

# Legislative Council

Tuesday, 20 April 1982

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

## STAMP AMENDMENT BILL

### Assent

Message from the Governor received and read notifying assent to the Bill.

## QUESTIONS

Questions were taken at this stage.

## BREAD BILL

### Introduction and First Reading

Bill introduced, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), and read a first time.

## ELECTORAL: BOUNDARY AND ROLLS

### North Province: Personal Explanations

**THE HON. R. G. PIKE** (North Metropolitan—Chief Secretary) [5.27 p.m.]: I seek leave of the House to make a statement in regard to the Electoral Act.

Leave granted.

The Hon. R. G. PIKE: I refer to an article in *The West Australian* newspaper of the 8th April dealing with the debate that took place in this House in regard to the Electoral Act and I quote from the last paragraph where it refers to what I am alleged to have said. It reads as follows—

He said that the transient people of the North-West sometimes did not bother to put themselves on the electoral roll—and they had no obligation to do so.

In order that the record can be corrected I inform the House that what I said on that occasion is recorded on page 568 of *Hansard* and it reads as follows—

Given the large transient population of central city electorates, there is always a situation in which people do not make the effort to put themselves on the roll, despite the fact that they have a legal obligation to do so, for the same reason that, in the mining towns of the Pilbara, where there is a large transient population, a similar situation obtains.

It is vital, since I am charged with the administration of the Electoral Act, that the

wrong statement that occurred in that paper should be corrected on the floor of the House, and I do so.

**THE HON. FRED MCKENZIE** (East Metropolitan) [5.29 p.m.]: I seek leave of the House to make a personal explanation in relation to the urgency motion on the electoral boundary and rolls for the North Province.

Leave granted.

The Hon. FRED MCKENZIE: During the debate on this motion the question was raised regarding the number of people enrolled at the retirement village homes situated in Bassendean and the Minister said that 27 of the 33 people residing there were, in fact, not on the appropriate roll. Quite frankly, I doubted that at the time and had the position checked, because on an earlier occasion an elector had advised me that 50 per cent of the people residing at the village were not enrolled. I now find that the Minister was correct and that the information given to me was incorrect.

I made no attempt to mislead the Minister. I acted in good faith. I just wanted to inform the House that I did, in fact, have the facts checked; and the Minister is correct.

The Hon. R. G. Pike: Thank you.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [5.31 p.m.]: I also seek leave to make a statement arising from comments in the debate to which reference has been made.

The PRESIDENT: Which debate?

The Hon. J. M. BERINSON: The debate on 7 April, initiated by the Hon. Peter Dowding.

The PRESIDENT: Honourable members, it is usual, when you are seeking leave of the House to make a statement, to explain to the House the subject matter on which you wish to make the statement, in order that honourable members can make up their minds whether to give you leave to do so.

The question is that leave be granted to the Hon. J. M. Berinson.

Leave granted.

The Hon. J. M. BERINSON: I was not present in the House on the evening of Wednesday, 7 April, so this is the first opportunity I have had—

The Hon. N. E. Baxter: Can you speak up a little? It is hard to hear you back here.

The Hon. J. M. BERINSON: I was saying I was not present in the House on the evening of 7 April, so this is my first opportunity to correct the record in this respect. During the debate on the urgency motion initiated by the Hon. Peter

Dowding and relating to electoral boundaries and rolls, at one stage the Chief Secretary referred to an article by me which appeared in the February edition of *Labor Voice*. He quoted me as, in some way, arguing inconsistently with previous propositions from this side of the House that the Legislative Council should be elected by a system of proportional representation.

In order to clarify this position and to indicate quite clearly that there is no such inconsistency, I indicate that the article to which the Chief Secretary referred related solely to certain proposals for changes to the system of elections for the House of Representatives.

I was quite determined, in the course of that argument, both in the article and in other discussions in which I have been engaged on the same subject, to make a distinction between the electoral factors which have to be applied in lower Houses, where Governments are formed, and those which have to be applied in upper Houses such as this Council. For that reason, I did not, at any stage, suggest that the Senate, for example, which is itself elected by a form of proportional representation, should have its electoral system altered.

I rise to clarify that, simply with a view to saying that there was no inconsistency between the article and the continuing proposal from this side of the House that the Council should be elected by proportional representation. Indeed, it would be rather peculiar if I were to argue against that proposition since it now has its place in the platform of my party as the result of a motion moved by me.

The PRESIDENT: Orders of the day.

The Hon. R. G. Pike: The article is here, if anybody wants to read it.

The Hon. J. M. Berinson: It is a rather good one, don't you think?

The Hon. R. G. Pike: It is not quite what you said.

#### ADDRESS-IN-REPLY: EIGHTH DAY

##### *Motion*

Debate resumed from 7 April.

THE HON. N. E. BAXTER (Central) [5.33 p.m.]: In speaking to the Address-in-Reply, I would like to refer to the retirement of Sir Charles Court from the Parliament after a very distinguished career during which he was the Minister for Industrial Development for some 12 years in the Brand Government; and from 1974 until earlier this year, he was the Premier of this State; that is, almost eight years. I wish him and

his good lady well during his retirement, and I trust that they have a very satisfactory and happy time during that retirement.

I refer also to the retirement of the Hon. Howard Olney—now His Honour Mr Justice Olney. This year he became a Supreme Court judge and commenced what I believe will be a very distinguished career in the judiciary. During the short time he was here Howard Olney made himself respected in this Chamber for his logical and kindly advice to members whenever they asked for it. I found Howard a very good colleague to work with in this Chamber.

I welcome to the Chamber the new member who took Howard Olney's place—the Hon. Garry Kelly. However, I would suggest that he might have taken a leaf out of my book when I first came into the Chamber. My speech was a very quiet one, and it was made on a constructive basis, rather than attacking the Government or anybody else. It is not a good way to start one's parliamentary career by reflecting on the brain capacity of other people; and I suggest to Garry, in a kindly way, that he should rethink what he said on that occasion and not repeat the process.

The Speech delivered by His Excellency the Governor, Sir Richard Trowbridge, dealt with State finance and the economy, housing, water rating, education, health, primary industry, conservation and the environment, and a number of other issues. I wish to compare that Speech with the one made by the then Governor, His Excellency Sir Frederick Napier Broome, KCMG, when he opened the 1889 session of the Legislative Council on Wednesday, 13 March of that year. It is a matter of interest to this Chamber that he referred to a Bill to amend the Constitution to provide for responsible Government. It is appropriate that I refer to his Speech in this year of the 150th anniversary of the Legislative Council. At that time, the Governor said—

Mr. Speaker and Gentlemen of the Legislative Council,—

I meet you with pleasure.

You have been specially called together to further consider the Bill for a change of the Constitution, and only unavoidable business will be brought before you.

The general election has elicited a full expression of public opinion, and you are now in a position to place in my hands a Constitution Bill which I can transmit to Her Majesty's Government with the assurance that it is acceptable to the Colony.

There seems a desire that the enabling Act may pass the Imperial Parliament during its present Session, and the Responsible Government may be brought into force without delay.

To secure this object, it is requisite that the Constitution Bill should be transmitted to the Colonial Office at the very earliest possible date.

Additional correspondence on the subject of the Bill will be laid before you. These papers, together with those which have been published during the recess, show that the Secretary of State, while retaining his personal opinion in favour of a nominated Upper Chamber, has consented to the compromise suggested by me. This has already been publically notified, and the recent discussions lead me to hope that the arrangement may not be unacceptable.

With regard to any amendment likely to involve further correspondence and reference, it will be observed that the Constitution Act can be altered in the usual way by the Colonial Legislature, at any date after it comes into force.

The proposal which I have mentioned regarding the Upper House has been inserted in the draft Bill of last Session. The Bill, with the companion measure relating to the Aboriginal natives, will at once be re-introduced into Your Honorable House.

His Excellency went on to refer to various other matters in his Speech as follows—

Our Northern telegraph lines have now reached Derby, the section of 574 miles from Roebourne being completed. The further lines to the Kimberley Goldfield and to Wyndham are in progress.

Mails and passengers now travel over the whole length, 352 miles, of the railways connecting Fremantle with Albany.

The Eastern Goldfield is still retarded by want of water. A boring-machine of first-class capacity has been purchased by the Government, and, it is hoped, will soon be at work.

It went on in that vein. They were matters of moment in those days. Of interest is the following—

Owing to rigid curtailment of expenditure, the deficit at the close of last year proved to be less than was anticipated when the Estimates for 1889 were before Your Honourable House. The Revenue of the

fourth quarter of 1888 was £9 014 below that of the fourth quarter of 1887, but the Expenditure showed a reduction of £23 162 as compared with the same period of the previous year, . . .

Sir Frederick Broome made further comments; but I thought it was appropriate that I refer to that Speech made in 1889.

I now refer to the continual complaints of the Opposition about the Constitution and the other electoral laws of the State. Very often we hear the one-vote-one-value catchcry from members opposite. It flows smoothly off the tongue. It appears that it is a great big issue that should be brought into being, and if it were successful, well and good.

I do not blame the members of the Opposition for using that catchcry, and using their endeavours to bring in one-vote-one-value. However, I question the motive behind it. It is not designed to give us an equitable situation throughout the electorate of Western Australia.

I believe it is the hope of the Labor Party that the introduction of one-vote-one-value would give it more seats in the Legislative Assembly and the Legislative Council of this State. One cannot blame it for that. After all is said and done, that is the name of the game.

The Hon. J. M. Berinson: How would you put the motive for the Government's gerrymander?

The Hon. N. E. BAXTER: The Labor Party will try to win as many seats as it can. I have no objection to that.

The Hon. P. H. Lockyer: A complete disregard for the people in remote areas. It was a different story when they held the seats.

The Hon. N. E. BAXTER: I do object to somebody from outside this State complaining about the Constitution and the electoral laws of this State. Some six or eight weeks ago I happened to see the ex-Premier of South Australia—one Don Dunstan—on television. What rubbish he talked! He dealt with the one-vote-one-value issue, but he did not really know what he was talking about because he made the statement that as far as the Legislative Council was concerned the electoral laws and the Constitution of this State had not been changed since 1830. We all know that is absolutely wrong. He went on with the old story about one-vote-one-value, mouthing what he had been told by somebody else. I do not know who it was, but it would have been one of the Labor group who are so keen on this one-vote-one-value catchcry.

The Hon. J. M. Berinson: Are you sure you are quoting him accurately?

The Hon. N. E. BAXTER: I hope I am quoting him accurately, because I am quoting from memory. I tried to obtain a copy of the transcript from the television station, but I was told transcripts were not issued. I tried through the department of one of the Ministers, and an attempt was made through the Premier's Department. In no way could we obtain a transcript of what Mr Dunstan said.

I thought it was rather a cheek for Mr Dunstan to come to Western Australia, go on television, and talk about this—"gerrymandering" was one of the words he used—particularly as he, as Premier of South Australia, before he retired introduced a Bill that gave him a nice big retirement allowance.

The Hon. J. M. Berinson: What has that got to do with gerrymandering?

The Hon. N. E. BAXTER: He had it both ways.

The Hon. J. M. Berinson: Could you just explain the link between those two quite different matters? How do they relate one to the other?

The Hon. N. E. BAXTER: It is not a good thing for a man to talk about what somebody else is doing when he did other things as the Premier of the State. I cannot get the two together. If members of the Opposition can, they are better than I am.

I do not believe the Labor Party knows what it would create if it had one-vote-one-value.

The Hon. Garry Kelly: Democracy.

The Hon. N. E. BAXTER: It depends on what one calls "democracy". Centralising a majority of members and a majority of representation in the metropolitan area is not democracy. Lord help us, we have enough of that in Australia because the Australian Government is controlled by the major capital cities. There are no two ways about it, be it a coalition Federal Government or a Labor Federal Government, it is at all times controlled by the capital cities.

I have worked out some figures to explain what would happen with a one-vote-one-value system. I have taken my figures from those presented on 18 May last year which indicate that, according to the redistribution, there were 486 725 people on the electoral roll. With a one-vote-one-value system there would be 41 806 electors in each province. At the present time in the metropolitan area there are seven provinces with from 83 667 down to 62 749 electors in each. With a one-vote-one-value system this would be increased to 12

metropolitan provinces represented by 24 members in this House.

The Hon. J. M. Berinson: Just the same proportion as in the House of Representatives. Do you regard that House as undemocratic?

The Hon. N. E. BAXTER: Let us consider the country districts, in which the total number of people on the roll at 18 May last year was 223 989. The largest province is that represented by Mr Gayfer and me, although I will not represent it next year because I will not seek to gain selection. There were 27 625 electors in Central Province, which next year will cover 112 000 square kilometres, an increase from the present 59 000 square kilometres.

Under the one-vote-one-value system the average enrolment in the country provinces would be increased to 41 806 electors. Presently we have eight provinces in country areas but this would be reduced to four, represented by a total of eight members.

The Hon. J. M. Berinson: Would not your problem be solved by our proposal for proportional representation?

The Hon. N. E. BAXTER: If members want my opinion on proportional representation I will give it to them straight from the shoulder: It is the most undemocratic way of electing members of Parliament for the simple reason that the individual is not considered. Let us consider what happens in the Senate. The first one or two people on the ballot paper are certainties to be elected. With five people on the paper, the first four are elected without any worry at all; they need not even bother about electioneering and can merely sit on their broad beams in Canberra without turning a hair, just so long as they get that position on the ballot paper. The fifth person has to fight hard to be elected. The Country Party has found that the only way it can win the fifth seat is to have a person with personality who puts in a lot of hard work tearing back and forth to Canberra and who is prepared to wear himself out. That is not a democratic system. It is time the Senate had a system of provinces as we do in this State; then it would have a democratic system.

Let us now consider the north, where we find that under Labor's proposal, instead of having two provinces it would be reduced to one which would include the Kalgoorlie electorate and the shires of Boulder and Dundas. There would be one province with two members, and it would be just about as big as the Federal seat of Kalgoorlie.

The Hon. J. M. Berinson: Perhaps they would have more if the Chief Secretary would apply himself to having a proper electoral roll.

The Hon. N. E. BAXTER: So, in the Legislative Council there would be 24 members representing the city, eight members representing the country, and two members representing the north. That would be the situation with a one-vote-one-value system.

I turn now to the electoral districts. We would have districts containing an average of 16 224 electors. The electoral districts outside the metropolitan area at present have an average of 6 640 electors. Next year there will be 23 districts containing an average of 8 584 electors.

A one-vote-one-value system would produce 57 electoral districts containing an average of 12 469 electors.

The Hon. J. M. Berinson: That seems fair.

The Hon. N. E. BAXTER: Under the Opposition's proposal, after the next election, if we divided the number of metropolitan electoral districts into the 486 725 electors in the metropolitan area we would have an average of 12 469 electors in each electorate. There would be 39 electoral districts in the metropolitan area, 16 in the agricultural, mining, and pastoral areas, and two in the north-west and Murchison-Eyre areas.

The Hon. W. R. Withers: One of which would be the new Kimberley district.

The Hon. N. E. BAXTER: There would be 18 electoral districts in the larger portion of the State and 39 in the little area which is just a pinpoint on a map, being the metropolitan area. The result would be over twice as many Assembly members and Council members in the metropolitan area as in the rest of the State.

The overall position would be that the metropolitan area would have 63 members representing 69.33 per cent of electors and the country and mining areas would have 28 members representing 30.67 per cent of electors. That is a nice democratic representation, I must say! This is particularly so for people in country areas.

The Hon. W. R. Withers: You already have it in the Kimberley.

The Hon. N. E. BAXTER: Let us now consider the very vital issue of production. My figures, which are the latest available, were obtained from the *Western Australian Year Book 1981* and are for 1978-79. The gross value of primary production was \$1 391.3 million. From that we can take primary production in the Perth statistical division which includes cauliflowers, lettuce, onions, tomatoes, oranges, vine fruits, eggs, and poultry, with a gross value of \$52.470

million. That leaves a net value from the Perth statistical division of \$1 339.830 million.

The gross value of manufactured commodities outside the Perth statistical division was \$258.708 million. The gross value of mining production outside the Perth statistical division, and this does not include natural gas or talc, was \$1 829.873 million. This represents a total production outside the metropolitan area of \$3 428.411 million. The people who live in the outer areas and produce all these goods would be represented by just 28 members under a one-vote-one-value system, while in the metropolitan area would be represented by 63 members.

The gross value of primary production in the Perth statistical division was \$29.934 million, and that included cauliflowers, lettuce, onions, tomatoes, nursery products, oranges, vine fruits, and eggs. The gross value of poultry in this area was \$22.536 million. The gross value of manufactured commodities in the Perth statistical division was \$950.040 million. The gross value of mining in this division, including clays, monumental stone, crushed and broken stone, crushed and broken limestone, and limestone for industrial purposes, was \$34.483 million, the total value of production being \$1 036.993 million.

That amount represents less than one-third of the production in the rest of the State, where there is a smaller population with a larger contribution to the trade balances of the State. Country people provide a great deal to the well being and the life blood of this State, yet they will be represented by just 28 members as against 63 members in the city area. If that is democracy, I have heard everything!

*Sitting suspended from 6.00 to 7.30 p.m.*

The Hon. N. E. BAXTER: When the sitting was suspended I was about to refer to some provisions of the Electoral Districts Act, particularly in regard to redistributions. Last year there was a redistribution of seats, and objections were lodged to the commissioners. One of the things that intrigued me, having put to the electoral commissioners quite a comprehensive objection on behalf of the Country Party, was the manner in which they treated objections. Paragraph (c) of section 3(1) of the Electoral Districts Act says—

To consider any objections in writing which may be lodged with the Commissioners within two months from the date of such publication;

Unfortunately, my experience was that when I presented the objection to the commissioners I was told that if they upheld it, what chance would

somebody else have of lodging an objection? I thought that was a very poor reason and attitude on the part of the commissioners. Why have that provision in the Act if they are going to take that attitude in regard to it? Why do we provide for objections? If there were to be objections to objections or to the upholding of objections, it could go on *ad infinitum* and never finish. I pointed out to the chairman that there would be little chance of any objections to the proposal put up by my party as the alteration proposed was more logical than that proposed by the commissioners. It kept the numbers more uniform and allowed for less disturbance of electorates and therefore a lot less inconvenience to sitting members, and it also meant less disturbance and an alteration of the electoral rolls. That did not seem to get anywhere because nothing was done about it. It was just put aside.

I now quote from section 7 (1) of the Electoral Districts Act as follows—

... the Commissioners shall give due consideration to—

- (a) community of interest;
- (b) means of communication and distance from the capital;
- (c) physical features; and
- (d) the existing boundaries of Districts.

The existing boundaries went overboard in respect of many electorates; for instance, I refer to the Mt. Marshall electorate which took in a large area of the Goomalling Shire, and the Katanning electorate which took in a huge area from Kent to Ravensthorpe. There appeared to be no consideration of boundaries at all.

I quote from section 9 (b) (ii) as follows—

... contain, to the extent considered practicable by the Commissioners, approximately the same area as it contained immediately prior to that date; and

Yet the commissioners saw fit to increase the Central Province from 59 000 square kilometres to 112 000 square kilometres. It seemed to be a funny situation. A better job could have been done in relation to the distribution by not disturbing electorates and ensuring that there was no inconvenience to anybody, and trying to make the situation fair across the board.

When I was Minister for Health in the 1974-77 period there occurred the Tresillian episode about which some members are familiar. I touch on this briefly because when the Tresillian issue arose the Government and I decided we would provide better accommodation for the profoundly retarded people of Western Australia and take 30 patients out of the Princess Margaret Hospital

and house them properly so they could have more expert care than they were receiving at Princess Margaret Hospital. The staff at Princess Margaret Hospital were not trained to look after these patients.

We also proposed to take 18 of these unfortunate people from private homes as profoundly retarded people are a burden to their families. Several "C"-class hospitals were purchased and another one, Surrey, was commenced to replace the Scarborough rented premises. I was vilified in the Press, the radio and on television. Harsh things were said about me, about how terrible it was that these people were going to be moved out of Tresillian. Since then I have discussed the issue with reporters and television representatives and have suggested that even now they look at the situation of the profoundly retarded and see how they are accommodated and compare it to the situation at Tresillian. Not one section of the media is prepared today to go and have a look and produce an article on it. They would be too ashamed, absolutely ashamed.

The Hon. Neil Oliver: We are flat out trying to organise the "Friends of the Boston".

The Hon. N. E. BAXTER: It was such a game at Tresillian when the Press talked about parents and that sort of thing. A lot of the relatives did not ever go near the retarded children. The relatives did not contribute one cent towards their keep and yet those people put on a show. It was purely and absolutely a political stunt.

The Hon. Robert Hetherington: That is nonsense and is a disgraceful statement about the people who were involved in it.

The Hon. Neil Oliver: Where are they now?

The DEPUTY PRESIDENT (the Hon. R. J. L. Williams): Order!

The Hon. N. E. BAXTER: A well known Labor man was one of the leaders in the Tresillian business.

The Hon. Robert Hetherington: He became Labor because of the way the Government behaved. It was a disgraceful thing.

The DEPUTY PRESIDENT: Order!

The Hon. N. E. BAXTER: I know a lot more than Mr Hetherington does. I was sitting on the fringe and I know what went on. I challenge Mr Hetherington to go and look at the accommodation for the profoundly retarded.

The Hon. Robert Hetherington: I would be only too pleased to have a look at any time. You are missing the whole point.

The Hon. Neil Oliver: See what he thinks of the situation today compared to those days.

The Hon. Robert Hetherington: I said I would be happy to have a look. You have missed the whole point of what people were saying, but I would not expect you to understand.

The DEPUTY PRESIDENT: Order!

The Hon. G. C. MacKinnon: Why would it be difficult for him to understand?

The Hon. N. E. BAXTER: I understand a lot more about the situation of the profoundly retarded at that time than Mr Hetherington is ever likely to understand.

The Hon. Robert Hetherington: That is a fairly wild statement.

The Hon. N. E. BAXTER: I suppose he is an expert on the profoundly retarded!

The Hon. Robert Hetherington: I did not say that at all. If you read what you said, you will see why I made the remark.

The Hon. N. E. BAXTER: No, what I said was factual.

The Hon. Robert Hetherington: It was not factual. You projected something into the future and your remark was stupid.

The DEPUTY PRESIDENT: Order!

The Hon. N. E. BAXTER: I would expect that from a stupid man!

The Hon. Robert Hetherington: You are very good at abusing people, aren't you?

The Hon. N. E. BAXTER: I mention the Tronado machine which has received much Press coverage in respect of clinical trials. This machine was brought into the State by the Tonkin Government early in March 1974 and I have discussed its use in this House. As Minister for Health I saw it in operation. I saw two patients receive treatment. One was a woman who had had an operation for cancer. She was put on to the machine for about 15 minutes after a lot of hooley went on. The machine was built by a man who had no medical experience and it has a pneumatic pole. The machine was lowered down and when the servitor indicator stopped the doctors decided the cancer was around her stomach. There was a large scar there and they knew where to lower the pole down to. They turned on the heat for 15 minutes and then raised the pole and released the woman.

The next was a gentleman with a brain tumour who was seated on a stool and treated by the machine. After a time he complained and the nurse got an electric fan and put it underneath him to blow the hot air away from him. If it was

not so serious, it would have been rather amusing. The theory of heat treatment for cancer is that the heat should be centred on the cancer or the tumour. The heat should build up to 42 degrees centigrade and it would reduce the cancer cells without damaging healthy cells while avoiding the spread of cancer. This machine, however, used to heat the whole body. It was like a cooker, but it never reached 42 degrees centigrade as medical researchers stated. One of the engineers employed on the machine discovered that it would not reach 40 degrees centigrade.

Just the other day an article written by John Tonkin appeared in the Press. He said that this machine was supposed to reach 42 or 43 degrees celsius. This machine will not top 40 degrees celsius—that is how useless it is.

Three independent inquiries were held into treatment by the Tronado machine. One inquiry was carried out by a committee of the National Health and Medical Research Council, one was carried out by a five-man committee of which Dr Holt was a member, and one was a confidential committee which comprised three cancer specialists from Perth who preferred not to be named. Of all the members of these committees, only one person said that there was an indication of a cure, and that was Dr Holt himself.

The Hon. Fred McKenzie: But plenty of people are alive today and are prepared to testify that this machine saved their lives.

The Hon. N. E. BAXTER: Plenty of people who had a primary cancer and who were given conventional treatment are alive today. This machine was put into operation very hurriedly in March 1974. The honourable member will remember that the election was held on 30 March that year. Within a month of the time it was put into operation, Dr Holt and his colleagues began to use conventional treatment in conjunction with it. These doctors realised that it was no good and that it was the conventional treatment that was bringing about the cures.

The Hon. Fred McKenzie: But Dr Holt is using one himself in private practice.

The Hon. N. E. BAXTER: I know that—he has had it there for quite a long time.

The Hon. Fred McKenzie: Why is he doing that?

The Hon. N. E. BAXTER: He has made a lot of money out of it.

The Hon. Fred McKenzie: And he has cured a lot of people.

The Hon. N. E. BAXTER: So the honourable member believes.

The Hon. P. G. Pendal: It is not fair to say he is doing it just for money, surely.

The Hon. N. E. BAXTER: Three committees had access to the case histories of the patients. The reports are there and in only one case was it said that there had been a cure and that cure was claimed by Dr Holt. The other doctors said it was not a cure.

The Hon. Fred McKenzie: It might just happen that the committees were wrong.

The Hon. N. E. BAXTER: We are talking about wasting money on clinical trials of this machine. It would also be a waste of people's time. As a matter of fact, it appears that this clinical trial will never take place because the doctors cannot agree amongst themselves.

The Hon. W. M. Piesse: That is the root of the whole trouble—doctors themselves cannot agree.

The Hon. N. E. BAXTER: They cannot agree as to the terms of the inquiry because they must use the case histories of patients treated by Dr Holt. Until the use of this machine was terminated, no cure had been effected. Members will remember that Mr Milan Brych said that he could cure cancer. He commenced in New Zealand.

The Hon. Fred McKenzie: But he did not use the Tronado.

The Hon. N. E. BAXTER: He was able to get out of New Zealand ahead of the authorities and then he commenced practice in the Cook Islands. A corrupt Government was in power there, and it made quite a profit out of this gentleman. Mr Brych skipped out of the Cook Islands before the change of Government and he then went to America. He is now in prison in America. This is the sort of thing that we have to deal with.

The Hon. Fred McKenzie: Why cannot people have this treatment if they want it?

The Hon. N. E. BAXTER: There is nothing to say they cannot.

The Hon. Fred McKenzie: The machine is not in use—they are not allowed to use it.

The Hon. N. E. BAXTER: Dr Holt has a Tronado machine if people want the treatment. I went into this matter fairly thoroughly when I was the Minister for Health.

The Hon. Fred McKenzie: But why cannot it be used in a public hospital? It is lying idle.

The Hon. N. E. BAXTER: It is not used in the public hospitals because the doctors do not believe that it will do any good. It is only Dr Holt and one or two other people who say that it is of any

use. If anyone can come to me and prove that it has cured cancer—

The Hon. Fred McKenzie: That is not the point. People should have access to it.

The Hon. N. E. BAXTER: There has not been one cure established. Where people have been cured of cancer, it has been through conventional treatment. People are paying out good money for nothing. I am sure members remember the case of the dentist who came here from France. He was very ill when he came off the plane, and he was resuscitated at the St. John of God Hospital. He was taken to Dr Holt's clinic for treatment, and then brought back to the hospital on a stretcher. He was again resuscitated and then sent back to France. A few days after his return he was dead. There were many such cases.

The patient who had a head tumour was related to a member of Parliament. Dr Holt told us that this person would be back at work within a fortnight. Within a month he was dead, and I know doctors who will corroborate that statement. This is the reason I say it is irresponsible to spend more money and waste the valuable time of doctors to carry out another inquiry when three clinical tests have been completed already.

Before I resume my seat I would like to say that this will be my last speech to an Address-in-Reply debate. No doubt the Opposition will say "Hurrah" to that.

The Hon. Robert Hetherington: Oh, we will miss you, Norm!

The Hon. N. E. BAXTER: On 6 May next year I will retire. In approximately 16 days I will have actually served 30 years in this Parliament, although I came into the Parliament in 1950. I have always tried to help people and over this long period I hope that I have done my job as efficiently as possible. I would like to thank everyone for their co-operation over the years I have been here. I have been helped greatly by members of Parliament, ex-members of Parliament, and the staff of the House. I support the motion.

**THE HON. W. R. WITHERS** (North) [7.51 p.m.]: This will be my last speech to an Address-in-Reply debate, but I do not think it will be my last speech in this House. No doubt I will make my last speech within the next week or two.

The Hon. Robert Hetherington: I am sure you will make many speeches before you go.

The Hon. W. R. WITHERS: I will use this opportunity to make a statement which I have made repeatedly over the last 11 years. Members of this House have heard me criticise



Governments—both the Labor Government and the coalition Government of the Liberal and Country Parties—about the imbalance between the northern areas and the privileged southern areas of this State. I have explained, again *ad nauseam*, how the people of the north contribute more by way of taxes and charges than do the people of the south, but receive fewer services for those charges. One of my speeches was printed in a booklet and I gave it the title "How well-intentioned Governments strangle the development of a nation".

I do not think Governments intend to be vindictive in their treatment of northern people. What is apparently vindictiveness is sheer ignorance because no person or Government who has the knowledge could do what Western Australian Governments have done to northern people unless it were from ignorance or vindictiveness.

Governments of all political persuasions are the trusted representatives of the people. They comprise a fine body of men and women, and they would not do things through vindictiveness. However, the northern people see their actions as such.

I have pointed out in this House that the big money box of the Consolidated Revenue Fund is split up by the Treasury and passed out to the various departments. Those departments, in their planning for the State, see—and rightly so—that the northern people are being subsidised within their particular area of influence. What they do not understand is that the people of the north are paying unconstitutional charges which are much higher on a *per capita* basis than are the charges being paid by their counterparts in the south.

The main purpose in my rising tonight to speak on this subject is to explain the reason that a statement made by the Premier, which appeared to the people in the south of the State to be so just and right, caused people in the north of the State who are involved in industry to be shocked and horrified, and to realise that the Premier indicated that he and the Government had no conception of northern development. I will explain my comment.

Members will remember that during the last power shortage in the State of New South Wales, the electricity authority there could not supply the power required for industry. Our Premier offered to bring industry from the Eastern States to Western Australia and to help that industry to re-establish with money from our Consolidated Revenue Fund. To people in the south of the State and to Western Australians generally, that would

appear to be a sensible offer. It is reasonable that our Premier should see an opening and an opportunity to increase industry in this State by inviting those disadvantaged Eastern States people to continue their production in the State of Western Australia.

However, let us analyse the situation, and let us look at what was happening in our State at the time that the Premier gave this invitation to Eastern States industries. The people who are endeavouring to get industry off the ground in the north of this State are being asked to pay more for facilities than are their southern counterparts. They are not being given assistance such as that offered to the Eastern States people. They are being asked to pay more, and horrific amounts more.

The northern people are being asked to pay so much more that it is reasonable for them to assume there is some grand design to prevent industry establishing in the north of this State. I do not think it is a grand design—I think it is sheer bloody ignorance. I use the Australian superlative there to emphasise the ignorance which prevents the people in the south of this State from understanding what is happening in the north.

Members of the Press are sitting in the Press Gallery tonight. I can tell members now that any parts of my speech they decide to report will not appear in the southern papers. Some editor will sit in judgment, and we will find that my comments will appear in the northern papers. That is preaching to the converted. The people in the south will remain in ignorance just as the Government remains in ignorance because it is made up of southern people.

The Hon. Fred McKenzie: Are you suggesting secession?

The Hon. W. R. WITHERS: I will not suggest secession because of the ultimate result of such a move. Any man or woman who suggests secession must be prepared to face that ultimate. I know, and members of this House know, that secession can be brought about under the Constitution only if it is agreed to by all States, and the States will not agree to it. So if one is prepared to travel along the path of secession, one must be prepared also to take the next path and that course is abhorrent—it is civil war. I would never agree to it. Unless the people in the south realise what is happening at some time in the next century that may happen. I do not think it will happen because people will wake up.

Members have heard me criticise the Premier for expressing his ignorance in inviting Eastern

States business people to Western Australia to re-establish their businesses under Western Australian grants at a time when people in the north were asked to pay more than their southern counterparts, and I shall explain that.

I said the charges were horrific and they are. One motel starting in Derby was asked to pay an SEC generating charge of \$110 000. That was not a contribution scheme line cost; it was purely the capital charge generating cost. I ask members: Where does that money end up? It goes back into the SEC, because the commission sees itself subsidising the people of the north as a result of a Government decision in favour of uniform power charges. That was an admirable Government decision, but the Cabinet should make a grant back to the SEC to compensate it for that extra charge, so that the commission does not have to invent these horrific capital charges which prevent the development of northern industry.

I mentioned a motel. Some people have a rather weird attitude towards motels and hotels and they say, "Well, they can afford it." Therefore, let us look at a small seed company—a farm in my district, approximately half a kilometre from where I live. That farmer was asked to pay \$24 000 in capital headworks charges towards SEC generation. That did not involve line costs. The farmer was asked to put up another \$88 000 in line costs. A few other people in the scheme, including myself, offered to put up a total of \$74 000 in line costs, but the scheme fell through.

What I am saying is that the Government is totally unresponsive to the needs of the north. This does not result from some grand plan or because of vindictiveness, but rather it is sheer bloody ignorance.

The Hon. Fred McKenzie: I'll bet Sir Charles Court would not like to hear you saying that.

The Hon. W. R. WITHERS: Sir Charles Court has heard me say this previously in his office.

The Hon. Robert Hetherington: Did he survive?

The Hon. W. R. WITHERS: I went through a very embarrassing situation on 6 April last, because I had to try to explain to an American company why this Government was so stupid; why it imposed capital charges for power generation on people in the north of this State; and why it held back northern industry and yet offered assistance to people out of this State with State finances from Consolidated Revenue. I intend to read a letter I wrote in relation to this embarrassing matter. I drafted this letter half a dozen times to try to explain the situation to the company, while not embarrassing my own

Government and fellow Australians, but I could not do it. I had to embarrass our Government, because of its ignorance. The letter is addressed to the Manager of the Dessert Seed Company Inc. which has Australian management, Australian personnel, and American investors who have already spent millions of dollars in the Kununurra area. The letter reads as follows—

Dear Leo,

Re: SEC Negotiations for Contributory Scheme and Your Letter of 29 March, 1982 and Telexed advice from American office

Thank you for your advice concerning your inability to meet the cost required to enable the scheme to proceed. I can understand your budgetary limitation to a maximum of \$30,000. The 14 settlers raised \$84,000 but another \$88,000 was required to run, the line approximately 10 kilometres from existing poles.

It must be extremely difficult for your American principals to understand the government impositions placed on Northern industry, particularly when they have contributed so much in development funds and employment opportunities over the past decade without any return on their investment.

I will endeavour to explain the reasons for the government attitudes which are creating discontent.

The State Energy Commission

This Commission must fund its operations from its utility sales and public loans. A commendable government policy to provide power across the State at a uniform commercial rate and uniform domestic rate places the SEC in a high loss situation within those areas having a generation cost which may exceed 250% of the domestic unit charge. This has caused the SEC to apply commercial headworks charges and non-refundable schemes to those in Northern industry.

It requires a Government Treasury decision approved by State Cabinet to fund those extra cost impositions so as to give equity to Northern industry with those in the South.

Most government departments and instrumentalities believe that the North is already heavily subsidised but they are generally not aware of the heavy subsidy the North provides for the South on a "per capita" basis.

This is done by;  
Unconstitutional Charges

Although Australia supposedly has uniform tax laws and a constitution intended to prevent special impositions on geographic locations, in practice, the Federal and State Governments apply penalties which result in each married working person in your district paying \$15.92 per week more than his or her city counterpart into consolidated revenue.

I shall break away from the letter and ask you, Sir, and members of this House how your constituents would feel if they had to pay into Consolidated Revenue \$15.92 a week more than people in my constituency, while receiving fewer services in return. That is the position of this State and the nation. I have indicated this time and time again in this House, in broader terms, expecting Governments to understand, but they do not. They are bloody ignorant.

The PRESIDENT: Order!

The Hon. W. R. WITHERS: I use the Australian superlative to emphasise my lack of appropriate expression for such a shocking situation in this State and country. It is unconstitutional, but what can we do about it?

I submitted a report to the Federal Government, but it wants to pretend it did not even receive that report, despite the fact that I have a letter which indicates representatives of the Federal Government wanted to meet me personally in Port Hedland to discuss the matter. That letter from the Federal Government refers to a special committee, but when the contents of the report were discovered, the Federal Government wanted to pretend it had never existed and denied it had been received.

The people I represent pay more than the people in the south and receive fewer services. That was never intended under the Constitution and I have indicated this in this House time and time again. I have made such comments in letters to the Federal and State Governments. I am now ending my parliamentary service and I shall put the situation in the strongest terms possible, including the use of the Australian superlative.

The letter continues—

This iniquitous system is loading industry costs and utility costs. It operates as follows:

All employers in your district are legally required to pay a district allowance of \$41.60 per week (above award payments) to a married employee. If the spouse works elsewhere, the spouse will also receive the same allowance.

If the employer pays payroll tax, then a tax of 5% is applied to the district allowance and taken into State revenue.

I break from the letter again and ask members to analyse that situation. A district allowance is paid by employers to the people and this increases the cost of production. It is taken by the employees, because, under a State law and awards, it is indicated the workers need that allowance to live. The State applies a further 5 per cent on that and puts it into Consolidated Revenue. However, the situation gets worse. The Federal Government takes from the people an average of 33 1/3 per cent of that special allowance and puts that into Consolidated Revenue also on a temporary basis.

To continue—

The Federal government takes an average of 33 1/3% of the district allowance in personal income tax. Under the tax-sharing arrangement between the Federal and State governments, last year, the Federal government returned 39.86% of that collection back to the State government.

It suddenly becomes clear to me why Treasurers do not want to support this scheme, and that is because they would lose out in Consolidated Revenue. They are quite happy to screw the people of the north to the wall and to take their money from them. I shall continue with the letter as follows—

When analysed, these figures show that a married working person in your district, subsidises the Southern counterpart through forced contributions which total \$7.60 per week for the State Treasury and \$8.32 per week for the Commonwealth\* of Australia.

I marked an asterisk against the word "Commonwealth" and at the bottom of the page I included a footnote which says, "This is a misnomer." By that I mean the Commonwealth of Australia is a misnomer.

I was asked about secession. If members are beginning to think as people in the north do, I ask them whether they are horrified by what I am telling them. When members see what is happening in the Northern Territory, can they understand why the people in the northern Kimberley do not want any part of the Western Australian administration? The majority of the people in the Northern Territory are still public servants who rely for jobs on the Western Australian administration.

The Hon. Fred McKenzie: Maybe the Federal Government poured more money into the Northern Territory.

The Hon. W. R. WITHERS: I agree with the honourable member, but the people still make comparisons, and usually, at that level, they do not analyse. The letter continues—

These amounts are a direct loading on industry and they maintain high living costs by government design in the North.

Despite the unconstitutional nature of the charges, neither the State government nor the Federal government will adjust the system because there are insufficient affected people to create the political pressure for change.

The Public Works Department/Packsaddle Pumping Station.

I should like members and you, Sir, to analyse not so much what has happened and what I am about to say here, but rather the effect on people of the way in which they perceive the situation, because they look at Government departments and Government officers as a reflection of the Government. I ask members to analyse how these people think because it is not a pretty sight. To continue—

Even though you and other local people are fully aware that the PWD diesel pumps at the Packsaddle location can not supply the required water at the full demand level, officers of the PWD in Perth have advised the Minister that a cost benefit study doesn't warrant the electrification of the pumps at this stage. The original design of the pump station incorporated electrically driven pumps.

I ask members to concentrate on the next passage because to me the facts are horrific. The circumstances may not mean anything to members but I ask you, Mr President, to tolerate any interjection from a member who does not understand this passage. To continue—

The electric motors were purchased in 1971 but an inter-departmental difference of opinion between the PWD and the SEC over the payment of power line costs, resulted in the motors being placed in the PWD's Kununurra Store. The PWD then purchased diesel motors to drive the pumps.

The Minister for Works has advised me that the cost of running and maintaining the diesel pumps is estimated at \$108,000 this year.

I ascertained that figure from asking a question in this Parliament. Members would have heard the answer. To continue—

This figure is seen as a gross under calculation which makes the cost benefits study very suspect. There is also a local belief that they are awaiting the installation of hydro-power to avoid the mandatory generation charge applied by SEC.

I hope to consult with the Minister and his officers on this subject next week. If that meeting proves to be unsatisfactory, I will prepare further questions in Parliament.

That did not eventuate because the whole scheme fell through. It was quite obvious at that stage that it was pointless to go any further—the people up there were without power. To continue—

Although many people have assumed that the PWD wishes to take advantage of the private contributors—

That is getting the people I mentioned to pay the line costs. To continue—

—I must say that the SEC assured us that the heavier line installation and transformers required by the PWD at a future date, would not be a charge against the settlers in the contributory scheme. Despite this assurance, the high cost of the scheme and the reluctance of the PWD to join, causes the settlers to view the situation with suspicion.

Can anyone blame them? To continue—

The State Government

Recent government decisions in several areas have caused local people to be highly suspicious and distrusting of politicians and government officers.

They were puzzled and angered when the Premier invited NSW industries to relocate in Western Australia with State aid during the NSW power strikes. This was done at a time when Northern industries were being asked to contribute headworks charges for power generation at a level not applied to Southern industries, e.g., \$100,000 for a motel and \$24,000 for a farm plus non-refundable line costs.

Once again this is an imposition on the northern people. Anybody entering a contributory scheme in the south of the State goes in on the basis that over 30 years the line costs will be refunded. Anybody entering a contributory scheme in the north of the State goes in on the basis of no refund being made.

The Hon. H. W. Gayfer: I think you had better check on your facts because I don't know if that applies at the moment.

The Hon. W. R. WITHERS: I suggest the Hon. Mick Gayfer check his facts, because mine

are correct. I checked with the State Energy Commission.

The Hon. H. W. Gayfer: With the Agaton water scheme we had to put up \$51 million of the capital costs to get water.

The Hon. W. R. WITHERS: That is a different scheme.

The Hon. H. W. Gayfer: It is the same principle.

The Hon. W. R. WITHERS: I am talking about contributory SEC schemes and Mr Gayfer has raised a totally different situation.

The Hon. H. W. Gayfer: It is the same in principle.

The Hon. W. R. WITHERS: I understand that an injustice may have occurred in regard to that water scheme, but that to which I am referring is not that to which Mr Gayfer is referring; I am referring to a contributory scheme for private people.

The Hon. H. W. Gayfer: Electricity is provided in the south-west and you have contributors.

The Hon. W. R. WITHERS: If the SEC has given me incorrect information I suggest that Mr Gayfer come to me at a later stage to tell me why it is incorrect. My understanding after receiving information from the SEC is that contributor schemes in the south of the State are refundable over 30 years, but in the north of the State they are not refundable. If that is incorrect the member should take it up with the SEC. I would be pleased to hear the outcome. To continue—

These insensitive government announcements and policies are responsible for the rapidly increasing desire for the North Kimberley to seek amalgamation with the Northern Territory under a separate constitution. This is understandable when one sees nearby communities in the Territory with legislation and utilities provisions which are more realistic for Northern development than those found under the West Australian administration.

The Hon. Fred McKenzie: In more ways than one; they have the Land Rights Act there.

The Hon. W. R. WITHERS: That is a curly one, and I might add that it is not attractive to the northern people when considering joining the Northern Territory.

The Hon. Fred McKenzie: I realise that.

The Hon. W. R. WITHERS: It is one of the drawbacks. To continue—

I trust this explains the situation to you and your principals. Let us hope that changes

in government policy and re-negotiation results in SEC power for your locality.

I sent copies to the Prime Minister, the Premier of this State, State Cabinet, the Kimberley Regional Administrator, the State Energy Commission, the Ord Settlers Group, and the Kimberley shires.

The Hon. D. J. Wordsworth: Did you mark it private and confidential?

The Hon. W. R. WITHERS: No.

The Hon. A. A. Lewis: I didn't get a copy.

The Hon. W. R. WITHERS: I did not mark it private and confidential, and if I had I would not have read it in this House. Knowing the system, I realise that people who read it, like the Press, will not understand it. I say that with due respect to members of the Press in the gallery. I do not refer to individual members of the Press, but the Press in general.

The Hon. I. G. Medcalf: I read it and understood it.

The Hon. W. R. WITHERS: I am glad the Leader of the House understood the letter, and I sincerely hope he does something about it in Cabinet and obtains the support of his colleagues.

The Hon. J. M. Berinson: He didn't say he agreed with it.

The Hon. W. R. WITHERS: When I refer to the Press in this instance I liken it to this Parliament which is made up of many individuals with varying degrees of intelligence and ability to try. I know that quite often individual Press reporters take stories to their editors and are disappointed when those stories are either not printed or put in the wrong newspaper. I have found that over the years any article dealing with injustice directed towards the north-west is placed in newspapers circulated in the north-west. The editors feel that such articles are of interest to the people in the north, and I am sure they are, but it is like reading, "The sun rose in the east today"—the people know about it already.

What concerns me is that people in the south still are uneducated about these matters. If they were educated about them surely they would put political pressure on the Cabinet and the Government as a whole, whoever those people in the south may be, to correct this situation which is alienating the north of the State from the south. This alienation is accelerating and people can stand just so much. An old saying is, "The greater the subjugation, the bloodier the revolution." We will not have a revolution—I hope—but if people in the north of the State continue to be treated in the way they have been and are not allowed to

establish industries without great impositions put on them by both the State and the Federal Governments—impositions which do not apply to their southern counterparts—they will revolt in their own way, whether that be in moves for secession, amalgamation with the Northern Territory under a separate constitution, a separate country, or in voting for a party that may come up with the right answer. I do not know how that revolt will take place, but if this situation continues, it will take place—it must do.

The Hon. H. W. Gayfer: I have checked with the Minister and found that our contributory scheme is not totally refundable in the southern part of the State at the present moment.

The Hon. W. R. WITHERS: Is that over 30 years?

The Hon. H. W. Gayfer: Over 30 years it is not refundable.

The Hon. W. R. WITHERS: Does the member say it is possible that over 30 years it is not refundable, or possibly not in full?

The Hon. H. W. Gayfer: Part of it is repayable.

The Hon. W. R. WITHERS: Something has slipped in.

The Hon. H. W. Gayfer: You pay the same price for your electricity as we do, and we also pay a headworks charge built into our contributory scheme.

The Hon. W. R. WITHERS: That is not the information I received from the SEC, and possibly this fact relates to one of the problems with Government today. I am getting information from the SEC which informs me that the north of the State has non-contributory schemes. I would like to determine whether something else is marked as a non-contributory scheme, and Mr Gayfer has said that there is.

The Hon. H. W. Gayfer: There is.

The Hon. W. R. WITHERS: I have no wish to argue with Mr Gayfer.

The Hon. H. W. Gayfer: It is payable back over 30 years, but not in total.

The Hon. W. R. WITHERS: Possibly the SEC has a scheme in the south different from the one explained to me. Mr Gayfer has said that a portion of the cost is payable back, but I am saying that in the north none of it is payable back. I have not heard of any development in the south of the State, say, in relation to the establishment of a motel, in which \$110 000 is required to be paid towards the electricity generating costs of the SEC.

The Hon. D. J. Wordsworth: I think you will find it has occurred in schemes where there is the building of extra capacity. I know it happened in the case of the Esperance Port Authority, and it may go along with other electricity supplies to Esperance.

The Hon. W. R. WITHERS: The member has referred to a semi-autonomous Government authority, but I am talking about private industry. I am not aware of the arrangements Government authorities have with the SEC. The Hon. David Wordsworth and the Hon. Mick Gayfer could well be right. I know they would not make statements unless they had the facts before them, but even at this stage of the game I will stick to my guns. The Hon. Mick Gayfer has said that some of the cost is refundable in schemes in the south, but in the north nothing is refundable. The Hon. David Wordsworth referred to a semi-Government autonomous authority, and I am referring to private industry. What they have said may be true, but I do not think anybody in this House could tell me that the schemes referred to by those members have applied directly to a private industry in the south of the State. The information I have is that these non-refundable schemes have applied in the north of the State, and I am saying that is wrong.

The Hon. N. E. Baxter: In the early days a hotel or any other business of substance would pay a lot more than a private consumer. The Chidlow Hotel paid a lot more than domestic consumers.

The Hon. W. R. WITHERS: I cannot argue with the member, but even now hotels in the north must pay horrific charges. Every person in their employ pays \$15.30 more each week into Consolidated Revenue than their southern counterparts, and that amount is paid by the employers and is added to the costs and overheads associated with those hotel facilities. I think I have got the message across to members here because some have entered the debate by interjection.

The Hon. H. W. Gayfer: You've got our attention, that's for sure.

The Hon. W. R. WITHERS: We must get this message across to Cabinet so that it will change the rules and laws necessary to get rid of the unconstitutional charges imposed upon the people of our north. If the Government does not do this we will lose the north of the State. Its people will revolt in their own way. I do not mean they will revolt with cannon and guns, but they will in their own way revolt to change the system so that they are separated from what we have here.

The Hon. D. J. Wordsworth: I understood they had already changed over the system at Derby with the hotel paying \$110 000.

The Hon. W. R. WITHERS: Well, I hope the honourable member is right. The message has not got through generally. In fact, as late as 6 April they were still applying it to the farmer.

The Hon. A. A. Lewis: Do you mean—if we lose the north we could lose both you and Mr Dowding?

The Hon. W. R. WITHERS: Mr Lewis, I do not mean my speech to sound attractive to the Government.

Mr President, in my final Address-in-Reply speech, but not my final speech in Parliament, I plead that the Government will forgive me for the use of my Australian superlatives. It will be my great delight if, in the next few months, I can see Government policies which will give some equity to the people in the north to allow development to take place in the same way as it does in the south of the State. It will be my delight if the Government gets rid of certain charges, such as the five per cent pay-roll tax on the district allowance which is not applied to the south of the State. I hope the Government will support the proposition I put to the Federal Treasurer to do away with the district allowance in favour of a non-paid district allowance which would become a rebate at the end of the year. I have had occasion to speak on this matter before, and it is already recorded in *Hansard*.

I support the motion.

**THE HON. J. M. BROWN** (South-East) [8.32 p.m.]: Unlike the previous two speakers I do not expect this to be my last contribution to the Address-in-Reply debate. However, I know full well that a week or even four days can be a long time in Parliament and I will not try to predict any events of the future.

However, like other members I would like to extend a welcome to the Hon. Garry Kelly who has taken the place of Howard Olney, who is now a judge of the Supreme Court in Western Australia. I join with other members in acknowledging the contribution Howard Olney made to this place in the short time he was here and I feel sure he will acquit himself equally well in the position he has undertaken. I think it is fair to say that it was no small measure for the Government to appoint Howard Olney to that position, and I feel sure that its selection was well made.

I am sorry I was not present when the Hon. Garry Kelly made his maiden speech in this Parliament.

The Hon. H. W. Gayfer: Where were you?

The Hon. J. M. BROWN: I was in Kununurra. I could tell the member about the electricity supplies.

I do regret that I was not here to listen to the Hon. Garry Kelly's first contribution in this place because I think it is very valuable to have one's colleagues present on such an occasion. Nevertheless, I have had the opportunity to peruse *Hansard* and I am sure his remarks have been referred to by the Opposition on many occasions, and whilst they may not have been accepted by the Government—which is understandable—he certainly undertook a lot of research, and there was soundness and validity in what he said. I am sure he will make a great contribution to this Parliament.

Perhaps it was with a tinge of sadness that the Hon. Norman Baxter indicated that his contribution to the Address-in-Reply debate this evening would be the last he will make in such a debate. He has been in this House for such a long time. In his speech he chose to consider the one-vote-one-value proposition and the position in which it has placed country electors. I would like to add my thoughts concerning electoral boundaries to those which he presented to this House.

I think we are all well aware of the first report of the electoral commissioners which was presented to the people of Western Australia and published in the *Government Gazette* on 28 August 1981. That was the preliminary submission. The electoral commissioners proposed that the State be divided into 57 electoral districts and that there be an adjustment to the boundaries of 17 electoral provinces. Naturally, because I have a term that expires in 1986, I was very interested in what was to take place and I proceeded to ascertain the feelings of other members. The unfairness of the boundary changes has already been related to the House. I honestly believe that the electoral commissioners did not understand the legislation when they made the redistribution, particularly in respect of country areas. I have been trying for some considerable time to find out exactly what effect the redistribution will have on my own province—the South-East Province.

I know how the boundaries are set and I am sure every member also is aware of that. However, I made some inquiries by way of correspondence to the Attorney General, the Clerk of the Parliaments, the Chief Electoral Officer, and the Crown Law Department. The Chief Secretary, the Crown Solicitor, and the

Attorney General each gave conflicting stories in relation to the redistribution of country boundaries. Their explanation of the redistribution varied to such an extent that I took some time to try to find out what was the real position and even at this stage I am not sure of it.

For argument's sake the Hon. Norman Baxter said that the Central Province, which is represented by Mr Gayfer and himself, will be increased in size from 59 000 square kilometres to 112 000 square kilometres from 1983 as a result of the redistribution. By interjection it was said that a travel allowance should be made to those members because the area will be over the prescribed limit of 90 000 square kilometres. My understanding is that Mr Gayfer will represent his electorate until 1986; therefore, the Hon. Norman Baxter's successor will represent a province different from that which Mr Gayfer represents.

The Hon. H. W. Gayfer: I think you are wrong. I would have to appeal to the more learned gentlemen on the front benches. I am sure that after the election next year I will represent the new Central Province. I do not carry on until 1986.

The Hon. J. M. BROWN: I would like to continue with my comments in relation to this matter. Whilst it is suggested that the members on the front benches may make a more learned judgment on the matter, I point out that in the comments I am making this evening I am relying on the judgments they have made. I would like to substantiate my comments by referring to the reports from the people whom I have mentioned in relation to this matter so that there will not be any confusion in members' minds as to where their electorates actually are situated. There must be the country electorate in which he will be residing at the time of the 1983 election. I am not referring to the electors in the metropolitan area because the electoral boundaries have been clearly stated.

The Hon. D. J. Wordsworth: What is the difference between the country and the city?

The Hon. J. M. BROWN: We have been saying for years that there is a tremendous amount of difference between the country and the city.

The Hon. D. J. Wordsworth: In respect of this one fundamental point?

The Hon. J. M. BROWN: This is not an easy matter to explain, and if members allow me to develop the proposal I am putting forward they will see there is a great need for a re-evaluation of our system. I suggest that not only the members

on the front benches but also the electoral commissioners are not aware of the situation which will face members of Parliament who retire in 1986. If those people are confused about the situation, all members of Parliament also must be confused. How do members think the poor old elector—the person we represent—will feel when he seeks the support of his member of Parliament when even we in this House do not know what the boundaries are? What chance has the elector got?

I wrote to the Attorney General on 17 September 1981 because I was unable to receive any satisfaction from the research that I had undertaken. Members should bear in mind that I had been endeavouring to make inquiries since 28 August when the *Government Gazette* setting out the new redistributed boundaries was published. The letter I wrote to the Attorney General reads as follows—

Dear Mr. Medcalf,

Constitution Acts Amendment Act

As I am precluded from seeking a legal opinion by way of a question, could you please make a statement in the House to inform those members whose term expires in 1986, what is required by them to ensure the continued representation of their Province following the 1983 election.

I have studied the abovementioned Act in its amended form, and I am unable to ascertain the section which makes it possible for a continuing member to make application to represent the provinces that will be altered as a result of the redistribution of boundaries.

I find it difficult to interpret Section 47 of the Act which was repealed and substituted in 1975, and amended in 1981—the original wording of the Section prior to 1975 makes it clear that the new boundaries would automatically apply, but the present terminology is not clear (copies of the section are attached).

It would be appreciated if you could advise the House as to what is the position.

Yours faithfully,

J. M. BROWN, M.L.C.

The Attorney General took the opportunity to verbally reply to my letter, one or two months later, advising that he would investigate and consider the matter. There is no doubt that that is what he did. I will present the reply later, but in the meantime, I advise I have been pursuing inquiries myself through the channels available to me, and as a result of this a contact was made



between the Chief Electoral Officer and the Crown Law Department.

On 23 October 1981, the Crown Solicitor wrote in the following terms—

As I have said, the idea in s. 47 (1) (a) of the Constitution Acts Amendment Act, that a previously serving member of the Legislative Council will continue after an alteration of boundaries, "to represent in Parliament the Province of the same name as the Province for which he was elected with the same boundaries as it had immediately prior to (the date of the coming into operation of the Acts Amendment (Electoral Provinces and Districts) Act 1981)", is a strange one, and one that could cause difficulties.

... some doubt could arise on the death or resignation of such a member. A by-election would then be necessary and as, in the terms of the Electoral Act, the by-election is to be "for the seat so vacated" (s. 67 (3)), the naturally occurring question would be "which seat is it that has been vacated"? As you have advised, the position in the Agricultural, Mining and Pastoral Area, as now proposed, will be that the names of the provinces will remain unchanged, but there will be significant changes in the boundaries of those provinces. If a previously serving member of the Council is considered to continue representing his province as it existed before the redivision, then, logically, it would follow that it is that seat that has been vacated in the event of that member's death or resignation. Perhaps, s. 12 (6) (c) of the Electoral Districts Act, with its specific reference to by-elections, is indication enough that any such by-election would have to be determined on the new boundaries.

Finally he said—

If the present proposals for the Agricultural, Mining and Pastoral Area are proceeded with, any possibility of trouble arising in respect of the previously serving members of the Legislative Council who continue with their terms after 21st May, 1983, could be met simply by amending s. 47 of the Constitution Acts Amendment Act so as to provide that, in the event of a mere alteration of boundaries (i.e. an alteration of boundaries not accompanied by any change of names), they thereafter represent the province as so redefined.

In his comments, the Crown Solicitor says this "is a strange one ... that could cause some

difficulties." That is in relation to section 47 (1) (a). He goes on to say—

Perhaps, s. 12 (6) (c) of the Electoral Districts Act, with its specific reference to by-elections, is indication enough that any such by-election would have to be determined on the new boundaries.

Even in the Crown Law Department there was some confusion as to how the boundaries should be determined. Then we had a reference from the Chief Secretary, which is rather interesting. He said—

Apart from some problems which might arise in the State Electoral Department over enrolments it seems that this would not create any problem so long as there is no by-election in one of the provinces between 1983 and 1986.

If a by-election is required the person elected to serve for the unexpired portion of the term will represent the province established by the redistribution.

That is a clear statement confirming that, if there were a by-election, the province that the new member would represent would be the province proclaimed in the redistribution.

Finally I refer to the letter from the Attorney General dated 17 March 1982. He referred to my letter dated 17 September 1981 concerning the Constitution Acts Amendment Act, and he regretted the delay in replying to me. The following portion might interest members—

In answer to your queries, a member who was elected in 1980 to represent an agricultural, mining or pastoral area province, will continue to represent that province, the boundaries of which are those which existed prior to the redistribution. At the election due to be held in 1986, the boundaries of the province will be those determined by the redistribution.

In regard to persons elected in 1983, they will represent provinces, the boundaries of which will be those determined by the redistribution.

This means that there may be some areas where there will be an overlap between neighbouring provinces, but at the same time, ensures that there will be continuing representation for all electors.

Basically, however, the 1975 amendment was intended only to cope with the 1976 redistribution which, in the process of re-defining the provinces in the metropolitan area, extended some of them into areas which

were part of provinces in the agricultural mining and pastoral areas.

Then the Attorney General concluded—

If there is ever a redistribution of provinces outside the metropolitan area, such as will involve the need to re-allot provinces, then the Constitution Acts Amendment Act will require amendment. This would occur where there is a need to allot provinces to sitting members consequent to a change in the name or names of provinces or where a new province is created.

In answer to the query raised by the Hon. H. W. Gayfer who indicated that he did not think I was right, the Attorney General demonstrated quite clearly that a member who was elected in 1980 will continue to represent the area until the election in 1986.

Apart from the confusion that has been created in regard to persons elected in 1983 who will represent provinces the boundaries of which were determined in the redistribution, I have a further concern, which is set out in the following terms—

This means that there may be some areas where there will be an overlap between neighbouring provinces, but at the same time, ensures that there will be continuing representation for all electors.

I do not agree with the statement that the Attorney General made, and for a very good reason which I will explain to the members of the House.

So that there is no confusion, I refer to section 47 (1) of the Constitution Acts Amendment Act as follows—

- (a) every member of the Legislative Council immediately prior to the date of the coming into operation of the Acts Amendment (Electoral Provinces and Districts) Act 1981 shall continue to represent in Parliament the Province of the same name as the Province for which he was elected with the same boundaries as it had immediately prior to that date.

I made investigations in the first instance to find out exactly where I, as the member for the South-East Province who was elected in 1981, would be situated. That was the cause of my inquiries into the position of members of this House of Parliament and the position of the electors of this House of Parliament. The matter goes still further than that.

The Government took it upon itself to make new boundaries for the metropolitan area, and

thereby took the electorate of Rockingham, which was a country electorate, and put it into the metropolitan area. Similarly, to the north, the Government took a great proportion of the Shire of Wanneroo and placed it in the metropolitan area. We know that the Government created two additional seats which, with the seat of Rockingham, meant that one seat was lost to the country.

The Government expanded the metropolitan area from 27 to 30 seats, and as a result, of the members who represent the Lower West Province in this House—and I refer to the Hon. Neil McNeill and the Hon. Ian Pratt—the Hon. Ian Pratt is expected to represent Rockingham until 1986. But, what will happen to the two additional metropolitan members under the redistribution? What electorate will they represent? They will represent Rockingham as well; so under the redistribution we will have three Legislative Council members representing Rockingham.

The Hon. W. M. Piesse: They'll be all right.

The Hon. Peter Dowding: They will need it, in the circumstances.

The Hon. J. M. BROWN: That would not be all right, and I do not think it is in accordance with what the Attorney General said. The Attorney General said there will be some overlapping of the boundaries between neighbouring provinces, at the same time ensuring that there will be continuing representation for all electors.

A case in point is that the Hon. Margaret McAleer will represent a metropolitan province, as well as her own province, with the two members who will be representing that metropolitan province.

The Hon. H. W. Gayfer: For sure you will not have to worry about Esperance, because it will not be in your electorate.

The Hon. J. M. BROWN: My concern is that I do not believe that the electoral commissioners would have known that this situation would prevail.

The Hon. W. M. Piesse: Is there not a precedent? Were not the boundaries altered before? What happened then?

The Hon. J. M. BROWN: I was not aware of the 1975 redistribution, except as an interested person who lived in the country. I am referring to the 1981 redistribution, and to the responsibilities of members to their electorates.

If the Hon. David Wordsworth had taken up another appointment, his successor would have represented the Esperance area until 1983, and

then there would have been an election and his successor would not have represented that area. However, it is quite clear that his colleague, the Hon. Tom Knight, will represent the area. There is no doubt about that, because the position is stated clearly in section 47 (1) (a).

The former Chief Secretary (the Hon. W. R. B. Hassell) said—

If a by-election is required the person elected to serve for the unexpired portion of the term will represent the province established by the redistribution.

I am concerned that that could be confusing, considering what the Crown Law Department said. The Crown Solicitor said—

Perhaps, s. 12 (6) (c) of the Electoral Districts Act, with its specific reference to by-elections, is indication enough that any such by-election would have to be determined on the new boundaries.

So that members will know exactly what I am talking about, I quote section 12 (6) (b). Section 12 provides, amongst other things—

12. (1) The State may from time to time be wholly or partially redivided into electoral districts and electoral provinces by Commissioners appointed under this section in manner hereinafter provided whenever directed by the Governor by Proclamation.

It goes on and gives the various subsections. Subsection (6) provides—

(6) On and by virtue of the publication of the Order in Council mentioned in section eleven of this Act and any Order in Council pursuant to subsection (5) of this section, the final recommendations of the Commissioners to which the Order in Council relates, take effect and have the force of law and apply only in respect of—

(c) the general election for the Legislative Council held next after the date of the publication of the Order in Council; and any by-election for the Legislative Council held at the same time as that general election.

No-one but the Attorney General has made clear whether that overrides section 47 (1) of the Constitution Acts Amendments Act. If members are confused about the provinces they represent, I am pleased to welcome them to the throng.

Just how is the Government treating country people? How much contempt is the Government showing them when we have two sets of rules: One for the election of members from the metropolitan area to the Legislative Council and

one for the election of members from the country to the Legislative Council?

The Hon. Peter Dowding: There are three sets, because you have the pastoral area as well.

The Hon. J. M. BROWN: That area is laid down by Statute and there can be no alteration to it. The electoral commissioners included that area in their report purely as a matter of courtesy to the public. On page 4 of the report we find item 10 in which the commissioners went on to comment on the "North-West and Murchison areas" purely for information purposes.

Without wanting to delay the House for too much longer, we talk of gerrymanders but surely to goodness the Government can gerrymander properly. It must be disheartening for anyone not to know what his electorate is, as has been instanced tonight by interjections. Surely we can have enough dignity to tell the people who are their representatives and who are their colleagues.

How is the Premier and the Cabinet going to operate when they write three letters, one to the Hon. Ian Pratt and the others to two metropolitan representatives, saying a Minister will be in the electorate of Rockingham in July 1983? It will still be in Mr Pratt's province. Confusion will certainly prevail.

The Hon. D. J. Wordsworth: I am glad you acknowledge he will still be Premier.

The Hon. J. M. BROWN: I did not mention any names.

Confusion must prevail amongst people in Western Australia; amongst those about whom it is laid down by Statute are in the north, those whom the electoral commissioners decide are in the metropolitan area, and those whom the commissioners decide are in the goldfields area.

There are many other points on which I could comment. But what a way to be leaving Parliament after 30 years, as is the Hon. Norman Baxter: to find that his successor will not have the same Central Province as his colleague. How embarrassing will it be when the new member asks for his entitlements which are decided by the Salaries and Allowances Tribunal, only to find that he does not qualify but that his colleague does? How confusing will it be to the people of Western Australia not to know who is their representative? It is most unjust.

The confusion which will prevail because of the Chief Secretary, the Crown Law Department, the Crown Solicitor, and the Attorney General has already been commented on and pointed out to members. It is my opinion that the Attorney General is right in his assessment that the seats

will not change until 1986. He is not right when he says there will be an overlap and everyone will be equally represented; far from it. The people who will suffer will be the country people, not the metropolitan people.

The only other subject I will comment on is the Technical and Further Education scheme which has been piloted by an education officer in Wagin. He has introduced a scheme on a shoestring budget so effectively that there is a demand for it from people both inside and outside the area.

I asked the Minister a question on this matter but received only scant information in reply. I was told only one person in the Education Department could give the information and I have not yet contacted that person.

I want members to understand that the technical education which is supplied by this one man in Wagin is one of the greatest innovations to happen in rural education. People past school age flock to the area in their hundreds. An ideal class size is between 15 and 20 people but he has had as many as 90 people. The courses he pursues range from cake decoration to horseshoeing. He runs courses on skills that can be used by handymen in the country. He teaches technical ability to those men and women so that they can approach the jobs themselves.

It is such a progressive scheme it would be appropriate to be sponsored in country areas. It should not receive the short shrift it is receiving at present. The Government does not realise the work done by Mr Chappel. It is not because of his wishes that I am making these comments. In fact, I waited until yesterday to contact him. I have been making my own investigations throughout the region. The response from country shires to having this scheme extended is quite unique. I can see a great advantage in having such a scheme in the goldfields as well as in the agricultural area. I urge the Government to expand this type of technical education, particularly when there is such a desire for it by country people.

In conclusion, with respect to the Electoral Districts Act and the report of the electoral commissioners, I urge the Government to put right what I consider to be a wrong.

**THE HON. W. M. PIESSE** (Lower Central) [9.09 p.m.]: I too support the Address-in-Reply, and as this is my first speech in the new session, I congratulate those members who have been promoted to the Cabinet and commiserate with those who have not been so fortunate. I also congratulate the new member, the Hon. Garry Kelly, though I rather fear it will be many years,

if ever, before his seat is filled so worthily as it was filled by the Hon. Howard Olney. I am sure everyone held him in very high regard. He certainly treated this House as a House of Review, and his criticism of any legislation was always constructive.

**The Hon. Peter Dowding**: It did not do anyone much good, because no-one over there listened.

**The Hon. G. E. Masters**: Ridiculous. What about the workers' compensation legislation, you ass?

**The Hon. W. M. PIESSE**: The Hon. Howard Olney was a man held in high regard by all members, and we shall miss him sorely as time goes by. I also congratulate the Hon. Neil Oliver on his opening address. He gave us much food for thought.

Before commenting on the subjects on which I intend to speak, I must indicate that I am very pleased that the Hon. Jim Brown mentioned the Technical and Further Education scheme currently operating in the Wagin district and surrounding shires. His comments were very true, and it is one of the greatest things to happen in country education. I spoke briefly about this matter when speaking on the tabled Budget papers in November last year.

Following those comments I received a letter from the Minister for Education from which I wish to quote so that the Government's intentions are made clear. A news release over the radio appeared to be ambiguous to certain people in country areas. I am not promoting the scheme on behalf of the operator, but merely because I have had numerous requests from people in Lower Central Province asking when they will be able to tap into this sort of scheme.

I quote from the Minister's letter as follows—

I refer to your speech in the Legislative Council during debate on the tabled Budget papers motion in December last.

I note with interest the favourable comments you made on courses conducted through the Technical and Further Education (TAFE) Centre at Wagin.

The Wagin Project was established as a pilot venture, and it has now been adequately demonstrated that such activity is effective in meeting the needs of many people living in country areas. In view of this, I am examining with the Director of TAFE, the possibility of the Scheme being extended to other regions of the State. I point out, however, that any such extension is subject to the availability of resources, which as you

know, have been curtailed in the current financial year.

Thank you for your comments.

One's first reaction to this is that it does appear to be an ambiguous statement, the sort that politicians and shire presidents might make about money that may be allocated at some future time. However, I am sufficiently an optimist to believe that in the next Budget there will undoubtedly be signs that the scheme will be extended and extra funds provided.

I shall speak now on a matter raised by my colleague, the Hon. Norman Baxter. Although he is a very esteemed colleague I cannot let his remarks go unchallenged. Members might recall that during the Budget debate last session I spoke at length about the problem of breast cancer, particularly appertaining to young women throughout Australia. My comments prompted the following letter from the Minister for Health—

I read your speech in the Budget debate with a great deal of interest. Some of the points you made about breast cancer were quite revealing.

I agree that breast cancer is a serious problem in Australia and particularly so when it strikes young women. Research generally is hampered by the absence of accurate data; whether it is more frequent in certain parts of the State, whether the rates are increasing, whether treatment results are improving, etc. Initial research needs to be directed at improving data collection and that is why we have concentrated on the development of the Western Australian Cancer Register in association with the Cancer Council. A highly skilled doctor has been appointed and regulations were recently gazetted to make cancer a notifiable disease.

So far so good. I also hope this area will receive an extra allocation in the next Budget.

I refer now to Mr Baxter's comments about the use or non-use of the notorious Tronado machine.

The Hon. N. E. Baxter: I am glad you said it is "notorious".

The Hon. W. M. PIESSE: The machine is notorious, cancer is notorious and the victims are notorious. Cancer is something we cannot ignore. I have a copy of a Press statement made by the Minister which in part reads as follows—

The National Health and Medical Research Council has accepted that there are well qualified doctors and medical scientists in Western Australia competent to oversee

such a clinical trial, and one of our most respected medical scientists is ready to do this. I stand ready to encourage the trial.

The doctors who are to conduct the trial must now agree on the methods of its conduct and obtain the co-operation of the chosen teaching hospital, or hospitals.

If they fail to do so at this time, the Government of Western Australia remains ready to support a trial at any time.

In the interests of determining the value of Dr Holt's methods of treatment by hyperthermia, it would be of great value to medical science if the trial could proceed at the earliest possible time.

I most heartily agree and hope that there is not very much more delay. I watched recently a television interview in relation to the Tronado machine. There were people on the programme who were prepared to vouch for its effectiveness. I have spoken with people who are quite sure about its effectiveness, and one woman in particular is quite sure that the fact that her breast is not mutilated is due entirely to the Tronado machine.

It is true the Tronado machine may not be the be-all and end-all as a cure for cancer. In many diseases it is necessary to use more than one treatment. Usually, treatments are used in conjunction with others, and we must be aware of this. We cannot be dogmatic and say that only one treatment will help the problem. The position is so serious that we must try every possible known method to treat this disease to stop the mutilation of women's bodies which is happening today. I am not criticising the surgeons because I realise that is the only way they know at the moment; but we must find other ways.

After my address on the Budget papers in relation to cancer, I received some correspondence from Dr Holt. I shall quote a part of his letter in which he discussed treatment of cancer. He said—

Furthermore, the discovery of the basic defect in the normal cell which causes cancer has allowed me to devise and execute treatment methods which are capable of completely eliminating surgery. My own personal series of over 20 ladies with breast cancer who had been treated by a small biopsy and these methods show that in only 2 of them have they had recurrence of the disease within the next few years. The remainder are all well, with disappearance of their disease and apparently normal breasts.

I have spoken with one of these ladies and I have told members what she has said. Members may

read this letter if they wish, although many parts of it are very technical. Dr Holt included with his letter a copy of a paper he compiled on his study into the causes and treatment of cancer. I wish to quote part of it because of the comments made by Mr Baxter about heating the cells of cancer patients and how hot the machine can become, etc. Cancer cells absorb heat to a greater degree than healthy cells and for that reason it is possible to heat cancerous cells to a much higher degree than is possible from the heat of the machine itself. Dr Holt referred to a young patient with a malignant growth on the side of the head which he treated with VHF. He says—

Conclusion VHF heats both normal and cancer tissue.

VHF energy is better absorbed in the cancer tissue and it is thus selectively heated. Cancer tissue also cools more slowly after VHF than normal tissue does.

For Mr Baxter's information VHF stands for very high frequency electromagnetic radiation. The point I wish to make is this: While a patient was being treated with heat at one end he was cooled at the other end with a fan, that is not unusual.

The Hon. N. E. Baxter interjected.

The Hon. W. M. PIESSE: I remember in the olden days when I did nursing training we had to treat rheumatic fever patients with hot alkaline poultices. They do not use these methods now, but we had to put these poultices on ankles, elbows, and knees and a cloth wrung out of ice water on their brows.

The Hon. N. E. Baxter: Have you seen the Tronado machine?

The Hon. W. M. PIESSE: I have seen the Tronado machine operate and I have been in Dr Holt's clinic and had a look at his appliances. He has explained them to me and I have talked with patients.

The Hon. N. E. Baxter: Were they using fans?

The Hon. W. M. PIESSE: It is the same as putting an ice cool cloth on one's brow. Mr Baxter may have done his nursing training in a different place than I. We did have to use counterbalance agents for certain treatments.

I do not know whether or not the Tronado machine has any value. Some people swear that it has and some swear it has not. I hope there will be less medical politicking and more constructive investigation and research of cancer.

In respect of heat treatment for cancer, it is a known fact that it is very difficult to heat deep-seated cancerous cells. Therefore, a machine such as the Tronado machine may be used for cancers

that are not buried so deep. It may have a relevant effect in such cases. I hope that a proper investigation will be made into this matter because if I were a person who could be treated with this machine, I would want that investigation to be made.

Dr Letham spoke on the television programme I mentioned. He was the chairman of the committee which discussed the relevant benefits of the Tronado machine. At the end of the interview he was asked whether he was for or against it. He had been very careful to remain evenhanded in the discussion but at the finish of the interview he said that if he had the type of cancer suitable for that treatment he would ask to be treated by it. He is a man of no little standing amongst his own colleagues. That is a sign of a good professional and a good scientist. If one is dogmatic and approaches a subject with an absolute certainty that it is not going to work, one can be certain that no cure will be found. I prefer a person who keeps an open mind and who is big enough to say "Perhaps I was wrong", if he was.

The Hon. N. E. Baxter: That is why this is the only place in the world where the Tronado machine is used.

The Hon. W. M. PIESSE: That is not correct, Mr Baxter. This is a long-standing argument I have had with my colleague, but I am glad it makes no difference to our friendship.

The Hon. H. W. Gayfer: It's a bit misleading when neither knows the difference between hot and cold.

The Hon. W. M. PIESSE: Indeed we do, and not as the member is implying.

I wish to speak about the matter of insurance in this State. Many people in this House and outside are concerned about the whole insurance situation at the present time. The first point we must consider is third party insurance. I have listened with great interest to the questions asked by the Hon. Joe Berinson and others in this Chamber. I did ask a number of questions myself but I have not received the information I expected. I am concerned that third party insurance premiums are to rise: I am concerned also that we do not seem to have any sort of ceiling on the pay-outs in respect of third party insurance claims. Perhaps to some extent that is a reasonable thing but with the way things have been going lately, the concern has been expressed to me: Where will it end?

We do have some cases where a person is injured and a driver is proved guilty, but the injured person may continue for years with hospitalisation and treatment and the bills continue. On top of that very large damages are

being awarded. If a person is helpless and has to be cared for for the rest of his life there is good reason for this; nevertheless I feel we have reached a stage where the Government must look at two matters.

The first is the amount of damages that can be paid for any one accident, including medical fees and hospitalisation, etc. This would include physiotherapists, dentistry, and other treatments. I feel there may be some abuse in this area especially if it is an MVIT case—the sky is the limit.

Secondly, we must look at the time a case can be held over; it is a very insecure situation because inflation catches up and pay-outs become very high. There must be a better way. Perhaps there must be greater persuasion of people to take more care on the road. Perhaps people should be made to pay the first \$1 000 instead of the first \$500. There must be a better way because we are headed for gross disaster in the way we are going.

The second point I wish to raise regarding insurance generally is one I have mentioned before in this place; that is, the matter of a no-blame clause in our insurance legislation. It has been said that this would lay the situation open to abuse but I say: Name me legislation that is not abused. I think there is none.

I have heard of a case where a child escaped from her mother in a busy street and ran under the wheels of a motorcar. The child received brain damage but could not receive any compensation because the driver was in no way negligent. He was driving slowly, on the correct side of the road, and could not be persuaded to say that he may have been slightly negligent, and why should he? The driver had his life ahead of him and did not wish to have a mark of negligence against his driving when he was not negligent.

The only way a victim can be compensated is through the folly of those who break the law. There seems to be something wrong with that also. We should have a look to see if there is a way that we can include some sort of no blame clause or set up some fund whereby people in this situation will be able to get some redress. Surely we could see that it was not abused to any extent.

This child's parents are not in very wealthy circumstances. The child will have to be cared for all its life when its parents can no longer do it. It will have to be institutionalised; somebody will have to care for it. Before that occurs, these people have to foot unlimited hospital and medical benefits as well as travelling up and down from the country for treatment. The fact that they can obtain no redress seems unfair. I do not

think for one moment that the driver should have to admit a fault that he did not make.

Thirdly, I refer now to the recent flooding and the inherent disasters. The matter has been raised with me as to why in this State we cannot have a kind of insurance against flooding and the loss of dams and fencing. It is a difficult situation to cover with insurance policies, but it is a matter in respect of which perhaps the Government could produce a plan.

I have acquired information as to what other nations do, particularly the United States. The US has some form of Government-sponsored insurance for disasters such as these. Unfortunately, the information has only just come to hand and I have not had time to study it in detail. We really ought to have some protection or be covered in some way for floods and general disasters.

About 1979 the Federal Government thought about bringing in a national disaster insurance scheme involving pooling or whatever, but now that has been changed. Our own Premier said that he was rather disappointed and made some mention that perhaps a State plan could be evolved. I hope we are still looking at this. I have it on good authority that the insurance companies will not come to the party unless there is legislation to back them up. All I ask is that we have a look at it.

I refer now to frost damage to crops. Cover is available for this in other countries, but not here. It is said to be a very difficult matter which will require a lot of arguing before any cover is arranged for it. All kinds of arguments can be put up against frost insurance, but, nevertheless, most of them can be defeated because we can insure against hail and fire, which are both rather difficult to assess and there seems little difference in assessing for frost. Hail is another thing against which it is possible to insure, and I believe it should be possible to insure against frost also. There must be a way of doing this.

We are always hearing about the farming community needing assistance and so on. Here is a case in which they are prepared to put up something towards their own assistance and protection against these disasters over which they have no control. We have nothing to offer them.

With those few comments, I support the motion.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [9.34 p.m.]: When the Hon. Neil Oliver moved the Address-in-Reply, during his speech he referred to our bicameral system of Parliament and expressed the opinion that it had

served this State well over a number of generations. I want to take issue with the Hon. Neil Oliver on this question.

The Hon. Neil Oliver: You have come a long way!

The Hon. LYLA ELLIOTT: I do not believe the bicameral system either in this State or in any other State of Australia in the past has served the Australian people well.

The Hon. Robert Hetherington: It served the people who set up the Constitution, of course.

The Hon. LYLA ELLIOTT: I want to deal with what I regard as the arrogant attitude of certain elements of the conservative parties in this country. I am talking about the Liberal and National Country Parties that think they have some God-given right to govern. We saw evidence of this in 1974 and 1975 when the Liberal and National Country Parties used their majority in the Senate to block the money Bills of the Whitlam Government. They were not prepared to allow a properly elected Government to govern for its full term of three years. That was the first example we saw.

In 1979 some members may recall that in an adjournment debate I referred to a rather outrageous Press statement appearing just prior to the 1979 Victorian State elections, in which a senior Liberal Minister said that should the Liberals lose the general elections to the Labor Party they should use their numbers in the upper House to block supply. He said he believed most of the Parliamentary Liberal Party would support moves to sack a Labor Government in such circumstances. On that occasion I challenged the Leader of the House, Mr MacKinnon, to give a guarantee that should Labor come to power in this State following the election in 1980, the coalition partners in this Chamber would not use their numbers to block supply to a Labor Government.

Mr MacKinnon refused to give me that guarantee and instead abused me personally in his reply. He refused to deny a statement that I made that I had it on good authority that Sir Charles Court, when he was Leader of the Opposition during the term of the Tonkin Government, endeavoured to get the Liberal Party members of this Chamber to use their numbers to block supply. He did not deny that.

In Victoria we have just seen a massive swing to the Labor Party as a result of which we now have a Labor Government in the Legislative Assembly with a margin of 17 seats. As a result of the election, the Labor Party has 49 seats in

the Assembly, the Liberal Party has 24, and the National Party has 8.

Prior to the election, on 19 March we saw the headline in *The West Australian*, "Lib. won't match Vic. Lab. pledge". The article reads as follows—

The Victorian Premier, Mr Thompson, yesterday declined to give an assurance that the Liberal Party would not block Supply if Labor won Government at the 3 April Victorian election.

Mr Thompson would not match a guarantee by the Leader of the State Opposition of Mr Cain who said Labor would never use its numbers in the upper House to bring down Government.

There we see Mr Thompson, emulating his colleague of 1979, was also looking to the upper House to block a Labor Government if it was properly elected and if the people of the State on 3 April said they wanted it to govern them.

The Hon. I. G. Pratt: Is there any significance in the fact that you have not reported when he said he would refuse supply?

The Hon. P. H. Lockyer: They always forget that.

The Hon. I. G. Pratt: It is fairly significant.

The Hon. LYLA ELLIOTT: Then there were statements by the National Party. On 17 April the following headline appeared—

Vic. Govt Warned NP: We'll block Bills

On the 19th the headline appeared—

NP Firm on Role in Vic.

The article states—

Victorian National Party leaders yesterday defended their right to reject Labor Government legislation when it goes before the Legislative Council.

In that State the conservatives have held power for 27 years. They have had their chance to govern. The people have clearly said, "We don't want you any more. We want a Labor Government." What do we see?—a similar situation to that which exists in this State where because of rigged electoral boundaries there is an upper House which is hostile to the properly elected Government. This conservative upper House is not only going to be a yoke around the neck of the Cain Government in respect of ordinary legislation it wants to get through; but will also have the power to bring the Government down by withholding supply. Keep in mind that Mr Thompson would not give a guarantee that the Liberal Party would not use its numbers to do this. I submit if the Liberals used their numbers



in Victoria to withhold supply, it would be a monstrous crime against democracy.

The Hon. Robert Hetherington: It would not worry them much, of course; they have done it before.

The Hon. LYLA ELLIOTT: There is an election next year in Western Australia and all signs point to a Labor victory.

The Hon. I. G. Medcalf: Your signs!

The Hon. LYLA ELLIOTT: In the *Daily News*.

The Hon. Robert Hetherington: It is there for those who can read it.

The Hon. LYLA ELLIOTT: A headline in the *Daily News* of 15 April says, "Labor Holds Big Lead".

The Hon. P. H. Lockyer: Your poll, the ALP's poll!

The Hon. LYLA ELLIOTT: It is an accurate poll.

The Hon. Neil Oliver: You haven't got the latest figures.

The Hon. LYLA ELLIOTT: It is a Gallup poll.

The Hon. Neil Oliver: Try the Morgan poll!

Several members interjected.

The Hon. LYLA ELLIOTT: I am quoting from an original poll that was published in the *Daily News* on 15 April.

The Hon. I. G. Pratt interjected.

The Hon. LYLA ELLIOTT: In WA Labor was well ahead of the Government parties, with 50 per cent compared with 39 per cent.

The Hon. Neil Oliver: What year is that?

The Hon. P. H. Lockyer: 1949!

The Hon. LYLA ELLIOTT: The poll was taken two weekends before Easter. I have a copy of the actual details of the poll if anyone would like them.

The Hon. P. H. Lockyer: Let us worry about the one on election day!

The Hon. LYLA ELLIOTT: The signs indicate that there will very likely be a Labor victory next year in the Legislative Assembly. Unfortunately, due to the rigged electoral boundaries, this Council will still be controlled by the Liberal Party.

The Hon. P. H. Lockyer: A very good thing!

The Hon. Fred McKenzie: They are rigged down there too, you know.

The Hon. LYLA ELLIOTT: I made a challenge to Mr MacKinnon in 1979 which I want to repeat to the present Leader of the

Government in this House. I ask him to say unequivocally that the coalition parties will not use their numbers in this House to bring down a Labor Government.

The Hon. Fred McKenzie: They would do anything.

The Hon. LYLA ELLIOTT: We are supposed to be modelled on the Westminster system of government in Britain.

The Hon. Robert Hetherington: The 19th century Westminster system.

The Hon. LYLA ELLIOTT: It would be unthinkable for an upper House to bring down a democratically elected lower House under the Westminster system.

The Hon. P. H. Lockyer: I wonder whether you would say the same thing if you had the majority.

The Hon. Robert Hetherington: We would.

The Hon. P. H. Lockyer: You wouldn't.

The Hon. LYLA ELLIOTT: Many of the people are unaware of the fact that the House of Lords—one half of the bicameral Parliament in Britain under the Westminster system—since 1911 not only has not been able to block a money Bill, but has not even been able to amend a money Bill. Since 1946 it has not been able to delay indefinitely any other legislation for more than a year. Yet this Legislative Council still has the power to block completely any legislation, and to bring down a Government by withholding supply. This Council is and always has been an anachronistic fortress for vested interests and conservatives, and the time is long overdue for an amendment to the Constitution of the State to bring it into line with democratic 20th century thinking.

The Hon. Margaret McAleer: There is the difference though that this House is elected. Nobody in the House of Lords is elected.

The Hon. LYLA ELLIOTT: I am aware of that.

The Hon. I. G. Pratt: She just did not want to say it.

The Hon. LYLA ELLIOTT: I do not believe that is a good thing, but this House is supposed to act as a House of Review and it does not.

The Hon. A. A. Lewis: The Labor Party does not—all its members are channelled into a vote. Some of us vote according to our consciences.

The Hon. LYLA ELLIOTT: The House of Lords does not have the power to bring down a properly elected lower House and that is more important. Certainly it is important for both

Houses to be elected with adult franchise on proper boundaries.

The Hon. Robert Hetherington: One-man-one-vote-one-value would be a good idea.

The Hon. P. H. Lockyer: When it is all boiled down, we would still have a majority here.

The Hon. Robert Hetherington: With 50 per cent of the vote we should get 50 per cent of the seats.

The Hon. LYLA ELLIOTT: We have a bicameral Parliament which is based on the British system and we are supposed to hold it up as a shining example of democracy. I am trying to point out that in this State we do not have a democratic Parliament as long as we have an upper House whose members have not been elected on fair boundaries that can bring down a properly-elected lower House at any time on purely ideological grounds.

The Hon. Margaret McAleer: Are the members of the Assembly elected on equal voting?

The Hon. LYLA ELLIOTT: Not as equal as I would like, but it is not as bad as in this Chamber.

The Hon. Robert Hetherington: Grossly malapportioned.

The Hon. P. H. Lockyer: Some things are more equal than others.

The Hon. LYLA ELLIOTT: Although the ALP has been in Government at different times, it has never had a majority in this Chamber since its inception in 1890. Unless the Leader of the House is prepared to give an undertaking that the Government will not use its numbers to bring down a Labor Government—which will be elected at the next election—I believe the Liberal Party should be condemned; it should be regarded with great suspicion. A Government could be brought down at any time, and although we did not think this could happen in Canberra, it did.

I would like now to turn to an entirely different matter—the present regime in Pakistan. Last month I received a letter from the Mt. Lawley branch of Amnesty International—

The Hon. A. A. Lewis: Is it democratically elected?

The Hon. Robert Hetherington: Not that you would notice—it is even worse than here.

The Hon. LYLA ELLIOTT: —requesting me to raise my voice in Parliament about the gross infringement of human rights and the barbaric treatment being meted out to prisoners of conscience in Pakistan. I do not know whether any other members received a similar letter.

The Hon. N. F. Moore: Did you receive one about Afghanistan at the same time?

The Hon. P. H. Lockyer: Whose side are you on there?

The Hon. LYLA ELLIOTT: I am talking about this letter which came from Amnesty International. It is a properly documented report about Pakistan. The name of the report is, "Pakistan Human Rights Violations and the Decline of the Rule of Law—an Amnesty International Report". It was printed this year, so it is right up to date. The report makes fairly horrifying reading. It documents the steady deterioration of human rights under the Zia regime which grabbed power in a coup against President Bhutto in July 1977. Thousands of political prisoners have been held under martial law for no crime other than publicly expressed beliefs they hold or criticism of the Government.

People have been arrested without warning and without being informed of the grounds for the arrest. They have been imprisoned without trial, and tried summarily by courts without legal representation. There is no appeal to the Supreme Court or to the High Court because this right was removed by the Zia regime by way of an order giving the President the right to change the Constitution, which formerly gave the independent judiciary the ability to enforce human rights.

According to the report, many persons have been sentenced to imprisonment for non-violent political activities. Amnesty International has substantial evidence of systematic torture of prisoners. Hundreds of people are being hanged each year, and no doubt members will remember the execution of Zulfikar Ali Bhutto on 4 April 1979, despite a world outcry against it. I sent a personal cable to President Zia on the day the death sentence was announced. I appealed to the President to commute the death sentence on humanitarian grounds.

The Hon. D. J. Wordsworth: Not much good I'm afraid.

The Hon. LYLA ELLIOTT: No, it did not do much good, and that is the reason I am raising this matter now. The more people who raise it in forums such as this around the world, the more chance of shaming the present regime into stopping some of its horrific activities. That is the whole purpose of Amnesty International—to make people throughout the world aware of the gross violations of human rights that are occurring.

The Hon. A. A. Lewis: Did he answer you?

The Hon. LYLA ELLIOTT: This is a very serious matter. Members on the other side are quite amused about it.

The Hon. A. A. Lewis: I asked you a simple question: Did he answer you?

The Hon. LYLA ELLIOTT: No he did not, and I did not really expect him to.

The Hon. A. A. Lewis: I expect people to answer me when I send cables.

The Hon. LYLA ELLIOTT: I requested him to show some clemency to Ali Bhutto.

No part of society has escaped President Zia's net. The people arrested include former members of the National and Provincial Assemblies or Parliaments, party leaders and workers, lawyers, trade union officials, doctors, and teachers. Most have been arrested and detained merely for belonging to a political party, for making a political speech, for attending a meeting, or for demanding the restoration of civil rights.

In an appendix to the report, Amnesty International documents 192 cases of persons who were sentenced by the military court to flogging for non-violent political offences. I would like to quote several examples from the cases listed to give some idea of the type of offences for which these people were sentenced to the lash.

Some of these cases read as follows—

Mohammad Mansha—Local PPP leader. Six months' imprisonment with hard labour and six lashes. For "making an objectionable speech." (October 1977)

Malik Naseem—One year's imprisonment with hard labour and 12 lashes—summary military court. For criticizing the government. (October 1977)

Sardar Salim—(President of PPP in Rawalpindi and Islamabad, member of the Upper House of Parliament in 1977). Six months' imprisonment and 10 lashes—summary military court, Islamabad. For allegedly organizing public demonstrations for the release of Zulfikar Ali Bhutto. (October 1978)

Two men—One year's imprisonment and flogging. For shouting anti-government slogans. (September 1980)

Malik Ali Bucha—One year's imprisonment with hard labour, 10 lashes and a fine of Rs 500,000—Summary military court, Multan. For "objectionable speech delivered by him at a meeting in Multan". (April 1981)

Those are examples of the sort of punishment being meted out to people for non-violent political offences. There are hundreds more examples of course, but these are some of the 192 which have been documented by Amnesty. *The Observer* of London of 5 March 1978 carried the following report—

At least 700 supporters of Mr Bhutto's People's Party have been whipped in prison yards for offences.

Hundreds of People's Party members were arrested during the trial and execution of President Bhutto and they were sentenced to flogging just because they urged clemency for him. Those flogged included boys of 15, women, and people who were ill. I would like to quote just one case which I think is pretty horrific. It reads as follows—

Amnesty International has received one report that the young son of the left-wing politician, Shamin Ashraf Malik, was flogged inside Kot Lakhpat Jail, Lahore, despite a court order suspending the punishment because he was under age. He was reportedly 14 or 15 years old at the time of the flogging, and Amnesty International has received reports that he has difficulty in walking as a result of the punishment.

The figures quoted do not include cases not mentioned in the Press, or those dealt with by Islamic and other courts. President Zia has introduced also some other "charming" punishments—for example, mutilation by cutting off the right hand for the first offence of stealing, and amputation of the left foot for the second offence.

The Hon. A. A. Lewis: That is Moslem law.

The Hon. LYLA ELLIOTT: Yes, that was introduced by President Zia.

The Hon. A. A. Lewis: Introduced—hasn't it been there for years?

The Hon. LYLA ELLIOTT: It was not a law in Pakistan until it was introduced by special Ordinance. Twenty-two prisoners known to Amnesty International have been sentenced to amputations, but apparently the regime is having difficulty getting a doctor to carry out the necessary surgery. Therefore, Amnesty International has not been able to establish whether any of the amputations have been performed yet, but the courts have actually imposed 22 sentences involving amputations.

Stoning to death for adultery is another of President Zia's laws introduced by presidential Ordinance of 10 February 1979. In September

last year an Islamic judge imposed this sentence on a 24-year-old bus driver in Karachi for having sexual relations out of wedlock with a woman he later married. The sentence was to be carried out after both parties had received 100 lashes. The girl was 3½ months pregnant. Members might recall reading an article in *The West Australian* last year which appeared under the heading "Pakistan Ponders Stoning".

The report prepared by Amnesty International referred to the increasing use of torture by the Zia regime. Reports of this nature started in 1978 and have increased since the beginning of 1981. The reports charge both the army and the police. They come from all over Pakistan and are both grave and consistent. The reports include allegations that 10 prisoners, including three political prisoners, died under torture between January 1980 and August 1981.

According to Amnesty International, those tortured by the Zia regime since 1977 have been students, political party workers, trade unionists, journalists, and lawyers. More recently, Amnesty International has received reports that female political prisoners are being tortured.

I could quote numerous cases and give details of the torture inflicted upon people whose only crime has been to criticise or oppose the Zia regime. However, I believe I have made the point that gross violations of human rights and increasing use of torture and barbaric physical punishments and executions are being inflicted on the population of Pakistan by President Zia and his military regime. This matter should be condemned by all democratic countries and humane people. If that occurred, the Zia regime may be shamed into changing its policies and stopping these disgusting actions against its own people.

Members might ask why I am raising this matter in the Chamber. The reason I do so is that we trade with Pakistan and we are an ally of the United States of America which last year made military and other aid available to Pakistan to the approximate value of \$3.2 billion. Apparently President Reagan is not too worried about the violations of human rights in that country.

The final matter with which I shall deal is the need for an ethnic children's services worker in Western Australia. In 1980-81 approximately \$700 000 was made available by the Commonwealth Government for the provision of such workers. This represented 100 per cent of the cost of the workers for that year and it was to be followed up in the two ensuing financial years by the provision of funds on a cost-sharing basis with

the States. A total of 25 organisations received funds as a result of these grants, which enabled the employment of 44 workers. The only State which does not have an ethnic children's services worker is Western Australian.

The North Perth Migrant Resource Centre recently made a submission for a grant to the Office of Child Care, but unfortunately it was turned down. The centre asked for a very small amount in comparison with the size of the Federal and State Budgets. A mere \$18 677 was requested and it would have been of great advantage to the migrant community in Perth had it been provided, because the centre would then have been able to employ an ethnic children's services worker. I believe we need such a worker in this State.

Many people of Anglo-Saxon descent are not aware of the social and cultural problems faced by migrant families, particularly in the area of child care services. Recently the East Suburban News section of *The West Australian* carried an article drawing attention to the need for family day-care facilities suited to migrant families, particularly in the north-east metropolitan area. The co-ordinator of the North Perth Migrant Resource Centre referred to this matter also and he was supported by a spokesman of the Early Childhood Services Branch of the Education Department who agreed there was a great need for such a service, because no subsidised family day-care scheme operated in the area.

While the need for day-care facilities generally is growing, funds made available from Canberra in this area have been effectively halved since the Whitlam Government left office in 1975 and this has resulted in a big gap in the services offered. Among those women who are particularly disadvantaged are migrant women who have a special need because of cultural and linguistic differences. At some time women generally need outside care for their children for a variety of reasons, including ill health or family breakdowns. However, probably the main reason women require child care is sheer economic necessity which forces them to obtain employment. This is evidenced by the fact that migrant women frequently are employed in low paid, low status positions.

Most members probably receive copies of the report of the Institute of Family Studies which provides very interesting and worthwhile reading. According to working paper No. 3 of October 1981, migrant women today constitute 39 per cent of the total married female work force, even though they form only 25 per cent of all married women in Australia. Non-Anglo-Saxon migrant women, like their husbands, tend to work in

manufacturing industries as process workers, general labourers, or production and service personnel. They are all low paid, low status, and frequently unpleasant jobs. This was reflected in the socio-economic position of non-English speaking migrants in the 1975 poverty inquiry which found that, after housing costs were taken into consideration, 12.5 per cent of income units from non-English-speaking countries were in poverty compared to the Australian average of 6.7 per cent for all adult units.

The breaking up of extended families in the old countries due to migration creates a number of social problems; for example, loneliness and lack of grandparent support and guidance—in numerous matters, particularly child care. The Galbally report of 1978 refers to child care and the role of ethnic children's services workers as follows—

Their aim would be to foster multicultural activities in child-care centres and pre-schools; to see that young migrant children are better prepared for school; to encourage participation by individual parents and ethnic groups in the services; to encourage migrant parents in need to seek advice and help on matters relating to young children by encouraging attendance at child education and parenting courses, playgroups etc.; to assist mothers seeking care for their children; and to support migrants caring for children.

The North Perth Migrant Resource Centre hoped that it would be able to appoint an ethnic children's services worker as a first step towards achieving these objectives and in an endeavour to establish family day-care facilities for migrants. However, the Federal Government turned down that request. I understand other States are contributing, admittedly on a cost-sharing basis, to the provision of such workers and, as this State has missed out completely, I ask the State Government to provide the funds to enable the appointment of an ethnic children's services worker. The sum of \$18 677 which would be required to enable this appointment is not great and it would mean much to the migrant community of Perth.

**THE HON. I. G. PRATT (Lower West) [10.12 p.m.]:** I have much pleasure in supporting the motion moved by the Hon. Neil Oliver and in commending him on his contribution to the debate.

I join with other members in congratulating the Hon. Garry Kelly on his election to this House. I commend the Hon. Howard Olney on the contribution he made to this House while he was

a member. I shall not spend a great deal of time voicing my feelings in this regard, and I trust the lack of time spent will not be taken as an indication of any lack of sincerity, because the Hon. Howard Olney made a great contribution to the performance of the Opposition in this Chamber. He did so, because at all times he was prepared to approach debates with an open mind. I found that he and I had a certain degree of kinship, because we were both prepared to disagree with the parties we represent in this place.

Unfortunately the Hon. Howard Olney was not able to take the step I have taken at various times—that is, to cross the floor of the House—but when he disagreed with a matter being debated on behalf of his party, he said so. It was a refreshing experience to witness and we shall certainly miss that sort of contribution. We shall also miss the very great expertise of the Hon. Howard Olney in the field of industrial relations. It has been said that the seat vacated by him would be hard to fill and I believe the Hon. Garry Kelly has a tremendous challenge ahead of him.

I wish to congratulate the Chief Secretary on his appointment to the Ministry and I extend my commiserations to my old friend and colleague, the Hon. David Wordsworth. I notice he looks much more relaxed these days now that he is back amongst us.

Similarly I commiserate with my friend and colleague, the Hon. Norman Moore, and congratulate the Hon. Tom Knight on his appointment. Comings and goings within appointments of this nature are facts of life in politics and, when we become involved in this field, we must be prepared to accept such eventualities. There may be highlights and disappointments in political careers, but we must accept that situation as being typical of political life.

I am very sorry the Hon. Garry Kelly is not in the Chamber at the present time, partly because I would like him to be present when I congratulate him on his election and partly because I want to take issue with something he said in his speech in this debate.

With due respect to the young gentleman, I do not want to take up my time discussing the many matters he raised. His speech referred to the same sorts of things we have heard from similar members over many years. However, he made reference to an organisation for which I have the highest respect and with which I was involved for a number of years; that is the parents and

citizens' association. It is unfortunate that he chose to refer to this association in Western Australia as a lame duck organisation. In fact, its groups are composed of most dedicated people. It is sad that sometimes people who take an active part in P & C groups are not representative of all parents, but the fact remains that they are the parents who wish to become involved in the activities of their children, and help not only their children, but also the children of the many parents who do not become involved with the P & C groups. Therefore the services provided by the parents who involve themselves are all the more worthy.

In the past it has been my pleasure to work as a district council president and as a State vice president with the P & C organisation. During the period I filled those positions I worked with people of all political persuasions.

The Hon. J. M. Brown: Did you work with Eric Bingley?

The Hon. I. G. PRATT: Yes. During the latter part of my activities with the organisation Mr Bingley was a delegate to the State council. I worked also with Pat Giles who with Mr Bingley was an active worker for the organisation. During the period I worked with the organisation I worked with people who were quite openly Liberal supporters, and people who were Labor supporters, but that did not alter the work we did for the State council of the PCA, or WACSSO as it was later called. When we were not working for the PCA we had our differences of opinion, but within the organisation we worked to promote the welfare of children, which is what the PCA is all about.

It was sad to have a member of this House referring to the PCA as a lame duck organisation. I am sure the member's remarks will not go down well with his constituents. If I were in his position I would not distribute such a speech throughout my electorate; I would keep it well hidden.

I now refer to the Point Peron pipeline which has caused quite a controversy. I have kept out of the matter to date because I do not believe it should involve political controversy. It should involve the best possible brains to get the best possible solutions, and that is what is happening. The people working on the project within the Department of Conservation and Environment and other Government departments are the best we have, and when they come up with solutions we can be sure they will be the best for the people of Western Australia and, particularly, for the people of my province living in the area of

Rockingham. There is no doubt that the pipeline will be to their benefit.

The people involved in finding these solutions are professionals, and are staking their professional integrity on the job they are doing. We should keep arguments and falsehoods completely out of this matter and concentrate on obtaining the best solutions.

Some of us were fortunate enough recently to go on a tour of some of the metropolitan water supply facilities. We visited one of the sewerage treatment plants, and I was impressed by the job being done. Our ability to treat sewage will continue to be important. Any member who read the booklet recently produced by the MWB relating to the history of water supply and sewerage in Western Australia would appreciate that our ability to treat sewage has improved. I am sure one could not imagine a less inspiring booklet than one relating to water supply and sewerage in Western Australia, but I found it to be an engrossing little book because it also told the story of this State. It talked about the people involved in making appropriate decisions and showed the vast improvements made in this State over the years in the handling of what has probably been a quite difficult problem.

Personally I have faith in the people planning for the Point Peron pipeline, and I am sure solutions found by them will be the best possible.

I refer now to a matter which gives me considerable concern. As you, Sir, would be well aware, I support free enterprise and believe in people going out and chasing business so that they can do well for themselves. However, over recent months an activity has come to my notice with which I am not impressed. It seems to have become the habit amongst some groups of small publishers to approach organisations with the suggestion that they will print a magazine for those organisations at no cost to the organisations; in other words, the publishers will worry about the advertising. If that was all there was to the matter, I would be quite happy. If the publishers went to the market place and told prospective advertisers exactly what they intended to do, I would be quite happy, but unfortunately this is not always occurring, and certainly not in some situations which have been brought to my notice.

The first example I will mention relates to an occurrence towards the end of last year. A certain business organisation which I will not name has two branches, one which produces a small news magazine and another conducting a secretarial service. The secretarial service advertises in the magazine. One day the proprietor of the

secretarial service was telephoned by a particular publisher and told that the publisher was producing a brochure to advertise a swimming event. The proprietor was told that the secretarial service had been suggested as a possible advertiser by the news magazine, which was not so as both businesses were run by the same person. Sir, it is like somebody ringing you and telling you that you had advised him to approach you for advertising. Of course, I do not believe this practice to be ethical.

The second example came to my notice early this year by way of a telephone call to me. A pleasantly voiced young lady on the telephone said to me, "Mr Pratt, no doubt you are aware of the Armadale Park Soccer Club." I did not mention that I should be aware of it because I am the patron of the club. She then said, "The club in association with the Soccer Association is producing a fixtures type magazine publication." She was sure I would like to contribute for the benefit of my office. I questioned her a little and did not tell her of my involvement with the club. She assured me that what was happening in regard to the publication was correct and that the club and the Soccer Association were producing it jointly. I said, "It is surprising they didn't tell me something about it because I am the patron of the club." The clear answer to me was that the club preferred to have someone detached from the club speaking to me about money, and I said, "That's strange because I just donated a short time ago \$200 to the club building programme." I spoke to someone from the club about the publication, but that person knew nothing about it except that the Soccer Association was to produce a magazine, and the magazine had nothing to do with the Armadale Park Soccer Club. I take it that the promoter of the publication was selectively telephoning people in different areas where certain clubs were based and telling those people that the publication was a joint venture between the soccer club in that area and the association. Again that is an unethical way to carry on business.

Earlier this year I was approached by a friend of mine who knows I am involved with the Armadale Tennis Club. I am a patron and life member of that club. My friend said to me, "What's going wrong with the tennis club?" and I said, "Nothing, as far as I know; it's a thriving organisation." He said, "I had someone call me the other day who said that the tennis club was in financial trouble" and I said, "As far as I know it is not in financial trouble." He said, "But that is what I was told, and they said they were producing this magazine for the club and selling

advertising for it because the club needed the money".

It happens that my office secretary is a member of the management committee of the tennis club, and I asked her whether there was something going on within the club that had caused it some financial difficulty of which I was not aware. She said, "No, everything is going well, but we were approached by a publishing company about producing a magazine, and we are thinking about it." She went down the street to do some shopping and was approached by a local businessman who had had a telephone call similar to that which I had received with the caller saying that the tennis club needed money, and asking for help by way of participation in the magazine.

On Monday of last week I received a telephone call from a certain person. My secretary said, "So-and-so is on the phone and seems to know you" and I said, "Okay, put him through." I will just suggest that his name was Bob Brown—of course, it was not. I said, "Hello" and he said, "Hello, it's Bob Brown here, mate." It was a friendly greeting, and as members would know, we often meet again people we may not instantly recall. The caller said, "I represent the Wingies and Stumpies. We are an organisation of the RSL and look after the maimed and limbless of the wars." I have some knowledge of the Wingies and Stumpies. The caller then said, "Well, we are running this magazine and can sell you a quarter page"—I did not write down the amount, but I think it was \$96—"and we would like you to put in, say, 'best wishes to the Wingies and Stumpies from the Hon. I. G. Pratt'. It will only cost you \$96". I said, "Are you involved with the RSL?" and he said, "Well, not really." I said, "Are you involved with the Wingies and Stumpies?" and he ummed and ahed and eventually I got out of him that he represented a particular publishing company.

It is wonderful that organisations such as the Wingies and Stumpies and sporting associations can produce a magazine to promote understanding of their particular organisation. The simplest way for these organisations to provide such a magazine is to combine with a publishing company which sells advertising in the magazine to pay for the magazine. However, I object strongly to someone calling me and saying that he represents a sporting club when in fact he represents a publishing company. I object strongly to a person telling me that a sporting club needs money when in fact the money that person is requesting will go into the coffers of the publishing company he represents. Such action is unethical. Another point is that most of this

soliciting is done via the telephone. Nothing is put in writing, and I am not particularly happy about that. I suggest that if any member is involved with sporting clubs or other organisations in his electorate—most of us are—when dealing with these publishing companies he ask them for something in writing in relation to the responsibility of the person selling the advertising.

Clubs can get a bad name if they have people running around the community saying that their clubs are in financial difficulty, they need some money, and they want organisations or businesses to advertise. What is more, a person buying advertising can be duped into thinking he is supporting a club when actually he is supporting an advertising firm.

I refer now to an amendment to the metropolitan region planning scheme which was titled the "Wungong Gorge and Environs" amendment which this House chose to reject last year. I will remind members briefly of what that was about. The MRPA sought to have the Wungong area reserved as regional open space—that was the first part of the proposal and the first part of the title. The title went on to say "and Environs" and that part of it referred to three properties on the scarp face. One of the properties belonged to Bruce Crooks, another to the Dawkins family and the other one to Mr Herbert. I moved that the amendment be disallowed and the motion was seconded by the Hon. Neil McNeill and supported by several speakers, particularly the Hon. Phil Pandal, who did a considerable amount of research for the debate on behalf of Mr Herbert.

As the mover of the motion, in summing up the debate I asked the House to be particularly careful when voting and I put forward the following proposition: We did not in any way object to the reservation of the gorge because most of the people within the gorge were happy to have their properties included in the reserve and they wanted to sell and have the matter finalised.

The Hon. J. M. Brown: Some were sold. What happened to the others?

The Hon. I. G. PRATT: Yes, some of them were sold.

The Hon. J. M. Brown: Four of them.

The Hon. I. G. PRATT: We objected in respect of the properties which were not in the gorge which were farming properties and whose owners did not want to sell. I made the point that I had not been approached by the Dawkins' family and did not know whether they wanted their property included in the gorge reservation. If they did it

would have been fine by me: Those of us who sought to have the amendment rejected were put, at that time, under quite considerable pressure by the authority not to do so. We discussed this matter with a solicitor and I put the following proposition to him: If we reject this amendment and make it clear to the authority that we are not in essence rejecting the gorge proposal but the scarp face amendment, was there any impediment to the authority proceeding with the gorge amendment to which there was no objection? He said, "No." I asked what time it would take to receive preliminary approval and the answer I received was three months. I repeated this to the House when I summed up the debate.

Therefore, from the moment we rejected that amendment it would have taken three months to obtain preliminary approval for the reservation. I said that for two reasons. Firstly we did not object to the gorge reservation anyway, and, secondly, there were some people in limbo because their properties had not been purchased and, in fact, they could have been in some financial hardship. At that stage I hoped sincerely that the MRPA would accept that this House of Parliament had made a decision on those grounds and that the MRPA would recognise that this House was saying it had no objection to the gorge becoming a reserve; however, we did have objection to those other properties being included.

The Hon. J. M. Brown: Didn't the authority make a decision on certain properties before the matter was brought before the House?

The Hon. I. G. PRATT: Yes, it had finalised some negotiations on the properties in the gorge. I expected that, having realised that it was the wish of this Parliament, the authority would then have proceeded to reserve the gorge. It obviously wanted to reserve the gorge or it would not have brought the matter forward in the first place. The MRPA was aware that this House was happy to have the authority reserve the gorge, and it was aware the people within the gorge would accept it.

What has happened? Virtually nothing. I have made several inquiries regarding the progress of this matter and I was told it was being looked into, it was being further researched, and members of the authority were reading *Hansard*. Now we find, on 20 April, that the MRPA has really done nothing concrete.



I asked the following question in the House last week—

- (1) Has the Metropolitan Region Planning Authority reconsidered the matter of the reservation of the Wungong Gorge following the disallowance of the Wungong Gorge and environs amendment by this House in 1981?

The answer was—

- (1) The Metropolitan Region Planning Authority is reconsidering the matter, following an approach from the group "C" district planning committee.

The second part of my question read as follows—

- (2) If the answer to (1) is "Yes"—
  - (a) what length of time has elapsed since the amendment was disallowed;

The reply to (2) (a) was as follows—

- (2) (a) The amendment was disallowed by the Legislative Council on 24 November, 1981;

If we count the three months from then, during which period the authority could have acted on this matter, we find the time has been exceeded.

Part (2) (b) read as follows—

- (b) on how many occasions has the matter been discussed by the authority;

The Minister's reply was—

- (b) since 24 November, 1981, the matter was formally discussed by the authority at its meeting of 24 February, 1982;

So, in fact, it has been formally discussed once. This amendment which was so important and for which we were put under so much pressure in order that it be approved has attracted one formal discussion by the MRPA! Part (2) (c) reads as follows—

- (c) has any decision on the future of the Wungong Gorge been made by the authority;

The answer was "No." Part (d) read—

- (d) if not, why not?

The answer was—

- (d) the matter is currently under study.

I ask you, Mr Deputy President (the Hon. R. J. L. Williams), why should the matter be currently under study? It was studied before the decision was made to zone the area as a reserve. We told the authority quite clearly that it could go ahead with the gorge amendment. What further study should it need to do? Part (3) of my question read—

- (3) Is the authority aware of any cases of personal hardship being experienced by landowners in the gorge due to the current delay?

The answer was—

- (3) Yes. The authority is aware of one unfortunate case of personal hardship.

The case of personal hardship really angers me. We were placed in virtually a blackmail situation because we were told that if we held up this amendment we might drive this person to bankruptcy. That is what we were told; it did not matter what would happen to Mr Crooks or Mr Herbert. We would be responsible for this person's problem. At the time I said I was very sorry for that person and I mentioned in my speech that it was regrettable that someone was in this situation. We rejected the amendment. However, if the MRPA is dinkum it could solve this man's problem in three months.

This gentleman has visited me on several occasions and I find he is honest and sincere. Some people would tend to say, "It is all your fault, I would have sold my land if you had not moved an amendment"; but not this gentleman. He appreciates what we did for Mr Crooks and Mr Herbert and understands why we did it. However, that is not a solution to his problem.

The Hon. J. M. Brown: Could the MRPA purchase the property like it did with the others?

The Hon. I. G. PRATT: The property could have been sold in the first place. At the moment the MRPA cannot purchase the property until preliminary approval is received, and nobody would be silly enough to buy it on the open market.

Earlier this year I said I would again raise the matter with the Minister. I did so and a couple of days later the landowner advised that he had spoken to the Chairman of the MRPA. He asked me to hold off for a while. I said, "Okay, we will hold off and see what happens." It was suggested to me that perhaps the authority could purchase the property. Last year I was told that the authority could not purchase his property so this man was being given false hope.

By nature I am not a suspicious person, but I cannot help feeling that the MRPA is endeavouring to make sure we do not reject any more amendments. What the authority is saying is, "Okay, Parliament rejected our amendment, we will let them stew in it." If this is the authority's attitude I find it is a totally unacceptable one. This Parliament is the voice of the people in this State and I consider it has the right to reject an amendment that the MRPA

puts before it. I feel Parliament has the right to point out what it finds acceptable and what it finds not acceptable—and that it did.

We have a right to expect the MRPA—to use a polite expression—to get off its tail and do something about the matter. It has had since 24 November last year to do something about this matter and it has discussed it on only one occasion. I do not know if you, Mr President, or other members here find that acceptable. I certainly do not.

By way of interjection Mr Brown asked me whether or not the MRPA could have purchased this other gentleman's land.

The Hon. J. M. Brown: The same as it did with Durack.

The Hon. I. G. PRATT: My understanding is that when he was approached to sell the land he placed on it a price which was the current market value. In other words he asked a real estate agent what he could receive for the land and when he was told he said "That is what I want for it."

Apparently the MRPA approached a person who wanted to sell his property urgently because of a death in the family. The person was prepared to accept a lower than market value, and as far as the MRPA was concerned this became the standard price for land in the area.

The owner I refer to was not prepared to accept what he considered a depressed market value and he would not sell at that figure. I was not present at the discussions but I can only repeat to the House what the gentleman told me. As I have already said I find him to be an honest and sincere gentleman.

I believe this House is being held in some degree of contempt by the MRPA.

The Hon. P. G. Pental: Hear, hear!

The Hon. I. G. PRATT: It is a position I will not stand for. I issue a warning that I intend to take action unless the MRPA gets off its tail and does something about the Wungong Gorge. We have taken steps to institute a committee to investigate these types of Government agencies. It is my intention, if I do not receive action quickly, to refer this matter to that committee in order that it will investigate the MRPA's action and make recommendations as to what can be done.

The Hon. P. G. Pental: I know of someone else who intends to take that line.

The Hon. I. G. PRATT: I know there are quite a few people with that in mind.

I had intended to raise a number of other matters relating to the MRPA; however, the people with the problem have not corresponded

with me in time for tonight's debate, so I will raise the matter on another occasion. It refers, again, to the reservation of regional open space, and it appears the valuation of the land has been seriously depressed.

Mr President, probably I have spoken for about five minutes longer than I should have spoken on this subject. However, I feel very deeply for those people who are being disadvantaged, and I tend to go on for too long at times like this.

I thank the House for its attention, and support the motion.

**THE HON. P. H. WELLS** (North Metropolitan) [10.46 p.m.]: I support the motion. I commence my remarks by congratulating the Hon. Garry Kelly on his election to this place following the retirement of the Hon. Howard Olney. If he is half as good as his predecessor, and makes half the contribution to the debates of the Hon. Howard Olney, he will make a mark in this place. However, his maiden speech did not tend to make one feel that would be the case.

I refer now to the 150th celebrations of the Legislative Council. I was thrilled at the opportunity to participate in this occasion. In fact, I do not believe the celebrations are over; we are really in the 150th year. I never cease to remind people that we should be proud of the fact that this year, we are celebrating 150 years of parliamentary government in this State.

The Hon. J. M. Brown: Are you going tomorrow?

The Hon. P. H. WELLS: Yes, I am going; I will join the Hon. J. M. Brown at lunch, in between committee meetings. I trust the President will have some words of wisdom to say to us.

Unfortunately, some complaints were received about the nature of the celebrations. I made sure that as many people as possible in my electorate were aware of what was going on in this Parliament, and I invited them to the Parliament. However, a school teacher telephoned to state that one of the members of a parents and citizens' association had complained the children were being subjected to propaganda. The Liberal Party room display was one of historical significance.

The Hon. R. G. Pike: And very well done, too.

The Hon. P. H. WELLS: The Hon. P. G. Pental and those who worked with him are to be complimented. Those charged with the responsibility recognised the importance of the occasion and did a wonderful job; they did not resort to cheap politicking.

It is sad that the Labor Party did not see fit to rise to the occasion. Despite the fact its members

were unwilling to do so, I made certain that all those people—and I invited in excess of 600 people to the house—visited the Labor Party display because, in the end, I believe people can see through any facade. When people are exposed to the truth and see the behaviour of certain people towards an historical event, they are able to make their own choice.

The Hon. P. G. Pental: It was very childish.

The Hon. J. M. Brown: What was childish?

The Hon. P. H. WELLS: I have discussed the occasion of our 150th celebrations many times; it was a tremendous occasion. It is part of the setting up of our democratic system and the continuation of parliamentary government in this State.

The Hon. Peter Dowding: What does that mean?

The Hon. P. H. WELLS: It is interesting that the Hon. Peter Dowding has decided to get into his seat and start interjecting; he is one member for whom I have little time. I have never mentioned this before because I do not like to become involved in a slanging match; however, he is a disgrace to his party. He is the only member to have interrupted me when I have been with guests in the Parliament. He was rude enough while walking past to say, "Ah, you are indoctrinating the people." Despite the fact he is too lazy to bring people to Parliament and tell them about democracy, he has the audacity to denigrate other people.

The Hon. Robert Hetherington: I think you are over-reacting; however, it is what we have come to expect of you.

The Hon. P. H. WELLS: Not one of his colleagues would have spoken like that. I recall when speaking in response to a very responsible motion moved by the Hon. Lyla Elliott in relation to domestic violence that the Hon. Peter Dowding was present for only about 20 minutes of my entire 1½ hour speech; yet, he decided he could stand and criticise what he did not know. That is an indication of the depths to which he is prepared to stoop. He is not willing to spend the time to make an analysis of a situation, and make a contribution in this place; all he is interested in is politicking, and denigrating people.

I rejoice at the opportunity of taking part in this debate, because it enables me to raise matters not only affecting my electorate but also of general importance. The Hon. Joe Berinson said he did not believe the Address-in-Reply debate was the appropriate type of debate for this place. I am amazed he should make such a comment in the light of his professed claim to wish to reform

this House. Recently, the Hon. P. G. Pental moved to appoint a standing committee to investigate Government agencies. However, rather than accepting the appointment of the standing committee as a real reform of this place, members opposite chose to try to make it a joint committee. They scream for reform, but take no action. In fact, the type of reform they seek is to take away the ability of this House to make a contribution.

The Hon. Robert Hetherington: We are certainly concerned about removing the disgusting gerrymander which applies to this State.

The Hon. P. H. WELLS: To return to the Hon. Peter Dowding, I intended to make an offer to the Hon. Norman Moore that if he had any problems with Mr Dowding in regard to the matter of royalties, I would be happy to make available copies of a pamphlet put out by the Labor Party seeking to tie royalties to total mineral income and increases in the Consumer Price Index; the Labor Party was talking straight percentages.

I dealt with the matter in some detail prior to the Christmas break last year; however, perhaps I should remind members of a few points. The Labor Party's suggestion was totally unworkable, and since the pamphlet was issued, the Labor Party has been changing its ground. It has said, "We will not start with gold; nickel is out. Iron ore might be politically unacceptable." We see the Labor Party changing its position for the sake of political expediency.

The Hon. Peter Dowding: That is very shallow.

The Hon. P. H. WELLS: There has never been a royalty on gold, but the actual price of gold increases the total price of other minerals. The royalty on nickel is based on a world price, not the price received by the companies. Additionally, if we were to impose royalties on coal, we would find SEC charges increasing substantially. To suggest we apply royalties on a flat percentage basis, tied to the CPI, indicates the shallow attitude of the Labor Party in this area.

The Hon. P. G. Pental: It is dishonesty.

The Hon. Peter Dowding: What are you suggesting?

The Hon. P. H. WELLS: I suggest the Labor Party wished it had not distributed its pamphlet as widely as it did.

I notice the new Victorian Government has adopted the attitude of, "Let us take it easy and slowly, and see if we can fool the people for a while." However, the reality is that people are not fooled; they are able to see through the facade.

The Hon. Peter Dowding: People have made their decision through the ballot boxes recently.

The Hon. P. H. WELLS: I believe the Government can stand in terms of its performance. It is a pleasure to see the number of members who want to participate in my speech. I returned from Wanneroo this evening after a delightful discussion with a number of citizens, and I was certain members would want to hear a discussion on those matters.

I compliment the Leader of the House on the establishment of the domestic violence advisory committee, recognising as it does that this area needs special attention. Judge Anderson of the State Family Court has agreed to act as chairman of the committee set up to examine domestic violence and other family law matters; this is a step in the right direction.

The Hon. Peter Dowding: What did you say to your colleagues who said it was not necessary?

The Hon. P. H. WELLS: It is interesting to hear members squeaking in the background. If the Hon. Peter Dowding cares to read *Hansard*, he will find I made particular reference to the area of domestic violence. The Government has shown great responsibility in terms of establishing a committee to investigate this matter and we hope that the committee will bring forward recommendations for the Parliament to examine.

I turn now to the matter of strata titles. I intend to make some suggestions in this area; in fact, probably I am going to make a call for "buyer beware". About late 1976 or early 1977, the Law Reform Commission was asked to examine the Strata Titles Act. Some time ago, the Hon. Vic Ferry asked a question of the Leader of the House about the long overdue report. Some 5½ years ago, the Law Reform Commission put out a working paper titled "Review of the Strata Titles Act 1966-70". I know the commission is experiencing problems and that the matter is not black and white; I know challenging decisions must be made. However, it is because the commission's report has not come forward that I feel compelled to raise the matter tonight and to make certain recommendations, and to warn those people who wish to purchase strata titled apartment units to be very wary.

To put members in the picture, I was going to say that a strata title in terms of a duplex, which is the simplest form, would be divided in half; but that is not true because it could be divided one-third:two-thirds. However, whether we are talking about flats or apartments, in each of the areas in which a strata title exists, despite the fact that the apartments may be similar establishments in terms of the total area, the rating may not necessarily be similar. It appears that, under the

Strata Titles Act, the developer is entitled to apportion the shares that he thinks fit.

To take the simplest situation, if we have a duplex and we decide to divide it into two areas, we can decide the share that will eventually be used, not only in terms of the maintenance of the establishment, but also in terms of the rates paid to rating authorities. In respect of a duplex with two equal areas, one would think that each share would be one-half, and therefore the unimproved or the gross rental value—dependent upon what the particular authority was using—would be charged in that proportion. That is all right provided the distribution is equal; but if, as happens on some occasions, the developer decides to build one small area and one large one—let us say that he built one part as one-third of the area, and the other part as two-thirds of the area—he could give them an entitlement of 1:1, and there would be an uneven distribution in terms of the rates. The person enjoying the larger area—the area that could bring a greater price and would be expected to pay a larger proportion of the rates—would pay proportionately less, and the balance would be met by the other owner.

In terms of apartments and penthouses, the situation can be even worse. The apartments may be built four to a floor, whereas on the top floor the penthouse could take the total area. On the market, the penthouse would sell for many times the price of any one of the apartments; but if the developer so decided, he could give an equal entitlement to each of the apartments, including the penthouse. He could live on the top and enjoy low rates, while the rest of the people in the apartments paid a disproportionate amount of the water, sewerage, and local government rates.

The Hon. Peter Dowding: What is the solution?

The Hon. P. H. WELLS: If the honourable member will wait a moment, I did say at the beginning that I would put a proposition for the Government to consider.

The Hon. Peter Dowding: What is it?

The Hon. P. H. WELLS: The other night the honourable member, when he was addressing the House, said, "If you haven't read the report, just keep quiet." I suggest that the honourable member do the same.

This situation remains unresolved. I realise that the report of the Law Reform Commission has not been made available to the Government. Therefore, because of what happens in some circumstances, I call on people buying strata titles to obtain the strata title plan to learn their entitlement.

Let us take, for example, a new building of perhaps 14 storeys. To start the apartments moving, the developer may place furniture in the first four or six, and then decide to sell them with the furniture. Quite reasonably, he would be paid for the furniture. That is reasonable, because he has placed \$10 000-worth of furniture in the apartments. However, on some occasions the method of determining the entitlement is based on the selling price and that means that the furniture—

The Hon. Peter Dowding: But they exclude chattels, because chattels are not subject to stamp duty. They do not show up as a gross price.

The Hon. P. H. WELLS: I gather the Hon. Peter Dowding is telling me that the Auditor General is wrong. I spoke to the Auditor General only yesterday.

The Hon. Peter Dowding: I am telling you that is the practice.

The Hon. P. H. WELLS: I examined a number of strata title plans. What I am saying to the honourable gentleman is that, regardless of what anyone else puts down, if the developer decides to put down the price regardless of the chattels, according to my information, that determines the share entitlement under the Strata Titles Act. If the developer decides that the first four apartments will be at a certain price plus \$10 000, that is allowed under the Strata Titles Act.

I am talking about certain cases. I am not saying that happens on every occasion. I am able to speak only of particular cases; I cannot check on every case. However, that is certainly allowed under the Act. The selling price is used sometimes to arrive at the share entitlement.

Because it happened that, to get the apartments moving, the furniture was included in the selling price, some years later the early buyers find to their dismay that they end up paying a disproportionate amount of the total rates on the property. I am suggesting that every buyer of strata title property should do what we all should do in terms of whatever we are buying—check what he is buying.

Often people find that, under the Strata Titles Act, the only way they can have the entitlement changed is to have every one of the people within the company agree. Now, one would not have to be above bubs' grade to know that the people who are getting the better deal just will not agree. It does not need a lot of education to understand that.

No doubt a number of proposals have been made to overcome the problem. However, the most important proposal to protect the people

who are going into strata titles at the moment is to make certain that they know what they are buying. They should find out what they are buying and check their entitlement in terms of the total cost.

As I said, the only means by which these people can have their entitlement changed is by a vote of the strata title company that is formed in the building. They need a majority decision for a notional destruction of the strata title plan; and that requires a majority decision of the body corporate.

The Hon. Peter Dowding: At the risk of incurring your wrath, what is your solution?

The Hon. P. H. WELLS: It is interesting to see how eager is the honourable member to hear my solution. I thank him for his enthusiasm; that is something I am not used to from that type of gentleman. It is nice to find that he wants to sit and listen to the words of wisdom I might be able to give him on this subject.

I learned something the other day, and I have given some thought to it. I want to float a solution and a proposition for the Government to consider. That solution is available to me from the limited research that I have made. Again I say that the research facilities are very limited, and it is about time that members received more assistance in the area of research. However, I will talk about that on another occasion.

Out of the facilities available to me, I have formed a proposition that the Government should consider in terms of helping these people. It requires an amendment to the Strata Titles Act to allow a change to the strata title plan such that the allotment of entitlements could be altered under certain conditions.

The Hon. Peter Dowding: By whom?

The Hon. P. H. WELLS: If the honourable member would just wait a moment, he will find out. The present position is that a strata title plan cannot be changed easily. Incidentally, even when it can be changed by the notional destruction, that means that the whole plan has to be destroyed at a terrible cost. There is the need for survey plans, Town Planning Board approvals, and a whole range of other things; so it is a costly matter.

My proposition is to make allowance within strata title plans for an alteration of entitlements, under certain conditions. I suggest that at certain periods—certainly not every year, every week, or every day—but within certain reasonable parameters, a major vote of the body corporate should be allowed to amend the strata plan.

The Hon. Peter Dowding: That is not much good for your poor little individual dwelling holder, is it?

The Hon. P. H. WELLS: If the member would wait for me to come to the next part, he will find out.

The first proposition is for a method of changing the plan. That would not cost the hundreds of dollars it can now cost under the Strata Titles Act. It would probably require just one additional column, and it would cost very little money.

As I said, the people who are receiving the most benefit will hold out for no change. Therefore, I propose that, in the event of disputes, the people be allowed to appeal to a board so that the appeal can be heard.

The Hon. A. A. Lewis: What about a statutory authority?

The Hon. P. H. WELLS: I am not proposing that we have another authority. We already have one existing. I suggest that the authority would have the power to hear appeals and appoint an arbitrator. Members should recall that we are looking at the Strata Titles Act which covers the whole of Western Australia. If we were to say that the Auditor General should be the person who decides the values on the title, we would find that his officers would not visit certain towns for many years. What would a person do if he had a complaint and it took two years or more to be dealt with?

My proposition is that the appeals board should have the authority to appoint an arbitrator, and the problem could be dealt with in the region in which it arose. A person living locally could be chosen as the arbitrator. On the other hand, the arbitrator could well be someone who is visiting the area. We would have a certain amount of flexibility in that area.

The Hon. Peter Dowding: To do what?

The Hon. P. H. WELLS: A board which could hear appeals already exists. We would be justified in having an arbitrator, as I suggest that the appeals board be the metropolitan valuations appeals board, which presently operates under the Land Valuation Tribunals Act 1978. An amendment to the Act would provide the opportunity for appeals against disputed share entitlements anywhere in the State. The board could decide whether an appeal is justified, in terms of having an arbitrator appointed.

Of course, there is the thought that perhaps the body corporate may hold out; there may be an irresponsible person putting forward propositions.

Therefore, I propose that with the appointment of an arbitrator there should be the possibility that costs may be awarded; in other words, I visualise that should an arbitrator uphold an appeal, the body corporate which should not have been so pig-headed and should have given some real consideration to a plan would find itself charged with the cost of the appeal. On the other hand, if there were an irresponsible appeal the board could decide that the appellant should bear the costs.

I do not claim to be an authority in this area, but I am concerned that the constituents in my province should have been faced for many years with this ineffectual Strata Titles Act which, incidentally, was taken from the New South Wales Act.

The Government should consider my proposal seriously. If the Law Reform Commission cannot provide recommendations so that we may have its wisdom on this subject, we as a Government must take the bull by the horns and do something about it because there are a dashed lot of people out in the community who are being treated unfairly. The reality is that if a person owns a house the Attorney General comes along and makes a valuation.

The Hon. A. A. Lewis: I do not think he knows much about it.

The Hon. P. H. WELLS: I am sure the Attorney General is quite capable of undertaking this work.

The Hon. A. A. Lewis: I think you are wrong.

The Hon. P. H. WELLS: Of course, I meant the Valuer General. When I first became a member of Parliament the Hon. A. A. Lewis interjected on me and said it was incorrect for me to interject on him. I gather in his mind his seniority gives him that right.

At present the only solution I can offer my constituents who have problems in this area is to warn them to take care when they sign contracts involving strata titles. I urge the Ministers responsible to consider my proposition of an arbitrator and an appeal board. If they do not, they must come forward with an alternative scheme so that people such as my constituents throughout the Scarborough and the coastal areas are not unfairly treated with rates. Members will realise that rates today involve real money, and this affects people in my province very much.

I comment now on the service provided by the Metropolitan Transport Trust and I refer particularly to experiments it is conducting with five-minute and 10-minute services along Wanneroo Road. The MTT is demonstrating its sincerity in seeking to provide a better service for

the public within the finance it has available to it. I have asked that the MTT provide timetables at the various stops and I understand that a trial will be undertaken. I understand also that there is a proposition to have numbered bus stops so that people will not be confused as to where they should get off. This idea has been tried in other States.

Recently I attended the opening of the Warwick bus station, something that will be of advantage to the people in the far north of my province. The station is right alongside the proposed freeway. When the freeway does extend past the Warwick bus station it will provide an access so that the buses can provide a faster commuter service to the city. I call on the transport authorities to provide, ahead of the freeway, a black top road so that an improved service can be provided for those people coming from Wanneroo and the northern parts of the province. This is certainly a fast-growing area and it deserves attention.

I have not convinced the MTT about the need to keep the toilets at the Perth central bus station open throughout the operating hours of the service. I am following this matter up, even though some members consider it to be a slightly funny concern for me to have. The MTT has said the move would involve a cost of \$60 000.

The MTT is continually trying to meet the needs of the community, but it is faced with problems. In introducing the five-minute and 10-minute services along Wanneroo Road the MTT had to provide an additional 16 services and it required an area of land off Wanneroo Road in which the buses could turn around to make the return trip to Perth. A petition was presented to the City of Stirling asking that the bus service be taken off. The constituent who was involved went through the local authority and other bodies and finally phoned me. I had discussions with the General Manager of the MTT and he sent along one of his officers to discuss the matter with me. We came up with a proposition to have the service go a little further north to the drive-in theatre where the buses could turn around without causing any problems. So the alteration was made to accommodate the people who had presented the petition.

A month or two later I received another letter from the MTT enclosing a copy of another petition. This required that the bus service be moved back to its original position. A note on the bottom of the letter drew my attention to the fact that about seven or eight of the 16 petitioners had also signed the previous petition. When people sign petitions asking for completely opposite

proposals they certainly create problems for authorities like the MTT, which is bending over backwards trying to be helpful.

The Hon. Peter Dowding interjected.

The Hon. P. H. WELLS: The interesting thing, Mr Dowding, is that the petition was not presented to members of Parliament. I think it was presented to the Leader of the Opposition. It was not generated by me, although I am willing to accept petitions even from Labor voters. I said I was happy to represent the petitioners. I represent all the people in my province.

I have written a letter to the Minister responsible for West Coast Highway, which runs right through the coastal part of my province. It is a road which carries a great deal of traffic. I drew the Minister's attention to the fact that I was staggered to find that when planning is in progress, pedestrians—those people who enjoy walking to the beach—are the last to be considered. If one travels along West Coast Highway one finds it is devoid of crosswalks, despite the fact that it runs along very popular beaches. I wonder whether, in terms of planning, we have a situation comparable to the Companies Act. An accountant once told me that the history of that Act was one of embezzlements and frauds leading to the Act being amended. The same situation seems to apply with roads, and improvements are made on many occasions when deaths occur or people are maimed.

It seems to me that the large number of people who use our beaches, from Scarborough to Mullaloo, are entitled to reasonable means of crossing West Coast Highway safely. Planning authorities should not wait until the people who want to use these beaches for swimming start screaming for some sort of pedestrian crossing before they take action. These crossings should be provided as a matter of course.

I am sure members have received copies of a brochure referring to Western Australia Week which commences this year on Foundation Day, 7 June, and continues till 13 Sunday. This year the theme of the week is as outlined in the brochure. I assume that most members have opened the brochure, but to make certain that they are aware of its contents I will quote parts of it. The week is not far away and I would like members from both sides of the House to give it support.

The Hon. A. A. Lewis: Don't forget the Red Shield Appeal as well.

The Hon. P. H. WELLS: The Hon. A. A. Lewis is reminding members that they should support the Red Shield Appeal. If they get in touch with him I am sure he will put them in

touch with the right people because it runs at about the same time as Western Australia Week.

Recently this State celebrated its 150th anniversary, and the celebration of the Western Australia Week this year will be the 10th time it has been celebrated. The committee organising the week has done a tremendous job since its formation. If I remember correctly, the late Hon. Herbie Graham was responsible for introducing the week, and that fact is good reason for members of the Opposition to support my comments.

Long before I entered this House I placed my support behind Western Australia Week because I could see that it made it possible for people in our community to celebrate the advances of our State. One proposition put forward by the brochure is that we should fly our flag. The brochure starts off by saying, "Let's fly our flag" and continues—

We tend to fly house flags and banners with gay abandon, but few organisations, schools or homes fly Western Australia's OWN flag. During 1982, the tenth anniversary of Western Australia Week let us fly it high. Make 1982 an unofficial "Year of the Flag".

Those sentiments are worthy of being promoted by members in their areas.

I recently attended the opening of a school in my area at which there was a flag raising ceremony. Sadly such ceremonies seem to be things of the past in many schools. The school opening I attended was at the Christian Emmanuel School at Girrawheen which is associated with the Baptist Church. The school is the newest of private schools in that area, and at this stage it has only two classes operating. That is a small beginning, but certainly it will progress in that area. At the opening I was impressed by the simple and dedicated flag raising ceremony which was a good example to the young people there. Out of pure respect for our State we need to get back to fostering the ideals that the flag represents. In one week Anzac Day ceremonies will be held to remember the people who gave their lives for Australia and the ideals which our flag embodies. It behoves us to support Western Australia Week.

The brochure puts forward the suggestion that every family in Western Australia should have a "Foundation Day Dinner", and states that it offers a great opportunity for us all to come together as one big family to offer thanks for the great State in which we live.

The Hon. A. A. Lewis: That sounds good.

The Hon. P. H. WELLS: I am glad the Hon. Sandy Lewis supports this idea; I am sure he likes having a meal.

In conjunction with Rostrum the City of Stirling has held a Western Australia Week dinner for the City of Stirling over a number of years, and I am sure many members have attended such dinners. During the years I was involved with Rostrum we ensured that at least two people from each autumn centre attended the dinner so that proper recognition was given to such people in our community—the senior citizens of our community who during their lives have made great contributions to this State.

Members should make themselves available to speak to groups about the 10th anniversary of Western Australia Week as they did during the celebrations of the 150th anniversary of this State. Certainly I believe this matter deserves our earnest attention.

I am sure members will be glad to hear that I have not decided to speak tonight on matters relating to pornography.

The Hon. D. J. Wordsworth: That's very right.

The Hon. P. H. WELLS: However, I want to make a few remarks in regard to tobacco smoking.

The Hon. A. A. Lewis: Have a heart.

The Hon. D. J. Wordsworth: What about sticking to pornography?

The Hon. P. H. WELLS: I raise this matter to make people aware that parents need to be responsible in regard to educating their children about the hazards of cigarette smoking. Parents cannot expect the State to take over that parental responsibility. I somewhat agree with the comments made in a letter I received from Mr Paul Everingham, a Minister of the Northern Territory Government. He said—

I am not convinced, however, that legislative controls are the best way to deal with the problem. There are limits to what may be achieved by legislation and there are limits to the controls which should be introduced over peoples' lives and behaviour.

That statement reminds me of the time when it was illegal for Aborigines to drink alcohol. At that time in Kalgoorlie, Europeans whipped in and bought Aborigines alcohol—they were provided with it. In regard to cigarette smoking there is always some adult who is willing to buy cigarettes for youngsters, despite the fact that those youngsters are not of the legal age to obtain cigarettes.



According to information I received from the Chief Secretary, section 10 of the Sale of Tobacco Act 1916-1964 states that no person shall sell, give, or supply tobacco in any form or cigarette paper to or for use by any person under the age of 18 years. The penalty for not complying with that provision is 40 shillings. Such a penalty is quite laughable. How can we control parents who give their children cigarettes? We have legislation stating that no person shall sell, give, or supply tobacco to any person under the age of 18 years, but in reality who is responsible for ensuring that children do not obtain cigarettes? Of course, it is the parents, and they cannot absolve themselves from that responsibility by saying, "Well, the State should look after it." Vending machines are quite useful in this day and age of marketing, but any child can go to a vending machine to obtain cigarettes. Could we charge the vending machine with an offence?

The Hon. A. A. Lewis: Most of the ones I try to work I charge with an axe because I can't get cigarettes out of them.

The Hon. P. H. WELLS: The Hon. A. A. Lewis has his own method of obtaining cigarettes. However, the reality of vending machines is that they allow children to obtain cigarettes, and it is the responsibility of parents in those circumstances to ensure that their children will not obtain cigarettes. I am not saying that on all occasions parents encourage their children to smoke cigarettes, but I make the point that the major responsibility for ensuring that the law is not broken rests with the parents. Certainly Governments do not have a good record in attempts to find a method by which cigarette smoking can be controlled.

In regard to smokers themselves, they should consider others. It is time smokers gave consideration to others when in confined spaces. I am sure the Hon. Phil Pandal has read the letter appearing in *The West Australian* of 19 April, a letter written by one of his constituents, Mr Harry S. Brien of Goodwin Avenue, Manning, who said—

But if MPs wanted to do something constructive they should ban smoking in restaurants and coffee shops.

It is part of my personal freedom to patronise a restaurant or coffee shop, and so it should be possible to do so without inhaling unfiltered smoke from filthy cigarettes.

I am not suggesting that the Government should set about regulating restaurants. I am calling for people to consider others. I believe there has been a change of attitude in the community and I have

noted a number of arrangements which state—by the skilful use of pamphlets and stands being made available by the Heart Foundation—"Thank you for not smoking" and people get the message very quickly.

Restaurants should consider having two areas, one for smokers and one for non-smokers. After all, we do not allow smoking in the parliamentary dining room. Why should not restaurants accept that as reasonable? I am suggesting that the owners of the restaurants should make those decisions because it is not possible for us to enforce such action.

The Hon. A. A. Lewis: Would you accept the proposition that we have smoking and non-smoking restaurants?

The Hon. P. H. WELLS: I am calling for people to consider others. If the restaurant decides to advertise as a non-smoking restaurant, that is a good thing. There are taxis which are non-smoking and I have a friend who, when ordering a taxi asks for a non-smoking taxi.

The Hon. Robert Hetherington: I wish I could persuade my car to be a non-smoking one.

The Hon. P. H. WELLS: I think it is a great farce that on the *Kalgoorlie Prospector* we have smoking and non-smoking areas. It is tremendous. We put up a sign which says "No Smoking", but the two sections of the train have the same air-conditioning system which takes smoke from the smoking section and channels it into the non-smoking section.

The Hon. J. M. Berinson: Are you sure that is right?

The Hon. P. H. WELLS: Not only am I sure, but the reason I am correct is that I mentioned this to the Minister and he said he knew.

The Hon. J. M. Berinson: I think he should resign.

The Hon. P. H. WELLS: It is interesting that Mr Berinson raised that statement because I want to talk about that.

In this day and age of engineering and railway transport, it would not take very modern-day technology to ensure that both areas are filtered separately. I think it is a great farce to say to people, "This is a non-smoking area", when manufactured smoke will be poured into that same area.

I assure Mr Berinson that if he goes to Kalgoorlie on the *Prospector* he will note that many non-smoking people will go to the smoking area to gain some relief from the smoke. In all areas where we operate trains, we should give consideration to separate air-conditioning.

The Hon. Fred McKenzie: Doesn't that take in also all the cough germs and other things?

The Hon. P. H. WELLS: Mr McKenzie may well be right, but it is marvellous what the human body can put up with. I have been on that train and I am still living. I am not saying that it kills one, but the air-conditioning does pour in smoke and I do not think that we provide effectively for people in that particular area. Many people have complained to me about this and I believe it deserves some attention.

I am sure Mr Berinson would like me to bring to his attention an article written by a friend of his; namely, Mr John Wheeldon, a former Labor Senator who is the Associate Editor of *The Australian*. In the *Quadrant* which was printed in March 1982, he wrote an article entitled, "The Problems of the ALP". It is rather interesting.

The Hon. P. G. Penda: This could take you three days.

The P. H. WELLS: It is interesting when we consider the proposition of the Labor Party which John Wheeldon espouses. He states that they are socialists who believe in private enterprise and that seems to him to be nonsense. In this day and age when we hear of the great image of the ALP, and when its members are speaking to business people, I hope they are honest enough to say that they are interested in taking them over because that is in their constitution and in an article in the Parliamentary Library called "A Summary of Production, Means, and Support".

Several members interjected.

The Hon. J. M. Berinson: What about the qualifying clause that follows?

The Hon. P. H. WELLS: It would be interesting to read this whole article because I would not like members of the Opposition to think that I am only picking out the juicy parts.

The Hon. Robert Hetherington: Who wrote this?

The Hon. P. H. WELLS: John Wheeldon.

The Hon. Robert Hetherington: That is an expression of his opinion; it is not also the opinion of the ALP.

The Hon. P. H. WELLS: The article made reference to the education dispute. The ALP is tied up with trade unions. However, John Wheeldon states—

The Labor Party has not influenced the trade unions as much as the trade unions have influenced the Labor Party.

Our performance in this area in this State is dismal. It is an area which we should improve. We should try to stop the strikes.

Several members interjected.

The Hon. P. H. WELLS: We should get rid of these useless strikes which are costing jobs. To quote from the last paragraph of this article, John Wheeldon states as follows—

It is a confused party, both organisationally and ideologically. This, rather than any other fault, constitutes its most damaging weakness.

I noted that with the recent campaign the ALP used Parliament House for its fund raising. In the past, I have noticed that political parties have raised their funds and directed them to the party rather than Parliament. It would seem to me that this calling for funds to support the ALP and using Parliament as an address brings party politics into this area. I believe the Labor Party should reconsider this action because I have understood that in the past it was the case that a lay party looked after the raising of funds and the members of Parliament got on with the job of government and looking after the people.

The comment that a Minister should resign, which was made by Mr Berinson, reminded me—although it seems history now—of when we read continually in the paper that the Labor Party received a fair amount of its information through leaked documents. Often documents got into the hands of the Labor Party when they really should not have been there. The Leader of the Opposition should resign and every leader or shadow Minister who used that type of document also should resign.

The Hon. P. G. Penda: Hear, hear!

The Hon. P. H. WELLS: In terms of the office and responsibility they have accepted and in relation to setting an example for people, they should be above encouraging people to break the law. It is breaking the law if a person takes a document out of a department and makes it available to someone else without having an authority to do so. That is quite illegal.

I remember on the goldfields in the old days there were gold demons—police—who regularly used to go around in the early hours of the morning and search houses. If they found as much as a couple of three-inch nails and did not find some gold, they would charge the person involved with that offence because it was stealing something.

How different is the taking of a document out of a department or from a person and the making

of it available to others? I suggest that the Leader of the Opposition and any other members who used leaked documents should resign because they are not setting an example of what a member of Parliament should be.

The Hon. P. G. Pandal: They caused a fellow to lose his job a few years ago because of that grubby little episode.

The Hon. P. H. WELLS: Yes, I do like to see good examples being set in terms of the Public Service. I have the highest regard for those people. The fact that people use documents like that is a slur on every other member of the service and the Civil Service Association should discuss the issue because that type of person should not be tolerated. If such a person is found out, he should certainly be dismissed from the Public Service forthwith, because such an act does amount to stealing.

We have seen over the last couple of days members of Parliament stepping down from office for similar reasons. If a person takes something that belongs to the State and takes something from his employer, he must run the risk of losing his job.

I support the motion. I thank the House for the opportunity that the Address-in-Reply provides for members to bring to this House those things that they believe are important and which affect their electorates.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [11.48 p.m.]: I wish to thank members for their contributions to the debate and to commend the Hon. Neil Oliver for the manner in which he presented this motion on the opening day of the third session of the Thirtieth Parliament.

In retrospect, since our last general sitting in December certain events have taken place which I consider to be worthy of mention. First and foremost has been the retirement from Parliament of the Hon. Sir Charles Court, Premier of this State, after a long and distinguished parliamentary career which culminated in his eight years as Premier.

His Excellency the Governor provided us with a brief summary of Sir Charles Court's outstanding contribution to Western Australia's development, a contribution which I am certain will remain a memorial to his dedication and ability to get things done. I do not propose to say any more at this stage about the tremendous contribution which Sir Charles Court has made to this State. I will leave that for more fitting occasions. In placing on the records of this House my personal praise and thanks for his great service, I trust I

may have the support of all members of this Chamber in expressing best wishes to Sir Charles and Lady Court for health and happiness in the years ahead.

The Hon. R. G. Pike: Hear, hear!

The Hon. I. G. MEDCALF: The other loss to Parliament has been to the gain of the Supreme Court of Western Australia. His Honour Mr Justice Olney during his brief term as a member of this House displayed those excellent qualities which befit a person for such an appointment as the one he has accepted. While we might regret his resignation from the ranks of this Chamber, I am sure members will join with me in congratulating His Honour on his appointment and expressing our best wishes for success and fulfilment of purpose in his new vocation.

The Hon. Fred McKenzie: Hear, hear!

The Hon. I. G. MEDCALF: As a corollary to my previous statement, I congratulate the Hon. G. J. Kelly on his election as member for South Metropolitan Province and welcome him to this Chamber. I think sufficient comment has been made already on his maiden speech. It was a speech which provided us with an indication of perhaps better things to come.

The Hon. P. H. Lockyer: Hear, hear!

The Hon. I. G. MEDCALF: A few other changes which have occurred reflect the uncertainty of political life. The Hon. Robert Pike has been elevated to the front bench in his role as Chief Secretary and the Hon. Tom Knight has been appointed Parliamentary Secretary of the Cabinet. In congratulating both members, I take this opportunity of paying tribute to the Hon. David Wordsworth and the Hon. Norman Moore for their contribution to the Government of this State during their terms of office and expressing my personal thanks to them for the assistance given to me as Leader of the House.

Finally, and by no means least, I refer to the retirement of Mr John Ashley on 26 February last. Mr Ashley commenced duty as an officer of Parliament House in 1956. In 1978 he was appointed Clerk of the Parliaments and Clerk of the Legislative Council in succession to his worthy predecessor, Mr John Roberts. In that regard, I hasten to add that Mr Ashley maintained the high standard of efficiency and personal assistance to members to which we have been accustomed. It is unfortunate that we are unable to pay tribute to Mr Ashley personally on this occasion for his long and dedicated service to the State, but I place on record the high regard we as members have for him and extend best wishes to Mr and Mrs Ashley for a long, healthy, and happy retirement.

Once again, I wish to inform members that due note has been taken of all speeches given during this debate. More than half the members of the House have spoken during the Address-in-Reply and clearly they have been able to ventilate a great number of matters of particular interest to them. It is interesting to hear the various matters that are of interest to members because they are all different. Naturally, they reflect the problems of their electorates that they find most pressing. This is an excellent opportunity for them to ventilate those thoughts. The Address-in-Reply has continued for more than three weeks. We are in the fourth week of the Address-in-Reply and therefore it does seem that it is a fitting stage at which it should be terminated so that we might get on with the normal business of Parliament which, of course, necessarily is held up to a certain extent while the Address-in-Reply progresses.

However, I do not believe that we need apologise for the Address-in-Reply. It is an important part of the procedure of the Legislative Council. I can assure members that attention will be given to all the matters they have raised.

As I have said on previous occasions, the relevant portions of the speeches which refer to the portfolios of the various Ministers are despatched to those Ministers who are asked to reply directly to the members concerned. On other occasions I have invited members if they feel they have not had their queries answered, to keep in touch with me.

I support the motion.

Question put and passed; the Address-in-Reply thus adopted.

#### *Presentation to Governor*

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [11.54 p.m.]: I move—

That the Address-in-Reply be presented to His Excellency the Governor by the President and such members as may desire to accompany him.

Question put and passed.

#### **ADJOURNMENT OF THE HOUSE**

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [11.55 p.m.]: I move—

That the House do now adjourn.

#### *Magistrates: Robes and Wigs*

**THE HON. J. M. BERINSON** (North-East Metropolitan) [11.56 p.m.]: For over 100 years

the magistrates of WA have conducted and controlled their courts without the aid of gowns.

Perhaps they believe they can no longer do so.

Either that, or their donning of gowns this week is the expression of some sort of view that the undoubted status of their office should be made visible.

I have never been in a magistrate's court where the authority of the magistrate was not manifest—or where the dignity of the court was not maintained—despite the absence of gowns. Nor have I observed the standard decline in chambers where magistrates have quite often presided—dare I say it—without even having on their coats.

Surely the simple fact is this: A magistrate worth his office does not need a robe and a magistrate not worth his office will not be helped by a robe. So why have robes?

Whatever the reason, the decision by the magistrates in this respect is unnecessary, pointless, and pretentious. It is out of step with the times.

For its part the role of the Government has been even worse. In response to a question on 6 April the Attorney General told me that he would regard the wearing of gowns as a matter for the magistrates themselves to determine. Apparently finding no question of public interest involved, he adopted what might be described fairly as a policy of benign neglect.

Overnight he was apparently converted to a more committed view because by 7 April he was advising Mr Bertram MLA, that he had no objection to the proposal and believed, in fact, that the decision would prove to be beneficial.

So far the Attorney has not suggested how that benefit might arise and, so far as I am aware, the magistrates as well have observed a stoic silence on the subject.

If there is any consolation at all in the gowning of the magistrates, it is to be derived from the encouragement it gives to again consider the general question of legal regalia. The continued use of gowns and wigs in the superior courts seems to be supported by tradition or habit alone and neither by utility nor need.

On the only recent occasion on which members of the WA Law Society were invited to express an opinion on robing, they voted for its abolition. With due respect to those of a contrary view, the majority then was right.

By Statute, the judges of the WA Family Court—all with superior court status—are specifically precluded from robing.

Our Supreme Court judges do not robe in private chambers, nor in open chambers, where quite substantial actions can be conducted. Again our Supreme Court judges do not robe when sitting as the Industrial Appeal Court.

Until this week there was no robing in the Courts of Petty Sessions and Local Court. Similarly there is no robing in the judicial or quasi-judicial proceedings of the Workers' Compensation Board or the various tribunals set up under the Industrial Arbitration Act.

Is there anyone to suggest that the proceedings in any of these areas have indicated any lack of authority, dignity, or decorum, or if so, any such lack which might be remedied by the trappings of dress? *The West Australian* editorial of 19 April was right to the point when it commented on this matter, and I will refer briefly to its opinion. In part the editorial read as follows—

The whole judicial process—from courts of petty sessions to the High Court—has been coming under increasing pressure to do away with the trappings of legal conservatism and demonstrate to the world that the quality of justice and public accessibility to it are the things that matter most.

The regalia and procedures of a gowned and bewigged court of judgment hold an air of medieval mystique that is no longer appropriate in the late twentieth century. Legal tradition may have its place, but not at the expense of understanding of the law and of respect for it. Rather than inspiring these things, the trappings of the courtroom engender confusion, even fear.

The editorial concluded as follows—

Magistrates and other members of the legal profession ought to be concerned most with making the system more efficient without losing the essential confidence of the community. Wigs, gowns and other antiquated regalia are irrelevant to that aim.

In the context of this subject it is time to look also at the Parliament's own standards.

There is, of course, a certain quaintness, a certain picturesque quality, about the wig and gown of the President and the various officers of this Council. But is it the function of the Parliament to be quaint and picturesque? If so, let us all turn up in fancy dress. Why leave the burden of this public service on so few of our number?

On the other hand, if Parliament—as I believe—is supposed to be a serious forum, if its purpose is to reflect current community standards,

what on earth are we doing with the retention of these curious relics of fashion? Their place is in the museum and the history books—and that is where they ought to be consigned.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [12.02 a.m.]: It strikes me as somewhat extraordinary that the Hon. J. M. Berinson, having had the opportunity to speak in the Address-in-Reply debate, should have ignored that opportunity and, at this late hour, should have delayed the House by expressing his personal opinion on a matter which is, strictly speaking, completely out of the control of the Government.

The Hon. J. M. Berinson: It is set out by Statute that judges in the Family Court are not to wear robes.

The Hon. I. G. MEDCALF: I thought that the honourable member had had his say.

The Hon. J. M. Berinson: Well, why distort what I said?

The Hon. I. G. MEDCALF: I have not distorted anything. I repeat that it is quite extraordinary that the honourable member should have chosen this moment to voice his personal opinion about a matter over which the Government has no control. I have also indicated that I have no objections to the proposals.

The Hon. J. M. Berinson: I think you went further.

The Hon. I. G. MEDCALF: In fact, I have no power in the matter. If the honourable member thinks I have, I would like him to quote the authority.

The Hon. J. M. Berinson: Are you saying the Government could not legislate to prevent robing?

The Hon. I. G. MEDCALF: In any event—

The Hon. J. M. Berinson: Are you saying that—

The Hon. I. G. MEDCALF: I could shout the honourable member down, but I do not think it would be very becoming. In any event, I feel it is not incumbent on me to argue on this matter other than to say that I thought the honourable member would have had more support from his party in raising this matter. I note that apart from the Hon. Fred McKenzie no member of his party was present to hear this important expression of his personal views.

The Hon. J. M. Berinson: What a convincing reply that is.

The Hon. I. G. MEDCALF: I may be forced to shout the member down if he persists in shouting at me.

The Hon. J. M. Berinson: By all means.

The Hon. I. G. MEDCALF: I can do it—I have a louder voice than has the honourable member. If the Hon. J. M. Berinson insists on interjecting, I will have no alternative but to shout louder.

The Hon. J. M. Berinson: I will be happy if you do so, as long as it is relevant.

The Hon. I. G. MEDCALF: It is regrettable that the honourable member saw fit to delay the House to express his personal view on this subject. I have no personal objection to wigs and gowns; I have no personal objection to judges' wearing gowns as they do in court. I have no objection to magistrates wearing them, and I have expressed my own view that this may be beneficial. That is my personal view, although I see no reason to foist that view on the House, especially at this hour of the night, as the honourable member has done. I do so merely to indicate that there are honest differences of opinion on this matter.

Question put and passed.

*House adjourned at 12.05 a.m. (Wednesday)*

## QUESTIONS ON NOTICE

### LAND: AGRICULTURAL

#### *Release*

122. The Hon. D. J. WORDSWORTH, to the Minister representing the Minister for Lands:

- (1) What was the date that the Government accepted revised guidelines for new land release?
- (2) How many separate releases have been made in each of the last five years, both for farm build-up and as viable farm units, within the existing agricultural areas and outside?
- (3) What total area did the Rural and Allied Industries Council committee on new land release consider was still available within the existing farming areas?
- (4) Has the Lands and Surveys Department examined the available VCL within the existing farm belt, how many farm units are still expected to be made available in the various shires concerned, and in what years?
- (5) What is the annual rainfall of that land about to be released outside the existing agricultural area?
- (6) How many farm blocks could reasonably be expected to be made available within this rainfall?

- (7) Is the Minister satisfied of the future viability of such releases outside the agricultural areas?

The Hon. I. G. MEDCALF replied:

- (1) The Government announced its revised guidelines for new land release on 15 July 1980.

(2)

Period	Farm Build-up	Viable Farm Units
1/1/77—31/12/77	72	9
1/1/78—31/12/78	32	75
1/1/79—31/12/79	23	14
1/1/80—31/12/80	25	15
1/1/81—31/12/81	25	7
1/1/82—31/3/82	6	3

- (3) The November 1979 report by the land release policy review committee of the Rural and Allied Industries Council identified 122 000 hectares of land still to be released within the existing agricultural areas, plus 2 990 000 hectares in adjacent areas where climate and soils may be suitable for agriculture.
- (4) Investigations and inquiries as to new land suitability and viability together with other related factors are being undertaken by the working group on new land releases.

While these investigations are proceeding it is not possible to detail the number of farm units within each shire which might be made available over the years.

- (5) Land currently under investigation or negotiation with a view to release is deemed to be within or adjacent to the existing accepted agricultural area.
- (6) Bearing in mind the intensive investigation necessary prior to release, the estimate requested could not reasonably be given.
- (7) Government policy makes it clear that any new land release will not occur without extensive investigation into viability factors.

### DEPARTMENT OF LABOUR AND INDUSTRY

#### *Industrial Inspectorate*

156. The Hon. D. K. DANS, to the Minister for Labour and Industry:

- (1) For each year of the period 1975-1976 to 1980-1981 inclusive—
  - (a) how many staff have comprised the industrial inspectorate; and

(b) in what capacities were the staff employed?

- (2) Do the staff of the industrial inspectorate work solely within the inspectorate?
- (3) If "No" to (2), in what other sections do they perform some work function?

The Hon. G. E. MASTERS replied:

- (1) (a) Approved Public Service establishment—

1 July 1976—3

1 July 1977—3

1 July 1978—3

1 July 1979—4

1 July 1980—5

1 July 1981—8

In addition to the approved establishment, it has been the practice to provide the industrial inspection branch with additional clerical assistance from time to time to enable it to cope with heavier workloads.

- (b) 1976 1 x Senior Industrial Inspector  
 1977 2 x Industrial Inspector  
 1978  
 1979—1 x Senior Industrial Inspector  
 1979—3 x Industrial Inspector  
 1980—1 x Senior Industrial Inspector  
 1980—3 x Industrial Inspector  
 1980—1 x Assistant Inspector  
 1981—1 x Senior Industrial Inspector  
 1981—1 x Assistant Senior Industrial Inspector  
 1981—4 x Industrial Inspectors  
 1981—1 x Assistant Inspector  
 1981—1 x Clerk

(2) Yes.

(3) Answered by (2).

## RAILWAYS: RAILCARS

### Cost

157. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

Referring to questions 50 of Tuesday, 30 March 1982, and 113 of Tuesday, 6 April 1982, and in view of the published costs of the present 10 new railcars and spares having risen from \$6.6 million—*The West Australian*, 19 April

1980, p. 30—representing an approximate 32 per cent increase to \$8.7 million—*Daily News*, 17 November 1981 p. 4—will the Minister—

- (a) now clarify the answer to question 113 which states that the increase is 12.36 per cent, which is at variance to that published in the newspapers referred to; and
- (b) advise what were the reasons for the price increase above the statistical average of seven per cent per annum as published by the Australian Bureau of Statistics for this class of industry during the period involved?

The Hon. G. E. MASTERS replied:

- (a) The \$6.6 million referred to in *The West Australian* on 19 April 1980 was the contractor's price for the railcars and trailers only. It excluded the cost of major spares, "in aid" items, inspection, and commissioning. With these items included, the original ordering price was \$7.12 million and the current estimated total final cost of this project is \$8 million. It is, therefore, estimated that the escalation of the overall contract will be 12.36 per cent, or 13.06 per cent for the railcars and trailers only.
- (b) As the contract has been in force for over two years, the estimated escalation is below the quoted statistical average of seven per cent per annum.

## INDUSTRIAL COMMISSION

### Effectiveness

158. The Hon. D. K. DANS, to the Minister for Labour and Industry:

- (1) Has he noted statements—*The West Australian*, 5 April 1982—attributed to the Director of the Confederation of WA Industry questioning the effectiveness of the Arbitration Commission in dealing with industrial matters?
- (2) Does he share the confederation's sentiments?
- (3) If so, will he indicate the particular aspects of the Arbitration Commission's workings which concern him?
- (4) Does he agree with the confederation's proposal that the arbitration role of the commission should be phased out?

- (5) Is it his intention to overhaul the purpose and functions of the commission within the near future?

The Hon. G. E. MASTERS replied:

- (1) Yes. It should be noted, however, that the director's remarks were aimed mainly at the Australian Conciliation and Arbitration Commission's Federal jurisdiction as distinct from the Western Australian Industrial Commission's State jurisdiction.
- (2) In general, yes.
- (3) There are a number of areas which concern the State Government. These are principally—
- the dual jurisdictions relating to the Federal and State areas and the registration of unions under Federal and State jurisdictions;
  - the difficulty which often occurs in having the Federal Arbitration Commission deal urgently with disputes in Western Australia because of the Federal commissioners and deputy presidents being almost exclusively located in Melbourne and Sydney;
  - the lack of compliance relating to negotiated and arbitrated decisions by the parties;
  - the lack of speedy and effective enforcement procedures when parties fail to comply with agreements or arbitrated decisions.
- (4) In the State scene the tendency to ignore arbitrated decisions and failure to resolve disputes in a reasonable time is certainly giving the State Government reason to investigate alternative systems. However, while the existing system continues I would believe that the arbitration role of the Commission would have to be retained.
- (5) As indicated above, the Director of Labour Relations, Confederation of Western Australian Industry's remarks were principally aimed at the Australian Conciliation and Arbitration Commission. Therefore the State Government is not able to overhaul that particular commission's activities. The Cabinet has directed me to undertake a complete review of the operation of the Industrial Arbitration Act; and in carrying out this directive I shall consult with employer and union groups.

## RAILWAYS: LOCOMOTIVES

### Cost

159. The Hon. R. T. LEESON, to the Minister representing the Minister for Transport:

Referring to question 52 of Tuesday, 30 March 1982, concerning 13 locomotives for Westrail at a cost of \$17.79 million with spares at a cost of \$0.81 million, will the Minister advise—

- Is there any provision in the leasing terms which will increase or decrease the total amount of \$50 million for the first 20 years?
- What is the age of the locomotives being replaced by these locomotives?
- When selecting the best method of financing in the public interest, what taxation deductibility over 20 years was available to the leasing firm—
  - by investment allowance; and
  - by depreciation allowance?
- What total amount over 20 years including the \$50 million and the public "make up", will the public have to pay?
- Due to use by a Government department—
  - what amount of sales tax has been exempt; and
  - what amount of import duty has been exempt?

The Hon. G. E. MASTERS replied:

- No.
- Range from 26 to 28 years old.
- (a) and (b) Tenders for the leveraged lease were called on the basis of achieving the lowest effective interest rate to Westrail.  
Westrail has no information on the investment and depreciation allowances available to the investors' participation in the leasing firm.
- Lease payments are expected to be approximately \$2.5 million per annum and no other payments will apply.
- (a) Westrail does not pay sales tax and, consequently, it is unaware of what sales tax would be involved;  
(b) none.



**PUBLIC SERVANTS***Retirement: Provisions*

160. The Hon. P. H. WELLS, to the Minister representing the Premier:

- (1) What are the current minimum and maximum retirement ages for male and female public servants?
- (2) Over the past five years—
  - (a) what have been the changes to the retirement provisions; and
  - (b) what is the predicted effect of the most recent changes to the retiring age on the numbers of State public servants retiring over the next five years?

The Hon. I. G. MEDCALF replied:

- (1) For both male and female public servants the minimum retiring age is currently 60 years and the maximum retiring age is currently 65 years.
- (2) (a) None; however the Government has recently announced plans to allow voluntary retirement from age 55;
- (b) it is not possible to accurately predict the number of public servants who will retire over the next five years. Retirement is not compulsory until age 65 and the decision to retire therefore, rests with the individual.

**RAILWAYS***Koolyanobbing-Kwinana*

161. The Hon. FRED MCKENZIE, to the Minister representing the Minister for Transport:

Referring to question 112 of Tuesday, 6 April 1982, since no indication is evident of use of about 600 000 sleepers removed from the standard gauge line, will the Minister advise—

- (1) How many have been sold?
- (2) How many have been scrapped?
- (3) Where is their ultimate use, and in what quantity?
- (4) What was the average age of the sleepers?
- (5) What is the normally expected life of a timber sleeper?

The Hon. G. E. MASTERS replied:

- (1) Approximately 510 000 sleepers which were not suitable for re-use have been sold.

- (2) Approximately 66 000 sleepers have been scrapped as they were not suitable for re-use or for sale.
- (3) The balance of some 24 000 sleepers are to be re-used in narrow gauge branch lines.
- (4) 15 years.
- (5) The average sleeper life in the less intensely loaded lines is 20 years whereas in the heavily loaded standard gauge main lines the average life is 15 years.

**WAGES***National Wage Case*

162. The Hon. D. K. DANS, to the Minister representing the Premier:

Will the Premier make available to me, as soon as practicable, a copy of the WA Government submission to the current national wage case hearing?

The Hon. I. G. MEDCALF replied:

The Government's submission is contained in the current national wage case. The document is covered by copyright and may only be obtained from the Australian Conciliation and Arbitration Commission.

**PUBLIC SERVANTS***Employment Statistics*

163. The Hon. P. H. WELLS, to the Minister representing the Premier:

- (1) How many State public servants were employed in each of the last five years, commencing with the latest figures available?
- (2) For the same periods, how many State public servants were there in the following—
  - (a) male employees—
    - (i) 40-45 years;
    - (ii) 45-50 years;
    - (iii) 50-55 years;
    - (iv) 55-60 years;
    - (v) 60-65 years; and
    - (vi) over 65 years;
  - (b) female employees—
    - (i) 40-45 years;
    - (ii) 45-50 years;
    - (iii) 50-55 years;
    - (iv) 55-60 years;
    - (v) 60-65 years; and
    - (vi) over 65 years?

- (3) How many of those currently employed by the State Public Service are not contributing to the superannuation fund?

The Hon. I. G. MEDCALF replied:

- (1) 31.3.82—14 785  
 31.3.81—14 414  
 31.3.80—14 299  
 31.3.79—13 956  
 31.3.78—13 537

(2)

Males	41-45	46-50	51-55	56-60	61-65	Over 65
31.3.82	796	761	845	700	131	—
31.3.81	769	773	821	669	135	—
31.3.80	735	778	814	621	155	2
31.3.79	720	792	797	580	147	1
31.3.78	709	814	763	534	168	—
Females	41-45	46-50	51-55	56-60	61-65	Over 65
31.3.82	270	242	235	133	28	—
31.3.81	256	253	220	130	32	—
31.3.80	249	255	215	124	18	—
31.3.79	237	256	217	101	24	—
31.3.78	218	260	187	104	24	—

- (3) Approximately 20 per cent.

## TRANSPORT

### *Ticket Validating Machines*

164. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

Referring to ticket validating machines on urban public transport, will the Minister advise—

- (1) What is the total cost of all equipment—
  - (a) to Westrail; and
  - (b) to the MTT bus service?
- (2) What is the annual service fee plus parts cost to each authority?
- (3) What is the most recent monthly number of validations in each case?
- (4) How much in fees is paid per month to vendors of tickets?
- (5) What percentage of monthly sales do the validations represent?

The Hon. G. E. MASTERS replied:

- (1) (a) \$425 106 (Westrail);  
 (b) \$1 166 009 (MTT).
- (2) The machines have a twelve month warranty which expires in September 1982. The MTT will then either negotiate a service contract with the supplier or service the machines internally.
- (3) For the four week period ending 3 April 1982 estimated ticket cancellations were 465 915 for the MTT and 62 610 for Westrail.

- (4) Sales commission paid to ANCOL newsagencies totalled \$11 476.42 for the same four week period.
- (5) For the four weeks ending 3 April 1982, multi rider sales were \$251 042 representing 14.7 per cent of the combined MTT—bus and ferry—and Westrail—suburban passenger rail—cash fares for that period.

## RAILWAYS: LOCOMOTIVE

### *Derailment*

165. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

Referring to the most recent derailment of a woodchips locomotive and some wagons, will the Minister advise—

- (1) What was the cause?
- (2) How many derailment accidents have occurred since 1 July 1981?
- (3) What is the total cost to date?
- (4) Is there any financial provision made to cover the costs involved?
- (5) Who pays the cost?

The Hon. G. E. MASTERS replied:

- (1) A Westrail inquiry is being conducted into the derailment referred to by the member. Among other things the inquiry will establish the cause.
- (2) 17 main line derailments.
- (3) Costs of derailments involving expenditure of less than \$5 000 are not segregated in Westrail's accounts. Total costs brought to account in the railway accident and fire insurance fund for derailments which occurred since 1 July 1981 are \$193 908.
- (4) Yes.
- (5) The railway accident and fire insurance fund exists in the ledgers of Westrail and Treasury and is funded from Consolidated Revenue.

## PUBLIC SERVANTS

### *Retirement: Education*

166. The Hon. P. H. WELLS, to the Minister representing the Premier:

- (1) What provisions are made to ensure that State public servants approaching retirement are prepared for the transition from work to retirement?
- (2) What retirement education is available for State public servants—

- (a) during working hours; and
- (b) outside working hours?
- (3) To what level of employee is education on retirement directed?
- (4) If not available for all employees, why not?
- (5) What has been the cost of retirement education for State public servants for each of the past five years?
- (6) In view of the reduction in the retirement age and the increasing number of persons seeking to retire at a younger age, does the Government expect to increase its involvement and expenditure in retirement education for its employees?
- (7) What current plans has the Government to increase the awareness of its employees to the special need for being prepared for the transition from work to retirement?

The Hon. I. G. MEDCALF replied:

- (1) to (7) There is currently no retirement education programme organised specifically for State public servants. A total of eleven seminars of either one or two day duration were held between 1975 and 1980, but no further seminars are planned.

A number of community organisations offer retirement education programmes in which State public servants may participate as citizens. It is believed These programmes are adequate and should not be duplicated by Government effort, and therefore Government resources can be directed to other equally pressing needs such as development programmes for serving members of the Public Service.

#### QUESTIONS WITHOUT NOTICE

#### CONSERVATION AND THE ENVIRONMENT: WATERWAYS COMMISSION

*Annual Report: Ministerial Briefing*

- 47. The Hon. D. K. DANS, to the Minister for Labour and Industry:

- (1) When did he first become aware of the comments in the Waterways

Commission report for 1980-81 in which the Chairman of the Peel Inlet Management Authority expressed dismay and disappointment at the response to a ministerial briefing on the estuarine and marine advisory committee's study of the Peel-Harvey estuarine system?

- (2) What action did he take as a consequence of becoming aware of those comments and what was the outcome of that action?

The Hon. G. E. MASTERS replied:

- (1) and (2) I believe the report could have come to me in January, but I am not absolutely sure. It was certainly around that time. What I did with the report that came before me was this: I read the report, of course, and noted one particular thing that I thought should be commented upon to the Waterways Commission. It seemed to me—and I expressed this view to the commissioner himself—that it was an improper statement to be put in a report.

That statement reflected quite clearly—as far as I am concerned—on a confidential Cabinet briefing. That Cabinet brief was one that was given to all Cabinet Ministers and quite obviously the Chairman of the Peel Inlet Management Authority was a little disappointed no reaction was forthcoming at that time.

However, at a later date the reaction was considerable indeed; the Government allocated something over \$500 000, which showed clearly its concern.

Having commented to the chairman of the commission that I did not think it was an appropriate thing to put in a report, and as the report—as I understood it—at that time was not in its final form, the chairman quite obviously referred the matter at a later stage to the Waterways Commission. The Waterways Commission comprises the commissioner, Noel Robins, the Chairman of the Peel Inlet Management Authority, The Chairman of the Leschenault Management Authority, and the Chairman of the Swan River Management Authority. Those four

people decided what words were to be deleted.

I emphasise again that the suggestion I put forward was that I did not think it was the proper wording. I have no doubt that was the correct thing to say, particularly in view of the fact the Act itself dictates that if persons, including members of the Opposition, were to say something of that nature it would be incumbent upon them to draw the matter to the attention of the commissioner. I am going into some detail because obviously some of the comments made have been quite wrong and improper and I need to make the situation clear to the House. Indeed, I was acting in accordance with the provisions of the Waterways Conservation Act itself as laid down in section 43(2), and I draw that provision to the attention of the honourable member because it may come home to him at a later stage.

The Hon. D. K. Dans: I am aware of that.

The Hon. G. E. MASTERS: I still make it clear for the record because it is important. The reason I passed on this comment to the commissioner should be apparent after reading this section. The section of the Act to which I refer deals with the annual report, accounts and audit, and states—

(2) Except in so far as the reference is commendatory, no particulars relating to any individual business shall be disclosed in the report of the proceedings of the Commission laid before Parliament.

It is clear to me and it should be clear to all members that, in fact, the comments and references were very much the business of the commission. This was a confidential briefing at which the commissioner and the chairman of authorities and members of the Cabinet were present. So it was an improper and incorrect thing to put forward in the report. The commission agreed with the commissioner and changed it, and the final report is before the House at the present time.

## CONSERVATION AND THE ENVIRONMENT: WATERWAYS COMMISSION

### *Annual Report: Final Form*

48. The Hon. J. M. BERINSON, to the Minister for Labour and Industry:

The Minister has just informed the House that the report he received in January was understood by him to be a report not in its final form. I ask the Minister: What led him to the view that that report was not in its final form, considering that it was printed and bound in the same form as the report was eventually presented, with the sole exception of the deleted passage?

The Hon. G. E. MASTERS replied:

As the member would know, being in a senior position in an unfortunate Government some time before, when departments put forward this type of report it is normal procedure for them to put it forward to the Minister for his comment and confirmation.

The Hon. J. M. Berinson: But not in its final printed form?

The Hon. G. E. MASTERS: I did not know it was in the final printed form; I assumed it was not.

The Hon. D. K. Dans: But it was.

The Hon. J. M. Berinson: I am asking what led you to that assumption.

The Hon. G. E. MASTERS: The assumption was that it was the first time I had seen it and obviously it was presented for comment by the Minister, bearing in mind, of course, the particular section of the Act I have mentioned. The report is addressed to the Hon. Minister for Conservation and the Environment. It is addressed to the Minister and to the Parliament and I would assume quite obviously that the normal procedure is for the report to go before the Minister in order that he may look at it. If the report was not in its final form I had no knowledge of it. It would have been improper for me not to draw the attention of the commissioner and the commission itself to the faults I saw in the report. Had I not done so I would not have been doing my duty as a Minister and would not have been complying with the terms of the Act.

# CONSERVATION AND THE ENVIRONMENT: WATERWAYS COMMISSION

## *Annual Report: Ministerial Pressure*

49. The Hon. J. M. BERINSON, to the Minister for Labour and Industry:

- (1) Is he correctly reported in this morning's *The West Australian* as denying that he put pressure on the Waterways Commission to delete from its annual report criticism of his response to the ministerial briefing referred to?
- (2) If he was reported correctly, how does he accommodate that denial to his own comments a few moments ago, in which he appeared distinctly to concede that he did put some pressure on the commission?

The Hon. G. E. MASTERS replied:

- (1) and (2) The statement that pressure was applied was made by Mr Brian Burke. That is how I read it. What I did was to draw to the attention of the commissioner himself what I thought were improper comments in the report. The member could interpret that as "applied pressure" or whatever he likes.

The Hon. J. M. Berinson: Were you correctly reported as denying such pressure?

The Hon. G. E. MASTERS: What I clearly and concisely said was that I told the commissioner I believed the comments were improper. If the member thinks that is improper, that is up to himself. The commissioner would have been upset had I not brought the matter to his attention. If the Opposition is trying to suggest that the Government and myself are trying to influence these reports, it is wrong.

The Hon. D. K. Dans: If we knew it, we would not be asking the question.

The Hon. G. E. MASTERS: What I am saying is that if the report that comes before the Minister is not strictly in accordance with the Act, of course the Minister has to act, and if the members opposite think that is applying pressure, so be it.

The PRESIDENT: Are there any further questions without notice on some other subject?

The Hon. D. K. DANS: My question is on the same subject.

The PRESIDENT: I do not want any other questions on this subject. Further questions should be placed on notice.

The Hon. D. K. Dans: That is running away from it.

## RECREATION: FOOTBALL

### *Anzac Day Trust*

50. The Hon. TOM McNEIL, to the Chief Secretary:

- (1) Is the Chief Secretary aware that although the Western Australian Football League now has the right to play football on a Sunday without Government approval and has gazetted four different Sundays on which games will be played this year, it has seen fit not to play a game this Sunday, being Anzac Day?
- (2) As the league has also declined to play on the following Monday, a gazetted public holiday, and as this is the only holiday during the football season it will not play, will the Minister ascertain that the league is not deliberately abrogating its responsibility to the Anzac Day Trust?

The Hon. R. G. PIKE replied:

I thank the Hon. Tom McNeil for the courtesy of giving me reasonable notice of this question without notice. As always, I am delighted to acquiesce in regard to the form of the House. I answer as follows—

- (1) Yes. However, the fixing of match dates is a policy matter for the WAFL to determine.
- (2) I will ask the league for a report on the subject.

## RECREATION: FOOTBALL

### *Anzac Day Trust*

51. The Hon. TOM McNEIL, to the Chief Secretary:

- (1) Is the Chief Secretary aware of the record of the Western Australian Football League in respect of the Anzac Day Trust? So far it has contributed \$11 000 over the last 22 years.
- (2) Is it the Government's intention to make any further amendments to the Act to avoid responsibility to the Anzac Day Trust?

The Hon. R. G. PIKE replied:

- (1) and (2) The administration of the Anzac Day Act is the responsibility of the Deputy Premier. I am not aware of the contributions made by the Western Australian Football League to the Anzac Day Trust.

In view of the notice of the question, if the member wishes I will undertake to refer his question to the Deputy Premier. Failing an indication from him that he wants that to be done, I would ask him to direct a question on notice to the Deputy Premier through me.

#### ELECTORAL: ROLLS

##### *Inclusion of Eligible Adults*

52. The Hon. J. M. BERINSON, to the Chief Secretary:

I refer to the large unexplained discrepancy between the adult population in the north, as disclosed in the last census, and the number of State-enrolled electors at the same date. As section 39 of the Electoral Act provides power to conduct an electoral census, will the Minister consider using that power to ensure that electoral rolls, at

least in the north, include all or most eligible adults?

The Hon. R. G. PIKE replied:

I thank the honorable member for his detailed question without notice, without notice being given.

The Hon. J. M. Berinson: Stop that nonsense! Either we have questions without notice or we do not have questions without notice. What is all this nonsense about courtesy and notice?

The PRESIDENT: Order!

The Hon. R. G. PIKE: After that loud outburst from the actor opposite, I ask that this question be put on notice.

The Hon. D. K. Dans: Take your bat and ball home.

The PRESIDENT: Order! There will be no further questions without notice today. We will proceed to the next item on the notice paper.

The Hon. Robert Hetherington: Oh, we are being disciplined.

