I am afraid I have no ready answer to the problem of providing protection for people who may be accused of what is seen to be a very anti-social act; that is, to be unfortunate enough to have venereal disease. Many measures must be taken which may be unpalatable to us as just people, and I am aware this must be so in order that control can be effected. Nevertheless, this provision is wide open to abuse and is a great cause for worry.

The amendment of the Health Act in regard to venereal disease again brings us to the vexed question whether we are using the right methods to control and attempt to eliminate the disease.

It is not good enough to say, "The people are being naughty and are spreading this disease"; we ought to be looking for better methods of control and questioning whether we are doing things in the right way and are forever trying to render a better service to the people of Western Australia by investigating all the alternatives that we can.

The Opposition supports the Bill.

Debate adjourned, on motion by the Hon. R. F. Claughton.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [9.46 p.m.]: The Opposition supports this Bill. I am always eager to support any measure that removes some of the taxation burden from the people, and this Bill goes some of the way in that direction.

I must comment that in introducing this Bill it seems every endeavour was made to say, "We are fulfilling some of our election promises"; and in the second reading speech of the Minister it was stated that this small measure is the first of the Bills to give effect to taxation concessions which were outlined by the Treasurer when introducing the Budget.

I understand this Bill will save taxpayers something in the vicinity of $70 000 in the first year, and that is commendable. However, I hope no time is lost in extending these taxation concessions. The amount of $70 000 is not a lot, but it is the first step. However, I do not think this measure will end all the hoo-ha about how good the Government is.

The duty now imposed on these instruments ranges from 10c to $5 each, with the majority attracting 10c or 25c per document. That affects many small people. The Bill also removes stamp duty in the area of bonding, which has been passed on to the person who has to pay the bond. That in itself is a good thing.

As I said, the Opposition supports the Bill. I fervently hope this will not be the last measure to provide taxation relief across the board. Despite what I have said, I commend the Government for making this start, even if in my opinion it is only a small one.

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. N. McNeill (Minister for Justice), and passed.

House adjourned at 9.50 p.m.

Legislative Assembly

Wednesday, the 3rd November, 1976

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

LOAN BILL

Introduction and First Reading

Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): I advise members that questions will be taken at a later stage of the sitting.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr Rushton (Minister for Urban Development and Town Planning), and transmitted to the Council.

LAND AT MAYLANDS FORESHORE

Rezoning: Motion

MR HARMAN (Maylands) [2.20 p.m.]: I move—

> Whereas an area of land adjacent to the foreshore on the Maylands Peninsula from near Bath Street to Peninsula Road was proclaimed for Parks and Recreation in the Region Scheme in 1963, it is now the opinion of this House that the decision should be set aside to the extent that Lots 561 to 563 inclusive be rezoned so that a reasonable and adequate portion adjoining the Swan River remain reserved for Parks and Recreation and the remainder adjoining Hardey Road revert to its former classification.

Members may think that this is a rather unusual type of motion to submit to the House, but I am sure that after they hear the reasons for its submission they will have some consideration for the plight of at least three people who are concerned, and have some understanding of their problem. Therefore, I hope they will agree to the motion.

In 1963 the metropolitan region town planning scheme was announced and an area of land on the peninsula in Maylands, which was residential, was declared as regional open space; in other words, it was to be used for parks and recreation.

As a result of the determination by the MRPA at that time, quite a number of persons who had been living in the area found they no longer were able to develop their land because of the zoning set out in the metropolitan region town planning scheme.

The case which I present to Parliament today hinges upon three families, but others are involved. In two cases the land had been devolved to two young families by their father. It was expected that those two young families would develop their lots and provide accommodation for themselves so that they could enjoy a happy life on the foreshore of the Maylands peninsula. However, the region scheme has made that impossible.

In the third case, the property was purchased three years after the area had been zoned. The zoning took place in 1963, and I will cover that in some detail. Since 1966 the three property owners have been pursuing every avenue available, and taking advantage of every opportunity available to them to seek the permission and the approval of the MRPA to develop the lots which they own. However, their endeavours have not been successful. On one occasion I took their case to the MRPA but the authority did not see fit to change the decision made in 1963.

I am presenting this motion to Parliament because this is the highest court in the land. This is the only course available to them—and available to me as their parliamentary representative in the electorate of Maylands—to ask the House to express an opinion on the plight of those three families who are centrally involved in the issue. The only way this House can express an opinion is as a result of a motion moved by the parliamentary representative of the constituents concerned.

My course of action may seem to be somewhat unusual, but in this House we pass many Bills and agree to many motions dealing with societies, organisations, companies, and trade unions but rarely do we consider the plight of an individual person. That is exactly what I am asking members to do on this occasion—to consider the plight of the three families involved and to show some sympathy towards them. Those people had the expectation of developing their properties on the Maylands peninsula.

I would like to deal in some detail with the purchase of Lot No. 563.

Mr O'Neil: What is the size of these lots? Are they purely residential building lots?

Mr HARMAN: The lots are each three-quarters of an acre in size, and they are some 320 feet in depth. With your permission, Mr Speaker, I hope at a later stage to be able to display on a board a plan of the area and a plan of the region scheme so that members will be able to identify the properties concerned and observe how the green belts have been formed in the vicinity of the Swan River. I am sure the plans will prove to be of considerable interest because in some areas it is almost impossible to distinguish the green belt.

Getting back to the purchase of Lot No. 563, on the 21st April, 1966, the person involved wrote to a firm of solicitors. The address of the purchaser was Hurstbridge, Victoria; he did not come from Western Australia. The letter was written in 1966, three years after the region scheme had been announced. The purchaser wrote to a very reputable firm of solicitors in Perth as follows—

> Could you, on behalf of my wife and myself, act as our solicitors for the purchase of a property, the details of which are as follows:
>
> The property is 20 Hardy Street, Maylands, being Lot 563, Swan Location 2039, on Plan 2574, Volume 1028, Folio 604, the block being of area, 3 roods 8 perches, containing a timber and asbestos dwelling.
>
> We have enclosed a cheque for the balance as set out by (the estate agent) on the statement. (enclosed.)

The next request is very important. The letter continues—

> Could you investigate the title and perform all normal procedures required in the purchase of the property, check the statement items and contact (the estate agent) and act on our behalf in the handing over of the cheque and receiving of title, rates notices etc.

It was a normal, businesslike approach to the purchase of a block of land. The letter continues—

> Should there be any discrepancies in their statement or other matters, please let us know.
>
> We have today notified (the estate agent) that you will be handling this matter on our behalf, and hope that the considerable delay between signing the Offer and Acceptance form, and having legal handling of this matter will not cause you inconvenience.

That letter was written on the 21st April, 1966. On the 28th April, 1966, this very reputable firm of solicitors in Perth wrote to the person who was to be the purchaser of a block of land in this area—Lot No. 563—in the following terms—

> We acknowledge your letter of the 21st instant and will be glad to act for you in this matter.
>
> We have searched the Title and have found that the property is owned by Mabel Annie Taylor of Hardey Road, Maylands, Spinster and that it has a frontage of 150 links and that the side boundaries measure 533 and 535 links respectively and it has an area of 3 roods 7 perches.
>
> (The estate agents) have advised us that they are ready for settlement but we cannot settle without a Bank Cheque. Accordingly we have sent the cheque enclosed in your letter to the Commonwealth Trading Bank, South Perth and they are going to issue a Bank Cheque. As at todays date they do not have sufficient funds but we understand that payment in of sufficient funds is expected at any time and that there should be no difficulties with this.
>
> The settlement statement appears to be in order.
>
> If you now wish us to proceed with settlement please send us a telegram confirming this.

The firm of solicitors made no mention at all to this person, who lived in Victoria and was negotiating to buy a block of land, of the fact that the area had been zoned for parks and recreation and under no circumstances would that person be able to obtain a permit to erect any kind of building on the land. It will be recalled the letter stated all that was on the land was an asbestos house—in fact a shack.

It was not until some time after the purchase had been made that the purchaser discovered to his dismay that the area had already been zoned for parks and recreation and that he could not obtain a permit to build on it. Members can imagine his situation and the situation of the other two people involved—one a son who was newly married, and the other a daughter also recently married—who had expectations of building on the land.

Mr O'Neil: Were they the son and daughter of the original owner of the lot?

Mr HARMAN: They were the son and daughter of the person who had owned that block for some 40 years prior to 1963, and it was his intention that his son and daughter should build houses on those two blocks, in which they would be able to live and enjoy the life of that area. None of those pepole knew the land had been zoned for parks and recreation. It was only subsequent to 1963, when they tried to obtain a permit to build, that they discovered the land had been zoned under the metropolitan region scheme.

Sir Charles Court: I lost the thread of your argument as to how the potential buyer who was frustrated came into it. Is this quite independent of the lots you are now seeking to have restored to their original estate for this family? You have read to us the letter of someone who was trying to buy a lot. Was it one of the lots they had been trying to sell or another lot altogether?

Mr HARMAN: It was Lot No. 563.

Mr O'Neil: Of the three lots concerned, one was sold.

Mr HARMAN: In 1966.

Mr O'Neil: Of the other two lots, one was held by the daughter and the other by the son of some person. Did that person own the three lots?

Mr HARMAN: No.

Mr O'Neil: There is no relationship between them?

Mr HARMAN: No. The person who owned the two lots is still alive and has no relationship to the owner of the third lot which was sold in 1966 to the person in Victoria who engaged a firm of solicitors in Perth.

Mr O'Neil: The lot you are talking about was in fact sold although it was zoned for parks and recreation, which no-one seemed to know—not even the solicitors handling the matter for him?

Mr HARMAN: That is the point I am making. The person in Victoria wrote to the solicitors on the 21st April and said—

> Could you investigate the title and perform all normal procedures required in the purchase of the property . . .

I have the letter here and will make it available to any members who want to read it.

So we have the situation where there are three huge tracts of land of three-quarters of an acre and 320 feet in depth. I would like members to visualise the area. There is the Swan River and a road, and between them are these three long blocks. I am proposing in the motion that the House agree to express an opinion that the decision made in 1963 should be set aside to the extent that a suitable part of the foreshore area will remain for parks and recreation, and that the three families involved should have an opportunity to develop and build residences on the roadside part of those particular blocks which abut onto Hardey Road, which is a thoroughfare and a main street.

Mr Blaikie: How big is the area of public open space adjoining the river?

Mr HARMAN: I have here some sketches which I will have distributed to members so that they can follow them while I am

discussing the matter. At the same time I ask members to bear in mind that I will be seeking the permission of the Speaker to place on a notice board the plan of the whole region scheme, setting out the parks and recreation reserves along the foreshore.

On the plan members will notice that in certain parts of the river foreshore area very little land is set aside for parks and recreation. I am suggesting that when members have a chance to examine the plans and consider the matter, they might feel disposed to agree that these people in Maylands should have the opportunity to fulfil the expectations they had when they acquired the land; that is, to develop residences for themselves and their families in which they could have a happy and enjoyable life.

As I said earlier, the owner of Lot No. 563 did almost everything in his power through the normal avenues and channels to try to have his position considered. As late as the 13th October, 1976, the present Minister for Urban Development and Town Planning wrote to this person as follows—

> I acknowledge receipt of your Notice of Appeal against the refusal of The Metropolitan Region Planning Authority to permit development on Lot 563, Hardey Road, Maylands. I regret that since there is no statutory right of appeal to me against refusal to develop on land which has been reserved in the Metropolitan Region Scheme, I have no jurisdiction to consider the matter.

I would like members to note that this person, a citizen of Western Australia, made all the right moves. He went to a firm of solicitors and he asked it to investigate the title, which it did. I ask members to look at this title because there is no caveat whatever on the title to Lot No. 563. This person did everything that one would expect the purchaser of a block of land to do. He went ahead with the purchase but when he wanted to commence to build a residence on the land, he found he was not able to do so. On the 13th October, 1976, the Minister advised as follows—

> I have no jurisdiction to consider this matter.

I am again quoting from the letter written by the Minister for Urban Development and Town Planning. It continues—

> There is, in fact, little more that I can do to help you. As I stated in my letter to Mr . . . of 23rd August, 1976 The Metropolitan Region Planning Authority has carefully considered your request to amend the Metropolitan Region Scheme and has decided that the parks and recreation reserve, as presently located, should be retained. Furthermore, I have previously indicated my agreement with the Authority's decision.
>
> I understand that The Metropolitan Region Planning Authority, by letter of 25th August, 1976, expressed its willingness to negotiate purchase of your property and to allow you to retain occupation until the property was required for a public purpose. Such purchase would, of course, be negotiated at current market value and would permit you to develop elsewhere. So that this matter can be resolved, may I commend this course of action to you?

No-one can complain about the Minister's response because obviously he does not have any jurisdiction. A decision was made in 1963 and that decision is being adhered to. The only way I can see to upset that decision is through an expression of opinion by the members of this place, this Parliament, this highest court of the land. If we express an opinion on the matter, then I believe that the Metropolitan Region Planning Authority would take some cognizance of it, and having taken some cognizance of it, it may feel that it would be proper to review the decision made in 1963. The authority may feel disposed to look at this problem again with a little more sympathy.

Perhaps the authority will come to the determination that people living in the area have been misled. I am not suggesting that there was any skulduggery afoot or that there was any planning by stealth, but one would have to agree that these people have at least been duped by the system because nowhere in the system was there any evidence that this land had been zoned for parks and recreation. So I feel on that ground alone members in this House, who are always very sensitive to the problems of individuals, will support my motion. Every day of the week members have to consider the personal problems of their constituents and they all endeavour to provide some help. In most cases it is not necessary to bring problems before the Parliament, but on this occasion I need the support of members for these people who are in a quandary about the matter. I ask members to express an opinion and to make a decision on the circumstances applying in this case.

I hope members will take some time to consider it. I am not anxious that we should carry on with the debate today. Indeed, I hope the Minister will see fit to adjourn the debate so that members can examine the circumstances and also so that I will have an opportunity to display the plans and the title deeds, and to supply any other information which members may desire.

When the Minister replies I would like him to give some explanation of the action taken in 1974. I would like to point out to the House that in 1972 the decision was

made to change the route of the proposed Swan Drive. On that occasion the proposed route was to go through a tract of land which the Bond Corporation has now developed.

In 1972 the route of the proposed Swan Drive was changed and consequently the Bond Corporation developed a great many home units on this area which is known as Tranby-on-Swan. That decision was announced in 1972 in the *Government Gazette.*

In *Government Gazette* No. 51 of the 28th June, 1974, a notice appeared under the heading "Metropolitan Region Scheme File No. 805/2/20/9." It contained this advice—

> Notice is hereby given that in accordance with the provisions of clause 15 of the Metropolitan Region Scheme, the Metropolitan Region Planning Authority on the 29th May, 1974, by resolution of that authority, altered the boundaries of the parks and recreation reserve by deleting therefrom the land shown stippled on the accompanying schedule and including such land in the urban zone.

On that occasion the area of land which previously had been classified as parks and recreation was deleted. When this matter is examined I think it will be found that the Tranby area had already been rezoned to permit the development of these home units within 30 metres of the river. So there is no real consistency in the width of the foreshore reserve on either side of the Swan River as it winds through Maylands.

I am pointing out that the owners of the properties concerned are prepared to allow a suitable and adequate area of their properties to remain as foreshore for the purposes of parks and recreation, and in respect of the top half of their blocks, next to Hardey Road, they want the opportunity to build residential accommodation. That is all the motion seeks.

I hope members will give due consideration to the matter and realise that we must be sensitive to issues which involve little people. This great State of Western Australia is made up of many little people, and on this occasion I am asking members to be sympathetic towards the needs of three families who want to develop their blocks in order that they may lead fulfilling and happy lives.

Sir Charles Court: Before you sit down, what luck did you have with your representations between 1971 and 1974?

Mr HARMAN: None at all.

Sir Charles Court: That intrigued me.

Debate adjourned, on motion by Mr Rushton (Minister for Urban Development and Town Planning).

ORDERS OF THE DAY Nos. 2 AND 3
Postponement

MR MOILER (Mundaring) [2.53 p.m.]: I move—

> That orders of the day Nos. 2 and 3 be postponed.

Question put and passed.

LOAN BILL
Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [2.55 p.m.]: I move—

> That the Bill be now read a second time.

Authority is sought each year through a measure of this nature, for the raising of loans to finance certain works and services detailed in the Estimates of Expenditure from the General Loan Fund.

This Bill seeks to provide the necessary authority to raise loans not exceeding $92.8 million for the purposes listed in the first schedule.

The borrowing authority being sought for each of the several works and services listed in that schedule does not necessarily coincide with the estimated expenditure on that item during the current financial year.

Unused balances of previous authorisations have been taken into account and, in the case of projects of a continuing nature, sufficient new borrowing authority has been provided to enable work to be carried on for a period of about six months after the close of the financial year.

Such provision is in line with normal practice and ensures continuity of works pending the passage of next year's Loan Act.

Details of the condition of the various loan authorities are set out at pages 38 to 41 of the Loan Estimates. Those pages also provide information relating to the appropriation of loan repayments received in 1974-75; the allocation of Commonwealth general purpose capital grants; and the distribution of $6 million transferred from short-term investment earnings accumulated in 1974-75.

The main purpose of the Bill is to provide the necessary authority to raise loans to help finance the State's capital works programme. Borrowings for and on behalf of the State Governments and conversions, renewals, redemptions and consolidations of the public debt of the States are, with limited exceptions, arranged by the Commonwealth Government.

The Commonwealth is empowered to do this under the terms of the Financial Agreement, 1927. The Australian Loan Council, established under this agreement, determines the annual borrowing programme for the Commonwealth and each of the States and prescribes the terms and conditions of loans raised to finance the programme.

Since 1970-71 the Commonwealth has provided part of the States' Loan Council programme in the form of interest free capital grants. These grants are made available to assist the States in financing capital works from which debt charges are not normally recoverable. Such works would include schools and police buildings.

As these capital grants replace borrowings which would otherwise have to be raised by the States, they represent substantial savings to the States in debt charges.

The Loan Council, at the June, 1976, meeting, approved a total State Government programme for 1976-77 of $1 356 million. Of this total two-thirds, or $904 million, will be represented by borrowings and one-third, or $452 million, will be provided as capital grants to the States.

Western Australia's borrowing allocation for 1976-77 is $84.2 million, whilst its capital grant amounts to $42.1 million.

As I mentioned earlier, all borrowings on behalf of the State Governments are, with limited exceptions, arranged by the Commonwealth. When the proceeds of public borrowings available for this purpose are insufficient to finance the States' programmes the Commonwealth makes up the shortfall by subscribing the required amount to a special loan, proceeds of which are allocated to the States. The amounts made available in this way represent State debt and are subject to terms and conditions similar to those offered in the most recent public loan raised in Australia.

This arrangement has been of practical benefit to the States, particularly in times of tight liquidity, inasmuch as it has enabled us to proceed with planned works programmes each financial year secure in the knowledge that the full Loan Council allocation would be forthcoming.

It is unfortunate that a similar undertaking has not been given by the Commonwealth in respect of the borrowing programme for larger State semi-governmental and local authorities.

Under a "gentlemen's agreement", originating in 1936, the Loan Council approved an aggregate annual borrowing programme for the larger authorities which comprise those wishing to raise in excess of $800 000 in new borrowings during the financial year. In increasing the limit from $700 000 to $800 000 last June, the Loan Council provided a small measure of relief to the mounting demand by these larger authorities for loan funds.

The total borrowing programme for larger State authorities in 1976-77 has been set by the Loan Council at $960 million, of which Western Australia has been allocated $45.4 million. Distribution of this amount is detailed on page 42 of the Loan Estimates.

This Bill also seeks authority for an appropriation to meet interest and sinking fund on loans raised under this and previous Loan Acts. It charges these payments to the Consolidated Revenue Fund.

Authority also is sought to allow the ballances of previous authorisations to be applied to other items. The second schedule sets out the amounts to be reappropriated and the Loan Acts which authorised the original appropriations. The items to which the amounts are to be applied are set out in the third schedule.

Members who have been here for previous Budget debates will appreciate this is one of the formal Bills necessary to approve the loan raisings and must be read in conjunction with the more detailed and specific Bill relating to the actual General Loan Fund Estimates which have been introduced. I commend the Bill to the House.

Debate adjourned, on motion by Mr Jamieson (Leader of the Opposition).

RESERVES BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [3.03 p.m.]: I move—

That the Bill be now read a second time.

Members will be aware that this Bill is one which is introduced to the House towards the end of each session. The reason for its late introduction is for the purpose of ensuring that as many variations to reserves as possible can be included in the Bill thus obviating in some instances the delay which would occur before the next session of Parliament.

This procedure has been practised for many years and has had the acceptance of Parliament.

The Bill includes nine variations to reserves and I will offer a brief explanation in relation to each.

Clause 2: Class "A" Reserve No. 8731 contains nearly 98 hectares and was established in 1903 to protect Mongers Lake and its surrounds. In 1917, the original board of control was replaced when the reserve was vested in the City of Perth by issue of a Crown grant which directed that the subject land was to be used and held upon trust solely for the purpose of public park and recreation. In 1967, the City of Perth was approached to supply a site for a speech and hearing centre and during the period to 1973 various alternatives were considered.

Eventually a site containing about one hectare on the north-west side of Mongers Lake was deemed suitable by both the City of Perth and the Speech and Hearing Centre for Children W.A. Incorporated, and this land became the subject of a document dated the 22nd November, 1973, and purporting to lease the site, which is now occupied by a speech and hearing

centre building. The City of Perth had "assumed" that this site was subject only to a deed of trust established by covenant imposed by council on certain of its properties in 1941, which trust could be varied pursuant to section 265 (c) of the Local Government Act, 1960. That assumption was totally incorrect, and adequate research would have established that the land is subject to section 31(1)(a) of the Land Act, 1933, which provides that an Act of Parliament is necessary to vary this trust.

In August, 1973, the City of Perth "reluctantly agreed" to release a section of Class "A" Reserve No. 8731 for use in Government negotiations subject to its being replaced by other acceptable land suitable for recreation, so council was obviously aware that it held a title in trust over the Class "A" reserve when it entered into the leasing arrangement with the Speech and Hearing Centre of W.A. Incorporated in September, 1973.

In 1975, the Department of Lands and Surveys became aware of the speech and hearing centre and was informed by the City of Perth that its actions had been permissible under the Local Government Act, 1960, in particular section 265 (c) of that Act.

In view of the apparent contradiction of requirements under the Land Act, 1933, the matter was referred to the Crown Law Department, and the legal opinion stated *inter alia* that construction of the speech and hearing centre was clearly unlawful; the opinion also expressed a thought that section 265 of the Local Government Act, 1960, does not apply to the lands which are reserves vested in a local authority pursuant to the Land Act, 1933. Subsequently the City of Perth provided additional background information but further legal opinion has been deferred pending consideration of this matter by Parliament.

It appears to have been assumed that the Minister for Local Government could lawfully agree to variation of the trust and approve a lease to the Speech and Hearing Centre for Children W.A. Incorporated whereas this action was totally inconsistent with dedication of the reserve for public park and recreation until varied by Parliament. The lease also purports to offer right of renewal which would give tenure double the maximum normally approved by the Governor for leasing of vested reserves.

All circumstances have been carefully considered, and in lieu of seeking an injunction to prohibit use of the buildings for their present purpose, it is deemed expedient to excise the area of one hectare occupied by the centre and correct the situation by routine lawful procedures.

Clause 3: Class "A" Reserve No. 1634 is a recreation area comprising 4.0246 hectares situated on the bank of the Swan River at Mosman Park, and is vested in the Town of Mosman Park with power to lease for that purpose. In April, 1976, it was ascertained that the town council had constructed a civic centre incorporating its administrative offices on this reserve and had been occupying the premises since 1965. The reserve also had been used as a site for a war memorial and associated gardens.

These forms of development conflict with the direction in section 31 of the Land Act, 1933, that this reserve must remain dedicated to the purpose until an Act of Parliament enacts otherwise. The council is unable to provide valid evidence of authority to vary this trust, and to rectify the situation it is now necessary to request Parliament to agree to alteration of the purpose to recreation, civic centre and war memorial.

Clause 4: Class "A" Reserve No. 687 at Namalcatching Well is vested in the Shire of Dowerin for "water and public park". Substantial quantities of sand recently have been removed by unknown persons, and the shire feels that it cannot adequately control and manage the reserve. Council is prepared to surrender the vesting order so that control can be delegated to the Western Australian Wild Life Authority to manage the reserve for "conservation of flora and fauna", subject to the general public being permitted to continue using the area for picnics and bush outings.

Clause 5: The old agricultural hall at Tunney was constructed on reserve No. 13413 and its demolition in 1974 released the site for alternative use. The hallsite fronts onto Albany Highway and is surrounded by Class "A" Reserve No. 29057, which was set apart for camping, caravan park and water to protect some attractive bushland. This Class "A" reserve contains nearly 67 hectares, and as the intended uses have proved to be unnecessary, it is desirable to change its purpose to parklands and recreation. The Shire of Cranbrook and the community at Tunney have reached agreement with the Main Roads Department for development of the hallsite as a stopping place for the motoring public, with some further district amenities to be provided within the Class "A" reserve.

The Main Roads Department is arranging the improvements but requests that two small areas containing in the aggregate 4 139 square metres be excised from the Class "A" reserve and added to the hallsite to improve road frontage treatment and placement of equipment. The Main Roads Department will control the stopping place and the Shire of Cranbrook will manage and maintain Class "A" Reserve No. 29057 and its auxiliary facilities.

Clause 6: The East Perth Cemetery closed in 1924 and after consultation with the various religious organisations which controlled the land as trustees, the East

Perth Cemeteries Act, 1932, enabled those trustees to relinquish control, and by 1934 the land had been set apart as Class "A" Reserve No. 21054 for the purpose of a "disused burial ground" controlled by the State Gardens Board. Saint Bartholomew's Anglican Church stands on that portion of the cemetery originally controlled by the Perth Diocesan Trustees, and during moves to restore the cemetery which commenced in 1950, the Diocesan Trustees agreed to resume control of the church. The Reserves Act, 1952, authorised the Governor to grant a lease of the church site to the Diocesan Trustees, and after survey of its grounds as Perth lot 767, the lease was arranged, with the remainder of the cemetery being vested in the National Parks Board to replace the former Board of Management. In 1973, the Diocesan Trustees stated that they were not in a position to arrange necessary repairs and renovations to the church and wished to relinquish their lease. Negotiations resulted in the National Trust of Australia (W.A.) agreeing to accept responsibility for repair and maintenance of the building but still permitting its use by the Anglican Church for Sunday services. The Trustees' lease was duly cancelled and a vesting order issued to the National Trust as an interim measure pending creation of a Class "A" reserve for the purpose of "Historical Buildings" over the churchsite.

Clause 7: Reserve No. 12243 is an area of 4249 square metres surveyed as Jandakot Lot No. 73 and was created in 1909 to protect a well which provided water for the locality. In 1925, the well was found to be in a dangerous condition and the Fremantle Road Board agreed to assume responsibility for the well, subject to the reserve being classified as of Class "A". There is no recorded reason supporting the requirement for the classification, but the proposal was accepted, the reserve was proclaimed Class "A" and the Fremantle Road Board was appointed as a board of management. In later years, the municipal boundaries were altered and control of the reserve passed to the Town of Cockburn, which authority has now planned a drainage system to serve industrial sites at Jandakot. The whole of this reserve is required for efficient operation of the drains and it is proposed to alter the purpose to drainage and replace the existing form of control by issuing a vesting order for that purpose. The land itself has no extraordinary significance and it is also proposed that the classification as of Class "A" be cancelled to render future administration of the reserve more flexible.

Clause 8: The residential subdivision at the locality known as Miami just south of Mandurah relies on rainwater tanks or private bores for water supply, and the Public Works Department plans to introduce reticulation. The best site for a service tank and pump station lies within Class "A" Reserve No. 2851, which is an area of about 124 hectares vested in the Shire of Mandurah for camping and recreation. The shire has no objection to the proposal, which will provide a desirable amenity for the district.

Clause 9: Kalbarri National Park comprises 186 622 hectares contained in Class "A" Reserve No. 27004, and one section extends to the sea between Kalbarri townsite and Red Bluff. The coastal strip west of Red Bluff Road is used extensively for recreation with some unlawful camping in certain areas. The National Parks Authority of Western Australia has insufficient staff at Kalbarri to cope adequately with litter problems on this strip and the Shire of Northampton is prepared to assume control for the purpose of recreation and parklands, using existing local organisation. The shire also desires to cater for extension of Kalbarri townsite, and a suitable section of the national park east of Red Bluff Road contains no significant physical features and can be made available for this purpose. The total area to be excised from the national park amounts to 526.0910 hectares and can be used to better advantage as an extension of existing facilities at Kalbarri.

Clause 10: The rapid expansion of urban subdivisions requires advance planning of water supply, and the time has arrived for establishment of a reservoir and pumping station to serve a large area at Wanneroo. The best site is within Neerabup Lake National Park, which is controlled by the National Parks Authority of Western Australia and was set apart as Class "A" Reserve No. 27575 in 1965. Particular attention is to be given to retention of trees and landscaping, with the works themselves being unobtrusive. The proposals are acceptable to all interested authorities and the facilities will also cater for the early stages of further expansion to the north. The area to be excised is 31.5904 hectares.

As is usual with the introduction of the Reserves Bill, notes on each proposed variation together with the corresponding plans have been made available to the Leader of the Opposition and I commend the Bill to the House.

Debate adjourned, on motion by Mr A. R. Tonkin.

WATERWAYS CONSERVATION BILL

Second Reading

Debate resumed from the 14th October.

MR A. R. TONKIN (Morley) [3.16 p.m.]: The Waterways Conservation Bill will establish a commission to consist of a commissioner and the chair persons of the various management authorities. The Bill indicates that initially there will be at least three management authorities—one for the Swan River and its tributaries,

one for the Harvey Estuary and Peel Inlet, and one for the Leschenault Inlet. This means that the proposed waterways commission will consist initially of four people. That seems to us to be too narrow a representation on a commission of such great importance.

Our waterways have been neglected and degraded. Therefore, we are in favour of the introduction of legislation to deal with them, but the scope of this proposed commission is rather narrow and could be widened. For example, there should be representatives of environmental movements and local government on the commission.

In making these criticisms I wish to make it clear that I shall not be moving any amendments. I think that would be a waste of time. I do not believe the Government deals with proposed amendments on their merits. I know they would not be accepted and so I am not—

Mr Nanovich: You have not dealt with any amendments on merit.

Mr A. R. TONKIN: That is the member's opinion and as it would be his opinion about any amendments I would put forward, I shall not waste the time of the House or the Opposition by putting forward such amendments. Therefore, we will state ways in which we believe the Bill could be improved.

The proposed commission will be subject to the Minister. I think that can be a reasonable kind of provision provided we get a reasonable kind of Minister. The Bill refers to river training as though a river needs to be trained.

I would suggest that rivers have fulfilled their purpose satisfactorily and efficiently for millions of years. It is the height of arrogance and stupidity for people to talk about training rivers. The last river in Western Australia to be trained was the River Avon, but with disastrous consequences.

Mr Hartrey: There are many rivers in China which have been trained.

Mr A. R. TONKIN: The honourable member can go to that country if he likes. We believe that river training needs to be taken with a pinch of salt, because a great deal of damage has been done by training rivers. A river has a natural regime, and if there is interference with it there could be increased siltation. A few weeks ago the member for Avon mentioned a pool on the Avon which was 40 feet deep, but which is now a sandbank. That is what can happen as a result of river training.

I believe the commission proposed in the Bill should be concerned with the conservation of rivers, and with trying to keep them in their natural state. We should bear in mind that river training does not retain a river in its natural state at all. Of course, our rivers are not in their natural state and neither is the land surrounding them; so we cannot return them to a natural state. But certainly a great deal of caution should be exercised with the whole concept of river training.

Mr Grayden: Virtually all the European rivers are in the category of those which have been trained.

Mr A. R. TONKIN: They have not been trained in the way that, for example, the Avon River has been trained. I would dispute the claim of the Minister. Some of those rivers become canals and others become drains. All this depends on what we want a river to do. If all we want a river to do is to drain the landscape, which is one of the primary functions of a river, then we would not mind having a drain; but a drain is something very different from a living ecosystem.

Mr Grayden: What about a river which has a series of locks? Do you regard it as having been trained?

Mr A. R. TONKIN: I think such a river becomes very close to being a canal; and there is a world of difference between a river and a canal. People are becoming increasingly aware of this. I know the Environmental Protection Authority, Government departments, and their officers are becoming increasingly concerned that when one tries to train a river one tries to make it do more than can be expected of it; so, we need to treat this matter with a great deal of caution. The whole concept shows a certain lack of sensitivity.

Under the provisions of the legislation the commission will be able to establish criteria for the assessment of environmental change and pattern. A similar provision has been written into the Environmental Protection Act. We know that the EPA has not developed such criteria, and we regret that this has not been done. We wonder whether after the passage of the years this provision will become a dead letter, and that criteria will not be developed.

We agree with the idea that there should be a development of awareness on the part of the public. A moment ago I was speaking about awareness. We need to have a greater degree of awareness of the value of our rivers. Above all, we have to eschew the attitude that while there is a river which has not been dammed, it is one more waterway that can be exploited. In fact, we have destroyed most of our rivers. Already in far less than 200 years we have made many rivers in this State salty, or we have dammed them. The result has been that downstream from the dam there is nothing but a dry watercourse.

I would ask members and the public whether, in fact, they want to give to their children a world in which there are no wild rivers, in which it is not possible for the children to go canoeing, and in

which it is not possible for people to tramp along the banks, and whether all that they want is a series of man-made lakes. That is what will happen if the population of this State and of this city continues to grow. The stage will be reached where we will not have a wild river left, and the environment will have been reduced by a very considerable extent.

I believe a world where such adventures are not available to the young and old will be a much poorer one for us to live in. I think there is a Tom Sawyer and a Huckleberry Finn in large numbers of the population, and we would be foolish to deny that side of human nature.

We question whether there is to be proper control of the clearing of banks. This has one of the biggest effects on the rivers—the question of control of clearing.

There is to be a management programme, but we notice there is no provision for public comment unless the Minister thinks fit. However, the Minister, especially the one in the present Government, is not likely to think it is fitting to have public comment. We know that Ministers of the present Government are not in favour of public inquiry. We on this side believe there should be a provision in the legislation for public comment on the management programme, and not just when the Minister thinks fit. It is quite clear that the present Minister will think it is fit to have public inquiry only when it is likely that no trouble will arise. We are of the opinion that the public should be invited to make comment on management programmes, and perhaps there are three reasons for this.

The first reason is that not all expertise resides in the Government; in fact there is a great deal of expertise among the community generally. Secondly, this is one way of keeping Governments or bureaucracies honest, especially if they know that their efforts can be criticised and scrutinised by the general public. Thirdly, and perhaps most importantly, there are many aspects of a mangement plan which do not depend on technical knowledge or expertise, but depend on value judgments.

The value judgment of a member of the public is as worth while as that of any expert. Experts have no better value judgments than the ordinary men and women in the street. Because value judgments will be involved, there should be a provision in the legislation for public comment on management programmes. There can also be public inquiry if the Minister thinks fit. I suggest once again that is not very likely to happen.

There is provision in the Bill for town planning authorities—such as the Minister for Urban Development and Town Planning, the MRPA, the Town Planning Board, and various local government bodies—to give information to the commission; and the commission may publish its recommendations to those town planning authorities. I applaud this provision in the Bill, because it is the means whereby the public can be informed of what the commission thinks with respect to a particular waterway or the adjacent land.

There is a provision in the Bill which I believe reads word perfect with the provision in the Environmental Protection Act. It states that if the Minister believes that any development may be detrimental to the environment he shall refer the matter to the commission; and that provision is to be found in the Environmental Protection Act. I am afraid it is not good enough, and it is quite inadequate.

As I mentioned in this House recently, I asked why the Minister for Urban Development and Town Planning did not refer the rezoning of land for industrial purposes —that is land near Lake Kogolup—to the Environmental Protection Authority, as required under the Act, on the grounds that quite clearly this could have a detrimental effect on the environment. The Minister said he did not think it would have a detrimental effect on the environment, because the land to be resumed was higher than Lake Kogolup.

Surely if the land to be rezoned was higher than the lake the effluent from that industrial land would run down to Lake Kogolup, but apparently the Minister was not aware that water runs downhill, and so he gave as a reason for not referring the matter to the EPA that he felt the water would run uphill. In other words, he did not believe there would be any movement from the industrial land to the wetland. That is not a reasonable argument, yet it is not possible for a citizen to go to a court to indicate that the Minister is evading the Act and not obeying the law, because it is quite obvious to any reasonable man that the proposed development may have an effect upon the environment. Legal opinion I received indicated that in the law courts of this land we would be told that the matter is subject to ministerial discretion—that it is up to the Minister to decide.

We believe, therefore, that this legislation and the Environmental Protection Act should contain a provision so that anyone acting under the authority of the legislation should do so on reasonable grounds. Then it would be possible for a person to go to a judge and ask whether the Minister is being reasonable when he says that he does not believe water will run downhill. I think a judge would then say he did not think the Minister was being reasonable and it was quite clear that there may be a detrimental effect upon the environment and therefore he should have referred the matter to the EPA or the waterways commission as required by law. However, at the present time, the law can be ignored with impunity because of the lack of such a requirement.

The Bill contains a provision to enable the public to refer a matter to the commission, but this provision is inadequate, too, because there is no requirement for the commission to reply to the complainant, and certainly there is no requirement for the commission to reply in a reasoned manner. I have on occasions written to the EPA but have not even received an acknowledgement of my letter, and this applies to other people, too. But there should be more than an acknowledgment of a letter. There should be a requirement that the commission or the EPA should give reasons for not acting upon the complaints of the public.

It is not good enough for the commission merely to indicate that the public have made a complaint if there is no requirement for the commission to go back to the public and indicate the reason it does not agree with the complaint. There should be a requirement for that kind of reply.

The legislation provides for a report to be made to Parliament, but once again this provision is not enough because the kind of information given in such a report may well be inadequate. For example, there is no provision for quantitative details of water quality. In other words we believe the report should contain details of the condition of the Swan River water; that is, the p.h., b.o.d., and the degree of contamination by various elements. We believe the Swan River, the Harvey Estuary, the Leschenault Estuary, and the Peel Inlet belong to the people and they have a right to know the water quality; that is, whether it is deteriorating or improving. Such information should be contained in the annual report to Parliament and there should be an explicit direction to the commission to indicate this, otherwise what we are likely to get is perhaps a list of industries on the banks of the Swan River, an indication of how many officers there are, and a picture of the Minister opening a sluice dam, or something like that type of garbage which wastes our forests by the unnecessary use of paper that gives no useful information whatever.

Finally, we believe there should be a provision for the public to object to any act or any omission by the commission. In other words, if the commission has drawn to its attention the fact that something is happening to one of these bodies of water and it refuses to act, what can the citizen do? There is not a great deal he can do. We believe the Bill should contain the machinery to enable the citizen to appeal and to point out that a detrimental activity is being pursued and that although it has been drawn to the attention of the commission the commission has refused to act. In that way the citizen would be able to activate the commission when he felt the latter was not doing its duty.

Although the Opposition welcomes a measure of this nature it believes it falls far short of what it should contain in four or five cardinal areas and we believe the Bill should be redrafted so that it comes up to those standards in which we believe.

MR SHALDERS (Murray) [3.36 p.m.]: I rise to indicate briefly my support for the Bill which will create a waterways commission and a management authority for three particular areas—the Leschenault Estuary, the Peel Inlet, and the Harvey Estuary—and also for the Swan River and its tributaries.

I would like to pay a particular tribute to the past and present members who have formed the Peel Inlet Conservation Committee in my electorate. That committee has done a tremendous amount of good work. Although it has been an advisory body only it has spent a great deal of time working conscientiously on many of the problems and difficulties confronting that particular waterway. I also pay a tribute to the former member for Murray (Mr Runciman) who, by his hard work, was largely instrumental in the establishment of that committee.

In my opinion these management authorities which have been created for the larger waterways and over which the commission will have a broad umbrella of cover, will provide the measure of local expertise, knowledge, and interest which is vital.

Prior to my coming to this House, during the last Parliament a Bill was introduced to establish a single body to overview all the waterways within the State. I understand the Bill lapsed at the time, but I know that, prior to the last election, the Premier, in his capacity as Leader of the Opposition, indicated that if his party were elected to power the Government would introduce legislation of this nature. So I would like to pay a tribute to the Premier and the Government for upholding a pledge made, and to the Minister who I know has worked very hard to submit the Bill and has endeavoured to cater for the interests and wants of the people.

I do not deny that the Bill may contain some deficiencies. Only time will tell; but I believe the member for Morley is being extremely harsh and premature in his criticism of the measure. Of course Governments are able to view legislation in the light of experience and it may be found desirable in the future to have certain amendments made to this particular measure.

In my opinion the Minister has catered for things very well under the legislation. The management authority for my area will comprise one member from each local authority affected; that is, the Shires of Waroona, Murray, and Mandurah.

The people in my electorate are very pleased that local authorities will be represented on the Peel-Harvey authority, because local government representatives put forward the view of the people in the community. The member for Morley has said that the community, generally, will not be represented, but surely we all agree that the ratepayers have a voice through their local government representatives.

The management authorities will have real power and will be able to take care of the interests of the environment, recreation, and the waterways in general. It is a credit to the Government that provision has been made for the management programmes, when prepared, to be published in the newspapers, so that the people of the community will have an opportunity to examine them. Also, the programmes have to be approved by the Minister before they are put into effect.

I do not want to take up the time of the House unduly, but I felt it necessary to indicate that the people within my electorate are well aware of the provisions in the Bill. They applaud the Government, and the Minister concerned, for the time involved and the care taken in an endeavour to bring forward legislation which meets their requirements.

MR SKIDMORE (Swan) [3.41 p.m.]: I rise to support the proposal now before us. Some aspects of the measure will overcome the ridiculous situation we have on the Swan River at the present time. I hope considerable power will be vested in the inspectors who will patrol the Swan River and control pleasure craft.

Mr Bryce: Hear, hear!

Mr SKIDMORE: Time and time again I have stood on the Guildford Bridge and watched all sorts of boats obviously exceeding the speed limit of eight knots. In fact, last Sunday afternoon a speedboat whirled around repeatedly in the vicinity of the bridge at a speed well and truly above the eight knot limit. I consider that if there is to be a minimum speed it should be policed.

Mr Clarko: I think you mean a maximum speed of eight knots.

Mr SKIDMORE: Yes, obviously I am referring to a maximum speed. The problems associated with pleasure craft are obvious to all. I am also quite sure that a number of hire pleasure craft are not observing the maximum speed limit.

I want to comment on one of the most ineffective boards we have with regard to conservation; that is, the Swan River Conservation Board.

Mr P. V. Jones: I will not accept that it is ineffective.

Sir Charles Court: The Swan River is one of the few rivers in the world which runs through the capital city and in which people can still fish and swim.

Mr SKIDMORE: I am sorry, but I seem to have struck a tender nerve.

Sir Charles Court: People could not fish and swim in the Swan River 25 years ago.

Mr SKIDMORE: Apparently the control of the river where it passes through the electorate of the Premier has been much better than the control exercised by the Swan River Conservation Board in the upper reaches of the river.

Mr Bryce: Hear, hear!

Sir Charles Court: It is the same river.

Mr A. R. Tonkin: Does the Premier know of any person who swims in the Swan River?

Mr O'Neil: Hundreds of people swim in the Swan River.

Sir Charles Court: Of course; swimming classes are conducted in the Swan River.

The SPEAKER: Order! The member for Swan.

Mr SKIDMORE: It was not my desire to be provocative. I was not criticising for the sake of being critical. I merely wished to make the point that I believe the Swan River Conservation Board has been reasonably ineffective—to be a little kinder—in its approach to the problems appertaining to the upper reaches of the Swan River. One problem is that people have removed loam from the banks of the Swan River, and have actually breached the banks. However, the Swan River Conservation Board has no power to direct those persons to make good the damage they have caused.

Sitting suspended from 3.45 to 4.02 p.m.

Mr SKIDMORE: Prior to the afternoon tea suspension I was referring to what I considered to be the rather inadequate way in which the Swan River Conservation Board had been able to exercise its supposed powers. It had been found to be inoperative in many fields as far as conservation of the Swan River was concerned.

That was not meant to be criticism of the board. I have received a great deal of co-operation and assistance from the present chairman of the board in relation to the taking of loam and the breaching of the river banks, and I have also received co-operation from the inspectors concerned. But unfortunately, as I understand it, the board cannot give any direction or take any action to ensure any breach of the river bank which takes place in the course of removing loam is made good. In other words, if a landowner sees that a quick profit is to be made out of removing loam for sale, only the shire can direct the owner to make good the breach. It is in that sense that I was pointing out the ineffectiveness of the board.

I may have missed any reference in the Bill, under the functions and powers of the commission, specifically directing

its attention to the control of pleasure craft and other craft using the river. I hope the Minister will be able to assure me that matter is to be taken care of and is to be policed by inspectors. At the present time the matter of control of boats on the river comes under the Minister for Works, and I suggest to him that if he had some of his inspectors in the upper reaches of the river on Sundays they could make a lucrative day of it from overtime in dealing with some of the louts who get up there and scarper around in their boats to the detriment of all concerned. Many people wish to sit on the river bank to fish but fishing is impossible because the lines become tangled and cut by the boats, and this family pastime is being interfered with. Some people seem to think the only way to run a boat with a 50 horsepower motor is with the throttle flat out, which is to the detriment of everyone else on the river.

I hope those aspects will be taken care of. I commend the Government on the Bill. I think it will have a lot of teething troubles and that some amendments will be needed in the future, but at least it is an effort to take care of the erosion of the Swan River and control landowners who want to take loam out of the Swan Valley. At one time it was suggested that loam should be removed from the Swan River foreshores because it was needed by industry as moulding loam. It was suggested that if this loam was not available to industry it would be necessary to close the railway workshops moulders' shop and 40 or 50 workers would be put out of work. When the pressure was put on and those people were told to leave the loam where it was and not destroy the natural vegetation and forest, they went a few miles further out and got all the loam they wanted.

I support the Bill. I have some misgivings about some of the clauses, to which I will perhaps refer in the Committee stage, but so far as the general principle is concerned I wish the Bill well and hope it will control the people I have mentioned.

MR BRYCE (Ascot) [4.07 p.m.]: When the waters of the Swan River pass through the electorate of Swan they enter the territory which I represent in this Parliament, and I am pleased to add my voice in support of the Bill.

Like the previous speaker, I sincerely hope the waterways commission and the management authorities which are to be established under the auspices of the legislation will accept their responsibilities and the challenges which face them in this last quarter of the century. The old Swan River Conservation Board did the best it could within the limited scope of its authority, but it occurs to me that there are decisions to be made so far as the future control and conservation of the Swan River are concerned which will require added teeth and added authority, which I sincerely hope the waterways commission and management authorities will have the opportunity to exercise. As one who not only represents a fairly significant length of the Swan River—

Mr Young: Do you get two votes because you have two banks?

Mr BRYCE: While I might be interested in that idea in the true sense of democracy, I have to reject it.

Mr Clarko: So long as you do not sit on the bank.

Mr BRYCE: As a matter of fact I do sit on the bank quite frequently, as does the member for Swan. I sit there on Saturday afternoons and see some of the socially irresponsible types who like to try out their motors in the upper reaches of the river. This particular aspect of the conservation of the Swan River is very important to the people who are closely associated with it—those who live near the river and perhaps appreciate what is happening to it more than others do, and who see how it is being abused by people who use the river for recreation. The speed of the craft in those upper reaches of the river causes a great deal of worry. The size and number of power boats are causing a very significant element of danger to people who swim in the river.

I am delighted to draw the attention of the House to the fact that there are people who swim in the Swan River, and particularly young people.

Mr O'Neil: There are a lot who swing out from the trees on ropes and try to jump into power boats.

Mr BRYCE: Does the Deputy Premier own a power boat?

Mr O'Neil: Yes.

Mr BRYCE: I hope it travels slowly. Not only are these power boats very dangerous for people swimming in the river, but also there are obvious signs that damage is being caused to the banks of the Swan River in its upper reaches. It is extremely expensive for any Government or local government authority to restore the natural flora and plant life on the edge of the banks.

I wish to mention another fairly interesting and important idea to which we should give some thought when considering the future activities of this commission. I suggest that no-one in this Chamber would argue with my statement that the Swan River is one of our city's greatest assets. There is a great deal to be said for developing a planning concept, obviously in co-ordination with the efforts of the waterways commission, in regard to conservation of the banks of the Swan River, and particularly conservation of the entire river rather than sections affected by local government boundaries.

It has been drawn to our attention that local government authorities are not particularly pleased to have their power and influence in regard to the control of the Swan River eroded in any way. I would like to take this opportunity to advance the view that it is in the best interests of our city to conserve the Swan River in its entirety rather than for the different local governing authorities to develop and control the river in different ways, and perhaps with different concepts. I believe such a course is not in the best interests of the Swan River. A great deal more can be accomplished in the years ahead than was possible under the old Swan River Conservation Board.

The final point I would like to make is about the dumping of sludge and effluent into the Swan River. In a city like ours probably the toughest decision to be made by these authorities concerns effluent. The Premier was quite right when he said that it is possible for people to swim in the Swan River and for fish to be caught there. However, a considerable number of licences have been granted to companies to dump effluent right up into the upper reaches of the Swan River. This problem will be one of the most serious challenges the management authorities and the waterways commission will have to face in the years to come.

Parts of the Swan River area are becoming more and more industrialised, and this is particularly noticeable in the area I represent. More and more applications will be made to dump industrial waste material into the Swan River and I hope sincerely that the new body we are creating will work with a new spirit to ensure that by the year 2000 it is still possible to catch fish in the Swan River, and that the river still attracts people to swim in it.

It is tremendously important that the areas inside the metropolitan boundary and around the upper reaches of the Swan are closely safeguarded in this respect. A great deal of pressure will be applied to the commission as more and more industries are established in these areas. For this reason I put a submission to the House now that we should encourage new industries commencing operations to use some of our old quarries and to find alternative places for the dumping of waste. We know from the experience of the Thames River in Britain and the rivers around Chicago and the Great Lakes area in America that it is extremely expensive to try to restore life to a dead river once man has been allowed to spoil it. We can do a great deal now to prevent pollution.

I hope sincerely that the new management authorities and the waterways commission will accept the challenges confronting them in the new spirit. Those challenges will be considerable, and I wish these bodies a great deal of luck.

MR JAMIESON (Welshpool—Leader of the Opposition) [4.15 p.m.]: I am happy to see this Bill before us, Mr Speaker, because when I took over from you as Minister for Works, I discovered that I had some ministerial responsibility in regard to the Swan River. Likewise, the Minister for Local Government had some responsibility in regard to the Peel Inlet, and I think the Minister for Health, as chairman of a similar committee, controlled the Leschenault Inlet.

This did not seem to me to be a competent way to handle these waterways, so I took steps to weld these committees into one entity with an instruction to the department that because we were concerned with more and more inlets and estuaries, we should consider legislation to disband the Swan River Conservation Board. We did not want a series of Acts as we had to control the various harbours in the State. No doubt in the future we will have to think about conservation for Hardy Inlet, Broke Inlet, Walpole Inlet, Wilson Inlet, Parry's Inlet, Stokes Inlet, and Oyster Harbour. We will need authorities to exercise some control over these waterways.

When I was Minister for Works, the portfolio of Environmental Protection was starting to gain momentum, and so at a later stage I took the matter to Cabinet. I felt it was desirable that as the Swan River Conservation Board had some responsibility in regard to controlling environmental features it should be transferred to the Minister for Conservation and the Environment. No doubt the Bill we have before us today is the result of further consideration and concern about our waterways.

It is a good thing that we should have overall legislation, as it allows progressive management of the various inlets I have mentioned. Probably there are many other waterways around the State for which we must have regard eventually, but they are in areas that are not as populous as those I referred to.

The Swan River Conservation Board did a particularly good job in regard to the Swan River. Probably the only complaint to make about this board was that is was composed of a few too many members and this caused problems in arriving at decisions. However, notwithstanding that fact, the board was able to limit the effluent and other discharges into the Swan River.

Some of the other committees set up to manage our waterways have given good advice to the Governments of the day. So having served as the embryo for the basis of this legislation, all these committees should be congratulated on their work. There were some very active people who delved deeply into the problems associated with the waterways, and I would like to refer particularly to Mr Alan Fuller

who was previously the Manager of the Harbour and Light Department. Mr Fuller was very keen to see that similar action was taken with other waterways in the State. So, having that information, which was gained from those bodies, available in the departmental files no doubt assisted greatly in the final preparation of a composite Statute.

It will be interesting to see how this works. I hope it works as I envisaged it would, with some overall control and lesser control held locally by various seconded authorities. If this system works as we hope it will, the protection afforded by it will be greatly appreciated by the people in the south-west corner of this State, wherein this legislation will mostly apply. It is to be hoped that all those who have been associated with the various committees will join in just as enthusiastically with this proposal so that it can get off the ground as quickly as possible, and the work continued which will benefit all the people who use the various inlets.

MR P. V. JONES (Narrogin—Minister for Conservation and the Environment) [4.21 p.m.]: I would like to thank the Leader of the Opposition and those of his members who contributed to the debate, and also the member for Murray. At the outset I say that we certainly share the hope expressed by the Leader of the Opposition and the member for Ascot regarding the future role and the operations of the authorities which will work under the umbrella of the proposed commission. The basic point is, of course, that our hope for the future cannot become a reality without the machinery to make it work, and that is what this Bill is all about.

I would like to refer to aspects raised by the member for Morley regarding the powers of the commission, and the powers which may be delegated to the management authorities. We are not seeking to establish some type of bureaucratic Frankenstein. We seek to establish, as the legislation clearly shows, a waterways commission, and management authorities which will be established under that commission, with sufficient flexibility and power to enable them to work. We want the management authorities to be made up of people who have sufficient local interest to enable them to provide the necessary management, and we want the authorities to have access to technical expertise in order to ensure that the waterways of the State receive the management and protection they need.

In that regard mention has been made of the membership of the management authorities and of the commission. The tenor of the membership of management authorities is to allow as much local involvement as possible, and they will have a minimum of five and a maximum of 11 members. Therefore, a degree of flexibility is provided.

The member for Morley expressed some concern that the legislation does not provide for conservation interests to be represented on the authorities and to have their position protected. We have endeavoured to ensure there will be sufficient flexibility at the local level to enable conservation interests to be represented and, in fact, to be members right at the level at which the work will be carried out. That is why the only group of people who are in fact protected in the legislation regarding membership is local government people, and that is quite right and proper.

Local government membership is spelt out in the Bill. In the case of the authority to look after the Swan River and the other two authorities that will be established, local government will have at least three members, and possibly more, on each. Local government is assured of those three members who will be drawn from the local authorities adjacent to the waterway concerned. In the case of the Swan River, the amendments on the notice paper provide that the Local Government Association will submit a panel of names from which two members will be drawn, and the Perth City Council will submit names for the other position.

I would like to add a further point in respect of local government representation. On the Swan River Conservation Board, to which reference has been made today, there are approximately 18 members, of whom approximately six represent local government. Even with the maximum membership of 11, local government is protected to the extent of three members on the proposed management authorities. I grant that is a little less than the ratio enjoyed in respect of the Swan River Conservation Board, but there are two other important factors which may be overlooked.

Firstly, the rights, privileges, and responsibilities of local authorities have been protected within this Bill to a far greater extent than is the case with the Swan River legislation and, perhaps, other legislation in which local authorities are involved. I am referring to those clauses which require the commission and the management authorities to consult with local government. In the formation of management plans local government will in fact be protected to the extent that nothing can occur without the local authorities being involved in it; their consultation will be respected and protected.

Similarly, in the case of the clause which refers to the making of model by-laws, the position of local government is protected. That is the first point.

The second is, of course, the fact that in the case of the Swan River Conservation Board local government was involved in financing the operations. It did not finance the operations in total, but it had some obligation; and the local authorities within

the region managed by the board had to provide some finance. Local government is relieved of that obligation under this Bill. I make those two points, which may have been overlooked.

With regard to the matter of the representation of conservation interests, we will encourage recreation and conservation interests to be represented when selecting personnel to sit on the management authorities. They are represented at the moment on the Peel Inlet Advisory Committee and the Leschenault Estuary Advisory Committee. There are persons on those committees who represent aquatic and other interests; and we will actively seek persons willing to make a contribution of time and effort for this purpose. So, far from being overlooked, conservation interests will be encouraged.

A question was raised regarding the whole aspect of conservation. The whole tenor of the measure is just that: conservation in its pure form. Indeed, the Bill is directed at that. There is no question of endeavouring to concentrate on training a river, as the member for Morley suggested. The word "training" does appear in the Bill, certainly; and the reason would be well known to the member for Murray because problems are associated with the desnagging of the Murray River, and considerable expenditure has been incurred in that respect over the years and is still being incurred in an effort to clean that river and to allow the free flow of water which is at present hindered to some degree, and that is having an effect upon the whole management factor of the Peel Inlet. So in terms of training I do not think we are trying to create a gutter; rather we are trying to ensure that all aspects related to the conservation of estuarine waters will receive attention.

The duties of management authorities are spelt out in clauses 23 to 25.

Reference was also made to public involvement, and it was stated that there should be public comment. I am afraid we would be totally unable to accept the premise that every time a management authority made a decision to do something, that decision should be available for public comment. Mr Speaker, as you well know, nothing would get done.

Mr A. R. Tonkin: That was not suggested, of course.

Mr P. V. JONES: What was the suggestion? The member said that everything that was done should be put up for public comment.

Mr A. R. Tonkin: I said that a management plan should be available; not everything that was done, not every day-to-day plan, but a programme which would be used over several years. I assume a management programme would be something to do with the whole planning for the next 10 years.

Mr P. V. JONES: The public are involved in the formation of those management plans. The public are involved because the legislation says that in the formation of management plans the management authorities shall have due regard to every factor which intrudes upon the life of a waterway, whether it be conservation or recreation.

Mr A. R. Tonkin: In their opinion.

Mr P. V. JONES: Does that not give a role for people to make an input?

Mr A. R. Tonkin: Not necessarily. We will deal with that in Committee.

Mr P. V. JONES: The role of the Environmental Protection Authority also has been raised. As has been reflected in other legislation which the Government has brought forward, the role of the Environmental Protection Authority is defined in its own piece of legislation. It is available for consultation and reference to advise on matters relating to the management of any waterway. In this piece of legislation it will have a very important role to play as an adviser regarding aspects mentioned by Opposition speakers concerning the determination of common effluent levels, and so on. Far from adopting a weak position, it is specifically available to advise and will be fed in whenever it is required. It is also there for the commission or the management authorities to consult.

The member for Murray referred to the situation at the Peel Inlet and to the Peel Inlet Advisory Committee. I think we would be remiss if we did not support his remarks regarding the efforts of the Peel Inlet Advisory Committee for the work it has done not only in the management of its waterway in a totally advisory capacity but also in the formation of this legislation during more than two years.

The fact that that committee and the advisory committee for the Leschenault Estuary have been prepared to come to meetings and to make their advice available has meant that many, if not all, of the opinions expressed have been married into this Statute so that it reflects, if not the dotting of every "i" and the crossing of every "t", certainly the tenor and basis of the legislation they require. I repeat what they wanted: local people doing the work; a minimum of interference; and enough flexibility to ensure that the local people who wished to represent recreation and conservation interests will have the opportunity to become involved.

The member for Swan and the member for Ascot referred to pleasure craft. As they know, that subject belongs rightfully in the province of the Harbours and Rivers Branch of the Public Works Department. But the situation does show up a shortcoming in the legislation with regard to the Swan River. Clause 25 (2) provides that other Government instrumentalities, whether it be the Government Chemical

Laboratories, which has been of tremendous assistance to the Swan River Conservation Board, or any other instrumentality, will be consulted by the waterways management authorities and the instrumentalities will also have access to the Harbours and Rivers Branch.

Mr Bryce: We would like the Minister for Works to allocate money for about three new launches for the Harbour and Light Department just to police the waterways.

Mr Skidmore: It is a question of giving someone the same powers as those possessed by the Harbour and Light Department so that we will have more inspectors on the river.

Mr P. V. JONES: We have provided for that. What the members seek will be achieved, but it is not necessary to give all of the powers of the Harbours and Rivers Branch to this proposed authority.

Mr Skidmore: As long as someone will do the job that is not being done at present.

Mr P. V. JONES: The last point I should like to make regards the state of the Swan River, to which the member for Ascot referred. It has been said by members opposite that the Swan River Conservation Board was not as effective as it might have been. I consider it has been most effective. If there were shortcomings in the legislation they have been more than adequately compensated for, and the condition of the Swan River stands very much as a tribute to the Swan River Conservation Board.

Question put and passed.

Bill read a second time.

(Continued on page 3574)

QUESTIONS (42): ON NOTICE

1. UNDERGROUND WATER RESOURCES

Environmental Studies

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

Further to question 16 of 1st April, when are symposium papers likely to be available in regard to the recent symposium on utilisation of underground water resources on the Swan coastal plain, jointly conducted by the Environmental Protection Authority and CSIRO?

Mr P. V. JONES replied:

It is anticipated that the report will be available to the public before the end of the year.

2. COMMITTEE FOR THE UNDERSTANDING OF THE ENVIRONMENT

Membership and Publications

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) (a) Who are the members of the Committee of Understanding the Environment; and

(b) on what dates were they appointed?

(2) Would he please table copies of publications, brochures, etc., produced by CUE which are available to the public?

Mr P. V. JONES replied:

(1) and (2) Information relating to the Committee for the Understanding of the Environment may be obtained from the Secretary, Mr K. Flanagan, and I have forwarded the member's question to him for acknowledgement.

3. ROTTNEST ISLAND

Conservation

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) What particular conservation values of significance exist on Rottnest Island?

(2) (a) Of what importance is the wildlife field station on Rottnest Island;

(b) which organisation operates the field station?

(3) Would he please list significant papers which have been published relating to natural history studies undertaken on Rottnest Island?

Mr P. V. JONES replied:

(1) Information relating to the conservation values of Rottnest Island and significant papers on the island may be found in Vol. 42 Part 3 of the Journal of the Royal Society of Western Australia, 1959, and in subsequent scientific papers. Further details may be obtained from the Librarian of the Department of Fisheries and Wildlife.

(2) (a) and (b) The field station is operated jointly by the Zoology Department of the University of WA and the Department of Fisheries and Wildlife, and is used as a centre for field research and teaching.

(3) Answered by (1).

4. TOWN PLANNING

Darling Scarp Area: Study

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) Has the detailed study on the use of the Darling scarp foothills area been completed and reported?

(2) If so, would he please table a copy of the report?

Mr RUSHTON replied:

(1) Initial surveys have been completed and results are being analysed and discussed with local authorities and other affected authorities and the group committees, before preparation of a report.

(2) The report is not available for tabling at this time.

5. NEERABUP NATIONAL PARK

Excision: Reference to National Parks Authority

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) What has been the nature of—

(a) any referral to;

(b) discussion with;

(c) consideration by;

(d) attitude expressed by,

the National Parks Authority to the proposition that land comprising the class "A" reserve set aside as Neerabup National Park be excised for development as part of the Joondalup sub-regional centre?

(2) (a) Who referred the matter to the authority and on what dates; and

(b) what explanation and plans were provided to enable the authority to properly discuss and consider this matter?

(3) Which Government department or agency discussed the matter with the authority and on what dates?

(4) Has he referred—

(a) the matter of possible or proposed excision to the National Parks Authority for advice, as provided for in the National Parks Authority Act;

(b) if so, on what date;

(c) the matter of the proposed establishment of the Development Corporation to the authority for advice;

(d) if so, on what date?

Mr P. V. JONES replied:

(1) to (4) As is usual in arranging such matters, discussions took place on an interdepartmental level over a period of time from the 11th August, 1976, and the National Parks Authority acceded to the excision at its regular meeting on the 8th October, 1976.

6. BEEF, LAMB, AND MUTTON

Prices: Comparison

Mr GREWAR, to the Minister for Agriculture:

(1) What were the average monthly prices paid for—

(a) yearling beef;

(b) ox beef and cow beef;

(c) lamb and mutton,

for 12 months ended October 1976 at Midland abattoirs?

(2) How do these prices compare with prices received in—

(a) Sydney;

(b) Melbourne;

(c) Brisbane;

(d) Adelaide; and

(e) Hobart?

(3) What would be the cost of railing cattle and sheep to markets at Adelaide, Melbourne and Sydney?

(4) Would this have been an economic operation at any time during the past year?

(5) Would he explain briefly the reasons for the low prices received in Western Australia during recent months compared with those obtained in Eastern States?

(6) Why should lamb prices be so low in Western Australia now when it is reported that good markets exist in Middle East countries?

Mr OLD replied:

(1) The following table sets out the average monthly prices at Midland saleyards, not at Midland abattoirs. The prices for lamb are the Lamb Marketing Board's scheduled prices to producers:—

	Yearling Beef	Ox Beef	Cow Beef	Lamb (a)	Mutton
		cents per kilogram			
Nov 1975	42.3	31.6	25.0	44.5	9.4
Dec	39.5	31.9	22.6	45.6	12.8
Jan 1976	37.5	37.2	26.1	52.5	12.9
Feb	41.4	40.2	26.1	59.0	11.7
Mar	46.2	40.2	26.0	63.0	12.6
Apr	48.4	46.0	31.1	66.0	16.7
May	55.6	51.8	37.8	68.0	23.0
June	57.9	53.8	37.9	71.0	24.6
July	61.6	54.8	32.7	75.0	21.3
Aug	63.9	51.1	29.2	73.0	15.0
Sep	55.0	50.0	34.0	60.0	18.0
Oct (prelim)	48.0	42.0	30.0	54.0	18.0

(a) Red 2, 13-16 kg

Source: Australian Meat Board—"The Meat Producer and Exporter".

(2) Prices received in the principal livestock markets in Sydney, Melbourne, Brisbane, Adelaide and Hobart are given in the Australian Meat Board's "The Meat Producer and Exporter".

Livestock prices have fluctuated between markets and between months during 1976. Currently, following the normal seasonal pattern, supplies of livestock are high in Western Australia while some classes of prime stock are relatively under-supplied in some Eastern States' markets. At this period of the year livestock prices are often lower in Western Australia than in markets in the Eastern States.

(3) The current rail freight rates for a bogie van with the capacity of approximately 200 sheep or 25 to 30 head of cattle are:

Midland to Dry Creek, Adelaide	$609.00
Midland to Newmarket, Melbourne	$799.00
Midland to Homebush, Sydney	$963.40

In addition to rail charges there are agents' charges for tending stock at Parkeston, Port Pirie and possibly at other points.

(4) Occasional specialised consignments may have been economic during the past year. Departmental statistics for the movement of livestock for 1975-76 show that 1 610 sheep and 210 slaughter cattle were transported through Kalgoorlie. Since July 1976 statistics show only three bulls were transported through Kalgoorlie.

These statistics suggest that interstate movement of livestock generally was not an economic operation during this period.

(5) Movements in prices in the various livestock markets throughout Australia are the outcome of many market influences. At present there are large supplies of livestock for slaughter in Western Australia, whereas there are reduced supplies of prime livestock in south-eastern Australia.

(6) The Western Australian Lamb Marketing Board has advised that producer prices for Red 2 lamb are at present 12 per cent higher, and for White 0 lamb are 20 per cent higher, than for the corresponding period of 1975.

Exports of lamb from Western Australia to the Middle East have increased significantly in recent years. However the market is competitive because of supplies from other exporting countries, and the price obtainable reflects this situation.

7. CANNING VALE INDUSTRIAL AREA

Error in Contours

Mr BATEMAN, to the Minister for Industrial Development:

(1) Is it a fact that the consulting engineers have made an error of some 20% with regard to the new contours of the Canning Vale industrial area?

(2) Is it also a fact the disposal of waste water will now not be one million gallons but two million gallons per day?

(3) If "Yes" to (1) and (2), what effects will this have on the lands outside lots 11 and 12 purported to be owned by the brewery for future industrial development?

Mr MENSAROS replied:

(1) No.

(2) and (3) It is not clear from the question to which specific waste water the member refers. I can only assume he is referring to waste water from the brewery and from part (3) of the question, that he is concerned that the disposal of waste water will have some deleterious effect on land in the area. This is not so.

8. KENWICK SCHOOL

Replacement

Mr BATEMAN, to the Minister representing the Minister for Education:

(1) In view of the many problems possibly being experienced at the Kenwick Primary School such as overcrowding, danger to children crossing Albany Highway to attend the school and the housing growth of the area, will the Minister advise when it can be anticipated the new Kenwick Primary School will be built to alleviate these problems?

(2) Would the Minister further advise the exact location of the school?

Mr GRAYDEN replied:

(1) The Education Department has no plans to establish a new school in Kenwick to relieve the existing Kenwick Primary School which is not overcrowded.

(2) A site for the East Kenwick Primary School is located on the northern side of Kenwick Road between Brixton Street and Belmont Road.

9. BRIDGE

Maddington-Thornlie

Mr BATEMAN, to the Minister for Transport:

(1) Has any further consideration been given to the construction of a bridge across the Canning River to link Maddington and Thornlie?

(2) If "Yes" what is the exact location?

(3) If "No" what is holding up this work?

Mr O'CONNOR replied:

(1) and (2) No.

(3) This bridge is essentially for local requirements and the Gosnells Town Council has not advised the Main Roads Department that they have allocated funds from sources available to them nor have they nominated it amongst their priorities for funds from the Urban Pool Fund.

10. IRON ORE

Agreements: Amendment

Mr T. D. EVANS, to the Treasurer:

(1) As in *The West Australian* of 7th October last Mr Saburo Tanabe of Nippon Steel is quoted as saying—

> The W.A. Government was studying means of lowering the costs of the Area C project (Mt Goldsworthy) in particular by amending the amortisation formula, lowering royalties and giving financial assistance from the State—

did the State Government advise Mr Tanabe or his company accordingly?

(2) Does the Government intend to consider such assistance for other projects such as BHP's Deepdale deposit and the Texas Gulf-Hancock Wright Marandoo deposit?

(3) If the Government agrees or has agreed to give the types of assistance referred to by Mr Tanabe for the Area C proposal, what global amount of financial assistance from the State would be involved?

Sir CHARLES COURT replied:

(1) No.

The Government's discussions covered many matters and included Area "C" and other projects under consideration like Deepdale, Marandoo.

In respect of these three projects, much concern was expressed at the crippling costs involved because of inflation and the present cost structure and low productivity in Australia.

Ways of coping with the difference in price the Japanese and others can afford to pay and what is needed to make projects viable, were examined and a number of alternatives discussed.

There was no discussion about royalties but ways of assisting in bridging the gap included the possible help with infrastructure —if we are successful in our submission to the Commonwealth Government and Loan Council.

This would greatly improve the DCF calculations because the Government could borrow cheaper and for longer terms which, in turn, improves the amortisation of infrastructure calculations. The result would be lower overall charges for infrastructure which might have been confused with royalties.

(2) All approved projects are eligible for the same consideration.

(3) This cannot be accurately assessed as it is contingent on the degree of borrowing by the State for project infrastructure and the way in which it is applied and financially serviced.

11. STATE SHIPPING SERVICE

Sale of Vessels

Mr McIVER, to the Minister for Transport:

(1) Is the Government contemplating selling any of the present State ships?

(2) If "Yes" what ships are being considered for sale and when?

(3) What are the effects on unemployment in such ports as Point Samson due to State ships by-passing?

(4) What are the extra costs paid to mining companies for use of their wharf facilities as against using State owned wharves (e.g., Point Samson jetty)?

Mr O'CONNOR replied:

(1) and (2) The Government is anxious to retain the State Shipping Service in the interests of the north-west and of employees. Providing cargoes are available there is no intention of taking any of the three State ships currently operating on the north-west run off that run.

In an effort to retain the 4th ship, the Government arranged to use the MV *Beroona* on the

east-west run. The major user has now indicated they are no longer interested in the current arrangement and this has caused some problems.

I am having discussions with management and unions today and am arranging for a marketing man to pursue further the possibility of continuation of the east-west voyages.

However, the future of the East-West run hinges on the viability of the operation.

(3) State ships still call at Cape Lambert jetty spasmodically. Waterside workers in this area are employed on an irregular and casual basis and the work force has not been dispersed. A guaranteed wage is at present paid to the waterside workers by the Australian Stevedoring Industry Authority and similar conditions are expected to continue with any restructuring of the industry.

(4) Tug hire is compulsory for berthing at Cape Lambert jetty and the same is applicable at Port Hedland which is a State owned jetty. However at the Harbour and Light Department jetties tugs are not available.

Berthage fees for private jetties are higher than for those controlled by the Harbour and Light Department, but less than Port Hedland jetty. Point Samson jetty is not now serviceable.

12. TRAFFIC

Speeding Charges: Margin

Mr McIVER, to the Minister for Traffic:

On Wednesday, 8th September, 1976, I asked of the Minister for Traffic questions regarding the charging of motorists exceeding the speed limit by 5 km/h: Would he now advise—

(1) Since 1st September, 1976 have any motorists been charged or issued with infringement notices for exceeding the speed limit by—

(a) 5 km/h;

(b) 4 km/h;

(c) 3 km/h;

(d) 2 km/h;

(e) 1 km/h?

(2) If so, how many in each of the categories outlined in (1) were there?

(3) Having regard for the provisions of regulation 1019 of the Vehicle Standards Regulations, have any motorists since 1st September, 1976, been charged with exceeding the prescribed speed limits of 60 km/h or more by a speed of less than 10% above the prescribed speed limit?

(4) If the answer to (3) is "Yes" then how many motorists have been so charged?

Mr O'CONNOR replied:

(1) to (4) The information sought is not collated.

13. TRAFFIC

Motor Vehicles: Work Orders

Mr McIVER, to the Minister for Traffic:

(1) Since 1st June, 1975 and within the metropolitan area, excluding the Used Car Dealers Section, how many motor vehicles have been—

(a) ordered off the road under the provisions of the Vehicle Standards Regulations; or

(b) have had "work orders" placed on them?

(2) How many of these vehicles were subsequently presented or represented for inspection?

(3) How many were not?

(4) What action was taken to "follow up" the work orders on vehicles that were not presented or represented for examination?

(5) If no action or only action in regard to some of the work orders by way of "follow up" was effected, why?

Mr O'CONNOR replied:

(1) (a) 49 778 to 29th September, 1976

(b) 49 778

(2) 28 467

(3) 21 311

(4) and (5) Where vehicles are not presented for examination following the issue of a work order, investigation action is initiated.

14. TRAFFIC

Motor Vehicles: Number Plates

Mr McIVER, to the Minister for Traffic:

(1) How many number plates have not been recovered from vehicles the licence for which has expired over 15 days?

(2) What action is now taken to recover such number plates that are not handed in?

(3) If no action is taken with a view to recovering these outstanding number plates, why?

(4) If no action is taken with a view to recovering these number plates, is it a fact that this is providing an opportunity for some to use these plates on unlicensed vehicles?

(5) Is it a fact that such number plates or stolen number plates have been used on vehicles concerned in matters of crime?

Mr O'CONNOR replied:

(1) Over the years a considerable number of number plates have not been recovered, but the number is not known.

(2) to (4) (a) A letter is sent to all persons who have not returned number plates;

(b) number plates are seized where detected.

(5) This is not known, but it is possible.

15. STREET LIGHTING

Cost

Mr JAMIESON, to the Minister for Fuel and Energy:

(1) What is the present cost of street lighting in the metropolitan area?

(2) What would be the cost of all-night street lighting in the metropolitan area?

Mr MENSAROS replied:

(1) For the month of October, 1976 the total metropolitan street light costs were $107 916.77.

(2) Total all night metropolitan street lighting operating costs would be approximately $125 500 for the same period.

16. TRAFFIC

Motor Vehicles: Speedometer Testing

Mr McIVER, to the Minister for Traffic:

On Wednesday, 15th September, 1976, I asked of the Minister for Traffic questions relating to the testing of speedometers for accuracy and he replied as follows:

"There are two generally accepted methods of testing speedometer accuracy—

(a) establishing the time required to cover a measured distance at a set speed; or

(b) using a calibrated chassis dynamometer."

Would he now advise whether—

(1) a certificate would be accepted from a person who tested his own speedometer over a measured distance?

(2) Where are the approved measured distances that could be used for this purpose within the metropolitan area?

(3) If the answer to (1) is "No" then from whom would a certificate be accepted for such testing?

(4) If the testing of a speedometer by either the owner, driver or by some other person was effected on a public road would the person so testing be exempted from prosecution for exceeding the speed limit while engaged in this purpose?

(5) If the answer to (4) is "No" then how could this testing be done other than on private property?

(6) If the answer to (5) is to the effect that it could be done on private property or property not on a road reserve, where then is there such a property that could be used for this purpose and has an approved measured distance?

(7) If the answer to (6) discloses there is such a property then what would be the charge to the motorist for the use of this property for this purpose?

(8) What would be the cost to the motorist who was not a member of the RAC to have his speedometer so tested?

(9) Where in the metropolitan area is there a calibrated chassis dynamometer that is available to the motorist for this purpose and issue of a certificate?

(10) What would be the cost for this service?

Mr O'CONNOR replied:

(1) No.

(2) Not known.

(3) Private firms recognised as having proper testing equipment.

(4) No.

(5) See answer to (9).

(6) and (7) Not relevant.

(8) $5 to $7.

(9) Three known. Poole Auto Service, Tisco Instrument Service and Dyno Centre.

(10) Answered by (8).

17. USED CARS

Community Sales Venue

Mr McIVER, to the Minister for Consumer Affairs:

(1) Is he aware of a letter forwarded to used car dealers by the Town Clerk, City of Perth, and which is dated 15th October, 1976, wherein the Town Clerk advises that the Council has received a request for the hire on Sundays of its No. 5 (Hay Street) car Park for the purpose of opening a community car sales venue where people can exhibit and sell their own vehicles privately?

(2) What action, if any, does he intend to take in this matter?

(3) If the issue is allowed to proceed is it a fact that the seller not being a dealer, is not bound by the warranty provisions of the Motor Vehicle Dealers Act?

(4) Is it a fact that if such a method of selling vehicles is allowed that it could become an avenue for persons who are not dealers, disposing of recently acquired vehicles from time to time?

Mr GRAYDEN replied:

(1) Yes.

(2) Whilst strongly defending the right of an owner to privately dispose of his own vehicle, I am not agreeable to a proposal which in effect is a commercial venture in so far as it would, for a fee, provide a centralised venue on unregistered premises at which a number of owners could display and negotiate the sale of vehicles without the protection of warranties and obligations provided for under the Motor Vehicle Dealers Legislation.

This attitude will be conveyed to the Town Clerk of the City of Perth.

(3) and (4) Yes.

18. ELECTRICITY SUPPLIES

Rates: Churches

Mr T. D. EVANS, to the Minister for Fuel and Energy:

(1) Under what category are churches levied for the supply of lighting and power?

(2) Why is a rate other than domestic imposed upon churches for the supply of lighting and power?

(3) What are the respective rates under the headings of—

(a) domestic;

(b) commercial;

(c) industrial?

Mr MENSAROS replied:

(1) General.

(2) Because the electricity is not used for purely domestic use in a private residence or flat.

(3) For Interconnected System.

(a) Fixed charge of $2.04 plus all metered units at 3.83 cents per unit.

(b) and (c)

units per month		per month
First 50	....	8.44c
Next 950	....	5.41c
Next 4 000	....	5.13c
Next 45 000	....	4.01c
Next 450 000	....	3.44c
All over 500 000	....	2.88c

Note:

The tariff outlined in the answer to (b) and (c) above applies to electricity used for industrial, commercial and general purposes.

19. COMPANIES

Corporate Profitability: Definition

Mr T. D. EVANS, to the Minister representing the Attorney-General:

In the light of the decision of Mr Justice Taylor in the recent Mineral Securities case, whereby it was adjudicated that the company could declare that it made a profit "in fact and in law" on a sale of certain mining shares to a stockbroker principal even though the stockbroker sold the shares back to a subsidiary of Mineral Securities a few days later, what action does the Government intend to take by amendment of the Companies Act to define corporate profitability especially where such profitability applies in the short term to interim profits reported by companies?

Mr O'NEIL replied:

The trial to which the member refers concluded on 21st October, 1976. No proper assessment of its implications can be made until the full reports have been studied in detail, and this has not been possible at this stage.

It is expected that any action to amend the Companies Act would be on a uniform basis, and following consideration by the Interstate Corporate Affairs Commission.

20. SCHOOL OF MINES

Upgrading

Mr T. D. EVANS, to the Minister representing the Minister for Education:

Having regard to the comment of the Minister for Education as reported in the *Kalgoorlie Miner* of 29th October last under the heading "MacKinnon says keeping S.O.M. fits Government policy": it being assumed the Minister was correctly reported, now that he has taken a step towards pre-empting the W.A. Post Secondary Education Commission (for which the questioner criticises him only for not doing so much earlier), will the Minister ensure that the reference to the Commission, in the event that it recommends the retention of the School of Mines at Kalgoorlie, will ask it to recommend ways and means whereby the school should be upgraded, given a wider scope of disciplines and ensured a greater measure of autonomy?

Mr GRAYDEN replied:

I will not attempt to answer such a convoluted question.

21. EDUCATION

Isolated Children: Kalgoorlie Hostel

Mr T. D. EVANS, to the Minister representing the Minister for Education:

If for no other reason, because of the decision to proceed with the nickel project at Agnew, will the Government now give earnest and immediate consideration to the provision of finance to enable the hostel at Kalgoorlie catering for isolated children to relocate so as to meet the anticipated demand in 1977 and subsequent years?

Mr GRAYDEN replied:

Surveys over recent years have indicated that the number of students requiring hostel accommodation in Kalgoorlie is not sufficient to justify the provision of a hostel under the Country High School Hostels Authority Act. When it is established that the number of potential boarders has increased to a stage where the operation of a hostel would be a viable proposition, further consideration will be given to providing the facility.

22. GOLD

Use in Nuclear Waste Containers

Mr T. D. EVANS, to the Minister for Mines:

(1) Is he aware of the reported statement of Doctor Goesta Wrangen, professor of electrochemistry and corrosion science at the Royal Institute of Technology in Stockholm (*Kalgoorlie Miner* 29th October, 1976) that gold could be used effectively to line canisters containing nuclear waste to prevent eventual corrosion?

(2) Would he make inquiries of the Australian Atomic Energy Commission as to overseas experience of the use of gold for this purpose with a view to overcoming the serious problem of disposal of nuclear waste generated overseas and also for the purpose of finding a new and important market for gold?

Mr MENSAROS replied:

(1) Yes.

(2) Inquiries to the Australian Atomic Energy Commission have revealed that to their knowledge gold lining of nuclear waste storage containers is not in use anywhere in the world today.

Liaison with the Australian Atomic Energy Commission will be maintained on the subject.

23. IRON ORE

Extraction Cost

Mr T. D. EVANS, to the Minister for Mines:

What is the estimated cost of extraction per tonne of iron ore from—

(a) Mt. Goldsworthy Area C;

(b) Hancock-Wright/Texas Gulf Marandoo deposit?

Mr MENSAROS replied:

(a) and (b) This information is of a commercial nature which it would not be appropriate for the Government to divulge, even in cases where the information was available to the State.

24. IRON ORE

Japanese and Other Markets

Mr T. D. EVANS, to the Minister for Mines:

(1) What percentage of the Japanese market for iron ore supplies (in all forms) does Western Australia supply?

(2) What is the corresponding percentage for our supply to the world market?

Mr MENSAROS replied:

(1) Japanese industry sources indicate that during the Japanese fiscal year (April 1975 to March 1976) imports of iron ore from Australia represented 48.2% of total iron ore imports. The Australian Bureau of Statistics indicates that exports of iron ore from

Western Australia during the same period represented 44.7% of the total Japanese intake from all sources.

(2) Provisional figures of world production of iron ore quoted by Statistisches Bundesamt, Dusseldorf, indicate that during the calendar year 1975 Western Australia's share of world output amounted to 9.7%.

25. *This question was postponed.*

26. THE CHILDREN OF GOD ORGANISATION

Investigation

Mr BARNETT, to the Minister representing the Attorney-General:

(1) At the recent meeting of Attorneys General from all States was the matter of the Children of God and other pseudo-religious orders raised?

(2) In view of what was discussed, is there some cause for concern amongst parents of teenage children in Western Australia?

(3) Does the Attorney-General intend to take steps to investigate the activities of the Children of God in this State and/or other parts of the world?

(4) (a) If not, why not;

(b) if "Yes" what is envisaged in terms of investigation; and

(c) when can a result be expected?

Mr O'NEIL replied:

(1) Yes.

(2) The discussion centred on the question of whether the matter was a proper one for consideration by the standing committee. It was finally decided that it was not properly within the purview of the standing committee.

The implications of the matter raised by the member in his question were not under discussion.

(3) This is primarily a matter for the Minister for Police.

(4) (a) to (c) Not applicable.

27. THE CHILDREN OF GOD ORGANISATION

Activities

Mr BARNETT, to the Minister for Police:

(1) Is there in this State an organisation known as the Children of God?

(2) Is the organisation based in the United States of America?

(3) Is the leader of the organisation one known as Moses David or David Berg?

(4) (a) What is the current whereabouts of this gentleman; and

(b) what are his financial circumstances?

(5) (a) Has he or the department received any complaints from parents of teenage children or from teenagers about the activities of the Children of God adversely affecting these people; and

(b) if so, what is the nature of the activities complained of?

(6) Is it a fact that this organisation advocates one night marriages?

(7) Is it a fact that certain "Moses letters" or directives from David Berg advocate polygamous relationships and rules that this social behaviour is in order so long as the relationships are one after the other and not altogether?

(8) Is it a fact that at least one "Moses letter" rules that incest is acceptable and quotes passages from the Bible to support this ruling?

(9) Is it a fact that on joining the Children of God new devotees or "babes" as they are called in the organisation are subjected to a particularly unscrupulous form of brainwashing which involves lack of sleep among other things?

(10) Is it a fact that after some days of this "brainwashing" "babes" are made to sign over all their wordly possessions to the organisation?

(11) Has the department received allegations that the said organisation breached the provisions of the Child Welfare Act or any other Act—

(a) if "Yes" when, and in what respect;

(b) what offences have occurred;

(c) what actions, if any, have been taken by the Police Department in relation to the Children of God; and

(d) when?

Mr O'CONNOR replied:

(1) Yes.

(2) Allegedly.

(3) As in (2).

(4) (a) Not known.

(b) As in (a).

(5) (a) Yes, in June, 1975.

(b) That teenage schoolgirls were truanting school and associating with members of the sect, who it was feared were

attempting to alienate them from their parents and family religious beliefs.

(6) A publication purporting to be the report of the Assistant Attorney General of the State of New York USA and who it is believed conducted an inquiry into the activities of the "Children of God" in 1974 contains such allegations.

(7) to (10) Answered by (6).

(11) (a) See answer to (5) (b).

(b) Insufficient evidence to establish if any offence by members of "Children of God" organisation.

(c) In June, 1975, publicity was given by police through media regarding activities as outlined in (5) (b) and members of Children of God warned to desist from those activities.

(d) See answer to (c). Although no further complaints have been received police are endeavouring to assess the legality of the activities of the sect in this State.

28. HOUSING

Exmouth

Mr LAURANCE, to the Minister for Housing:

Following his reply to my grievance debate in the Assembly on 4th August, 1976, relating to conditions surrounding purchase of project houses at Exmouth by civilian employees, can he now advise of any further developments?

Mr P. V. JONES replied:

No. Advice is still awaited from the Commonwealth Government.

29. HOUSING

Carnarvon

Mr LAURANCE, to the Minister for Housing:

(1) Will he advise the number of tenders received for the construction of State Housing Commission housing units at Carnarvon?

(2) How many of these tenders were from local builders resident in Carnarvon?

(3) Who were the successful tenderers?

(4) What was the cost per unit tendered by the successful tenderers?

(5) What was the cost per unit for the successful tenderer in relation to houses to be constructed in the Geraldton region under the Commissioner's current regional programme?

Mr P. V. JONES replied:

(1) For the two groups of housing construction at Carnarvon six tenders were received for each group.

(2) Four local builders tendered for each group.

(3) No decision has yet been made by the commission.

(4) and (5) Answered by (3).

30. POLICE

Elliott, Mr and Mrs: Extradition and Prosecution

Mr T. H. JONES, to the Minister for Police:

Under date Thursday, 7th October, 1976, under the heading "Appeal over extradition" an article appeared in *The West Australian* newspaper indicating that a decision to allow extradition of a man and a woman to Western Australia is to go to the High Court of Australia. The persons to be extradited were shown as Robert Clive Elliott aged 24 years and his wife Kerry Elliott aged 25 years, of Cooktown Queensland. Will he advise—

(1) Is it a fact that these two referred to persons were extradited to Western Australia from Cairns, Queensland, on or about 16th October?

(2) On what charges were these two persons extradited?

(3) Have they appeared in any Court in Western Australia as a result of and in connection with the extradition charges?

(4) If they did appear in court what were the charges?

(5) Have these or any of these charges been heard and determined yet?

(6) If not, have they been remanded on these or any of these charges?

(7) If they have been remanded on these or any of these charges who made application to the court for the remand/s (prosecution or defence)?

(8) If the application for remand was made by the prosecution, why?

(9) If the charges have been heard and determined what were the court decisions?

(10) On what date was the Western Australian police notified or advised of the whereabouts of the two persons referred to?

(11) On what date was the application for extradition of these two persons made?

(12) Who paid for the extradition of these two persons from Queensland?

(13) If the costs of the extradition were paid for by the Government then—

(a) is it a fact that in cases such as this the complainant is expected to pay the costs of extradition;

(b) is it a fact that if the offence is other than a capital offence and the extradition costs are not paid by the complainant the usual procedure is not to apply for extradition but to hold the warrant for arrest until such time as the wanted party may return to this State?

(14) How many persons in the past ten years have been extradited to Western Australia for the offence of having "escaped legal custody"?

(15) If the only offence against Robert Clive Elliott at the time of making application for his extradition was that of "escaping legal custody" why was he extradited on such a charge?

Mr O'CONNOR replied:

(1) Yes.

(2) Robert Clive Elliott escaping legal custody and Kerry Elliott failing to appear before the Perth District Court on charge of breaking and entering.

(3) Yes.

(4) Robert Clive Elliott escaping legal custody and breaking and entering.

(5) No.

(6) Yes.

(7) Robert Clive Elliott by defence counsel.
Kerry Elliott by Crown Prosecutor in District Court.

(8) For allocation of hearing date.

(9) Not yet heard.

(10) 9th September, 1976.

(11) 17th September, 1976.

(12) Western Australian Government.

(13) (a) and (b) No.

(14) Statistics not available. Approximately 40 since June, 1974.

(15) Escaping legal custody was not the only offence.

31. POLICE

Hazelmere Circus Residence: Search

Mr SKIDMORE, to the Minister for Police:

(1) Did the police carry out a search of a residence situated at 127a Hazelmere Circus, Hazelmere, on or about 5.30 p.m. on Monday, 25th October?

(2) If "Yes" how many police were involved and what branch of the police force are they attached to?

(3) What were the names and ranks of the police involved?

(4) (a) What was the purpose of the visit, and if a complaint was made against the occupant of the said residence what was the nature of the complaint; and

(b) who laid it?

(5) Will he ensure that in future his officers do not destroy front lawns by riding their motor bikes across same in such a manner as to cut the lawns to pieces, as it is alleged that the said officers did on this occasion?

(6) (a) Would he investigate the allegation of the said occupant that the police during the search broke a laundry window;

(b) if the allegation is true, would he make good the damage?

(7) (a) Would he also investigate the allegation that during the search the occupier's camera was damaged when it was placed back into its protective case;

(b) if "Yes" would he make good the damage?

(8) (a) Was the occupant of the residence advised that he was placed under arrest; and

(b) if so, was he informed why such action was taken?

(9) (a) If "Yes" to (8) why was the arrest not proceeded with; and

(b) would he restrain in the future his police officers possibly intimidating citizens in this way?

Mr O'CONNOR replied:

(1) Yes.

(2) Two. Drug Squad.

(3) Detective Lockhart, Detective Moore.

(4) (a) To search for drugs;

(b) that information will not be supplied.

(5) No lawns were damaged.

(6) No window was broken.

(7) Camera was not damaged by police.

(8) (a) No;
(b) answered by (a).
(9) (a) and (b) Answered by (8).

32. ALSATIAN DOGS

Breeding: Regulations

Mr H. D. EVANS, to the Minister for Local Government:

(1) Have regulations pertaining to the breeding of German shepherd dogs in Western Australia been introduced?
(2) If "No" when is it expected such regulations will be gazetted?

Mr RUSHTON replied:

(1) No.
(2) Regulations under the Dog Act are in the course of preparation. Whilst not being in a position to be definite as to time, it is hoped gazettal will be completed by the end of the year.

33. AGRICULTURAL LAND

Release for Conditional Purchase

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

How much land has been made available for selection for agricultural purposes under conditional purchase in each of the past ten years?

Mr RIDGE replied:

1st July.		30th June.	Hectares.
1966	to	1967	404 720
1967	to	1968	153 554
1968	to	1969	124 660
1969	to	1970	5 632
1970	to	1971	1 855
1971	to	1972	6 509
1972	to	1973	30 336
1973	to	1974	55 117
1974	to	1975	31 204
1975	to	1976	33 561

34. MANJIMUP HIGH SCHOOL

Prevocational Centre

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

Is it proposed that a pre-vocational centre will be built at Manjimup Senior High Schol in 1977?

Mr GRAYDEN replied:

Yes. Revised documentation is currently being undertaken for this project.

35. HOUSING

Purchase by Tenants

Mr H. D. EVANS, to the Minister for Housing:

(1) Have any changes in the policy and procedures whereby tenants in State Housing Commission homes were able to purchase their homes, been introduced in the past five months?
(2) If "Yes" precisely what changes have been initiated?
(3) (a) If "No" to (1), is it intended to initiate changes to these policies and procedures in the near future; and
(b) if so, what are the details of any such proposals?

Mr P. V. JONES replied:

(1) to (3) I refer the member to the answer given to question 37 of the 21st October, 1976.

36. CANNING VALE INDUSTRIAL AREA

Land Acquisition: Use of Nominees

Mr BATEMAN, to the Minister for Industrial Development:

With reference to the Metropolitan Region Town Planning Scheme Act, 1950-1970 Canning Vale Improvement Plan No. 7, will he advise—

(1) What person, department or authority decided they could use nominees who became trustees to resume land in Canning Vale?
(2) How much was paid to the nominees or trustees as commission or other form of payment for the acquisition of land on behalf of the Industrial Lands Development Authority?
(3) Was the Industrial Lands Development Authority aware that Quinton Randolph Stow was the biggest land owner in the proposed industrial complex prior to the resumption notice in 1972?
(4) Would he further advise who were the nominees who became trustees for the Industrial Lands Development Authority to acquire land in Canning Vale for the purpose of it becoming an industrial site?

Mr MENSAROS replied:

(1) The Industrial Lands Development Authority.
(2) No payments were made to trustees for the acquisition of land on behalf of the Industrial Lands Development Authority as commissions or in any other form. The Industrial Lands Development Authority paid only the actual cost of the purchase of the land together with other costs normally associated with such a transaction.

(3) Yes. The land had been acquired on behalf of the Industrial Lands Development Authority under a trust deed arrangement between Stow and the R & I Bank.

(4) Yes. The trustees were Quinton Randolph Stow, Sydney Maurice Gorton and Robert Morwood Howie. I would add that each dealing carried on by the trustees on behalf of the Industrial Lands Development Authority was covered by a specific trust deed.

37. ALBANY HIGHWAY

Crossman Section: Realignment

Mr WATT, to the Minister for Transport:

(1) When is it expected that the new bridge and road realignment about 5 km south of Crossman on the Albany Highway will be opened?

(2) (a) When was the work commenced;
(b) what was the estimated construction period; and
(c) what has been the reason for delays, if any?

(3) (a) What was the estimated construction cost;
(b) what is the final cost now estimated to be; and
(c) if the original estimated cost has been exceeded, what are the reasons?

Mr O'CONNOR replied:

(1) Just prior to Christmas, 1976.

(2) (a) This work is part of a project which commenced in September, 1975.
(b) 12 months.
(c) As a result of heavy rain, the new deviation has become too saturated, too compact and prime.

(3) (a) Originally $472 500 for the whole project which is 8 km long and includes the cost of the bridge.
(b) $544 500.
(c) The estimated over-expenditure is on the roadworks and is mainly due to escalating costs resulting from inflation and the damage caused by the heavy rain.

38. TOURISM

Port Hedland-Asia Air Services

Mr DAVIES, to the Minister for Transport:

(1) Has the Government supported direct overseas flights from Port Hedland to Asia in any way?

(2) If so—
(a) when;
(b) under what conditions; and
(c) with what result?

(3) If not, is it prepared to support a further approach?

Mr O'CONNOR replied:

(1) Yes; to Bali.

(2) (a) to (c) We were advised by Transwest Aircharter Pty. Ltd. on the 11th February, 1976, and Ansett Transport Industries Ltd. on the 4th March, 1976, that each had made a formal application to the Commonwealth Minister for Transport for a licence to operate regular charter services from Perth through Port Hedland to Bali and return. I supported both these applications in general terms in a letter to the Commonwealth Minister for Transport dated 22nd March, 1976. I specifically supported the application of Transwest because I thought it, in the context of international negotiations about reciprocal rights, might have the greatest chance of success. I also believe Transwest's application was closely attuned to the precise needs of the Pilbara towns.

I also discussed with the Commonwealth Minister for Transport the possibility of one of these companies being given a licence.

Following my letter to the Commonwealth Minister, to which he replied on the 17th May, 1976, I had a number of discussions with him with the aim of emphasising our support and explaining the Pilbara's needs and I know that both Transwest and Ansett Transport Industries Limited made a number of additional representations.

The outcome is the recently announced Qantas Boeing 707 service from Perth to Bali. I now understand that Qantas has unused reciprocal rights for this service. Our most recent approach has been to ask the Commonwealth to instruct Qantas to call at a Pilbara airport on the way to Bali. We obviously suggested Port Hedland but were advised the aerodrome is unsuitable for regular use by Boeing 707 aircraft. We then suggested Learmonth and we understand this is under consideration.

(3) I would support a further approach but as I said in answer to a somewhat similar question recently, I do not believe it would be fruitful unless perhaps it was to some other South East Asian destination not serviced by Qantas.

39. HEALTH

"Quo Vadis" Institution: Supply of Produce

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Does the Alcohol and Drug Authority farm "Quo Vadis" supply produce to other ADA units, Government institutions or charitable organisations?

(2) If so, can the Minister supply details please?

Mr RIDGE replied:

(1) The total produce of the farm at Quo Vadis is almost always used by the Quo Vadis institution itself and the Ord Street hospital which is conducted by the Alcohol and Drug Authority. The produce is supplied to the Ord Street hospital at market prices.

(2) In the event of surpluses, which occur only occasionally, distribution is made to charitable organisations, Government hospitals and auxiliaries and other community centred bodies.

40. TAXES AND CHARGES

Increase

Mr BERTRAM, to the Premier:

Is it not a fact that either—

(a) before becoming Government;

(b) since becoming Government;

he and/or his Government has—

(i) officially;

(ii) unofficially,

made inquiries in some or/all other States as to the taxes, rates, charges, fees, etc., being levied there with a view to deciding what additional taxes, charges, fees, etc., will be imposed upon the people of this State?

Sir CHARLES COURT replied:

No.

The question has been answered on the basis that the honourable member intended to ask "Is it a fact", although I realise that a colloquial use of the words used by the honourable member normally means this.

41. USED CARS

Backyard Dealers: Policing

Mr McIVER, to the Minister for Traffic:

(1) Would he advise who is responsible for the policing of the Motor Vehicle Dealers Act in regard to the "back yard" dealer?

(2) If it is not the "Used Car Dealers Section" of the Road Traffic Authority why not?

(3) (a) In the last 12 months how many persons have been charged with backyard dealing; and

(b) by which department?

(4) Currently, how many persons are engaged in the detection and prosecuting of the backyard dealer and by which department?

Mr O'CONNOR replied:

(1) and (2) The Minister for Labour and Industry and Consumer Affairs administers the Motor Vehicle Dealers Licensing Act. The Act requires the Commissioner for Consumer Affairs to police the statutory provisions regarding warranties, advertising and conditions of sale. The Road Traffic Authority also has obligations under the Act in regard to the maintenance of vehicle registers, examination of vehicles and the prohibition of the sale of vehicles found to be unroadworthy during examination.

(3) (a) and (b) One has been charged with unlicensed dealing by the Prosecutions Section of the Road Traffic Authority and the Bureau of Consumer Affairs is ready to proceed in one prosecution and is in the final stages of preparation on a second offence.

(4) One officer of the bureau is currently involved virtually on a full time basis in collecting used car advertisements. Other investigation staff of the bureau are utilized as and when required.

42. GOVERNMENT DEPARTMENTS

Motor Vehicles: Auctioning

Mr McIVER, to the Premier:

(1) Is the Premier aware of the article that appeared in *The West Australian* on page 17 and under date Friday, 22nd October, 1976, and headed "Govt. drops trade-in car dealing"?

(2) Is it a fact that the following extract from this article is correctly reported—

"It has switched to buying new vehicles by tender in specified categories and auctioning the old vehicles instead of trading them in"?

(3) If the answer to (2) is "Yes" is he aware that provided such auctioneer was exempted under section 30 of the Motor Vehicle Dealers Act and it appears he would need to be, then the public protection warranty provisions of the said Act would not apply to such sale?

(4) Is it a fact that such government vehicles as may be sold by the auctioneer would, in all probability, be unlicensed vehicles?

(5) Is it a fact that the purchaser of such a vehicle, to licence same, would need to cause it to be inspected by the Road Traffic Authority before such licence could issue?

Sir CHARLES COURT replied:

(1) Yes.

(2) The Government has decided to dispose of vehicles by auction and in some cases by calling of tenders instead of purchasing new vehicles on a trade-in basis.

(3) The warranty provisions of the Motor Vehicle Dealers' Act do not apply to vehicles sold by auction but all Government vehicles sold at auction are inspected by the Mechanical and Plant Engineer to ensure that they are in roadworthy condition and any necessary repairs are effected. The Government takes the view that it has an obligation to ensure that vehicles sold to the public have been well maintained and are in good condition when auctioned.

(4) Yes.

(5) Yes, and the pre-sale check and maintenance work is done with this in mind.

QUESTIONS (4): WITHOUT NOTICE

1. RAILWAYS

Freights: Increase

Mr NANOVICH, to the Minister for Transport:

During the Budget debate members of the Opposition, including the Leader and the Deputy Leader of the Opposition, have claimed the present Government has increased rail freights during its term of office by over 64 per cent. Is this correct?

Mr Davies: No, it was 65 per cent.

Mr O'CONNOR replied:

I am glad the member for Victoria Park confirmed that. I thank the member for Toodyay for some notice of this question. According to information provided by the department, the figure is inaccurate and is in fact substantially overstated. Rail freights were increased by the Tonkin Government by 15 per cent in October, 1973. During 1974-75, an increase of 17½ per cent was imposed, and a further increase of 17½ per cent was imposed in 1975-76. No increase has been made in the 1976-77 financial year. On those figures, the increase quoted by the Leader and Deputy Leader of the Opposition is approximately 85 per cent higher than the actual increase.

2. CENSORSHIP OF FILMS ACT

Prosecutions

Mr BRYCE, to the Minister representing the Chief Secretary:

On how many occasions in Western Australia since 1971 have—

(1) film exhibitors;

(2) juveniles between the age of 14 and 18 years;

(3) parents and/or guardians of children between the ages of 6 years and 18 years;

been prosecuted under the provisions of section 12A of the Censorship of Films Act?

Mr O'NEIL replied:

(1) One.

(2) Three and one pending.

(3) Nil. Numerous warnings have been issued.

3. HOUSING

Exmouth

Mr LAURANCE, to the Minister for Housing:

Arising out of his answer to question 28 today, wherein he advised me that advice is still awaited from the Commonwealth Government on the matter of civilian employees purchasing project homes at Exmouth, will the Minister institute proceedings to expedite this matter?

Mr P. V. JONES replied:

Yes.

4. EDUCATION

Abrolhos Islands: Responsibility

Mr CARR, to the Minister representing the Minister for Education:

Further to his answer to my question without notice of the 9th September, in which he advised that the Education Department intends assuming greater responsibility for the education of children who are located on the Abrolhos Islands during the rock lobster season—

(1) Have the details been completed as to the form this greater responsibility will take?

(2) If "Yes" to (1), will he please advise the House of such details?

(3) If "No" to (1), when does he expect that the details will be available?

Mr GRAYDEN replied:

I thank the member for Geraldton for notice of this question, the reply to which is as follows—

(1) No.

(2) Not applicable.

(3) By the end of November.

PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [5.07 p.m.]: I move—

That the Bill be now read a second time.

This is the second of the measures designed to reduce the level of taxation which I foreshadowed when introducing the Budget.

The Bill now before the House is to make four major changes in the pay-roll tax legislation, which are—

To increase the level of the basic deduction, which will result in exempting more small businesses from pay-roll tax.

To change the range of the tapered deduction, which will reduce the tax payable by those businesses which receive this form of deduction.

To restore for all businesses subject to pay-roll tax, a minimum deduction.

To insert a provision which will prevent the proposed changes in the law from imposing any increased tax in the transitional period on any business.

This will mean that under a full year's operation of the proposals in this Bill, all businesses will either be exempt from or pay less pay-roll tax. I shall explain and comment on each of the changes in turn.

Currently all taxpayers with a pay-roll of $41 600 or less pay no tax. This level of basic deduction was enacted last year and was double the earlier level of $20 800. In this Bill the level has been raised to $48 000, which is an increase of approximately 15 per cent. This is broadly the rate of inflation which has occurred since the last revision. The effect of this provision will be to relieve a further 650 small businesses from the imposition of pay-roll tax.

The existing taper scale results in a reduction in the present deduction of $41 600 by $2 for every $3 by which annual pay-rolls exceed that sum. This means that currently taxpayers receive a diminishing deduction until the annual pay-roll reaches $104 000. For pay-rolls of $104 000 and above, there is, therefore, no deduction. The same system will be employed to taper out the new and higher deduction, which means that pay-rolls between $48 000 and $84 000 will be in the taper range.

Thus, because there is a higher base, pay-roll taxpayers within the existing taper range and who remain in the new range, will receive a higher deduction and, therefore, pay less tax. For example, a taxpayer with an annual pay-roll of $60 000 under existing legislation pays on taxable wages of $30 667. Under the proposals in this Bill on the same annual pay-roll, when the changes operate for a full year he will pay on only $20 000. This will reduce the annual tax payable by $533.

The third change is to be accomplished by providing a minimum deduction of $24 000 for pay-rolls exceeding $84 000 per annum. This will ensure that all businesses, irrespective of size, will benefit.

Under the amendments made last year, which were exclusively directed at the employer conducting a small business, those whose pay-rolls exceeded $72 800 per annum paid more than they did under the law existing before last year's amendment. This was because the minimum deduction of $20 800 was removed.

If the system that currently applies were continued—that is, with no minimum deduction—under the revised limits all enterprises paying tax on annual pay-rolls of below $120 000 would benefit, but those organisations with annual pay-rolls in excess of this figure would receive no relief of any kind.

Therefore, in order to assist in promoting recovery and to provide some incentive to all businesses, the minimum deduction will be restored at the higher level of $24 000 which is approximately 15 per cent higher than the original deduction of $20 800 which was previously removed. This will result in the tapered deduction ceasing to operate for pay-rolls above $84 000 per annum because at that figure the taper reduces the deduction to $24 000, which is the new level of minimum deduction. Thus all taxpayers with pay-rolls above $84 000 per annum will receive a flat deduction of $24 000.

A special provision has been inserted to ensure that no taxpayer is required to pay more pay-roll tax than he would have been liable to pay had the law not been amended by the proposals now before the House. This situation could arise in certain cases, generally in respect of businesses which operate seasonally. It will occur only in the transitional year—that is, the current financial year—where different limits and concessions apply in each of the six months.

The main type of taxpayer who would be disadvantaged is the seasonal employer where the bulk of the taxable wages is paid in the period from the 1st July, 1976, to the 31st December, 1976.

The State Taxation Department has checked a large number of seasonal employers and generally they show that where the main bulk of the wages is paid

in the first six months of this financial year, they would be disadvantaged to the extent of amounts ranging from about $70 up to approximately $1 400 for the year.

An example is the case of an employer who will pay total wages of $58 926 in 1976-77. Of this sum, $39 508 will be paid in the first six months and only $19 418 will be paid in the second six months. If the law were not amended, he would be entitled to the deduction applicable to his taxable wage level for the full 12 months and his tax bill for 1976-77 would be, under these conditions, $1 444.

However, because of the changes to be made in the law, his assessments must be divided into two separate periods and, therefore, the deductions are proportioned.

In his case this means, for the period ending the 31st December, 1976, he would be liable for tax of $1 559, but in the second period ending the 30th June, 1977, he would be exempt because the taxable wages paid would be below the proportion of the increased deductions. Therefore, in this case, the change in the law would disadvantage him to the extent of $115 in 1976-77. This is not a result which is consistent with providing reduced pay-roll tax, and, therefore, the provision in the Bill will allow this taxpayer to apply to the commissioner for a refund or rebate of $115.

The example quoted is taken from actual figures on the assumption that the actual amount of taxable wages paid in 1975-76 will be the same amount and proportions that will be paid in the current year. I would emphasise that this situation can arise only in the transitional year and it is estimated that, at a maximum, no more than $30 000 of revenue will be involved.

The provision limits the refunds or rebates to sums in excess of $10 because for smaller sums the time taken to prepare and process the application would result in greater cost to both the taxpayer and the department than the refund would be worth.

In short, as a result of the proposals contained in this Bill, 650 taxpayers will no longer pay pay-roll tax and all others will receive relief by amounts ranging up to $1 200 per annum.

In drafting the proposed amendments, opportunity has been taken to simplify the provisions of this complex legislation and to streamline procedures.

When members study the Bill, they will see that certain provisions have been repealed because they are exhausted. These provisions dealt with earlier periods and will have no application to the current and future periods. However, a saving clause has been inserted in the Bill to enable the commissioner to employ the repealed sections in the event of cases relating to past periods coming before him.

A number of the other provisions in the Bill deal with changes in the amounts which regulate the submission of returns and prescribe the deductions to be made from taxable wages. These reflect the decisions to provide further relief from pay-roll tax.

In order to calculate the annual deductions applicable to the various situations in which pay-roll tax is levied, a formula has been employed. This replaces the long and complicated sections for the same purpose which are found in the existing law.

It has been designed in consultation with other States and special formulae are provided to cover this financial year as the provisions will not operate until the 1st January, 1977.

For the transitional year, the legislation before members has been structured to divide 1976-77 into two parts, with one adjustment at the end of the financial year. The first part covers the period from the 1st July, 1976, to the 31st December, 1976, and the second part from the 1st January, 1977, to the 30th June, 1977.

The reason for this division is that different limits and concessions apply in each period.

An annual adjustment of tax payable is necessary under the existing law and will continue to be necessary in future. This arises from the tapered nature of the deductions which, when taken in conjunction with the fluctuations in monthly pay-rolls, makes it impossible to determine the precise amount of deduction entitlement until the end of the year.

Similar provisions containing the formulae calculations are contained in the Bill for the purpose of amending the grouping provisions, as groups are to receive the same concessions as other taxpayers.

Provision is made to apply the amendments to the pay-roll tax legislation on and from the 1st January, 1977. The cost to revenue of the proposals contained in this Bill is estimated to be $1 840 000 in the current financial year, during which they will apply for only part of that year, and $4.4 million in a full year of operation.

In summary, the Bill contains proposals to reduce pay-roll tax in accordance with the announcements made when introducing the Budget and reducing the complex provisions of the existing law.

I invite members' attention to the formulae which have been incorporated in the Bill on pages 7, 8, 11, and 13. Although they look complex, members will find they are much easier to follow and work to than trying to spell out in words in the Statute or in any attachment to the Statute the machinery of the formulae. In that regard, I believe the officers have

done a commendable service in arriving at something workable, bearing in mind that all States have run into the same complications and have entered into a considerable degree of consultation with each other to ensure that, firstly, the formulae work and, secondly, there is hopefully a degree of uniformity.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Jamieson (Leader of the Opposition).

BILLS (3): MESSAGES

Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the following Bill—

1. Loan Bill.

Messages from the Deputy-Governor received and read recommending appropriations for the purposes of the following Bills—

2. Pay-roll Tax Assessment Act Amendment Bill.
3. Small Claims Tribunals Act Amendment Bill.

WATERWAYS CONSERVATION BILL

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr P. V. Jones (Minister for Conservation and the Environment) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Construction of this Act—

Mr A. R. TONKIN: I draw the attention of members to clause 5 (2) (c), the wording of which appears to be in conflict with the preamble to the subclause. It seems to me that the words "subject to" do not fit in with the preamble, and should be deleted.

Mr P. V. JONES: While it would appear that is the case, I undertake to have the Crown Law Department ensure that the words referred to do not in fact contradict section 6 of the Land Act. If in fact the member for Morley is correct, and there is an error in that the clause is contradictory, I will have it altered in another place.

Clause put and passed.

Clauses 6 to 10 put and passed.

Clause 11: The Commission—

Mr A. R. TONKIN: I draw the attention of members to the wording of clause 11 (2). I reiterate that the Opposition believes this to be a very narrow commission, especially as it seems that upon the promulgation of this Bill as an Act, it will have only four members; namely, a commissioner plus three other persons. As such, it seems to the Opposition that the commission will be a very narrowly-based body.

Mr P. V. JONES: I think we are back to the point raised earlier, and I reiterate the comments I made on that occasion. The commission will exist as the repository of the parent Act. It is there to liaise with the management authorities and to provide and establish advisory committees for such other waterways as may be determined in the future. It will not have power in the local management authority sense, and in that regard I believe perhaps the member for Morley has misconstrued the role of the commission in the area of management. We consider it is perfectly adequate to act as a liaising body, to make certain for example that prescribed effluent levels are adequately adhered to. We are not trying to establish another, larger body over the heads of local management authorities to do the work in this area.

Mr A. R. TONKIN: If one examines the Bill carefully one can see that, in fact, the real power will lie with the commission, rather than the management authorities. The latter may give advice and so on, but the commission will be the body which has the power. We do not like to see power too narrowly based.

Clause put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Management Authorities—

Mr BARNETT: I refrained from speaking during the second reading stage because my only query related to this clause. Whilst taking the opportunity to applaud the idea behind this legislation, I express concern about certain of the areas the legislation will cover and, in particular, the areas covered under this clause. As the Minister probably is aware, my concern is that Cockburn Sound is not mentioned in this legislation.

Studies upon studies have been conducted into Cockburn Sound over the past few years; I believe far more money has been spent on this area than on any of the areas mentioned in the Bill. It is high time Cockburn Sound was included in such legislation. Many reports conclude the sound is suffering from serious environmental problems. There is possibly a very good reason for not including Cockburn Sound in the legislation, and I should like the Minister to explain it to me.

Mr P. V. JONES: I assume the member for Rockingham is seeking under this legislation to establish a statutory authority for Cockburn Sound similar to that suggested in the Scott report. The concept of a statutory authority for Cockburn Sound —whether it is constituted under this legislation or any other Statute—has been rejected at this time. In fact, we are in the process of establishing what was announced nearly two weeks ago, for which a sum of $250 000 has been allocated in this year's Budget. I refer, of course, to the proposal to establish a team of people who will be able to get down to doing the

work in Cockburn Sound. However, Cockburn Sound bears no relationship to this legislation.

Mr Barnett: Why?

Mr P. V. JONES: Cockburn Sound is not mentioned because we are not going to use this legislation for Cockburn Sound. If there is an implication in the honourable member's remarks that nothing is being done in Cockburn Sound, I reject that as well. I reject the suggestion that Cockburn Sound should be embraced by this legislation.

Mr A. R. TONKIN: I would like to reiterate the point made by the member for Rockingham. I am not necessarily suggesting that a statutory body should be established to deal with Cockburn Sound, but we do contend that the kind of studies that are undertaken should be relevant studies, to find out who is causing the damage, and so enable something to be done to stop the damage.

One could study the ecology system for the next 100 years, but the study itself will do nothing to remedy any damage that is done. It is very difficult to argue against increased knowledge, but if it is knowledge gained without those undertaking the study having the intestinal fortitude to take action against the despoilers of the environment, then such a study is worthless.

The other point I wish to make relates to the members who are appointed to the management authorities. The number is to be from five to 11. No doubt the Government has bowed to the pressure from local government, and has agreed to appoint their representative. We do not oppose that.

A key to the success or otherwise of the development of the management authorities is the composition of the management authorities. If the majority of the members are developers and estate agents, and the kind of person who is dedicated to flogging off as many blocks of land as possible in the area concerned, the state of the rivers might not be enhanced; and this might turn out to be just another costly public relations exercise.

We ask that there be a reasonable balance in the membership of the management authorities, and that people who stand to profit from development will not represent the majority on such bodies. We ask that there shall be consultation with the people who should be appointed as members.

The Minister has indicated that the local authorities have been consulted, but local government is not the only means by which the community makes its voice heard. We have seen this Government refusing to consult the environmental movement, and refusing to appoint as members the people who represent the environmental movement. We reject the concept that the Minister will appoint members to a body to represent some interest, when in fact he does not consult that interest.

Mr P. V. JONES: I have standing in my name two amendments to clause 14. The first merely deals with a change in nomenclature. I move an amendment—

> Page 12, line 34—Delete the words "Harvey Inlet" and substitute the words "Harvey Estuary".

Amendment put and passed.

Mr P. V. JONES: The next amendment in my name on the notice paper contains three errors in the numbering. The reference to line "7" should appear as line "14"; and subsection "(3)" appearing in two places should read as subsection "(4)". I move an amendment—

> Page 13—Insert after subclause (3) the following new subclause to stand as subclause (4)—
>
> (4) Of the Membership of the Management Authority constituted for—
>
> (a) The Swan River and the tributaries, two shall be persons selected by the Minister and recommended for appointment by the Governor, chosen from a panel of names submitted to the Minister by the body known as The Local Government Association of Western Australia (Inc.), and one shall be a person so selected and recommended by the Minister from a panel of names submitted to him by the Municipal Council of the City of Perth;
>
> (b) the Peel Inlet and the Harvey Estuary, and the Leschenault Estuary, respectively, three shall in each case be persons selected by the Minister for recommendation by him to the Governor, chosen by the Minister from amongst such persons as are nominated to the Minister by the several local government authorities which have, in the opinion of the Minister, a direct interest in the area to which the powers of each of those respective Management Authorities are to apply.

The new subclause defines the membership which will be enjoyed by local government in the three bodies which will come into existence with the passing of this legislation.

Mr A. R. TONKIN: We are not clear about the departure from the amendment appearing on the notice paper.

The DEPUTY CHAIRMAN (Mr Blaikie): The Minister has indicated there is an error in the printing of certain numbers in the amendment on the notice paper. Where it states "7" in respect of the line number the correct line number is "14"; and where it states subsection "(3)" the designation should be subsection "(4)".

Mr A. R. TONKIN: I reiterate once again that we applaud the idea of consultation with local government, and that local government will be asked to submit nominees to the Minister for appointment to these management authorities. Although this is not contained in the Bill and we do not intend to move an amendment because of the way in which amendments are treated by the Government, nevertheless it is within the competence of the Minister to approach various interest groups and ask, "Who would you like to be appointed to the statutory body?" I hope the Minister on this occasion will not select for appointment to the authority some tame cat who is noted for not causing trouble and for being acquiescent to what is suggested. I hope the Minister will ensure that there is proper representation, by consulting the local interest groups rather than by selecting people who he thinks will suit his purpose; in other words, we applaud consultation with local government, but we see no reason for consultation to stop there.

Amendment put and passed.

Mr BARNETT: I have requested the Minister to give some sort of an answer as to why Cockburn Sound has not been included in this legislation. It appears to me that in view of the studies that have already been undertaken, here is a magnificent opportunity for the recommendations of the Scott report to be implemented. I should point out that the Scott report cost this State and the taxpayers $30 000, and one of the major recommendations contained in it is that a statutory authority be established to manage Cockburn Sound.

Surely Cockburn Sound is a waterway. I venture to say that in the last few years far more money has been spent on studies on Cockburn Sound than has been spent on studies elsewhere. With $30 000 already spent on an authoritative report, a more satisfactory answer from the Minister as to why that recommendation has not been implemented should be forthcoming.

The Government has offered an alternative; that is, a sum of $500 000 to be expended on a study to study the studies that studied the studies! We know that this amount will be split up into $250 000 for the study in the first year, and $125 000 for study in the second and third years. In the last two years the amount allocated for study will not be worth very much because of the erosion of the money's value by inflation.

The DEPUTY CHAIRMAN (Mr Blaikie): I am trying to extend a great degree of latitude in the discussion of the clauses. I would draw the attention of the member for Rockingham to the title of the Bill. I am aware of his keen interest in Cockburn Sound, and if he can bring the subject on which he is speaking within the ambit of the Bill it will be appreciated.

Mr BARNETT: I will endeavour to do that, and I thank you, Mr Deputy Chairman, for your latitude. The Government has not included Cockburn Sound in this legislation as it should have done, according to the recommendation in the Scott report, and the proposed study is really a sop. It will not be effective, because to be effective more money would have to be spent on the study in the last two years than in the first year. The Minister has merely said that the Government has decided not to include Cockburn Sound in this legislation. I would like a more genuine answer, and the reason for the exclusion.

Mr P. V. JONES: I have been over this track before. There is no reason we should be discussing the Government's decision on Cockburn Sound so far as the expenditure within the Budget is concerned, when we are dealing with clause 14 of the Bill. The only relevance it has to the Bill is whether or not a statutory authority should be established to manage Cockburn Sound. Previously I indicated that Cockburn Sound has not been included, and we reject the concept of a statutory authority to manage Cockburn Sound, but one might be established in the future.

Mr Barnett: On what grounds do you reject the concept?

Mr P. V. JONES: I am in favour of doing what the member for Morley said yesterday or the day before he would like to see done; that is, getting down to ascertaining why the sea grass and other things he referred to are dying out. That is what has been set in motion—getting down to action, and not indulging in talk about establishing a statutory authority for Cockburn Sound.

Mr A. R. TONKIN: I think I have been gravely misrepresented by the Minister. We believe the Government should be monitoring the effluent in Cockburn Sound. If the Press reports are correct, however, an ecology study is to be established. This is a very different matter from monitoring the effluent and taking action to deal with the effluent.

Clause, as amended, put and passed.

Clauses 15 to 17 put and passed.

Clause 18: Remuneration of Authority members—

Mr A. R. TONKIN: There is a reference in subclause (3) which provides that a person who is a member of Parliament shall not be paid remuneration for being a member of a management authority. Is it intended that members of Parliament will be appointed to these management authorities; if so, who are they?

Mr P. V. JONES: To answer the first part of the query it is not intended that members of Parliament shall be appointed to management authorities. If the honourable member reads the remainder of subclause (3) he will find that it refers to persons who may well become candidates for election to Parliament, and who may hold an office of profit under the Crown. It does not apply in the situation he has mentioned.

Clause put and passed.

Clauses 19 to 21 put and passed.

Clause 22: Delegation—

Mr A. R. TONKIN: Subclause (2) provides for the delegation of authority from the commission to anyone, but of course it refers to a public authority. We agree that a public authority should quite properly have authority delegated to it. It is a good idea to have this flexibility. I am wondering whether it is intended under this provision to have a permanent delegation of authority.

The situation could arise where the commission delegated part of its responsibility to some other body, not necessarily a public body but a private body. Will that be the policy of the Government—that there should be permanent delegation, and to what degree will it take place?

Mr P. V. JONES: The answer to that question also is, "No." It will not be on a permanent basis. In any case, if the commission had permanent delegation in mind, such a decision would still be subject to the Minister. The clause states that the Minister of the day may revoke a delegation made to any body.

Clause put and passed.

Clause 23: Duty of the Commission—

Mr A. R. TONKIN: This clause states that it shall be the duty of the commission to control and wherever practicable to prevent any act or omission which causes or is capable of causing pollution. Of course, nothing will be done where it is not practicable but, on the other hand, it seems to me that the wording of the clause will enable the commission to avoid the stopping of pollution because it could say that it was not practicable.

I am aware that the Minister cannot give an assurance that the commission will not be too easy in the exercise of that power, but I would like to place on record the attitude of the Opposition which is that we hope the commission, and any management authorities advising the commission, will not use the provision to allow pollution which, in other countries more advanced in these matters than Australia, would not be tolerated.

We express the opinion that we hope the "wherever practicable" provision will not be used as a loophole so that really there is little effective protection of our waterways.

Clause put and passed.

Clause 24: Functions of the Commission—

Mr SHALDERS: I draw the attention of the Minister to what I believe is unnecessary wording in subclause (3), which reads—

> Upon the direction of the Minister or the Environmental Protection Authority the Commission shall consult with, and have regard to the representations of—

Paragraph (c) reads—

> (c) any other statutory body or instrumentality of the Crown exercising functions in relation to the area concerned which appears to the Minister, the Environmental Protection Authority, or the Commission to be likely to be affected by the exercise of the powers of the Commission; and

I believe that wording is untidy and unnecessary in view of the fact that subclause (2) reads—

> (2) In the performance of its functions the Commission shall comply with any lawful direction given as to those functions by the Environmental Protection Authority.

It is quite clear that the part which the EPA is to play is provided for in subclause (2). For that reason, I move an amendment—

> Page 20, lines 26 and 27—Delete the words "or the Environmental Protection Authority".

Mr P. V. JONES: The member for Murray made me aware of this unnecessary wording. I have referred it to Crown Law Department, which has agreed to the amendment. The wording is clumsy, particularly as it duplicates what already appears in subclause (2) of clause 24 which specifically refers to the direction given by the Environmental Protection Authority.

Mr A. R. TONKIN: I wonder whether it is wise to delete this provision. It is true the EPA should not give instructions, but that it be consulted. However, does the provision not also refer to local governing authorities for the area in question? Should not the Environmental Protection Authority be left in the subclause so that upon the direction of the EPA the commission shall consult with local governing authorities?

I have not studied the amendment in detail because we were not accorded the usual courtesy of having it distributed.

Mr P. V. Jones: The amendment will not alter the meaning in any way.

Mr A. R. TONKIN: The Opposition has had no chance to study the amendment. That gives force to my comment earlier about the way in which this Committee operates.

Mr P. V. JONES: Clause 22 (4) provides for local authorities, statutory bodies, instrumentalities and so on. Those authorities do not enjoy the privilege of a particular subsection related only to themselves in the same way as the EPA does under the provisions of clause 24 (2).

The draftsman has advised that the wording is clumsy, as was mentioned by the member for Murray when he brought the matter to my notice.

Mr A. R. Tonkin: When was that?

Mr P. V. JONES: The member for Murray mentioned the matter to me yesterday. I have referred it to the Crown Law Department, and we intend to accept the amendment.

Mr A. R. TONKIN: The Minister said he was given the information yesterday, but we did not know about it until a couple of minutes ago. That illustrates how this Committee of the whole House operates.

Amendment put and passed.

Mr P. V. JONES: I move an amendment—

> Page 21—Delete subclause (4) and substitute the following—
>
> (4) In performing its functions the Commission shall have regard to—
>
> (a) the interests of navigation, fisheries, agriculture, water supply, recreation and leisure-time occupation for the benefit of the public, the natural beauty and amenity of the area, and the preservation of public rights of access; and
>
> (b) the rights acquired by persons, whether as owners or occupiers, in relation to boat houses, jetties and other structures then in being, being rights the exercise of which is not likely to impair the environment. .

The purpose of the amendment is to divide subclause (4) into two parts. The first part retains the provisions which appear in subclause (4) in the Bill, and the second part is to place beyond doubt the rights of those landholders adjacent to waterways who already enjoy the privilege of jetty structures and boat houses. Those people will be able to retain those privileges.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 25: Powers of the Commission—

Mr A. R. TONKIN: I have already made the point—but I want to emphasise it once again—that we are hopeful the commission will establish and develop criteria for the assessment of the extent of environmental change or pollution. We regret that these criteria have not yet been developed in this State. We believe that to be a dereliction of duty on the part of those authorities authorised by Statute so to do. The commission should be provided with the wherewithal to develop criteria.

If there is not some form of criteria it is very difficult to quantify changes which have taken place, or to prove or disprove that there have been changes in the environment generally.

Clause put and passed.

Clauses 26 to 32 put and passed.

Clause 33: Local Government Authority consultations, and initiatives—

Mr A. R. TONKIN: We agree with the provisions of clause 33 that there should be consultation with local authorities. We believe in a great deal of consultation, but we consider this clause does not go far enough. We do not believe local authorities are the only organisations with which there should be consultation. Local governing authorities are often dominated by development-conscious people; indeed, by people whose living depends on development. We believe the Government should have gone further with this idea of consultation.

Mr P. V. JONES: Irrespective of who happen to comprise the membership of a local governing authority, they are still charged with statutory obligations. What they do, and their responsibility, may in fact be affected by a management authority.

Neither can act in isolation, and this simply requires that there should be consultation, not because of the membership of the local authority, but simply because of its statutory function. The interests of local authorities are adequately covered in clauses we have already discussed, and I refer particularly to clause 24.

Clause put and passed.

Clause 34 put and passed.

Clause 35: Management programmes—

Mr A. R. TONKIN: I would like to point out that there is a spelling error in line 25 on page 30—the word "effected" should be "affected".

I would like to make a few other points about this clause. The Minister said there was adequate provision for representation or consultation to be made in respect of management programmes, and I indicated that I did not agree with his statement and that we would discuss the matter further in Committee.

Subclause (4) provides that proposals to establish a management programme shall be brought to the notice of persons likely to be affected by the programme. However, there is no provision in this subclause or elsewhere—unless the Minister thinks fit—for people to look at a draft management programme. It is all very well to say there are provisions for representation, and we are pleased that there are, but a person making representation may mention half a dozen points which he considers are the most obvious and someone else may find an obvious omission or the inclusion of something which is quite obviously wrong in the opinion of that person. The Bill should provide for people to look at draft management programmes and to comment upon them without having to seek permission to do so from the Minister which, as I say, in many cases is not likely to be forthcoming.

We do not say that every action taken by the commission or authority must be agreed to by the public; such a course would lead to paralysis. However, a management programme is drawn up for a particular area and it will be adhered to perhaps for decades before it is varied. These rivers have been without a management programme for hundreds of years, so I do not feel it is asking too much to hold up a programme for three months so that we can have public input. Perhaps because of that input the management programme will be a much better one.

Surely we could provide a statutory requirement that at the beginning of a management programme a draft programme will be available for a certain time and that representations could be made upon that programme and not just upon the area *in vacuo* so that there can be reasonable public input.

Another matter I mentioned during the second reading debate relates to this clause. If the commission omits to do something or does something, there should be provision for the public to object to that omission or commission. If the public believe that somewhere there has been a dereliction of duties, the public should be able to object. Further on in the Bill when licences are considered, a provision is included so that a commercial interest which is not granted a licence can appeal to the Minister and then to the Supreme Court. Why is the Government so intent on looking after the commercial people to the exclusion of the general public? We do not mind the commercial people being able to object to the conditions of a licence or the lack of a licence—in fact, we are happy to look after them. However, why is the Government so against the general public having a right of appeal on matters which will affect their environment?

The DEPUTY CHAIRMAN (Mr Blaikie): Before the Minister replies, I would like to thank the member for Morley for his perspicacity in bringing to the attention of the Committee the typographical error on line 25, page 30. The error will be corrected by the Clerks.

Mr P. V. JONES: I intended that the requirement regarding consultation and the ability of organisations to make representation to the commission or the management authority would apply to bodies other than those described, such as other departments, authorities, or groups of people. The member seems to have taken this clause in isolation when he says there is no referral. I would like to return again to clause 24 because the preparation of a management plan is one of the functions of the commission and the management authority.

Mr A. R. Tonkin: How do you make representations if you cannot even look at the management plan?

Mr P. V. JONES: The clause provides for the public to make representations in regard to the carrying out of its duties by the commission, and that includes the preparation of a management plan. Anyone who wants to make a submission in regard to an omission or a change of policy has the opportunity to do so, and the clause ensures also that such a person will be heard.

Mr A. R. TONKIN: I would like to make it quite clear that I want to talk about the Bill and not what is in the Minister's mind and what he thinks may be the position. It is true that the commission will not be prevented statutorily from doing some of the things the Minister said it could. I am not saying that the commission is prohibited from such courses, but if it decides it will not have a draft management programme, there is no provision for the public to see one, and there is no provision for an appeal to anyone other than the commission. It is all very well to say that the commission will be composed of responsible people who will bend over backwards to see that everyone's rights are protected—I hope that is so—but I feel we should specifically provide to protect the interests of the public.

The Bill contains a specific protection of commercial interests, so why does it not include a specific provision to protect the general public?

Mr P. V. Jones: Don't you think that anyone could appeal to the Minister?

Mr A. R. TONKIN: Yes, but such people could well be treated as were those who wanted to see the Premier about a nuclear matter. These people were told that the Premier already knew their views and that he would not see them.

Sir Charles Court: I'll say I knew their views.

Mr A. R. TONKIN: If the Minister is saying that anyone can appeal to the Minister, why have a Bill at all? It might be that the general public can appeal to the Minister.

Mr P. V. Jones: Not might; they can.

Mr A. R. TONKIN: If the Minister thinks they can appeal to the Minister, why not include this provision in the Bill? We do not quarrel with the fact that the Bill contains special provision to protect certain interests, but we do believe the Government should include a provision to allow the public to look at a draft management programme.

There are two ways that the general public may be affected by a management programme. Of course residents in the area concerned could be affected by such a programme, but someone else living 1 000 miles away may also be affected if, say, he habitually visits a certain spot. These people should be given some protection in the measure.

Clause, as corrected, put and passed.

Clause 36: Town planning referrals—

Mr A. R. TONKIN: We applaud this provision whereby the commission can make public its recommendations to any town planning authority. Under the Act a town planning authority could be the Minister for Urban Development and Town Planning, the MRPA, the Town Planning Board, or any local government body. So this is a very desirable development, and we hope the commission will take advantage of it.

If there is a disagreement between a town planning authority and the commission, the public have a right to know the basis of the disagreement so that the public can be the final arbiter. The public should always be the final arbiter through the political process, but they cannot decide if they do not have the information. This is a provision to provide information and we believe it is a very desirable aspect of the Bill. We hope the commission makes use of it.

Clause put and passed.

Clause 37: Ministerial referrals—

Mr A. R. TONKIN: This is something to which I referred earlier. I believe this clause has been lifted almost exactly from the Environmental Protection Act. Obviously it is not word for word but the intent is the same.

That provision in the Environmental Protection Act has not worked, because it is left to the discretion of the Minister as to whether he thinks something may have a detrimental effect. The Minister is not required to be a reasonable person or to make a decision upon reasonable grounds. If the Minister takes it into his head to say, "I do not think such and such an action would have a detrimental effect", he does not have to have a good reason for his comments nor does he have to justify them. He can do exactly as he likes. It is for this reason that we believe the Bill should provide that when decisions are made, they should be made upon reasonable grounds.

Sitting suspended from 6.15 to 7.30 p.m.

Mr A. R. TONKIN: While we are on clause 37 I would like again to make the point that there should be a requirement that the Government should obey the law. It is necessary for everybody else to do so, so the Government and its Ministers should obey the law.

If a citizen believes the Minister is not obeying the law, that he is evading the law, the citizen should be able to take it to court and say quite clearly, "The law has been evaded." Because of the different kind of legal system we have from, say, the United States, where the judge does buy into political matters; because we have a different system where the precedent is that it is a political decision, we do need in our Acts a provision—and it is not revoluntionary—that a person acting pursuant to an Act shall do so upon reasonable grounds.

This means a citizen could go to law and say, "On reasonable grounds it is obvious this development may be detrimental to the environment, and as it may have such an effect the Minister is bound to refer the matter to the commission."

At the present time the Minister can flout the law and say, "I am not going to bother about referring this to the commission, or some other body, because it is a matter for my discretion entirely, and I do not have to act like a reasonable man." I have already given the ludicrous example of a Minister being in the position of believing that water does not flow downhill! Accordingly, a citizen should be able to go to the court and challenge a Minister so that the law will be obeyed, not only by the ordinary citizen but also by the Minister and the Crown.

Clause put and passed.

Clause 38: Public referrals—

Mr A. R. TONKIN: In this clause there is a provision for the public to refer matters to the commission. I believe there should also be a provision which would require the commission to give a reasoned answer in writing to the complainant, so that when a person states there is a problem at which the commission should look, the commission should write back stating its reason for not complying, for complying, or for partially complying with the problem of the complainant.

There have been examples where people have referred matters to such bodies and have received no reply. It is very unsatisfactory for a citizen not to receive a reply because he does not know whether or not the authority has acted on his proposal, or whether there is a difference of opinion. Accordingly the citizen should receive a reasoned reply from the authority.

Clause put and passed.

Clause 39: Staff—

Mr P. V. JONES: I move an amendment—

Page 34, line 31—Delete the word "Authority" and substitute the word "Commission".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 40 to 42 put and passed.

Clause 43: Annual report, accounts and audit—

Mr A. R. TONKIN: I believe the report which shall be laid before each House of Parliament should contain some quantitative data as to the quality of the water in the area. There is not much point in demanding statutorily that a report shall be provided to Parliament if the report does not contain worth-while information and technical data to assist the public to know whether in fact the waters in an area are deteriorating, improving, or remaining the same. Vague statements are no longer acceptable. The public are not sheep and should not be treated as such.

Clause put and passed.

Clauses 44 to 46 put and passed.

Clause 47: Disposal licences—

Mr A. R. TONKIN: Subclause (5) states the commission shall have regard to broad principles, and generally shall endeavour to ensure that any matter which it is proposed to discharge into the waters shall not contain certain substances; and it lists the various matters and substances which should not, generally speaking, be discharged into the water.

This is not a tight requirement; it is possible for the commission not to take a great deal of notice of these guidelines but we believe it should. Subclause (7) states that wastes shall not be discharged into any waters if it is reasonably practicable to dispose of them in some other manner. We trust the commission will take cognizance of this instruction, because at the moment into the Swan River and other waterways there is a discharge and a deposition of matter which could be and should be discharged elsewhere; which could be and should be deposited into, say, dry quarries or into areas where it would not be likely to come into contact with the water table quickly; provided it has been satisfactorily treated.

We should not continue to regard our rivers and waterways as sewers and drains for the disposal of our noxious substances.

So on behalf of the Opposition I hope and trust the commission will take this instruction very seriously and wherever it is practicable it will not permit the use of our waterways as sewers.

Clause put and passed.

Clauses 48 to 58 put and passed.

Clause 59: Public consultation—

Mr A. R. TONKIN: This clause provides that the commission or a management authority shall show to the public any proposals for a management programme only if directed by the Minister.

We believe provision should be made for management programmes to be provided in draft form to the public for comment. We believe this is desirable because history has shown that Governments cannot be blindly trusted; because history has shown that Governments have a vested interest of their own, and scrutiny by the public will help ensure that management programmes do not favour one particular sector. I have already mentioned one example where commercial interests have a right of appeal to Supreme Court judges, but the general public does not.

There is this bias included in the Bill by a Liberal Government which surprises none of us but there is good reason that there should be public comment on matters of management programmes.

A further reason that there should be public comment is that not all expertise resides in Governments; there is a great deal of expertise outside of Governments and there are statutory authorities of which we should avail ourselves.

Perhaps the most important reason for the necessity for public comments is that many of the decisions do not depend on the expertise and consideration of technical data but on value judgments; and the value judgment of an expert is no better in any way than the value judgment of John or Mary Citizen. For this reason it is dangerous to leave government to experts, although we should have regard to the opinions of experts in their proper area.

For these reasons—and there may be many more—the Opposition believes that the commission or management authority should be required by law to provide a draft management programme and make it available for public comment. There is provision in this Bill for such a procedure when the Minister so directs, but is the Minister likely to so direct? He is certainly not likely to so direct if we can judge this Government on its lack of consultation with the public generally. We believe this is a very important principle and it should be contained in the Bill.

The Minister said it was not practicable to have every decision vetted by the public. That is a misrepresentation of

what I am saying. I am saying not that every decision should be vetted by the public but that a management programme for a period of time, such as a decade, should be available in draft form for public comment.

Mr Shalders: Have a look at subclause (6) of clause 35.

Mr A. R. TONKIN: We have been through the Bill clause by clause.

Mr Shalders: You have difficulty understanding them.

Mr A. R. TONKIN: The fact remains that there is no provision for the public to have a mandatory look at draft programmes.

Mr P. V. Jones: What do you mean by "mandatory look"?

Mr A. R. TONKIN: As a requirement of the Statute—an automatic procedure.

Mr P. V. Jones: Are you suggesting that they cannot see a management programme unless the Minister so directs?

Mr A. R. TONKIN: I am not saying that at all. I am saying there is no provision for it in this Bill unless the Minister directs. It is possible for the commission to show a management programme to people. The Government is asking us to trust the commission. If we are going to do that why do we have such a detailed Bill? Why do we not ask the commercial interests, who apply for licences to discharge noxious substances into the waterways, to trust the commission? We say to them, "You can appeal to the Minister and you can appeal to the Supreme Court." We build in very strong safeguards for commercial interests. If there is that kind of safeguard why should not the general public be able to appeal in respect of the Swan River? After all, to whom does the Swan River belong?

It is all very well for members of the Government to say the Government will co-operate, but they know that questions have been asked in this Chamber time and time again about noxious substances being poured daily into Cockburn Sound. This Government has refused to reveal that information, so members opposite are not talking to babes in the wood when they say, "Trust us." They know very well that information as to which industries are pouring noxious substances into the Swan River has been refused to us.

When I objected to that the Deputy Premier said that this place is as open as Forrest Place, suggesting obviously that the people have no right to know what happens to their river. Let us dispose of this nonsense of saying that because something is not contained in the Bill the commission cannot do it. We know the commission can do it, but we say there is a possibility the commission will not do it. We are not asking for a privilege but for a right of the people.

Mr P. V. Jones: The commission is required to have a management programme available. It shall maintain a management programme available for public comment.

Mr A. R. TONKIN: That management programme is not a draft management programme; it is a management programme that is in effect.

Mr P. V. Jones: We have shown you where the public may make representations which the commission is obliged to take note of.

Mr A. R. TONKIN: The Minister knows very well that under this Statute it is possible to promulgate a management plan which will be available for comment and which can stay there for 20 years and not be altered in any way. We believe draft management programmes should be available for comment by the people before they acquire the force of law.

Mr SKIDMORE: I support the member for Morley on this clause. I believe it is of great value to ensure public debate before management programmes become a *fait accompli*. Surely it is not unrealistic that the public should be able to make a contribution. Conservation is a matter for the people and they are denied the right to participate in the drawing up of management programmes.

Clause 35, which was referred to by the Minister and, by interjection, by the member for Murray, has nothing to do with the facts presented by the member for Morley. Those conditions apply only to existing management programmes and no moral or legal right is given to a person to alter them, because the statutory requirements are contained in clause 59. Only under the provisions of that clause may people involve themselves in the management programmes. Clause 35 contains a provision to the effect that people may look at management plans only if the Minister so desires; nowhere is there a statutory requirement to involve people in the decisions of the commission.

Mr Shalders: Read subclause (6).

Mr SKIDMORE: That subclause gives power to the Minister to determine that certain things shall be put in the *Government Gazette* to tell people that a management proposal has been put forward. Subclause (5) of clause 36 says that a relevant management authority shall maintain a copy of the management programme. That means it is a foregone conclusion that it is a management programme and there is no appeal under clause 35.

Mr P. V. Jones: Read the rest.

Mr SKIDMORE: What do you want me to refer to?

Mr Shalders: Look at subclause (4).

Mr SKIDMORE: The member for Murray has been asleep because I have just referred to subclause (4).

Mr Shalders: But you are pretty dim.

Mr SKIDMORE: If the member wishes to indulge in personalities I do not mind at all. It is like water off a duck's back. The only part of clause 35 that gives the Minister power to determine that the public should become involved is subclause (4). But in clause 59 the public certainly have a right. I believe clause 59 could be amended by deleting the first three lines and starting with the words "any proposals".

If that were done proposals would be subject to public scrutiny, whoever puts them forward. The Minister may say, "I am not going to allow it to be scrutinised publicly." Subclause (6) of clause 35 says the public may look at effective management programmes. Subclause (4) of that clause says the public may appeal against a management programme only if it is gazetted or published in a newspaper. Once that has happened there is no right of appeal.

I think the Minister should have another look at this matter to ensure the conservation of our waterways for the many people who use them. People may be denied the right to use the waterways because of a management programme which states that because of the ecological balance it would be better for a particular piece of foreshore not to be open to the general public. A person may feel aggrieved at that decision and say, "I have fished that area of the Swan for a long time and want to continue to do so." That person has no chance of being heard unless the Minister says that he is prepared to listen to him.

If the Minister were to have a look at this matter he would not be upsetting any principles. He would be setting a very good principle by ensuring that people can lodge an appeal without the necessity of a ministerial direction. I support the member for Morley's remarks. I believe a Minister should have control over certain parts of an Act, but the Minister will have control over the whole of this proposed Act. Therefore he would be conceding nothing if we were to allow people to be directly involved. I believe the Minister should have a good look at it.

Mr SHALDERS: The member for Morley has suggested that the public have no right to consider a draft management plan for an area. I refer him to subclause (4) of clause 35, which states—

> Proposals—

and I emphasise the word "Proposals"—

> —to establish a management programme for the first time when prepared in relation to any area shall be brought to the notice of persons likely to be affected by being published in a newspaper circulating in the locality and in such other manner as the Minister may direct . . .

Mr Skidmore: I have just referred to it.

Mr SHALDERS: I am aware of that but I am at a loss to understand why members do not agree that the facility is there for the public to examine a proposed management plan.

Mr A. R. Tonkin: That subclause does not relate to a proposed management plan but to a notice of intention.

Mr SHALDERS: The member is playing with words to say that and is being totally pedantic. If that is his argument he has not a feather to fly with.

Mr A. R. Tonkin: You cannot understand English.

Mr SHALDERS: The member for Boulder-Dundas explained to the Chamber his interpretation of the ability of the member for Morley to understand English.

Mr A. R. Tonkin: The opinion of the member for Boulder-Dundas, a former Nationalist candidate, does not interest me a bit.

The DEPUTY CHAIRMAN (Mr Blaikie): I suggest the member direct his comments to the Chair and relate them to clause 59.

Mr SHALDERS: Thank you, Mr Deputy Chairman, but as the member for Morley has cast a reflection on my ability I was drawing his attention to a reflection on his ability that was made by another member of this Chamber. The second part of subclause (4) of clause 35 says that a programme shall not take effect until the Minister, by notice in the *Gazette* and a newspaper, indicates that the representations made as to those proposals have been considered and fixes a date for the programme to commence.

The member for Morley is saying that it is only a proposal for a programme yet the clause clearly refers to the date on which the programme is to commence.

Mr A. R. Tonkin: That is right.

Mr SHALDERS: The member for Morley is playing with words and I totally reject the argument he and the member for Swan submitted.

Mr SKIDMORE: Clause 35(4)—

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I have allowed a fair degree of latitude in explanation, but I would appreciate it if the honourable member would relate his remarks directly to clause 59.

Mr SKIDMORE: Certainly, but in dealing with clause 59 one must surely refer to clause 35 as did the Minister in his remarks. Under clause 35(4) a proposal for a management scheme must be advertised. That is all that clause does, and nothing else. Then the clause goes on to say that the Minister, having established the programme, will stipulate a date for commencement of the programme. So we have a proposal for a programme which is advertised and when that proposal becomes a reality it is then a firm

commitment and a date is set for its commencement. Then there is no involvement by the public. Nowhere does the clause say that John Citizen can appeal or submit his point of view.

Mr Shalders: What about the representation?

Mr SKIDMORE: Under subclause (5) the management programme can be amended from time to time with the approval of the Minister and under subclause (6) the commission and the relevant authority shall maintain a copy of the programme for inspection by members of the public. At least under subclause (5) the Minister may direct the amendments to be made, but it does not stipulate that he must take any notice of public opinion on the amendments nor that the public have any right to submit any amendments.

Clause 35 has nothing whatever to bestow upon the workings of clause 59. It does not take away or give any rights. In fact it has nothing to do with the management programme and the involvement of people. Clause 59 is the obvious clause to which we should look for this provision. I do not know why the Government is so damned pig-headed and obstinate that it is not prepared to accept that people ought to be involved in conservation matters and that it will not direct someone somewhere to permit it. I do not want to be told as a citizen that I cannot become involved in conservation until the Minister kindly nods his head and benignly says I can do so.

It is absolutely essential that the proposal from this side be accepted so that the people themselves may influence the hearing and have a part in the formulation of the programme. Under the Bill if the Minister wants to deny the public that right all he has to do is not listen. That is the aspect to which I object. There should be no question about people's rights. It would not hurt the Minister to accept the suggestion or at least consider it.

Mr A. R. TONKIN: Quite clearly the Bill does not provide for the people to study a draft management programme. If this were intended the Bill would indicate it. The Minister himself has not attempted to maintain what the member for Murray states; that is, that the words "proposals to establish" in fact refer to the proposed management programme. A proposal in that sense is an intention. The intention is that a management programme for the Swan River is to be established and representations from the public are accepted at that stage. That, in plain English, is what clause 35(4) says.

Mr P. V. Jones: You are implying that it is a notice of intent?

Mr A. R. TONKIN: A notice of intent. If the Minister means that a draft management programme will be available for comment and representations may be made on it, why is it not in the Bill?

The member for Murray has stated that we are playing with words, but that is what the Bill comprises—words. Those words must be read and their ordinary usage applied.

Mr Shalders: What about misinterpretations?

Mr A. R. TONKIN: I and the Minister have no doubt as to the meaning of the clause and it is useless for the member for Murray to take a word out of context and to indicate it means something else. It is quite clear that when the legislation is passed, if there is any litigation on this subject, the words "proposals for a management programme" would be construed in the way I have indicated.

If, as the member for Murray thinks, the Government intends that draft management programmes will be considered by the public and representations will be made on them surely that would have been done by a clause near clause 59 so that all the provisions relating to it would have been together. It would be in this part of the Bill. Clause 59 deals with public consultation and states that the Minister may direct the commission to allow the public to make representations to it on a proposal. There is no intention to allow that right to the public in connection with the actual programme.

We abhor this fact although we applaud the provision to allow the proposals to be commented on by the public as is indicated under clause 35 (4). That is most desirable. However, we also consider it is necessary for the public to be able to study the actual management programme before it has the force of law and to make suggestions which would improve it.

I come back to the same point again; that is, we must not fall for the trap that all wisdom resides in government and that all expertise resides in bureaucracies.

Clause put and passed.

Clauses 60 and 61 put and passed.

Clause 62: Honorary wardens—

Mr A. R. TONKIN: Will the Minister indicate the way in which honorary wardens will be appointed, the type of people they will be, and the degree of public involvement in this aspect? I would also like to know whether the wardens will be members of the management authority or whether applications will be called, and so on.

Mr P. V. JONES: It is believed that at times assistance will be required in the duties of a warden or a ranger—call them what we will—in certain areas under the jurisdiction of an authority. For instance, in the region of the Peel Inlet for some four or five months of the year there is considerable people pressure and

it is envisaged that the management authority will need to have the opportunity to appoint additional staff to cater for that summer period in Mandurah.

As the local advisory committee has already suggested to me such persons may well be employed by the Mandurah Shire Council and for that period of time be seconded to work for the management authority. That is what we have in mind. They would not be professional wardens, but would be seconded for the purpose.

Clause put and passed.

Clauses 63 to 76 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

BILLS (3): RETURNED

1. Rural and Industries Bank Act Amendment Bill.
2. Iron Ore (Hamersley Range) Agreement Act Amendment Bill.
3. Iron Ore (Mount Bruce) Agreement Act Amendment Bill.

Bills returned from the Council without amendment.

PSYCHOLOGISTS REGISTRATION BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Ridge (Minister for Lands), read a first time.

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [8.16 p.m.]: I move—

That the Bill be now read a second time.

Psychology is a young and rapidly growing profession throughout Australia. Psychologists are being employed in increasing numbers, especially in health, welfare, education, and industry. The number of psychologists in private practice and other consultant work is also expanding. There are close to 300 professional psychologists in Western Australia and about 3 000 in Australia as a whole. Already registration Acts exist in Victoria, South Australia, and Tasmania. I understand Queensland is likely to have an Act soon and the matter is under consideration in New South Wales.

It is necessary to register psychologists in order that the community is reassured that those who hold themselves out to be professional psychologists are in fact adequately trained and qualified to undertake this work and are accountable for the services they provide. Conversely, the public needs to be protected from persons who, without adequate qualification and training, may hold themselves out to be professional psychologists and perform professional psychological services.

There are, however, special difficulties to be overcome in setting up an Act for this purpose. Psychology is something that every member of the community may claim to practise. Parents practise psychology on their children; it is practised in the gamesmanship of sport, in bargaining, and so on. It is therefore useless to seek to describe a range of services that psychologists may be uniquely expected to perform; hence this Bill seeks to protect those who claim to be professional psychologists and practise the subject as proclaimed experts.

In order to satisfy the criteria of expertise, a person will normally be required to produce evidence that he has studied and passed all the examinations of a recognised academic school of psychology leading up to an approved four-year, full-time qualification in the subject. In addition, he will be required to have completed two years of approved experience. A "grandfather" clause is included, which recognises that persons who have practised psychology for more than two years as a major part of their livelihood immediately prior to the commencement of the legislation may be registered. A person who is a member of the Australian Psychological Society may also apply for registration within one year after the legislation comes into being.

The Australian Psychological Society is the professional body of psychologists to which the majority of psychologists in Australia belong. It has recommended the standards for professional training and experience which have been laid down in the Bill.

The Bill also makes provision for any person, irrespective of his qualifications and experience, who feels that he has sufficient knowledge and expertise in psychology to justify registration under the legislation to seek and be granted an opportunity to take examinations and, if he passes these, to be registered under the legislation.

Professional expertise in psychology may be shared to a degree by other professions. Medical practitioners undertake a substantial amount of applied psychology in their work. Consequently they are totally exempt from the provisions of the Bill. Ministers of religion are similarly exempt, except that they may not practise hypnosis, or claim to have psychological expertise as such, unless so qualified under other provisions of the Bill. Teachers may be subject to certain exemptions, as there are a number of branches of teaching which require some teaching of psychology without the teacher being essentially qualified to practise psychology under the legislation.

Students or other persons working under the supervision of a registered psychologist may be exempted under certain stipulated conditions. The Minister for Health may also, on the recommendation of the psychologists registration board set up to administer the legislation, grant additional exemptions as may be deemed compatible with the public interest.

The legislation will be administered by a psychologists registration board of five members who will be responsible to the Minister. Three of the members shall be psychologists, one a psychiatrist, and the fifth a legal practitioner, if possible. The appointment of a legal practitioner is not, however, mandatory as some difficulty has been experienced in finding legal practitioners who are willing to serve on statutory bodies. If a legal practitioner is not available, the Minister may appoint another person at his nomination. All board members will be appointed by the Governor.

The board will be financially autonomous and may appoint a registrar and other officers as necessary. As the board is small, deputies of like interest will be appointed who can stand in, in the absence of the member. The board will have power to co-opt additional members and to form such committees as may be necessary. Co-opted members or committees do not have voting powers.

The board shall have powers which include the authority to register persons whose qualifications are acceptable under the legislation; to investigate complaints and alleged offences; to impose penalties prescribed under the legislation when the board satisfies itself that a breach has occurred; to make rules, subject to the approval of the Governor, for the regulation of the practice of registered psychologists; to keep adequate records; and to enter into reciprocal arrangements with similar recognised bodies outside the State. Appeals against any decision of the board may be taken to and heard in the Supreme Court.

The board is required to prepare an annual report for presentation to Parliament. It is accountable to the Minister at all times. A form of provisional registration has been included in the Bill in order that persons who hold approved academic qualifications, but who lack approved experience, may gain the approved experience under conditions which the board considers appropriate. This provides the context for a "professional apprenticeship" in order that a person may learn to apply the knowledge and skills which are largely taught in theory in the four-year academic training.

In order to avoid hardship, persons who may not be able to furnish immediate proof of qualifications or experience may be granted temporary registration when there is no reason to doubt that such proof will be forthcoming in due course. This might occur when a person's bona fides have been lost, mislaid, or destroyed by accident. There is provision for honorary temporary registration to be conferred on visiting persons of eminence who may wish to lecture, demonstrate, or undertake research within the State.

The board is also responsible for the control and regulation of the practice of hypnosis, except in the case of the professions of medicine and dentistry, which are exempt from this provision because they have their own provisions for professional control under other registration Acts.

It may be argued that ideally the control of practices in hypnosis should be subject to separate legislation. However, this would be unduly costly. In other States where psychologists are registered—namely, Victoria, South Australia, and Tasmania—similar provisions have been included as there is clear evidence that while hypnosis is easy to learn it can be dangerous in the hands of inadequately qualified persons.

Thus the Bill provides that unless persons hold either medical, dental, or psychological qualifications as defined in the Bill they are not permitted to practise hypnosis unless they are licensed as "prescribed" persons. "Prescribed" persons include those who may demonstrate to the satisfaction of the board that they have earned a major part of their income in the practise of hypnosis in the period of two years preceding the commencement of the legislation, or other persons who may satisfy the board that they are competent to practise hypnosis.

There is a body known as the International Society for Hypnosis which has affiliated societies, composed of doctors, dentists, and psychologists, throughout the world. A provision has been included which recognises that the board may be guided, but not bound by, the standards of this society and any of its affiliated groups in Western Australia. In this State the main affiliated body is known as the WA Society of Medical Hypnosis.

The Governor may make such regulations under the legislation as he considers desirable. The board is empowered to make rules with the approval of the Minister; such rules shall be subordinate to the regulations under the legislation, and regulations will take precedence in the event that there is conflict between regulations and rules.

In rounding off, I feel that I can say no more than has already been said by the Minister for Health when introducing the Bill at the second reading in the Legislative Council. The Minister said—

> This Bill is not held out as an answer to charlatanism or quackery. Such practices have always existed

and will continue to exist under various guises and titles. The Bill will however preclude the use of the title "psychologist" by persons who seek to assume it without adequate training and supervised experience.

This Bill offers the public assurances that persons who henceforth hold themselves out as registered psychologists will have had an intensive preparation in recognised training institutions where their knowledge and skill has been subject to examination and appraisal and has been found to be adequate. In addition the public are assured that registered psychologists are accountable through a board which will regulate in the public interest by providing penalties for contravention of the Act and regulations.

The Bill is commended to the House.

Debate adjourned, on motion by Mr Davies.

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st October.

MR BRYCE (Ascot) [8.26 p.m.]: The Opposition is opposed to this Bill for one very good reason; that is, we are opposed to handing the ultimate censorship of films in Western Australia to one man, especially when under the provisions of the Bill that man will be a politician, who is described in the Bill as the Chief Secretary. In essence, that is the purpose of this amending Bill.

As far as we are concerned, the reasons behind the Government's decision to bring this Bill to Parliament are reprehensible and the Bill in itself is a retrograde step. It will drag Western Australia backwards about 30 years in terms of film censorship.

Mr Clarko: What have committees done in Australia?

Mr BRYCE: It has become patently clear that the Government has turned to the Festival of Light as its principal source of advice on cultural and moral questions.

Mr Clarko: What do you term it—"the Festival of Darkness"?

Mr BRYCE: The member for Karrinyup will have an opportunity later in this debate to declare where he stands by making a speech on his feet.

Mr Clarko: You have said that a thousand times.

Mr BRYCE: We are accustomed to his making speech after speech, in tiny doses and capsules, from his seat. We would be very interested to hear where he stands on important issues such as this, rather than on issues such as German shepherd dogs. That is about the measure of his contributions to this Parliament. We would be interested to hear him make a substantial contribution, on his feet, to a very serious debate in this House.

Mr Clarko: That will be the most significant part of your speech. You are repetitious and weak.

Mr BRYCE: It is not surprising that the Government has taken this tack, but it is dangerous to give the power of censorship of the cinema industry to one man. It smacks of totalitarianism and it is a dictatorial move. I am surprised no members on the Government's back benches are prepared to participate in this debate, when we remember all the slogans about personal liberty. I wonder if they understand the meaning of the name of their own political party—that is, the most recent one, the Liberal Party—which is allegedly based on liberty for human beings and human freedom.

The only political party in Australia which is making moves such as this at the present time is the Liberal Party.

Mr O'Neil: What about the South Australian Government?

Mr BRYCE: I suggest the Minister have a very close look at that. I have read his colleague's second reading speech very closely and I have also read the South Australian legislation, as I suggest the Minister do before he draws that analogy.

This particular piece of legislation should not be studied in isolation. It is in no way related to the Government's election promises. It should be seen as another attack upon the basic fabric of a democratic society. We have seen this same Government, without having made any promise on the hustings—

Mr Clarko: Why is that?

Mr BRYCE: —bring in the fuel and energy Bill—

Mr Clarko: A very good Bill, too.

Mr BRYCE: —that gave power to the Government to set aside parliamentary elections, to bypass the courts, and to search people's property without warrant. It also included powers of retrospectivity to enable people to be placed under arrest for offences allegedly committed months before. We saw the same Government bring in a Bill to gerrymander the boundaries and rig this Parliament to suit itself. Now the same Government, without mentioning a word of this at the time of the election, brings in a Bill that is designed to give one of its members the right to be the sole arbiter in Western Australia in respect of what films will be shown. He will be given the right to look after the conscience and the moral code of ethics of everybody in Western Australia so far as the art of the cinema is concerned.

Mr Clarko: You would find five or seven people to put on it, would you? What would you do?

Mr BRYCE: If the member for Karrinyup is interested in a serious answer I will provide it for him perfectly clearly. If his Government is dinkum about this matter of controlling the cheap trash that is flooding drive-in theatres it would be enforcing the legislation that is currently on the Statute book.

Mr Clarko: The permissive Labor Party supports all that sort of crap.

Mr BRYCE: In a subsequent stage of this debate I will be happy to force some facts and figures down the throat of the member for Karrinyup which will give him political indigestion as a result of the comment he just made.

Mr Clarko: You will make history.

Mr BRYCE: Having made the decision to give the sole determining say to one individual Liberal politician—

Mr Clarko: You are interested only in physical pollution. What about mental pollution?

Mr BRYCE: —in respect of what films the people of Western Australia shall see, hard on the heels of Bills to gerrymander the Parliament and to grant emergency powers to the Government, we might ponder when the Premier will authorise the appropriate Minister—possibly the Minister for Police, the Attorney-General, or the Minister for Justice—to order the burning of the books with which he disagrees.

I suggest there is a very serious precedent for this type of behaviour. We too frequently forget that Hitler's Germany was actually based on the actions of a democratically elected Government. Bit by bit these sorts of actions were taken. In 1934 Hitler brought in a Bill for the express purpose of controlling film and book censorship in his country.

We have in Australia legislation that was established by none other than that dreadful radical who has been banished to the back benches of the Liberal Party; I refer to Donald Chipp. In 1969-70 he established the basis of a working agreement amongst the Attorneys-General of Australia to set up a national censorship body for the purpose of classifying films.

For the benefit of the member for Karrinyup, Donald Chipp, and not the Labor Party, established the uniform system of film censorship; and it has been slackness on the part of this Government in respect of enforcing the provisions of the existing censorship regulations in this country which has led to the flood of cheap, low-cost pornographic trash that has come to so many of the drive-ins and has been the cause of so much anxiety in different parts of the community which have subsequently exercised pressure on the Minister concerned.

Mr Harman: You can't take your family to a drive-in now.

Mr BRYCE: If only this Government would do something dinkum about policing its own censorship laws it would be possible for a family man to take his family to a drive-in theatre to enjoy a night out without having to suffer the cheap pornographic trash that prevails in so many of the drive-ins. I will illustrate that in a little while.

Sir Charles Court: I am interested to find out how you will ensure that family films are shown at drive-ins.

Mr BRYCE: There are two very good ways to do it. I have some positive suggestions to make a little later.

Mr Harman: Out of 17 films advertised, 16 were classified "R".

Mr O'Neil: He doesn't want us to control it.

Mr BRYCE: On the contrary, we are suggesting that what the Government should be doing is getting off its big "A" and doing something about the laws on the Statute book. It is the epitome of bad government to pile new laws on top of bad, unpoliced, or ignored laws and to expect them to work; because that edifice will surely crumble.

I proposed to use this argument later, but in view of what has been said I will put it before the House now: In this Chamber today the Minister indicated that since 1971 only one solitary film exhibitor in this State has been prosecuted for allowing a person under the age of 18 years to go into a theatre and watch a restricted film.

Mr O'Neil: I wonder if that was in the first three years or the second three years.

Mr BRYCE: That comment is really a measure of the microcosmic outlook of members opposite, including some of its more experienced Ministers! The Minister for Works thinks I have forgotten there was a Labor Government in office between 1971 and 1974. Of course I have not forgotten; but his is the Government which is bringing in legislation now. It is bringing in a blanket form of legislation because it has chosen not to enforce the legislation which is currently on the Statute book.

I am simply suggesting that a more effective method of controlling the problem that faces us is to enforce the laws which are on the Statute book, instead of attempting to bring in some form of totalitarian control of the film industry, giving to one Liberal politician the sole right to dictate to everyone in Western Australia what is right and what is wrong for them and their families to view at a drive-in theatre or cinema.

Mr Sodeman: You are criticising an initiative when you are not prepared to take one. That is hypocrisy.

Mr BRYCE: The member for Pilbara, who lives up there in the sticks—

Mr Harman: No, he lives here.

Mr BRYCE: Yes, I forgot; he is a St. George's Terrace member. He just does not appreciate the problem. His knowledge of the subject is obviously superficial. He does not realise that the flood of low-cost pornographic trash has become a real problem in the drive-in theatres only within the last two to three years. I extend also to the member for Pilbara an invitation to stand up and make a serious speech in this House. I am happy to answer his interjections, but I extend to him a invitation to stand up in this place and make a contribution in the proper manner.

Mr O'Neil: When are you going to make a serious speech in this place?

Mr Sodeman: If they are not dangling their feet in the Swan River or living beside the Ascot racecourse they are living in the sticks as far as you are concerned.

The SPEAKER: Order!

Mr BRYCE: On the contrary, the member for Pilbara has spoken in this House quite deliberately to classify as second-class the people he represents. He has made that decision himself by standing here and saying nothing—

Mr Sodeman: You have made your *faux pas*.

Mr BRYCE: —on behalf of the people he represents who need and deserve electoral justice.

Mr Sodeman: Saving them from expense, which you criticised.

Mr BRYCE: Now, Sir, the actual responsibility for censorship has traditionally been a responsibility of the State Government.

Mr Sodeman: A weak effort.

Mr BRYCE: However, a Premiers' Conference in August, 1946, tackled this problem for the very first time, and we had in this country the first attempt to achieve a uniform system of film censorship throughout the nation. All States except South Australia were prepared to participate. A Bill passed through the Parliament in 1947 as a result of that initiative, and the State Ministers of the day actually delegated their authority to the national Government to enable it to establish a uniform system of censorship.

At the very end of that piece of legislation the ground work for an agreement was laid down under which the States would co-operate in this manner. It was not until Don Chipp became the Minister for Customs and Excise in 1969 that Australia really achieved anything approaching a uniform system of censorship and classification of films. In 1969 or early 1970 at a meeting of State Attorneys-General it was agreed that the States would delegate their censorial powers to the Federal Film Censorship Board for the very first time, and so a uniform system was established. All States participated, and for the first time the "R" certificate classification was introduced.

So this very touchy problem associated with the exhibition of what are now called restricted exhibition films was clarifed for the first time, and in this State that type of film was then distributed on a restricted basis to be shown as an "R" certificate film.

I am reminding the member for Karrinyup now that this system was established by Don Chipp, the then Federal Minister, with the support and the co-operation of all State Attorneys-General. I suggest it is an ideal system. It has a great deal going for it, and if only State Governments were prepared to support it and to accept their responsibilities under the auspices of this scheme, it would work very effectively. As a matter of fact, it is working in some of the States.

The Government of Victoria would no more dream of introducing legislation such as this than it would of flying to the moon. I have spoken to some people in the industry in that State.

Now, Sir, the system as it operates for all cinemas in all States of this country is that any film which is produced here or is imported is classified by the national film censor. If that censor decides that a particular film can be exhibited, and a person or organisation wishes to protest against the classification given to the film, that person or organisation may protest. They may appeal to a special films review board. There is a special avenue for appeals, and that is why when the State Government begins to fiddle with this mechanism and places one of its own politicians on top of this whole network as far as Western Australians are concerned, we begin to express concern; because there is already available machinery whereby censorship is carried out by professional people who are qualified in the area.

Mr Harman: How many times has the State Government used that machinery?

Mr BRYCE: It happens on numerous occasions every year, and of course this is the basis of the problem.

Mr Harman: How many times have they used that machinery?

Mr BRYCE: We are suggesting to the Government right now that if only it would use the existing machinery instead of trying to bring in this one-man band effort the State in so many respects would be better off. I refer particularly to the cinema industry and the people who study films and who have a serious interest in films. I am not talking about the cheapskates operating on the basis of a profit motive, who produce this low-cost pornographic trash aimed at young people. They are the people who should be railroaded out of the industry, and that can be done under the existing legislation

without the necessity to give one solitary person the right to determine what everybody else in the State should view.

Mr Thompson: You want two bob each way.

Mr BRYCE: All films are classified by the Commonwealth censor under a uniform system of classification for every State in Australia. If somebody objects to a classification, the objection can go before an appeal board. That is the essential appeal the Opposition makes now; namely, there is no avenue of appeal against this legislation. It merely provides that the appropriate Minister will decide what is or is not in the "public interest". That is the same sort of phrase we used when the fuel and energy legislation was passing through this House. If the Government, obviously on the advice of the Premier, feels it is in the best interests of the public to declare a state of emergency, a state of emergency may be declared. There will be no need for the Government to define what is involved, and there is to be no appeal whatever against the opinion of one particular person.

While the reason overtly expressed to the public for bringing this Bill before the Parliament may be that it is designed to control the flood of erotic films which are available to this country, principally from outside sources, the most serious implication of this legislation is that since there is not one criterion laid down in the Bill upon which the Minister must base his judgment for banning a film, the emphasis of the legislation may be altered in the future. While it may deal now with matters relating to morality and sexual issues, in the future it could well deal with politics.

We are fully aware at this stage of the amount of censoring which goes on. In the next decade or so there is going to be a much greater proportion of people who will express their views in films rather than in books. The number of books which will be read in comparison with the number of television programmes and films which will be viewed will decrease. I believe this is a tendancy about which we should have serious regrets, but all the experts who have studied this area seem to believe it is an inevitable trend.

The inevitable consequence of this is that people like George Orwell, or any of the other famous novelists, will begin to express a political point of view on film. This is beginning to happen far more today than it did before. A Liberal Minister in this State could take time out from his other onerous responsibilities and, presumably, view these films and on the basis of a political objection to a film, could ban that film from being shown in Western Australia. That is probably the most serious implication of the Bill.

Mr Clarko: The socialist countries are most likely to do that sort of thing.

Mr BRYCE: Might I suggest to the honourable member that it is only politicians of his ilk who are setting about establishing this sort of machinery.

Mr Clarko: The Union of Soviet Socialist Republics would be the leaders, of course. Hitler's socialist party was another leader in this field.

Mr BRYCE: There is no need to give one Liberal Party politician the right to impose such a ban in the future. We can well imagine the reaction in the future to some films from other countries which take a tilt at the "establishment"; we can well imagine the attitude adopted by the paranoid types who may be occupying the benches opposite in years to come. The film would never be shown in Western Australia.

If there were an appeal against this sort of decision, the legislation would be partially justified. But all we would then be doing would be duplicating the system we established following the agreement to set up a uniform system of film censorship. In 1971, an amending Bill was brought into this Parliament by the Tonkin Government, following an agreement reached with Mr Chipp at national level in respect of extending the classifications of films.

For the first time in this State we had the restricted exhibition or "R" certificate films. The principal purpose of the 1971 amending Bill was to spell out the restrictions which should apply to the juveniles in our society. No thinking person would object in any way to the need for a certain level of conscientious censorship aimed at protecting the young against the exploitive material being produced based on the profit motive. I am sorry the member for Gascoyne is not here because there are people who are appealing to the most debased elements of human beings and who are producing this sort of trash, designed principally to appeal to the young for reasons of profit.

But that is precisely where our censorship system is failing, because the system we have is not being enforced. I propose to illustrate in some detail exactly how this is so, and I refer back to the 1971 Bill. Having established for the first time a restricted exhibition classification of films, there were three principal ways in which the Bill spelt out an offence could be committed against this section of the legislation. An exhibitor of films was made liable for each and every juvenile over the age of six, inside his theatre during the screening of an "R" certificate film. A couple of years later, the age of six was reduced to the age of two, thereby encompassing a much greater number of children. In addition, each and every juvenile between the ages of 14 and 18 years was rendered liable for penalty if he offended against this section of the Act and viewed an "R" certificate film.

Furthermore, the parents and guardians or adults over the age of 18 years accompanying any of these juveniles, or encouraging these young people to be inside theatres during the screening of "R" certificate films, be they drive-in theatres or the walk-in cinemas, also would be liable under this section of the Act.

Based on this knowledge, I asked a question today of the Minister for Police as follows—

> On how many occasions in Western Australia since 1971 have—
>
> (1) film exhibitors . . . been prosecuted under the provisions of section 12A of the Censorship of Films Act?

Mr O'Neil: Do you happen to have the Act with you?

Mr BRYCE: Yes.

Mr O'Neil: Would you read section 26 of the Act to the House?

Mr BRYCE: The Minister can read that section of the Act when he rises to reply.

Mr O'Neil: I thought you were going to debate this issue fairly, on its merits.

Mr BRYCE: The Minister will get his opportunity later; that is what is called the right of reply to the debate. If he wants me to do his homework for him, he had better start giving me some of his pay. The answer to the first part of my question was "One". Only one exhibitor has been prosecuted in six years! The second part of my question asked how many juveniles between the ages of 14 and 18 years had been fined or prosecuted under that section of the Act in that same period of time. The answer I received was, "Three and one pending". The third part of my question asked how many parents or guardians or accompanying adults of those young people had been prosecuted under that section of the Act? The answer was, "Nil. Numerous warnings have been issued". That demonstrates that the "R" certificate classification applying to the drive-in and walk-in cinemas in this State is a complete and utter farce, because there is no intention on the part of this Government to police the type of audience watching these films.

But even under this legislation, that situation will not change, and that is the message we are trying to get across to members opposite. They can do what they like to this particular Bill; it will not change that situation in the cinemas or the drive-in theatres. It is time the Government did something about enforcing these laws.

Mr O'Neil: I still ask you to read section 26 of the Act.

Mr BRYCE: The Minister will have his opportunity later.

Mr Harman: You create illusions—that is all.

Mr O'Neil: You should read section 26 of the Act, and then see how stupid this young man is being, and what a fool he is making of himself by trying to pretend he has done some research into the matter.

Mr BRYCE: The problem in regard to drive-in theatres is that there has been a flood of low-cost pornographic trash and young people travel to the drive-ins—

Mr O'Neil: I will be very pleased to hear the Deputy Leader of the Opposition on this subject. He knows a lot more about it than this young fellow.

Mr BRYCE: These young people are not being excluded from the drive-in theatres. In addition, it is alleged young people are actually able to view "R" certificate films from outside the drive-in theatres. However, technology has given us the answer to that problem in part. I understand it now is possible to produce screens for erection at drive-in theatres which will make it virtually impossible for anyone outside the immediate path of the theatre to view what is going on.

Mr O'Neil: That is simple—close your eyes. But you have found the simplest way of all—close your mind.

Mr BRYCE: As far as the problem concerning young people is concerned, there are a couple of solutions. If this Government were dinkum, and informed the exhibitors of these films that it was going to police the audiences, we could expect that either they would no longer order these "R" certificate films for drive-in theatres, or they would take appropriate action to have the films laundered or reconstructed by the distributors so that they could be classified in some other way. This is quite a common practice at present. Most films of any merit are available in various classifications from the actual overseas distributors; if not those films can be reconstructed to make them more suitable in this respect.

They could be classified for viewing by mature audiences, and designated as not recommended for viewing by children. They could be changed, and that is the whole point. It is not necessary to bring in blanket legislation to give one individual the right to determine what the people should be permitted to see in the cinemas.

The other interesting aspect to the background of this legislation that is of concern to many people who take the cinema industry seriously relates to the confrontation between the Chief Secretary and the Perth Film Festival. This I describe as a reprehensible reason for introducing the Bill, under the system as it currently operates. Reference was made in the second reading speech of the Minister to the fact that a certain film exhibited in Perth in 1975 caused a certain amount of concern to the Chief Secretary. As I understand the position, he

had not seen the film. I would be happy for his colleague in this House to put me right, if I am wrong in saying this.

The film was entitled "Vase de Noces", and was a very interesting and controversial film to the members of the Perth Film Festival. It was shown to a restricted audience on one occasion as part of a film festival. The Minister did not see the film, nor did the 100 or so people outside who were protesting against the exhibition of the film see it or happen to be there by accident. The Minister said that subsequently he received about 100 letters protesting against this film. The great bulk of those people could not have seen the film, yet they were prepared to write letters of protest.

They wrote to the Minister to condemn the film, and as a result the Minister condemned it without seeing it. He approached the national censor who agreed with him that the film should be banned.

Mr O'Connor: Have you seen it?

Mr BRYCE: I have not. When it was banned the film festival organisers appealed to the review board, and the appeal was upheld. After that the film was exhibited. Of course the Minister was upset.

Mr Thompson: Justifiably.

Mr BRYCE: Exactly, because he did not get his own way.

Mr O'Neil: The Chief Film Censor was concerned.

Mr BRYCE: That is precisely how the system operates, and that is perfectly valid. If we set up an organisation to censor films, and if we are fair about the whole system, we should allow the appeal board to assess them, because there are many value judgments to be made in censoring films and in determining what is pornographic and obscene.

This appeal board operates from time to time, as it is called upon to do so. That is part of the system. I wonder whether the Minister has any objections against the members of the appeal board.

Mr O'Neil: Do you know who are the members of the board?

Mr BRYCE: The Minister can tell us.

Mr O'Neil: You do not know, and that indicates the depth of the research you have undertaken.

Mr BRYCE: If the Minister has any objection to the members of the board and to the standards employed, he has the opportunity to do something about the matter at a Commonwealth-State Ministers' conference where this subject is handled. That is the most appropriate way to do this; and not by introducing a Bill in this House, which is designed to give the total say to one politician.

Mr O'Neil: Has any other State the right to override the appeal board?

Mr BRYCE: The hillbilly State—Queensland.

Mr O'Neil: And South Australia?

Mr BRYCE: I am not suggesting that is a good thing. The Minister is so preoccupied with scoring a political point like a nit picker that he cannot see there may not be value in the general argument as to whether or not some Liberal or some Labor Government has done the same thing. Members opposite think that automatically they can get themselves out of a difficulty if a Labor Government here or there, or one in the past, has done something which approaches what they are planning to do now. They cannot exercise their minds to deal with the important issue.

One important provision in the Bill is designed to insert new section 12A. This spells out in unmistakable English that "the Minister may, if he is satisfied that such is necessary in the public interest, direct that a classification assigned to a film pursuant to section 12 of this Act shall be ineffective in the State . . .". That is where the Commonwealth censor has assigned a classification. The Minister may direct that that classification be ineffective or overruled, and the film may be banned.

As far as the basic issue is concerned, I have indicated that we object to this particular tactic. In his second reading speech the Minister said that it was not the intention of the Government to use the authority established under this Act to stop the viewing of films already on exhibition, but to act on expert advice against persons who seek to exhibit a form of undesirable film.

Members on this side of the House, who have witnessed the effect of petitions and pressure which has been brought to bear on this Government and on the Queensland Government by the Festival of Light, are concerned. We are justifiably concerned as to what the Minister means by "expert advice". Whose expert advice will be relied upon?

The Minister did not explain to Parliament how the system will operate in practice. He did say that he had taken the trouble to explain the system to the executive of the film exhibitors' association, or some such body, but he did not bother to explain it to Parliament. He did not tell us how the Chief Secretary would be able to find the time to view the films, or whether it was intended that a department would be established to vet the films. Whether the Chief Secretary will do this on a selective basis or whether he will wait until a film has been publicised and promoted before banning it, I do not know. None of these details have been explained to the House. His argument is generally weakened by that omission.

Before I conclude my remarks I would like to indicate that the Government is taking a step of this type to give power to an individual to select what the people of

Western Australia may see under this method which is similar to the method that is used in Queensland. We have to consider some of the embarrassing examples that have arisen in that State. We have seen the system which has operated in Queensland since 1974; and it is operated by a board. That State has wrecked the system of uniform censorship throughout Australia.

The film entitled "Australia after dark" was shown nationally on television recently. I did not see it but I heard about it. This was readily available to juveniles in Queensland in their own homes, but the film was banned from the circuit of theatres and cinemas in that State, because of the system it had set up.

After this film had been passed by the Commonwealth censor and there was no appeal, Queensland decided that it was not suitable for exhibition in that State. Once again the Festival of Light in that State has acted fairly significantly. The point is that it is absurd to take that type of action in these days, when in fact there is so much material beyond the scope and control of this Bill that will be shown on television.

Finally I reiterate that members on this side of the House are concerned—as any thinking person would be concerned—that there needs to be in our society an effective and conscientious system of censorship, designed to protect the young from exploitative material. Probably it is more appropriate to term it "sex-ploitative" material at this juncture.

We are suggesting to the Government that a new blanket law is not the appropriate method to achieve the objective most effectively and satisfactorily. Bearing in mind the political consequences in the future of this type of legislation being on the Statute book, it is far more appropriate and acceptable to actively police the current legislation.

MR SKIDMORE (Swan) [9.12 p.m.]: I rise to offer my opposition to this legislation. I want to refer briefly to the second reading speech of the Minister, to try to establish that what the Minister seeks to achieve is already available to him under the parent Act. I understand the Minister did ask the member for Ascot to look at section 26 of the parent Act.

Mr O'Neil: That is correct, but you had the decency to do that.

Mr SKIDMORE: I shall refer to that section. I fail to see what the Minister was trying to suggest. The member for Ascot was trying to find a solution to the problem.

Mr O'Neil: It was quite clear the member for Ascot had not done proper research, and so I referred him to section 26.

Mr SKIDMORE: I will deal with that section, because I do not see that it has anything to do with this issue.

Mr O'Neil: It was not said by me but by the member for Ascot. You ask him how he will resolve the problem.

Mr SKIDMORE: I understand the Minister referred him to section 26 of the Act to show that the suggestion of the member for Ascot was not possible of achievement.

Mr O'Neil: That is about right.

Mr SKIDMORE: That is a fair summation. Section 26 has not been amended since 1947. It states—

> Every member of the Police Force shall assist in the enforcement of this Act, and shall make such inquiries as the Minister or the censor may require, and where any offence against the provisions of this Act or the regulations thereunder comes to the notice of any member of the Police Force he shall forthwith report the matter in writing to the censor, who shall take such action consistent with this Act as he thinks fit.

Mr O'Neil: That is right.

Mr SKIDMORE: I am not sure what the Minister means.

Mr O'Neil: I shall explain it in words of one syllable when I reply so that you will understand.

Mr SKIDMORE: I will deal with that section now. I am amazed to hear that what the member for Ascot has put forward as a solution to the problem cannot be achieved because of section 26 of the Act. All that section 26 of the parent Act does is set out the powers of the police when requested to do certain things, and to report back.

Mr O'Neil: Report to the censor.

Mr SKIDMORE: That is right. As the Minister or the censor requires. The matter is usually reported to the censor in writing.

Mr O'Neil: And the censor takes the action.

The SPEAKER: Order! I think this might be an interesting topic to be discussed during the Committee stage.

Mr SKIDMORE: I have attempted to show that I have at least bothered to look at the parent Act. I would now like to refer to the Minister's second reading speech. I believe the Censorship of Films Act provides sufficient power for the purposes outlined by the Minister. I have seen some pornographic films. Once when I was in Adelaide I read an advertisement in the newspaper, and then went to see, "Australia after Dark". I did not really know what it was about before I went to see the film. Believe you me, Mr Speaker, if you have not seen "Australia after

Dark" I do not advise you to see it at all. It was just pornography in the extreme. It showed the making of pornographic films, and displayed all the sordid details involved. In fact, it was shocking; it certainly would have fallen within the province of the censor under the existing Act.

The Minister said that the Censorship of Films Act was enacted in 1948, and it was designed to set up machinery for the censorship of films and to enable an agreement to be entered into with the Commonwealth. I understand that took place. The Minister also stated that approximately 1 000 films were viewed each year by the censor, of which about 4 per cent were rejected. He said that rejected films could not be shown. However, an appeal avenue is available. The Minister also said that instances had arisen whereby particular films had been rejected by the chief censor, but as a result of a subsequent appeal the films were allowed to be shown. Then came the crunch: the Minister said that in such a situation the Government has no power under the present Act to stop the screening of such a film. That was considered to be anomalous, particularly as the films could be screened only in Western Australia.

Let us have a look at the present situation. First of all a film goes to the censor who either accepts or rejects it. If the film is rejected, an appeal can be made to a film board of review. If that board considers there is nothing wrong with the film, it can be released to the general public to view. The Government wants to introduce another tier of control. The censor can say "No", the appeal board can say "Yes", and now the Minister wants an opportunity to say, "No" again. How many more processes do we want?

We already have censorship. If the Minister doubts the ability of the present Act to control the situation, I suggest he should read section 12A. That section deals with the question of persons between the ages of six and 18 years being restricted and not being able to look at a certain type of picture in a theatre, otherwise such a person is guilty of an offence. The section also deals with a person between the ages of 14 and 18 years who attends a restricted exhibition. He is guilty of an offence also. Subsection (4) deals with persons between six and 18 years of age. If such a person views a restricted film he commits an offence. The Act also states that a person charged with an offence has an opportunity to satisfy the court that before he was so charged he took all steps reasonable in the situation to avoid being guilty of an offence.

It seems that proviso is not unreasonable. It is similar to the amendment we wanted to make to the Liquor Act so that when a person claimed to be of the age at which he was permitted to drink, his claim could be accepted. Unfortunately, that proposal was rejected.

Under the present Censorship of Films Act, if a person believed that an individual who viewed a film was 18 years of age, he could not be charged with an offence under the Act. I do not think that is unreasonable.

In conclusion, I believe we should oppose this Bill. I do not like controls. I believe the present controls are sufficient. I have no time for pornographic literature or pornographic films, and I have no time for any avenue which provides filthy literature for young people or for adults. I have stopped going to drive-in theatres during the last three years because I could not be sure of the type of film I would see. I have had to leave theatres on occasions.

I am not a prude; I do not set myself up as a judge of other people. Films which appeal to some patrons do not appeal to me, but that does not bother me.

We already have provision for censorship of films by the Commonwealth, and appeal machinery is available. If the appeal is upheld the film concerned can be shown but who am I to impose my morals on other people? With the passing of the measure now under discussion we will have the situation where the Minister will be able to impose his moral standards on the rest of the community. It could easily be that if I were the Minister damn few films would be getting through, but would that be right simply because I happen to be a little more conscious of the films than are other people?

Mr O'Neil: Better you the Minister, than the member for Ascot!

Mr SKIDMORE: It is possible that other people, who could become the Minister, would see nothing pornographic in some of the films which I refuse to watch. That is the danger; the moral codes of one person will reflect on the population at large. There is an ever increasing relaxation of our censorship laws. Every country in the world is relaxing its censorship laws by popular public demand. I do not like the trend, but I accept it. I believe the Government should also accept the fact that it has sufficient controls within the present legislation. I endorse the remarks of the member for Ascot. I do not like the pornographic films which are now appearing in ever increasing numbers. I believe the situation should be left as it now stands. I certainly do not want one man to be able to dictate his morals to me, my family, or the people of Western Australia. This is dangerous legislation, particularly in the area of censorship.

MR JAMIESON (Welshpool—Leader of the Opposition) [9.25 p.m.]: I would like to join with my colleagues in being critical of this proposal to further control films

if only because it might be my job, at some time or other, to be the judge of such films.

Mr Thompson: Rest easy.

Mr JAMIESON: We do not know; accidents can happen, even to the member opposite. They have happened in the past.

It is very difficult to judge one's peers. I do not consider that any one person should be called upon to carry out that task, and that is virtually what the Bill sets out to do. With all due respect to the Premier there are probably many members in this Parliament who do not go along with his pre-Victorian ideas. For instance, we witnessed the attitude of the Premier to the "Clanger Molloy" comic. No doubt, if he were faced with having to determine whether or not the cartoon, "Kama Sutra Rides Again" should be screened, he would wipe it out. I happened to see that cartoon when it was showing in a city theatre. Any person who had any hang-ups with regard to sex should have had them wiped out after viewing that cartoon, and probably just as well.

I believe we should be more worried about some of the grotesque types of violent crimes we see on our television screens, than about the over-emphasis on sex. We have probably protected ourselves too much from this sort of activity. We know it goes on; there is a section in the community which indulges in all kinds of acts which do not appeal to us. It seems that we are hiding from ourselves.

I am not so sure that the procedure used to train doctors in the United States is not the correct method. Those doctors are drenched with the blue movie type of pornography, showing all types of lurid scenes and actions, and using all kinds of lurid terms, until they have no hang-ups whatsoever in respect of sexual deviants or perverts, or whatever they might be. Those doctors are able to give advice without being influenced or worried by personal attitudes.

Perhaps such a method would be too much to expect of the community at large but nevertheless it might not be a bad idea with regard to the emotionally influenced section of the community. It might get us away from the problems we associate with sex. Films are usually banned on sex issues. Fear always has an influence, as it did with regard to *Playboy* magazine a few years ago.

For many years this magazine was admitted into Australia and then suddenly, when a certain Government was in office and several articles about Vietnam appeared in *Playboy*, the editions were deemed to be unsuitable for Australian consumption, not because of the nude forms in them—the reason given by the censor—but because of something else. I would not like to see any person have this right to make a determination in his or her wisdom that it is undesirable for another person to indulge in viewing such films.

I have seen a small number of "R" rated films—a very small number indeed when compared with the number of these films shown. Because of the reviews of some of these films or because of the tales I had heard from others, I went along to see what is being exhibited. Probably some of these films are such that the Deputy Premier and I are not interested in them—at least at this stage of our lives!

Mr O'Neil: You are younger than I am.

Mr JAMIESON: As a consequence, I suppose one could get one's fill of that type of film very quickly. However, other people seem to enjoy them; the films seem to have an erotic effect, and if they are looking for that sort of sensation, who are we to deny it, as long as they do not interfere with other people? Recently it was said in a court of law that a person was so much affected by one of these films that he raced out and raped an unfortunate woman. Whether the cause of his crime was the film or not, I am not in the position to say—it was the judge who made that comment.

I come back to the salient feature of the proposal before us; that is, that one person—a Minister of the Crown—will have the right to make a determination after other determinations have been made. If the Government feels it is necessary to examine films which have been passed by the Commonwealth censor, then some advisory body should be set up to undertake this task rather than a Minister. For instance, from my own personal knowledge of the Ministers in the present Government, I believe I could assess the films each one would pass and the films each one would not pass. Is it good for the general public that they should be subject to the whims and desires of an individual?

I do not think it is good legislation. If the Government needs further advice on such matters, the advice should be obtained from more than one citizen. Films should be subject to some sort of consideration by a further committee, something like the censorship committees set up by the Commonwealth. Having been judged by the Commonwealth and deemed suitable to come into the country, I do not think we should further censor these films; I do not think it achieves much at all. I would prefer the present system even though, as some point out, it is becoming rather difficult to find suitable shows for family viewing, particularly at drive-ins. However, we have seen the problems involved. As soon as family shows are put on at drive-ins, the attendances drop. These drive-ins have to make money as they have a big capital in-

vestment, so while they operate under the system whereby they need to make money to look after their financial affairs, then we will not get much sympathy or joy from these types of organisations.

The alternative would be for us to show better-class films, probably under some sort of State sponsorship. However I do not think such a system would be altogether successful either; most of the arts with which the State Government becomes involved end up costing the taxpayers more and more. So it looks as though we are stuck with the problem, at least for the present, while the public is demanding this type of film.

We must remember that these films are not forced on the public. As I pointed out, when other types of films are shown the public do not go to see them. So until the public desires something else, I believe we must be fairly tolerant. I would not want to see a Minister forbidding certain films that had been passed already by the Commonwealth censor.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [9.35 p.m.]: I appreciate the fact that the Government has made an endeavour to overcome what has become a most undesirable trend in the community. However, I have some reservations about the Bill, and I will be obliged if the Minister will attempt to explain these away; I will rest much easier about the legislation if he can do that.

On two occasions this year I have been approached by organisations which have drawn to my attention, with some specific examples, the type of films that are being screened, particularly in drive-ins. I took the matter up with the appropriate Minister, who was good enough to arrange for me to meet with the police officers whose duty it is to police the situation under the existing legislation. I can recognise the difficulties with which they are confronted.

Mr O'Neil: The member for Ascot is not here to take note of what you just said.

Mr Bryce: Yes he is, and what is more, he knows it.

Mr O'Neil: Say it again.

Mr H. D. EVANS: As far as the police are concerned, the main problem is with the drive-ins. People of certain age groups are debarred from restricted showings, and this seems to be the main problem from the point of view of the police. The audiences attending theatres can be controlled to a fairly satisfactory degree, although there is no doubt that quite a number of under-age people slip past. However, the drive-in theatres provide a blatant opportunity for these under-age children to see "R" rated films. To police drive-ins, every car would have to be examined closely. It has even been known for youngsters to enter drive-ins whilst in the boot of a car, or out of the range of vision of an attendant behind the seat. This puts police officers in an awkward position and it is the main practical difficulty with which they are confronted.

Nonetheless, I feel that there are some powers available to the Police Force which are not used fully. Our films are censored by the Commonwealth, and I notice from the Minister's second reading speech that something like 4 per cent of the films submitted are rejected. However, there is a right of appeal against such a decision, and it appears that some decisions are reversed and these films are available for viewing under a changed screening arrangement.

If the proposal contained in this Bill is passed—and undoubtedly it will be, the Government having taken a stand on the matter—a very considerable responsibility will be thrown on to one man, and obviously the standard will change from time to time according to the personality of the Minister involved. This system is a little too arbitrary, particularly when applied to the very serious situation which the community has to face.

The Minister has already drawn attention to section 26 of the parent Act which reads as follows—

> Every member of the Police Force shall assist in the enforcement of this Act, and shall make such inquiries as the Minister or the censor may require, and where any offence against the provisions of this Act or the regulations thereunder comes to the notice of any member of the Police Force he shall forthwith report the matter in writing to the censor, who shall take such action consistent with this Act as he thinks fit.

This is a rather cumbersome provision because all the police officer is required to do is to take note of what he considers to be an offence under the Act and the matter is then reported to the censor. The censor may take some action on the report that has been presented to him. This must be one of the most cumbersome and unwieldy provisions in our Statutes. Surely we could give the Police Force direct powers to take immediate action when an infringement occurs.

Mr Bryce: Perhaps the Minister is not listening now, but that is precisely the point; an amendment to section 26 is necessary.

Mr H. D. EVANS: I am obliged to the member for Ascot.

Mr O'Neil: I am glad the member for Ascot has now read section 26.

Mr Bryce: And had read it before. Have you read section 31?

Mr H. D. EVANS: If I can get back into the ball game, section 26 is rather cumbersome and unwieldy. Because of the time lag involved and the resultant half-heartedness with which the procedures must be followed, it is rather valueless. No doubt

this accounts for the very few prosecutions and actions that have been taken under its provisions.

I do not see that bringing in further censorship of films will make a great deal of difference in actual fact. Would it not be more effective to amend this section of the parent Act to endow the Police Force with some direct powers?

Let us make no mistake about it, the owners and managers of theatres know precisely what they are doing; they know whether or not they are infringing the censorship legislation. If it could be demonstrated to them that law enforcement would be seriously applied, and several examples of a salutory and effective nature were made, the word would get around in very short order and the owners of theatres would not be quite so anxious to present the type of films they do at present. It is very difficult to find a suitable show for a family to attend. It is even difficult to find a theatre which is screening only one film with an "R" classification; the norm is more likely to be two "R" classified films on the one evening.

If we could reach the situation where a police officer can take on-the-spot action, the disruption and inconvenience occasioned to the management and owners, as well as the penalty, would make a very great deal of difference to the outlook and attitude of the owners of theatres.

It has been suggested from time to time that the viewing of films by youngsters is the responsibility of parents. Certainly there is a large component of parent responsibility in the films seen by children, but the range of films frequently becomes so limited that this responsibility is more a responsibility in name than in actuality.

If the Minister hears and appreciates the request I am about to make of him, I hope he will explain why the alternative of amending the existing provisions was overlooked. Perhaps it was decided to bring in a totally different approach; that is, the superimposing of an additional censor. However, this new approach will still require enforcement and implementation. What is the reason for this? I appreciate that some action is necessary, but because of the very real dangers that censorship by a single individual entails, no matter who that individual is or over what field it is exercised, I believe my alternative is far more preferable. I will be interested to hear, as will other members I am sure, why this new approach was thought to be necessary.

MR HARTREY (Boulder-Dundas) [9.44 p.m.]: I too rise to protest against this amending Bill, not because I do not feel it is well intentioned but because I think it will be misapplied for a much more serious purpose. I believe it bears the smell of a censorship that has nothing whatever to do with public morals.

Unfortunately, as a previous speaker said, we must acknowledge that throughout the so-called "civilised world"—which is to say, that part of the world nearest to destruction—there has been a remarkable relaxation of standards and a remarkably different viewpoint on all sorts of subjects that we formerly regarded as revolting.

The Roman poet Quintus Horatius Flaccus in an ode addressed to the Emperor Augustus used these pregnant words: *"Quid leges sine moribus"* which, when translated, means, "Of what use are laws where there are no morals?" This Bill, of course, is only an attempt, albeit well meant, to put a patch on the morals of the community and that, I am afraid, is an exercise which is very rarely successful, even when it is made draconian. However, this is the least draconian piece of legislation I have ever read. It is practically unenforceable, because section 26 of the Act appears to emasculate it quite deliberately—or if not deliberately, then certainly very effectively.

But what I am worried about is not so much the Act; that is for the draftsman or the people who may discuss it in Committee now or on some future occasion. What I am concerned about is the remarkable proposition that such power should be given to the Chief Secretary, whoever he may be. The spokesman for the Opposition described him as a "mere politician", but I hardly like the word "mere"; after all, quite a number of people of the Labor persuasion were advocating republics not so very long ago, and in that case the president of our republic would be a "mere politician". We must be more respectful when we speak about the possible leader of our State.

To return to the subject matter before the Chair, I am concerned about the proposition that a member of the Government shall have the absolute say in the exclusion not only of pornographic films but also of any other film he may not like. He shall have the right to classify them as he sees fit or the right not to classify them at all; and if he does not classify them at all, they shall be deemed to be not approved. If a film is not approved for public exhibition or any exhibition because the Chief Secretary for any reason whatever decides it shall not be shown, that is the end of it.

He is not obliged to justify his action on the ground that the film was pornographic or that it encouraged an increase in crime, by instructing criminals with the theme of the picture, or that it would tend to deprave youth or would lead them into habits of gambling and vice; he can do so if he simply does not like it.

When the day comes that a free Parliament in a democratic community entrusts to any member of the Government or to the Government as a whole the right to forbid the entire community from seeing a film for any reason whatever, we then will have a form of autocracy we have not had in Britain since the days of Queen Elizabeth I. So, for that reason I strongly condemn certain features of this Bill, although I know it is aimed at controlling an abuse which, personally, I loathe.

I think all members who have spoken for the Opposition against the Bill have said quite frankly that they have no time for pornography. I certainly have not, and I hate the thought of this material being disseminated amongst the youth of our community. It is all very fine to say, "They do it in Denmark." I do not care what the hell they do in Denmark, or anywhere else for that matter! I know what they do in Western Australia. I am old enough to know the view young children take towards pornography. When I was a young child, I remember the effect it had on me and my friends. We always grabbed as much as we could lay our hands on, although that was not much. It always had a depraving effect on us, and the older we get the more we find that sort of thing is getting wider and wider, and spreading more and more.

Mr Young: And becoming less interesting.

Mr HARTREY: It may be becoming less and less interesting to people like the member for Scarborough and me, but to the young people who are being corrupted it is not uninteresting. I can recall the effect it had on me when I was about 10 or 13 years, or between those years—we matured early on the goldfields. That is what I loathe and detest, and in so far as the Bill is calculated in any way to arrest that progress, I am in favour of it. But unfortunately, it is not calculated to do very much at all. It is the most ineffectually implemented Bill I have ever read.

Then, of course, there is the great latent danger that this one-man band, whoever he is, who will be the censor—the Chief Secretary, whoever is going to hold that office in future; God knows who it will be after the next election—and his successors for years thereafter will have the absolute right to prevent the exhibition not only of pornographic films but also of any films whatever to any persons, however university educated or philosophic in their attitudes, however moral in their outlook they may be. Any films may be condemned; they could be condemned for political reasons or for all sorts of other reasons. That is quite intolerable in a community such as ours, with the institution of government we have inherited from our freedom-loving ancestors.

With those words, I unfortunately condemn the Bill. I say "unfortunately" because there is much in the Bill which is good. However, it is not an effectual piece of legislation, and there is something in it which is dangerous, and that is the only part of the Bill which will be effectual.

MR O'NEIL (East Melville—Minister for Works) [9.52 p.m.]: The House has heard some interesting speeches on the subject matter of this piece of legislation, and amongst those speakers were some members who showed a genuine concern relative to what the Government proposes to do and a concern for the problem which in fact brought this Bill before the Chamber. I refer mainly to the speeches by the Leader of the Opposition, the Deputy Leader of the Opposition, and the member for Boulder-Dundas.

If the member for Ascot has anything he has an extremely vivid imagination, because he wandered far and wide as to all the diabolical things the Government and the Minister could do under the provisions of this law. Whether that gets him anywhere or whether that persuades this House to share the point of view that he was endeavouring to express, I believe is quite a different matter. The intent of the Government and the extent to which it would use the powers provided in the Bill before us were clearly explained in the second reading speech. At least the member for Swan referred to some parts of the second reading speech.

Mr Bryce: So did the member for Ascot.

Mr O'NEIL: Naturally he referred only to the parts he wanted to refer to and not the parts which indicated that the Government had been approached by a number of people in this community on the occasion when admittedly a specific film was being shown in this State which was considered by some of those who viewed it and some who probably heard about it not to be suitable in the eyes of a great number of people.

When these sorts of complaints and expressions of opinion come to a Government, it is incumbent upon that Government to give consideration to ways and means of meeting these objections. I think the House is fairly well aware of the current situation which is that there is a Commonwealth film censor with a board who has the responsibility of placing a classification upon films, which classification obtains right across the nation, and that the States have entered into an agreement to accept that classification. Films are then exhibited accordingly with restrictions upon the audiences which may see films in certain categories. Broadly that is the situation.

There then remains available to film producers whose films are not given a classification a right of appeal to a film

board of review. This is the situation that obtained in regard to the specific film which brought the spate of complaints from the public.

Mr Bryce: Who had not seen it.

Mr O'NEIL: I said that some had seen it and maybe some had not seen it. I did not see it and the member did not see it, but there was sufficient indication from the public. I think the honourable member referred to the fact that the Minister had advised him of a number of communications sent to the Minister by individuals in relation to the film which was to be exhibited only in Western Australia and nowhere else.

Mr Bryce: To a restricted audience at a film festival.

Mr O'NEIL: That is all right, but whether that determines whether a film receives an "R" classification or a general classification, I do not know. I thought it was the material in the film which created the classification, not the classification of the people who are going to view it. However, the situation was that the Chief Film Censor refused to give this particular film a classification. On appeal the producers of the film received a classification and the film was exhibited in Western Australia. A great deal of publicity was given to this activity and I suppose that is one of the things which attracted some of the audience, because that is the best way of doing it.

Mr Bryce: It was shown once and there was nobody to see it after it had been shown once. Do not exaggerate the situation.

Mr O'NEIL: The situation under the general principles and agreements relative to the censorship of films is that the Chief Secretary or a Minister of equivalent position in Queensland and South Australia is entitled to have regard to the exhibition of a film specifically in his State. So we are not asking this Parliament to give to a Government any powers which no other State has. The Federal Attorney-General has the same power.

It is not intended—and this was clearly announced in the second reading speech—that the powers we are asking the Parliament to give to the Minister will be completely overriding powers in respect of censorship. We have told the House that they would be used in very limited circumstances, and the film to which I have been referring would be one such circumstance.

It was mentioned in the second reading speech that discussions were held with the Chief Commonwealth Film Censor about the form of the legislation that we proposed. He expressed some surprise that we did not have the power anyway. So in general terms the man whom the Commonwealth has appointed as the chief censor of films feels an ultimate determination should be left to the State Governments and the responsible Ministers, who are answerable to the people through this place and at the polls, in regard to a class of film which the chief censor decides not to classify and, in so doing, really to ban.

Mr Bryce: That is not spelt out in the Bill.

Mr O'NEIL: The honourable member's imagination runs rife.

Mr Bryce: There is no imagination. Read the clause; that is not spelt out.

Mr O'NEIL: This State has found by experience that the argument with regard to the system of censorship has worked satisfactorily in most circumstances; and we are sure that the authority sought in this legislation will not interfere with the argument but will strengthen it.

We went on to say that there is no intention of obtaining an authority or setting up an additional form of censorship. But we believe that in the circumstances of this particular film—I think the English title was "The Wedding Trough"—the State needed this power to support the views of the censor and perhaps to override the film board of review, especially in the case where this was made specific.

The member for Ascot asked why the Government does not enforce the law as it now exists. I refer him to section 26 of the parent Act. It is quite clear the member for Ascot has not undertaken the research which one would have expected him to undertake. He did not know what was in section 26 of the Act.

Mr Bryce: You had better read section 32.

Mr O'NEIL: Fortunately the member for Swan came to his rescue by reading out section 26. Suddenly three members opposite said that was the part of the law that should be amended. The Deputy Leader of the Opposition saw in that provision the difficulty which the police have in policing "R" certificate films exhibited at drive-ins. Nowhere either in the legislation or in my second reading speech was any mention made of the exhibition of "R" certificate films at drive-ins.

The member for Maylands did interject and say that at 17 drive-in theatres 16 "R" certificate films were being exhibited. One would imagine from that kind of interjection and from the complaints that there are no family films available for screening, that the Opposition would move to tighten up the law in respect of "R" certificate films and restrict them further, because that was the impression they gave.

There is difficulty in trying to keep children of the age group, who are not supposed to see "R" certificate films, from viewing such films because of the physical nature of drive-in theatres. On the one hand we have a number of responsible members of the Opposition saying we ought to do something about restricting the

exhibition of "R" certificate films at drive-ins, and on the other hand we have the member for Ascot saying we are arrogating to ourselves too much power over the community.

Mr H. D. Evans: How would you implement the policing?

Mr O'NEIL: I believe that the Censorship of Films Act of 1947 is a rather strange piece of legislation. I do not know that there would be too many Statutes which lay down specifically the responsibility of the police in administering the law. I understand this is the function of the police, and if we pass a Statute and provide that any person committing a breach of the law and the regulations commits an offence, then the police automatically have the power to apprehend and take action against the offender.

The original law provided that the police should assist in the administration of the law. The way in which the police assist is by carrying out the instructions of either the censor who lives in Canberra, or the Minister who lives in this State. If the police, having taken their instructions, find that a breach has been committed they are instructed to report to the censor at Canberra.

Mr Bryce: When was the last time that they did this?

Mr O'NEIL: I do not know.

Mr Bryce: Precisely. There is no instruction to the police to do that.

Mr O'NEIL: This law has been on the Statute book since 1947, for almost 30 years.

Mr Bryce: You have never used it.

Mr O'NEIL: Until I mentioned section 26 the member for Ascot did not know it existed. He did say that the Government ought to use the services of the police to administer the law.

Mr Bryce: The Government ought to police the attendance at drive-ins. I said that repeatedly.

Mr O'NEIL: In respect of the provisions dealing with the attendance of under-age persons, an amendment to the Act makes specific reference again to what the police shall do. It simply provides that the police shall be entitled to inquire of a person his age, name, and address. If that information is refused that person commits an offence. That is what applies to a person who is apprehended for expectorating in the street and who refuses to give his name and address.

I agree with the contention of the Deputy Leader of the Opposition, and I shall certainly take steps to advise my ministerial colleague that we should ensure that those who maintain law and order under our Statutes do have sufficient authority to control what I believe to be the concern of a great majority of the people—that is the capacity of people who are of tender and impressionable age to view "R" certificate films at drive-ins.

Mr Bryce: What a concession! That was the whole point of our case.

Mr O'NEIL: I think I am making a better case than the member for Ascot is making, because I do not see the point in his case.

Mr Bryce: Why not withdraw the Bill?

Mr O'NEIL: Let me refer again to the intention of the Government as indicated in my second reading speech. We should bear in mind that the limited powers of censorship which are intended to be devolved upon the Chief Secretary are related to a circumstance which might have occurred already. I cannot hear what the member for Maylands is saying.

Mr Harman: I am referring to the lobbying by drive-in theatres in the period of daylight saving.

Mr O'NEIL: It is not often that I lose my train of thought. The circumstances in which I envisage the Minister for Justice or the Chief Secretary will use this power of limited censorship are in the case I have referred to, relating to the film entitled "Wedding Trough".

We had a situation where the chief film censor and his board, who carry out the responsible task of classifying films, determining that "Wedding Trough" was not suitable for exhibition; but on appeal his decision was overruled. In respect of films shown in their respective territories alone, the Federal Attorney-General, the Queensland Government, and the South Australian Government have the right to review the decision of the board.

Mr H. D. Evans: This virtually comes back to State control.

Mr O'NEIL: All we are seeking is the right to exercise the power in respect of films exhibited in Western Australia. What we do does not affect the films exhibited anywhere else.

Mr Bryce: Show me where the legislation says that?

Mr O'NEIL: The honourable member must know that the Chief Secretary has no jurisdiction beyond the borders of Western Australia.

Mr Bryce: You are talking about exceptional circumstances.

Mr O'NEIL: The Chief Secretary has no jurisdiction beyond the physical border of Western Australia.

Mr Bryce: You are assuming that these films will be shown only in Western Australia.

Mr O'NEIL: That is right. What I am saying is that if the Chief Secretary of this State makes a decision to deny a

classification to a film, such denial applies only in Western Australia. It would only be done on the basis that the film had already been examined by the chief censor and his board. So, the Chief Secretary is not starting off *ab initio* in making his own decision. He is examining a film that has already been reviewed by the chief censor.

Mr Bryce: That is not spelt out in the legislation. That is only in your mind!

Mr O'NEIL: The member for Ascot shows his lack of research on this matter.

Mr Bryce: Show me where that is in the Bill.

Mr O'NEIL: He has shown to this House nothing more than a vivid imagination.

Mr H. D. Evans: You said you were disposed towards putting a case to the Minister in charge of this legislation about the need for the police to exercise greater control. What about doing that before the Committee stage?

Mr O'NEIL: No. I cannot do that.

Mr H. D. Evans: You could hold up the legislation.

Mr O'NEIL: There is a situation which I believe needs immediate remedy. It has already been explained, and it motivated the bringing of this Bill before the House. The situation still remains unresolved.

I thank members for taking the trouble to study section 26 of the Act. There may well be other problems, raised by way of interjection rather than in the subject matter of the contributions by members—mainly the difficulty with respect to the exhibition of "R" certificate films at drive-ins—which we have to find some means of solving.

Mr H. D. Evans: How would you police the additional censorship regulations?

Mr O'NEIL: It is an offence for a film without a classification to be shown. That is quite clear. The Act deals with films which have been censored and given a classification, but it is illegal for a film which has not been classified to be screened. It must be remembered that the powers of the police are not confined to the provisions under the parent Act.

Question put and a division taken with the following result—

Ayes—24

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

Noes—18

Mr Barnett	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moller

(Teller)

Pairs

Ayes	Noes
Mr Sibson	Mr B. T. Burke
Mr Crane	Mr T. D. Evans
Dr Dadour	Mr McIver
Mr Sodeman	Mr Bateman

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: New section 12B added—

Mr BRYCE: My position generally was effectively and grossly misrepresented by the Minister in his reply to the second reading debate. The case of the Opposition revolves around this clause.

The Government has seen fit to submit a Bill under which the Chief Secretary, if he decides in his own mind that it is in the public interest, can change the classification of a film and effectively prevent its being shown.

In principle we object to that power being given to a Minister because as we pointed out previously, it may well be a question of sexual morality today and politics tomorrow. No criteria is provided in the clause so that only pornographic films are affected. No particular type of film is stipulated. The provision is as broad as it can be because it merely refers to the public interest. For any conceivable, social, economic, political, or moral reason the Minister can exercise this ultimate power and change the classification of a film and thereby effectively prevent its being exhibited.

We suggested that in lieu of this particular provision the Government should be policing the attendance at drive-ins and cinemas. If the Minister, pretending to be a guru on this Act, was aware that section 26 made it difficult for his Government, he has the numbers here and in another place and he could simply change the provision; but that would not alter the principle to which we adhere. Rather than give a Minister of the Crown this completely wide open opportunity to ban any film for any reason, we believe the attendance by juveniles at drive-ins who watch this low-cost pornographic trash which has flooded the drive-in theatres in this city should be policed.

I am not altogether convinced that section 26 makes the situation difficult for the Minister. I would like to know on how

many occasions the Minister in this Government has sought the assistance of the police and asked them to go to drive-in theatres and take the names of young people for referral to the censor. I wonder whether the Minister, who pretends he is a completely full bottle on the issue, knows on how many occasions this information has been collected by the police and sent to the censor who has then refused to take any action. No-one has indicated that section 26 is totally impotent because it has proved to be so. All the Minister has done is to suggest that in his opinion the provision is not an effective way to police this particular part of the Act because it was included in 1947.

The Government has had the ground taken from beneath it on this issue and it is beginning to realise it. The Government knows this is not an acceptable alternative, as the Leader of the Opposition has already pointed out, and it will have no power to enforce the new restrictions if it is to bring in conditions.

The Minister, during his second reading speech, referred to rather exceptional circumstances. We assume, therefore, that the flood of pornography in the drive-in theatres, at the present time, will be untouched by the provisions in this Bill. We assume that the general situation will continue as at present.

This evening we have drawn attention to the real source of the trouble; that is, that this Government has failed to police attendances at drive-in theatres and cinemas where "R" certificate movies are being shown. I do not believe the Government has attempted to use section 26 of the Act. It is the responsibility of the Government if it believes the section is too weak, to introduce legislation to alter that section to give the police effective authority. I am not talking about the specifics of this Bill; I am talking about the answer to the problem which does not lie in giving one Liberal Minister the right to determine what films Western Australians will view.

Mr O'Neil: Thank you for conceding defeat at the next election.

Mr SKIDMORE: The position is adequately covered by the parent Act at present. The Act sets out that the police have the right to attend any theatre, and undertake to assert the duties of a censor. The police are able to report any infringement of the Act to the censor. The Minister cannot claim that the present Act is unworkable; it is clear and concise.

We do not want a one-man-band type of censorship. The parent Act sets out the functions of the censor, and virtually sets up a one-man censor. However, the Act also makes provision for an appeal against the decision of the censor. The Bill now under discussion will take away the right of appeal and we will revert to a one-man censor. The Minister in charge of the Act will be able to say what films can be viewed.

Section 11 of the parent Act is quite explicit with regard to the requirements of a censor. The parent Act has withstood the test of time, but the amending Bill is virtually stating that the original Act is wrong. The point is, it has not been effectively used by Governments. The Minister said that some people in the community demanded that something be done. I suppose they were politically motivated people, but that is their right whether they be Liberals, or communists.

In opposing the Bill, we are not saying that we do not need censorship; we are saying that the present Act will cover the situation. We do not want to take away the right of appeal. That is not an unreasonable proposition. The Government has over-reacted to an approach by a group of people.

Section 12 (2) of the Act provides the protection against the censor refusing permission for the screening of any film merely because he has a yen to do so. We have no problems at all. That section even tells the censor that films which have literary or artistic merit or which are scriptural, historical, legendary, and so on may not be interfered with except on the grounds that they are pornographic or obscene or would upset the sensitive feelings of people.

I can understand the Minister's concern about section 26 of the Act, but in my opinion it merely instructs the police to assist the censor and to act on their own initiative. In other words, if a policeman saw an under-aged child entering a theatre he could demand his or her name, address, and age and prevent the child entering the theatre. I suppose the policeman would then say either, "You are under arrest", or, "I will make a report on this to the censor, who will take whatever action he thinks fit." This is not a bone of contention; it is merely a red herring.

The parent Act says the censor shall be the person appointed by the Australian Government, and his decisions will be subject to appeal. The State Government now wants to take away the appeal provisions and set itself up as the judge. The appeal system is too democratic and the Government wants to appoint one man to judge which films people may see. If that is censorship for the protection of the morale of the people of this country, God help us! We will need God's help in the future if we are to sustain responsible censorship.

Of course, we oppose the amending Bill. It is not needed, and I think it would be a disaster if it became law and were ever acted upon in the way the Government proposes.

Mr BRYCE: It is obvious that the Government has fallen into a hole on this question. The Minister has admitted the

Government has made blunders in the form in which the legislation has been brought to the Chamber, so I propose to give him an opportunity to save face.

Progress

Mr BRYCE: I move—

That the Chairman do now report progress and ask leave to sit again.

Motion put and a division taken with the following result—

Ayes—16

Mr Barnett	Mr Harman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr T. H. Jones
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moiler

(Teller)

Noes—22

Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Shalders
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

Pairs

Ayes	Noes
Mr B. T. Burke	Mr Sibson
Mr T. D. Evans	Mr Crane
Mr McIver	Dr Dadour
Mr Bateman	Mr Sodeman
Mr Jamieson	Mr Blaikie

Motion thus negatived.

Committee Resumed

Clause put and a division taken with the following result—

Ayes—22

Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Shalders
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

Noes—16

Mr Barnett	Mr Harman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr T. H. Jones
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moiler

(Teller)

Pairs

Ayes	Noes
Mr Sibson	Mr B. T. Burke
Mr Crane	Mr T. D. Evans
Dr Dadour	Mr McIver
Mr Sodeman	Mr Bateman
Mr Blaikie	Mr Jamieson

Clause thus passed.

Clause 5: Section 13 amended—

Mr BRYCE: I would like to indicate that as far as the rest of the clauses of the Bill relate to this particular clause 4 we are opposed to them. However, I do not think we could stand the groans of the tired old men on the Government benches, so we have no intention of seeking to divide again. I repeat: We are opposed to the principle contained in these clauses.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

STAMP ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

EVIDENCE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

Second Reading

MR O'NEIL (East Melville—Minister for Works) [10.45 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to provide certain measures which will reduce the level of harassment and embarrassment to which women who complain of rape may be subjected during the processes of police investigation, committal, and trial.

The definition of rape will also include certain other offences, such as indecent assault, attempting to commit, conspiracy to commit, or counselling or procuring the commission of, the offences of rape or indecent assault.

The measures contained in this Bill have received particular attention in several Australian States, and it is known that developments in this area have taken place in Tasmania, South Australia, and Victoria. In all of these States, reports have been submitted to the Government by specialist law reform bodies, and all have recommended changes in the law to lessen the likelihood of the complainant being subjected to unnecessary harassment and embarrassment during the procedures of investigation, committal, and trial.

It is understood that the South Australian Government has already announced its intention to legislate on the matter, and that legislation is a distinct possibility in the two other States as well.

These Australian developments follow hard on the heels of a similar move in the United Kingdom. There, the Government was presented with a report in December, 1975, by the Heilbron Committee,

which recommended that the law be amended for the protection of the complainant. A private member's Bill has been introduced to implement those recommendations.

In both the United Kingdom and Australia, the main concern has been to prevent the introduction of unnecessary evidence as to the complainant's general sexual history and conduct; that is "unnecessary" in the sense of being not necessary for the proper defence of the accused. This is also the main concern of the present Bill.

Members will be aware that the present law permits a woman who complains of rape or attempted rape to be cross-examined about—

(1) Her general reputation or moral character—generally this is to show that she is a prostitute or one who behaves in a manner similar to that of a prostitute;

(2) sexual intercourse between herself and the accused on other occasions; and

(3) sexual intercourse between herself and other men.

Evidence may be called to contradict any statement which she makes in answer to questions which are in the first and second of these categories, but evidence to contradict answers to questions in the third category—sexual intercourse between herself and other men—is not permitted. Nevertheless, questions of this third sort are usually the most unnecessary, and the most resented.

Such questions seem to have been permitted on the assumption that the fact that a complainant has had prior sexual experience tends to prove that she is an untruthful or unreliable witness. As is remarked in the Heilbron report, this assumption is now an anachronism, and this line of cross-examination is no longer needed to protect an innocent man—but it may, and often does, still serve to distress the complainant and confuse the jury.

The approach taken in the present Bill is to establish a class of "restricted matters" as to which evidence may not be adduced, nor any question asked in cross-examination, without the prior leave of the court.

It will be noted that the Bill covers those aspects of the complainant's sexual history and conduct to which I have referred, but with one or two exceptions. The most significant of these exceptions is the complainant's prior sexual experiences with the accused, and her sexual disposition with regard to the accused. It seems to be generally agreed that to place any restraint on the accused's right to bring these matters before the jury could unfairly prejudice him in his defence.

A second exception relates to matters constituting part of the *res gestae*, which is a technical term used in the law of evidence to indicate facts which are so connected with a fact in issue as to introduce it, explain its nature, or form in connection with it one continuous transaction.

An example of this is where a female associate of a group of males has sexual intercourse in fairly rapid succession with a number of the members of that group, but then claims that, with regard to one of those acts of intercourse, she did not consent. As a consequence of a charge being laid against one member of that group, evidence of the other acts of intercourse would not be a restricted matter, because it would be part of the *res gestae*.

So there are these defined restricted matters as to which no evidence may be adduced, and no question asked in cross-examination. The same rule will apply in regard to committal proceedings, and at the trial, with the only difference being as to the test on which the court will permit evidence to be adduced or elicited.

At the committal proceeding, the court shall only give leave on restricted matters in respect of which an application is of such relevance to issues arising in the hearing that it would be unfair to the defendant to exclude such evidence.

At the trial, the court shall not grant leave for evidence about restricted matters to be adduced, unless it is satisfied that what is sought to be adduced or elicited has substantial relevance to the facts in issue, or to the credit of the complainant.

The test that is to apply at committals is conceived as being somewhat stricter than that which is to apply at the trial. The reason for this is that, as the committal proceeding is not for the purpose of determining the guilt or innocence of the accused, it is considered reasonable to permit a greater restriction on the right to attack the complainant. In those rare situations where there is a real prospect of the magistrate being persuaded that there is no case to go to trial, the test proposed would not preclude the accused from adducing or eliciting evidence as to restricted matters.

As it is, though, the cross-examination of complainants at committals for rape offences is usually not for this purpose, but rather in the nature of a reconnaissance for the purpose of the real battle which is to take place at the trial. In this way, counsel for the accused can learn what favourable and what unfavourable answers he is likely to get at the trial. Also, cross-examination increases the likelihood of variations between the complainant's evidence at the committal proceedings and at the trial, and this can be used against her at the trial. Where the accused's purposes are of this order,

there is justification for allowing the magistrate more discretion to restrict the accused in discrediting the complainant than one would allow to the judge at the trial, where the accused must answer the charge against him, and show that he is not guilty.

The Bill provides that where there is an application at a trial for leave to elicit evidence as to a "restricted matter", such application will be made in the absence of the jury.

A further provision in the Bill is aimed at preserving the anonymity of the complainant. It is proposed to make it an offence punishable by a fine of up to $500 to publish information likely to lead to the identification of the complainant or, if she is attending school, the identification of that school. The Bill makes it clear that this prohibition will not apply to any civil action brought as a result of the rape offence, or of the allegation thereof. Nor is the prohibition to apply to any criminal proceeding arising from the allegation of rape, which is not a prosecution for a rape offence—as, for instance, a prosecution for making a false report to the police under the Police Act.

Members will recall that the Justices Act was recently amended to allow for evidence at the committal proceedings in criminal cases generally to be given by written statement, thereby avoiding the necessity for the compainant to appear in person, in the absence of objection by the accused. Publication of the evidence in such proceedings is severely restricted. That is the first method whereby a rape victim's ordeal may be alleviated.

The present Bill contains three further reforms aimed at reducing the victim's trauma; namely, by restricting the evidence of her previous sexual experiences at the committal, by requiring the leave of the judge in similar matters at the trial, and by prohibiting the publication of identifying details. In addition, the Government is bringing forward other reforms which relate to criminal offences generally, including rape, in other legislation.

It is understood that Western Australia is the first State in the Commonwealth to actually translate its current thinking on this subject into legislative form. The Government hopes that its attempt to assist the unfortunate victims of this type of violent crime will not only meet with the approval of the House, but, in a practical way—and without taking away the accused's right to a fair trial—help to ease the situation of women who may be thus cruelly victimised.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Rushton (Minister for Local Government) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 5, page 3, line 20—Add after the word "may" the passage ", after consultation with the council,".

No. 2.

Clause 5, page 4, line 12—Insert after the word "may" the passage "after consultation with the council,".

No. 3.

Clause 6, page 5, lines 1 to 3—Delete the passage standing as subsection (2) and substitute a passage to stand as subsections (2), (3) and (4) as follows—

(2) A council shall not withhold or withdraw its permission under subsection (1) of this section unless it is of the opinion that the affairs, duties or responsibilities of the officer in connection with the trade, business, profession or employment engaged in, undertaken, practised or accepted by him may conflict with the performance by him of the duties of his office or offices under the municipality.

(3) An officer may appeal in writing to the Minister against the decision of a council to withhold or withdraw its permission under subsection (1) of this section and the Minister may—

(a) grant or restore such permission in the name of the council; or

(b) dismiss the appeal,

and the Minister's decision is not subject to appeal.

(4) Nothing in this section shall prevent an officer from being jointly engaged or jointly employed by several municipalities or from becoming a member or shareholder only of any incorporated company or of any company or society of persons registered under any statute.

No. 4.

Clause 16, page 9, line 35—Delete the words "that subsection" and substitute the words "those subsections".

No. 5.

Clause 16, page 10, line 30—Add after the word "and" the passage ", subject to subsection (7) of this section,".

No. 6.

Clause 16, page 11, line 4—Add the following subsection—

(7) The council may impose limitations and conditions on the measures that may be taken by authorised officers pursuant to paragraph (c) of subsection (5) of this section and an authorised officer shall not take any measure that is not in accordance with the conditions and limitations so imposed unless the council, after receipt and consideration of a report by the authorised officer, directs that measure to be taken in the particular case. .

Mr RUSHTON: The first amendment relates to the qualification of an executive officer and refers to consultation occurring prior to certain things happening. It is self-explanatory. I move—

That amendment No. 1 made by the Council be agreed to.

Mr TAYLOR: The Opposition has no objection to this amendment. However, I make a comment on it, as well as on amendment No. 2, which is identical. I was not present when this matter was debated; certainly I did not participate in the debate. It surprises me that a Minister who prides himself on consultation with local authorities and in fact does little without their authority, should on this occasion have omitted these words. Would he indicate whether this was referred to local government and whether these words were omitted by inadvertence?

Mr RUSHTON: I would automatically refer such matters to the local authority, but concern was expressed that should there be a change of Government in the distant future a subsequent Minister might not do so. I was asked to include this amendment in the Bill.

Mr Taylor: Were you not asked this before the legislation was prepared?

Mr RUSHTON: No, the legislation was prepared by then.

Mr Taylor: Was there consultation before it was prepared?

Mr RUSHTON: This was referred to the Local Government Association and the Country Shire Council's Association. They considered the amendments and approved of them.

Mr Taylor: Why are they being added now as amendments? Why did the local authorities ask for this only after the Bill was brought to the House?

Mr RUSHTON: I submit to the member that local government does not receive the final detail of a draft Bill. This matter was raised as a result of representation from members who felt the amendment would strengthen the provision, and local government is happy to accept it.

Question put and passed; the Council's amendment agreed to.

Mr RUSHTON: I move—

That amendment No. 2 made by the Council be agreed to.

This relates to what must take place prior to an officer being removed from office, and is self-explanatory.

Question put and passed; the Council's amendment agreed to.

Mr RUSHTON: I move—

That amendment No. 3 made by the Council be agreed to.

This amendment relates to dual occupations. Representations were made from the Institute of Engineers and a number of employees who requested some modification of the legislation and this amendment conforms with those requests.

Mr HARTREY: The amendment states that an officer shall not be prevented from being a shareholder or member of any incorporated company. If it is a proprietary limited company, it need have only two shareholders, and the other one may be quite dormant. It cannot be desirable that a member of the corporation could be a member of an incorporated company which possibly does business with the council employing him.

Mr RUSHTON: These provisions are similar to those enjoyed by public servants, and I have no reason to make them dissimilar.

Mr Hartrey: They must be right, then?

Mr TAYLOR: I understand this matter was raised by the Leader of the Opposition when he spoke to the matter some two or three weeks ago, and I had the opportunity this evening to read his remarks. It would seem that a matter that was not considered in this place was raised by the Opposition in another place. The Opposition has no objection to a right of appeal, and the safeguards provided for seem to be an improvement on what was there before.

However, since this matter came before this place there have been a number of approaches made to members on both sides by the industrial organisation representing the staff of local authorities, and by the Institute of Engineers. Even as late as this evening, there was evidence in the newspaper that they are still not happy with this amendment as it now appears. I should like the Minister to indicate whether the MOA or the Institute of Engineers was consulted before this matter came before Parliament so that their views could be taken into consideration and whether those organisations have been consulted since this amendment came forward.

The Minister implies he often enters into consultation with sections of the community. I do not, say, and never would say that a Government need necessarily comply with the wishes of a particular section of the community, but I should like the Minister to answer those queries, bearing in mind there was no move from this side to amend this section of the legislation.

Mr RUSHTON: This amendment was brought to the Chamber after extensive consultation with local government associations. Since it first appeared before this place, there have been a number of submissions, one of which was from the Institute of Engineers, and this amendment reflects those submissions. That is why I am at some loss to understand why it is still unhappy. I believe the MOA at one time expressed approval, but I understand it now would rather see this amendment not inserted. However, I have referred back to the Local Government Association, through its executive, and it wishes the matter to go forward. This amendment is a genuine attempt to meet the submissions which came forward relating to the restrictive provisions to be placed on officers in dual roles.

Mr TAYLOR: Just to add balance to the Minister's remarks—I am not able to say whether he is accurate in his comments—the president of the MOA contacted me last Monday and I spoke to him again yesterday. On both occasions, he indicated the MOA was most concerned about the situation, and that he looked to the Opposition or some other source to effect some amendments. This seems to conflict with the statements of the Minister, and I should like it placed on the record that there was a difference of opinion.

Question put and passed; the Council's amendment agreed to.

Mr RUSHTON: I move—

That amendment No. 4 made by the Council be agreed to.

This is a consequential amendment relating to the provision to overcome dangerous situations relating to swimming pools.

Mr TAYLOR: The Opposition has no objection to the remaining amendments. I merely comment that it is not bad for such a small Bill to have six amendments!

Question put and passed; the Council's amendment agreed to.

Mr RUSHTON: I move—

That amendment No. 5 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr RUSHTON: I move—

That amendment No. 6 made by the Council be agreed to.

In a spirit of conciliation, this amendment has been introduced to meet the request that an authorised officer would be carrying out a decision within guidelines already made by council, and he could act to remove a dangerous situation. If not within the guidelines he would have to refer back to the council to receive further directions. I think the intention of this amendment is well understood.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

House adjourned at 11.10 p.m.

Legislative Council

Thursday, the 4th November, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTION ON NOTICE

1. MURUMBA OIL, REGENT NICKEL, AND BOUNTY OIL COMPANIES

Investigation: Tabling of Reports

The Hon. LYLA ELLIOTT, to the Minister for Justice:

(1) Has he this day received advice from Mr Frank Walker, the New South Wales Attorney-General, that Murumba Oil N.L., Regent Nickel Corporation N.L., and Bounty Oil Ltd., interim and final reports of inspectors were tabled in the New South Wales Parliament on the 15th September, 1976?

(2) If so, will he now table the interim report?

(3) If he will not table this report, why not?

(4) In respect of each of the reports, when were they first received by the Western Australian Government?

The Hon. G. C. MacKinnon, for the Hon. N. McNEILL replied:

(1) Yes.

(2) Yes.

(3) Not applicable.

(4) Interim report—3rd November, 1975;

Final report—21st January, 1976.

In accordance with the practice consistently adopted, reports of this nature are not tabled until they have been fully studied to determine whether prosecutions can be undertaken. In the event of there being prosecutions it