Legislative Council

Thursday, the 27th April, 1978

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

QUESTIONS

Questions were taken at this stage.

FAMILY COURT ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney-General), and read a first time.

MURDOCH UNIVERSITY ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [2.43 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill relate to those sections of the Murdoch University Act which provide for the appointment and tenure of office of members of the Murdoch University Senate.

Concern was expressed in debate at the time the principal Act was introduced in Parliament some five years ago as to the merits of appointing members of Parliament to statutory boards such as the Murdoch University. It was also considered that the tenure-of-office provisions in the Act which allowed members to be appointed for only two three-year terms could prove too restrictive.

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

The Government has no objection to continuing the arrangement whereby under the Act the Premier and Leader of the Opposition each nominate a representative who is not a member of Parliament. To make up for the consequential reduction in the size of the senate it is proposed to increase the number of members appointed by the Governor on the recommendation of the Government of the day from four to six.

In regard to the tenure-of-office provisions in the principal Act, the university authorities have expressed to the Government some concern that, as the Act now stands, members of the senate must vacate office after their second three-year term. In conjunction with casual vacancies, this has the effect of a rapid turnover in membership resulting in a situation where the great majority of members being newly appointed or having to be replaced in the near future.

It is, therefore, proposed in this Bill to extend the maximum number of consecutive terms an appointed member may serve on the senate from two to three. This should give greater stability and expertise to the membership of the senate.

I also wish to inform the House that I shall be moving certain other amendments during the Committee stage of this Bill which have been found necessary as complementary measures to the action proposed in clause 2(b).

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [2.48 p.m.]: I move—

That the Bill be now read a second time.

This Bill is closely allied to certain clauses of a Bill to amend the Police Act recently introduced in this House. It is designed in conjunction with the Police Act amendment to provide control of offences taking place in off-shore areas of our coast, as for example, drug trafficking and fisheries matters.

The Bill will enable the Minister, through his department, to exercise an effective control over noncommercial vessels from other States, vessels which are now arriving, especially by road, in increasing numbers since the sealing of the Eyre Highway.

While all States are currently working towards reciprocal provisions for the control of private vessels, this seems to be a long-term objective and, meanwhile, it is believed necessary that some other means of control over visiting boats should be provided in the short term. I might add that reciprocal provisions would not give the State control over overseas visitors.

Turning to the Bill, the Act presently defines the term "vessel" as it applies to noncommercial craft as craft which are used for pleasure privately and not for hire and reward.

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

In many cases it is not known in advance what sort of vessels they may be, the purpose of their visit or even their identity or ownership.

It is believed necessary that the Minister should be given power to make an immediate order applicable to the vessel concerned.

It is therefore proposed to empower the Minister to declare that the provisions of the Western Australian Marine Act relating to noncommercial craft should be applicable to any craft which he may specify in an order. That craft will then become subject to the provisions of the Western Australian Marine Act.

For the information of the public, the order is to be published in the *Government Gazette* but failure to comply with this provision would not affect its validity. The order does not have to be served but simply produced when the vessel is intercepted.

I recommend the Bill to the House.

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

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 26th April.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Transport), and transmitted to the Assembly.

THE FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

THE HON. R. THOMPSON (South Metropolitan) [2.55 p.m.]: There has been very little time to examine the contents of the Bill, seeing it was introduced only yesterday afternoon. I am not very happy with the operation of the company as a supplier of gas from a given point to an area within a five-mile radius of Fremantle.

I think it was early in the 1960s when I drew attention to the operations of this company, and pointed out that people were being charged exorbitant rates for gas. The answer given to me at the time was that nothing could be done about the matter, as this was a private company.

At that time the areas at Cockburn were developing. We found that the State Electricity Commission, as it was known at the time, was supplying gas to properties to one side of the roadway and the Fremantle Gas and Coke Company was supplying gas to properties on the other side of the roadway. However, the company charged a rate which was 15 per cent per unit higher than the rate charged by the SEC.

I advocated then, and I advocate now, that the SEC should take over the Fremantle Gas and Coke Company's operations. I cannot see any good reason that the people of Fremantle should have to pay more for natural gas that is being piped down from the north at Government expense. It is being purchased. I may be incorrect in saying this, because I have had very little time to examine the contents of the Bill since its introduction yesterday afternoon, but I still believe that the people of Fremantle are being charged a rate which is 15 per cent in excess of that charged to the consumers of the metropolitan area.

It is unjust and unthinkable that this should happen, just because we have bowed to a company which was established in the Victorian days under an old English Act which was adopted before we had a constitutional Legislature in this State; yet, it seems we allow this to go on forever and a day.

When I last raised this matter there might have been some argument that the Fremantle Gas and Coke Company did have plant operating at Fremantle and Spearwood, but those days are past. The use of that plant has been discontinued, and today nothing exists on those sites. Just because the company owns the pipeline through

which the gas flows, and the services that are connected to the properties, the consumers are called on to pay an extra charge for gas.

I think it is the responsibility of the State Government to take over the operations of this company, and so enable the people of Fremantle to enjoy the same rate per unit as people in other suburbs enjoy. For the reasons I have given I cannot support the Bill.

THE HON. R. HETHERINGTON (East Metropolitan) [2.59 p.m.]: The Bill which redefines the area the company will serve will not be opposed by the Opposition. We do think that, perhaps, it might be better for the Fremantle Gas and Coke Company to be taken over by the SEC; as we think this might produce something more efficient.

As it is, we do not intend to oppose the Bill, and therefore at this stage we support it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

COMMUNITY WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [3.02 p.m.]: We support this Bill. I believe the amendments, in fact, vindicate the actions of the Tonkin Government when it changed the name of the Child Welfare Department to that of Department for Community Welfare.

The Bill introduced by the then Minister was not only for the purpose of changing the name of the department, but also because of a need to extend the work of the then Child Welfare Department into other age groups. That has been done very effectively, so much so that it is now seen fit not only to legitimise the performances of the department in the community, but also to give more power to people to whom responsibiilty is delegated by the director.

I would like an assurance from the Minister that with regard to the matter of delegation of authority to local communities which is certainly consonant with the Act, when the people at the grass roots level are carrying out duties for the department—a department which is quite large and where there could be input between separate sections of the department in the way of advisory consultation—and when that consultation includes the people at the grass roots level the whole responsibility for decision making is not left with them.

Quite a deal of money and support is given at the local level to groups which institute family care services. The Federal Government is funding, through the State Governments, child care and family support services at the grass roots level. It would be a pity if the people who were running the child care and family services in a remote town were also the same people comprising the licensing group, and would say that the centre was well run. I would like the Minister to give me an assurance that the director will watch that carefully, so that we will not have Caesar making a decision on a proposal put up by Caesar.

With that proviso, we are very happy to support the measure. We hope local government will join in wholeheartedly and accept part of the responsibility, and so reduce the cost of social services. So often we find that social welfare costs more to run than is delivered in terms of money and services rendered. Social welfare is a labour-intensive industry, as it has to be. The greater the number of people in the voluntary sector, and the greater the variety of types of people we have, the greater is the feeling of responsibility in the community. We support the Bill.

THE HON. R. THOMPSON (South Metropolitan) [3.06 p.m.]: I also support the Bill. During 1976, while on a study tour, I visited British Columbia and Oslo and I was able to have an in-depth look at precisely what is intended in this legislation. In British Columbia, because of a change in Government policy in the department, there was a panel consisting of some 23 members which acted in much the same manner as that proposed in this Bill. The panel was able to direct, or to act in an advisory capacity. I think that answers the question raised by the previous speaker. Whatever that panel directed, it could be consultative or advisory. It could work as a standing committee, a council or a board, and it could be in the position of directing the work if the Minister and the director felt so inclined.

The grass root level of community welfare was being abolished in British Columbia. The regional director, David Schreck, was very knowledgeable in his field of work. He built the system in British Columbia to the stage where the local

community was taking an interest and was accepting its responsibility for youth and the people generally who were in need. Much of that work was done on a voluntary basis.

I think that in the case of any board or panel, whether it be delegated, advisory, or directed, it should be of such a nature that interested people are appointed to it. For instance, I do not think a shire president, a town clerk, or a health surveyor should be delegated to a position by the council in which this type of committee will work. I feel the Minister, and the Director of Community Welfare, will look for interested lay people in the community rather than have someone appointed by a body, whether it be a service club, a shire council, or a P & C organisation, which just becomes another meeting. More time would be devoted to the meeting, and little attention would be given to its purpose.

In the communities of Oslo and British Columbia I found that the right people were sought. As a matter of fact, there were waiting lists of people who wanted to interest themselves in this type of work, and the system worked exceptionally well.

I trust that the Bill will receive the support of the House, and that it will function in the way envisaged. Let us hope we do not see people who are appointed to these organisations delegating their power to someone else. We see this sort of thing happening so often in relation to boards and other committees of inquiry, and so I hope this point will be kept in mind.

In my report I made a recommendation along the line that the Department for Community Welfare should set up such boards and committees—not necessarily just simply boards. I recommended that some bodies should be set up in the metropolitan area, in the outer suburbs, and also in country centres. From time to time we hear of outcries in various centres particularly about the Aborigines, and then the media pick up the story. If the residents of country centres want to scream out about Aborigines, under this legislation they will have some say in the welfare of their town. Should they be sufficiently interested, they will be able to join these boards and committees, and so work for the common cause of creating a better existence for everyone in country towns and in the metropolitan area.

I believe the idea has a great deal going for it. Probably there will be a few headaches to start with, but ultimately, when the intention of the legislation is fulfilled, it will be of benefit to all concerned.

Proposed subsection (6), on page 4 of the Bill, deals with another matter; that is, offences under the Act and penalties. Paragraph (d) reads as follows—

> A delegate who—
>
> (d) counsels, procures, causes or directs any other person to do or omit to do anything which if it was done or not done knowingly and intentionally by the first person would be an offence against this Act,
>
> commits an offence against this Act.
>
> Penalty: Two hundred dolllars.

I was hoping that we would deal with the Police Act Amendment Bill before the measure we are now discussing, because much the same provision appears in that Bill. I would like the Minister to answer the following question: Does this provision mean the same in both measures, or does the provision in the Police Act Amendment Bill have some other meaning? With those comments I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [3.14 p.m.]: I thank members for their support of this Bill. Its consequences are rather far-reaching and we certainly hope, particularly in the more isolated areas, that the residents will benefit from community involvement.

I appreciate the point made by Mrs Vaughan when she said that the same person or body could be asked to report on his or its activities. I am sure the Minister will look at this matter, because it is indeed in the more isolated communities that we hope the legislation will have the most effect. Undoubtedly the implementation of the legislation will need to be watched carefully. All too often we see instances where the welfare dollar is not fully utilised, and a large proportion of the money available has been spent on things such as travel rather than being spent to carry out the task involved. Once again this situation is seen frequently in the north where a large amount of travelling is involved. More community involvement should overcome this problem.

Mr Thompson, a previous Minister for Community Welfare, raised a question in regard to proposed new section 20 (6) (d), which reads as follows—

> A delegate who—
>
> (d) counsels, procures, causes or directs any other person to do or omit to do anything which if it was done

or not done knowingly and intentionally by the first person would be an offence against this Act,

He posed the question whether the Police Act will have precedence over this legislation.

The Hon. R. Thompson: No, I did not say that at all. I asked whether the two provisions would be parallel, or does the provision in this Bill have a different meaning?

The Hon. D. J. WORDSWORTH: I thank members for their support, and perhaps the matter raised by Mr Thompson can be dealt with during the Committee debate.

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. D. J. Wordsworth (Minister for Transport) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 20 amended—

The Hon. R. THOMPSON: Possibly the Minister did not clearly grasp the point that I raised in relation to proposed subsection (6) (d). Another Bill presently before the House—and one which unfortunately we passed over this afternoon—is the Police Act Amendment Bill which includes a similar provision; however, the penalty prescribed for an offence in that measure is $500. We should have some consistency in our legislation, and I believe the Minister should report progress on this measure so that both Bills can be looked at in order to prescribe a common penalty.

I do not think there is much sense in dealing with two Bills probably a day apart and finding we have two different sets of penalties. A person who offended against the provisions of the Community Welfare Act would be charged under that Act, but if the policeman did not know the Community Welfare Act and knew the Police Act that person could be charged under the Police Act and be subject to a fine of $500 for the same offence that was committed under the Community Welfare Act, under the provisions of which he could be fined $200.

The Hon. D. J. WORDSWORTH: The honourable member is raising a matter contained in another Bill before the House which has not even yet been debated.

The Hon. R. Thompson: That is right. It is not my fault though. It was passed over by the Leader of the House.

The Hon. D. J. WORDSWORTH: We are referring to this piece of legislation and the honourable member can raise this matter when the other piece of legislation is considered.

The Hon. R. Thompson: Do you not believe in consistency with fines?

The Hon. D. J. WORDSWORTH: I do not believe that this really has anything to do with the police. This matter concerns a committee acting contrary to the direction it receives from the Minister or from the Director of Community Welfare. For example, such a committee could be discriminating against various people or religious organisations. It is not expected that the legislation would need to be used. Nevertheless, a penalty is provided for a committee which acts contrary to instructions. I do not believe the Police Act would cover this set of circumstances.

The Hon. R. THOMPSON: The Minister is telling us that he has no knowledge of the Police Act or what is contained in the Bill with which we could have dealt prior to dealing with this one. There is an inconsistency, and I counsel the Minister to use common sense and have this matter examined. I am not permitted, and did not take the liberty to read out what is contained in the Police Act Amendment Bill before the Chamber. But if the Minister does not know what is contained in that Bill he should not say that we should not confuse the two Bills. We are not confusing the two Bills, because I have not quoted from the Police Act Amendment Bill. The Minister should say, "Certainly we will have a look at the situation and if the honourable member is right we will look for a remedy to the situation." There is not much use in having two sets of laws which mean the same thing. I could be wrong and they might not mean the same thing, but from my reading of them I understand that they could.

I do not blame the Minister if he has no knowledge of the two Bills, but he should not put through a Bill for which he will be sorry later. There is only one way to get correct legislation and that is to examine all aspects of the legislation. The Government has the numbers to put the legislation through, but what would it benefit the Government if it has to introduce another Bill next year to rectify the situation? It is only stupidity on the part of any Minister if he is not prepared to look at a proposition that is put before him.

The Hon. D. J. WORDSWORTH: The other Bill has not been debated yet. I am quite willing to leave this Bill at the third reading stage so that it may be examined with the other one

when it comes up for consideration. I do not believe that one affects the other. I think Mr Thompson's only concern is the size of the fine.

The Hon. R. Thompson: I think they mean the same thing. I counsel you to take them to the Crown Law Department and have the matter looked at. I could be wrong, but a day does not mean anything if they both mean the same thing.

The Hon. D. J. WORDSWORTH: I feel it is out of order to debate these Bills together, but I am quite happy to leave this Bill at the third reading stage.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

INVENTIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

THE HON. R. HETHERINGTON (East Metropolitan) [3.28 p.m.]: Invention and innovation are most essential if our industry is to be viable and competitive and if we are to have the industrial expansion and development which we all desire. As we know, Western Australia has certainly not lagged in the field of industrial invention and we hope that our inventors go on for the benefit of our industry. The Opposition therefore is pleased to see that the Government is widening the range of inventions which can receive financial assistance. It therefore supports the Bill and wishes it a speedy passage through the House.

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.

CEMETERIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.30 p.m.]: The Opposition supports this legislation. It provides conditions which will apply to the new Pinnaroo Cemetery which is shortly to be opened and which is located at the northern end of my electorate. The cemetery is a place which many people will enjoy visiting. It will have a very pleasant garden, park-like aspect.

This Bill departs from the provisions which have applied previously in that all cemeteries will be non-denominational. That provision has the blessing of all the major religious groups.

There is a provision for the increase of penalties for vandalism. The fine has been increased from $40 to $200. That is a fair representation of the escalation in costs which has taken place under the present Government. It is an increase of approximately 500 per cent.

I hope that care is taken when dealing with vandals in cemeteries to differentiate between those young people who often get into a little mischief and who need basically a smack on the pants and the vicious people who need much stronger treatment. With those few words we on this side of the House indicate our support of the legislation.

THE HON. R. G. PIKE (North Metropolitan) [3.34 p.m]: I rise very briefly to point out to the House this Bill contains an innovative clause which has not been dealt with previously by the Parliament of Western Australia. That is, no longer will cemeteries be rigidly divided into various sections as per the religious denomination of the deceased.

I want to inform the House I have spoken to the secretary of His Grace Sir Lancelot Goody in order to make certain that this clause had the *imprimatur*—that is, of course, very much the right word—of the Roman Catholic Church in Western Australia. The answer is, "Yes, it has." This is a new ground-breaking programme so far as the church is concerned.

I raise the matter, because there had been some public questioning of the fact that this measure has been introduced for the first time and it is necessary for the House to know that the situation is as I have explained it. I support the Bill.

THE HON. R. J. L. WILLIAMS (Metropolitan) [3.35 p.m.]: I rise to thank the Government for the care it took in the drafting of this Bill, because in the Minister's second reading speech we find some very strange mathematics. It says that 90 per cent of people agreed to be buried in non-denominational cemeteries. However, many sections of the community have this wish.

We have just heard from the Hon. R. G. Pike that the Roman Catholic Church has agreed not to be separated, as it were, in death. Indeed it made some other remarks further on that it agreed its members could be cremated.

The Hon. D. K. Dans: The Minister said that in his speech.

The Hon. R. J. L. WILLIAMS: This is all part of the ecumenical move. The Government has paid the greatest respect to the wishes of the minority in so far as the trustees have the discretion to allow people to be buried in a section of the cemetery which they may prefer. It is commendable that the trustees just cannot say "Yea" or "Nay" without the permission of the Governor, which is another safeguard.

I received representations from a number of minority groups when this move was first mooted and I was able to reassure them that the Government was sensitive to their requests.

The Hon. R. F. Claughton: I understand that would take place at Karrakatta and not at Pinnaroo—the denominational section.

The Hon. R. J. L. WILLIAMS: Space is still available at Karrakatta where these people can be buried. However, being such a minority, there is not a large number of them to be buried.

Finally I should like to pay tribute to the person I can almost describe as the "architect" of the Pinnaroo Cemetery who laid down the guidelines for the lawn cemetery. He is one of my colleagues in the House, the Hon. Claude Stubbs. He, more than any other man, received a number of nominations prior to laying down the ground rules as Chief Secretary, which was his portfolio at the time.

I wish to pay a tribute to the Hon. Claude Stubbs for the work he has performed for the minority groups, bearing in mind the overall task he had in organising a new concept for a new type of cemetery in Western Australia.

THE HON. R. H. C. STUBBS (South-East) [3.38 p.m.]: As mentioned by the Hon. John Williams, I was involved in this matter to some extent; therefore, I should like to say a few words. I support this Bill and support it very strongly. I was working on it at the time we started work on the Pinnaroo Cemetery. As a matter of fact, as Minister for Local Government I laid the foundation stone for the Pinnaroo Cemetery at Wanneroo on Friday, the 10th August, 1973.

This Bill deals with both the Karrakatta Cemetery and the Pinnaroo Cemetery, because we have the same board of trustees. As the Act stands at the present time, the cemetery board must set aside land for different religions. This amendment will alleviate the trustees of the Pinnaroo Cemetery from the responsibility of providing denominational sections. There will be nondenominational areas only. Of the new graves allocated at Karrakatta 86 per cent are denominational and the leaders of these denominations favour the concept of what is being carried out at Pinnaroo.

When I was Minister for Local Government I had a great deal of trouble with the various religions which were allotted ground at Karrakatta. There are 35 different religions involved. I had trouble with the different denominations. One of the reasons for this was there were two groups of Serbians, two groups of Jewish religions, and two groups of Latter Day Saints. I can assure members that at times they caused quite a headache to the people concerned. I should like to quote the various religions involved. They are as follows—

Roman Catholic
Anglican
General
Greek Orthodox
Jewish Orthodox
Presbyterian
Methodist
Macedonian
Baptist
Church of Christ
Russian Orthodox
Salvation Army
Muslim
Liberal Jewish
Congregational
Seventh Day Adventist
Lutheran
Ukrainian
Full Gospel
Serbian Orthodox
Latter Day Saints
Chinese
Free Serbian
Brethren
Christadelphian
Apostolic
Liberal Catholic
New Church
Quakers
Spiritualistic
Latter Day Saints Re-organised
Welsh Free
Remnants
Elimentary Four Square
Japanese

There is plenty of room for burials in the land allotted to most of these denominations, as many of them have not used their allotments for burials for years. However, there is a shortage of room for burials in the denominations that are called upon frequently to bury the dead of their faith.

In a way we can say there is plenty of room at Karrakatta remaining for burials in the case of some religious denominations, but in the case of the larger denominations the room is running out.

Another interesting feature in respect of burials relates to the increase in the number of cremations. This must have a great effect on the use of the land at Karrakatta Cemetery. For the first time there were in 1971 more cremations than burials. The figures for 1971 were 2 435 burials and 2 571 cremations. The cremations represented 51.36 per cent. In 1973 the percentage of cremations rose to 54.83 per cent; and in 1976—and these are the latest figures I could obtain—the percentage of cremations increased to over 60 per cent. So, cremations are having a big bearing on the use of Karrakatta Cemetery.

A few years ago certain religions did not approve of cremations, but now they agree with this method of disposal. This means that cremations will become more and more popular as a method of disposing of the dead. I have nothing more to say on the Bill. With the comments I have made I support it.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [3.42 p.m.]: I thank members for their contributions to this debate, and I found their comments very interesting. I was particularly heartened to learn of the interest taken by the Hon. R. G. Pike in indicating the views of His Grace, Archbishop Sir Launcelot Goody; and to hear the comments of the Hon. R. J. L. Williams in relation to some other churches.

I was interested in the comments of the Hon. Claude Stubbs who, as Chief Secretary some years ago, did demonstrate very clearly to members of this House how much common sense he brought to bear in carrying out the duties of his portfolio. I am sure in respect of this Bill we are benefiting from some of the work that he did.

Reference has been made to certain of the smaller religious groups. I have before me certain figures relating to the length of time that those groups have to use Karrakatta Cemetery for burials. They are as follows—

Greek Orthodox—10 to 12 years
Jewish Orthodox—40 years
Macedonian Orthodox—10 to 12 years
Russian Orthodox—15 years
Muslim—20 years
Liberal Jewish—40 years
Ukranian Orthodox—60 years
Serbian Orthodox—60 years.

From these figures anyone belonging to other religious denominations, and wishing to be buried at Karrakatta Cemetery, will know what to do!

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.

Sitting suspended from 3.46 to 4.06 p.m.

LOCAL GOVERNMENT GRANTS BILL

Second Reading

Debate resumed from the 26th April.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.06 p.m.]: This Bill deals principally with two matters; that is, the apportionment of grants provided by the Commonwealth Government, and the establishment of a local government grants commission. This is a development of the programme initiated by the Whitlam Government to provide finance to local authorities, and the measures contained in the Bill have our support.

We might argue about the detail of the apportionment of funds on a needs basis as against a formula basis, but the Bill in fact provides scope for a measure of flexibility in that respect. So while it would be our policy to ensure the needs were catered for more precisely, we see no cause to raise objection to the provisions of the Bill.

The Government says the Bill is an example of federalism. I think that is only a bit of wordplay. There is no question that the Whitlam Government paid far more attention to local authorities in providing facilities throughout the length and breadth of Australia, no matter what the size of a community or whether it was located in the country or a metropolitan area. The Whitlam Government did not differentiate in that respect, and its move to give grants to local authorities was an expression of our policy to give to all the people, not a selected section of them.

A grants commission which will comprise representatives of the Local Government Association, the Country Shire Councils' Association, the Local Government Department, and the Treasury will, I think, be adequate for the purpose, and experience will show whether any changes need to be made.

Without labouring the issue, we indicate our support of the Bill.

THE HON. G. E. MASTERS (West) [4.09 p.m.]: I wish to make a few brief comments. I commend the Bill to the House. I think it reflects the wishes of the local authorities. It has been achieved as a result of long consultations and discussions with local authorities and the State Government, and particularly with the Minister for Local Government. Delays have been caused by the discussions which were held, and for good reason. Last week an amendment was made to the Bill in another place as a result of further representations by local government.

The important part of the Bill, as the previous speaker said, is the establishment of a local government grants commission, made up of a number of people who will be very much involved and whose responsibility it will be to allocate certain funds. The funding from the Commonwealth Government will be made through the State Government. The State Government will allocate 80 per cent of the funds to local authorities on a formula basis, and the remaining 20 per cent will be allocated by the local government grants commission on a needs basis. I think that is the best way the matter can be dealt with equitably to all concerned.

It is interesting to note that provision has been made for the future, and the 80 : 20 ratio does not necessarily have to apply at all future times. The Government has realised times could change, so there is provision in clause 9 for the ratio to be varied. I have no doubt such variations will take place after discussions between the local authorities, the country shires, and the Minister.

The previous speaker said the Whitlam Government made adequate funds available to local government. My comment is that the Whitlam Government tended to allocate the funds direct to local authorities, whereas the Fraser Government is allocating them through the State Government. This will strengthen the State Government and enable it to perform its proper role.

We are proud of the way the State Government and the local authorities operate in this State, which is in large part due to the efforts of Mr Rushton. I believe he has been and continues to be the most conscientious and highly regarded Minister for Local Government this State has had for many years, or possibly ever. This stems from his previous involvement in local government and his regard for the job local authorities do, much of it on a voluntary basis. The Federal Government has a role to play, which is to provide funds on a guaranteed and continuing basis. If it can do that, the State Government will then fulfil its traditional role of operating State and local government. That is what it is all about.

We must get back to grass roots as far as this type of expenditure is concerned, and nothing is closer to the grass roots—the people themselves—than the operations of local government and country shires in Western Australia. Many members on both sides of the House have been involved in local government, and they know the value and importance of the State Government and local authorities working closely together, with a proper allocation of available funds.

As I understand it, the Federal Government has agreed to provide to local authorities 1.52 per cent of the income tax collected in Australia, and it has also given an undertaking that the proportion could rise to 2 per cent. So we will have a continuing programme of greater finance being made available to local authorities as time goes on. It has been suggested that the proportion could rise to 5 per cent, but I think that is unduly optimistic.

So we have something to look forward to in local government so far as funds and their direct application to the State Government are concerned. We believe the operation at the grass roots level must be progressively strengthened as time goes by. For those reasons, I support the Bill.

THE HON. J. C. TOZER (North) [4.15 p.m.]: I rise to support the Bill. I want to refer particularly to part III of the Bill, which deals with the allocation and distribution of Commonwealth funds. Members will recall that this is not the first time I have spoken on this matter. I welcome the Bill; it is a good one and one that we need, and it formalises the pattern introduced in Western Australia in 1976.

I think it is important that we look briefly at the evolution of the funding of local government over the recent past, because it is of particular interest to see the way the situation has changed. We have long since recognised that a tax on land could not be the means by which to finance the operations of local authorities,

as was done in the past. Clearly the demands made on local government were growing, as was the number of people, other than ratepayers for whom local authorities catered. It became quite impossible for any authority to continue to get by with its principal source of revenue being a tax on land.

As far as rural local authorities are concerned, in the past up until a decade or so ago motor vehicle licences were issued by local authorities; and it was generally considered that the revenue of a rural local authority would be made up of one-third rates, one-third motor vehicle licence fees and one-third revenue from other sources, including certain tied amounts made available by the Tourist Development Authority; swimming pool grants and things like that. It also included income from property.

When vehicle licence revenue was taken from local authorities, quite a controversy arose. This source of revenue provided a direct link between the money paid in licence fees and that spent on roads. Of course, that disappeared with the centralisation of the licensing of motor vehicles.

I now turn to the next step which is worthy of note. It seems again the Hon. Claude Stubbs gets a pat on the back, because he was the Minister for Local Government in 1971, who introduced the local government assistance fund with a budget of $500 000. For the first time we saw the introduction of an allocation of funds not tied to a specific function. It was an amount of only $500 000 spread between 140 or so local authorities. It was not a lot of money, but at least it was a start on a trend which has continued; and it had to continue to the stage it has reached today.

In 1974-75 the allocation was increased from $650 000 to $1.2 million; and in the Budget of the current financial year the local government assistance fund allocation has increased to $2.175 million.

In 1974 the Commonwealth introduced the Local Government Grants Act which was designed to grant financial assistance to local government bodies. It was a strange Act, and I wonder if there are any other Acts on the Statute books in Canberra which actually stipulate the amount of money to be given to every little local authority. I wonder if the compositors who put the print together in Canberra had ever heard of the Halls Creek Shire, which was given an allocation of $14 000 in the year 1974.

This system introduced by the Federal Government tackled the problem in a manner different from that now used. This was done by the formulation of regions; local authorities were expected to get together and reach a consensus whereby they would apply for Commonwealth funds, and the money would be disbursed directly to them. This had many unsatisfactory features, and Mr Masters has alluded to one or two of them already. The situation became quite farcical in the area I represent where the Shire of Broome was associated with the Shire of Wyndham-East Kimberley in respect of developing a regional approach to the Commonwealth Government to obtain funds. After all, as the crow flies the distance between those two centres is about 750 kilometres, and with the roads of a few years ago one would have been battling to make the distance in a day's run in a good car.

There is no way that the priorities of the Wyndham-East Kimberley Shire could in any way be aligned with the priorities of the Broome or West Kimberley Shire; but this was the expectation of the theorists in Canberra when they formulated the scheme.

As far as the Pilbara was concerned, again we had Onslow and Marble Bar grouped together. As the crow flies, those towns are 500 kilometres apart. Surely it was almost an impossible task to commute between those towns by car on the roads that existed in the area.

So this concept of forming regions to apply for allocations of Commonwealth funds was really quite ridiculous as far as outlying areas were concerned. I can well conceive that a group of metropolitan local authorities all having the Swan River foreshore as a boundary might get together and home in on a foreshore development programme which may have some real regional impact; but it is not easy to see that happening in my province; and I suggest it is not easy to visualise it happening in the provinces of Mr Leeson or Mr Stubbs, or any other member in an outlying area.

It is interesting to note that the allocation of funds in that year for Western Australia was just under $5 million. The following year a similar Act was proclaimed in Canberra; again, the only difference we found was that region 9 which was formerly called Port Hedland became region 8, Pilbara; and region 10, which was formerly Wyndham, became region 9, Kimberley. The allocation of funds crept up, and the total for Western Australia in that year was $7.5 million. I believe it is significant—because I do not want to come back to figures later on—to note that last year the allocation under what we have come to call the new federalism scheme increased to $13 million, and in the current year it is about $16.5 million.

I think really the signal that many members in this House were looking for came in September, 1975, when Mr Malcolm Fraser launched his federalism policy; and because there is specific allusion to the distribution of funds to local government, I think it is worth while referring briefly to what Mr Fraser said in his policy. In the first paragraph, which gave a general comment on the power, responsibility, and peoples in Australia, Mr Fraser said—

> ... the Liberal and National Country Parties wholly support the concept of Federalism in which there are three areas of government—Federal, State and local—and in which the powers and functions are distributed to achieve continuous response and to provide an effective barrier against centralist authoritarian control.

I believe the next paragraph is worthy of special note, particularly by members of the Opposition. Mr Fraser said—

> Federalism ... is not merely a structural concept. Its principal justification is a philosophical one. It aims to prevent dangerous concentration of power in a few hands. In so doing, it provides a guarantee of political and individual freedom.

The part I really want to read is under the heading "Revenue-Sharing Proposals", and paragraph 4 relates to local government and it states—

> The Liberal and National Country Parties also propose to earmark a fixed percentage of personal income tax for distribution through the States to local government. This percentage will be shown on the tax form.
>
> The money is intended for two distinct purposes: (i) a per capita grant to ALL local government bodies, with a "weighted" formula in contemplation and (ii) an equalisation or "topping up" grant to be distributed through State Grants Commissions.
>
> This will be a vital new reform for local government. Under these proposals, municipalities and shires will have revenues of known dimensions to assist forward budgetting. At the same time, they will have very much greater independence of action.
>
> Artificial regions will NOT be forced on local authorities from Canberra. Local bodies will be free to establish formal or informal groupings from time to time for particular functional purposes, but regions will not be used by the Commonwealth as centralist instruments to by-pass the States, to amalgamate areas or to impose Commonwealth policies.

I think it was worth while reading that quote, because today in the Bill in front of us we see the final step in the implementation of what Malcolm Fraser promised us in September, 1975, and I welcome it.

On the 13th April, 1976, the Premier made a statement to the Legislative Assembly, which was repeated in this House. He gave his statement the heading of "Personal Income Tax Sharing Beween the Commonwealth, the States and Local Government", and I think it is worth noting that he said—

> Federal grants to local government as recommended by the Grants Commission amounted to less than 0.8 per cent of personal income tax collections this year.

He was referring to the year 1975-76. Then he went on to say—

> To allow for all—I emphasise "all"—local authorities to participate and for payments to be lifted to a meaningful level in relation to the financial problems of local government, there is a need for a substantial increase in the share of personal income tax allocated to local government.

A little later on he said—

> It is my belief and this view is widely shared, that local authorities should eventually receive 2 per cent of personal income tax collections.

Mr Masters has already told us this share has increased from 0.8 per cent two years ago to 1.52 per cent now; and, of course, we confidently expect it will reach the 2 per cent Mr Fraser has indicated will be available.

The Premier went on to talk of the grants on a weighted *per capita* basis, and those which he described as "topping up" grants to be made to local authorities with special problems. He went on to say—

> The latter grants will be made on the recommendation of a State equivalent of the Grants Commission, the form and structure of which will be decided after consultation with local government in this State.

As with the comment of the Prime Minister in September, 1975, the Premier's statement of April, 1976, is honoured in the Bill before us today.

Going a step further, on the 24th November, 1976, another Commonwealth Act was proclaimed. I refer to the Local Government (Personal Income Tax Sharing) Act, 1976, of which the long title is, "An Act to Entitle Local Government Bodies in the States to Share in the Personal Income Tax Collections of the Commonwealth".

Without going into a lot of detail, a basis was laid down which formalised what had already been stated by the Prime Minister, and which our Government has now introduced as a consequential Bill. I think it is worth mentioning that in the year 1976 the allocation was $13.162 million. However, I note the Commonwealth legislation provides that Western Australia should receive 9.4015 per cent of the total of the moneys available for local authorities; but I cannot see an explanation of how that figure was arrived at. According to my rough calculations, it appears to be a direct *pro rata* allocation. This worried me a little until I noticed that by the 30th June, 1981, by Statute this matter is to be reviewed. That is detailed in clause 12 of the Federal Bill.

As I mentioned earlier, the Bill before us today serves no purpose other than to formalise what, in fact, has been happening in Western Australia since 1976, when the Grants Committee was established, and which in fact has done the job. Now, we spell out explicitly by an Act of this Parliament how this is to be implemented.

I mentioned at the commencement of my remarks that I wished to speak about part III of the Bill; in particular, I would like to read one section of the Bill, because it concerns a matter I discussed during the debate on the Supply Bill last year. I believe the matter is still relevant, and should be reconsidered as time goes on. I refer to clause 10 of the Bill which deals with the allocation of Element A funds. Clause 10 states—

> The amount of the Element A funds to be allocated to each municipality in respect of a financial year shall be calculated in accordance with a formula approved by the Minister being a formula that takes into account the respective populations of the municipalities and may take into account the respective sizes, and the respective population densities, of the districts of the municipalities and any other matters agreed upon between the Prime Minister of the Commonwealth and the Premier of the State.

It is my belief this does not go far enough, and this is what I tried to describe to the Chamber when I was speaking to the Supply Bill last year. At that time, I suggested what I called a "dollar effectiveness" factor should be built into the formula used to determine the allocation to local authorities of Element A of these income tax funds.

At that time, to illustrate my argument—I have no reason to change my point of view—I said that if $1 of allocation of grant funds made under this legislation is worth 100c of goods delivered, on works on the ground, or materials, in the Perth metropolitan area, it would be worth only 60c in Karratha or Port Hedland, 50c in Broome or Derby, 45c in Wyndham or Kununurra, and only 37.5c in Halls Creek.

To overcome that disability—because we can no longer speak simply of amounts of money—I believe a "dollar effectiveness" factor must be built into a formula which determines how Element A is disbursed. It could be regarded as a factor to compensate for this lack of effectiveness of every dollar that is allocated to these local authorities.

I made this suggestion during my speech to the Supply Bill. I should like to thank the Leader of the House for the prompt manner in which he refers to the appropriate quarters, the various subjects raised in speeches to the Supply Bill, the Address-in-Reply and the like. In the last year or so, I have received replies to all the questions I raised during my speech.

The Leader of the House referred my comments to the Minister for Local Government (Mr Rushton) who wrote to me in the following terms—

> The present formula for the distribution of Element A funds is currently being reviewed and I will see that your suggestions regarding "dollar effectiveness" are taken into consideration during this review. However, as you will appreciate, it is extremely difficult to devise a formula which takes account of a number of variables and produces an equitable result.
>
> It may well be that the Element B allocations recommended by the Local Government Grants Committee are the best means of recognising "dollar effectiveness".

I appreciate the Minister's comments and I also appreciate it is not easy to devise such a formula; but it is not impossible. I suggest that if Element B is to be the means by which the disability to which I refer is going to be overcome, clearly it must be greater than 20 per cent of the total funds available, as has been provided for in the Bill before the House.

I think the formula introduces the possibility—indeed probability—of anomalies, and it is not hard to find them. I think all members would have received a circular from the Minister for Local Government on the 20th June, 1976, describing the nature of the work of the Local Government Grants Committee in disbursing these funds and setting out the various groupings which would determine the multiplier, or the factor by

which the basic grant would be multiplied to determine the basis for the respective capital grants which would be made.

Referring to my own province, because this is what is most important to me, I find again this clearly illustrates the sort of problems which will occur, and which no doubt occur elsewhere. Under group G, which has a population density from 0.5 to 1, the basic grant has a multiplier of 4. This applies to Port Hedland and Roebourne. However, group I, with a population density of less than 0.1 has a multiplier of 7; Broome, Wyndham, East Kimberley, Halls Creek, West Pilbara, and East Pilbara Shires fall into that category.

I can almost blame myself for the fact that Port Hedland and Roebourne have been deliberately moved from group I to group G, because in 1970 or 1971 when the Local Government Boundaries Commission came to the Pilbara—in fact, Mr Stubbs journeyed through the area and visited every shire—I made a submission upon which the commission largely based its decisions and created these huge local government districts of East Pilbara and West Pilbara. The direct result of that was that the pastoral properties were moved from the Port Hedland and Roebourne Shires, which became basically urban industrial shires with a small surrounding area of pastoral property.

There is no doubt that the effect of this move was to move the Port Hedland and Roebourne Shires into the group G category, which must be worth hundreds of thousands of dollars to them in any allocation of funds. I am not convinced that Element B can in any way make up for an anomaly like this.

We must look more closely at the factors which are to be the prime consideration in determining the Element B part of the disbursement of these funds. Clause 11(2) of the Bill, which really describes the function of Element B, states as follows—

> The recommendations referred to in subsection (1) shall be made with the object of achieving, so far as is practicable, general equalization and, without limiting the generality of the foregoing, the Commission may, in making those recommendations, take into account the special needs of particular municipalities.

I did mention that Element B is only 20 per cent of the total, and I do not believe this gives the new grants commission we are setting up in this Bill sufficient scope to implement what is set down in that subclause.

Members can be assured that I have taken this matter up with the Local Government Grants Committee, and I received sympathetic consideration. I wish to refer now to a letter signed by the secretary of the WA Local Government Grants Committee, sent to me on the 14th June, 1977. In part, it states—

> This Committee does not control the "Element A" portion of the general purpose grant, but has cognizance of the fact that the formula does pay regard to "dollar effectiveness", furthermore, this Committee considers all disabilities of Councils when determining the allocation of the "Element B" portion of funds.

Firstly, the first part of that answer does not quite tally with what the Minister for Local Government told me a month or two back; secondly, Element B cannot do that, because it is not large enough. Although the letter was signed by the secretary, I was pleased to note a personal notation at the foot of the letter by the chairman of the committee, with whom I was able to travel some of the time when it was in North Province. I quote briefly from his handwritten note—

> You can be assured that they—

That is, the northern shires. He continues—

> will not be forgotten.
>
> George Strickland.

In addition to that, I have taken this matter up with the Government parties' Federal Affairs Committee. This may seem to be an unusual thing to do, but we were given the opportunity to appear before this committee, the chairman of which is Mr Ian Wilson, MHR for an electorate in South Australia. Arising out of the submission I placed before the Government parties' Federal Affairs Committee, I received a letter from Mr Wilson, and I think it is worth reading in part. It states—

> We were particularly interested in your proposal that "dollar effectiveness" should be a factor taken into account in allocating funds to Local Government. As I understand the position, it is up to State Governments to determine the proportion of the funds available for Local Government which is to be distributed on a per capita basis, provided that that proportion is not less than 30% of the funds available to Local Government in the State from the Commonwealth.
>
> It is also up to the State to determine whether or not the per capita distributions are to be weighted in any way. Thus, if

the criteria used in W.A. to weight these per capita grants does not sufficiently take into account dollar effectiveness, the State Government must be persuaded to change them.

I recognise that you drew this matter to our attention to ensure that we consider its significance when examining the guidelines used by the Commonwealth Grants Commission in making recommendations as to the manner in which the Commonwealth funds available for Local Government are to be distributed as between the States.

As you are aware, the Commonwealth Grants Commission is currently reviewing the inter-State distribution of these funds.

He concludes by saying—

I would be interested in your views as to whether or not you consider dollar effectiveness is being given adequate weight by it.

My answer is, "No".

So, while there is a keen interest being displayed by this Federal committee, and the matter is being considered by the Local Government Grants Committee—we may anticipate the same personnel may make up the grants commission, while it is established under this legislation—and while the Minister for Local Government says he has some sympathy for my "dollar effectiveness" suggestion, as yet the decisions which have been made do not reflect that we are going to greatly change the state of affairs, which is set out in this Bill.

We note that submissions, reports, and investigations can and will be carried out and this is fine as I can keep on submitting my case. I note particularly that in section 9(2) it says that Element A will be 80 per cent unless the Minister determines that a greater or lesser percentage would be more appropriate. So I feel confident that as time goes on we can convince the Minister that without doubt in order to get an equitable distribution of these funds we must see this dollar effectiveness factor built into Element A of the total sum and/or Element B must be increased to at least 50 per cent. The Commonwealth Act provides that it can be increased to 70 per cent and perhaps that would be the right figure to have placed in Element B, but I will settle for 50 per cent. I believe the commission we have set up does not have the important function that it should have, because it is dealing only with one-fifth of the total available sum. The rest is being determined by the Government—admittedly, as provided for in the Bill, after consultation with local government organisations in this State.

I hope that the Attorney-General will take this appeal to the Minister for Local Government and that Mr Rushton can continue to look at and review the situation as he told me he will in his letter. I believe that the Bill is a good Bill. I am glad it has arrived and I am glad it has given formalisation to the state of affairs we have had evolving over the last year or two. I believe the Bill can be moulded to serve the essential function Mr Fraser had in mind in his 1975 policy speech.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.48 p.m.]: I thank honourable members for their indication of support for the Bill and for their contributions to the debate. I listened to the Hon. R. F. Claughton and noted that he indicated the Opposition's support of the Bill. I listened with interest to the remarks of the Hon. G. E. Masters and to the comments of the Hon. J. Tozer, who has obviously engaged in considerable research in order to verify the information he supplied to the House. I am aware that this is a subject about which he knows a good deal, particularly in relation to the Kimberley electorate and the Pilbara.

The Hon. J. C. Tozer: The North Province please.

The Hon. I. G. MEDCALF: I believe this is a subject about which he would know more than most other members present. The ratios which we have at present are those which met with the approval of the local authorities generally. I understand the committee is agreeable to the present arrangements. In so far as the future is concerned there is provision for change in that these ratios may be varied; that is set out in the Bill. In future there may be changes but at present this is in accordance with the views of the committee which is representative of the local authorities.

It is not correct for anyone to assume, as I think might have been the implication suggested by Mr Claughton, that Mr Whitlam was the first one to pay any attention to this matter. This committee was in existence in this State long before Mr Whitlam as a member of the Commonwealth Government first took an interest in local authorities. The commission which we now have is simply the outcome of the original committee; it is just an extension of it.

The committee existed in order to assist the State Government to advise it in relation to the funds which the State Government had made available. The State Government made funds available to local authorities before the Commonwealth Government ever thought about the subject.

So it is in a sense merely an extension of exactly the same principle which was in existence before and which has been extended and been varied from time to time.

The real problem raised by the Whitlam Government was that it was making direct grants to local authorities rather than making the grants available through the State Governments as provided for in the Constitution. The problem lay in the fact that by making direct grants to local authorities through the advice of regional groupings one ran the risk, when selecting the authorities from Canberra, of overlooking the real interests of the local people.

As Mr Tozer indicated, it is astonishing to find that the shires in Western Australia were selected in Canberra and named in the schedule to the Bill, together with the amounts they were to receive. That is quite an astonishing situation. The problem lay in an attempt to out-manoeuvre State Governments. It was an unashamed attempt, and it was made clear by Mr Whitlam on a number of occasions when he indicated that his policy was virtually to create in Australia a central government with a number of regional groupings; not States, but regional groupings that might have amounted to a total of 60.

An Opposition member interjected.

The Hon. I. G. MEDCALF: I think it may rain as I can hear some thunder!

If that situation had come about we would have seen the decline of the local authorities themselves, because they would have had to surrender their power to regional groupings set up by and directly answerable to a central government. Fortunately that is a thing of the past and we now have the situation in which local government is receiving very substantial sums each year from the Federal Budget.

The amount at the present time is 1.52 per cent of personal income tax, and there has been an indication that it will increase to 2 per cent. Who knows, perhaps that figure might in the future extend beyond that; it is a possibility.

The main thing is that the principle has been clearly established that local government is entitled to receive assistance from the taxpayers' funds generally, apart from its own ratepayers. So not only do local authorities depend on their own ratepayers, who frequently are not in the position to provide all the things needed in an area, especially in one as vast as those in Mr Tozer's electorate, but they will now be supplemented by the taxpayers' general funds.

I think we would all agree that that is a healthy development and something which will make for strong local government and which local government itself welcomes. In the criticism that one sometimes hears one should not forget that most local authorities are indeed extremely grateful that this measure has come to pass. I thank members for their support of the Bill.

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.

ADJOURNMENT OF THE HOUSE

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.57 p.m.]: I move—

That the House do now adjourn.

Industrial Dispute on Sheep Export: Comment in Press

THE HON. R. G. PIKE (North Metropolitan) [4.58 p.m.]: I rise during the adjournment debate to point out to the House some vital information which has not yet been brought to the attention of the House. The subject deals with the live sheep export ban and its sequel. I refer to a news item in *The Australian* dated Thursday, the 20th April, 1978.

The front page of that edition shows a photograph of unionists outside the Fremantle Court of Petty Sessions with a placard reading, "Scabs—how long can you tread water in concrete boots". In view of the seriousness of this matter and recalling the statements made by the Leader of the Opposition in this House (the Hon. Des Dans), I refer to the statement made by Mr Jack Marks, and I quote—

> The cockies will want to put a 24-hour patrol round their boundaries because there is a very high bushfire risk now.

That is clearly a threat of arson; I think the average citizen is shocked to the core and emphatically rejects this type of threat. I make the picture of the placard available to Mr Dans—

The Hon. D. K. Dans: It was on television.

The Hon. R. G. PIKE: —and I ask him, his leader in the Legislative Assembly, and the Parliamentary Labor Party, whether they repudiate or embrace the message, and if they do repudiate it, then in the interests of democracy

publicly to dissociate themselves from the placard and the clear intention contained in the union message on the placard.

I think that as this is a matter of grave concern to this House and to the whole Parliament such a public dissociation should be made. The rule of law and order, and the observance of the law, are paramount in our democracy. It would be significant hypocrisy for them not to make a public declaration of dissociation.

I ask this for the reason that, in the past, Mr Dans has demonstrated in the House, by his comments in regard to Mr Marks' statement, a degree of responsibility in his capacity as Leader of the Opposition in this Chamber. Quite frankly, because I think democracy is seen to be under a threat which is new to the Western Australian scene, I simply and sincerely ask Mr Dans if he would consider expressing such a dissociation.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.00 p.m.]: I take note of the comment by Mr Pike. I did not need to read *The Australian* to see the picture of the placard. I was not present, as members will recall. I was attending a Joint House Committee meeting. I can give no assurance on behalf of the Australian Labor Party in regard to that placard because I simply do not know who carried it. I am certainly not here speaking on behalf of the Leader of the Opposition in another place; he can make his own comments.

For my own part, I am on record in this House as having dissociated myself from the comments of Jack Marks. I am also on record in this House as abhorring the use of the word "scab" and I will continue to abhor its use.

I think it will be agreed that I cannot give any assurance in this House. In fact that would be a breach, because I would not know whether I would be able to carry out that assurance. On the particular night when I saw the placard on television I thought it was rather way out. I would also remind members of this House that the Secretary of the Trades and Labor Council has already made a very good comment in the Press. He was very outspoken on the fact that all the bans would be lifted. He said no bans would remain. I do not know how much further we can go.

The problem raised by Mr Pike is one for further consideration. I will have to find out who had the placard. I repeat: I do not like the word "scab". I cannot give any undertaking that other people will not use it.

Police: Special Branch

Yesterday, the Leader of the House replied to a series of questions I had placed on the notice paper. Because of a little mix up last night I was not able to make any comment, but the reply from the Leader of the House was—

> I wish to group together questions 106, 110, 113 and 115 and to advise the Council that it is not in the public interest to continue to answer questions dealing with the subject matter of these and similar questions which have been submitted by the Hon. Member at recent sittings.

I am fully aware that Ministers can refuse to answer questions, and I am also very much aware that when I looked at the notice paper today the actual questions I asked yesterday did not appear. I know the reason but I will not go further into that at the moment.

It is a very sad day in any democratic Parliament—such as we claim to be—when a member of Parliament, elected by a majority vote of the electors, is not allowed to continue to pursue a very vital question. I will pursue the question at a later stage in the second half of this session. In the public interest I will dispute the fact that my questioning is, in fact, against the public interest.

The Government has simply stated that in the public interest it will not answer any more of these questions. Let us be very honest about this matter; this is where tyranny commences. There is nothing to fear; I addressed my questions to the Minister. I did not address them to the heads of departments. When I received an answer such as that supplied to me it represented to me that the question of ministerial responsibiilty is nothing other than a myth, and it does not augur very well for the future.

I continued to ask questions, because of the gobbledygook type of answers I was receiving. Members will hear more about that later, but not this evening.

I want to take this opportunity to say I was trying to find out what happened to Justice Hope's recommendations. I wanted to know whether the special branch in this State, in fact, operated—as it came to light in South Australia—by the special branch taking the numbers of cars. The committee on privacy set up by a Liberal Government in New South Wales, amply demonstrated that in New South Wales there were some 85 000 files which covered matters such as a sticker on a car opposing uranium mining.

All over the world the question of privacy is paramount. It is known that in America the

CIA is likely to go public. For those reasons I feel it is in the public interest that the Minister and the Government should reconsider the position, and allow me to ask my questions within the parliamentary system. I do not want to go to the Commissioner of Police; I want to ask the responsible Minister if, indeed, he is responsible. I think that is my right and I think I should be treated to the courtesy of a reply.

So that I do not extend this debate, let me say here and now that at no stage by question or by public utterance have I ever said there should not be a special branch. Indeed, the special branch has operated under the Labor Government.

If we are to have a special branch let it concern itself with the real things in the community. Let the Government demonstrate by answering questions—and not just going through the motions—that for a variety of reasons it is necessary for a file to be built up which, in the final analysis, amounts to nothing.

I think it is in the public interest that questions continue to be answered. If this system continues, where will it end? Is Parliament to become a rubber stamp? Do we look to government by the Ministers, and allow the rest of us to go home?

There is little occasion where private members can really do anything in the parliamentary system today, but we can ask questions. If that right is to be taken away from us it will be a sad day. I do not want to divulge everything to the public. I do not want to know the names of people, but I want to ascertain whether the special branch is operating in a similar manner to the special branch in New South Wales. There has been no rebellion and there is no threat of revolution in that State. The Premier in New South Wales commended the special branch in that State, but he said a lot of the work done there was of little consequence.

Finally, these files are used against the little people; the people who may express an opinion which is contrary to popular opinion. The greatest threat to British security came from Philby who, I believe attended the Yalta conference as a junior interpreter. Another threat came from Burgess and McLean. However, there were no files on Philby, Burgess or McLean.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.09 p.m.]: The point raised by the Leader of the Opposition is one which, of course, has been the subject of questions in a great number of Parliaments. I do not think the failure to answer this type of question has ever brought forth the accusation of a lack of democratic principles. For example, in Westminster—and I know that while this is purely—

The Hon. D. K. Dans: Be careful, only the other night you said it didn't mean much here.

The Hon. G. C. MacKINNON: Let me say that nobody says it is not a democratic institution. One of the rules or precepts laid down by Erskine May reads—

> In addition to the classes of questions which Ministers may refuse to answer on grounds of public policy (for example discussion between Ministers or between Ministers and their official advisers, or the proceedings of Cabinet or Cabinet committees) there are certain matters which are of their nature secret, such as the security services and questions on these matters are not in order.

There is nothing unusual about the questions being not in order. There are certain things that happen in the United Kingdom Parliament which we do not follow here. For example they rarely have much argument with regard to foreign policy.

The Hon. D. K. Dans: I was talking about questions and the public interest.

The Hon. G. C. MacKINNON: We run into these problems, and the Hon. Des Dans is sagacious enough to know that by answering a series of questions, and by finding out what is not answered, one can frequently gain a considerable amount of information.

The Hon. D. K. Dans: Some of the replies looked like Chinese jigsaw puzzles. They contradicted one another.

The Hon. G. C. MacKINNON: They well might. That only proves the fact which I have just stated. Mr Dans, by means of asking many questions and cross checking and cross comparison has discovered that one or two questions contradict each other. As a result of tedious examination of questions and answers it is possible to come to a certain conclusion, as the Hon. Neil Oliver would be able to tell us from experience. That is the heart and soul of intelligence operations.

Alistair McLean provides us with many examples in a misleading way, and so also does James Bond. Perhaps we could follow those examples but I do not think there would be enough good-looking girls to go around, anyway!

Most intelligence and security work involves a careful study.

The Hon. D. K. Dans: There is a difference between intelligence and security. You need to be careful.

The Hon. G. C. MacKINNON: I suppose I could be rude and say to the Hon. Des Dans that he should attempt to teach his grandmother how to suck eggs. The honourable member has brought up this matter and in my opinion, contrary to the Government being rough on him I thought the Government was extremely patient. The questions answered—obviously with some degree of care—amount to a considerable number.

The Hon. D. K. Dans: Can you tell me the exact number?

The Hon. G. C. MacKINNON: No, I cannot. The honourable member can add them up for himself.

I really think the Government has been patient. Let us look at another accusation by the Leader of the Opposition; that is, the specific Minister at whom he has been directing his criticism. I refer to the Deputy Premier. There happens to be no more meticulous a Minister with regard to his work than the Hon. Des O'Neil. In fact, he is a Minister about whom there could be no argument that he answers his own questions. One can tell by the verbiage used. He knows precisely what he is doing and he is meticulous in following all the precepts and concepts, without the slightest shadow of a doubt. So it is really ridiculous for the Hon. Des Dans to pick on that Minister. As a matter of fact, it is just as ridiculous to pick on any Minister.

The Hon. D. K. Dans: I have a great regard for the Deputy Premier.

The Hon. G. C. MacKINNON: As we all have. Then, why does the honourable member try to pin this nonsensical stuff on him?

The Hon. D. K. Dans: That is your term, not mine.

The Hon. G. C. MacKINNON: There is no undermining of democracy when there is a file on any person. I was never so amazed in my life when one or two members asked me if I would look at some of the teachers' files. I have yet to see a file that really contained anything except absolutely routine material.

The Hon. D. K. Dans: Have you seen the files?

The Hon. G. C. MacKINNON: I have seen some, even my own.

The Hon. D. K. Dans: Goodness gracious me. That is an admission that these files are not kept secure.

The Hon. J. C. Tozer: The Minister is talking about teachers' files.

The Hon. D. K. Dans: No, he is not.

The Hon. G. C. MacKINNON: I am talking about totally separate files. There is a file on me kept by the military. There is nothing to get into a tizz about, but no doubt there is a file on me.

The Hon. D. K. Dans: Do you think it is worth while keeping that file?

The Hon. G. C. MacKINNON: Without the slightest shadow of a doubt there is a file on the Hon. Neil Oliver, because he happened to have been in the Army. Once one is a commissioned officer, one is always a commissioned officer, so a card has to be kept in case there is another conflict.

The Hon. D. K. Dans: So it is kept there, but the point I was making is that the information is spread around.

The Hon. G. C. MacKINNON: I would not be surprised to find that in the archives of the union of which the Hon. Des Dans was an eminent officer, there is a file.

The Hon. D. K. Dans: No there isn't—not one of those files.

The Hon. G. C. MacKINNON: It might show holidays and things like that.

The Hon. Lyla Elliott: Have you ever viewed any file other than your own personal file?

The Hon. G. C. MacKINNON: That is my business.

The Hon. D. K. Dans: He is on record a moment ago as saying that he did.

The Hon. Lyla Elliott: You have been a Minister—

The Hon. G. C. MacKINNON: Of course I have been a Minister, and one of these days, if a sufficient number of the population are foolish enough to change the way they vote, the honourable member might have that right.

The Hon. D. K. Dans: By that time we will all have balls and chains on our legs.

The PRESIDENT: Order! The Minister may proceed.

The Hon. G. C. MacKINNON: That is the sort of extravagant statement I am referring to. To say that the mere keeping of files on people, for whatever purpose—

The Hon. D. K. Dans: You use the most extravagant language of anybody in this House.

The Hon. G. C. MacKINNON: —will lead us inevitably to having balls and chains on our legs is quite absurd. The majority of files kept on people are kept for the benefit of those people.

The Hon. D. K. Dans: Why did you not say that in your answers?

The Hon. R. Hetherington: You are putting up a smokescreen again.

The Hon. G. C. MacKINNON: These files indicate benefits that people are entitled to. They might show such things as the date of commencement, entitlement to long service leave, and the date when examinations were passed.

The Hon. D. K. Dans: Come on, you are wriggling off the hook now.

The Hon. G. C. MacKINNON: I am not wriggling off the hook, I am stating an absolute fact.

The Hon. D. K. Dans: You made a statement that you have seen files—that is disgraceful.

The Hon. G. C. MacKINNON: Of course I have seen files.

The Hon. Lyla Elliott: People's personal particulars?

The Hon. D. K. Dans: I will check *Hansard* very carefully.

The Hon. G. C. MacKINNON: Ministers are one of the few categories of people who have access—

The Hon. D. K. Dans: To the files of the special branch.

The Hon. G. C. MacKINNON: Of course not. The Leader of the Opposition knows that.

The Hon. D. K. Dans: But you didn't say that before.

The Hon. G. C. MacKINNON: I did say it.

The Hon. O. N. B. Oliver: You read *Hansard*.

The Hon. D. K. Dans: I'll do that all right.

The Hon. G. C. MacKINNON: The trouble with the honourable member who raised this subject—

The Hon. R. F. Claughton: The trouble is you want to get away from the point.

The Hon. G. C. MacKINNON: —is that he starts thinking on one track and does not listen to what is said. I have not been the Minister for Police.

The Hon. D. K. Dans: The trouble is your tongue gets in front of your brain.

The Hon. G. C. MacKINNON: If my memory serves me correctly, even the Minister for Police and Traffic has not seen any of the files that Mr Dans is talking about. However, if one happens to be for the time being the titular or administrative head of a particular department, then one has certain rights. The files of that department are open to one.

I made it quite clear, but the Leader of the Opposition is so obsessed with this matter he is on about—

The Hon. R. Hetherington: You are saying something entirely different.

The Hon. D. K. Dans: I have two obsessions—fishing and the special branch.

The Hon. G. C. MacKINNON: I will come back to that point. There are few Governments in the world that allow questions about security matters. Indeed, the national Parliament of this country does not allow such questions. The United Kingdom is another country that does not permit these questions, and I have no doubt the majority of Governments would fall into this category. The Leader of the Opposition is a well-informed man, and we all acknowledge that.

The Hon. D. K. Dans: Here I am going to be assassinated by flattery once more.

The Hon. G. C. MacKINNON: I am not flattering him, not in any way at all.

The Hon. D. K. Dans: He who sups with the devil should use a long spoon.

The Hon. G. C. MacKINNON: I do not feel like flattering him, but I made a plain statement of fact. So it follows with absolute logic, that when he had asked a few questions he knew, given a few more questions to answer, this would be the result.

The Hon. R. G. Pike: Quite right!

The Hon. G. C. MacKINNON: With that knowledge, and with careful planning, he worked the situation so that at the appropriate time the responsible Minister said, "That is enough."

The Hon. D. K. Dans: You don't think I'd do a thing like that!

The Hon. G. C. MacKINNON: The Leader of the Opposition did it last night. I think the mistake that the Deputy Premier made was to let his natural kindheartedness run away with him a little. He answered a couple of questions.

The Hon. D. K. Dans: He is all heart!

The Hon. G. C. MacKINNON: The Leader of the Opposition took advantage of him and he asked more and more questions. Then last night he must have asked a dozen questions.

The Hon. D. K. Dans: But you gave me a list of how many questions I am allowed to ask each week.

The Hon. G. C. MacKINNON: He must have known the time had come; he had reached his objective and he had worn out the patience of the Minister for Police and Traffic. The Minister then requested me, on his behalf, to say, "Thus far and no further".

The Hon. R. F. Claughton: Just outright arrogance.

The Hon. G. C. MacKINNON: No Minister is under an obligation to answer questions. In this House we have an understanding that we will answer questions and, indeed, we answer questions with what is little more than amazing alacrity.

The Hon. Lyla Elliott: You don't do a very good job.

The Hon. G. C. MacKINNON: As a matter of fact we do. Let us look at the situation in some other places. In Tasmania all the questions are collected together and once a week they are considered by Cabinet, and if my information is correct, most of the questions are answered by letter, and not on the floor of the House. I believe Mr Hetherington has undertaken some research on this matter, because of a comment he made the other day. Any fair-minded person who examines the way questions are answered here would proffer an accolade to this Parliament. I am not talking about the Government or the Liberal Party, but the Parliament.

The Hon. D. K. Dans: You are making a longer speech than Mr Hetherington.

The Hon. G. C. MacKINNON: That is because there have been so many interjections. The way questions are answered here is really quite good.

The Hon. R. Hetherington: In general.

The Hon. G. C. MacKINNON: However, when someone starts the sort of nonsense that Mr Dans did, where he asked a great number of questions knowing they were all out of order anyway, I think we have to call a halt. It would not have mattered whether he had asked questions about tomatoes or about any other subject, he would have been told the same thing. As it happened, the question was about a forbidden subject and I thought it was time to call a halt. I was quite happy to stand up and give the answer I gave yesterday when I said that no more questions dealing with the specific area of security in this State would be answered.

The Hon. D. K. Dans: In the public interest!

Question put and passed.

House adjourned at 5.23 p.m.

QUESTION ON NOTICE

PREVENTION OF CRUELTY TO ANIMALS

Legislation

118. The Hon. LYLA ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

(1) Has the Minister received a communication from the Minister for Agriculture concerning the need for legislation to amend the Prevention of Cruelty to Animals Act to control the setting of steel jawed traps in the metropolitan area?

(2) If so, what action does he intend to take on this matter?

The Hon. G. C. MacKINNON replied:

(1) and (2) The Minister has received a letter from the Minister for Agriculture informing him that the Hon. Member had been advised that it was the Crown Law Department opinion that appropriate legislation concerning the Hon. Member's query related to steel traps would be the Prevention of Cruelty to Animals Act. The Minister has received no specific submission from the Hon. Member.

119 *This question was postponed.*

QUESTIONS WITHOUT NOTICE

PREVENTION OF CRUELTY TO ANIMALS ACT

Amending Legislation

1. The Hon. LYLA ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

The Minister did not answer the second part of my question on notice. It did not refer to what I was going to submit to the Minister—

The PRESIDENT: Order! Will the honourable member ask the question?

The Hon. LYLA ELLIOTT: What action does the Minister for Police and Traffic intend to take as a result of the advice received from the Minister for Agriculture?

The Hon. G. C. MacKINNON replied:

Part (1) of the Hon. Lyla Elliott's question on notice was—

> Has the Minister received a communication from the Minister for Agriculture concerning—

The reply from the Minister for Police and Traffic, as read by me a moment ago, was to the effect that he had received a letter from the Minister for Agriculture informing him that the Hon. Lyla Elliott had been advised it was the opinion of the Crown Law Department that the appropriate legislation concerning Miss Elliott's query relating to steel traps would be the Prevention of Cruelty to Animals Act.

That really answers that part of the question which asks, "Has the Minister received a communication from the Minister for Agriculture concerning the need for legislation to amend the Prevention of Cruelty to Animals Act?" The Minister has received no specific submission from Miss Elliott herself. Miss Elliott continued, "If so, what action does he intend to take on this matter?" The Minister for Police and Traffic received a letter from the Minister for Agriculture informing him that Miss Elliott had been advised that that is the appropriate legislation and thought is being given to the matter. That is about as far as I can go. The honourable member has the facility of asking additional questions if her question has been insufficiently precise to elicit the information she really required.

PREVENTION OF CRUELTY TO ANIMALS ACT

Amending Legislation

2. The Hon. LYLA ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

> Will the Minister advise whether he is prepared to obtain an answer from the Minister for Police and Traffic concerning the second part of the question on the notice paper?

The Hon. G. C. MacKINNON replied:

No. The honourable member can place a question on the notice paper.

The Hon. Lyla Elliott: It is already on notice.