetherington: That is not true.

Hon. G. E. MASTERS: It is in the ALP national platform.

The CHAIRMAN: Order! I do not think that has anything to do with this motion.

Hon. G. E. MASTERS: It is breaking away the importance and strength of this Chamber; it is a weakening of the system.

Hon. Garry Kelly: No other Parliament in Australia does this.

Hon. G. E. MASTERS: I think it is an important aspect and I am speaking personally. When one goes through the proposals, one sees they get worse and worse. I will not talk about the various points until we get to them, but if one starts at 14.2.1 and goes down to 14.4.1 and 14.4.2, one sees that the system is to be weakened.

The importance of question time has been highlighted in the last two days.

Hon. Graham Edwards: You must be joking.

Hon. G. E. MASTERS: Hon. Joe Berinson asked when had I ever seen questions and answers recorded in the newspapers. If he looks at yesterday's and today's papers, he will see there comments about questions asked in this Chamber—very searching questions.

Hon. Garry Kelly: They would still be reported in that way.

Hon. G. E. MASTERS: I am saying that the process of standing up and directing a question to the Minister and his giving a verbal answer is something that everyone can see. There is a depth and feeling there, and the Press react better to the spoken word than to a sea of papers with 30 or 40 questions on them. It is difficult enough getting reported now, but if we bury the Press in a sea of paper, our questions will almost certainly be lost.

The questions asked yesterday of Ministers were very important, and dealt with some serious matters. The impact of those questions would have been lost by burying them in a Notice Paper. Hon. John Williams lauded this proposal and was unkind to Hon. Phil Pendal. I strongly support Mr Pendal and urge members not to break down the system. One step will lead to another and in the end we will have no personal contact and we will be buried in a sea of paper, with the result that questions will be lost.

The CHAIRMAN: Before I put the question again, I take the opportunity which normally arises on this sort of occasion for the Chairman to point out where he believes something is being misunderstood, without wanting to enter the debate at all. We are dealing with 14.2.1 which does not say anything about stopping members from giving oral notice of questions.

As Chairman I find it a bit difficult to comprehend how members who have spoken are able to read into 14.2.1 anything that says oral notice of questions cannot be given. Bearing that in mind, I point out that we are talking about 14.2.1, and the question is that we adopt the recommendation.

Hon. P. H. WELLS: I believe recommendation 14.2.3 has some relevance to 14.2.1 because it indicates that oral questions which may be asked are those which have been included under 14.2.1. Therefore, Mr Masters is correct in saying that a member who, at the ringing of the bells, had not presented to the Clerk a copy of the questions he wanted to ask orally, would be denied the right to ask those questions when the President called on notice of questions. As I understand the orders before us, some limitation is placed on the oral questions one may ask.

Although I am personally opposed to the proposal, if the House in its wisdom saw some need to accept this type of approach, I point out that these temporary proposals usually become permanent. This proposal is not the same as the procedure used elsewhere, and I would rather consider the process in the other Chamber—to allow questions one hour after the House sits. If we limit the time for asking questions orally on the floor of the Chamber perhaps we could adopt the provision in the other Chamber under which members may submit questions up to one hour after the sitting of the House.

Why should we, in this Chamber, on a given day, be denied at least less than what our colleagues are granted in another place?

The present process has some advantages, particularly on those occasions when people visit the Parliament. I understand that one of the roles of Parliament is the examination of the Government and, although it is done in various ways, that examination sometimes includes questions on notice and questions without notice. The intention is to have what takes place in the Chamber incorporated in *Hansard* when, in fact, it has really not taken place.

I accept that there will be a speeding-up of the process, and with all the electronic equipment that is available, I look forward to the day the Parliament provides members with word processors.

Several members interjected.

Hon. P. H. WELLS: A word processor would give members better access to research facilities and that access is needed.

I suspect that there will be occasions when questions will not be ready. Under the previous system of printed papers, there were occasions when temporary papers had to be made available. I suspect that will happen in terms of the propositions to be incorporated in the Standing Orders. I do not believe there is any certainty about a system operating in that way. If the system is to work I believe that the Standing Order should incorporate the following words—

> . . . . shall be delivered to the Clerks no later than one hour after the time appointed for the House to sit on that day.

Hon. JOHN WILLIAMS: Honestly, I listened to Hon. Gordon Masters with a great deal of trepidation because he is my leader. I understand what he is trying to say and I understand what Hon. Peter Wells is trying to say, although I do not share his enthusiasm for a word processor in every member's office.

This clause does absolutely nothing other than allow members of this Chamber not to stand up to ask questions if they do not want to. That is what it is about.

If Hon. Phillip Pendal and Hon. Gordon Masters wish to stand up and ask a question on notice—read it out—and then, with great due deference to the Press, have the answer read out the next day, so be it.

I point out that the late Sir Robert Menzies never judged any of his Ministers on questions asked of them on notice. He questioned their ability to stand up and answer the questions without notice. Perhaps Hon. Gordon Masters, Hon. Phillip Pendal, and Hon. Peter Wells may think about that. It is not what one asks on notice that is important because the Minister and his department are given 24 hours' notice of such a question. Not reflecting on today's Government or yesterday's Government, Ministers and their depart-

ments have all the time in the world to provide all the alibis they want to give in an answer that one may not be expecting. In relation to questions without notice, members stand up in the Chamber and battle on and obtain answers to their questions.

Hon. Neil Oliver: Are they obliged to answer?

Hon. JOHN WILLIAMS: As I understand Standing Orders, no Minister is obliged to answer a question. In point of fact, I have it on excellent authority that it was once considered in these hallowed halls that questions be answered once a week and that would have been sensible. Hon. Gordon Masters has a hang-up about how his questions on notice will get to the Press Gallery. I will tell him how to do that because I have had good information from those people who are members of the Press and who belong to what is called the Australian Journalists Association.

Members cannot expect the members of the Press who are sitting in the Press Gallery to pick up every question on notice asked from this floor. I suggest members listen to some members who ask questions, because at times they are inarticulate and they mumble and stumble and we have difficulty hearing them in this Chamber. How much more difficult would it be for members of the Press Gallery to hear the question. If members want questions to be answered, they should send a copy of the question to the Press Gallery before it is asked. Under the proposed system all the Press has to do is wait for the question and it will appear on the paper without their having to listen to the mumble of members.

I plead with members to give this proposal a go. It will not hurt members. They will be able to stand up in all their rhetorical glory and ask questions and every member in this Chamber will hang onto their very words. For those members who do not want to become thespianised, I suggest they accept the proposal.

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

Ayes 17

| | |
|---|---|
| Hon. D. K. Dans | Hon. G. C. MacKinnon |
| Hon. Peter Dowding | Hon. Tom McNeil |
| Hon. Graham Edwards | Hon. Mark Nevill |
| Hon. Lyla Elliott | Hon. S. M. Piantadosi |
| Hon. Kay Hallahan | Hon. I. G. Pratt |
| Hon. Robert Hetherington | Hon. Tom Stephens |
| Hon. Garry Kelly | Hon. W. N. Stretch |
| Hon. P. H. Lockyer | Hon. John Williams |
| | Hon. Fred McKenzie *(Teller)* |

Noes 11

| | |
|---|---|
| Hon. V. J. Ferry | Hon. N. F. Moore |
| Hon. H. W. Gayfer | Hon. Neil Oliver |
| Hon. Tom Knight | Hon. P. G. Pendal |
| Hon. A. A. Lewis | Hon. P. H.Wells |
| Hon. G. E. Masters | Hon. Margaret McAleer |
| Hon. I. G. Medcalf | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Hon. J. M. Brown | Hon. D. J. Wordsworth |
| Hon. J. M. Berinson | Hon. C. J. Bell |

**Question thus passed; the recommendation agreed to.**

**Recommendation No. 2—**

14.2.2—Notice of any question delivered later than the time provided for in SO 14.2.1, shall be included in those notices (if any) delivered on the following sitting day.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

This puts beyond doubt the fate of a notice of question delivered after the time at which the Chamber has met on the day on which the notice is delivered. Whilst it may appear superfluous, your committee sees no harm in spelling out the substance of what otherwise might be taken for granted. In other words, it gives a deadline up to when questions may be taken on any given day, and if delivered after that time, they must be taken the next day. The deadline is the time at which the House is to meet.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 3—**

14.2.3—Oral notice of any question to which SO 14.2.1 applies may be given at that day's sitting at the time provided for in SO 115 and where SO 14.2.2 applies, at the next, or any subsequent, day's sitting.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

In other words, this is the option clause; a member can rise in his place and read his question if he so desires.

Hon. P. H. LOCKYER: This particular section ruins Mr Masters' argument, because for those who like to grandstand a little, even though it may be a question on notice, this is their prime opportunity. If, as Hon. Gordon Masters says, there are times when they need to put Ministers under pressure, or it is very necessary to ask these questions—

Hon. G. E. Masters: Next year you will be asking for this to be deleted.

Hon. P. H. LOCKYER: Some people accept changes more quickly than others.

Several members interjected.

Hon. P. H. LOCKYER: This section is very clear. If an oral question needs to be asked, here is the opportunity. The Standing Orders Committee makes it quite clear it encourages people to do so. It does not want to take that right away from members, it merely wants to give members the right not to if they so choose.

Hon. MARGARET McALEER: I would just like to comment on what Hon. Philip Lockyer said: That the Standing Orders Committee has made it quite clear that it encourages people to ask oral questions if they want to. Anyone who listened to the last speech of Hon. John Williams would find it far from encouraging to ask an oral question; when he spoke about Thespians, and if people wanted to they could in a theatrical way make themselves seen and heard in a theatrical way in the Chamber. I cannot think of anything more damaging or inclined to discourage members from asking oral questions than his remarks.

Several members interjected.

Hon. P. H. WELLS: If the intention of the Standing Orders Committee was to accomodate people who wanted to ask oral questions, I am anxious we should allow oral questions which may be given on the day and which may not be handed in. I suspect that could be achieved by deleting the words to which Standing Order No. 14.2.1 applies, and that would mean that Standing Order No. 14.2.3 will apply.

What I am saying is that currently, if a question is read out from the floor of the Chamber, it is accommodated in that that question is answered. That is what I seek to be allowed to provide for members. If a member has a question ready at the time notices of questions are called for, that question should be allowed. That accommodates the member who has a lot of questions. Those questions may be handed in. If a member has just an odd question which he desires to ask orally, he is not denied that option at the time questions are called for. Surely, if questions are called for under Standing Orders, those questions should be included. The member who has a question ready at that time should be allowed to present it.

Hon. P. H. LOCKYER: I would oppose that proposal, and I oppose it for this very reason. The practice of presenting a question which has been written out after the commencement of Parliament is one which has crept into this Parliament in the last few years. It has been an unwritten rule—regrettably unwritten—that questions are submitted prior to the sitting of Parliament to one of the Clerks of Parliament. Members submit the appropriate form and the question is looked after. Mr Allnutt is the man who has looked after my questions. He corrects some of the bad grammar which members use in their questions and assists members to produce questions which are worded in a better way. Then he has the question typed up in the appropriate form. When the member comes into this Chamber that question is placed in front of him. That is the tidy way of doing it.

Several members interjected.

Hon. H. W. Gayfer: Sometimes it is completely foreign to you when you read it!

Hon. P. H. LOCKYER: I shall disregard that remark by one of the more elderly interjectors in the Chamber. I believe that is the appropriate way to organise the asking of questions.

The Standing Orders Committee was concerned with the practice which has been adopted by members—by almost 50 per cent of members—of not following the practice of giving a question to one of the Clerks prior to the sitting of Parliament. Quite frankly, that is simply not good enough. It is important that members assist and alleviate the workload placed upon the Parliament.

I also understand that the workload imposed by questions in the last few years has grown considerably, for a variety of reasons. I do not necessarily want to bring those reasons into this argument, except to say the enormous workload is making it terribly difficult for the limited staff in the Chamber. The staff cope very well indeed, but very many members are taking to sitting down to write questions after we have assembled. Sometimes there are 50 questions a day. Members think they might just ask a question, so they write one out on a piece of paper and get up and ask it.

Questions of Ministers sitting in this Chamber should be asked during questions without notice, otherwise they should be placed in the hands of one of the Clerks when the Parliament starts so that he can arrange to have them typed and placed on the Notice Paper. I reject Hon. Peter Wells' proposal.

Hon. V. J. FERRY: As we have just accepted Standing Orders Nos 14.2.1 and 14.2.2, not accepting 14.2.3 would nullify the first two. I believe we have no option but to accept this recommendation.

Hon. P. H. WELLS: My proposition is that we accept Standing Order No. 14.2.3, but with some amendment which would allow the asking of questions on the floor of the Chamber, perhaps with those questions being included with those to be answered the following day.

Hon. Phil Lockyer's assertion that 50 per cent of questions being asked have not been first

handed to the Clerks needs to be verified; it seems to be incorrect. I ask a reasonable number of questions, most of which, as with questions asked by other members, have been handed to the Clerks earlier and typed. I do not believe the honourable member's statement is correct and I do not believe he has any evidence to support it. I have observed that members who ask a large number of questions have usually had them typed. It is only on the odd occasion, such as today, that I have not handed in my questions to the Clerks. On the occasions when my questions have not been typed, it has usually been for the reason that the Clerk has not had time to have them typed because he has had to deal with a large number of questions. I seek to accommodate members who pose questions from the floor of the Chamber, because those questions could be included in the ones answered by Ministers the next day.

Hon. JOHN WILLIAMS: I agree entirely with Hon. Vic Ferry that perhaps this debate should not be taking place. To accept the foreshadowed amendment would be to negate Standing Orders Nos 14.2.1 and 14.2.2. To answer Hon. Peter Wells, 75 per cent of members are using the services of the Clerks, and I do not think the member will say that the Clerks are fudging the figures.

Hon. P. H. Wells: Your colleague said 50 per cent.

Hon. P. G. Pendal: Who is right and who is wrong?

Hon. JOHN WILLIAMS: I am giving a figure of 75 per cent, but that is decreasing.

Hon. P. H. Wells: Questions or members?

Hon. JOHN WILLIAMS: Both, because half the people here do not know how to do this anyway, so the member should not kid himself. In the period 1971 to 1974, our questions were not considered unless we handed them in by the correct time. Hon. Peter Wells' suggestion is entirely spurious. If he wants to sit there and stew—

Hon. H. W. Gayfer: Steady on, now.

Hon. JOHN WILLIAMS: I am providing him with a solution. On the same day or the next day, he could ask his question without notice.

Hon. P. H. Wells: But what happens if the Minister is not in the House?

Hon. JOHN WILLIAMS: That would be unusual.

Hon. P. H. Wells: I am referring to a Minister in another place.

Hon. JOHN WILLIAMS: Unless members give this system a go, we will not rid ourselves of these phantoms.

Hon. H. W. GAYFER: This rebellious streak that seems to be entering the debate is fairly shaking the whole foundations of this most excellent establishment, and unfortunately we are seeing it accompanied by a cynicism the likes of which I have never seen before. It is absolutely degrading the debate in a way that I would not have believed possible. If this sort of debate is to accompany every change to our Standing Orders in these hallowed precincts, we would be much better off to stay with those rules we have now. At least some of us observe them with dignity, which is perhaps the reason we do not want to see them changed.

Hon. ROBERT HETHERINGTON: I join with the members who have spoken in support of this motion and say that when I came into this place in 1977, it was a convention that members should hand in their notices of questions to the Clerk in decent time before the Chamber met. That decent time was wavering a bit because a few members were writing out questions on the yellow sheets and then asking them on the same day. That was a breaking of the convention.

I point out to Hon. Peter Wells, who was not here at the time, that what happens when the conventions of a House or a country are broken is that they are reconsidered and sometimes then written into Standing Orders, and that is what we are trying to do here; we are wanting to write into the Standing Orders the normal conventions of good manners which suggest that the staff of the Council should not be put under undue pressure, but should be given notice of questions in sufficient time to vet them so that they might tell members whether the questions they want to ask are in accordance with the Standing Orders. It has sometimes been suggested to me that a question should be recast in more appropriate verbiage. Generally I have agreed that a change was necessary, although sometimes I have felt a little rebellious. But we are not necessarily right merely because we are annoyed.

By accepting this recommendation as a new Standing Order, we are not returning to the convention, because the convention was that we had to get our questions in at least an hour before the Chamber sat. Now we are saying that it is good enough if members get their questions in by the time the Chamber sits. I really do not think that is good enough; I believe it should be one hour before.

If Hon. Peter Wells wants to move an amendment to say that it should be an hour before, I would support him. We should return to the custom of the Chamber as it almost was and not try to break down further the rule that is becoming

more honoured in the breach than in the observance.

Hon. D. J. WORDSWORTH: There is another good reason that there should be a cut-off time as has been suggested. It could happen that a member might arrive a minute after the appointed time for the House to sit. Finding that his question is unacceptable because he is late, he might submit a written question to be ready for the next day. But some smart alec could come in and present the same question verbally, so beating him to the punch. A member needs to know that when lodging written notice of a question he is getting in first; therefore the cut-off time must be at the time the Chamber meets.

**Question put and passed; the recommendation agreed to.**

Recommendation No. 4—

> 14.2.4—Each notice shall be published in a supplementary Notice Paper according to the date of delivery and the order in which it was so delivered.

Hon. D. J. WORDSWORTH: I move—

> That the recommendation be agreed to.

**Question put and passed; the recommendation agreed to.**

*Progress*

Progress reported and leave given to sit again, on motion by Hon. D. J. Wordsworth, and the report adopted, on motion by Hon. Peter Dowding (Minister for Planning).

## ADJOURNMENT OF THE HOUSE: SPECIAL

**HON. PETER DOWDING** (North—Minister for Planning) [5.50 p.m.]: I move—

> That the House at its rising adjourn until Tuesday, 9 October.

Question put and passed.

## ADJOURNMENT OF THE HOUSE: ORDINARY

**HON. PETER DOWDING** (North—Minister for Planning) [5.51 p.m.]: I move—

> That the House do now adjourn.

*Hon. Tom Stephens: Marriage*

In moving to adjourn the House I draw the attention of members to the fact that on Saturday the nuptial bells will ring for Hon. Tom Stephens. I am sure he will take with him the good wishes of the Government members, and indeed, all members of this House, for that event.

If members have noticed the benign smile that has appeared on his face during recent days, they will now understand the reason for it.

I am sure this House would wish to express to Tom Stephens and his fiancee, Anne, our wishes for a very long, and successful marriage. We look forward to the new version of Hon. Tom Stephens on his return from the very appropriate honeymoon.

**HON. G. E. MASTERS** (West—Leader of the Opposition) [5.52 p.m.]: On behalf of the Opposition, I endorse the remarks of Mr Dowding and extend our best wishes to Tom Stephens. It was quite obvious that something was in the wind when we saw his hair well cut, his beard trimmed, and his new blue suit. We wish Tom and Anne the best for their future. We hope all goes well and that the sun shines on them on Saturday.

**HON. A. A. LEWIS** (Lower Central) [5.53 p.m.]: From bushies' corner I would like to wish Tom and Anne all the best. I was consulted on what the weather would be like on Saturday. I would not worry, Mr Stephens, what the weather is like on Saturday; all that matters is that the wedding bells keep ringing for many years. I am sure the weather will be all right. Mr Gayfer has informed me that the weather pattern looks all right for Saturday.

I, too, would like to be associated with the comments of the Leader of the Opposition and the Minister for Planning.

*Legislative Council Chamber: Cooking Odours*

**HON. JOHN WILLIAMS** (Metropolitan) [5.54 p.m.]: I want to make a brief observation of a great cost incurred by this House and this Parliament. In the past engineers manufactured certain ventilation systems in order that certain odours would not pervade the Chamber.

This afternoon the odour of burning lamb fat was very obvious. I guess when we go into the dining room we will have lamb for dinner!

Hon. H. W. Gayfer: I thought we were talking about Tom Stephens' wedding!

Hon. JOHN WILLIAMS: Honourable members may think that Hon. Tom Stephens is a practised cook.

I object most strongly to you, Sir, as the Chairman of the Joint House Committee, for the failure, in this day and age, to eliminate cooking odours from this Parliament, especially when we consider the great cost incurred to do just that.

I will not sit quietly while that sort of waste of money continues.

*Hon. Tom Stephens: Marriage*

**HON. TOM STEPHENS** (North) [5.55 p.m.]: I would like to thank everyone very much for those kind words. It is with great pleasure that I proceed now into the married state.

I think it is very lucky that many members have had the opportunity of a period of married life before entering politics. It is much more difficult to attract a woman into the life of the politician rather than simply to the life of a married woman. However, I have succeeded in doing that.

I appreciate the good wishes that have come from both sides of this Chamber.

[Applause.]

Question put and passed.

*House adjourned at 5.56 p.m.*

## QUESTIONS ON NOTICE

### GOVERNMENT ASSISTANCE

*Emu Farm: Wiluna*

169. Hon. N. F. MOORE, to the Attorney General representing the Treasurer:

(1) Does the State Government propose to assist the Wiluna Emu Farm financially?

(2) If so, what funds will be made available, and for what purpose?

(3) If not, why not?

Hon. J. M. BERINSON replied:

(1) to (3) I am advised there is no proposal before the State Government for it to assist the emu farm at Wiluna financially. A meeting was held in Perth in July chaired by the Federal member for Kalgoorlie, and attended by members of the Ngangganawili community, representatives from relevant State and Federal agencies, and interested individuals. This meeting agreed to form an emu farm support group which would assist in the development of plans for the future of the emu farm. Both the Department of Regional Development and the North-West and the Aboriginal Affairs Planning Authority have representatives on the support group. The State Government will give consideration to any proposals for the development of the emu farm or other enterprises in Wiluna which may be submitted to it.

### MS MAUREEN KELLY

*Overseas Trip*

237. Hon. N. F. MOORE, to the Minister for Planning representing the Minister for Youth and Community Services:

Further to my question 180 of Wednesday, 19 September 1984, will the Minister advise—

(1) What was the amount of money contributed by the Department of Community Welfare towards Ms Kelly's visit to Alaska and New Mexico?

(2) Was the remainder of the cost of the trip met by any other Government department?

(3) If so, which department/s contributed and how much?

(4) Did Ms Kelly travel by air, and if so, did she travel first class on any or all sectors of the trip?

(5) Will the Minister table a copy of her report?

(6) If not, why not?

(7) What was the duration of Ms Kelly's trip?

Hon. PETER DOWDING replied:

(1) $2 327.76.

(2) A contribution was made by the Aboriginal Affairs Planning Authority.

(3) Aboriginal Affairs Planning Authority contributed $500.

(4) All air travel was economy class.

(5) No.

(6) The report is under consideration and it may be tabled at a later date.

(7) 9 March 1984 to 25 March 1984.

### ELECTORAL: CHIEF ELECTORAL OFFICER

*Allegations: Ministerial Approaches*

246. Hon. G. E. MASTERS, to the Minister for Administrative Services:

With reference to allegations made by the former Chief Electoral Officer, Mr Coates, reported in *The Western Mail* on the weekend 22/23 September 1984—

(1) Will the Minister inform the House in respect of the period since the present Government has been in office whether he or any of his advisers or officers has made any approaches to the Electoral Department or any of its officers or former officers in relation to—

(a) the removal or making available to any person or body outside the department of any departmental or electoral records or copies of records or any information whatsoever from the department;

(b) ordering, requesting or suggesting the replacement of any officer or officers employed or engaged by the department for any purpose by an Aboriginal or Aborigines; and

(c) ordering, requesting or suggesting the appointment or engagement of more Aborigi-

nes within or by the department?

(2) If any of the above actions have been taken will the Minister give full details to the House?

Hon. D. K. DANS replied:

(1) (a) I have not requested information or records from the Electoral Department, other than that of a general nature available to all members, and I am not aware of any of my officers having sought such information;

(b) I have not ordered, requested, or suggested the replacement of any officer or officers employed by the Electoral Department, and I am not aware of any of my officers having done so;

(c) I have not ordered, requested, or suggested the appointment of more Aborigines within the department, and I am not aware of any of my officers having done so.

(2) Not applicable.

## ELECTORAL: CHIEF ELECTORAL OFFICER

*Allegations: Ministerial Approaches*

247. Hon. G. E. MASTERS, to the Attorney General:

With reference to allegations made by the former Chief Electoral Officer, Mr Coates, reported in *The Western Mail* on the weekend of 22/23 September 1984—

(1) Will the Minister inform the House in respect of the period since the present Government has been in office whether he or any of his advisers or officers has made any approaches to the Electoral Department or any of its officers or former officers in relation to—

(a) the removal or making available to any person or body outside the department of any departmental or electoral records or copies of records or any information whatsoever from the department;

(b) ordering, requesting or suggesting the replacement of any officer or officers employed or engaged by the department for any purpose by an Aboriginal or Aborigines; and

(c) ordering, requesting or suggesting the appointment or engagement of more Aborigines within or by the department?

(2) If any of the above actions have been taken will the Minister give full details to the House?

Hon. J. M. BERINSON replied:

(1) (a) I have not requested information or records from the Electoral Department, other than that of a general nature available to all members, and I am not aware of any of my officers having sought such information;

(b) I have not ordered, requested, or suggested the replacement of any officer or officers employed by the Electoral Department, and I am not aware of any of my officers having done so;

(c) I have not ordered, requested, or suggested the appointment of more Aborigines within the department and I am not aware of any of my officers having done so.

(2) Not applicable.

## ELECTORAL: CHIEF ELECTORAL OFFICER

*Allegations: Ministerial Approaches*

248. Hon. G. E. MASTERS, to the Minister for Planning:

With reference to allegations made by the former Chief Electoral Officer, Mr Coates, reported in *The Western Mail* on the weekend of 22/23 September 1984—

(1) Will the Minister inform the House in respect of the period since the present Government has been in office whether he or any of his advisers or officers has made any approaches to the Electoral Department or any of its officers or former officers in relation to—

(a) the removal or making available to any person or body outside the department of any departmental or electoral records or copies of records or any information whatsoever from the department;

(b) ordering, requesting or suggesting the replacement of any officer or officers employed or engaged by the department for any purpose by an Aboriginal or Aborigines; and

(c) ordering, requesting or suggesting the appointment or engagement of more Aborigines within or by the department?

(2) If any of the above actions have been taken will the Minister give full details to the House?

Hon. PETER DOWDING replied:

(1) (a) I have not requested information or records from the Electoral Department, other than that of a general nature available to all members, and I am not aware of any of my officers having sought such information.

(b) and (c) On 15 March 1984, I wrote to the Minister for Parliamentary and Electoral Reform suggesting the appointment of more Aborigines in presiding officer/polling clerk positions.

Copy of my letter and the Minister's reply is tabled. I have expressed my personal views publicly on this matter, and may have discussed them in conversation with officers of the department, although I have no recollection of having done so.

I am not aware of any of my officers having taken action on this matter.

(2) See (1) above.

*The correspondence was tabled (see paper No. 261).*

## LOCAL GOVERNMENT: CANNING CITY COUNCIL

*Valuation: Change*

249. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Local Government:

(1) Will the Minister undertake an examination of the instrument that was granted to the City of Canning in or about 1971 to exempt that local authority from moving from unimproved values to gross rental values which ordinarily accompanies the conferral of "town" status?

(2) Specifically, will he study section 533, subsection (8), to determine the conditions under which the 1971 exemption was granted?

(3) If so, will he list those conditions in the House or table the instrument of exemption?

(4) In the event that those conditions are no longer valid, would he give consideration to having the Governor remove the exemption?

Hon. J. M. BERINSON replied:

(1) The Minister informs me he has sighted the relevant Order in Council.

(2) The order was made under authority of the then existing section 533(10)(b) of the Local Government Act.

(3) The then Minister provided the certification required under the section referred to.

(4) The Minister is not aware of any power available under the Act allowing him to effect a change in valuation system without action being initiated by the Council.

## WATER RESOURCES: IRRIGATION

*Plantations: Carnarvon*

250. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

With reference to my question 219 of 20 September 1984—

(1) Did the Minister receive an application for an increased water allocation from Crishma Pty. Ltd. on 28 May 1984?

(2) If so, why did the Minister not direct that an increased water allocation be given to Chrishma Pty. Ltd.?

(3) If not, why discriminate between this allocation and the allocation that was given earlier by a ministerial direction?

Hon. D. K. DANS replied:

(1) No, but one was received from Rishma Pty. Ltd., on 29 May 1984.

(2) The application is still under consideration.

(3) Not applicable.

251 and 252. *Postponed.*

## WATER RESOURCES: IRRIGATION

*Plantations: Carnarvon*

253. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

(1) How many applications for water allocations have been received by either the Gascoyne river advisory committee or the Carnarvon irrigation district advisory committee since 1 January 1984?

(2) What were the names of these applicants?

(3) How many applications were approved?

(4) How many allocations were given by ministerial direction to the Public Works Department, or to the Gascoyne river advisory committee?

(5) If refusals were given, what were the reasons?

Hon. D. K. DANS replied:

(1) One. In addition two were received by the district engineer, Public Works Department, Carnarvon, and three by me.

(2) Received by the Carnarvon irrigation district advisory committee—Z. Sumich of L. Sumich and Sons (1974) acting for S. C. Growers and Packers.

Received by the district engineer—Mr W. D. Deturt, Mr A. W. Hobbs.

Received by me—Rishma Pty. Ltd., Mr S. Williams and Mr A. W. Hobbs.

(3) One.

(4) One, that being the same as that referred to in (3).

(5) The resource is fully committed.

## COMMUNITY SERVICES: CHILDREN

*Family Neighbourhood Centre*

254. Hon. P. H. WELLS, to the Minister for Planning representing the Minister for Youth and Community Services:

(1) Has the Minister received from the community women's group called "Granny Spiers Community" an application for funding for a permanent building to be used as a family neighbourhood centre?

(2) Are any funds available for this project?

(3) If so, how much, and when will they be available?

(4) If not, is the Government able to assist this group with its accommodation problems?

Hon. PETER DOWDING replied:

(1) Yes.

(2) The funding we would have would be by way of assistance with interim rental and that would be subject to an application being made to the department.

(3) The application of the community women's group will be considered by the community welfare assistance grants committee at its next meeting in mid-October 1984. That recommendation will then be considered by the Minister for Youth and Community Services.

(4) Not applicable.

## INDUSTRIAL RELATIONS: PUBLIC SERVICE ARBITRATOR

*Security of Tenure: Law Society Approach*

255. Hon. P. G. PENDAL, to the Minister for Industrial Relations:

(1) Has the Minister at any time between November last year and now received any written or verbal approach from the Law Society expressing concern, in the case of the Public Service Arbitrator, over the failure of the Government to observe the constitutional principle of ensuring security of tenure to the holder of a judicial office?

(2) If so, will he table a copy of any such approach?

(3) If no such approach was received from the Law Society, will the Minister arrange with the Attorney General for the Law Society's views to be sought on the question of the removal of the arbitrator?

(4) Did the Minister receive any advice from either the Crown Law Department or the Department of Industrial Relations on the proposed removal of the Public Service Arbitrator?

(5) If so, what is the nature of this advice?

Hon. D. K. DANS replied:

(1) The correspondence from the Law Society to the Government in November 1983 outlined options considered appropriate to the future of the Public Service Arbitrator.

(2) No.

(3) Not applicable.

(4) Yes.

(5) That advice is privy to the Government and the Government has acted in accordance with that advice.

## WATER RESOURCES: DAM

*Harding River: Aboriginal Site*

256. Hon. N. F. MOORE, to the Minister for Planning representing the Minister with special responsibility for Aboriginal Affairs:

(1) On what date was the State Government advised by the Federal Government that it—the Federal Government—had refused an application by the Aboriginal Legal Service for the Harding Dam site to be declared under the Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act?

(2) How was the Government advised of the Commonwealth's decision?

(3) If this advice was in writing, will the Minister table the correspondence?

Hon. PETER DOWDING replied:

(1) 6 August 1984

(2) Telexed letter.

(3) A copy is attached for the member's information.

## EDUCATION: STUDENTS

*Accidents: Instructions*

257. Hon. P. H. WELLS, to the Minister for Planning representing the Minister for Education:

(1) Has the department any standing instruction to schools in the handling of accidents which happen to pupils at local schools?

(2) How many schools have a nursing sister?

(3) What is the criteria for allocating a nursing sister to a school?

(4) What schools in the northern suburbs have a nursing sister?

Hon. PETER DOWDING replied:

(1) Yes. Administrative instruction 10.12 covers the topic "accidents to children".

(2) Sixty-nine of the 79 Government secondary schools have a nursing sister to service the school and its contributory primary schools.

(3) School nurses are appointed according to the size of the school and subject to the availability of an approved medical centre.

(4) City Beach Senior High School is the only secondary school in the metropolitan north-west and north-east regions to lack the services of a nursing sister.

## HEALTH: MEDICAL PRACTITIONER

*Meekatharra*

258. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Health:

Further to the Minister's reply to my question without notice of Wednesday, 19 September 1984, will the Minister advise whether or not Dr Allardyce will remain as senior medical officer in Meekatharra in the event that the Royal Flying Doctor Service employs medical practitioners for Meekatharra?

Hon. D. K. DANS replied:

Yes. Dr Allardyce will remain as the senior medical officer at the Meekatharra Hospital.

## STATE FINANCE: TREASURY DEPARTMENT

*Mr Lloyd: Appointment*

259. Hon. P. G. PENDAL, to the Attorney General representing the Treasurer:

(1) Has a Mr Lloyd been appointed to a senior position within the State Treasury?

(2) If so, what is the position?

(3) What salary does it attract?

(4) What are his qualifications?

(5) Was he previously refused a position with the Local Government Department?

(6) If so, what are the circumstances?

Hon. J. M. BERINSON replied:

(1) Yes.

(2) Assistant Under Treasurer.

(3) The current salary is $60 336 per annum.

(4) Bachelor of Science in Agriculture (Honours), University of Western Australia; Diploma in Local Government, Perth Technical College; Completed the requirements of the degree of Master of Business Administration, University of Western Australia.

(5) and (6) The Public Service Board does not release information of this nature.

260. *Postponed.*

## FINANCIAL INSTITUTIONS: CREDIT UNIONS

*Advisory Committee: Members*

261. Hon. I. G. MEDCALF, to the Minister for Consumer Affairs:

Would the Minister please advise the names, addresses, and occupations of the members of the credit union advisory committee, and the dates of their appointments or last appointments?

Hon. PETER DOWDING replied:

| Name | Address | Occupation | Appointed Date | Expiry Date |
|---|---|---|---|---|
| B. S. Brotherson (Chairman) | 99 Plain Street, East Perth. | government officer | 1-3-82 | Indefinite |
| D. I. Caldow | 104 Murray Street, Perth. | general manager credit union | 11-2-82 | 3 years |
| A. J. Clark | 148 Adelaide Tce, Perth. | general manager credit union | 11-2-82 | 3 years |
| D. C. Hagan | 40 Melville Pde, South Perth. | general manager credit union | 11-2-82 | 3 years |
| M. A. Bibby | 18th Floor Allendale Square 77 St. George's Tce, Perth. | solicitor | 24-8-84 | 3 years |

## COURTS: WARDEN'S COURT

*Meekatharra: Backlog*

262. Hon. N. F. MOORE, to the Attorney General:

(1) Is the Attorney General aware that a backlog of Warden's Court cases is developing in Meekatharra?

(2) If so, will he advise what steps are being taken to improve the situation?

Hon. J. M. BERINSON replied:

(1) I am advised that there is no backlog of Warden's Court cases at Meekatharra. Only one case has not been listed and the reason for that is a likely settlement. The magistrate will visit Meekatharra on September 26, October 25, and November 28, when listed matters will be dealt with.

(2) Not applicable.

## AGRICULTURAL MACHINERY

*Monitoring Committee*

263. Hon. A. A. LEWIS, to the Minister for Consumer Affairs:

Further to my question 245 of Tuesday, 25 September 1984, will his department contact the organisers of the "round table" discussion of agricultural machinery monitoring committees and make sure Western Australian representatives attend?

Hon. PETER DOWDING replied:

The organisers of this meeting will be contacted in this matter. No assurance can be given that a representative of the Department of Consumer Affairs will attend the meeting since to date no invitation has been received.

# QUESTION WITHOUT NOTICE

## ELECTORAL: CHIEF ELECTORAL OFFICER

*Allegations: Ministerial Approaches*

76. Hon. G. E. MASTERS, to the Minister for Planning:

The Minister, in his reply to my question on the Notice Paper, said that he may have discussed with officers of the department certain matters relating to the question which I asked. Does he recall ever having discussed those matters with Mr Coates?

Hon. PETER DOWDING replied:

In the time frame contemplated by the question, no. Prior to the election of this Government, Mr Coates rang me on a number of occasions seeking advice and information about conditions in the Kimberley and the Pilbara. I readily gave them. I may have, in the course of those conversations, expressed the view that I expressed in that letter.