

# Legislative Council

Thursday, the 25th October, 1979

The **PRESIDENT** (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

## BILLS (2): RETURNED

1. West Australian Trustee Executor and Agency Company, Limited, Act Amendment Bill.
2. The Perpetual Executors, Trustees, and Agency Company (W.A.), Limited, Act Amendment Bill.

Bills returned from the Assembly without amendment.

## CREDIT UNIONS BILL

### *Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

## PLANT DISEASES ACT AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

### *Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [2.42 p.m.]: I move—

That the Bill be now read a second time.

The amendment to section 12A of the Plant Diseases Act is designed to enable a fruit-fly baiting scheme to be established in a fruit-growing area which extends over more than one municipal district.

Under this section the term "district" for the purpose of establishing and operating a fruit-fly baiting scheme is defined as meaning a municipal district constituted under the Local Government Act, 1960, or such portion of that municipal district as shall be specified and defined and approved by the Minister.

After a period of many years of successful operations, it was recently ascertained that the Donnybrook-Newlands baiting scheme—which functions over a district involving two shires; that is, the Shire of Donnybrook and a small portion of Capel Shire—was operating contrary to the provisions of section 12A. In effect, therefore, the

Donnybrook-Newlands scheme was never properly constituted and its past activities could be the subject of legal challenge.

In situations such as the Donnybrook region, where orchards form a continuous belt extending across the boundaries of more than one shire district, it is desirable, for reasons of effective fruit-fly control and economy of baiting operations, to have one scheme covering the region.

It was for these reasons of efficiency and economics that the Donnybrook-Newlands and some other baiting schemes, which have ceased to operate, were established—albeit unconstitutionally—in districts extending over more than one shire district.

To enable baiting schemes to be established, operated, voted on, and, where necessary, wound up in a district extending over more than one shire, and for the essential purpose of enabling retrospective legality for such schemes' past operations, these amendments are necessary.

The Minister for Agriculture recently met with representatives of the Donnybrook-Newlands baiting scheme—which is now in recess—with the object of discussing these matters fully with them. The discussions were very useful and agreement was obtained to introduce the amendment, in order to resolve the legal problem which has been identified.

This Bill also seeks to amend section 12C of the Act to provide for a different system of charging, based on an annual service fee applicable to all properties with fruit trees within the fruit-fly baiting scheme area. It is also intended to enable the fees charged by the community fruit-fly baiting schemes to be set by regulation in lieu of the existing schedule of charges contained in the Act.

In recent years there has been increasing difficulty in financing the baiting operations of fruit-fly baiting schemes established under the Plant Diseases Act, due to an inability to increase charges relative to increases in operating costs.

The present scheme of fees is related to the number of trees on a property and takes no account of the fact that there is a cost involved in visiting a property for baiting purposes, irrespective of the number of fruit trees on the property.

A large number of properties have only one or two trees and the present charges do not now adequately cover the whole cost of the visit and spraying operations.

This basic service fee would be payable by all participants, regardless of the number of trees on the property.

In addition, a scale of charges similar to that now operating and related to the number of fruit trees on the property would be charged as the second component of the total charge.

It is proposed that the level of both components of the total charge will be prescribed by regulation.

The Bill also provides for the fees to become payable within 30 days of commencement of the baiting period, with provision for a penalty for non-payment.

A further minor amendment to section 12C is complementary in that it provides for the secretary of a baiting scheme committee to be a person who shall, where the poll was taken at the request of a municipality, be an officer nominated by that municipality.

I commend the Bill to the House.

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

## STAR SWAMP

### *Reservation: Motion*

Debate resumed, from the 23rd October, on the following motion by the Hon. R. F. Cloughton—

That the Members of the Legislative Council support the efforts of citizens of the Trigg, Marmion and Waterman localities to have set aside a reserve of 100 hectares in the area bounded by Beach Road-Marmion Avenue-North Beach Road and Hope Street, as a permanent natural bush and passive recreation/nature study area to ensure that Star Swamp and its surrounding bushland will be protected from degradation and recognising—

- (a) that the Star Swamp bush area is one of the few remaining locations of natural vegetation typical of the Swan coastal plain left in the Perth metropolitan area;
- (b) its value for recreational and educational purposes;
- (c) the classification of Star Swamp by the National Trust of W.A. for environmental and historical reasons;
- (d) that Star Swamp is one of the few metropolitan wetlands free of salmonella infection;

- (e) the area is being increasingly used as a refuge for plants, birds and animals which are being displaced from the surrounding housing developments;
- (f) the area contains an array of plant communities;
- (g) that none of the land in question is privately owned;

urges the Government to reserve the area as requested and facilitate any land transfers and/or exchanges necessary to achieve these purposes.

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [2.47 p.m.]: The Hon. R. F. Cloughton moved a somewhat similar motion in 1978 to that which he introduced on the 23rd October. Since his previous motion various proposals have come forward with regard to how the area of Star Swamp could be increased.

During January, 1979, the Stirling City Council proposed an exchange of 26 hectares of rural open space in Elliott Road, Trigg. However, that proposal was rejected by the MRPA, and I believe it was also rejected by the nearby residents in the area. The Stirling City Council then requested the MRPA to select an alternative exchange site, but no alternative site has yet been suggested.

A difficulty, of course, is that very few areas of equal dimension and equal value are available within the metropolitan region which can be used on an exchange basis.

Perhaps we should refer back to the history of Star Swamp. Quite frankly, I do not know when Star Swamp became an issue. I endeavoured to find out from the title, which covers an area of some five acres in the middle of Star Swamp—and which is the centre of the controversy. I found that the then Perth Road Board took over the area in about 1950.

I do not have a copy of the title with me, but my recollection is that the title covers not only the five-acre block which we know today as Star Swamp, but also a block of a similar size to the east, and a series of roads. It appeared to me that the whole area is a drainage system. The block which is on the same title as Star Swamp has a small freehold lot included in it, and the title contains the information that the area concerned incorporates a system of drains. I am not fully aware of the contours in the vicinity of Star Swamp.

The Hon. R. F. Cloughton: I have them here, if you would like to look at them. They drain down into the swamp.

The Hon. D. J. WORDSWORTH: Yes, I believe the whole area drains into the swamp. Indeed, one of the arguments put forward by the Hon. Roy Cloughton was that if the remainder of the land were cleared, more drainage will seep into the same area. Mr Cloughton pointed out that already the water table in Star Swamp has risen by one metre. I do not know whether the water table will rise any more than that, or whether it would have risen to this level anyway. Certainly it is a freehold block which seems to form part of a drainage system.

The remaining portion of the land in the vicinity of Star Swamp is freehold, as is the central part of the swamp itself. The land surrounding Star Swamp was purchased by the State Housing Commission by private treaty in 1951. Although Mr Cloughton stated—quite correctly—that the area is undeveloped, nevertheless, it is zoned urban. This zoning applies not only under the metropolitan region scheme for zoned residential lots, but also under the district town planning scheme of the City of Stirling.

It is interesting to know that when the City of Stirling was preparing its town planning scheme it saw no reason to set aside more than five acres for open space.

In November, 1975, the Trigg-North Beach-Waterman Community Association put forward a proposal to set aside 2.5 hectares for a reserve around the swamp. A few months later the then Minister for Housing announced that he was prepared to release some four hectares of land for this purpose, and I ask members to note that the area offered was greater than the 2.5 hectares originally requested by that association. Indeed, he designated a contour level for that reserve and, if I recall correctly, I believe it was the three metre level.

Early in 1977 the Realty Development Corporation Pty. Ltd., on behalf of the SHC, submitted an application to the City of Stirling to develop the area for zoned residences and group housing. The council was asked to zone the area GR4 to enable development at that density. The local residents heard of the proposals and meetings were held. I believe that the chief concern—certainly at that time—was not so much about Star Swamp itself, but rather about the fact that the SHC intended to put in a considerable amount of development, and I suppose that concern was quite natural. So the residents looked for ways to prevent the development of State housing in the area and, more particularly perhaps because it was thought that it would be high-density housing.

The outcome of the meetings was a request to the Environmental Protection Authority to conduct a survey of the Star Swamp area. This survey was carried out, and on the 19th June, Cabinet agreed to establish a reserve along the lines of the EPA recommendation. The recommendation was for an area of some 15.1 hectares.

In accepting that recommendation, Cabinet asked for a determination in regard to payment for the land over and above that which the previous Minister for Housing had indicated the SHC could give. The cost of that additional land which Cabinet decided would be used for a flora and fauna reserve is \$415 000. There is no way that a trading concern such as the SHC can give up land that has such a value.

The Hon. R. Thompson: Irrespective of future needs?

The Hon. D. J. WORDSWORTH: I think members would agree that it is not the duty of the SHC to supply open space of that magnitude.

The Hon. R. Thompson: Well, it is the Government's duty, and the SHC is a Government instrumentality.

The Hon. D. J. WORDSWORTH: No, it is a trading concern, and Cabinet appreciated that fact. When Cabinet decided to make the extra land available, it also said that some other way must be found to fund it and that we could not expect the SHC to do so.

The Hon. R. Thompson: Cabinet did not uphold that view in regard to Jervoise Bay, did it? It took away an "A"-class reserve there.

The Hon. D. J. WORDSWORTH: I do not want to confuse this issue with Jervoise Bay. We had a long debate on that matter.

The Hon. D. K. Dans: The Michael Kailis benefit Bill!

The Hon. R. F. Cloughton: The Government seems to be able to find money at the drop of a hat for all sorts of things.

The Hon. D. J. WORDSWORTH: I believe it is worth replying to that interjection. Everyone is concerned about taxation and the fact that the burden is becoming far too great. The Opposition is saying, "Why don't you make some money available? Why don't you fund it somehow?"

The Hon. R. F. Cloughton: But the Government seems to be able to do that when it wants to.

The Hon. D. J. WORDSWORTH: We have a very good Premier, and I do not intend to argue that he has not done amazing things. But there must be a limit.

The Hon. D. K. Dans: He does amazing things—I will second that statement!

The Hon. R. F. Claughton: The Government can find the money when it wants to.

The Hon. D. J. WORDSWORTH: The Premier of this State is admired throughout Western Australia and, indeed, throughout Australia, for the way in which he can balance our Budget. However, there is a limit to how far we can go. Quite frankly, we are still looking for a way to square off with the SHC for this \$415 000. No similar land which we could offer to the commission on an exchange basis is available in the metropolitan area.

The Hon. R. Thompson: The commission is going to build houses on that land, some of which it is going to sell.

The Hon. D. J. WORDSWORTH: As the honourable member would know, the State Housing Commission is expected to do that. I believe a great deal of objection raised by people living adjacent to Star Swamp had its origin in the plan by the State Housing Commission to develop the area.

The Hon. D. K. Dans: Did you receive any protests from the flies?

The Hon. D. J. WORDSWORTH: I understand the flies are particularly bad in that area.

The State Housing Commission is willing to look at other ways of developing the area. It may well consider it advisable, in view of the protests which have been raised, to allow the area to be developed by private enterprise, provided, of course, the commission can transfer the money it receives for the land somewhere else, because it has a duty to provide houses for the needy citizens of this State.

There is no way we can suddenly find \$1.2 million, which is the total value of the land the State Housing Commission owns in the area. This motion incorporates not only the land owned by the commission, but also an area of 100 hectares which includes that owned by the Education Endowment Trust. Once again, there is no way the trust can forego this land which, I believe, is worth in the region of \$1 million.

The Hon. R. F. Claughton: It was able to exchange land it owned elsewhere for this land.

The Hon. D. J. WORDSWORTH: I have endeavoured to explain that such a proposal is practically impossible to carry out now. We have been looking for that sort of land for some time. It is true that the Education Endowment Trust is there because of previous efforts in this direction;

however, I believe that is the last of the land which could be exchanged. It is a trust, and has trustees, and there is no way it can forego land of that value for the purposes of open space.

Of course, it is easy with hindsight to look back at Kings Park and say, "Why can't we have a Kings Park in this area?" Nobody could disagree with such a suggestion; it would be very desirable to have 100 hectare parks all over the metropolitan area.

However, Kings Park was set aside, not purchased, whereas the two blocks of land which are the subject of the motion are owned freehold and have a considerable value. This land cannot simply be discarded. Had we been able to set it aside originally, it could have been done at little cost. So, it is quite fallacious to draw Kings Park into this argument.

The member for Karrinyup (Mr Jim Clarko) has put forward a proposal that a portion of land held by the MRPA as open space and situated to the south of Star Swamp be exchanged for some of the land owned by the State Housing Commission, so that an area closer to the swamp could be kept as open space, rather than an area further to the south which, whilst it is adjacent, is not contiguous with the swamp area. I believe Mr Clarko's proposal is worth considering. I understand it is yet to receive the backing of the Stirling City Council; however, it represents a serious attempt to resolve this problem.

It is interesting that the MRPA holds this land to the south because it considers it suitable for open space in the area we are discussing. I do not know whether the MRPA regards the land closer to the swamp as more appropriate for this purpose than the land it already holds; that is something for the MRPA to determine. I think I am correct in saying the land currently held by the MRPA is flatter than the land immediately to the south of Star Swamp and that the eastern portion has already been developed.

The Hon. R. F. Claughton: I am not sure of the piece of land to which you refer. There is a stretch immediately south of Karrinyup Road. Is that the land?

The Hon. D. J. WORDSWORTH: I do not have my map with me, so I am not sure; it adjoins the southern part of the Star Swamp area.

There is still room for further discussion on this matter. It must be noted that the MRPA originally considered this land was suitable and adequate for its purposes and that since then, more land in the vicinity has been added to the open space.

Members would appreciate that a certain amount of land owned by the State Housing Commission and the Education Endowment Trust would go to open space; it is expected of the subdividers to make such an allocation to the order of some 10 per cent. I have not yet seen what is proposed by either of those bodies, so there is a chance an additional area of open space can be created which is contiguous to the Star Swamp area. Certainly, there is still room for movement on this issue.

I should like to recall the history of this matter for members. The State Housing Commission purchased its 39.5 hectares for subdivision and housing early in 1951. In 1976, the then Minister said he was prepared to release 4.2 hectares to establish a flora and fauna reserve. In January, 1978, Cabinet considered a submission from the Minister for Conservation and the Environment and approved a proposal to set aside a further 8.9 hectares, also for the purposes of a flora and fauna reserve. Cabinet reconsidered that recommendation a few months later and reaffirmed its decision. We now have the member for Karrinyup proposing an exchange.

These two subdivisions to the east are coming up for consideration by the City of Stirling and there is a chance this area of land could be extended with land which is contiguous with it. However, this will depend very much on the attitude adopted by the City of Stirling. To date the council has not become too involved and has felt it should be handled at the State level.

There are two points to be noted: There has been adequate land set aside for the preservation of Star Swamp, which has been the subject of an EPA report; and it is obvious those two subdivisions have to take place. There is no way that those two areas totalling 100 hectares can be set aside for an "A"-class reserve as has been suggested by the mover of the motion. The very portion we are talking about is not an "A"-class reserve itself. The centre of Star Swamp happens to be freehold and appears to be used as part of a drainage system.

The Government is acting very admirably and responsibly.

The Hon. R. F. Claughton: You would not say that if you had seen Star Swamp.

The Hon. D. J. WORDSWORTH: This motion should be defeated.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

## AGRICULTURE AND RELATED RESOURCES PROTECTION ACT AMENDMENT BILL

### *Third Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [3.11 p.m.]: I move—

That the Bill be now read a third time.

**THE HON. G. W. BERRY** (Lower North) [3.12 p.m.]: During the Minister's second reading speech he made mention of the Noogoora burr and the reasons that the regulations had been brought in to prevent people going onto areas where it occurred, and particular reference was made to the Kimberley area. Is the Kimberley the only area in the State where this burr is established? I believe at one time it was to be found in the eastern goldfields.

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [3.13 p.m.]: My second reading speech did refer to infestations of Noogoora burr in the Kimberley. It is here that the main infestation is found, from Carlton Crossing on the Ord River down to its mouth. Of all places, it is established in a small area of Wanneroo, but this is under control.

There is no known infestation in the eastern goldfields; although there is quite an infestation of Bathurst burr, an associated burr. The Noogoora burr is generally under control in the East Kimberley, but near the mouth of the Ord River it is proving difficult to control because of poor access. The tropical conditions of the East Kimberley are very suitable to the growth of this burr.

Question put and passed.

Bill read a third time and passed.

## MEDICAL ACT AMENDMENT BILL

### *Third Reading*

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

## UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

### *In Committee*

Resumed from the 24th October. The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Leader of the House), in charge of the Bill.

Clause 1: Short title and citation—

Progress was reported on the clause.

Clause put and passed.

Clauses 2 to 5 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

## **ARMORIAL BEARINGS PROTECTION BILL**

### *Second Reading*

Debate resumed from the 24th October.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [3.17 p.m.]: The Opposition has nothing against this Bill. In the second reading speech there was mentioned a penalty of \$500 000 which staggered me somewhat.

The Hon G. C. MacKinnon: I gagged a bit myself.

The Hon. D. K. DANS: I notice the Leader of the House is to move an amendment today to correct this matter. I had thought I would need to direct a question to the Attorney General to ascertain how many days in gaol it would take for someone to cut out this amount if he defaulted paying the fine. The only penalty of this amount that I know of is that handed down by the Melbourne Port Authority for the spillage of oil in the Yarra River. However, I am assured by the Minister the amount should be \$500. We support the Bill.

Question put and passed.

Bill read a second time.

### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Improper use of Royal or other Arms an offence—

The Hon. G. C. MacKINNON: Members will be aware there are certain companies which, because of service or some other arrangement over past years, have secured the right to use a coat of arms. Cigarette companies come to mind. It was suggested that the right to use these coats of arms was not protected. In order that advertisements and so forth where these coats of arms were shown might be protected, an amendment to the Act was thought necessary.

I hope members will agree to this very small amendment which has been suggested in another place. I move an amendment—

Page 2, lines 30 and 31—Delete the passage “offence. Penalty: Five hundred dollars”, and substitute the following—

offence and is liable to a penalty of five hundred dollars but this subsection shall not apply to or in relation to the promotion, sale or use of any document, material or object printed, published or manufactured with the authority referred to in this subsection.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 6 put and passed.

Title put and passed.

Bill reported with an amendment.

## **FISHERIES ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 24th October.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [3.23 p.m.]: The Opposition supports this legislation and in general approves what is being done. The amending Bill includes a number of matters such as bringing under the control of the Fisheries and Wildlife Department some estuarine and offshore areas. This is an attempt to control the sale of fish by amateur fishermen. It provides for citizens to apply to a Court of Petty Sessions on certain matters.

The clause in relation to the right of an Aboriginal to fish may be called a grandfather clause. This is to tie up an anomaly that has arisen. The Bill also provides for the confidentiality of information supplied by fishermen and fishing companies under the existing statutory requirements.

In supporting this legislation I would like to ask the Minister in charge of the Bill to explain how the sale of fish by amateur fishermen is to be regulated. The provision under clause 10(a) states—

(a) the holder of that license shall not purchase fish for processing from any person who is not the holder of—

(i) a professional fisherman's license or processor's license granted pursuant to the provisions; or

(ii) a license granted under Part V, of this Act;

It can be seen that it would be necessary for inspectors to visit fish shops, fish food outlets, restaurants, and hotels to inspect the accounts of the establishments, but they would still need to be able to determine whether the fish has been actually purchased from an amateur fisherman

and not one of those mentioned in the Bill. I would like the Minister to explain how this matter will be enforced.

The second matter I wish to raise is in regard to the removal of the right of some people to have access to a Court of Petty Sessions. In his second reading speech, the Minister said that a right of appeal will still apply in matters relating to questions of law. However, the Opposition believes that with all categories and with the questions relating to Government policy, there should still be a right of appeal to determine the facts of the case.

The Minister who is handling this Bill (the Hon. Ian Medcalf) has said often in previous debates that there is a need for people to have a right of appeal. Therefore, I would expect him to be very sympathetic towards people who may feel aggrieved by actions taken under this legislation. I will not put forward a very strong argument about this, because the matter has already been debated in the other place. I am simply making the point that the Opposition does not approve of the actions being taken by the Government to reduce the avenues of appeal. With those words, I support the Bill.

**THE HON. V. J. FERRY** (South-West) [3.29 p.m.]: I support the Bill. However, there are a few comments I wish to contribute to the debate.

The Bill contains a number of provisions, one or two of which emanate from the parliamentary South Coast Fisheries Study which reported on its findings in August, 1978. One of the recommendations of the committee which has found its way into the legislation is that concerning the Shire of Gnowangerup. Up to the present time the shire has made by-laws for fishing in inland waters and estuaries in its area. The committee felt that for the sake of uniformity it was desirable that this particular area should come under the supervision of the Department of Fisheries and Wildlife, in the same way as other parts of the State. Therefore it is reasonable that the Bill should make provision for the Shire of Gnowangerup to come under the jurisdiction of the department. The present arrangement had some merit when, some years ago, the shire was granted the right to control fishing in its area, but I have no doubt that with the passing of time it will be found to be far more satisfactory for everyone concerned to have fishing supervised in a uniform way by the Department of Fisheries and Wildlife.

Another provision in the Bill relates to the selling of fish and restricts commercial enterprises to buying fish only from licensed fishermen. This

aspect of the industry has been a problem for some time. In many instances commercial outlets purchase fish from amateurs—or “shamateurs” as they are called in the fishing industry. In my view, that is not fair, because professional fishermen are obliged to pay licence fees and comply with the requirements of the Fisheries Act which do not apply to amateurs. The control of the industry through licensing is very necessary and is accepted by the industry itself, irrespective of the type of fishing engaged in. Without controls and guidelines we would not have a fishing industry.

**The Hon. G. W. Berry:** It is a limited resource.

**The Hon. V. J. FERRY:** Yes, and a tremendous amount of research remains to be done. The establishment of a 200-mile limit off the Western Australian coast presents a great challenge to the State's fishing industry. For this reason I believe that in the years ahead fishing will become increasingly important. The 200-mile limit will open up a whole new avenue of endeavour, and I have great faith in the industry.

Having said that, I realise that very real difficulties exist because the Western Australian coastline is in the main very hostile to small craft. This State is not blessed with many natural harbours or boat havens. I suppose the best natural harbour in the southern part of the State is the port of Albany. We have very few other harbours. A number of our fishing harbour facilities have been assisted by man-made constructions, thus providing boat havens for fishing craft, particularly in stormy weather. We must give more attention to this aspect of the industry in the future, in view of the increased harvesting area now available under international agreement.

A great deal of interest has been taken in the south-west coastal area, particularly the fishing grounds off Cape Leeuwin, Cape Naturaliste, and out from Geographe Bay on the edge of the continental shelf. The Public Works Department is at present investigating possible sites for a fishing boat harbour facility in the Geographe Bay Region. The four sites under consideration at the present time are Rocky Point, Eagle Bay, Point Piquet, and Curtis Bay. Not everyone welcomes the fishing industry in their areas. However, I believe we must develop a fishing harbour in the Geographe Bay area. Its site will depend on the views of the Busselton Shire Council and the fishing industry and the reports of the engineers of the Public Works Department; and on cost, which is always a major factor.

The harvesting of the natural resource offshore in the ocean is a rural industry and is very important to us as Australians. We are still very largely dependent on rural industries as a nation. The fishing industry has contributed significantly to our well-being in the past, but it has a more important part to play in the future.

The South Coast Fisheries Study was a very useful exercise. Following its guidelines, the committee studied the area from Cape Leeuwin to the South Australian border. It had a number of specific tasks to perform in its examination of the fishing industry, generally. Quite clearly, many difficulties are associated with fishing off the south coast. There is a history of fishing enterprises trying their luck and skill and running into difficulties. Nevertheless, I am sure the industry will be assisted in one way or another.

The salmon resource is very limited. No-one yet knows the extent of it, and one of the recommendations of the committee was that further research be undertaken to establish what it is. It is a very complex exercise to try to ascertain the habit of the salmon off the south coast and what the future holds in that regard. It can be determined only in the long term; there is no short cut to the answer to the problem.

That brings me to the question of processing plants. The Bill now before us contains provisions relating to the part of the Act which controls the processing of fish. The parliamentary study committee recommended that the control and licensing of processing plants be in the hands of the Department of Fisheries and Wildlife under the supervision of the responsible Minister, with provision for appeal to the Minister. Of course, an aggrieved person always has the right to seek redress in a civil court in matters of law only, but not in regard to the harvesting of a resource. The Department of Fisheries and Wildlife is charged with the responsibility of protecting the fishing resource. Therefore, the department, rather than a court of the land, should have the authority to guide the industry.

The Bill will correct the situation by removing from the courts the power they have at the present time to make decisions in regard to the harvesting of fishing resources in certain circumstances.

I have referred to the problem of "shamateurs" selling fish. To my knowledge one or two glaring examples of this have occurred, where people who have no authority to take fish and sell it have been doing it blatantly on quite a sizeable scale. Certainly the legislation needs to be tightened up in this respect. The selling of fish by amateurs is

to the disadvantage of professional fishermen who must conform with the regulations and be licensed. They need some protection.

What I am saying does not apply at all to the amateur who takes fish and makes it available to friends, or at a private party. The proposals contain no inhibiting factor in that respect; they are purely to tighten up the situation and to prevent commercial catering firms, hotels, taverns, and restaurants purchasing fish from amateurs rather than professional fishermen.

As I mentioned earlier, one could refer to many matters in speaking to this Bill. However, I do not propose to do so at the moment, other than to repeat that the fishing industry is certainly a major industry for Australia and Western Australia. It will produce a great deal more in the future.

I support the Bill.

Debate adjourned, on motion by the Hon. J. C. Tozer.

*Sitting suspended from 3.42 to 4.03 p.m.*

## LOCAL GOVERNMENT ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 10th October.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.03 p.m.]: This amendment to the Local Government Act is complementary to the Bill we have just debated. This Bill repeals section 213, which provides for councils to make by-laws in respect of fishing in reserves vested in them.

The Bill provides for removal of that control, particularly from the Shire of Gnowangerup in its estuarine waters. The Bill enables control to go entirely into the hands of the Department of Fisheries and Wildlife.

We support the legislation.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

## LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

### *Second Reading*

Debate resumed from the 23rd October.



**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.06 p.m.]: The Opposition supports this Bill.

I note that when the Bill was introduced in the Assembly the Minister said a number of things that were not included in the second reading speech by the Attorney General in this House. Those general remarks were not particularly important.

The Minister said that the Government has done a lot to delegate greater powers to local authorities; but we would dispute that. Very little is done under this Bill to increase the powers of local authorities. In the main, the Bill attends to administrative problems that arise continually in relation to local government.

It is generally accepted that the Local Government Act is one of the largest, if not the largest, Acts on the Statute Book. A considerable amount of work was done when the consolidating Bill was introduced some years ago. A number of faults existed at the time. Since then, the situation has changed so that it is necessary for alterations to be made in the legislation which controls the workings of local authorities.

Two of the provisions in this Bill—the one dealing with the pecuniary interests of councillors, and the one dealing with pensioner rebates—correct anomalies in the drafting of the original amending Bills. Those Bills showed laxity in administration or in drafting. Obviously the amendments are desirable.

The provision relating to pecuniary interests ensures that where there is reference to a majority of the committee or the council, it refers to an absolute majority of all the members.

In relation to the matter of pensioner rebates, a situation has arisen which has been discussed here already. For example, a ratepayer may be receiving a pension from the United Kingdom, and because of changes in the exchange rate the pension increases by a small amount which puts it above the allowable limits. That means that the ratepayer loses his fringe concessions. That is a considerable loss.

There was an anomaly in that the pensioner may be quite eligible to the benefits this month, but because of changes in the exchange rate, he may be ineligible next month. Because of further changes, he could become eligible in the month following that. A person in that position should not be obliged to pay the total amount that had been deferred.

This is a sensible provision. If more thought had been given to the situation earlier, I am sure

it would have been attended to when the Bill was amended previously.

Another provision relates to the making of uniform by-laws for caravan parks. I know that draft by-laws covering the facilities are already in existence and they have been gazetted. I am not sure what is the particular difficulty that makes this amendment necessary. However, we have to take the Minister's word that there is a fault in the legislation.

Another matter relates to the power of local authorities to sell land by public tender or auction without the approval of the Governor or the Government. In giving support to this aspect, we would like to feel that land that is desired by a developer, but still needed by the community is not caught up in this sort of provision. That relates to another matter I have been pursuing, and that is how scarce public open space has become within the City of Stirling. It would be most unfortunate if, through this provision, the local authorities sold off land that was not needed at the time, but at a later stage they had to repurchase the land for public open space. That is not an infrequent occurrence, I believe. It would be our earnest hope that local authorities would be very careful in making use of this provision.

We recognise that, in the main, councils are responsible bodies. However, not all of them are. It would be unfortunate if the less responsible ones abused this provision.

Another clause of the Bill gives local authorities greater flexibility in operating their accounts. This is a matter that has arisen because of changes in the financial system. Benefits would be gained if local authorities had the flexibility allowed in the amendment.

Another clause deals with the definition of a vehicle owner.

The amendments in general are not major changes. As I have said, all of them are obviously desirable. We give them our support.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [4.15 p.m.]: I thank the Hon. R. F. Cloughton for his indication of general support for the Bill. I note his comments.

The matter of councils selling land introduces a dilemma, because, on the one hand, the member was saying he approved of the granting of further powers to councils; but, on the other hand, he raised the doubt that some councils might not exercise this power of sale properly.

We are taking away the provision that the Governor must give his consent and the member

seems to be a little doubtful as to whether or not that is appropriate.

The Hon. R. F. CLAUGHTON: That was not the impression I was trying to give. I said we approved of what was being done.

The Hon. I. G. MEDCALF: The member said he approved of what was being done, but he hoped the councils would exercise their powers in a proper manner.

That introduces the dilemma I referred to in which some members of the Opposition have been saying there are 200 situations in which the Governor's approval is required and this ought to be changed drastically and the Governor's approval should not be required. Members opposite have been saying we should not be looking over the shoulders of local authorities to ensure they do the right thing. They say we should let local authorities have the power themselves. Of course, that is precisely what this Bill has set out to do, but as soon as we do it, doubts are expressed by members opposite as to whether the local authorities will exercise their powers properly.

This emphasises the dilemma of the Government, because it is the same dilemma as that which the Opposition has. I am not saying the Hon. R. F. Claughton has said this, but I have heard that some members of the Opposition have been saying rather glibly that local authorities should be given full power to deal with matters themselves, without obtaining the approval of the Governor. However, when we get down to tin tacks and examine these matters, we realise we have to approach them on a case-by-case basis, because there are situations in which it is desirable that somebody should be looking over the shoulders of local authorities in the interests of the ratepayers to ensure that the situations are kept under control. This is what the Government is trying to do in this case.

The Government has said to the local authority, "If you are going to sell this land by public auction or by public tender, then in the future you do not need to get the Governor's consent, but if you are going to sell it privately you still have to get the Governor's consent." That is one of the 200 cases in which it has been suggested the local authorities should have complete power. I venture to say that it is an extravagant suggestion to say that local authorities should be able to exercise power in all these cases, because when we look at these matters we find they must be approached on a case-by-case basis and that is the way in which the Government is dealing with them.

I thank the Opposition for its indication of support for the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 266 amended—

The Hon. R. F. CLAUGHTON: I want to refer to the comments made by the Attorney General in regard to giving power to local authorities to sell land without obtaining the approval of the Governor.

The Attorney General took the comments of the Labor Party out of context. The expression by the Labor Party that local authorities should have more power to control their own affairs is concomitant on a change being made in the manner in which councillors are elected so that they become answerable to the people they serve. If there were a fairer and more equal right for citizens within the boundaries of the local authority's district to elect councillors, they would be more responsive to the demands of the people and more careful in their custody of the affairs of the people.

There is no conflict in what we are saying. I did not suggest the local authorities should not be granted this power. I was expressing mild concern over the current situation where there is frequently a low turnout of voters when council elections are held and the fact that actions are taken by councillors with few scruples in regard to observing the ethics of their position.

One does not make people more responsive by denying them responsibility. The only way people can learn to accept responsibility is to give it to them.

The Hon. I. G. MEDCALF: I follow the remarks made by the member. However, that is not the way in which I read the statement in the Press. It did not seem to me that the statement said that dispensing with the approvals was conditional upon having universal suffrage in the local authorities; but if it is conditional on that, I take it the member is not in favour of the 200 changes which were suggested unless universal suffrage is granted also.

Nevertheless I appreciate the remarks made by the member and the fact that he made them in good faith. I accept his explanation.

Clause put and passed.

Clauses 11 to 17 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

## **FAMILY COURT ACT AMENDMENT AND ACTS REPEAL BILL**

### *Second Reading*

Debate resumed from the 23rd October.

**THE HON. GRACE VAUGHAN** (South-East Metropolitan) [4.27 p.m.]: The Opposition supports this Bill. I remind members it is concerned mainly with incorporating in the Family Court Act those Acts which govern non-Federal jurisdiction of that court and they are the Guardianship of Children Act and the Married Persons and Children (Summary Relief) Act.

I have said before and I say again that the Government and, in particular, the Attorney General has been successful in his daring attempt to steer a course through uncharted waters. This is the only State in Australia so to do, as it decided to accept the Commonwealth Government's offer to use the State's Family Court in both a Federal and non-Federal jurisdiction.

While, of course, one cannot remove the heartache, social problems, and trauma which inevitably follow a family breakup, the Family Court seems to be received favourably in Western Australia. I am usually in a position to receive the criticism which is made in this particular area of family and social welfare matters; but the opinion of people in the community appears to be that the Family Court is doing an excellent job.

It has been necessary to repeal the Guardianship of Children Act and the Married Persons and Children (Summary Relief) Act as well as to alter radically the Family Court Act. In fact, this amending Bill is probably twice as big as the original Act. It has been a mammoth job and doubtless there will be some pin-pricking matters which will need to be amended later by the Government.

The preparation and drafting of the Bill was a mammoth task and it will result in a much more efficient piece of legislation. One of the provisions contained in the Bill in addition to incorporating the Acts controlled by non-Federal jurisdiction

sets out that the registrar may be a stipendiary magistrate.

Of course, this will help to speed up court proceedings in that judges will be relieved of some of the duties which can be carried out by magistrates. I notice there is a proviso for an appeal from a magistrate's decision to a judge of the Family Court.

There are other minor amendments such as the changing of the name of the Director of Counselling Services. Also provisions for the appointment of Collector of Maintenance will be included in the Act, rather than in the regulations. He was a very important and necessary officer in the Summary Relief Court. He will now grace the Act, because he is seen to be a person of importance.

I may have something further to say during the Committee stage, but the Opposition supports the Bill.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [4.31 p.m.]: I thank the Hon. Grace Vaughan for her gracious remarks concerning the part the State Government has played in the formation of the Family Court of WA. I, perhaps, have helped, and so have others, including the Hon. Neil McNeill who started the process during his time as Minister for Justice. It was indeed an uncharted course in the sense that we are the only State in Australia that has followed this procedure. No other State has elected to follow us.

When I questioned this point with other State Attorneys General they gave me some curious reasons for not having copied Western Australia. Approximately 2½ years ago I attended a conference presided over by Mr Ellicott, who was then the Federal Attorney General. On the question of whether the States would have State Family Courts, the other States unanimously decided they would not. They preferred to have family law matters referred to the Commonwealth Government. That was about 2½ years ago.

As we left the conference Mr Ellicott said to me, "You see; it will take them two years to make up their minds." Well, it is now 2½ years and New South Wales and Victoria have still done nothing. It is all very well to talk, but when it comes down to tin tacks there should be a conferment of State and Federal jurisdiction on the one Court such as we have set up. Obviously, the practical solution is to combine both jurisdictions in the existing State court, which is what we are doing.

When we set up our own Family Court the Commonwealth Family Court was opposed to our move. It did not think it was a good idea. However, at a recent family law conference in this State I met one or two delegates from the other States and during conversation they said this State was better off than any other State in the Commonwealth. That is I believe what the Hon. Grace Vaughan has also said. Those delegates said we were much better off than the other States, and said that we should keep up the good work. That is what we are doing. I am grateful that is appreciated.

Finally, on the question of maintenance, the delegates from the other States also mentioned that our maintenance arrangements were well ahead of any other State. The collection of maintenance is carried out by a recognised court official, and that situation does not exist in this way in any other State. Certainly the other States do not have one person who is a Government official responsible for collecting maintenance on behalf of wives and children who have been deserted by their husbands and fathers. This State provides a great service which is unique in Australia, and the other States are envious of our system. With those comments, I commend the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 4 amended—

The Hon. GRACE VAUGHAN: I want to raise a very small matter. Paragraph (d) refers to the "Department of Community Welfare". The Community Welfare Act designates the department as the "Department for Community Welfare". Perhaps this is something which could be amended at a later date, if the Attorney General does not mind that inaccuracy appearing in the Act.

The Hon. I. G. MEDCALF: I am afraid I cannot make any comment at this stage. I am not aware of the situation, but I certainly will look into it and find out the correct position. I am sure everyone will know what is meant by the expression, and if it is necessary to be amended at a future date, that can be done.

Clause put and passed.

Clauses 5 to 39 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

### **CRIMINAL CODE AMENDMENT BILL (No. 2)**

#### *Second Reading*

Debate resumed from the 24th October.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [4.40 p.m.]: The Opposition does not oppose this Bill. On examining this amending Bill, and on reading the second reading speech notes provided by the Attorney General, the Bill appears to put beyond any shadow of doubt the question of defamation in respect of reports and proceedings listed in subsection (3) of section 354 of the Criminal Code.

It is interesting to note that only two States, to date, have extended this very desirable protection. They are New South Wales and Western Australia. I thought the other States would have fallen into line, although I believe they will do so eventually.

The Bill concerns a matter of interpretation, and the Government has felt it desirable to amend the Act by inserting a reference to "any court of justice of the Commonwealth, of the States, and of the Territories of the Commonwealth". I agree this will put the position beyond doubt that it is lawful to publish, in good faith for the information of the public, a fair report of public proceedings of any court of justice.

I would like the Attorney General, when he replies, to tell me his interpretation of "a fair report". I hope it means what it says. I presume the courts will be able to interpret what is fair.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [4.41 p.m.]: I thank the Leader of the Opposition for his indication of his support of the Bill. Indeed, I believe that three States have now adopted this procedure because Victoria has come into line. No doubt, the other States will follow. The actual wording of this Bill is taken from the Queensland Criminal Code, in almost identical terms even though the Code has not yet been amended in Queensland.

With regard to the definition of "a fair report", I suppose that is sometimes a matter of opinion. But, if anyone felt a report in a newspaper, or in

the media, was not a fair report that could be adjudicated by a court. Only a fair report will be exempted under the section of the Code. Clearly, a biased report will still be liable to proceedings under the general law of defamation.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

### *Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

## **PERTH AND TATTERSALL'S BOWLING AND RECREATION CLUB (INC.) BILL**

### *Second Reading*

Order of the day read for the resumption of the debate from the 24th October.

Question put and passed.

Bill read a second time.

### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. R. J. L. Williams in charge of the Bill.

Clause 1 put and passed.

Clause 2: Dissolution of Club and Company and transfer of assets to Association—

The Hon. R. J. L. WILLIAMS: As I mentioned during my second reading speech, the amendments which appear in my name on the notice paper are designed to avoid any confusion of interpretation. I will not speak to any other amendment, unless any member wishes an explanation. I move an amendment—

Page 3, line 32—Delete the word “at” and substitute the words “immediately before”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3: Exemption from stamp duty—

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 4, lines 9 and 10—Delete the passage “act, manner or thing done or agreement entered into in order to vest or register” and substitute the words “instrument executed for the purpose of vesting or registering”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Liquor and other licences—

The clause was amended, on motions by the Hon. R. J. L. Williams, as follows—

Page 4, line 16—Delete the words “or licences previously” and substitute the passage “, provisional certificate or permit previously granted or”.

Page 4, line 19—Insert after the passage “whatsoever,” the passage “and subsisting immediately before that date,”.

Page 4, line 22—Delete the words “or licences” and substitute the words “provisional certificate or permit”.

Clause, as amended, put and passed.

Preamble—

The preamble was amended, on motions by the Hon. R. J. L. Williams, as follows—

Page 2, line 10—Delete the word “Rules” where secondly occurring and substitute the words “memorandum and articles of association”.

Page 2, line 32—Insert after the word “and” the word “of”.

Page 2, line 37—Insert after the word “and” the word “that”.

Page 2, lines 37 and 38—Delete the words “vested in the Association when the Association” and substitute the passage “be vested in the Association and that their liabilities and membership be transferred to the Association, when it”.

Preamble, as amended, put and passed.

Title—

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 1, lines 7 to 11—Delete the passage “Limited Company registered pursuant to section 24 of the Companies Act, 1961 and to vest the assets of both bodies in and transfer the membership thereof” and substitute the passage “Company incorporated under the Companies Act, 1893 and registered pursuant to section 29 of the Companies Act, 1943, as a Company with limited liability without the addition of the word “Limited” to its name, and to vest the assets of both bodies in, and to transfer the liabilities and membership thereof,”.

Amendment put and passed.

Title, as amended, put and passed.

Bill reported, with amendments, and an amendment to the title.

# **APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)**

## *Consideration of Tabled Paper*

Debate resumed from the 24th October.

**THE HON. R. J. L. WILLIAMS** (Metropolitan) [4.56 p.m.]: I was particularly interested yesterday in the speeches made to this motion by the Hon. Neil McNeill and the Hon. Norman Moore. It has been a long time since we have heard such common sense in this place about unemployment. It was good that not only did I appreciate the speeches, but also the Leader of the Opposition and his members appreciated the points made so clearly by the Hon. Neil McNeill. He told us about the changing times in which we live and the way in which statistics can be used and moved to interpret situations any way we like, and that really it is not the statistics we must get used to, but the changing situation.

Changing situations can sometimes worry us. I am amazed at those I have witnessed in this House during my short time here.

I have the greatest respect for the Hon. D. W. Cooley. He is an honest ex-union official and an ex-President of the Trades and Labor Council. He is of the old school, and if he has something to say he will say it and say it well. It is pleasing that he still remembers the conditions of many years ago that led him to fight for his members. Of course, the Hon. Fred McKenzie is a man of the same mould. It is a pleasure to have him in the House. He is one of those union officials—one of very few I might add—who went out on strike with his members. He would not take remuneration during a strike period, and one cannot criticise a man who does that.

Certainly Mr McKenzie's attitude proved that he was not in the job for the money; he was there in the interests of and for the protection of the members in that union. In the short time he has been here he has made a name for himself as a spokesman for the railways, and one would not expect anything else. The habits of a lifetime die hard, and he does the job well.

The Hon. R. F. Claughton: He is very knowledgeable on the railways.

The Hon. R. J. L. WILLIAMS: I have already said that. A person who has had a lifetime experience in an industry can become very knowledgeable about that industry when he applies himself as the honourable member has done. I admire him tremendously for that.

The Hon. F. E. McKenzie: Thank you.

The Hon. R. J. L. WILLIAMS: When one looks at the changes which have been brought

about as a result of members' requests, and changes which have occurred in this House, one must also look at the way the House has deteriorated and how, generally speaking, this is not the House it was between 1971 and 1974, which was when I first came here. We have lost the camaraderie which developed and I believe this is due in large measure to the establishment of metropolitan electorate offices.

I have always agreed we should establish electorate offices out in the country areas. It is difficult for people like the Hon. J. C. Tozer and the Hon. W. R. Withers, representing an electorate of some 500 000 square miles—I suppose some one will report me to the Metric Conversion Board; however, I do not know the metric equivalent—to establish an electorate office in any particular spot.

The Hon. N. E. Baxter: What about a province like ours, with over 20 000 square miles?

The Hon. R. J. L. WILLIAMS: I do not disagree, but I do not think any member can honestly put his electorate office in one place without causing an imbalance somewhere else. I do not think we in this House should have electorate offices. We have created a band of orphans, of displaced persons who are seriously disadvantaged because their electorate offices are situated in Parliament House.

By the luck of the draw, I share a very good secretary—I stress the word "share". In sharing that secretary, I do not have the advantage of a secretary in an office who answers the telephone for me alone, and who works for nobody else. However, a member who has an electorate office outside Parliament House has this advantage.

Mr President, you would know from the geography and layout of Parliament House that air-conditioning is at a minimum; it would be far too costly to air-condition Parliament House. However, we do have heaters in winter and fans in summer; nobody suggests we should not use those. One of the first things the Public Works Department puts into an electorate office outside Parliament House is an air-conditioning unit. Air-conditioning helps to make the place comfortable; it is very nice.

The Hon. N. E. Baxter: It is a sign of the changing times.

The Hon. R. J. L. WILLIAMS: Yes; possibly people are becoming softer and regard air-conditioning as a necessity instead of a luxury.

The Hon. H. W. Gayfer: You must admit these old fans spinning round on the ceiling add a touch of old world charm to the Chamber.

The Hon. R. J. L. WILLIAMS: I agree; perhaps we should have purchased the fans when the Raffles Hotel in Singapore was altered. The fans do add a certain charm to this place. One wonders at times whether the ceiling is going to take off!

I do not believe members with electorate offices outside Parliament House should have the benefit of air-conditioning, while members whose offices are within this place cannot obtain air-conditioning. The system is discriminating against the people with offices within this place.

I do not wish to take anybody to task; it is just the way the system operates, and it is unfortunate that air-conditioning this building is not an economic proposition.

Yesterday evening a member of the kitchen staff had the misfortune to cut himself and nobody knew how serious his injury was. A doctor was paged over the public address system. We have two doctors in another place. I will lay members odds that the doctor who was paired last night will be back next session, while the doctor who attended this injured person will be in a bit of trouble retaining his seat; I doubt whether he will be here next session.

If that gentleman had not been in the House, nothing could have been done for that person unless it was done by someone without the necessary qualifications. Perhaps the Hon. Win Piesse could have attended to him; I do not know.

We should not hang our hats on a hit and miss affair like this. On this occasion, the injury was not too serious and the person was able to go back to work. Mr President, imagine the tragedy if someone ran to you with a bone sticking out of his arm, and blood running all over the place. I know perfectly well where that would put you: It would put you right through the door! I know that you are one of many people who cannot stand the sight or thought of things like that.

Therefore, I can make this appeal direct to you, Mr President: In heavens name, let us establish a properly equipped first-aid centre within this House. All members—myself included—are candidates for a coronary. We work in a sedentary occupation. Although admittedly we sit for only a small portion of the year, when we are in session we are absolutely glued to our seats, and exercise is at a premium. Members should not kid themselves that the early morning walk or the late evening walk will be the panacea for all their problems; it is not. In other places they have facilities for members to exercise. I know the Leader of the Opposition is a very keen devotee of

exercise, and goes to a private club to get his exercise.

The Hon. R. F. Claughton: We should point out that it is a legitimate establishment.

The Hon. R. J. L. WILLIAMS: Yes, it is a sports institution, not one of those soup kitchens. We need such a facility in this House.

There are trained first-aid personnel working in this place; they should be identified. Perhaps the House Committee could examine the possibility of establishing these facilities. They would not cost the earth. We could employ somebody who was certificated to do the work. This could provide a massive amount of detail for a research project. Members could have minor check-ups on the spot; at a time convenient to them.

If the warning signals go out to a member while he is in Parliament House he would find himself in an impossible position. Although I had the misfortune to receive these warning signals, I count myself lucky to be able to return here. However, thank God I was not in the House when it occurred!

The Joint House Committee, in this 150th year, should also consider implementing a unique project. The public expects so much of us; perhaps we can give a drop more. Why do we not organise blood collection from members of Parliament, perhaps on a half-yearly basis, to show our public spiritedness? Mr President, I know this matter has been drawn to your attention before, and it has been drawn to my attention.

The Hon. D. K. Dans: Do not keep using the word "drawn" when you are talking about giving blood!

The Hon. R. J. L. WILLIAMS: Mr Dans is a very strong person at heart; however, perhaps he shares the same sort of feelings the President has towards this matter.

The Hon. D. K. Dans: I give blood. My wife is one of only two people in the State who gives blood on that fancy machine.

The Hon. R. J. L. WILLIAMS: I sometimes give blood, although my veins are never actually tapped.

I have looked with interest at the Estimates, particularly those of youth, sport and recreation, which this year is to receive \$1 267 290 for administrative purposes. It may sound strange coming from me, but I believe we are missing out on many sporting activities. Furthermore, Western Australia—as usual—is being discriminated against in sport. If we were nothing but a sporting nation and if ever there were a case for secession, that case would rest with Western

Australia. Our Eastern States counterparts treat us like dirty shirts.

We heard a lot of talk from Mr Withers about racism, and we have heard a great deal about ethnic communities and discrimination of one sort or another. We have heard about the Department for Racial Discrimination; I do not think that department does much other than to create racial discrimination. However, that is another argument.

I should like to ask the Leader of the Opposition a rhetorical question, and I will answer it for him. Would he stand in this House and say the club in his electorate called the Spearwood Dalmatinac Soccer Club should be called the Spearwood Soccer Club? Not on his life, he would not! Nor do I think the Hon. Roy Cloughton would suggest the Yugoslav Club of Osborne Park be renamed the Osborne Park Club. I doubt whether the Hon. Grace Vaughan would suggest that the Kensington Viola Soccer Club should be called the Kensington Soccer Club, just as neither I nor the President would dream of trying to rename the Perth Italian Club the Perth Club.

The Hon. D. K. Dans: Try changing it to the Fremantle Italian Club.

The Hon. R. J. L. WILLIAMS: I am sure members recognise that ethnic groups have made a contribution to this State. The Hon. Roy Cloughton would bear witness to the fact we have sat together at naturalisation ceremonies and listened on perhaps three or four occasions to people urging those who have just been naturalised to retain the culture and background of their countries of origin and weave them into our society to make Australia a better society for it. That is absolutely true.

If Mr Grassby would like to investigate a Knight of the Realm in this country with more power over sport than anybody I know of, he should investigate this case immediately. I intend to name this person, and I will give the House my reasons for so doing. I have a deep interest in one particular sport, which was imported into Western Australia. I refer, of course, to soccer. I would say that, give or take 100 people, there would be some 12 000 people currently playing soccer in Western Australia. Not one of them may kick a football if this Knight of the Realm stationed in Sydney decrees they shall not.

The Hon. D. K. Dans: I thought he was one of our own home-grown knights for a while.

The Hon. R. J. L. WILLIAMS: This gentleman has issued an edict that all ethnic names will disappear from the soccer scene. As

far as I am aware, he has visited Perth twice in regard to soccer and on both occasions he has had the good grace to ignore me and everyone else—he is that sort of person. This Knight of the Realm should be impeached and have his knighthood removed. Because of the power he holds he has decreed that ethnic names shall disappear. What is more, if the ethnic names do not disappear, the clubs involved will no longer be recognised as soccer clubs. They will be prevented from playing the game.

This gentleman is our representative on FIFA, the world body which controls this sport. He has a beautifully stacked executive which does what he wishes. He has been at the top since 1969.

The Hon. D. K. Dans: He has the numbers.

The Hon. R. J. L. WILLIAMS: Mr Dans knows what numbers are all about. More particularly, Mr Dans knows what they are all about in New South Wales. The numbers game is played very hard over there.

The Hon. J. C. Tozer: Is there any Western Australian on the executive?

The Hon. R. J. L. WILLIAMS: Every State has a representative. I shall give members an indication of the structure of the game. The game in Western Australia is controlled by a body called the Western Australian Soccer Federation whose executive is elected annually by paid-up clubs in Western Australia. In turn, this body has the right to send two delegates to the Australian Soccer Federation. The ACT has the right to send one representative. Here is a nice bit of cheek; northern New South Wales can send two representatives and New South Wales itself can send three representatives. Queensland, South Australia, and Tasmania can each send two representatives and Victoria can send three. So we have the old story repeated: Western Australia is governed from Melbourne and Sydney in every way, shape, and form.

The Hon. Grace Vaughan: We don't have that in the swimming union. We have two members from each State.

The Hon. R. J. L. WILLIAMS: I only wish we could get the same situation with the game of soccer.

The Hon. D. K. Dans: One-vote-one-value is what you need.

The Hon. R. J. L. WILLIAMS: I think it is hypocritical for a Knight of the Realm such as this to preach racism and demand that ethnic names be wiped out.

The Hon. D. K. Dans: Does he wish to wipe out the ethnic names of the players or the clubs?



The Hon. R. J. L. WILLIAMS: The clubs. Spearwood Dalmatinac is to become simply Spearwood. He does not consider Ascot and Bayswater to be ethnic names. It seems he does not realise they originated in England. He goes berserk if one mentions a name such as Bassendean-Caledonia. He believes that would have to be changed.

The Hon. Grace Vaughan: I cannot see the Apia Club in Sydney changing its name.

The Hon. R. J. L. WILLIAMS: I think he is trying to have that name changed also.

The Hon. D. K. Dans: Who recommended him to be a Knight of the Realm?

The Hon. R. J. L. WILLIAMS: I would not know, but whoever did created a disaster as far as I am concerned. He is a member of the American National Club. Of course, he believes that is not an ethnic name. He is a member of the Royal Motor Yacht Club. I point out to Mr Gayfer that there are 12 000 participants in the game of soccer in the metropolitan area. I point out to Mr George Berry that it was the first ball game played in Western Australia back in 1882.

The Hon. H. W. Gayfer: It was 1851.

The Hon. D. K. Dans: I thought rounders was the first game played.

The Hon. R. J. L. WILLIAMS: Of course, with the other game of football, the Victorians know what to do; they come across and take our players. That is another form of discrimination.

I intend to refer this matter to one of my senator friends. I do not believe this Knight of the Realm should be able to remove these ethnic names.

The Hon. D. K. Dans: Has he made it a law?

The Hon. R. J. L. WILLIAMS: He has. He has said that clubs will comply or else.

The Hon. Grace Vaughan: Does he intend to Anglicise the names of the players?

The Hon. R. J. L. WILLIAMS: Today, ethnic names mean virtually nothing. I think the West Perth Club used to be the Macedonians. Ninety per cent of that team is made up of Scotsmen!

The Hon. H. W. Gayfer: What about the Welsh?

The Hon. R. J. L. WILLIAMS: They are with Ascot and Bayswater. I am concerned with this man's decision to remove ethnic names. I shall read a portion of a letter published in *The West Australian* of the 24th October this year. It was about ethnic names in soccer and I shall make one or two corrections.

The letter is from Mr D. Oreb-Kare of Carnarvon Crescent, Coolbinia, whom I know very well. I served with this gentleman on the executive for two years. He said—

The president of W.A. Soccer Federation wants us to believe that his organisation has at all times been the champion of ethnic names for soccer clubs.

The present president of the WA Soccer Federation believes that ethnic names should be retained. The previous president did not. As a free man he had a right to hold that opinion.

What has happened is that this edict from the east has caused a great deal of concern to a lot of people in this State. When one knows the background of this Knight of the Realm one wonders why this came about. He is a solicitor and company director. He has been in receipt of Greek Orthodox Church awards and titles over the past 20 years. They include the Cross of St. Marks and the Cross of Mt. Athos. He has been made the Grand Commander (Keeper of the Laws) of the Greek Orthodox Church. He has all these honours heaped upon him by an ethnic church in Australia yet he says that all ethnic names held by our soccer clubs must go. It does our sport no good.

I have news for this gentleman; if it were not for the ethnic names there would not be this sport in Western Australia or in northern New South Wales and New South Wales—a convenient arrangement so as to give that State five votes.

The gentleman concerned is the President of the Australian Soccer Federation and his name is Sir Arthur George. I believe he is of Greek descent. I point out that he is a member also of the Hellenic Club. Some people might find this strange when they remember that he is trying to remove ethnic names from soccer clubs.

There are members in this House such as the Hon. H. W. Gayfer, certainly the Leader of the House, the Hon. N. E. Baxter, who is the father of the House—members who are considered to be senior members with respect to their period of service in this House—who would remember that for many years the Eastern States kept Western Australia out of the Sheffield Shield cricket competition, supposedly because we were not good enough. What happened was that within a little more than a decade of being admitted to the competition, six Western Australians were picked to play for their country. Cricket authorities have decided to do the right thing.

The Hon. H. W. Gayfer: It was not a question of not being good enough; they did not know we existed.

The Hon. R. J. L. WILLIAMS: They still do not know we exist. They know we exist only when our better football players—I refer to the game with the other shaped ball—are whipped over to Victoria. If members have read a recent edition of the *Daily News* they would know that even Tasmania is complaining that its game has deteriorated because its better players have been taken to Victoria. The last State of Origin game showed just where the good players came from.

This man has gone one step further. There is a soccer competition organised by a multi-national corporation—and he does not mind taking money from it on behalf of soccer as it seems the money is certainly not ethnic—which equates roughly with our Sheffield Shield series. Two States are not allowed in the competition because it is considered too expensive and because the raw material is not considered to be there. I will give members one guess to name the States. Of course, they are Western Australia and Tasmania.

If the young men who play soccer in Western Australia wish to play the game internationally, they are told to pack their bags and offer their services to clubs in Melbourne, Sydney, or Adelaide. I know of two home-grown products who did just that. They were born and bred in Western Australia. They both have ethnic names. I refer to Gary Marrochi and David Jones. They learnt the game in this State as schoolboys; they played with ethnic clubs such as Perth Azzurri and they finally made the national team.

Another ethnic character from Azzurri—the Italian word for “blue” and the name of other clubs such as the Azzurri Shooting Club—is Arnold Bertogna. He was born and bred in North Perth. He has gone to Newcastle and he is the latest inclusion in the Australian World Cup squad. I wonder how this Knight of the Realm will feel when the Australian players run onto the field in Spain in 1982 and the man on the public address system reads out such names as Marrochi and Bertogna.

This Knight of the Realm has made a farce of the game. It pays Western Australians to go to Singapore, Malaysia, Hong Kong, China, Taiwan, South Korea and Indonesia. But we cannot break away, because Western Australia is a part of Australia and that is our accreditation to FIFA.

I will ask my senator friends to appeal to the Minister over there and to FIFA to allow us to join the South-East Asian federation rather than the Australian federation, if so desired. There is nothing ethnic about the game. It is played throughout the world by millions of people with an ethnic background. What has the man to be

ashamed of? He was born in Australia, in Sydney. Is he ashamed of his ancestry? Is there something he has to hide that he wants to wipe out all ethnic names? I believe one person went to Mr Grassby; nothing happened, of course.

The letter of Mr Oreb-Kare says—

In view of my interest in ethnic clubs in 1974 and 1975 I was in contact with Mr Al Grassby's office, which can be verified.

But nothing came of it. Al was probably busy trying on his new fur coat. If members think I do not like the sports administrators in the East—

The Hon. D. K. Dans: Who is he?

The Hon. R. J. L. WILLIAMS: Sir Arthur George. I think he may have got himself onto the Olympic Games Committee. We can read even in today's issue of *The West Australian* on page 101, the following—

WA equestrian circles are shocked over the exclusion of champion local horse Triple White from the Australian team for the Moscow Olympic Games next year.

Triple White competed in the Olympic pre-selection three-day trial in Melbourne this week following his hollow victory against interstate competition in the national three-day event at Narrogin earlier this year.

Only seven of the original 20 horses managed to get through the tough cross country section in the Victorian trial.

Triple White finished fourth, only 0.4 points behind the third placegetter but was not picked in the ten-horse national squad.

Prominent rider and horse trials administrator Murray Avery described the decision as a disgrace.

“I'm disappointed but not surprised. It's a closed shop over there,” he said.

Obvious

“It's obvious after this that all States need some say in the selection of international teams.”

Four of the ten horses in the squad come from the Bill Roycroft stable, yet none finished in front of Triple White.

Narrogin three-day event organiser Sheila Cooke said: “Triple White is a true Olympic horse who has done everything asked of him, especially over the last two seasons.”

Here is the best joke of the lot—

Triple White's owner, Mrs Joan Carr, was told by one Melbourne committeeman that the horse was “too old”—yet the nine-year-

old gelding is the same age as trial winner Regal Reign, who was in the squad.

The Hon. J. C. Tozer: Is Sir Arthur George responsible for that?

The Hon. R. J. L. WILLIAMS: He is not responsible for that but I am wondering what chance decent people like Jack Howson, who represents us on the Olympic Games Committee over there, have against organised banditry like this.

The Hon. D. K. Dans: Would you like me to tell you a few stories about sailing selections?

The Hon. R. J. L. WILLIAMS: I have come to realise very quickly the truth of the remark passed by Mr Gayfer earlier this afternoon. The people over there do not even know we exist, yet in about 20 years' time we will be supporting that bunch with about 60 per cent of the gross national product.

The Hon. W. R. Withers: We are producing 20 per cent already.

The Hon. R. J. L. WILLIAMS: I know. That is never considered.

The Hon. D. K. Dans: I hope we do not get a name for being parochial over here.

The Hon. R. J. L. WILLIAMS: I do not mind if that label is hung on me for trying to ensure people get their due rights and recognition. I want to see the young people in this State not only being encouraged by the Government through grants of money for educational and training purposes and so on, but also having the chance to compete in the international arena. A small country like New Zealand can take its soccer team to the United Kingdom to be defeated, but it also gains experience. The odds are that if the New Zealand team plays Australia it will whip the pants off us. We cannot pick the best team; that is not allowed; and God help a club which has players with ethnic names. It will not be allowed to compete and it will get none of the benefits which flow from belonging to a world organisation.

That is the threat which I shall pass on to a particular senator so that he can raise the matter at Federal level and make those Ministers over there realise that we in Western Australia are being discriminated against in more than one way. We are an embarrassment. We do not exist, perhaps because we are too good, or because those men cannot come over and command us and do not have the power over us which they used to have. They know that ultimately they rule us, because that is the way of Federal Parliament. The 20 representatives—shortly to be 21

representatives—whom we send across there are voices lost in a great cacophony of sound.

Anything that is good for Sydney or Melbourne will be done. Sydney is worse than Melbourne and New South Welshmen are worse to deal with than Victorians, if this man is any example of a dirty, double-crossing dealer. He is not fit to be at the head of a sporting organisation.

I am not speaking on behalf of the Soccer Federation but I wish the Premier would have a change of mind. He will not have a change of mind because he has certain set policies about certain matters, which nobody can deny him, and he has resolutely stated that no other forms of gambling will be tolerated in this State. I have to tell him that unfortunately upwards of \$250 000 leaves this State every week in the form of soccer pools for the benefit of the people of Victoria. The people who run the soccer pools were prepared to operate the system in Western Australia on the basis of a minimum of 33 1/3 per cent of their total cash takings being handed over to the Minister for Recreation and a proviso that none of the money should go to soccer but to assist other sports.

However, the Premier has set his mind resolutely against it. Therefore, soccer pools will not be introduced in this State. It is not up to me to say a man should change his opinions about matters of a moralistic nature, but it is a shame that so much money goes out every week, 52 weeks of the year—because when the Australian soccer season is finished the pools operate on the English soccer season. I am sure members would be amazed to know how much money is credited to the Governments of New South Wales and Victoria for their participation.

The Hon. G. W. Berry: Would it do away with the lotteries?

The Hon. R. J. L. WILLIAMS: It may not do away with the lottery because sales of lottery tickets have shot up in Victoria.

The Hon. G. W. Berry interjected.

The Hon. R. J. L. WILLIAMS: I do not think so. The soccer pool is not established here but people gamble on it just the same. The point is the dividends which should be coming to this Government are going to Victoria and we are helping Victorian sport along very nicely.

As the Hon. Neil McNeill pointed out last night, the Budget and Estimates brought down by the Government are to be commended. In view of the financial restrictions placed upon us, the Treasurer has done a remarkable job in producing a balanced Budget once again. It does not suit everybody. Not everybody reads Samuelson; some

people prefer other authorities these days. However, with a balanced Budget the investors and other people coming to this State in its very successful 150th Anniversary year can really see we are going ahead. Western Australia will be the leading State in the federation within 20 years, despite all the difficulties it must face. We have the stamina, the courage, and a pool of people who are willing to do it; and so long as we are

sensibly led and maintain and contain ourselves within the Estimates of Revenue and Expenditure, we can do nothing else but go ahead.

Debate adjourned, on motion by the Hon. Grace Vaughan.

### QUESTIONS

Questions were taken at this stage.

*House adjourned at 5.50 p.m.*

### QUESTIONS ON NOTICE

286. *This question was postponed.*

#### FUEL: AVIATION

##### *Avgas: Availability*

287. The Hon. N. E. BAXTER, to the Attorney General representing the Minister for Fuel and Energy:

- (1) Is the Minister aware that supplies of Avgas—aviation fuel for light aircraft—are likely to be unavailable at any time in the near future?
- (2) Is there any action the Minister can take to ensure that supplies will be available to owners of light aircraft, particularly those in rural areas where it has become almost an essential fuel?

The Hon. G. C. MacKinnon (for the Hon. I. G. MEDCALF) replied:

- (1) No. About 40 per cent of Australia's Avgas requirements are produced at the Altona refinery in Victoria. Traditionally the Abadan refinery in Iran supplied the remainder of our requirements. Since the revolution earlier this year, there has been a world-wide shortage of Avgas. However, the oil marketing companies have secured supplies from alternative sources which will be adequate for the remainder of this year.
- (2) Yes. At the present time all essential services—such as the Royal Flying Doctor—are receiving their total requirements and other users are receiving an allocation equal to about 80 per cent of their purchases in 1978.

Officers in the State Energy Commission work closely with the oil company representatives to monitor the supply and demand of all petroleum products.

The Premier has already stated that the Government will ensure the rural industries will be given proper priority consideration if fuel shortages develop.

### ENERGY: GAS

#### *North-West Shelf: Health Facilities*

288. The Hon. R. F. Cloughton (for the Hon. D. K. DANS), to the Minister for Lands representing the Minister for Health:

In the event of the North-West Shelf gas getting the go ahead—

- (a) are preventative health programmes being developed to cope with large caravan park and construction camp populations;
- (b) what are the plans for expansion of hospital services; for example, Karratha Hospital; and
- (c) what expansions are planned for infant health, immunisation clinics, etc.?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (a) Yes. Funds are allocated to effect additions to the Karratha Community Health Centre in this financial year. These include an occupational health unit to serve the Pilbara. Also planning is proceeding in conjunction with the Karratha Community Health Centre Advisory Committee to meet the needs of the expected population increase.
- (b) The development company will, by the terms of the agreement with the State, be responsible for all facilities for its work force during the construction phase, which is expected to extend until 1986. The Government already provides hospital facilities for the area although no hospital exists at present in Karratha itself. Planning is proceeding for a hospital to be provided in that town at the appropriate time.
- (c) Existing infant health facilities have the capacity to meet expected expansion with additional staff. Immunisation clinics are conducted by the local government authority in accordance with local demand. School health services are generally provided in conjunction with the establishment of high schools.

289 to 293. *These questions were postponed.*

**HERDSMAN LAKE**

*Dredging*

294. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Mines:

Further to my question 284 of the 24th October, 1979, will the Minister advise—

- (a) if dredging on Herdsman Lake is test dredging; and
- (b) the maximum depth reached by the dredge up to this time?

The Hon. G. C. MacKinnon (for the Hon. I. G. MEDCALF) replied:

- (a) and (b) No dredging has been carried out on Herdsman Lake in connection with mining. The dredging which has occurred has been on private land to provide a narrow lake as a buffer between residential development and the lake proper.

**QUESTION WITHOUT NOTICE**

**HERDSMAN LAKE**

*Dredging*

The Hon. R. F. CLAUGHTON, to the Leader of the House:

As the Minister for Mines has stated that no dredging on Herdsman Lake has been carried out in connection with mining, will the Minister advise the conditions under which the dredge is being operated on the lake?

The Hon. G. C. MacKINNON replied:

I thank the honourable member for giving adequate notice of the question. The answer supplied by the Minister for Town Planning is as follows—

On conditions embodied in an agreement reached between the MRPA and developers at the time of approval for the development of a residential and open space proposal.