

Legislative Council

Tuesday, the 9th May, 1978

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

QUESTIONS

Questions were taken at this stage.

FAMILY COURT ACT AMENDMENT BILL

*The Hon. Grace Vaughan's Press Comments:
Personal Explanation*

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.41 p.m.]: Mr President, I seek leave under Standing Order 74 to make a personal explanation.

Leave granted.

The Hon. GRACE VAUGHAN: On Friday, the 5th May, in the newspaper *Daily News*, in an article dealing with proceedings in Parliament on the Family Court Act Amendment Bill, I am quoted as saying that legislative procedures were not being properly observed.

Mr President, I am fully aware that when this Bill was dealt with in the Council on Wednesday, the 3rd May, Standing Orders had, as is the custom towards the end of each sessional period, been suspended to allow Bills to be passed through all stages at any one sitting, and I agree that when this Bill was passed the proper procedures were maintained.

My comments on this matter to the newspaper related to the desire of the Government to deal with the Bill with what I regard as undue haste, and I repeat that my remarks were not intended to reflect on the procedural aspects of handling the Bill in the House.

I know full well, Mr President, that you would not allow such improper procedure. I want to add that the whole of the newspaper article, referring to my remarks made on the telephone, gives the tenor that I was not receiving co-operation from the Attorney-General. I want to make it very plain to the House that the Attorney-General has been most courteous to me.

I deal with most of the Bills in this House which are of a legal nature. I admit I am not *au fait* with all legal procedures, and the Attorney-General has been most helpful and most patient with me. I would like the House to take note of that.

There are other parts of the article with which I will take issue with the reporter concerned.

RESERVES BILL

Second Reading

THE HON I. G. MEDCALF (Metropolitan—Attorney-General) [4.45 p.m.]: I move—

That the Bill be now read a second time. The Reserves Bill is normally presented to Parliament just prior to the conclusion of the session to allow the maximum number of amendments to be included in the one Bill and to obviate the need to hold over certain proposals until the following session.

In view of certain required amendments to Class "A" reserves which have come forward since last year's Bill it has been considered desirable to present this earlier Bill to give effect to changes involving nine reserves.

It is intended that further proposals will be presented to Parliament later in the year.

Reserve No. 11144 is a picturesque area of about 121 hectares surrounding Boyagin Rock and was set apart in 1908 for "park lands and picnic ground". It was later surveyed as Avon Location 19709 and in 1976 a vesting order was issued to the Western Australian Wild Life Authority in accordance with an approved recommendation by the Environmental Protection Authority.

It was later ascertained that as the purpose did not create a nature reserve within the meaning of the Wildlife Conservation Act, 1950, appropriate management measures could not be implemented. The Department of Fisheries and Wildlife therefore requested a change of purpose to "recreation and conservation of flora and fauna" as had been originally recommended by the Environmental Protection Authority despite the apparent incompatibility of these purposes. The Environmental Protection Authority confirmed its earlier recommendation but added a rider that "recreation" would certainly be the main purpose.

The Bill seeks authority to change the purpose of Class "A" Reserve No. 11144 from "park lands and picnic ground" to "recreation and conservation of flora and fauna".

Reserves Nos. 29800, 29803 and 29804: The Environmental Protection Authority has recommended that the purpose of these reserves, known as Alexander Morrison National Park, should be changed from "national park" to "national park and water".

The approach recognises the paramount importance of water and that national parks embrace a major component of any region's water resources.

Authority is sought to change the purpose of Class "A" Reserves Nos. 29800, 29803 and 29804 from "national park" to "national park and water".

Reserve No. 16031 of about 40 hectares was set apart in 1915 for "water" and was later classified Class "A" at the request of the Shire of Kojonup.

The Kojonup Environmental and Ecological Protection Society, with the support of the shire, has requested the purpose of this reserve be now changed from "water" to "conservation of flora and fauna".

After conducting a field inspection of the area the Department of Fisheries and Wildlife has also supported the request. The Public Works Department raises no objection to the proposal.

Reserve No. 16568 of about 22 hectares was set apart in 1916 for the purpose of "camping and public utility" and was later classified Class "A" at the request of the Shire of Kojonup.

The Kojonup Environmental and Ecological Protection Society, with the support of the shire, has approached the Department of Fisheries and Wildlife requesting the area be now set apart for "conservation of flora and fauna" as it contains a freshwater swamp and provides for a variety of fauna and vegetation which is representative of the district.

The Department of Fisheries and Wildlife has made a field inspection of the reserve and supports the suggested change of purpose.

Reserve No. 12439 is vested in the Shire of Wanneroo for recreation without power to lease. The adjoining Reserve No. 29694 is also vested in that shire but with power to lease for purposes consistent with recreation. However, the refreshment kiosk at Yanchep Beach which should have been constructed wholly within Reserve No. 29694 has been found to straddle the common boundary of the two reserves.

The Bill seeks the authority of Parliament to amend Reserve No. 12439 to exclude the area of 527 square metres, surveyed as Swan Location 9740, which will be added to Reserve No. 29694.

Reserve No. 9307 of about 39 hectares was set apart in 1904 for the purpose of "water" and later classified as Class "A".

The Kojonup Environmental and Ecological Protection Society has requested that this reserve be set apart for "conservation of flora and fauna" and vested in the Western Australian Wild Life Authority. The Shire of Kojonup and the Department of Fisheries and Wildlife support the

proposal, with the Department of Works subsequently raising no objection. This Bill proposes to give effect to such change of purpose.

The Metropolitan Water supply, Sewerage, and Drainage Board has to construct a summit tank as part of the Mundaring-Darlington water supply scheme and the only feasible site is within Class "A" Reserve No. 6922, which is vested in the Shire of Mundaring as a "public park".

Environmental and aesthetic issues as well as engineering requirements have been discussed thoroughly with the shire and the Metropolitan Region Planning Authority and agreement has been reached as to treatment of the site, which contains 7 679 square metres surveyed as Greenmount suburban lot 544.

Authority is sought to amend Class "A" Reserve No. 6922 to exclude the area surveyed as Greenmount suburban lot 544, which will be set apart as a reserve for "water supply".

Mr E. G. Edwards of Mundijong was a prisoner of war in Crete and wishes to commemorate assistance rendered to escaped prisoners by the occupants of the monastery at Preveli and local civilians by constructing a chapel in Grecian style on a site similar to that on which the monastery is located in Crete.

Various organisations, including the Greek Orthodox Church, have endorsed the proposal and a suitable position has been found near the mouth of the Margaret River at Prevely, which is a locality named after the monastery at the request of Mr Edwards.

An area of 2 012 square metres within Class "A" Reserve No. 8431 has been surveyed to provide a site for the chapel and an associated parking area as the building is expected to attract interest from tourists. The reserve is set apart for "protection and preservation of caves and flora and for health and pleasure resort", but this section is not vested in any instrumentality.

The Bill seeks authority to amend Class "A" Reserve No. 8431 to exclude the area surveyed as Sussex Location 4660, which will be granted to the Greek Orthodox Church to be held in trust as a church site.

In 1955, an area of 9 586 square metres within a State Housing Commission subdivision was designed and set apart as Class "A" Reserve No. 24331 to provide a site for "hallsite, infant health clinic and recreation (tennis courts)". It was vested in the municipality, now the City of South Perth, with power to lease so that council policy of leasing tennis courts could be implemented.

Over the years an infant health clinic and basketball courts were constructed but it has been agreed recently that additional rooms should be added to the clinic to convert it into a community health centre which would then also accommodate a social worker and community health sister as well as a clerk.

The Public Health Department needs to control land on which its capital works are to be constructed and that department is to co-operate with the City of South Perth so that public toilets to be constructed by council can share a common wall with the health centre. To accomplish this, suitable tenancy will be arranged between the two parties, but it is necessary to replace the purpose "infant health clinic" by "community health centre". It is opportune also to delete the restriction to tennis courts as the sole form of recreation.

The Bill seeks authority to change the purpose of Class "A" Reserve No. 24331 from "hallsite, infant health clinic and recreation (tennis courts)" to "hallsite, community health centre and recreation".

I commend the Bill to the House.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.54 p.m.]: Because I have had an opportunity to study this Bill, I intend to proceed now. However, in making that remark I would like to say I support the comments made last week by my leader when he said that the Opposition should be given sufficient time to study legislation after its introduction. I hope the Government accepts, as a general rule, that debate on legislation introduced into this Chamber should be adjourned for at least a week. This would allow us a reasonable time to consult with our colleagues on the contents of Bills.

I have been able to examine this particular proposal, and it was of assistance to have available a spare copy of the maps that were tabled. This meant I could take the maps away from the Chamber and peruse them at my leisure. I again remind the Government of the comments I made last week in relation to maps being available for that purpose.

Clause 3 provides that the designation of "national park" in relation to three reserves is to be amended to "national park and water". When introducing the Bill the Minister said that this amendment was to recognise the importance of water and the fact that national parks form a major component of our water resources. So it was somewhat odd then to find that the next clause provides for the designation of "water"

in relation to Reserve No. 16031 to be amended to "conservation of flora and fauna". It would appear to me to be more consistent with the Minister's views to retain the word "water" in that designation.

Clause 6 relates to an adjustment that is required at Yanchep, because a kiosk was built on an "A"-class reserve. One wonders how mistakes such as this occur, and it would appear that the surveying of this area was inadequate. One would expect local authorities, which are responsible for building approvals, to be more careful in this regard. When a private person trespasses onto a reserve or even builds too close to a boundary, he is required to make the adjustment, frequently at great expense.

Local authorities should see that they observe the rules in the same way that they expect all citizens to observe the rules. However, we agree that it is sensible to make this adjustment.

Clause 9 relates to an "A"-class reserve at Prevelly, and this amendment is to commemorate assistance rendered to escaped prisoners of war by the occupants of the Preveli Monastery in Crete. I hope to be going to Crete very shortly, and I may have an opportunity to see the monastery itself. With those few remarks, I support the legislation.

THE HON. V. J. FERRY (South-West) [4.58 p.m.]: I support the Bill, and I wish to comment particularly on the provision in the legislation to provide for the excision of a reserve in the Augusta-Margaret River Shire for the use of the Greek Orthodox Church to establish a suitable memorial in recognition of the assistance given by the people of Crete to our prisoners of war.

Prevelly Park derives its name from the Preveli Monastery in Crete. Already this is an established and very attractive tourist resort on the west coast of the lower south-west. In my opinion the proposal to establish a chapel for commemorative purposes is a wonderful move; not only will it cement relationships between Australians and the people of Crete, but also it will add a further tourist attraction to an already pleasing area of the south-west. It will be quite unique, and certainly I commend the idea put forward by Mr E. G. Edwards to which he has given his wholehearted support. I believe the idea should be applauded by the whole community, and the legislation to provide for it has my support.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.59 p.m.]: I thank members for their support of the Bill. I believe it is a

measure that we can accept without any reservation. Sometimes problems arise in relation to reserves, but I do not believe there are any in regard to this particular Bill, or these particular reserves.

I found the comment of Mr Claughton in connection with water to be interesting. I do not know what is the reason for this, and I can only suggest there is greater possibility of water being on one reserve than on the others. However, that is purely speculation on my part.

In reference to the point raised by Mr Claughton about premises being built over the boundaries of the property, he said this was an unfortunate mistake. This sometimes happens to the owners of private property, but I would remind the honourable member that a few years ago we did amend the law to overcome that problem to cover cases of people who build over their boundaries accidentally, and slightly into the properties of their neighbours.

Whereas in the old days it was very costly to effect a remedy, and sometimes the owner of the premises concerned had to demolish a room or a wall, there is provision now for boundaries to be amended.

The Hon. R. F. Claughton: That is if the parties agree.

The Hon. I. G. MEDCALF: Such cases can be adjudicated by the court now; so that alters the position referred to by the honourable member.

Again I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 2).

Second Reading

Debate resume from the 4th May.

THE HON. F. E. MCKENZIE (East Metropolitan) [5.04 p.m.]: The Labor Party supports the provision in the Bill, which was outlined by the Minister when he spoke to the previous Bill before the House. There is only one point I wish to raise; if the Minister so desires he may answer it, or he may prefer to leave it unanswered.

It seems to be necessary to amend the definition of "owner", because of the matters mentioned by the Minister in his second reading speech, so as to clarify the position of people who now have vehicles under lease, loan, or some other arrangement.

Because there has been some Press coverage in relation to the legal aspects of the current road maintenance charges being imposed, will the Minister tell us if he thinks there is some substance in what has appeared in the Press; in other words, the people who come under the category, which the provision in the Bill is designed to cover, will be able to escape the payment of road maintenance charges?

The Labor Party considers it is necessary to support the proposal in the Bill, so that any doubts in relation to this matter may be cleared up.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.06 p.m.]: I thank the Opposition for its support of this measure. In reply to the query raised by Mr McKenzie, I understand that previously it was considered that the legislation would cover the point raised by him. The actual person who carried out the financing of the vehicle could be responsible for payment, but needless to say if he had to pay he would recover the money from the owner of the vehicle. So, the situation was covered, whatever happened.

Nevertheless the matter contained in the Bill has been raised by a person involved in the industry. Rather than to lead people astray, and to leave those who are concerned with the financing of vehicles under some sort of pressure, it was considered desirable to remove the onus and place it where it should be placed; that is, on the person carrying out the transport operations.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

RAILWAYS DISCONTINUANCE AND LAND REVESTMENT BILL

Second Reading

Debate resumed from the 4th May.

THE HON. F. E. MCKENZIE (East Metropolitan) [5.10 p.m.]: The Labor Party supports the Bill. It is very obvious from the Minister's second reading speech that because trains have not run over the section of line serving Colonial Sugar Refinery Pty. Ltd. for more than 10 years there is no point in keeping the line open, particularly when one bears in mind that the land on which the line is situated is being sought by the Society for Crippled Children for building purposes. That, in itself, warrants the closure of the line, especially as it is not in current use and has not been for the past 10 years.

In regard to Colonial Sugar Refinery Pty. Ltd. it is noted that an arrangement has been made between the Railways Department and the company to provide a rail access facility to the company. It appears that in future Colonial Sugar Refinery will be catered for in respect of rail access.

I understand from an inquiry I made to the Minister's office today that the Great Southern Roller Flour Mill will not be affected by the closure of this railway line. That being the case there is no point in keeping it open.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.12 p.m.]: I thank the Opposition for its support of the Bill. I know how difficult it must be for Mr McKenzie to support the closure of a railway line, but this is an instance when everyone seems to be happy with the closure of the line.

I attended the occasion when Lady Kyle laid the foundation stone of the Society for Crippled Children building. It was very pleasing to note that probably one of the choicest sites in the whole of Perth has been given to the Society for Crippled Children. I am sure the society will be happy with its location there.

Some difficulty was experienced in arriving at an agreement with Colonial Sugar Refinery. However, I understand the agreement has been negotiated successfully.

Again I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

RURAL HOUSING (ASSISTANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th May.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [5.15 p.m.]: Mr President, this is a Bill to amend an Act which was introduced in 1976 to overcome the difficulties being experienced by some farmers in that they were unable to obtain finance for housing from the conventional institutions due mainly to their inability to provide security to the lending institutions. The Act also enables the mixing of low interest money with other funds to provide cheap housing loans to eligible applicants. The principle of providing cheaper housing loans for people considered to be disadvantaged for some reason is one which I support and which I dealt with a couple of weeks ago.

I do not know how many members have taken the trouble to read what the authority set up under this Act said in its first report which was tabled within the last couple of weeks, but it appears that the authority has been very active since its inception and its members have been making visits to centres from one end of the State to the other in an endeavour to understand the problems of the people whom the authority was set up to service. The authority is to be commended for this.

The report tells a fairly sad story about the terribly substandard conditions under which many families, particularly the families of new-land farmers, live in this State. In this report members will see photographs of tin sheds and the ends of machinery sheds which have been converted into living quarters. When looking at the pictures I felt very sorry for the people who have been forced to live in these conditions due to the lack of adequate funds to improve them. How they survived last summer I shall never know. It must have been unbearable, particularly for the women who no doubt spent a great deal of time over hot stoves cooking for their families.

This Bill corrects an anomaly which the authority brought to the attention of the Government; that is, under the present legislation the authority does not have the power to extend the assistance to a farmer whose holding is the subject of a perpetual lease. Not many people are involved; they are farmers who, following World War II, were allotted perpetual leases under the War Service Land Settlement Scheme, which included the provision of a dwelling. Apparently many of these dwellings have fallen into a state of disrepair and these people badly need assistance. Certainly we on this side of the House support such a principle and in fact support this amending legislation.

Whilst reading the report I noticed that the authority drew attention to a matter raised by some of the farmers in the northern districts; that is, that the maximum amount allowable as a loan —\$27 500—is totally inadequate to build a house in that area. I wonder whether the Government has given consideration to raising this maximum limit. With those comments we on this side of the House support the Bill.

THE HON. T. KNIGHT (South) [5.19 p.m.]: I also support the Bill. Members will remember that when the original legislation was introduced I supported it to the extent of saying that it would be acclaimed by country dwellers. I have accompanied members of the Rural Housing Authority on many of their visits throughout my electorate, and I have discussed this matter with farmers and rural people. On all occasions the Government has been acclaimed for introducing this Bill.

The availability of finance for the building of homes and other necessities in that regard has never previously existed in rural areas, and it is a good move. We must all appreciate that in everything that is done nothing is perfect. This Bill covers one of the anomalies that have arisen. During discussions with members of the authority at several of the meetings I attended this matter was raised, and the members of the authority gave a guarantee that they would look into the matter to see what could be done to correct it.

I daresay that the authority is considering other parts of the Act and I have noticed other anomalies which I intend to put before it. However, the authority is doing a tremendous job. Its members are dedicated to the work they are doing, they have been well received by the farming community, and they are well aware of and sympathetic to the needs and the representations put forward by the farmers.

The Hon. Lyla Elliott said that the conditions under which these people have lived in the past have been atrocious, and this Bill will help to put them on a footing with their city counterparts. It is a terrific move, and I believe we can go a lot further. In the years to come we will cover every anomaly that may arise, because it is very important that people in the rural areas of our country have the opportunity to borrow money. With those remarks I support the Bill.

THE HON. M. McALEER (Upper West) [5.22 p.m.]: I also should like briefly to support this Bill and to say how pleased I am to see the introduction of this amending legislation. I first became aware of the problem last year when the chairman and members of the Rural Housing Authority were touring extensively throughout the Upper West Province, which includes the Moore and Greenough electorates. They held meetings at various centres to explain the purpose of the authority to the people, to meet the people, to inspect houses if possible, and to give advice.

I attended most of the meetings but one I missed happened to be at Eneabba. When I met up with the party the following night at Jurien Bay they told me they had had a very good meeting at Eneabba but that unfortunately the people, who were interested and who in other circumstances would have been eligible for assistance, were on soldier settlement blocks with perpetual leases and therefore were not eligible. As the Hon. Tom Knight has said, the members of the authority publicly gave a guarantee that they would do their best to amend the Act to cover these people.

The purpose of the authority is not simply to supply houses where they are lacking, and certainly many new-land farmers are very often lacking in this regard, although not so much in my province. It is also within the authority's responsibility, and certainly within its understanding, that many farm houses are of a considerable age, have had no money spent on them often for as long as 80 years, and therefore are certainly in need of upgrading.

The soldier settlement houses are not very old; and Eneabba itself was the last of the soldier settlements to be planned and probably one of the very best to be developed, because the land was fenced and partly cleared, bores were sunk, and houses, stockyards, and similar amenities were provided.

However, the houses are very basic and small and, while the families did very well in the early stages when everybody lived in the same houses, after 20-odd years the houses certainly need upgrading and not all people are in a financial position to upgrade them off their own bat. Therefore, there is a need in that area, as I am sure there is in other areas, for this assistance to be given. I am very glad to see this amending legislation.

THE HON. V. J. FERRY (South-West) [5.24 p.m.]: I wish to associate myself with the comments which have been made in support of this Bill. It has been my happy experience that the members of the Rural Housing Authority have applied themselves very effectively since they have been charged with the responsibility of attempting to provide more adequate housing for people on rural holdings. Like the Hon. Margaret McAleer and the Hon. Tom Knight, I have been in the company of some members of the authority when they have visited country districts and made on-site inspections of some rural properties. I know from the comments they made during the course of these inspections that they were very impressed with the need to provide a further avenue of finance to assist people to have more adequate dwellings.

We must bear in mind that provision is made for not only constructing new dwellings on rural properties, but if the land owners so desire and they qualify they can also receive assistance to renovate and update their existing homes. This suits many applicants inasmuch as they do not wish to over-capitalise their properties but do wish to make them more comfortable. Therefore, the scheme has application in that direction.

This Bill also contains a provision to extend this avenue of finance to people holding perpetual leases. I know that under the scheme of settling ex-servicemen many of the early allocations of land contained dwellings which were in those days adequate but in this day and age have fallen into disrepair. I also mention that in the post-war—

THE PRESIDENT: Order! I remind members that there is far too much audible conversation. I have been wondering whether members would realise this themselves without my having to draw their attention to it while an honourable member is on his feet. I call the Hon. V. J. Ferry.

The Hon. V. J. FERRY: It need be remembered that in the immediate post-war years building materials were in short supply for quite a time, and it might be said that the building

materials were not of the highest quality in that era. Accordingly, many of the homes which were built in the early stages of the settlement of ex-servicemen on the land are now reaching the stage when they need to be improved.

I am very pleased that ways have now been found to provide suitable security for holders of perpetual leases to benefit under the Rural Housing Authority scheme. I know that members of the authority are particularly keen to extend this scheme and I am sure they would be the first to applaud a breakthrough on this issue. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.28 p.m.]: I thank honourable members for their support of this Bill. I am sure it is generally appreciated that it will be beneficial to those persons who are holders of perpetual leases, be they ex-servicemen or subsequent transferees. I can assure honourable members that the comments and suggestions which they made in the course of their speeches or which will be made subsequently will be taken note of.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

AERIAL SPRAYING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th May.

THE HON. R. T. LEESON (South-East) [5.31 p.m.]: I support the Bill, but it does raise some fairly serious questions. The Bill is designed to enable farmers or others who have had property or livestock damaged by aerial spraying to make a claim, initially to a total of \$30 000. Now, if there are several claims, the farmers involved would be able to claim that amount.

It is my understanding that today a great deal of spraying is done not only by air, but also on the ground. However, no provision is made for ground spraying. We know that because of the type of chemicals used it is possible for as much damage to be done by ground spraying as by aerial spraying, so I am wondering why the Bill has not been broadened to cover this aspect.

Another serious aspect was highlighted last Saturday night on the television programme "Four Corners". It dealt with the types of sprays used throughout Australia, where as many chemicals, if not more, are used as in most other countries. Evidence is coming to light that it is possible that these chemicals are causing terrible deformities in young children. I was appalled to see some of the pictures shown on that programme. It seems that we are fairly slow to act in these matters because, naturally enough, we want to know all the evidence before we take action, and those concerned are still in the process of trying to pinpoint some of the problems in respect of this serious matter.

It is possible that in the not-too-distant future we could be faced with some awkward situations in relation to some of the sprays used and their effect on human beings, but the Bill relates only to damage to property and livestock. It contains no reference to human beings and, of course, \$30 000 is not a great deal of money if one is unfortunate enough to suffer damage to one's property or livestock.

While I say that we support the Bill, we do not think it goes nearly far enough, particularly in relation to ground spraying. Perhaps the Minister might indicate the attitude of the Government on this particular aspect.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.35 p.m.]: I thank Mr Leeson for his support of the Bill. He has raised a couple of points, one about the fact that the Bill concerns aerial spraying and does not cover spraying carried out by vehicles. However, as he will no doubt know, aerial spraying is a separate subject and this Bill deals entirely with aerial spraying. I am sure that the damage which can be caused in other ways is covered elsewhere. For instance, I know that about 12 months ago the subject of spraying of vineyards was dealt with, but this legislation is designed entirely for the protection from aerial spraying.

The honourable member also referred to the television programme "Four Corners" which was very interesting and dealt with the contaminants involved with 2,4-D and the effect it could have on the population. The honourable member wanted to know what we were doing about this aspect. Australia is certainly keeping an eye on the chemicals used. I gather that the particular material we use in Australia does not involve a serious contamination by dioxine which is the chemical referred to.

A member: It is 2, 4, 5-T, not 2,4-D.

The Hon. D. J. WORDSWORTH: That is so. They were the two points raised, and I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Transport) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 13A added—

The Hon. D. J. WORDSWORTH: I move an amendment—

Page 5, line 38—Delete the words "aspects of safety" and substitute the words "the safety aspects in relation to the effect of spraying on plants or animals".

Amendment put and passed.

The Hon. D. J. WORDSWORTH: I move an amendment—

Page 6, line 7—Delete the word "unsafe" and substitute the passage "in relation to the effect of spraying on plants or animals, unsafe".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 and 9 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

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

Sitting suspended from 5.43 to 5.47 p.m.

AUDIT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.49 p.m.]: I move—

That the Bill be now read a second time. In broad terms, this measure seeks authority for the Treasurer to make such payments as are necessary from the Public Account to carry on the works and services of the Government from

the commencement of the financial year to the granting of supply at the beginning of the Budget session of Parliament.

The proposed authority is restricted both as to the amount of such payments and the period in which the payments can be made. Moreover, under the new arrangements proposed for dealing with supply, which will be explained later, the Government of the day would need to have recourse to the proposed standing authority only one year in three.

Before giving details of the provisions of the Bill, members may appreciate some information on the background which has led to this measure being placed before the House.

The need for the Government of the day to obtain from Parliament a grant of supply pending the passage of the Appropriation Bill is an essential feature of the Westminster system of government which reserves to Parliament the control over expenditure of public moneys. In this respect a Supply Bill represents a proposal to Parliament for a general appropriation to enable the services of the State to be carried on until specific appropriations contained in the Estimates of Expenditure are approved.

It has been the practice of successive Governments of Western Australia, stretching back as far as can be ascertained to the granting of responsible self-government, to introduce a Supply Bill at the beginning of the Budget session of Parliament, usually at the end of July or early in August.

This practice had its origin in the years before 1969 when Parliament did not normally sit in the first six months of the year and there was no opportunity for the Government of the day to obtain supply before the 1st July of the ensuing financial year.

Although this procedure has been accepted by Parliament and is sustained by custom and tradition, it has meant that Governments have expended from the Public Account in the initial weeks of the financial year in reliance upon subsequent ratification of this action by Parliament when a Supply Bill was passed.

In following this course, previous Governments have no doubt relied upon the authority of the Governor's warrant under the provision of section 68 of the Constitution Act which states—

No part of the public revenue of the Colony arising from any of the sources aforesaid shall be issued except in pursuance of warrants under the hand of the Governor directed to the Treasurer.

The Audit Act would also seem to provide some authority for reliance on the Governor's warrant pending the passage of the Supply Bill in that section 31 states—

No money shall be drawn from the Public Account except under appropriation made by law or by the authority of the Governor.

However, the practice is undoubtedly contrary to the traditional view of the relationship between Parliament and the Crown under which Parliament appropriates funds to Her Majesty which are then made available to the Executive Government by warrants issued by the Governor.

The present Treasurer has had doubts about the legality of the established practice for some time and has indicated that his reservations were shared by the former Leader of the State Opposition. In view of his doubts about the legality of the established practice the Treasurer, earlier this year, asked the Under-Treasurer to examine the question and confer with the Solicitor-General on the constitutional and legal aspects.

Advice received from those officers is that in expending from the Public Account in July each year before obtaining supply, successive Governments have been in breach of section 72 of the Constitution Act until the matter is put right by Parliament granting supply retrospectively from the 1st July.

Section 72 of the Constitution Act in part provides for the appropriation by the Legislature of moneys from the Consolidated Revenue Fund. It is the opinion of the Solicitor-General that this section must be read in conjunction with and be regarded as qualifying the power vested in the Governor by section 68 which I quoted earlier. That being the case, the Government has a responsibility to seek supply from Parliament in a manner which conforms to the requirements of the Constitution Act.

There is of course no problem in years when there is an autumn session of Parliament as the Government is in a position to seek supply for the first months of the ensuing financial year before Parliament rises.

This is the practice followed by the Commonwealth and most other States and the Government proposes to follow this course this year and in subsequent years when parliamentary sessions allow.

Consequently a Supply Bill is soon to follow this Bill which will provide for the works and services in financial year 1978-79 to be met pending passage of Appropriation Bills at the proper time.

The Supply Bill will be identical with that which would formerly have been introduced as a priority measure when Parliament resumes in late July or early August.

However, this procedure could not be followed in an election year when there is normally no sitting of Parliament after the elections and before the commencement of the new financial year, short of convening a special session of Parliament for the purpose.

I am sure members will agree that in a State as large as Western Australia, the expense and inconvenience of bringing both Houses together for a short session of Parliament is not warranted if another solution is available.

New South Wales has a special provision in the Audit Act of that State providing for a standing but limited grant of supply to the Government of the day to cover the situation where it is not possible for the Government to obtain supply before the commencement of a financial year. This standing provision is limited to the first three months of a financial year and to a rate of expenditure not exceeding that equivalent to the expenditure authorised by the Appropriation Act for a corresponding period of the immediately preceding financial year.

In the view of the Government and the Treasury this is an unnecessarily restrictive provision which could not be observed in times of rising wages and other costs. Simply to provide for a higher wages bill resulting from award increases during the past year, the Government must be in a position to expend at a rate higher than in the corresponding months of the previous year.

This Bill proposes to insert in the Audit Act of this State a provision similar to that applying in New South Wales which would provide for a standing or automatic grant of supply for the first weeks of a new financial year in circumstances when supply had not been obtained before the commencement of the year.

The authority provided by the Bill is limited in time and as to amount. In our case it is considered that two months is sufficient time before a grant of supply must be obtained.

The more severe time limitation proposed permits a more flexible approach to be adopted in respect of the amount which can be expended before a formal grant of supply is obtained. In this respect the Bill proposes to limit the Government's authority to expend from the Public Account to an amount equal to one-fifth of the expenditure authorised by the Appropriation Act for the preceding financial year.

Although two months represents one-sixth of the time span of a year, it is necessary to allow for expenditure on recurrent services running at a higher level due to inflation of costs and the limit of one-fifth has been chosen as reasonably conforming to the requirements for two months under inflationary conditions.

It must also be borne in mind that Governments can be faced with unexpected expenditure requirements early in the year arising from, for example, a natural disaster which may not be reflected in the previous year's appropriation.

In these circumstances it is conceivable that the rate of expenditure incurred in the first two months of a financial year may need to exceed one-fifth of the previous year's appropriation but it is of course open to the Government to bring down a Supply Bill well within the two-month period allowed and thus obtain additional appropriation.

Any amounts expended under the proposed standing authority would form part of the appropriation granted by a subsequent Supply Act and would not add to the moneys made available to the Government by that Act.

The proposed measure, coupled with the procedure whereby the Government would be expected to seek supply for the ensuing year before Parliament rises in autumn when practicable, seeks to give effect to and reinforce the principle of parliamentary control of public expenditure.

The proposals, which have been endorsed by the Solicitor-General, the Auditor-General, and the Treasury, are sound and sensible while allowing a necessary degree of flexibility in the management of the State's finances.

I commend the Bill to the House.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.58 p.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 5.59 p.m.

QUESTIONS ON NOTICE

ROAD

Orrong Road

149. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Town Planning:

In view of the concern being shown by residents living in the vicinity of Orrong Road, Rivervale, will the Minister advise—

- (1) Why the provisions of section 31 of the Metropolitan Region Town Planning Scheme Act were not utilised in connection with the recent amendment involving the alignment and land protection plans relating to Orrong Road?
- (2) Is it the Minister's intention to hear each appellant express his objections orally, or are they to be dealt with in writing only?

The Hon. I. G. MEDCALF replied:

- (1) The provisions were not utilised because section 31 is appropriate to substantial amendments in the Regional context. Section 33 refers to a minor amendment and in relation to the Region Scheme the realignment of Orrong Road is a minor amendment. Nevertheless it is provided under section 33 that where the Minister requires, all affected landowners be notified and in this case they were duly notified.
- (2) The Minister will determine this when he has had an opportunity of considering the submissions.

HEALTH

Handicapped Children

152. The Hon. Lyla ELLIOTT, to the Minister for Transport representing the Minister for Health:

Further to my question No. 43 of the 22nd March, 1978, concerning accommodation for handicapped children, will the Minister advise—

- (1) Of the 125 intellectually handicapped children awaiting hostel or hospital accommodation—
 - (a) how many of the children belong to the following categories—
 - (i) borderline;
 - (ii) mild;

- (iii) moderate;
- (iv) severe; and
- (v) profound;

- (b) for each of those categories what is—
 - (i) the age of the child;
 - (ii) the number of urgent as against non urgent cases; and
 - (iii) the date of placement on waiting list;
- (c) how many children will be accommodated at the proposed Bull Creek Hospital and in which category; and
- (d) what specific proposals, in addition to the Bull Creek Hospital, does the Government have for accommodating the 125 children listed?

- (2) In respect to Pyrtton—

- (a) how many children are awaiting accommodation at that Centre;
- (b) what units are being used to reintegrate Pyrtton people into the local community;
- (c) how many people at present living at Pyrtton are ready to leave for hostels or other small residential units within the community;
- (d) what are the Government's plans for reintegrating these people into a local community;
- (e) how many beds are available at Pyrtton Hospital;
- (f) for what purposes is the hospital used; and
- (g) what is the bed occupancy rate?

The Hon. D. J. WORDSWORTH replied:

(1) (a) Borderline	...	...	...	7
Mild	...	...	...	29
Moderate	...	...	...	40
Severe	...	...	...	38
Profound	...	...	...	9
(b) (i) Borderline	Ages 2-18 years	=		7
Mild	5-18 years	=		29
Moderate	6-18 years	=		40
Severe	6-18 years	=		38
Profound	2-17 years	=		9

Total 123

(ii) Degree of Handicap							Urgent	Less Urgent	Total
Borderline	....	....	....	....	....	....	....	7	7
Mild	....	....	....	....	....	....	3	26	29
Moderate	....	....	....	....	....	....	8	32	40
Severe	....	....	....	....	....	....	14	24	38
Profound	....	....	....	....	....	....	1	8	9
TOTAL							26	97	123

(iii) Year of placement on Waiting List:

Degree of Handicap			'78	'77	'76	'75	'74	'73	'72	'71	'70	Total		
Borderline	1	1	1	....	....	2	2	7		
Mild	1	7	4	1	4	3	1	4	29		
Moderate	4	3	6	6	2	2	4	5	40		
Severe	7	10	3	1	7	3	1	4	38		
Profound	3	1	1	1	1	....	2	9		
TOTAL			12	23	15	10	15	9	6	15	18	123

- (c) There will be 32 beds at the proposed Bulcreek Hostel which is designed for the care of severe or profoundly intellectually handicapped children and adults who also have physical handicaps. The number of beds allocated to children or adults will depend on the relative demand of these groups.
- (d) A proposed new residential complex at Bennett Brook will cater for approximately sixty residents. Efforts will also be made to establish group homes in various communities.
- (2) (a) Forty-five children have applied for admission to Pyrtton.
- (b) The majority of children who have left Pyrtton have been transferred to Cromane Hostel or Fairholme Hostel, but any unit of the Division for the Intellectually Handicapped can be used for re-integration should it seem appropriate for any particular child or adult.
- (c) At present, seven children resident in Pyrtton have reached the criteria necessary for movement into Cromane Hostel.
- (d) Construction of Bennett Brook and the establishment of group homes.
- (e) Twenty-four.
- (f) The hospital is used for the—
- care of intellectually handicapped persons (children and adults) resident in units of the Division for the Intellectually Handicapped, when they become sick and cannot be cared for in their own hostel;
 - care of intellectually handicapped persons transferred from other hospitals (PMH and RPH) for recovery after treatment of acute medical or surgical conditions;
 - provision of hospital and general anaesthetic care so that adequate dental treatment can be given;
 - provision of hospital facilities for children and adults living in their own homes who do not require full "A" Class hospital facilities but require more nursing when ill than can conveniently be given at home.
- (g) For the month of March 1978, bed occupancy rate was 10.5.

EDUCATION*Katanning School*

154. The Hon. R. F. Claughton for the Hon. R. HETHERINGTON, to the Minister for Transport, representing the Minister for Education:

Can the Minister advise me when the new Katanning Primary School will be ready for occupation?

The Hon. D. J. WORDSWORTH replied:

At present, the new school is scheduled for opening at the commencement of school in 1980, but consideration is being given to earlier construction if funds can be made available.

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