

Legislative Assembly

Thursday, the 23rd August, 1979

The SPEAKER (Mr Thompson) took the Chair at 2.15 p.m., and read prayers.

FREMANTLE-PERTH RAILWAY: CLOSURE

Public Opposition: Suspension of Standing Orders

MR DAVIES (Victoria Park—Leader of the Opposition) [2.17 p.m.]: I move, without notice—

That so much of Standing Orders be suspended as is necessary to enable this House to consider the motion "that the Government should urgently reconsider and suspend its decision to close the Perth-Fremantle passenger railway service on September 2 in the light of overwhelming public opposition to the closure as revealed by the public opinion poll published in the *Daily News* of Thursday, August 23, 1979."

I take this action, Mr Speaker, because, as you would be well aware, the evening newspaper came onto the street shortly after midday today. When an article in that paper was brought to my attention I thought it was serious enough to debate as a matter of urgency in this Parliament. I wrote a letter to you which was delivered about 12.10 p.m. It was as follows—

In accordance with Standing Order 48 I hereby give notice that when the House sits today I propose to move for an urgency debate in accordance with Standing Order 47.

I propose to move the motion "that the House do now adjourn" for the purpose of debating a matter of urgency, namely the urgent need for the Government to reconsider and suspend its decision to close the Perth-Fremantle passenger railway service on September 2 in the light of overwhelming public opposition to the closure as revealed by the public opinion poll published in the *Daily News* of Thursday, August 23, 1979.

I submit that this is a definite matter of urgency requiring an immediate debate in the House because the proposed closure date is only 10 days away and if the passenger service is to be retained after September 2, the Government will have to initiate measures forthwith. For this reason, the debate cannot be postponed until the next private members' day.

You, Mr Speaker, were good enough to reply to me. I received your letter at 2.16 p.m., and it reads as follows—

In reply to your letter of to-day's date concerning your request for a debate on the question "that the House do now adjourn" under the provisions of Standing Order No. 47, I indicate that I do not propose to place this matter before the House, as I believe that such a debate would not be orderly under the provisions of Standing Order No. 48 and the established precedents of this House.

The subject of the closure of the Perth-Fremantle Passenger Railway Service has been debated on two previous occasions during this current Session.

Should you or any other Member desire to raise the matter again, it is quite competent to give notice of a substantive motion which could be debated on Wednesday next, 29th August, the next private members' day.

With due respect, Mr Speaker, I want to make one correction to your letter. The matter has not been debated twice; it has been debated on three occasions during the present parliamentary session. It was debated by way of an amendment to the Address-in-Reply; it was debated during an urgency motion on the 17th May; and when the Parliament resumed for the spring session it was again debated, in a slightly different form, as a further amendment to the Address-in-Reply. You were good enough, Mr Speaker, to let the debate proceed on each occasion.

Having received your decision, of which I was not aware until we had actually taken our places in the House, I felt the matter was urgent for the reasons stated; namely, the 2nd September is extremely close, and vital new evidence became known to the Government and the public, generally, only at midday today.

The SPEAKER: Order! I ask the Leader of the Opposition to resume his seat so that I may make one or two points.

In the first place, it may be true that the letter you wrote me was delivered at the time you said, and I do not dispute that at all. It is a fact that at the time it was delivered I, accompanied by a number of members of this House, was with His Excellency the Governor delivering to him the Address-in-Reply.

I left Government House directly to go to my electorate to pass on congratulatory messages to a former constituent of mine who turns 100 tomorrow, and I did not get back to the House until just before the ringing of the bells. Because I thought I might be a little late, earlier today, probably around 9.00 a.m., I arranged with my deputy to be prepared to go into the Chair to open

today's proceedings. That is not your fault but they are the facts of the matter as far as that is concerned.

In your letter you made reference to an article in today's issue of the *Daily News*. I have not seen today's *Daily News*, and that is not your fault either. Therefore I was not in a position to judge whether or not the degree of urgency to which you refer existed.

My obligation to this House is to ensure the Standing Orders are applied fairly and as they ought to be. Although you see some degree of urgency based on something which appears in the *Daily News*, I have not seen the newspaper. I did not have the opportunity to see it before I had to reply to you, and if you received your reply at 2.16 p.m. I am sorry, but my secretary was still typing it at 2.14 p.m. They are the circumstances surrounding the exchange of letters between me and the Leader of the Opposition.

The Leader of the Opposition.

Mr DAVIES: Thank you, Mr Speaker. I was aware of the fact that when we delivered the letter you were at Government House and would not be coming back. For that reason, and believing that a situation such as has developed could develop, I prepared an alternative measure which might get this matter before the House. I hope you do not think I was critical of you, Mr Speaker. I was aware of the circumstances and I would like to join with you in congratulating the lady who will reach 100 years tomorrow.

The SPEAKER: It is a man.

Mr DAVIES: He has lived for two-thirds of the time the State has been settled by Europeans.

Coming back to this matter, I should imagine many people would not have seen the *Daily News*, neither the front page nor the back page which carries a remarkable facsimile of the Deputy Premier. But the fact remains that more interesting to me is the front page which indicates that specifically at the request of the *Daily News* a poll has been conducted by the leading researchers, McNair Anderson Associates. The information which has come forward is that something like 82 per cent of people oppose the closure of the Perth-Fremantle railway service. I will read the exact figures; I do not want to misquote to the House. The figures are: favour closure 11 per cent, oppose closure 82 per cent, undecided 7 per cent. Almost as many people were undecided as were in favour of closing the line. That adds up to 100 per cent. That is a very significant proportion of the population.

The Government might say the poll was taken over only 400 people, and the Premier has been

known at times to say he disregards Gallup polls. However, in view of the overwhelming public feeling which has developed in regard to the closure of the Perth-Fremantle railway—a very realistic feeling—and in view of some of the evidence which has come forward in the last couple of days—some conflicting evidence, I might say, with which I shall deal in a minute or two—I felt the House would welcome the opportunity to consider this most important matter.

I understand these Gallup polls are taken scientifically to give a very proper reflection of the general attitude of the population. Generally, the result obtained from polling 400 people is exactly the same as the result which would have been obtained had 1 000, 2 000, or the entire population been polled. Give or take some adjustments, I suppose that is generally accepted.

It is true we use figures to our own advantage at times, and it is true the figures can reflect a great victory for the Friends of the Railways. Because it is new information, because it has been made public only within the last two hours, and because it is a very serious reflection of the public feeling on this matter, I believe the Government should be prepared to debate this issue, and then go on to debate the motion—

that the Government should urgently reconsider and suspend its decision to close the Perth-Fremantle passenger railway service on September 2 in the light of overwhelming public opposition to the closure as revealed by the public opinion poll published in the "Daily News" of Thursday, August 23, 1979.

That is the matter which must be debated. There is no need to go over the whole of the debate that has taken place since the Government announced its decision in the middle of January of this year. We do not want to consider everything that has transpired since then; we simply want to consider whether the public of Western Australia wish this service to remain. If the public do want the service to remain, then the Government should bow to the wishes of a majority of the electorate.

It is all very well for the Government to say, "We know what is good for the public and we know what is bad for it." It is all very well for the Government to say, "We are the elected Government, and we will govern." Government is good government only if it can reflect adequately the wishes and the feelings of the public, whether they be good or bad for the Government. Surely to goodness the people of Western Australia should be allowed to live in a State in which they

feel they are part of the community and are not being dictated to.

The poll published today is the most telling and pressing piece of evidence to come forward in the whole of this debate; and I have been very much concerned about the way the debate has been conducted over the past few days. In the Press this morning the Minister for Transport is reported as saying the railway unions voted 2:1 against going on strike over this issue. Yet no vote has ever been taken by the railway unions on the issue. The Minister's statement was not based on fact because it is just not true; yet it was given a headline in the paper this morning. If the Government wishes to resort to that kind of tactic in order to have its way, then it is time the matter was debated again in this Parliament.

I will not stand for the Minister for Transport deliberately misleading the Parliament. Where is his evidence that a vote was taken and the result was 2:1 against striking over this issue? No such vote has ever been taken, and if someone is feeding the Minister with information the Minister should refer back to his informer and tell him he is leading the Minister up the garden path. Certainly he is not being led up the railway line because it will not be there much longer if the Government has its way.

The fact remains that the Minister has misled the Parliament, and I am certain he knew what he was doing. In answer to a question yesterday he said also that the Friends of the Railways had not at any time dealt with the cost of signalling which would be associated with the electrification of the system. That is a complete and absolute untruth, because the Friends of the Railways dealt with that matter in the second submission they presented to the Minister at his request; and the Minister specifically posed the question of the cost of signalling. The Friends of the Railways gave him the information, but now the Minister says the matter has never been considered by them.

What kind of Minister is this who in one day when answering a question is able to mislead the House twice within 10 minutes?

Withdrawal of Remark

Mr RUSHTON: Mr Speaker, if the Leader of the Opposition wishes to make a case he should make it in reasonably accurate language. I object to the statement that I have misled the House.

Mr McIVER: It is spot on. You misled the House.

The SPEAKER: Order! I am not prepared to rule that the expression used by the Leader of the

Opposition was unparliamentary. The term has been used previously. The point I would like to draw to the attention of the Leader of the Opposition is that he appears to be debating a motion that will come before the House in the event of the one he has moved being carried. I would ask him to confine his remarks more closely to the motion before the Chair.

Debate Resumed

Mr DAVIES: I certainly acknowledge your ruling and direction, Mr Speaker. I am always happy to do so.

I simply wanted to make the point in respect of the poll reported in the *Daily News* of today's date, and to point out that statements made by the Government, and particularly the Minister for Transport, which are reported in this morning's Press are not true. Therefore, over and above the information detailed in this afternoon's newspaper, I think we should debate the question of the closure of the railway with a view to getting the Government to change its mind. I want to point out also—as I have done once already—that it seems the Government will stop at nothing in an endeavour to prove to the public that it is right and that 82 per cent of the people are wrong. That is not a situation we can accept.

According to the newspaper report, the last time a poll of this nature was conducted was in respect of the demolition of the Barracks Arch, and it was not a scientific poll. In that case an edition of the *Daily News* carried a coupon and readers were encouraged to say whether or not they were in favour of the demolition of the arch. The coupon was printed in only one newspaper, and 9 681 people voted to keep the arch, whilst 1 354 voted for its demolition.

There is damning new evidence to support the retention of the Perth-Fremantle railway. I regret to say the Government has misled this House in the past 24 hours. As the date for the closure of the railway is very close, we have a responsibility to discuss every aspect of this most important matter which has now assumed huge proportions as a result of the poll published in the *Daily News*.

Mr Rushton: They could get only 70 to attend a meeting.

Mr DAVIES: I am happy to talk about that aspect. I would like to ask the Minister how it was that something like 3 000 people—not 1 500 as was reported—attended the meeting on the Esplanade. I would like to know where was the Minister on that occasion.

The Friends of the Railways had speakers at that meeting of 70 people to which the Minister

referred. Certainly the group sent along speakers to put its side of the case; but the Minister was not game to front up at the Esplanade last Saturday to put his case.

Mr Shalders: He was not carrying a Labor Party ticket, so he couldn't go there.

Mr DAVIES: Thank goodness for that.

Mr Shalders: Are you saying, "Thank goodness he wasn't there"?

Mr DAVIES: I am thankful the Minister does not carry a Labor Party ticket because he would be no asset to the party. He was the greatest Minister for Local Government we have ever seen, but the Premier sacked him and moved him on. He has carried his disaster with him; I refer to his stubborn refusal to acknowledge the overwhelming public support for the retention of the Perth-Fremantle railway.

The Government might be there to govern, but it is there also to acknowledge the wishes of the electors and the population, generally.

Mr Tonkin: That is a democratic concept.

Mr DAVIES: I am sorry if it is democratic, and I am sorry if this House is not used to dealing with democracy. I believe the House should carry the motion.

SIR CHARLES COURT (Nedlands—Premier) [2.39 p.m.]: Mr Speaker—

Point of Order

Mr TONKIN: Mr Speaker, does the motion require a seconder?

The SPEAKER: No, it does not.

Debate Resumed

SIR CHARLES COURT: The motion moved by the Leader of the Opposition asks that so much of the Standing Orders be suspended as is necessary to enable this House to consider a motion the Leader of the Opposition would like to move. That is the question before the Chair, and I think it would not be a bad thing if I were to follow the Speaker's reminder to the Opposition that that is the matter we are debating. My understanding of the situation is that the motion before the Chair requires a constitutional majority.

If I have established that point for a start, I will go on to deal with the reasons that are given. Without question, this is just a cheap political gimmick that does the Opposition no good at all. It does the Opposition no credit when it wants to make a nonsense of the procedures of the House.

I remind members of the Opposition that this Parliament is more generous than any other

Parliament I know in the granting of time to the Opposition and to back-bench members for the asking of questions, for the presentation of motions, and for presenting appropriate Bills to the House.

Mr Tonkin interjected.

SIR CHARLES COURT: Just be quiet.

Government members interjected.

Point of Order

Mr O'CONNOR: On a point of order, Mr Speaker: we have tremendous difficulty at this end of the Chamber at all times when listening to debates and the member for Morley continually interjects.

The SPEAKER: Order! I say to the Minister that I agree with him about that. I would also make the comment that not all the interjections in the last exchange came from the Opposition benches. The Premier.

Debate Resumed

SIR CHARLES COURT: I want to make the point that the Opposition is abusing the forms of the House, and is making a nonsense of the procedures. There is no doubt that the Government permits time to the Opposition and to back-benchers for the presentation of questions, for the presentation of motions, and for the presentation of appropriate Bills.

Mr Bateman interjected.

SIR CHARLES COURT: If the Opposition wants to pull this sort of stunt—

Mr Bateman interjected.

SIR CHARLES COURT: —and take away from the legitimate time available to the House for the presentation of its business—

Mr Bateman interjected.

The SPEAKER: Order!

SIR CHARLES COURT: —then the Government would have no alternative but to consider the amount of time that is taken on these issues. The Government has a responsibility to the Parliament and to the public—

Mr Bateman interjected.

The SPEAKER: Order!

SIR CHARLES COURT: I remind the Leader of the Opposition that next Wednesday is private members' day. If he gave notice of this motion today or on Tuesday, there would be no difficulty in his arranging for the matter to be the first cab off the rank so far as the notice paper is concerned. That would still be before the time for the closure of the Fremantle-Perth railway. I

want to remind him also that many days and much time have been spent in this House in asking questions on this particular issue. If the Opposition has not exhausted all of its questions now, there is something wrong with it.

Mr Davies: We have a lot more yet. Don't worry.

Sir CHARLES COURT: The Leader of the Opposition has also said, by way of correcting you, Mr Speaker, that this matter has not been before the House twice; it has been debated thrice. I want to say that there has been no lack of opportunity for this matter to be discussed during this session and in this Parliament.

Mr Bateman: You are too bull-headed to take notice of anyone.

Sir CHARLES COURT: This Government and I have made it clear that we are not a Government that makes decisions based on polls. I gather from what the Leader of the Opposition has said, and the way he responds to polls, that if he were head of a Government and the Cabinet was meeting, he would send the office boy out to find out what the latest opinion poll on the matter showed before the Cabinet could make its decision.

I want to say quite clearly that this Government does not make decisions based on polls—public opinion polls conducted by newspapers or anybody else.

Opposition members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: I want to remind the Leader of the Opposition that the public opinion poll was taken by the newspaper which was responsible for much of the climate of antagonism and opposition to the Government on this issue.

Mr T. H. Jones: Blame anybody bar yourself.

Sir CHARLES COURT: The opinion poll was conducted in such a way that the result would be quite predictable. No-one asked any questions about whether people would prefer to subsidise a bus fare of 26c per ride or a rail fare of \$1.14 per ride. Questions like that, or whether the people prefer a service operated by buses which use only half the fuel of the train service, are not asked.

Mr Pearce: They carry a quarter of the passengers. What sort of economy is that?

The SPEAKER: Order!

Mr T. H. Jones: What about the availability of fuel in the long term?

Sir CHARLES COURT: I want to say again, because of this—

Opposition members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: It reflects the shallowness, the hollowness, and the hypocrisy of the Opposition in raising this matter at this time. There are plenty of facilities available to the Opposition if it wanted to discuss the issue in an appropriate way. It is an extraordinary thing that the reason given by the Leader of the Opposition for wanting to invoke the suspension of Standing Orders is that he picks up the paper—we all say, "Surprise, surprise!"—

Mr Bateman: It is the view held by 82 per cent of the people in Western Australia.

Sir CHARLES COURT: It shows the reflection of opinion of 400 people. The Leader of the Opposition says, "Goody, goody, goody. At last I have something I can raise again." Now he wants to suspend the proceedings of this House, when we were to deal with a particular Bill—

Mr Davies interjected.

Sir CHARLES COURT: I want to remind the Leader of the Opposition that, if he has such faith in the McNair Anderson organisation, it is the organisation which conducted a poll showing that about 80 per cent of union members considered their leaders were completely out of touch with their members.

Mr Davies: But I am not a union leader.

Opposition members interjected.

Sir CHARLES COURT: It is the same agency which took a poll—

Opposition members interjected.

The SPEAKER: Order! The House will come to order.

Sir CHARLES COURT: It is the same organisation which conducted a poll which showed that the average member of the community, on the basis of roughly 80 per cent, if I remember correctly—and I am speaking from memory—wanted to be rid of compulsory unionism. I sincerely hope that the Leader of the Opposition will be consistent where a poll reflects public opinion contrary to his views when we are debating another issue.

I raise another point which I think is more pertinent than any other. I go back a few weeks to the time when the Opposition was screaming for Parliament to be called together as a matter of urgency because it wanted to have amendments to the Police Act passed forthwith—

Opposition members interjected.

Mr Bateman: They named Gordon Bennett, "Run rabbit run"; and that is certainly what you did.

Sir CHARLES COURT: The Opposition wanted to have amendments brought before the Parliament—

Oppositions members interjected.

The SPEAKER: Order!

Mr Pearce interjected.

Sir CHARLES COURT: Could I make the point—

Mr Bateman interjected.

The SPEAKER: The member for Canning and the member for Gosnells seem to be interjecting fairly frequently; and I would ask them to give the Premier the liberty of addressing the House without continual interjections.

Mr Pearce: He is being very provocative.

Sir CHARLES COURT: I make the point it is only a few weeks since the Opposition was screaming its head off that the Parliament ought to be convened forthwith so that a Bill could be presented to amend the Police Act. The Government did its job. The Attorneys General of the Commonwealth and the State met and made their report. The Government presented the public and the Parliament with a Bill to amend the Police Act, which we wanted to go through with reasonable despatch—

Mr Barnett interjected.

Government members interjected.

Sir CHARLES COURT: And so the Bill has been—

Point of Order

Mr BATEMAN: We can't let this go on. Point of Order. The Premier is not talking to the motion in any way whatsoever. It is wrong. It is ridiculous.

The SPEAKER: Order! I never fail to be amazed at the Points of Order taken on that particular issue. The Premier is about as close to debating the question as was the Leader of the Opposition. The Premier.

Debate Resumed

Sir CHARLES COURT: I submit the point I am making is pertinent to the question that there is a matter of urgency which merits the suspension of Standing Orders. I therefore return to the point that a few weeks ago the Opposition was screaming its head off for Parliament to be reconvened so that a Bill could be introduced. The Government had to bring down suitable amendments. It brought down the amendments, and they are now before the House.

In view of the fact that the Opposition has some amendments on the notice paper, it was agreed that the matter would be debated today. It was intended that the amendments be debated today.

Point of Order

Mr BATEMAN: Point of Order. Surely to God you will not let him get away with it—

A Government member interjected.

Mr BATEMAN: I won't sit down for you or anybody else.

The SPEAKER: The member will resume his seat.

There is no point of order.

Mr BATEMAN: You won't let him get away with that, Mr Speaker. I will disagree with your ruling.

Debate Resumed

Sir CHARLES COURT: If the Opposition were sincere in its desire to have the Police Act amended, it would be anxious to press on with its amendments today and explain them to the House—if the Opposition regards its amendments as important. It has been given ample time to consider the Bill and to place its amendments on the notice paper. Therefore, if members opposite were genuine and if this were not just a straightout political stunt, they would want to continue with the Bill.

Mr Bateman: You are nothing but a stunt man. You are the best stunt man this House has ever seen.

Mr H. D. Evans interjected.

Sir CHARLES COURT: I should like to return to the point that, if the Opposition were genuine and sincere, it would want to deal with this matter. If members opposite were sincere they would not have moved this motion. They would want to continue with the debate on the Police Act Amendment Bill, a Bill which a few weeks ago they regarded as being "momentous" and of "vital importance". They behaved as if the whole world would collapse around their ears.

Mr Davies: We will wait another day for that.

Sir CHARLES COURT: If members opposite were sincere they would want to continue with this parliamentary session and debate the amendments to the Police Act.

I oppose the motion.

Mr Davies: What a poor show!

MR McIVER (Avon) [2.52 p.m.]: I support the motion before the House. As outlined by the Leader of the Opposition, this is the most

important issue exercising the minds of the people of Western Australia today. People from all walks of life regard this matter as being of vital importance. Approximately a week ago a meeting of fruitgrowers was held at Balingup and among the subjects under discussion was the closure of the Perth-Fremantle railway line.

This is indicative of what is happening around the State at the present time. It is an important issue and if you, Sir, allow the debate to continue you will not be setting a precedent. I recall on a previous occasion in the House when the Tonkin Government was in office the member for Murchison-Eyre was permitted to discuss a matter relating to a drought which had affected the people in a particular area of Western Australia for two years. It certainly would not be out of order for you, Sir, to allow the debate on the motion to proceed.

The SPEAKER: I should like to inform the member for Avon that there is no question about whether or not I ought to be allowing the debate to proceed. The matter which was raised with me by the Leader of the Opposition in a letter which I received today has been dealt with and the Leader of the Opposition has resorted to a different course of action to raise the issue in the House. What we are debating now is a motion for the suspension of Standing Orders to deal with a matter which the Opposition seems to think is very urgent.

Point of Order

Mr TONKIN: It seems to me the member is talking about that particular Standing Order which is Standing Order No. 48, because that is the reason it has been necessary to move the motion. It is part of the argument.

The SPEAKER: The member for Avon.

Debate Resumed

Mr McIVER: I should like to return to the real essence of the motion we are discussing. This matter is exercising the minds of all people throughout Western Australia. When one reads the headlines in the *Daily News* today the amount of concern about the issue is evident.

The Premier took the Opposition to task and said this was a political gimmick and a lot of nonsense. The Government has been saying that since the announcement was made on the 15th January. That is all Government members have been saying. The Premier says the Opposition is talking nonsense and trying to make political capital out of the matter.

Is it not the responsibility of the Opposition in this Parliament to point out the shortcomings and detrimental effect the closure of the line will have on the people of Western Australia? Is that not our primary responsibility?

This is even more important after the statement made by the Minister in this House last night. The Minister blatantly misled the House by giving information which he was supposed to have received from someone. It was utter nonsense. The Minister informed the Parliament of a vote on a strike, but what did that have to do with the closure of the Perth-Fremantle railway line? The Minister should be taken to task for his remarks, irrespective of what is contained in the *Daily News*. The Minister owes the Parliament and the people concerned an apology.

Mr Nanovich: No he does not.

Mr McIVER: The Minister is talking about an organisation which does not exist. He spoke about a railway union which has never existed. How can he obtain such information? The Minister must be censured and challenged seriously on that issue alone.

This matter is very important because it affects a large number of the people of Western Australia. Many of them are directly involved, because the closure of the line affects their livelihoods and future employment. Is it any wonder that the State is in an uproar at the present time? It was nonsense for the Premier to say that the rally on the Esplanade was political. I spoke to a number of people who were there. The Premier may laugh—

Sir Charles Court: I have seen the pictures in the paper.

Mr Davies: They are misleading themselves.

Mr McIVER: After the rally a number of people spoke to me. They said they had been Liberal supporters all their lives and some of them had contributed large sums to the Liberal Party over a long period of time; but, because of the fiasco at Cottesloe last Thursday night, they were no longer prepared to be associated with the Liberal Party.

Mr Bateman: Another stunt trick.

Mr McIVER: Not only Labor Party supporters attended the rally, but also a number of railway personnel were there. Those who attended the rally included people who support the philosophies of the Labor Party; but I would like to emphasise that a number of the people who used to support the philosophies of the Liberal Party attended it also. We must realise this is an important issue today.

Members opposite can laugh about the matter; but I would like to see an election held this Saturday. We would welcome it with open arms. We would see the smiles on the faces of members opposite disappear then.

I can remember a situation which occurred some years ago when the Labor Government was in a similar situation to that in which the Liberal Government finds itself today. The Hawke Government was facing difficulties over the ASG issue. An election was held and the Government was defeated soundly. It was not supported by traditional Labor Party voters who had supported Mr Hawke, Mr Tonkin, and the Labor Party for years. When the Labor candidates went visiting their constituents, the doors were slammed in their faces. The same situation will occur when this Government goes to the polls, because of its stance on this very important issue.

I do not wish to labour the point. This issue is most important; therefore we should be allowed to debate it today. We should be able to take the Minister to task for the statements he made last night, because they are unadulterated rubbish and totally incorrect.

Mr Pearce: Mr Speaker—

MR O'NEIL: (East Melville—Deputy Premier) [2.54 p.m.]: I move—

That the debate be adjourned.

Several members interjected.

The SPEAKER: Order! Would the member for Gosnells resume his seat? I should like to point out there is no requirement on the Chair to give the call to the first person who gets to his feet. It is for the Speaker to determine who shall speak next. If a member upsets the Speaker in the House of Commons, the Speaker conveniently does not see that member for as long as six or eight months.

Sir Charles Court: We had better try that here.

Mr Jamieson: We cannot. He is not far enough away.

The SPEAKER: Order! The Deputy Premier has moved that the debate be adjourned. I will put the question.

Point of Order

Mr JAMIESON: Before you put the question, I should like to raise a point of order.

The SPEAKER: I will deal with the point of order.

Mr JAMIESON: If the motion moved by the Deputy Premier is passed, I should like to know where this matter will be listed on the notice paper. I would like to know when debate will

continue on the matter, because it is a motion to suspend Standing Orders today.

Mr Bateman: Yes! Yes!

The SPEAKER: Order! Did the member for Canning miss lunch today?

Mr Bateman: They are applying the gag!

The SPEAKER: The motion will be listed among the other items of business under the heading of, "Private Members' Business" which, of course, comes within the influence of the Leader of the Opposition.

Mr JAMIESON: Under those circumstances, I intend to submit that you are out of order in accepting the motion moved by the Deputy Premier, because the motion to suspend Standing Orders deals with a matter which must be decided today. It is the Government's prerogative to close the debate in another way which is open to it, if it so desires.

This is a motion for the suspension of Standing Orders on this day. The matter cannot be listed for continuation of debate after this day, I submit, because "this day" will have disappeared.

We have to clear up the matter at this juncture. I submit that you should reconsider the situation in which you accept this motion, Sir. If you do not reconsider it, the position will be ludicrous. You have accepted the motion to do something which this House cannot do, because it cannot consider the suspension of Standing Orders.

Speaker's Ruling

The SPEAKER: I see absolutely no difference between a notice being given to suspend Standing Orders on one day and continuing the motion for the suspension on another day and this motion being left for consideration on a later sitting day.

The Deputy Premier has moved that the debate be adjourned. It is a motion I properly should accept, and I now put the question.

Adjournment of Debate

Debate (Adjournment of Debate) Resumed

Motion (adjournment of debate) put and a division called for.

Remarks during Division

Mr Davies: This is just another expression of contempt for the electors.

Mr Jamieson: The Premier thinks he is paying the bills. He is not. The electors of Western Australia are entitled to a hearing. You are in government only for the time being.

Mr Davies: You could have defeated the motion with your numbers after having talked it out, but you are not game to let it go forward.

Mr O'Neil: Why move it if you were aware we could defeat it?

Mr Davies: Because of the democratic process of Parliament; that is the reason, and to draw attention to what people are thinking.

Mr O'Neil: Last night you indicated you did not know the difference between Parliament and a public place.

Mr B. T. Burke: Do you intend to answer questions without notice?

Mr O'Neil: Not questions without notice asked by you.

Mr B. T. Burke: The copy you gave to the Press did not have anything crossed out. Did you know that?

Mr O'Neil: No, I did not.

Mr B. T. Burke: You do not mind giving uncensored copies to the Press.

Mr O'Neil: Perhaps I will not give copies to the Press in future. The Press can get the information from *Hansard*.

Mr B. T. Burke: Do not give the information to anybody, and see if we care.

Mr Tonkin: You treat this place as a joke.

Mr Davies: We thought the member for Moore might like to vote on this one. Now you have denied him the opportunity to do so. He should put his vote where his mouth is.

Mr B. T. Burke: A former Minister has been up at Wanneroo looking for a candidate during the last four months.

Result of Division

Division resulted as follows—

Ayes 28	
Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Rushton
Mr Crane	Mr Sodeman
Dr Dadour	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders

Noes 17	
Mr Barnett	Mr McIver
Mr Bertram	Mr Pearce
Mr B. T. Burke	Mr Skidmore
Mr T. J. Burke	Mr Taylor
Mr Carr	Mr Tonkin
Mr Davies	Dr. Troy
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman
Mr Jamieson	

(Teller)

(Teller)

Pairs

Ayes	Noes
Mr Grayden	Mr Bryce
Mr Old	Mr T. D. Evans
Mr Sibson	Mr T. H. Jones
Mr Ridge	Mr H. D. Evans

Motion thus passed.

Debate adjourned.

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgment

THE SPEAKER (Mr Thompson): I desire to announce that accompanied by the member for Murray (Mr Shalders), the member of Clontarf (Mr Williams), the member for Geraldton (Mr Carr), and the member for Yilgarn-Dundas (Mr Grill), I attended upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech in opening Parliament.

His Excellency has been pleased to reply in the following terms—

Mr Speaker and Members of the Legislative Assembly:

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

FREMANTLE-PERTH RAILWAY: CLOSURE

Minister's Statement: Debate

MR McIVER (Avon) [3.07 p.m.]: Mr Speaker, I rise to seek your guidance and opinion. What avenue is open to me, as a member of Parliament, to debate an issue in relation to a statement given in this Parliament last night by the Minister for Transport, which was blatantly incorrect?

THE SPEAKER: I am sure the member for Avon would know that it is within his right to give notice of his intention to move a substantive motion.

POLICE ACT AMENDMENT BILL

In Committee

Resumed from the 21st August. The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Neil (Minister for Police and Traffic) in charge of the Bill.

Progress was reported after clause 2 had been agreed to.

Clause 3: Section 52 amended—

MR DAVIES: I have an amendment to this clause which appears on the notice paper. Clause 3 deals mainly with directions which are given or directions which are taken. I feel it is important

that subparagraph (ili) of clause 3(a) should be amended. The subparagraph sets out that the Commissioner of Police may give such directions as may be expedient to him for causing all vehicles to proceed at a foot-pace by any building used for divine worship during the hours in which divine worship is being held on Sunday, Christmas Day, or Good Friday.

It seems very proper that that should be brought up to date. I am quite certain that provision has not been applied for many years.

Despite the fact that this Act has been amended several times in the 1970s, the Government has not gone through the Act to see whether certain parts should be deleted. That shows just how sloppy the Government's thinking is towards some of the legislation brought to this Chamber. I have complained about this on many occasions, and once again I want to repeat: I do not blame the Government's draftsmen, because they are only doing what the Government tells them to do.

These words have been in the Act for some considerable time. It might be necessary to have some such provision in the case of say, The Salvation Army which may be holding a procession or a service in the street. Incidentally that poses a question which I might put to the Minister for Police and Traffic now: In order to conduct its band performances and marches through the city to The Salvation Army Citadel or Fortress—I am not quite sure what it is called—does The Salvation Army need to obtain a permit either under the present section 54B or the proposed new section 54B?

It seems to me that The Salvation Army does hold public meetings; no-one is stopped from attending them. Indeed, people are encouraged to attend.

Mr Mensaros: They are not invited—that is the term.

Mr O'Neil: It is not a public meeting.

Mr DAVIES: But it is a public meeting. By interjection the Minister said that it is not a public meeting.

Mr O'Neil: We are talking about section 52.

Mr DAVIES: We are talking about passing places of worship.

Mr O'Neil: Your amendment on the notice paper has nothing to do with that.

Mr DAVIES: I have not come to that. I have just said that I am dealing firstly with subsection (1), and I read out the words that it is proposed to delete. I wish the Minister would pay attention.

Mr O'Neil: Don't get your knickers in a knot, old chap.

Mr DAVIES: They are not in a knot at all. I am trying to point out that the Premier was very anxious that we should debate this matter. He was surprised that we did not want to debate it, and indeed, he has now left the Chamber. That is how interested he is in the whole proposition.

Mr Laurance: He was called away, and you know it.

Mr DAVIES: I am not making any excuses for his presence or absence, but the fact is, he stood up to criticise people for actions they were taking, and in public life one must be prepared to be subjected to criticism. I am now criticising him.

Mr O'Connor: For doing what you do.

Mr DAVIES: For leaving the Parliament at a very important time, after he was very critical of us.

Mr O'Neil: I am in charge of the Bill.

Mr Young: Yesterday was private members' day, and at the commencement of proceedings you were not here. There was only one member on your side of the Chamber.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The Chamber will come to order.

Mr DAVIES: Certainly I was about five minutes late back from the tea suspension.

Mr Young: So was nearly every Opposition member.

Mr T. H. Jones: You are upset; settle down.

Mr O'Connor: What a hypocrite!

Mr DAVIES: It is not the first time I have been a little late, and certainly it will not be the last time. I think the Minister for Health is starting to get very testy over little things.

Mr Young: That sort of criticism is unbecoming of a Leader of the Opposition.

Mr DAVIES: It is the criticism just made of me by the Premier.

Mr Young: He never accused you of dereliction of duty for leaving the Chamber.

Mr DAVIES: He has mentioned it many times.

Mr O'Neil: Quote once. Quote one time.

Mr DAVIES: The Premier has stood up there many times and said it.

Mr O'Neil: Quote one time.

Mr DAVIES: Of course, I am not able to quote one time, but many times he has said it. Does the Minister want me to check through *Hansard* to find the occasions?

Mr O'Neil: I would love you to back up your allegation.

Mr DAVIES: I am sorry that he is not in the Chamber.

Mr O'Neil: Are you talking about the Premier?

Mr DAVIES: Yes.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The Minister will come to order. The Leader of the Opposition will relate his comments to the amendment under discussion.

Mr O'Neil: It is not an amendment at the present time.

Mr DAVIES: No, I am talking about the clause which proposes to amend section 52 of the Act. I am referring to subparagraphs (iii) and (iv) of paragraph (a) which is to delete words, and I commented on those words. I suggested that it might be opportune—as the words to be deleted refer to places of worship and Christian holidays—for the Minister to respond to the question I put to him as to whether there will be any restriction on The Salvation Army in the conduct of its band concerts. I do not know whether these concerts are still conducted in Forrest Place, but they involve a short sermon and a march from Murray Street up to The Salvation Army Citadel or Fortress.

Such a gathering is a public meeting, and certainly it is held in a public place.

If there will be no requirement upon The Salvation Army to obtain police permission for such a march under the provisions of this Bill, then it seems to me that anyone who wants to hold a public meeting in a public place could adopt the same procedure.

I am very proud to be the patron of the Southern Districts Band—one of the finest citizens' bands in the State—and I could obtain the services of this band for a get-together outside the memorial gardens in Victoria Park. We could hold a concert, preach a little politics, and march from there to my office. All I am asking is: Would I need to seek police permission? If not, then we need not bother to argue the Bill any further; all anyone would want is a band and a preacher. There would be no need to worry about police permission.

I would like the Minister to answer my query clearly and concisely so that I can reply to a letter I received from The Salvation Army. This letter is dated the 21st August, it is signed by Major Frank J. Linsell the Divisional Commander of The Salvation Army, and it reads as follows—

I am sure that I don't have to remind you that for nearly 100 years in Australia, The

Salvation Army have enjoyed a freedom which I trust any new amendment would alter.

I believe he means "would not alter". Perhaps I could have raised this query on any number of clauses, but as section 52 refers to places of worship I thought it provided an opportunity for the Minister for Police and Traffic to make a pronouncement on it. As I say, if The Salvation Army will not require a permit for such a procession, anyone wanting to hold a meeting can follow the same procedure and it will not be necessary to debate many of the clauses of this Bill. Indeed, we may finish up with better legislation than we anticipated.

I move an amendment—

Page 3, lines 25 to 27—Delete the words "such directions as may seem expedient to him to give effect to those instructions" with a view to substituting the following—"directions to give effect to those instructions, but no such direction shall be given for the purpose of frustrating the operation of section fifty-four B of this Act".

I believe the amendment is self-explanatory. I am sure the Minister has had time to have our amendments closely examined. Of course, they were checked by the Parliamentary Draftsman after the Opposition decided it would go on with them in view of the fact that it could see no virtue in the Government's Bill. We decided to go on with our amendments only after very close examination of the Bill. We wanted to be fair; we wanted the matter dealt with as expeditiously as possible. However, the issue has lost its urgency, with the cases being postponed until October. We wanted the matter cleared up immediately by way of decision of Parliament before the arrested persons came before the court.

We tried to be reasonable and not push the Government. We knew the Government was working on an amending Bill and we hoped it would be acceptable to us. That is the reason the Opposition did not proceed helter-skelter with the measure when Parliament resumed; we were trying to allow the proper processes of Parliament to apply. However, the matter ceased to be urgent when the cases were adjourned until October.

As I indicated the other night, the Premier hoped the cases might have been heard before the Government amended the Act; he seemed to be going about it in the opposite way to the Opposition. We wanted the Act amended before the cases were heard. Now, because of the adjournments, we are getting our way.

Unfortunately, however, the Act is not to be amended in the way we would like.

It is important that no directions shall be given under any circumstances to frustrate permits issued under section 54B. Whether or not the Government refuses to accept our amendments is of little consequence; this is an important safeguard and should be inserted into the Act, whether it is the Government's legislation or legislation the Opposition would like to see on the Statute book.

Mr O'NEIL: Mr Deputy Chairman, I trust you will allow me a little latitude to go beyond the actual amendment moved by the Leader of the Opposition, because he raised a couple of questions prior to moving his amendment.

The Leader of the Opposition asked whether The Salvation Army, in having a band meeting in a public place and then proceeding by another public place to a citadel or otherwise would be required to give notice under the provisions of the proposed amendment to the legislation. The answer is, emphatically, "No". I suggest the Leader of the Opposition has not properly examined the definition of a "public meeting in a public place". It is quite clear that the circumstances to which he referred would not be subject to the notification required for public meetings in public places and the like. So, I give the Leader of the Opposition that assurance.

However, it would seem to me—and, I am sure, to The Salvation Army—that if The Salvation Army intended to proceed through the streets of the city during some crowded period, it would be wise to inform the Commissioner of Police of its intentions in order to ensure that no bandmen ran into conflict with traffic. After all, the commissioner is responsible for the control of traffic; it would be possible he could inform it as to alternative ways of performing what it wanted to do.

The honourable gentleman who has been referred to in the letter has had recent discussions with me on another matter, so I know him well. He has seen no reason to raise his query with the Government—which, after all, is amending the legislation—so I question whether his query came completely freely, and suggest it may have been in response to some advice he received.

Mr Davies: I assure you it came completely unprompted—probably as a result of newspaper reports.

Mr O'NEIL: Probably, like many other worthy citizens, he became a little concerned because of some of the misreporting and misinformation

distributed on the subject, to which I made reference the other day.

Coming more specifically to the amendment, as the Leader of the Opposition suggested, it has been examined. I wish to make the point from the beginning that until the Bill as we know it was placed before the Parliament, no-one had questioned section 52 of the Act. It was during an examination of the section 54B provisions that we recognised there needed to be a flow-on in regard to all these matters from section 52 right through to section 54B. In fact, in discussions the Premier and I had with representatives of the TLC, when they *ab initio* said that all they wanted was the repeal of section 54B, I asked the delegation, "If that and that alone happens, does that satisfy your demand?" They were prepared to admit it did not. So, there was a "knee-jerk" reaction. Their simple answer seemed to be that we should simply repeal section 54B.

However, a clearer examination of the Act indicated that section 52 through to section 54B of the parent Act dealt with all sorts of things. I think I was quite precise in mentioning section 52 when I dealt with the Bill initially. The side notes in the present Act, to which I referred, indicate the purpose of section 52. Section 52 simply indicates how an approved public meeting in a public place will be subject to the police officers in the vicinity.

It seemed this section contained certain anachronistic provisions. There was a requirement for people to move past places of worship at "foot pace"; we pulled that one out. The section also included the phrase, "assembling and controlling of crowds on waterways where regattas were to be held". Perhaps that is all they held on the river in 1892, but these days we have water skiing, rowing and all sorts of other recreations on our waterways. So, that phrase was amended to refer to sporting events and other activities relating to assemblies.

In effect, this is a tidying-up exercise; the intent of section 52 will not be altered by this Bill. I think I indicated, too, during my second reading speech that the whole Police Act itself was under review.

We have a legislative review committee progressively going through the Act endeavouring to remove anachronistic provisions. I recall the then member for Boulder-Dundas (Mr Hartrey) referring to provisions that dealt with rogues and vagabonds. He felt those terms were anachronistic, and something was done about them.

The whole of the Police Act was being reviewed so that it would include modern expressions and generally be brought up to date, and it was coincidental that section 52 was considered. Of course, this section dealt with things such as public assemblies, public meetings, and public security. It was decided that we should tidy up this section as well in this Bill.

I went to great pains to assist the Opposition by including in my second reading speech a reading of section 52 as it would appear if amended. That is what is involved; it has nothing to do with the basic principle of public meetings in public places. The section is there to provide the constables and sergeants with guidance as to what they may do to ensure the safety of the public and to help lawful public events to proceed.

The Leader of the Opposition's amendment in relation to this matter is suggesting that certain words be substituted for the words to be struck out. The Leader of the Opposition wishes to insert the words, "directions to give effect to those instructions, but no such direction shall be given for the purpose of frustrating the operation of section 54B of this Act". This is already in the Bill. Section 52 as amended covers all sorts of situations which may occur in the event of the police trying to ensure that an approved procession or meeting is able to proceed unmolested by others.

For example, someone might like to park a car across the path of an approved procession. The police officers in the vicinity need to have the authority to ask that person to move the car and allow the approved event to proceed. That is all section 52 does; but the Leader of the Opposition may have neglected to look at what is added at the very end of the amended section 52. It contains exactly the same wording as does part of the amendment he has suggested; that is, "but no such direction shall be given for the purpose of frustrating the operation of section 54B of this Act". Those words are contained already in the Government's proposals, at the end of section 52 as amended.

I point out that the section 52 as amended does not affect the principle in respect of proposed new section 54B; it is simply to streamline and modernise the situation that will obtain and help the police officers in the vicinity when endeavouring to assist a lawful procession or march. Section 52 (1) as amended reads as follows—

52. (1) The Commissioner of Police, from time to time, and as occasion shall require, may give instructions to members of the

Police Force for the purpose of regulating the route and pace to be observed by all vehicles, horses, and persons, and for preventing obstruction of the streets and thoroughfares by processions, meetings, or assemblies or in case of fires, and to provide for keeping order and for preventing any obstructions of the thoroughfares in the immediate neighbourhood of all public buildings and offices, theatres, and other places of public resort, and in any case where the streets or thoroughfares may be thronged or may be liable to be obstructed, and to prevent any interference with or annoyance of any congregation, or meeting engaged in divine worship in any building consecrated or otherwise, and for keeping order and preventing obstructions on and near the water on which any sporting event or other assembly is held, but no such instruction shall be given for the purpose of frustrating the operation of section fifty-four B of this Act.

It is simply an authority for the police to regulate assemblies or marches.

The Leader of the Opposition agrees with me as can be seen by the words from his amendment which I have just mentioned. Mr Chairman, I am sure you would be convinced that this is merely a tidying-up exercise to give clear instructions to the police officers involved in these matters, and in no way can the Government's proposals be seen to be frustrating section 54B. I think the Leader of the Opposition and I agree on that point. His amendment is totally unwarranted, as we have already catered for the provision he is seeking to insert. I oppose the amendment.

Mr T. H. JONES: As I said in my second reading speech, the Opposition believes that the amendment to subsection (1) of section 52 leaves doubt as to its effect. The Government's amendment seems to indicate that, from time to time as the occasion requires it, the commissioner may give instructions to members of the Police Force to regulate the route taken by a procession, its progress along and obstruction of streets, any obstruction to the march, and so on.

Under the existing law these directions must come from the commissioner; but now there is to be a delegation of this duty. As I have already said, these amendments to the Act are only window dressing and do little to assist the freedom and democracy of Western Australians. We did not know of these provisions until the amendments were made to the Police Act in 1976. Prior to that time, anyone going outside the ambit

of the law could be dealt with only under provisions of the Criminal Code or the Police Act.

We believe the entire section should be repealed. What the Leader of the Opposition is trying to do is tidy up that section so we know its intention. Subsections (2), (3), and (4) provide for the implementation of the commissioner's instructions by way of direction, and this is very important.

Directions can change from time to time according to the situation and this is one of the problems. There is a tendency for these new amendments to interfere with the functions of section 54B. A reading of the Bill shows that it would be difficult at times for an officer to give total effect to the directions of the commissioner. For these reasons we strongly oppose the Bill in its present form.

Mr O'NEIL: There is still a great deal of confusion and perhaps members should try to refrain from moving from section 52 to section 54B. They bear no relationship to one another. Initially, when problems were raised concerning the Police Act, reference was made to the repeal of section 54B. It is coincidental that in examining the Police Act a decision was made at the same time to clarify the whole of that portion which flows from section 52 to section 54B in the present Act. Section 52 has a side notation but it is not law; it is simply an indication of the general purpose of the Act.

Mr T. H. Jones: It is someone's opinion.

Mr O'NEIL: I will ignore that interjection because I do not know what it means. The side note is for those who wish to understand the purpose of the Act. The purpose of the section is a regulation for the prevention of obstructions in the streets during public processions. Proposed new section 54B deals with the situation where that occurs. It is purely to update and put into modern verbiage and usage an outmoded provision.

The member for Collie says that the commissioner is giving instructions and he may change them. There is a set of rules, regulations, standing orders—or whatever one wishes to call them—circulated to members of the Police Force to indicate to them how they should operate under the provisions of the Police Act. It is a part of their training at the Police Academy to study an interpretation in layman's words of what the legal words say. The Commissioner of Police does not attend every meeting to give these instructions. They are supplied with written orders and regulations similar to the practice of any other organisation. We are saying that the Commissioner of Police in his capacity as head of

the Police Force is entitled to prepare a set of rules and instructions stating how a policeman should behave in the vicinity of an incident. I am referring to the amended section 52(1).

To go beyond that the section says how the constable on the beat or in the vicinity of an event should control, regulate or assist the situation. It says a member of the Police Force should act in accordance with the instructions given under subsection (1), and they are his written orders. Perhaps I can give an example. If there was a procession moving along a thoroughfare and someone placed a motorcar in the front of it, the policeman can suggest to the driver that he move the car out of the way. That is the type of direction he may give.

Mr T. H. Jones: Doesn't that appear in the Criminal Code already?

Mr O'NEIL: This is the sort of direction the officer may give which is in accordance with the general instructions. I will make a point which has been overlooked. Let us suppose the driver of that vehicle thumbs his nose at the policeman, what will happen then? We do not impose the great power of the Criminal Code and make the fellow a criminal.

Mr T. H. Jones: You are going to extremes.

Mr O'NEIL: The honourable member was just saying, "Can't they use the Criminal Code?"

Mr T. H. Jones: I pointed out—

Several members interjected.

Mr O'NEIL: However if the driver after having been requested to move his vehicle refuses to do so he is committing an offence. So the driver is not guilty of an offence until he refuses to move his vehicle.

Mr Skidmore: Rubbish!

Sitting suspended from 3.45 to 4.02 p.m.

Mr SKIDMORE: I listened very intently to the Deputy Premier's reasons for the deletion of subsections (2), (3), and (4) and their replacement by proposed new subsections (2), (3), and (4) as contained in the Bill. Had the Government any knowledge at all of what section 52 was all about, it would simply have deleted those subsections and done nothing more about them.

What has occurred is rather remarkable. Proposed new subsection (2) reads—

(2) A member of the Police Force acting in accordance with instructions given under subsection (1) of this section may give such directions as may seem expedient to him to give effect to those instructions.

In this modern day and age I think it is about time we got rid of the mumbo jumbo in legislation so that the common people can understand it. Probably because the Deputy Premier suggested it, the Parliamentary Draftsman has seen a need to delete subsections (2), (3), and (4) of section 52 of the Act. He then thought, "I must put something in their place to justify it." What he actually put in means that a policeman is bound to obey his superior. Notwithstanding the fact that a constable already has that obligation under the Police Act, the Parliamentary Draftsman is saying to the policeman, "You know what you have to do but we will now tell you again." In other words, these words are not needed.

We seek by the amendment to make this section more explicit than does the proposal of the Government. Let us look at proposed subsection (3). What a lot of useless verbiage, when the proposed new section 54B would take care of the total situation; and I do not like that proposed section much either. These new subsections are unnecessary.

In the first instance, a policeman, if directed by the Commissioner of Police, would do what the commissioner said he should do. We do not need another subsection to remind the policeman that he must do what the commissioner says.

No wonder people are confused when they see the legislation that is dished up by this Government. This amending Bill was supposed to make it easy for people to understand the legislation. Even the policeman will be confused. He might say, "Perhaps after all I do not have to do everything the commissioner tells me to do." In that case, I suggest many policemen would not do what the Commissioner of Police directs them to do because perhaps they have a conscience in regard to some of the instructions which are issued. Perhaps there is an opportunity for them to do something different.

When we already have a proposed subsection of section 54B which imposes penalties, we have under section 52 the following proposed subsection (3)—

(3) Every person who, after being acquainted with the same, fails to observe or contravenes any directions given under subsection (2) of this section commits an offence.

All that means is that the policeman, having been given power to act under his own Police Act, is reinforced by virtue of section 52, which provides that the Commissioner of Police may from time to time give certain instructions to the policeman, no

doubt. The policeman has to be told again in proposed subsection (3) that he must carry out those instructions. That is the third time he is reminded of his responsibilities.

Then, if a person refuses to remove his vehicle after being told to do so, the policeman must tell him, "You will be in trouble if you do not." I guarantee peanuts to whatever anyone likes to put up that if a policeman told me to remove my car and I did not do so I would be arrested, as anyone else would be; and rightly so. Why is it necessary to tell a person he will be arrested? That is not needed; it does not add anything to the section in question.

Section 52 stands supreme on the first subsection, which says the commissioner may from time to time do certain things. I suggest we should repeal subsections (2), (3), and (4) without replacing them.

Dr TROY: A while ago the Minister went to great lengths to refer to the side note of section 52 but he left out an important ending.

Mr O'Neil: The side notes have no legal significance. They merely assist people to read the legislation. I mentioned that.

Dr TROY: I understand that. The side note of section 52 reads, "Regulations for preventing obstructions in the streets during public processions, etc." When we look at the section of the Act we are amending, the definition which is first quoted here—

Point of Order

Mr O'NEIL: On a point of order, Mr Deputy Chairman (Mr Blaikie), would you tell us what is the question before the Chair?

The DEPUTY CHAIRMAN (Mr Blaikie): The question is the deletion of the words "such directions as may seem expedient to him to give effect to those instructions". I call on the member for Fremantle to relate his remarks to the amendment.

Committee Resumed

Dr TROY: It seems to me the words which it is sought to delete are in the proposed amendments to section 52. Is that correct?

The DEPUTY CHAIRMAN: We are discussing proposed subsection (3) at present.

Dr TROY: The words relate to section 52 of the principal Act. Is that correct?

Mr O'Neil: They are not in the principal Act at the moment.

The DEPUTY CHAIRMAN: Will the honourable member proceed with his argument and relate it to the deletion of those words?

Dr TROY: The essential thrust of the desire of the Government to delete certain subsections changes the Act to give delegation of power. In fact, sweeping powers are to be extended further down the ranks from the Commissioner of Police. In speaking to this question a few moments ago the Minister referred to some general questions in relation to this section. Proposed subsection (4) has received attention as a result of the Karratha incident. The definition of assembly and meeting—

The DEPUTY CHAIRMAN: Order! I draw the honourable member's attention to the fact that the question before the Committee is whether the words "such directions as may seem expedient to him to give effect to those instructions" should be deleted. I ask the member for Fremantle to speak to that question, otherwise I shall be obliged to call another speaker.

Dr TROY: We are dealing with the amendments to subsection (1) of section 52 which are contained in paragraph (a) of clause 3.

Mr O'NEIL: What has happened today is something I attempted to prevent by being particularly careful to read into my second reading speech how section 52 would stand when amended. Apparently that little exercise has not been entirely successful. However, that is understandable. It is fairly difficult to read amendments into an Act.

Mr T. H. Jones: It is difficult to follow what you are trying to do, too.

Mr O'NEIL: It should not be, because in front of every member of this Committee is a copy of how section 52 will stand if the Bill is passed.

Mr T. H. Jones: Or your interpretation of it.

Mr O'NEIL: It is not an interpretation; it is a clear, typed version of how the provision will stand if the Bill is passed.

The Leader of the Opposition has moved to delete certain words in lines 25 to 27 of clause 3 of the Bill. Clause 3 of the Bill purports to put into section 52 of the Act a new subsection (2), which more clearly places in that section the responsibility of a police officer, and how he should interpret directions, which are the routine orders given to him. I am surprised that the member for Swan opposed the proposal moved by his own leader. It is quite clear that either the Opposition is confused or it is stone-walling.

I referred in great detail to section 52(1) as proposed to be amended, because the essence of

the principle the Leader of the Opposition wants to insert in proposed subsection (2) on page 3 of the Bill, is contained right at the end of subsection (1).

I will say it again. The Leader of the Opposition has moved to delete certain words from lines 25 to 27 on page 3 of the Bill, relating to clause 3. Those words are contained in proposed new subsection (2) of section 52.

Mr Davies: Correct.

Mr O'NEIL: The amendment has nothing to do with anything beforehand. My reference to the side note was simply to indicate what section 52 is all about. The essence of that section is contained in subsection (1). Proposed new subsections (2) and (3) simply indicate that, subject to subsection (1) the officers will operate in a certain manner.

I see the member for Swan is shaking his head. There is none so blind as he who will not see.

Mr DAVIES: The Opposition is not stone-walling. However, the Minister for Police and Traffic in his second reading speech attempted to explain so fully what he meant—

Mr O'Neil: I will never do it again.

Mr DAVIES: —and made it so obvious that a change was necessary, that we have made the change for him. I do not deny anything of what he has just said. He properly pointed out the words we hope to delete and those we hope to insert.

The amendment has been moved because proposed new subsection (2) mentions a member of the Police Force, whereas subsection (1) refers to the Commissioner of Police. The commissioner is to be given power to do such things as are enumerated, and he is to be able to give instructions. Let me point out that subsection (1) is to be amended so that the commissioner may not give an instruction for the purpose of frustrating the operation of proposed new section 54B.

Mr O'Neil: That is right.

Mr DAVIES: Good. We can now forget about the commissioner and turn to a member of the Police Force, which could be a superintendent, an inspector, a sergeant, or a constable. In proposed new subsection (2) we are talking not about the commissioner but about completely different people. The Opposition is saying that in addition to the commissioner not being able to give an instruction for the purpose of frustrating the operation of proposed new section 54B, no other member of the Police Force should be able to inhibit in any way the application of that provision. There is no trick or clever wording in our amendment. I am sure the Deputy Premier

would agree with me that all kinds of interpretations could be placed on instructions on their way down through the ranks from the top echelon; and whether wittingly or otherwise those interpretations could prevent the proper operation of section 54B.

No matter how proposed new section 54B may finish up—and that is not to say we want it to remain—our amendment is merely to say that if the commissioner himself cannot frustrate the operation of the section, then no other member of the Police Force in carrying out the commissioner's instructions may frustrate the operation of that provision. It is merely a safeguard. It was drawn up by the Parliamentary Draftsman who, hopefully, had a full understanding of my intention.

Mr O'NEIL: I thank the Leader of the Opposition for his clear understanding of the provision. I think he is endeavouring to add superfluous provisions. He was careful to indicate that the instructions apply to all policemen from the top to the bottom, and he is concerned that a junior officer should not be able to frustrate the powers granted to the commissioner under proposed section 54B. The only power granted to the commissioner or a commissioned officer—who is an authorised person—under proposed section 54B is that which enables a permit to be issued for an event. In no way in the world can it be conceded that a constable on the beat can usurp the powers of the commissioner. Clearly the only authority given to the commissioner under proposed section 54B is the power to approve or refuse a permit to hold an event.

Mr Davies: He can make conditions.

Mr O'NEIL: Once the approved event is occurring, there is no way that a constable can say suddenly, "I don't agree with what the commissioner said. Pack up your bags and go home."

Mr Skidmore: He cannot do that anyway.

Mr O'NEIL: I am glad the member for Swan said that. The proposed amendment—and I understand the reason for it—is superfluous, and the member for Swan has agreed with me. He has agreed that an officer who is operating under instructions promulgated under section 52 as proposed to be amended cannot do any of the things the Leader of the Opposition said might happen.

I want to give an assurance that the amendment is completely superfluous. The general provision regarding the frustration of the operation of proposed section 54B is contained at

the end of subsection (1), as proposed to be amended by the Bill.

Mr Davies: That refers only to the commissioner.

Mr O'NEIL: Yes, but the member for Swan agrees with me that no constable can override a decision of the commissioner.

Mr Skidmore: He wouldn't be in his job for long if he did.

Mr O'NEIL: That is right. Essentially we are talking about a principle on which we all agree. However, I am simply saying the amendment is not necessary and for that reason we oppose it.

Mr T. H. JONES: The Minister said previously that he placed an interpretation on the Bill, but it may be interpreted differently by the legal profession. The problem is in respect of the delegation of authority.

Mr O'Neil: We wouldn't have a legal profession if it did not interpret laws in its own way.

Mr T. H. JONES: The Minister is placing a heavy responsibility on the police constable who is at an assembly or march, because the constable may place on a direction an interpretation different from that of his superior officer. We say there is no need to make provision for a specific direction.

Mr O'Neil: We are not talking about that. The Leader of the Opposition has accepted the principle.

Mr T. H. JONES: It is quite obvious how far we will get with the Minister. Will he indicate that he will accept the amendment?

Mr O'Neil: I have already indicated I will not, and I have good reason.

Mr T. H. JONES: Of course he will not. We do not want this legislation at all, but if we must have it we want something reasonable. When this legislation was originally produced the then Minister took 12 minutes to explain it, even though it is supposed to be of such great importance. On that occasion we argued about the legislation, but the then Minister failed dismally to answer our arguments, as was the case with the present Minister the other night.

Mr O'Neil: We happen to be discussing an amendment moved by your leader. Do you support it?

Mr T. H. JONES: Yes, I support it.

Mr O'Neil: You said you didn't want anything to do with the Bill.

Mr Skidmore: I support the amendment.

Mr O'Neil: You said you opposed it.

Mr Skidmore: You are too silly to understand the thinking of anyone else.

Mr T. H. JONES: The amendment has been moved because we are trying to do something about the Bill. We would rather repeal the whole legislation, but we know we would not get past first base if we tried to do that. The amendments proposed by the Leader of the Opposition are reasonable.

Mr O'Neil: What does the amendment before the Chair mean?

Mr T. H. JONES: The Minister knows as well as I do.

Mr O'Neil: You don't know.

Mr T. H. JONES: I do not need the Minister to make my speech. I will say what I like, just as he is permitted to do when he is on his feet. Our attitude is that the provisions should never have been placed in the Act in the first place.

Mr O'Neil: What provisions?

Mr T. H. JONES: The ones we are debating now; section 52 and section 54B.

Mr O'Neil: Section 52 has been in the Act since 1892.

Mr Davies: But it was amended in 1964, 1965, 1975, and 1976.

Mr O'Neil: The member for Collie indicated that section 52 was inserted in the Act in 1976.

Mr T. H. JONES: No, it was amended in that year.

Mr O'Neil: Yes, and the bits you are objecting to are now being taken out of section 52.

Mr T. H. JONES: Yes, and put in another place.

Mr O'Neil: Where?

Mr T. H. JONES: In the other subsections.

Mr O'Neil: What do they mean?

Mr T. H. JONES: We object to the provisions because there is no need for them to be in the Act. I support the amendment.

Mr SKIDMORE: I do not wish to take up the time of the Committee any more than is necessary. However, I must disabuse the mind of the Minister for Police and Traffic in respect of his suggestion that there is a difference between my thinking and that of the Leader of the Opposition. Had the Minister been listening carefully he would know that I was talking about the repeal and re-enactment of subsections (2), (3), and (4) of section 52. I then went on to say that the proposed amendments should not be placed in the Act. The Minister immediately took that to mean I objected to the amendment moved

by the Leader of the Opposition. I did not even mention it.

Mr O'Neil: Don't let the Deputy Chairman know you were not even talking about the amendment.

Mr SKIDMORE: That is where the Minister for Police and Traffic made the mistake. I want to make it quite clear to the Chamber—

Mr O'Neil: Your apology is accepted.

Mr SKIDMORE: There was nothing of that at all. Had the Government taken steps, I would have been prepared to say, "Great". However, it has not done so, and so it is necessary for us to attempt to amend the clause. I support the amendment.

Amendment put and a division taken with the following result—

Ayes 15	
Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr Pearce
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr Tonkin
Mr Grill	Dr Troy
Mr Hodge	Mr Bateman
Mr Jamieson	
(Teller)	
Noes 24	
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr O'Neil
Mrs Craig	Mr Rushton
Mr Crane	Mr Sodeman
Dr Dadour	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Shalders
(Teller)	
Pairs	
Ayes	Noes
Mr Bryce	Mr Grayden
Mr T. D. Evans	Mr Old
Mr H. D. Evans	Mr Sibson
Mr T. J. Burke	Mr Ridge

Amendment thus negatived.

Clause put and passed.

Clause 4: Section 54B repealed and re-enacted with amendments—

Mr DAVIES: Of course, this is the clause which has caused so much dissent over such a long period. I think it is perhaps under this clause that we could more properly deal with the matter of worship. I will direct myself to that question.

I refer to subclause (1)(b). Earlier in the Bill it says that a place shall not be a public place if it is in use for the purpose of divine worship. I drew attention to the position in which I believed The Salvation Army might find itself because of the way it operates in Perth on Sunday evenings.

I understand the Minister has said that The Salvation Army can hold a meeting, but if the members are to march, permission is required—

Mr O'Neil: I did not say that.

Mr DAVIES: Would the Minister clarify that aspect for me? I do not think they stop anybody attending their meetings. Everyone is invited.

Mr O'Neil: It is quite clear.

Mr DAVIES: They make people more welcome than anybody else. Of course, if they are to have a procession, they need to advise the police. There is a great deal which needs to be done in relation to what is proposed.

Point of Order

Mr DAVIES: Mr Deputy Chairman (Mr Blaikie), I am not quite certain how I should proceed. I should imagine that I can speak for 15 minutes, 10 minutes, and 10 minutes on the clause generally—I do not say that I intend to—and then I can speak on any amendment to the clause. Is that correct? This is a particularly long clause, and if you could give me some indication, upon mature consideration, I would be grateful indeed. I have several amendments to move, and I could not cover them all. I would have to change my tack if I were permitted to speak for 15 minutes, 10 minutes, and 10 minutes only. I will leave that with you, Mr Deputy Chairman.

Mr O'NEIL: I would like to know what is the situation, because I would imagine that once we have exhausted all the debate on the clause, the question must be put.

Mr DAVIES: That is why I am asking for a direction from the Chair. Clause 4 of the Bill extends from page 4 to page 9. I have a number of amendments to move. It would be impossible to cover them all if I were to have only 15 minutes, 10 minutes, and 10 minutes. I would have to allocate some of the work to other members of the Opposition. That might delay proceedings; and I am quite certain that the Minister does not want to delay the proceedings. I am sure the Government will want to deal with questions today. It will not want another Thursday to go by without questions being dealt with.

Mr B. T. Burke: Not much!

Mr DAVIES: The debate could go on for some considerable time. I will take your ruling at your convenience, Mr Deputy Chairman.

Committee Resumed

Mr DAVIES: It seems to me that if one wants to have a public meeting, one can go into the street and have a gentleman of the cloth preach in

the form of religion, and one would not need permission from the police. However, if one wants to march, permission has to be obtained.

The manner in which the Government is trying to defend itself is very quaint. It says one can do certain things if one obtains permission from the Commissioner of Police.

On Tuesday, when we were last debating this, the Minister for Police and Traffic said, "What about the Canning and Nedlands Councils, and various other places that require you to get permission to meet on an oval, or have a meeting at all?" I want to know how the Government is overcoming that situation. Does it mean that if one obtains permission from the commissioner, one can ignore the local council? There is nothing in the Bill to deal with that aspect.

Mr O'Neil: I was referring to parks and reserves which are vested specifically in the control of local authorities. There are plenty of places that are not.

Mr DAVIES: Some local authorities have regulations regarding public meetings.

Mr O'Neil: On their reserves. Each of the by-laws I quoted dealt with parks and reserves.

Mr DAVIES: I am sorry if I misunderstood. I was left with the distinct impression that if one wanted to have a public meeting in a public place under the control of a local authority, permission was required. I ask: if permission is obtained from the Commissioner of Police, can one then ignore the local authority, or does one have to obtain the permission of both? Why has not the Government made provision for this situation in the Bill?

Mr O'Neil: It has.

Mr DAVIES: I cannot see any provision in the Bill which says any body other than the Commissioner of Police has to be approached.

Mr O'Neil: The first question was: did we think about that? The answer to that is that we did.

Mr DAVIES: Why was provision not made?

Mr O'Neil: Because not all local authorities have by-laws.

Mr DAVIES: So because all local authorities do not require one to have permission—

Mr O'Neil: I did not say that. I said not all local authorities have by-laws; and the by-laws are all different in some way or other. They are not uniform.

Mr DAVIES: Would it not have been desirable to write into the Bill that people should be reminded they should check with the local

authority to find out the position? It seems to me that a person could believe that, having spoken to the Commissioner of Police, there is no need to do anything further.

The clause that we propose mentions options—the Minister for Police and Traffic, the local authority, and/or the Commissioner of Police. There is a requirement on the one to whom the application is made to advise the others. If the application means that one or other is to be disadvantaged the others must take responsibility and follow the matter through. This seems to have been overlooked completely by the Government, despite the fact that the Bill had a tremendously long gestation period. We were almost expecting a premature birth.

Mr O'Neil: Your Bill must have been aborted at conception.

Mr DAVIES: We have our Bill ready. We were anxious to have the law ironed out before the cases were heard. When the cases were adjourned, there was then no urgency about the matter.

The Government was anxious for the cases to be adjourned before the Act was amended. That is well documented. However, the Government has decided to bring in a Bill without the cases having been heard.

Mr O'Neil: Do you remember the date that you called for Parliament to be gathered together?

Mr DAVIES: It was the day the Premier whipped off to Israel. It was the 15th or the 16th June. It was the day before the cases were heard. I think they were to be heard in the Perth Police Court. I addressed a meeting at the WACA ground just before the cases were heard. I am sure the Acting Premier, as he then was, had overtures made to him. He would remember the date as well as I do.

Mr O'Neil: I remember it as well as you do, because you cannot remember it either.

Mr DAVIES: It was the 15th or the 16th June, I think. The situation has altered because of the adjournment of the cases.

I do not want to inhibit any debate on the clause by moving an amendment. I am not quite certain how you have decided to deal with the question of speaking times, Mr Deputy Chairman. I hope that before long you will be able to give me a decision.

In subclause (2) on page 4, at line 33, I intend to move that the word "shall" be deleted, forecasting that I would substitute the word "may". Mr Deputy Chairman, would you tell me how long I have to speak?

The DEPUTY CHAIRMAN (Mr Blaikie): Before the Leader of the Opposition moves his amendment, and in order to clarify the situation before the House, I would like to point out that any member may speak three times on any question when in Committee. If a member then moves an amendment, which he could well move on the third occasion that he speaks, that member may speak to the amendment, after which he has a further two opportunities to speak.

Mr DAVIES: If he moves a further amendment to the same clause, for how long may he speak?

The DEPUTY CHAIRMAN: The member would have a similar opportunity to speak for the time allowed, which is 15 minutes on the first occasion and 10 minutes on the two following occasions. I should like to draw the attention of members to the fact that, although there is a series of sequential amendments, all members must be aware of Standing Order No. 342 which inhibits a member from conducting a tedious and repetitive debate. There is a certain amount of discretion vested in the Chair and a degree of responsibility on members.

Mr DAVIES: I simply wanted clarification. I have no intention of stonewalling this legislation, as objectionable as I find it. I hope, by reasoned argument, the Government will accept our propositions and from that point we can move quickly to the conclusion of the Bill.

Firstly I would like to ask the Minister for Police and Traffic the definition of a "meeting" and a "public place". A public meeting in a public place is being dealt with under the Bill. The interpretation should be made clear now.

On Tuesday the Minister quoted from page 11 of the *Daily News*. He drew attention to something we were proposing and said he thought it was the same as the situation which appeared in the article. It deals with the Offences in Public Places Act and talks about the law becoming—

Mr O'Neil: I said, "I believe it is not". I know it is not. I was quite clear about the matter when I spoke and my corrected speech is available. It has not been changed.

Mr DAVIES: I wonder why the Chief Secretary brought up the matter then.

Mr O'Neil: I was giving an example of the sorts of problems which can occur in respect of certain types of legislation.

Mr DAVIES: It has nothing to do with the legislation we are debating or with our proposals. The Act referred to in the *Daily News* article is incorrectly titled and should be the Offences in

Public Places Act. It was introduced in the New South Wales Parliament by the Wran Government in March-April, 1979. It was one of 16 separate Bills which resulted from the Wran Government repealing the Summary Offences Act. The Offences in Public Places Act became law on the 1st August, 1979. It is a separate Act from the Public Assemblies Act which I understand is to be proclaimed.

The Summary Offences Repeal Bill introduced a series of other Bills which are detailed here. Therefore, that reference has nothing to do with the subject under discussion.

Mr O'Neil: I am prepared to concede that again.

Mr DAVIES: I move an amendment—

Page 4, line 33—Delete the word "shall".

Mr T. H. JONES: I want to raise a query prior to the amendment being dealt with. It refers to section 54B(b)(i) of the principal Act. May I do so?

The DEPUTY CHAIRMAN (Mr Blaikie): The question before the Chair relates to line 33.

Mr T. H. JONES: Am I not permitted to deal with the clause in general while the amendment is before the Chair?

The DEPUTY CHAIRMAN: The member for Collie has posed a difficult question, because the amendment before the Chair is to delete the word "shall".

Mr T. H. JONES: Is it correct that I must refer to the Bill in general before my leader gives notice that he intends to move an amendment? Am I debarred from commenting on any other part of the Bill once my leader has moved an amendment?

The DEPUTY CHAIRMAN: We have now made progress to line 33 and the debate relates to the deletion of the word "shall". I suggest the member for Collie will have ample opportunity to raise his question when the clause as a whole is put at a later stage.

Mr SKIDMORE: Is it correct that after the amendments have been dealt with we may debate the amended Bill in general terms?

The DEPUTY CHAIRMAN: I indicated to the Leader of the Opposition that, as provided in the Standing Orders, any member has the opportunity to speak three times to the clause under question. He may move an amendment the third time he speaks. The Leader of the Opposition has moved an amendment and the Committee has made progress to line 33.

Mr SKIDMORE: That is completely unfair if it is true. You, Sir, are denying both myself and the member for Collie the right to speak if you rule that once the Leader of the Opposition has moved an amendment and that amendment goes to the last line of the clause, we cannot speak to it.

The DEPUTY CHAIRMAN: The member for Collie has indicated he wishes to raise a matter which relates to the clause in general. The subject under discussion is whether the word "shall" should be deleted.

Mr O'NEIL: I see the difficulty. My understanding is that once the amendment has been dealt with no-one may move an amendment to any part of the clause preceding the part which the amendment referred to. That is where the inhibition lies. Had the Leader of the Opposition not moved his amendment we could have discussed the whole clause. The reason we can only discuss the deletion of the word "shall" is that that is the motion before the Chair. As I understand the situation, unless the member has exhausted his opportunities to speak, he may refer to the clause in general after the amendments have been disposed of.

Mr Skidmore: That is not what the Deputy Chairman said.

Mr O'NEIL: I believe the Deputy Chairman said that after the amendments have been disposed of, if a member has not exhausted his speaking opportunities, he may refer to the clause in general at that stage.

I will endeavour to answer the questions asked by the Leader of the Opposition. One of them referred to the definition of a "public place". When discussing the definition of a "public place" I was querulous as to why the negative type of definition was used. In other words, it says, "a public place shall not be taken to be a public place unless..." and, "a meeting shall not be taken to be a public meeting unless...". We did not say, "a public place is..." or, "a meeting is...". It was a negative type of interpretation.

The interpretation means that many places could either be public, private, or reserves. However, for the purpose of the exercise it becomes a public place under certain circumstances. Those circumstances are then defined. It must be remembered, however, that the place need not always be a public place. For example, if we said a public place is London Court and it is closed off for a day—as I believe happens almost every year—it ceases to be a public place for the purpose of that day or that

exercise. That was the reason for the inverted, negative definition.

A similar situation applies to a public meeting. We say any meeting will not be a public meeting unless it is held for a certain purpose and specifically, in addition—it must be in addition, not “or”—members of the public in general are invited to attend. That resolved the problem in respect of a march by The Salvation Army band through the streets. I do not know whether they still march through the streets playing their music. However, The Salvation Army does not advertise publicly, but there is an open invitation for everyone to come to Forrest Place or Hay Street.

The amendment proposed by the Leader of the Opposition is to remove the word “shall” with a view to inserting the word “may”. The purpose of the amendment is to create a situation in which notice needs to be given, precisely the same as the situation which now exists in South Australia. In that State if an organisation or a body desires to occupy a public place for certain purposes, and it desires to seek the protection of the Police Force, or anybody else—to ensure its members will move without fear of molestation, and also ensure they are given certain directions so that they do not interfere with the freedom of others—it may apply for a permit. If it does not, it is liable to be fined in breach of some law, regulation, rule, or code, which has to do with the disruption of public places and the like.

Mr Davies: They can elect to give that notice.

Mr O'NEIL: That is right. This brings me to a point which I think is an unwitting interpretation of what I said last night when I quoted a document purported to be prepared by Mr I. D. Temby. When reading the Press report this morning I noticed one paragraph which, if taken out of context—and certainly it was by virtue of positioning in the article—indicated that I said that in South Australia it was necessary to apply for a permit in writing.

I have carefully checked my speech, and what I did was to quote from the document prepared by Mr Temby where he said there needs to be permission in writing under the Act now. At that stage the Leader of the Opposition said, “Yes”. Mr Temby was referring to our Act. The way the newspaper has positioned the balance of the story—or whether it is a misinterpretation, I do not know—it seems to indicate I made the statement that in South Australia application has to be made in writing.

I drew the matter to the attention of the editor of the newspaper and I trust—I suggested—that

in view of the fact that so much notice was taken of the other reports, he might see his way clear to rectify what is an obvious error from the point of view of the way the article reads. In case any member intends to quote the newspaper article, I indicate I have already taken action to have corrected the misinterpretation of what I said.

This first move by the Opposition will make the notification of a meeting purely voluntary. If this amendment is defeated, I gather from my reading that the rest of the amendments will fall by the wayside. The principles embodied in the amendment moved by the Leader of the Opposition rest upon this one word. I think in these circumstances the Deputy Chairman of Committees (Mr Blaikie) will allow a great deal of latitude in discussing not so much the specific word “shall”, but the implications that will flow from the amendment.

Whilst the Leader of the Opposition has not mentioned this point as yet, if his move is successful, the necessity to notify in respect of public meetings in public places, and processions, becomes voluntary on the part of those involved. If an organisation does notify its intention to hold a public meeting or a procession, all the rest of the provisions contained in this Bill—which is essentially the same information as is required in South Australia—will flow on. That is the issue.

As I understand the position, the difference of opinion essentially is in the philosophy that the Leader of the Opposition and the Labor Party believe there should be no need, other than at the will of the person or organisation conducting the event, to make any notification at all. Our belief is that where a defined public meeting or procession in a defined public place is to occur, then in every event a notification must be given.

Mr MacKINNON: I agree with the Minister for Police and Traffic that the changing of the one word, as proposed by the Leader of the Opposition, will change the whole thrust of the intentions of the Government. I refer members to the last sentence in the Minister's second reading speech in which he indicated the exact intention of the Government in introducing the Bill. The Minister said—

I am sure when its full text is understood, all reasonable people will accept that it takes full account of the need for freedom to discuss public issues on the one hand, and the need for the preservation of public safety and the convenience of the public on the other.

That is the whole purpose of the Bill. There are two sections of the community to protect. Firstly, there are those involved in the public meeting

and, secondly, there are those other members of the public who may be going about their ordinary daily business.

If the Opposition amendment is agreed to, neither of those groups will be protected. If the word "may" is included instead of the word "shall" the option will be up to those people involving themselves in a protest. Those people "may" seek the protection of the police, and the Commissioner of Police "may" object. It would then be up to the people who applied for protection to apply to a stipendiary magistrate. It will be the protesting group which will have to make the application to the magistrate. If a group wanted to demonstrate in the middle of St. George's Terrace at 4.00 p.m. or 5.00 p.m., that would appear to be a weakness. There would be a weakness also if the Commissioner of Police was able to decide whether damage could be caused to private property, or a public nuisance would be created. If the commissioner believed that such a demonstration would place the safety of many people in jeopardy, he may object. The protest group could decide to go ahead in any case, and the commissioner would have no power to stop them until such time as the actual demonstration or procession took place.

The Opposition claim that it is all right and that action can be taken under the Criminal Code or other sections of the Police Act will encourage conflict between the public and those involved in the protest. The amendment will completely destroy section 54B of the Act. That is the reason the amendment is opposed. If the amendment is accepted, we will have public disorder and disarray. There will be confrontation which will be detrimental to the community, and will be denigrating to the democracy which the Opposition would have us believe we have today.

Mr T. H. JONES: This clause places an obligation on a union, or any other organisation, to obtain permission from the Commissioner of Police to hold a public meeting or procession. It will be mandatory to meet the requirements set out in the new section. A very strict obligation will be placed on the trade union movement, or anyone else wishing to hold a meeting.

Mr O'Neil: These provisions are precisely the same as those in the South Australian Act, and they are included in the amendment to be moved by your leader. The only difference between our Act and the South Australian Act is in regard to information. The South Australian Act sets out that as much information as possible "in particularity" should be supplied. We use the word "detail". So the two provisions are exactly the same, and your leader has indicated he agrees.

Mr T. H. JONES: In South Australia one may or may not apply.

Mr O'Neil: We are talking about the detail required.

Mr T. H. JONES: There is no alternative in this Bill; there is an alternative in the South Australian Act.

Mr O'Neil: Not if notice is given.

Mr T. H. JONES: If notice is not given, a meeting can still be held.

Mr O'Neil: If one does not give notice here, one does not have to give any information.

Mr T. H. JONES: In South Australia it is not necessary to give notice. A meeting can still proceed, and the participants are subject to other penal clauses.

Mr O'Neil: Not "penal" clauses.

Mr T. H. JONES: Well, subject to the Police Act.

Mr O'Neil: You are subject to the Police Act whether or not you give notice in South Australia, and that is the case here, too.

Mr T. H. JONES: In this State there is no alternative. If a meeting is held at a place which I am not permitted to mention, without the approval of the Commissioner of Police, the organisers can be dealt with under other sections of the Act.

Mr O'Neil: It would have to be a meeting to which the public was invited.

Mr T. H. JONES: Well, there is a question of the definition of the word "public".

Mr O'Neil: There is no question about the definition of the word "public".

Mr Jamieson: There is, and lawyers would argue about it for years.

Mr T. H. JONES: This is open to interpretation, and it is a matter I will query either at the end of the Committee stage, or at length during the third reading stage. It must be clarified. In my view it is not clearly spelt out just who the public are, and who can invite the public. In the case of a union meeting, who has the right to invite the public, and who is responsible?

Mr O'Neil: It is quite clear who is responsible and who has to carry the permit.

Mr T. H. JONES: It may be clear to the Minister—

Mr O'Neil: It is in the Bill. It is quite clear.

Mr T. H. JONES: —but it is certainly not clear to the Opposition.

Mr O'Neil: It may not be clear to you, but I am sure it is clear to the Leader of the Opposition.

Mr T. H. JONES: The Leader of the Opposition did not comment on it, but he did move to delete the word "shall" with a view to inserting the word "may". We do not believe it should be mandatory to obtain permission from the Commissioner of Police to hold a meeting. However, if approval were not sought for a meeting, the organisers of the meeting would be subject to the provisions of the Criminal Code and other parts of the Police Act if trouble arose.

This legislation places too much responsibility on the people who want to hold a meeting or a public assembly. Such people must supply all the data to the commissioner.

There is no avenue of appeal; the legislation is far too oppressive. If the Commissioner of Police or his delegated officer has gained the wrong impression about the purpose of a meeting and permission is not forthcoming, the organisers have no avenue of appeal. Even lawyers are wrong sometimes. Let us just consider the number of appeals against the decisions of judges. A person who is dissatisfied with a ruling of the High Court of Australia may appeal to the Privy Council.

Mr O'Neil: That means that if there were a right of appeal and the magistrate upheld an appeal, the magistrate can then be wrong.

Mr T. H. JONES: At the moment the person seeking a permit has no rights at all. If the permission to hold a meeting is not granted, the meeting cannot be held. The Commissioner of Police or his delegated officer may be wrong on some occasions. The point I was making is that the High Court of Australia sometimes finds that judges are wrong, and indeed, the Privy Council sometimes finds that the High Court of Australia has erred.

Mr O'Neil: There is only one person who never made a mistake and he was crucified.

Mr T. H. JONES: If the Minister is referring to the Premier, the public will crucify him. The Government has set itself up as the only authority that knows anything and, in the view of its members, the Opposition does not have an opinion worth stating. The Minister is espousing the view that the Government can do no wrong.

Mr O'Neil: I think you should talk to the member for Dianella and he will tell you who I was talking about.

Mr T. H. JONES: There should always be a right of appeal, but the clause we are discussing will take away any such right. Magistrates are responsible people; the Government would not appoint people who are not responsible to the position of magistrate. What does the Government have to hide? What is it afraid of?

Surely in our democratic society the Government should admit that it is possible for a police officer to err. With the passing of this Bill we will not have heard the end of the matter. Although the fuel and energy legislation has not been used yet, we certainly have not heard the end of it. It is on our Statute book to indicate that repressive measures are available for the Government to deal with the trade union movement.

Mr O'Neil: Have you heard the last of Muja?

Mr T. H. JONES: It is easy for the Government to make laws—it simply plays the numbers game. However, making the law work is a totally different thing. We have warned the Government about this. Obviously the Government recognises that it made a mistake in 1976, or we would not now be discussing the Bill before the Chamber. When will the Government wake up to itself. I support the amendment.

Mr JAMIESON: We are discussing an amendment to delete the word "shall" with a view to substituting the word "may" and this simple exercise illustrates the difference between the points of view of the Government and of the Opposition. It is all very well for the member for Murdoch to belittle the citizens of Western Australia—

Mr MacKinnon: I did not.

Mr JAMIESON: The member for Murdoch said that if we do not have this legislation there will be lawlessness everywhere.

Mr MacKinnon: The potential for it.

Mr JAMIESON: That is a hopeless statement for anyone to make. I have a great deal more faith in my fellow citizens than has the honourable member.

Under the legislation a person or group must apply for permission to hold a march or an assembly not less than four days before the event. We all know that frequently an emotional issue arises and people want to take immediate action. Let us consider the case of farmers who are moving wheat into the silos at CBH. Perhaps the man on the bins closes up for the day for some reason or other. The farmers get together and say, "We will march down to the office at the end of the street." What chance would anyone have to stop the group doing that? There would be no chance at all. The farmers will have broken the law. Such situations often arise, and frequently the action taken solves a problem.

Sometimes at a union meeting it is decided to hold a march immediately on an emotional issue. Such an incident occurred when we were in government, and we learnt the lesson the hard

way. If a group decides to march on Parliament House it is very hard to stop that march. We have seen many such marches lately.

After the occurrence when the Tonkin Government was in power, the matter was thrashed out in Cabinet and steps were taken to ensure that the same thing did not happen again. We did not want any such confrontation. At the time the Minister for Police was an ex-football player, and I said to him, "What would happen if all the South Fremantle players lined up across the field when your team was heading for the goals?" He said, "We would run right through them." And that is just what happens in the case of an emotional issue.

It may be that a group of citizens has complained over a long period about the lack of a crosswalk outside a hotel on a busy street. Let us assume that one day the people inside the hotel hear a loud thud and go outside to find a pedestrian dead on the road. Someone may say, "The council is holding a meeting tonight", and everyone may then agree to march up to the council chambers to complain about the lack of a crossing.

Can members imagine the people concerned agreeing to wait for four days to obtain permission for such a march? Even schoolchildren sometimes decide to take action on the spur of moment on an emotional issue, and it is important that such emotions are permitted to run their course. It can happen on an industrial issue that immediate action can avert a strike.

We must give this amendment the consideration it deserves, and certainly more consideration than Government members are giving it. It is not always the unionists who want the right to hold a procession; sometimes it is farmers, sometimes Liberal Party ordinary citizens who are concerned about something.

In 99 cases out of 100, no harm is done when such a demonstration occurs but the people concerned have expended their emotions; they have had their say and they are satisfied. However, if we block the original move, we can have all the trouble in the world. The Government cannot see this; it is out of touch with the people. A recent editorial in *The West Australian* tried to get this message over to the Government. In this regard, the proposed new section is no better than the present one.

This prohibition is provided for in case of trouble. We hope it does not reach that stage; we should work towards ensuring the minimum of confrontation on a particular issue. We should not be nitpicking by arresting people after they have

left the scene of an incident and travelled to Perth. Those people were not doing anyone any harm; no-one was molested or injured. Nevertheless, it was this action, not the meeting, which caused the furore.

As the member for Collie said, the clause defining what is or is not a public meeting is unintelligible. I am sure the Parliamentary Draftsman could clarify this clause so that it is understandable. It is a lot of gobbledegook to say the public does not need to be invited to a meeting for it to be deemed a public meeting.

I believe the word "may" would take the heat from this area. Otherwise, this Government or any Government in the future must face up to the fact that eventually confrontation will occur. It could be caused by an officious policeman who says to some people, "What is the idea? You are not permitted to march on the council." He could then take two or three names, and the game would be on. It will always be a contest of whether the law is upheld or whether it is a matter of "containment and tolerance". I do not like that phrase; I believe the law should be clearly spelt out so that everybody knows whether or not he is breaking it. This sort of legislation is only encouraging emotional situations to develop, which will only cause more trouble.

Mr SKIDMORE: This issue is a matter of principle, and the Opposition does not intend to give in without a fight. No restriction should be placed on the right of people to assemble and to express their views freely. The words at issue are "may" and "shall"; I do not wish to canvass the relative merits of those words. However, I would like to refer members to the South Australian Public Assemblies Act of 1972, the relevant passage of which reads—

An act permitted by this section is lawful notwithstanding the provisions of any other Act or law regulating the movement of traffic or pedestrians, or relating to the use or obstruction of a public place.

That is so simple that I wonder why similar words were not used in this legislation.

Mr O'Neil: It is in our Bill.

Mr SKIDMORE: No, it is not. For sheer simplicity, the South Australian legislation would be hard to beat. We should not be writing into legislation provisions which are ambiguous and which could be misconstrued. People should not be under difficulty to know what they are entitled to do.

The Opposition seeks to remove the word "shall" with a view to substituting the word "may". Recently, a group of Aborigines in the

Swan Valley were so aggrieved at an action of the Swan Shire Council that they spontaneously decided to march on the shire building. Surely that could not be construed as an unlawful procession in its true sense. These people infringed no traffic laws; they did not impede the free flow of traffic, but stepped aside to allow the traffic to pass.

The Opposition believes that is the type of thing which should be allowed. People should have the right of free speech in public assembly. This legislation concerns not only trade unions but also the public at large. We must take the emotion out of these issues, or confrontation will result.

If I do not like what the Government is doing, I have the right as a citizen to protest, and that right should not be taken away from me. I will fight to prevent the imposition of any conditions which will lead to free speech being restricted.

Progress

Progress reported and leave given to sit again, on motion by Mr O'Neil (Minister for Police and Traffic).

BILLS (3): RETURNED

1. Dental Act Amendment Bill.
2. Radiation Safety Act Amendment Bill.
3. Skeleton Weed (Eradication Fund) Act Amendment Bill.

Bills returned from the Council without amendment.

QUESTIONS

Questions were taken at this stage.

House adjourned at 6.11 p.m.

QUESTIONS ON NOTICE

ROAD

Northcliffe-Pemberton Railway Line: Reserve

1185. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

- (1) What is the width of reserve placed on either side of main highways in the south-west from which woodchip material and saw logs may not be removed?
- (2) In view of the potential as a scenic drive which the Pemberton to Northcliffe section of railway line presents, will he have a reserve of similar size to that which exists on main highways similarly declared on the section of railway line referred to where State forest and Crown land are involved?

Mrs CRAIG replied:

- (1) Other than the restrictions on the cutting of timber on the road reserves themselves, the Lands and Surveys Department has no knowledge of any further reserves along main highways from which woodchip material and saw logs may not be removed, other than areas set aside as national parks or some reserved under the Land Act. Certainly there do not appear to be any reserves written in by the questioner when, as Minister for Forests, he was a major contributor in the ratification of the Wood Chipping Industry Agreement. However, under Forests Department management plans, the department has withheld from cutting buffer strips 400 metres wide on each side of the major access routes.
- (2) The railway traverses State Forest and approx. 7 kms of freehold land. For its full length it is within a reserve 60 metres wide, which is appreciably wider than most main highway reserves in the south-west. The present width of railway reserve is considered sufficient and may not be enlarged without expensive resumptions. This information was conveyed by letter and marked litho to the honourable member's Manjimup address on the 13th August, 1979.

RAILWAY: FREMANTLE-PERTH

Closure: Brochure, and Bus Services

1195. Mr DAVIES, to the Minister for Transport:

- (1) Referring to his weekend comments, when he said he had asked for a brochure to be prepared outlining the Government's arguments for closing the Perth-Fremantle Railway—
 - (a) has a brochure been produced;
 - (b) if so, how many copies have been produced, at what cost per copy, and the overall cost of the copies;
 - (c) by whom is the brochure to be or has been produced;
 - (d) how will it be distributed, that is, by mail or personal delivery, for example;
 - (e) in which areas will it be distributed;
 - (f) what will the costs of distribution be;
 - (g) will it be tabled?
- (2) Will he also advise—
 - (a) how many copies of the Metropolitan Transport Trust information relating to timetables and proposed bus services have been produced;
 - (b) the cost of producing the material per copy and overall;
 - (c) by whom has it been produced;
 - (d) the methods and costs of distribution;
 - (e) where the information has been and will be distributed;
 - (f) whether the information will be tabled?

Mr P. V. Jones (for Mr RUSHTON) replied:

- (1) and (2) On behalf of the Minister I ask that the question be postponed, other than part (1)(g), which seeks the tabling of a brochure. On behalf of the Minister, I seek leave to table the brochure.

The paper was tabled (see paper No. 299).

CONSERVATION AND THE ENVIRONMENT

Conservation Through Reserves Committee: Report

1196. Mr SKIDMORE, to the Minister for Conservation and the Environment:

Further to question 1056 of 1979 relevant to conservation through reserves

reports, and his answer to part (2) of that question, will he now inform me as to how I am going to know when action is completed so that I can make my approaches direct to the Department of Lands and Surveys?

Mr O'CONNOR replied:

When each action is completed details are published in the *Government Gazette*.

HUMAN ECOLOGY FUND

Research at University of Western Australia

1197. Mr SKIDMORE, to the Premier:

Further to my question 991 of 1979 relevant to the Human Ecology Fund, I draw the Premier's attention to the article that appeared in *The West Australian* on Wednesday, August 15th under the heading "Professor: I Did Not Get CIA Funds" wherein Professor Ron Taft said that he had received a grant from the Human Ecology Fund Inc., a private foundation based in New York for research on the adaptation of migrants, will he now accept this as sufficient proof that funds were provided and will he now answer parts 2 (a) and (b) and 3 of question 991?

Sir CHARLES COURT replied:

This is not a matter in which the Government has been involved. The Government has no information other than that contained in the newspaper article quoted by the honourable member in his question. I would have thought that the published comment from academic sources would have more than adequately demolished any "bogies" the honourable member has sought to promote.

TOWN PLANNING

Mandurah

1198. Mr SKIDMORE, to the Minister for Urban Development and Town Planning:

- (1) Would she advise as to the nature of any interim development order or interim

town planning scheme that has been lodged with the Town Planning Department for its consideration during the last two years by the Mandurah Shire?

- (2) Did she make a statement that no further interim town planning schemes should be considered until such time as an overall town planning scheme had been proposed for the southerly area of Mandurah?

Mrs CRAIG replied:

- (1) An interim development order has been requested by the Mandurah Shire Council for South Mandurah.
- (2) No. However, the council has been reminded that approval to any interim development order is given on the understanding that a town planning scheme for the area is being prepared and will be submitted before the expiration of the order.

PUBLIC WORKS DEPARTMENT

Staff: Pilbara and Kimberley

1199. Mr JAMIESON, to the Minister representing the Minister for Works:

- (1) Is it intended to cut back on the Public Works Department staff in Derby?
- (2) Is it contemplated that any Public Works Department depot in the Pilbara or the Kimberley will be subject to staff cuts in the near future?
- (3) If answer to (1) or (2) is "Yes", for what reasons are the cut backs being implemented?
- (4) If it is necessary to cut back in these regions why could not natural wastage be used so as to minimise the effect in the towns concerned?
- (5) What is the general policy of the Government in maintaining a stable Public Works Department work force in the Pilbara and Kimberley?

Mr O'CONNOR replied:

- (1) No.
- (2) and (3) The total number of employees at the Kimberley and Pilbara depots is varied from time to time to match construction requirements on developmental work.

There are no cuts contemplated in the number of staff permanently employed on operation and maintenance work.

- (4) Whenever cut backs are necessary, natural wastage is used as far as possible.
- (5) The general policy is to maintain a stable work force. This is, however, subject to the varying requirements of developmental work.

LAND: BUILDING BLOCKS

Broome

1200. Mr DAVIES, to the Minister representing the Minister for Lands.

What are—

- (a) the cost of services;
- (b) the upset prices;

for conditional purchase residential land to be offered for sale at Broome in September?

Mrs CRAIG replied:

The cost of services in this subdivisional area comprised—

Roadworks \$213 000 paid from Consolidated Revenue Fund 1977-78 financial year.

\$27 825 paid from Treasurer's Advance during 1978-79 financial year.

Water Headworks and Reticulation \$89 570 paid from Treasurer's Advance during 1978-79 financial year.

Total \$330 395.

Service premiums per block, designed for accounting reasons, to recover only the Treasurer's Advance expenditure, were set at—

Single Residential	\$1 300
Duplex	\$2 000.

Upset prices, including these premiums, the Consolidated Revenue Fund expenditure, and the cost of the land, are—

Single Residential	\$6 800
Duplex	\$10 500.

The September sale is a re-offering of blocks not sold in previous sales.

ROAD

Shepperton Road

1201. Mr DAVIES, to the Minister for Transport:

- (1) Is it proposed to upgrade street lighting in Shepperton Road, Victoria Park from Duncan Street on?
- (2) If so, when?

Mr P. V. Jones (for Mr RUSHTON) replied:

- (1) I am advised that the Perth City Council is giving consideration to upgrading street lighting in this area and is conferring with the State Energy Commission on design details.
- (2) Timing will depend upon the funding priorities of Perth City Council.

EDUCATION DEPARTMENT

Employees: Tenders

1202. Mr DAVIES, to the Minister for Education:

- (1) Are there any restrictions on Education Department employees or their immediate families tendering for contracts with the department?
- (2) If so, what are the restrictions?
- (3) If "No" to (1), why not?

Mr P. V. JONES replied:

- (1) to (3) Public servants are not eligible for contracts. There is, however, no restriction on the families of such persons; and in such cases, each application is considered on its merits.

PUBLIC SERVICE: VACANCIES

Advertisements in "Government Gazette"

1203. Mr DAVIES, to the Premier:

- (1) When did Public Service gazetted vacancies cease to be advertised weekly in the *Government Gazette*?
- (2) Have they been resumed on any occasion since the date referred to in (1)?
- (3) If so, when?
- (4) If no to (2), why have they not been resumed?

Sir CHARLES COURT replied:

- (1) The 11th May, 1979.
- (2) and (3) No.
- (4) Under the provisions of the Public Service Act, 1978, which came into operation on the 16th May, 1979, vacancies are advertised in the *Public Service Notices* and not in the *Government Gazette*.

ROAD

Orrong Road

1204. Mr DAVIES, to the Minister for Transport:

- (1) In view of the Belmont Shire Council's decision, would he now reconsider his decision not to appoint an independent inquiry into the alternatives to using Orrong Road as a connecting road to the Burswood bridge?
- (2) If not, why not?

Mr P. V. Jones (for Mr RUSHTON) replied:

- (1) No.
- (2) The alternatives have been considered over the years and the Orrong Road route has been adopted as the most appropriate connection between the Kewdale industrial area and the proposed Burswood Bridge, which route has been part of the metropolitan region scheme since 1970.

EDUCATION: SCHOOL

Grass Patch

1205. Mr DAVIES, to the Premier:

- (1) Has he received correspondence from the Grass Patch Parents and Citizens' association requesting an increase in the water quota for the school?
- (2) If so, what is his attitude to that request?
- (3) Can he confirm that in 1976 the then Minister for Works and Water Supplies indicated that the Public Works Department would programme funds to increase the town water storage at Grass Patch?
- (4) Has this been done?

Sir CHARLES COURT replied:

- (1) Yes, on the 20th August, 1979.
- (2) Consideration will be given to a review of all water quotas in Grass Patch to meet the changing circumstances.
- (3) No record can be found that the then Minister for Works and Water Supplies indicated in 1976 that the Public Works Department would programme funds to increase town water storage at Grass Patch.
- (4) Preliminary designs and estimates have been prepared for the construction of additional storage and catchment improvements. The timing of the work must depend on the availability of finance and the relative priorities of other works.

CONFEDERATION OF WESTERN AUSTRALIAN INDUSTRY AND CHAMBER OF COMMERCE

Grants or Loans

1206. Mr DAVIES, to the Premier:

Will he list the type of grants or loans and the amounts of each grant or loan made available to—

- (a) The Confederation of Western Australian Industry;
- (b) the Chamber of Commerce of Western Australia;

by the Government.

Sir CHARLES COURT replied:

I am excluding any reference to the training scheme which provided equal amounts to the TLC and the Confederation of Western Australian Industry (and its appropriate predecessor).

This amount has been terminated for both the TLC and the confederation.

The Government, during its term of office, has not provided operating grants or loans to these organisations. However, the Department of Industrial Development does join with these organisations from time to time in trade missions and trade fairs; and on occasions the cost of these are shared between the department and the organisations. This, however, is not considered a grant—rather it is treated as normal trade promotional activity.

STATE GOVERNMENT INFORMATION
AND INQUIRY CENTRE

Operations and Staff

1207. Mr DAVIES, to the Premier:

- (1) How many people are employed in the State Government inquiry centre and what are the duties of each of them?
- (2) (a) Are there duty statements for the staff of the centre and, if so, will he table them;
(b) if he will not table them, why not?
- (3) (a) What formal administrative instructions or guidelines cover the operation of the centre and will he table a copy;
(b) If not, why not?
- (4) If there are no formal administrative instructions or guidelines covering the centre's operations, who is responsible for deciding what the centre does?
- (5) To whom is the senior officer at the centre responsible?

Sir CHARLES COURT replied:

- (1) Five officers. The manager administers the operations of the centre. Under the direction of the manager, the three information officers attend to inquiries received from the public. The clerical assistant attends to all clerical duties.
- (2) (a) and (b) There are duty statements, as is standard practice. It is not proposed to table them but copies will be made available to the Leader of the Opposition if he so desires.
- (3) and (4) The centre is a public information and inquiry service and has been established effectively to meet a public need and answer questions related to State Government departments and instrumentalities. If unable to provide the answer, the centre directs the inquirer to the appropriate authority.
- (5) The Under Secretary, Premier's Department.

STATE GOVERNMENT INFORMATION
AND INQUIRY CENTRE

Non-Government Publications

1208. Mr DAVIES, to the Premier:

- (1) Does the State Government inquiry centre sell publications other than those produced by the State Government?

(2) If so,

- (a) are there any guidelines covering which non-Government publications are stocked and what are the guidelines;
- (b) who decides which non-Government publications will be stocked;
- (c) if there are no guidelines, on what basis are decisions made about which non-Government publications are to be stocked?

Sir CHARLES COURT replied:

- (1) Yes, to a limited extent. The centre endeavours to provide a wide range of publications which will assist the public in finding answers to their inquiries.
- (2) (a) to (c) It is left to the discretion of the manager of the centre which publications are stocked. However, the majority of publications available for distribution are published by the various Government departments and instrumentalities.

ENERGY: ELECTRICITY SUPPLIES

Coconut Well, Broome

1209. Mr DAVIES, to the Minister for Fuel and Energy:

- (1) Further to my question 1041 of 1979 will he reconsider the Government's decision not to provide any assistance to the lot holders of Coconut Well, in view of the cost which they face for power connections?
- (2) If "No", will he consider a system whereby lot holders can pay off their commitment to the commission over a period of time?

Mr MENSAROS replied:

- (1) and (2) No. The Government has been steadily moving to treat new customers seeking electricity supply from the State Energy Commission in a consistent and fair manner, irrespective of their location, throughout the State. To make an exception in the case of Coconut Well would be against an equitable policy and highly undesirable.

RECREATION

Broome

1210. Mr DAVIES, to the Minister for Recreation:

- (1) Did an officer of the Community Recreation Council visit Broome on June 11th, 1979?
- (2) What was the purpose of his visit?
- (3) Did his visit entail an assessment of any site or sites at Willy's Creek for recreational purposes?
- (4) Did he discuss the recreational use of Willy's Creek with any residents at Broome?
- (5) If so, whom?

Mr P. V. JONES replied:

- (1) to (5) An officer of the Department for Youth, Sport and Recreation visited Broome on 11/6/79, in order to discuss with the Shire of Broome the merits of establishing a regional advisory service in the Kimberley.

General discussions on several recreational aspects occurred, including Willy's Creek.

LOCAL GOVERNMENT

Interim Valuations, and Pro Rata Rating

1211. Mr DAVIES, to the Minister for Local Government:

- (1) Has she received representations from several councils requesting that within amendments to the Local Government Act provisions be made to grant local authorities the right to use interim valuations and to rate on a *pro rata* basis where because of instances such as demolition, redevelopment or subdivision, valuations increase or decrease during a rating year?
- (2) Will she accede to these council's wishes and introduce amendments to the Local Government Act Amendment Bill which is on the Notice Paper?

Mrs CRAIG replied:

- (1) Yes.
- (2) No.

CEMETERIES

Muslim Burials

1212. Mr CARR, to the Minister for Local Government:

- (1) Do cemetery by-laws allow burial without a coffin in any cemetery in Western Australia?
- (2) If "Yes" will she please specify which cemeteries this applies to?
- (3) When does she expect an outcome to be reached concerning her inquiries into the dispute between the Muslim community and the Geraldton Cemetery Board, concerning Muslim burials?

Mrs CRAIG replied:

- (1) and (2) Not to my knowledge.
- (3) No further action is contemplated. The honourable member was advised by letter from me dated the 14th August, 1979.

HOSPITALS

Patients: Breast Feeding of Infants

1213. Mr CARR, to the Minister for Health:

Where a patient in a public hospital is breast feeding an infant, is the infant allowed to be located in the hospital with its mother or must it be kept outside the hospital and brought there for feeds?

Mr YOUNG replied:

Where possible, mother and infant are not separated when the mother is breast feeding since "bonding" is regarded as important in the mother-baby relationship.

However, each case must be regarded as individual depending upon the maternal diagnosis and hazard to the infant.

EDUCATION: TERTIARY

Institutions: Access to Industrial Commission

1214. Mr HODGE, to the Minister for Labour and Industry:

- (1) Is he aware that as a result of an industrial appeal court decision (No. 5

of 1979) staff of tertiary education institutions in Western Australia no longer have access to the W.A. Industrial Commission?

- (2) Is it a fact that for several years most of the employees of Western Australian tertiary institutions have been covered by State awards issued by the W.A. Industrial Commission because the Academic Salaries Tribunal only determines salaries and has no jurisdiction over conditions of appointment or the settlement of industrial disputes?
- (3) Is it Government policy to provide all employees in Western Australia with access to conciliation and arbitration tribunals?
- (4) Does the Government intend amending the Industrial Arbitration Act to give academic and general staff of tertiary institutions access to the W.A. Industrial Commission?
- (5) If the Government does not propose amending the Industrial Arbitration Act is it going to establish some alternative industrial tribunal for these employees?

Mr O'CONNOR replied:

- (1) I am aware that an industrial appeal court decision (No. 6 of 1979) has that effect.
- (2) I am aware that State awards have been issued covering academic staff of the WA Institute of Technology and teachers' colleges.
- (3) Where appropriate, yes.
- (4) Academic staff, no; non-academic staff, yes.
- (5) No.

COURT: SUPREME COURT

Filing of Documents

1215. Mr GRILL, to the Minister representing the Attorney General:

- (1) Is the Attorney General aware of the ever increasing costs which are placed upon country people who have recourse to the Supreme Court and who have to employ an agent in the Perth city area to file documents in the Supreme Court and to accept service of documents?

- (2) Is it a fact that in many cases especially in the not litigious areas of the law, documents could conveniently be filed and accepted by post?
- (3) Would the Attorney General be prepared to have an investigation made of this matter, and if thought necessary amend the rules of the Supreme Court to allow filing of documents by post by people living outside the metropolitan area?

Mr O'NEIL replied:

- (1) to (3) Proposals to amend the Administration Act, and the non-contentious probate rules which would modify present requirements for lodgment of probate documents is presently under consideration by the Law Society.

The volume of other types of documents originating in the country and being filed in the Supreme Court is not considered to be sufficient to warrant a change in present practices.

I would also remind the honourable member that the Attorney General does not have any power to amend the Supreme Court rules.

COURT

Family Court

1216. Mr GRILL, to the Minister representing the Attorney General:

- (1) Is it fact that the Family Law Act rules do not prevent a judge of the Family Court from presiding over both a pre-trial conference and a subsequent trial between contesting parties?
- (2) As in many respects a judge by so acting as above could be denying one or both of the parties their right to natural justice, would the Attorney General be prepared to initiate some suitable action to prevent such a circumstance in the future?

Mr O'NEIL replied:

- (1) and (2) The Family Law Act 1975 and family law regulations do not prevent a judge of the Family Court from presiding over both pre-trial conferences and a subsequent trial between parties.

Pre-trial conferences were conducted by judges from the time of the opening of the court in June, 1976, until March, 1978. Since March, 1978, the number of pre-trial conferences conducted by judges has been very small and has been only by way of resumption of an adjourned conference first held at some date before March, 1978.

From November, 1977, concurrently with the judges until March, 1978, pre-trial conferences have been conducted by the registrar and deputy registrars.

Although there is nothing in the Family Law Act, 1975, and regulations thereunder preventing a judge from both presiding over the pre-trial conference and the subsequent trial, it was the practice of judges who presided over pre-trial conferences which did not settle, not to subsequently preside at trial. The practice has no application where a pre-trial conference might have been convened and proceeded as a formality only but without any discussion proceeding as to the merits of the matters then before the court.

POLICE

Gold Stealing Squad

1217. Mr GRILL, to the Minister for Police and Traffic:

- (1) On what basis are the members of the gold stealing squad financed in respect of their wages and operations?
- (2) Are any parts of the squad's operations financed from the proceeds of recovery of gold or gold matter by the squad?
- (3) Where no owner can be established for gold or gold matter recovered by the police, how is it finally disposed of?

Mr O'NEIL replied:

- (1) By the Chamber of Mines.
- (2) Yes.
- (3) By payment to Consolidated Revenue.

WORKERS' COMPENSATION

Pneumoconiosis Medical Board

1218. Mr GRILL, to the Minister for Health:

- (1) Is he aware that from time to time miners have been diagnosed by the

Mines medical officer under the provisions of the Mine Workers Relief Act 1932 as suffering from silicosis or pneumoconiosis that have subsequently not been so found by the Pneumoconiosis Medical Board under the Workers Compensation Act 1912-1978?

- (2) Is he aware of one such case concerning one Frank Turich of 525 Hannan Street, Kalgoorlie, who was found by the Mines medical officer on 19th September, 1975 to be suffering from silicosis but who was diagnosed on 18th July, 1979 by the Pneumoconiosis Medical Board as suffering from no such disease?
- (3) As silicosis is a progressively irreversible disease can he account for the discrepancies between the two diagnoses?
- (4) Is it a fact that such divergence in diagnoses have made many workers in the Goldfields suspicious and distrustful of the operations and findings of the Pneumoconiosis Medical Board?
- (5) As the findings of the Pneumoconiosis Medical Board are final on the question of determining whether a worker is suffering from silicosis for the purpose of obtaining payments by silicotic miners under the Workers Compensation Act, can injustices occur where there are contradictory findings by the board and the Mines medical officer and there is no review of or appeal from the decision of the board?
- (6) If injustices can occur, would he support a move to allow some review of or appeal from the decision of the board or to allow his own medical representative to form part of the board?

Mr YOUNG replied:

- (1) No. I have had inquiries made and if there has been such a difference of opinion, it must be uncommon.
- (2) There is no record that Mr Turich was ever officially advised that he was suffering from silicosis, although the medical officer did raise the possibility that he might be developing silicosis after his examination in 1975. A re-examination of that X-ray and subsequent X-rays has not confirmed that suspicion.

- (3) There does not appear to be any discrepancy.
- (4) The member has not produced any evidence of this suspicion or distrust. The Pneumoconiosis Medical Board consists of three senior chest physicians with many years experience in industrial lung disease. They have access to whatever type of X-ray films are necessary, lung function tests, laboratory tests, etc. Access is also available to records of previous medical examinations conducted by the Chest Clinic and other hospitals or specialists.
- (5) No.
- (6) If it can be shown that injustices have occurred, I will re-examine the situation. However, there is provision for the miners' own medical representatives to attend meetings of the board.

RAILWAYS: LANGFORD

Tamping Machine

1219. Mr PEARCE, to the Minister for Transport:

- (1) Is it a fact that a tamping machine was used on the standard gauge line in Langford between 11.00 p.m. and 3.00 a.m. on the night of 15th-16th August, 1979, in the immediate proximity of residential housing?
- (2) If so, will he take steps to confine work of this nature to more reasonable hours in residential areas?

Mr P. V. Jones (for Mr RUSHTON) replied:

- (1) Yes.
- (2) This work has to be carried out through the metropolitan area when train operations are at a minimum in order that sufficient machine working time is available.

As well as night time, it also includes Sunday working.

This maintenance programme is only carried out about once every three years and approximately three kilometres of track is completed by the machine on each shift. The work finished on the 20th August.

EDUCATION: HIGH SCHOOL

Gosnells

1220. Mr PEARCE, to the Minister for Education:

- (1) Will funds be allocated for the construction of Stage 4 of Gosnells Senior High School for 1980?
- (2) If not, when is it expected that funds will be allocated for this?

Mr P. V. JONES replied:

- (1) No.
- (2) No indication can be given at present, as enrolment growth at the school may change in future years. Numbers do not warrant the building of stage 4 yet.

IMMIGRATION: IMMIGRANTS

Vietnamese

1221. Mr PEARCE, to the Minister for Immigration:

- (1) Since the end of the Vietnam War, how many Vietnamese nationals have arrived in Western Australia each year as—
 - (a) legal immigrants;
 - (b) illegal immigrants?
- (2) What is the age/sex breakdown of the arrivals?
- (3) How many of the arrivals have been classified in each of the following categories:
 - (a) professional;
 - (b) skilled;
 - (c) semi-skilled;
 - (d) unskilled?
- (4) How many of the arrivals have entered into—
 - (a) full-time, and
 - (b) part-time employment in the Perth metropolitan area?
- (5) How many of the arrivals were first accommodated in—
 - (a) the metropolitan area and
 - (b) non-metropolitan areas in:
 - (i) migrant hostels run by Government agencies;
 - (ii) hostels run by private organizations;
 - (iii) private accommodation?
- (6) What is the average length of stay in Government migrant hostels?

- (7) In which Metropolitan areas are those in private accommodation settled?
- (8) What is the unemployment rate among Vietnamese—
 - (a) immigrants; and
 - (b) refugees?

Mr O'CONNOR replied:

- (1) to (8) The arrival and initial settlement programmes for Vietnamese nationals are subject to Commonwealth Government policy.

However, my department will seek the required information from the relevant Commonwealth Government departments and if it is available it will then be conveyed to the honourable member.

It may be difficult to ascertain how many illegal immigrants are here.

EDUCATION

Burt Committee

1222. Mr PEARCE, to the Minister for Education:

- (1) When is the Burt committee due to report?
- (2) To whom will the report be made?
- (3) Will the report be made public?
- (4) Have individuals or organizations requesting to make verbal submissions to the committee been granted interviews?
- (5) If not, will this be done, and when?
- (6) If it is not the intention to grant interviews, why not?

Mr P. V. JONES replied:

- (1) The committee of inquiry into the future of Murdoch University has been informed of the Government's desire for an early report. I understand that the committee hopes to report in late September or early October of this year.
- (2) The Minister for Education.
- (3) Yes.

- (4) to (6) These are procedural matters which are properly the concern of the committee. I am informed, however, that the committee plans to meet with representatives of Murdoch University, the University of Western Australia, the Western Australian Institute of Technology and the colleges early next month, but does not intend to arrange for a more extensive series of meetings at this stage of its proceedings, in view of the limited time available in which to complete its task. As I have already indicated, I have the utmost faith in the chairman and members of the committee and I am sure that appropriate consultation will take place during the course of the inquiry.

EDUCATION: PRE-SCHOOL AND PRE-PRIMARY

Trained Assistants

1223. Mr PEARCE, to the Minister for Education:

- (1) Is there any intention to reduce the pay level of pre-school and pre-primary trained assistants with the child care certificate or nursery nurses education board qualification to that of untrained aides?
- (2) Is there any intention to reduce the number of trained assistants and replace them with untrained aides?
- (3) Is there any intention to give preference to untrained aides in the filling of new and/or vacant positions?

Mr P. V. JONES replied:

- (1) and (2) No.
- (3) The appointment of an aide to a pre-school centre is made by the teacher-in-charge in consultation with her committee. The appointment of an aide to a pre-primary centre is made by the principal of the primary school to which the centre is attached, in consultation with the committee of the centre. The Education Department does not issue instructions relating to qualifications needed.

COCKBURN SOUND: JERVOISE BAY

Back-up Industrial Estate

1224. Mr TAYLOR, to the Minister for Industrial Development:

- (1) With respect to the possible future use of that part of the "A"-class reserve in Jervoise Bay to be zoned industrial, what companies are likely to be allocated space?
- (2) What commodities are likely to be fabricated?
- (3) When is it expected that any company will begin operations on the site?
- (4) If the North-West Shelf project is deferred or does not come to fruition, will the Government allow present usage by recreational bodies to continue?
- (5) If the North-West Shelf project is deferred or does not come to fruition, will the Government return the section of coastline concerned to the status of an "A"-class reserve?
- (6) If the North-West Shelf project proceeds will the Government, at the completion of the construction stage, return the area to the status of an "A"-class reserve and under the control of the Cockburn Town Council?

Mr MENSAROS replied:

- (1) Contractors involved in manufacture and construction of components of offshore oil and gas developments.
- (2) Miscellaneous marine structures and equipment.
- (3) First half of 1980.
- (4) to (6) The Government sees a real need for a modern supply base to be established at Jervoise Bay in reasonable proximity to established industry to serve offshore developments over a lengthy period. Consequently the integrated development of the small part of the reserve and the present ship building industry with the back-up industrial estate is a long term objective. We would expect to work out a satisfactory solution with the present recreational groups to meet the development programme.

HOUSING: RENTAL

Balga

1225. Mr WILSON, to the Minister for Housing:

- (1) What arrangements are to be made for the transfer of tenants in rental units in Salmar Way and Edale Way, Balga, prior to the commencement of upgrading work involving the reduction by one of the number of bedrooms in each unit?
- (2) When may tenants, likely to be affected in this way, expect to be advised of these arrangements?

Mr O'Connor (for Mr RIDGE) replied:

- (1) The degree of internal work proposed is no greater than that involved in normal upgrading; therefore, there is no necessity to transfer tenants for this reason.
However, if there is overcrowding due to reduction of bedrooms, transfer will be made in the normal manner.
- (2) Ample advice will be given to tenants with a view to minimising any inconvenience.

EDUCATION: HIGH SCHOOLS

Book Hire Charges

1226. Mr WILSON, to the Minister for Education:

- (1) Is he aware of possible problems facing high schools in low income areas where up to 30 per cent of students are not able to afford the book hire charges suggested by the department as a means of alleviating the burden of the high cost of text books?
- (2) Is he also aware of the possible overall effect of the limitation of resources that results from the non-payment of such a high proportion of book hire charges in such situations?
- (3) Is he prepared to consider raising the minimum income level at which parents become eligible for school book assistance from the current figure of \$100 to one that is more realistic as a means of relieving the burden on affected schools?

Mr P. V. JONES replied:

- (1) to (3) I am advised that this matter is being investigated.

EDUCATION

Disadvantaged Schools Programme

1227. Mr WILSON, to the Minister for Education:

- (1) Can he say whether there is an anticipated cut in Commonwealth funds for the disadvantaged schools programme in Western Australia in 1980 and how the anticipated funds for 1980 compare with those available in 1979 and previous years?
- (2) What is the maximum number of children to be covered by the programme in 1980 in comparison with 1979 and past years?
- (3) What number of children will be included in the programme in the north-east metropolitan region in 1980 compared with the numbers for 1979 and past years?
- (4) What funds will be available for schools involved in the programme in the north-east metropolitan region in 1980 compared with 1979 and past years?
- (5) Can he confirm that the funds to be allocated to the programme in the north-east metropolitan region in 1980 represent a 40 per cent cut on the 1979 allocation for the region?
- (6) What is the explanation for the possible anomaly of an increase in the number of children involved and the decrease in the allocation of funds for 1980 and the high proportion of children in this region involved in the State programme and the apparent disproportionate share of the total allocation of funds for the programme in this region?

Mr P. V. JONES replied:

- (1) to (6) As the information requested is detailed, I will write to the honourable member as soon as this is available.

HOUSING: LAND

Balga

1228. Mr WILSON, to the Minister for Housing:

- (1) Can he say what area and how many lots are to be developed in the first stage

of the Balga subdivision development in the area bounded by Beach Road, Redcliffe Avenue, Balga Avenue and Princess Road?

- (2) In how many stages and over what period of time will the total area concerned be developed?

Mr O'Connor (for Mr RIDGE) replied:

- (1) The first stage of the subdivision has an area of approximately 24ha, and contains 154 residential lots—124 single residential, 19 duplex, 11 medium density lots and one kindergarten site.
- (2) The subdivision consists of two stages. It is anticipated that stage 1 will be completed during the current financial year and stage 2 during the 1981-82 financial year. The delay being due to an extension of sewer.

HOUSING: RENTAL

Construction Programme

1229. Mr WILSON, to the Minister for Housing:

- (1) Can he say what funds have been made available in the Federal Budget for:
 - (a) construction of State Housing Commission rental accommodation;
 - (b) low interest rate loans for middle and low wage earners?
- (2) When does he expect to be able to announce details of the construction programme for rental units and the availability of low interest loans?

Mr O'Connor (for Mr RIDGE) replied:

- (1) No.
- (2) Details will be announced after Federal and State funding particulars are made available.

EDUCATION: TERTIARY

Institutions: Non-academic Staff

1230. Mr WILSON, to the Minister for Education:

- (1) Is he prepared to consider amending the Acts of the various tertiary institutions

to allow representatives of the non-academic staffs on the governing bodies i.e., senates and councils, as of right, where this does not already occur?

(2) If not, why not?

Mr P. V. JONES replied:

- (1) This will be considered, if the tertiary institutions request such a change. In the Colleges Act which Parliament passed last year such provision was included.
- (2) Not applicable.

EDUCATION: TERTIARY

Institutions: Access to Industrial Commission

1231. Mr WILSON, to the Minister for Labour and Industry:

Will he confirm that it is the intention of the Government to allow members of the non-academic staff of tertiary institutions to continue to appear before the Industrial Commission and, if so, when will the necessary legislation guaranteeing this right be introduced?

Mr O'CONNOR replied:

Yes. Legislation will be introduced shortly which will better clarify the position.

The SPEAKER: I ask members conversing behind the Chair to keep the level of their voices down.

CONSUMER AFFAIRS

Accent Cleaning Company and Casnot Pty. Ltd.

1232. Mr WILSON, to the Minister for Consumer Affairs:

Can he say whether the bureau is investigating the activities of Accent Cleaning Company or Casnot Pty. Ltd., and if so, what progress has been made with any such investigations?

Mr O'CONNOR replied:

No, because Accent Cleaning is a franchise operation and is therefore not a consumer matter by definition under Section 4(2) (b) of the Consumer Affairs Act.

CONSUMER AFFAIRS

Accent Cleaning Company and Casnot Pty. Ltd.

1233. Mr WILSON, to the Minister representing the Attorney General:

Can the Attorney General say whether the corporate affairs office is investigating the activities of Accent Cleaning Company or Casnot Pty. Ltd., and if so, what progress has been made with any such investigations?

Mr O'NEIL replied:

No.

TOWN PLANNING

Ballajura Pty. Ltd.

1234. Mr WILSON, to the Minister for Urban Development and Town Planning:

- (1) Further to her answer to question 612 of 1979, can she say what further progress has been made in the consideration being given to the application by Ballajura Pty. Ltd. for the re-assessment of the metropolitan region scheme zonings as reflected on metropolitan region scheme map No. 10 and improvement plan No. 8 by the Metropolitan Region Planning Authority, the Town Planning Department and the Main Roads Department?
- (2) In particular can she say what stage has been reached in the consideration being given to the proposals for a new Weir Road alignment and its southward extension and an alternative alignment for Beach Road extension to Marshall Road?

Mrs CRAIG replied:

- (1) The Town Planning Department has obtained advice and recommendations from all but one of the instrumentalities studying the possible variations in respect of the zonings and reservation in the metropolitan region scheme. It is hoped the comments yet to come will be received shortly and that a final report and recommendations will be submitted for consideration by the authority at its meeting in September, fulfilling an undertaking to the developer.

- (2) Until all advice and recommendations have been received and examined, it is not possible to comment about the likely final road pattern.

TIP TOP BAKERIES

Long Service Leave Payments

1235. Mr WILSON, to the Minister for Labour and Industry:

- (1) Is it a fact that Tip Top bakeries engage in a practice of deducting long service leave payments from an employee's superannuation entitlement on retirement?
- (2) Have any investigations been made to ensure that this type of arrangement is not in contravention of the intention of the Long Service Leave Act?
- (3) If "No" to (2), does this mean that the Government approves of such practices?

Mr O'CONNOR replied:

- (1) It is not known whether Tip Top Bakeries engage in this practice. No complaints have been received by my department.

Mr Harman: Did you ask them?

Mr O'CONNOR: I was not asked the question.

Mr Harman: But did you ask?

Mr O'CONNOR: Did the member ask? To continue—

- (2) and (3) If a person has been so treated and wishes to lodge a complaint with the Industrial Registrar, he will investigate the matter.

HOUSING

Karratha

1236. Mr HARMAN, to the Minister for Housing:

- (1) Given the go-ahead for the North-West Shelf gas development, will he detail the proposals his department has made for expenditure in Karratha?
- (2) (a) Has there been any consultation with the local community at Karratha;
(b) if so, with whom?

Sir Charles Court (for Mr RIDGE) replied:

The honourable member has asked a number of similar questions dealing with the same project. They are questions 1236-1240.

I thought it desirable—as there is co-ordination of all requirements for initial infrastructure for projects of this kind—for an all embracing answer to be given by me, as Premier, to all of the questions listed above.

It is—

- (1) During the joint venturers' project definition study, the State, through the Minister for Industrial Development as the co-ordinator Minister for the project, has been closely assessing the needs of the local communities in the Nickol Bay area: in particular, the needs of Karratha.

Planning for the provision of social and civic facilities in Karratha is in hand.

Provisions for infrastructure in Karratha are fully covered in the draft agreement being drawn up between the joint venturers and the State.

As the initial activity for the project is concentrated on site preparation and access works on the Burrup Peninsula, little expenditure on social and civic facilities will be required during 1979-80 financial year.

- (2) (a) and (b) Close consultation with the local community has been maintained through the Shire of Roebourne and the regional administrator who are members of the townsites development committee of the planning and co-ordinating authority.

The Department of Industrial Development has maintained close contact with those representatives also in drafting the agreement.

A sub-committee of the townsites committee studying regional recreation requirements as part of current development planning has held public meetings in Karratha, Roebourne and Wickham to ensure public/planner interaction.

EPA held a public meeting in Karratha in July as part of its assessment of the company's ERMP document.

EDUCATION

Karratha

1237. Mr HARMAN, to the Minister for Education:

- (1) Given the go-ahead for the North-West Shelf gas development, will he detail the proposals his department has made for expenditure in Karratha?
- (2) (a) Has there been any consultation with the local community at Karratha;
(b) if so, with whom?

Sir Charles Court (for Mr P. V. JONES) replied:

(1) and (2) See answer to question 1236.

HEALTH

Karratha

1238. Mr HARMAN, to the Minister for Health:

- (1) Given the go-ahead for the North-West Shelf gas development will he detail the proposals his department has made for expenditure in Karratha?
- (2) (a) Has there been any consultation with the local community at Karratha;
(b) if so, with whom?

Sir Charles Court (for Mr YOUNG) replied:

(1) and (2) See answer to question 1236.

LAND

Karratha: Proposals

1239. Mr HARMAN, to the Minister representing the Minister for Lands:

- (1) Given the go-ahead for the North-West Shelf gas development, will he detail the proposals his department has made for expenditure in Karratha?
- (2) (a) Has there been any consultation with the local community at Karratha;
(b) if so, with whom?

Sir CHARLES COURT replied:

(1) and (2) See answer to question 1236.

COMMUNITY WELFARE

Karratha

1240. Mr HARMAN, to the Minister for Community Welfare:

- (1) Given the go-ahead for the North-West Shelf gas development, will he detail the proposals his department has made for expenditure in Karratha?
- (2) (a) Has there been any consultation with the local community at Karratha;
(b) if so, with whom?

Sir Charles Court (for Mr YOUNG) replied:

(1) and (2) See answer to question 1236.

STATE FINANCE

Short-term Interest Transactions

1241. Mr DAVIES, to the Treasurer:

Further to my question 1048 of 15th August, 1979, relevant to short-term interest transactions, what amount of the \$44 558 423 held in suspense at the 30th June, 1979, will be available to transfer to either the Consolidated Revenue Fund or the General Loan Fund in 1979-80?

Sir CHARLES COURT replied:

The information requested will be disclosed when the Consolidated Revenue Fund and General Loan Fund Estimates are presented to Parliament.

INDUSTRIAL DEVELOPMENT

Government Guarantees on Loans

1242. Mr DAVIES, to the Treasurer:

- (1) Further to my question 1137 of 16th August, 1979, pertaining to Government assistance by way of a guarantee on loans to business, what is the name of each of the four firms approved for Government guaranteed loans in 1978-79?
- (2) What was the value of the loans by each firm identified in (1) guaranteed by the Government?

Sir CHARLES COURT replied:

- (1) The four firms assisted by way of Government guarantees during 1978-79 were—
 - (a) Manjimup Canning Co-operative Company Limited
 - (b) Bunbury Foods Pty. Ltd.
 - (c) G. J. Clarke Pty. Ltd.
 - (d) Southern Ocean Fish Processors Pty. Ltd.
- (2) The value of the loans guaranteed by the Government in respect to each of the above firms was—
 - (a) \$1 692 000
 - (b) \$1 782 000
 - (c) \$24 000
 - (d) \$2 500 000.

QUESTIONS WITHOUT NOTICE

STATE FINANCE

Short-term Interest Transactions

1. Mr DAVIES, to the Treasurer:

What items comprised \$44 558 423 held in Suspense at the 30th June, 1979?

Sir CHARLES COURT replied:

I thank the Leader of the Opposition for notice of the question the answer to which is as follows—

See my answer to question 1048 which contains these details.

FUEL: CONSERVATION

Use of Railways

2. Mr CRANE, to the Minister for Fuel and Energy:

I apologise for failing to give the Minister very much time in which to

prepare his answer to my question which is as follows—

- (1) Has the Minister seen the article in today's *Daily News*, dated the 23rd August, and headed, "Railway boom as oil price rises"?
- (2) Has the Government studied the latest edition of *Jane's World Railways* which is mentioned in the article?
- (3) If "Yes" to (2), what are the Government's findings?
- (4) If "No" to (2), will the Minister undertake to have this done?

Mr MENSAROS replied:

- (1) Yes.
- (2) to (4) I am satisfied that the State Energy Commission, charged by its Statute to advise the Government in all energy matters, is reasonably up to date with information relevant to the State's energy problems. When answering a question of which I have been given only a few minutes' notice, I cannot be specific as to whether the reported publication has been studied already. In any event, I shall ask for a report.

PRISONS: INMATE

Television Interview

3. Mr B. T. BURKE, to the Chief Secretary:

May I say I take no pleasure in the decision of the Chief Secretary not to answer questions without notice; but perhaps he could explain and, by explaining, clear up the following matter.

I should like to know how copies of the answer to my question without notice asked on Tuesday, the 21st August, which were delivered to me included one copy that was subject to crossing out, and one copy that was not subject to crossing out. I should like to know also how copies of the same answer delivered to the Press had the section which was crossed out in one of the copies delivered to me, untouched in the copies delivered to the Press?

Mr O'NEIL replied:

I suggest the member put the question on the notice paper.

ALUMINA REFINERY

Worsley

4. Mr SKIDMORE, to the Minister for Mines:

- (1) Will the Minister table the recommendations of the EPA on the Worsley alumina project draft ERMP?
- (2) Will the Government seek the EPA's assessment of the final Worsley alumina project ERMP?
- (3) Will the final ERMP be available for public comment?

Mr MENSAROS replied:

- (1) No. The Worsley participants are now preparing the final ERMP in response to the EPA's comments on the draft document.
- (2) I will refer the final ERMP to the EPA for advice.
- (3) The final ERMP will be made public.

ELECTORAL: STATE

Enrolment: Claims

5. Mr BERTRAM, to the Chief Secretary:

- (1) Upon receipt of a duly completed and executed electoral enrolment claim card is an acknowledgment thereof forwarded forthwith to each claimant?
- (2) If not, why is there a delay?
- (3) Is it a fact that employers, landlords and others in authority over claimants are being consulted before the receipt of a claim is acknowledged?
- (4) How long has this been the practice, in what circumstances is it invoked and who directed that this procedure should be followed?

Mr O'NEIL replied:

I thank the honourable member for more than adequate notice of this question; I think it was one week's notice. My answer is—

- (1) No.

- (2) Section 43 of the Electoral Act requires that claims upon receipt shall be filed provisionally. Section 46 of the Act requires that such claims, if not objected to, shall be registered at the expiration of 14 days from their receipt. Acknowledgments are issued by computer and there can be a further delay of up to one week depending on its receipt at the computer in relation to the weekly computer "run" received by the department.

- (3) No.

- (4) Not applicable.

ENERGY: SOLAR

Beer Production

6. Mr SKIDMORE, to the Minister for Fuel and Energy:

In the Commonwealth record on page 1081, under the heading "Use of Solar Energy in Beer Production", the Minister for Science and the Environment (Senator J. J. Webster) makes mention that the Adelaide Brewery has pioneered the use of solar energy in beer production.

In view of this fact, would the Minister have the necessary investigations made into the type of solar energy system used by the South Australian Brewing Company's Southwark Brewery at Thebarton, with a view to having discussions with the Swan Brewery in an effort to have it install a similar system so that it can effectively reduce its energy consumption?

Mr MENSAROS replied:

I thank the honourable member for notice of this question. My answer is—

The project mentioned is one of a number of installations in which the CSIRO has been involved in various States. The Solar Energy Research Institute has full details on the Adelaide installation, which is used simply to produce hot water.

The Government announced some time ago that a similar joint project with CSIRO is to be installed in Perth involving a soft drink factory, which is expected to be in operation early next year.

RAILWAY: FREMANTLE-PERTH

Closure: Public Opposition

7. Mr DAVIES, to the Premier:

In view of the fact that the debate on the *Daily News* article was aborted this afternoon, I wonder whether I could ask the Premier, because of the absence of the Minister for Transport—I understand he is journeying to a TV station—

Mr B. T. Burke: That is no absence.

Mr DAVIES: I wonder whether I could ask the Premier, in view of the fact that 82 per cent of the residents polled were against the closure of the line, whether there is any chance of the Government changing its mind and if not, where does

the Government get its mandate to override the views of 82 per cent of the population?

Sir CHARLES COURT replied:

One could consider this question as rather frivolous because if the Leader of the Opposition is considering 70 per cent, 80 per cent or 90 per cent, or whatever it may be, of 400 people he is not considering the electorate of the State. If he thinks that the Parliament, and the Government in particular will be governed by opinion polls, he should think again whilst this Government is in office. So I should like to say to the honourable member that decisions will be made by the Government in the proper manner and not based on emotive issues or Press reports and opinion polls organised by people who themselves have done much to orchestrate public opinion on the matter.
