

Legislative Council

Wednesday, 13 August 1980

The DEPUTY PRESIDENT (the Hon. V. J. Ferry) took the Chair at 4.30 p.m., and read prayers.

SUPPLY BILL

Assent

Message from the Administrator received and read notifying assent to the Bill.

BILLS (2): INTRODUCTION AND FIRST READING

1. Foreign Judgments (Reciprocal Enforcement) Amendment Bill.
2. Constitution Amendment Bill (No. 3).

Bills introduced, on motions by the Hon. I. G. Medcalf (Attorney General), and read a first time.

ADDRESS-IN-REPLY: FIFTH DAY

Motion

Debate resumed from 12 August.

THE HON. P. H. WELLS (North Metropolitan) [5.21 p.m.]: As I rise to speak on this occasion, for the first time in this House, I am very conscious of the honour to be accepted as a member of this place. I am also conscious of the responsibility that comes with that honour. Perhaps I am more thankful to the electors of the North Metropolitan Province for electing me to this House.

While recognising that I have that responsibility, I congratulate those members who were returned to this House at the recent State election, especially those members who, like myself, have become members of the Parliament for the first time. Amongst those congratulations I refer particularly to the President and the officers of this House who were responsible for running the in-House training session, or whatever it might be called. Certainly, for a new chum it was a session during which I got to know a little more about the running of this place and its functions in certain areas. As a result of that training session I will be better able to function within this place.

Those members who find themselves in the front benches of this House—and in the other place—are to be congratulated. I include in my congratulations the Government Whip (the Hon. Margaret McAleer). It is pleasing to come to this

House and find that a woman has been elected by her peers to a certain position because those peers recognised she was the best person for the job, rather than find what usually happens in society today; that is, that many unsuitable women are appointed to positions in the community merely because they are women. I sincerely congratulate Margaret on her election.

I was thankful to see other members join the new chums during the in-service training session. Those who attended the session will recall that the Hon. Graham MacKinnon addressed the gathering, and referred to the fact that when new members came to this place their fellow members got to know them gradually, in an intimate way, through their addresses to this place. It seems he was saying that over a period members gradually learnt about our innermost thoughts. I am rather thankful that the Standing Orders at least provide some privacy, particularly those Standing Orders referring to dress.

Although I do not intend to make a complete revelation of all my thoughts tonight, I am prepared to make some revelation of my thoughts on the subject of the family, which subject I believe affects not only my electors, but the whole of society. Therefore this is an area which deserves the attention of every member in this House and in another place. In fact, it deserves the attention of the whole community.

It is in the area of the family group that I believe it is time we highlighted the problems including our need to question to what degree we are prepared to go to ensure that the family unit is not denigrated or phased out of existence.

There was a time when a family could exist without all the regulations which we tend to have today, and to exist within its own immediate resources. The family comprised not only the inner family unit, but also a circle of uncles, aunts, and others. When that family unit starts to break down it is up to the community, as a family society, to step in and help those involved.

Within our society, 91 per cent of all families comprise two parents with children. In the past the parents have shown their willingness to accept their social responsibility, particularly in terms of caring for their children. I believe parents indicate that they still want to accept that responsibility. However, we have to be careful—particularly as law makers—with regard to the many regulations we may make and the actions we may take which tend to impinge—if not directly, then indirectly—on society and which may tend to contribute towards the downfall of the family unit.

If one were to require a definition of "family" it would be reasonable to refer to the status recognised by the United Nations, in the following terms—

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

I suggest that not only is it entitled to protection, but unless society is prepared to ensure that the family unit, as we have come to know it, is protected then it may well pass from society.

An article appeared in the South Australian *The Advertiser* dated 5 May 1980 under the heading "Protecting families". The article, in part, was as follows—

The family is, without doubt, the hub of our society. It provides purpose for the productive, warmth for the old and nurtures the young whose hands will hold the future. Despite the battering it has taken from the forces of social change in recent years the community rock that is the family stands as firm as ever. Surely, therefore, it is a good, sound idea, rather than a frivolous one, for government to take into account the impact of its actions on the well-being of families.

In raising the question of the family unit, I want to draw to the attention of this House the initiatives of the Government in this area as revealed to this Parliament in the Speech by His Excellency the Lieutenant-Governor and Administrator, in which it was stated that the Government will place greater emphasis on efforts to maintain, encourage, and strengthen the family as the primary unit in our society. To this end, a State advisory committee will be established to advise the Government on the development of a family policy.

I intend to raise a number of areas in which the Government can be advised, and some proposals which could go to such an advisory committee for consideration. I will conclude my remarks on that matter by referring to what the Federal Government has done in this area and to an organisation called the "Australian Family Association".

One of the areas of impact upon the family which could be considered by an advisory committee is housing. Through the State Housing Commission, the Government has taken the initiative by not only providing accommodation for those who cannot themselves obtain housing on the normal market or through low-interest channels, but also by providing additional concessions to SHC tenants. This is demonstrated by the fact that in 1979-80 the value of

concessions to tenants already provided with low rental accommodation was \$9 642 524, which is approaching the \$10 million mark. When we realise that in 1976-77 the value of this concession was just over the \$4 million mark, we know that the Government has given increased attention to this area to ensure that those in the greatest need—those on low incomes—are catered for. In the year ended 30 June 1980, 53.9 per cent of all SHC tenants were receiving concessions. Of that number, 26.3 per cent were aged pensioners, 20.6 per cent were widows and supporting parents, and 7 per cent fell into other categories. This gives an idea of the types of people who benefit by the concessions.

As I have said, the Government has shown initiative in the area of housing, but there exists still a need for an input from an advisory committee in order that the Government might know the impact of housing on the family. Attention should be directed particularly towards the development of SHC accommodation.

I state this because 23 years ago, when I came to this State as a Salvation Army officer I was appointed to Willagee, which is an SHC area. Now I live at Balga which is an area which was created by the SHC. To some degree, therefore, I consider I have some knowledge of SHC areas.

The Government, fortunately, has slowed down—I hope it will completely stop it—its unearthly block developments involving massive SHC areas in suburb after suburb. Unfortunately the people accommodated in these areas lack many of the support facilities which would enable them to be uplifted and become better citizens in the community.

Recently I attended one of the council meetings at which people were submitting their views on the type of dwellings provided. Those people in Mt. Lawley and Karrinyup strongly indicated that they wanted single dwellings. I suggest that many of the problems in SHC areas are aggravated as a result of the fact that the people are accommodated in multiple dwellings. I know that the Government has a responsibility to ensure that the money available to it is spent in the best possible way, but this aspect of housing is one which deserves some attention because of its effect upon family life.

At one of the council meetings a lady referred to the architecture and design of the accommodation and I am certain that this is an area worthy of attention. The design of the houses definitely has an effect on the tenants because of the large number of people who live in confined areas.

Private developers these days tend to provide many of the footpaths and other facilities in the areas under their control, but in SHC estates these items are lagging behind, and deserve attention because of their effect on the family life.

One of the items high on the list of priorities—although some members may not think it should be—is alcoholism. Authorities estimate that in Western Australia we have some 30 000 to 40 000 alcoholics. It is well known, of course, that most alcoholics do not or will not recognise the fact that they are alcoholics. Every alcoholic affects five other people, three being children. This means that 90 000 to 120 000 children in Western Australia are indirectly affected by alcoholic parents. An in-depth study is required into this problem.

Members have received a notice from the group known as the Festival of Light, requesting them not to support any move to further liberalise our liquor laws. As members are aware a suggestion has been made that Sunday trading should be abolished. I do not claim that that is the answer to the problem. However, more and more of the public are becoming aware of the dangers of smoking, and non-smoking signs are to be found everywhere. However, the general public tend to laugh about the drinking problem which exists.

I suggest that a committee, responsible to the Government, should study the effect of alcohol on the community because it is recognised by authorities that alcohol is directly connected to many of the problems which exist in the community, such as divorce, desertion of wives, wife abuse, child neglect, incest, juvenile delinquency, runaways, below-average school achievement, and other behavioural problems. Some members may enjoy alcohol, but all of us must consider the total effect it has on the community to which we have some responsibility.

Some people may not agree with me, but one aspect which should be studied is the adverse effect the media has in its denigration of the family unit. It should be upholding the family unit. Although I do not intend to spend time dealing with individual cases, I would like to highlight areas in regard to which the media could improve its image.

For instance, in this sick society in which we live, if a person commits a crime, has an accident, or dies, the media uses a great deal of space to report the fact. If a person steals a motorbike and drives it into the nearest shop, or a person has a fight at the local hotel, the media immediately divulges the details, sometimes on the front page. Such is not the case, however, when young people

make a worth-while contribution to society. Rarely does the media recognise such contributions.

I suggest that the media would be well advised to devote one page for one week each year to the reporting of items which will uplift youth in this State. Our youth deserve some recognition for the major contribution they make at their level in various areas. If the media put as much effort into this project as it does into other items it reports it would highlight the fact that our youth does make a major contribution to society. We must remember that the youth of today represent our future leaders.

In Scarborough there is an Interact group comprising 60 youths who spend two hours each week exercising a child who has brain damage. In this way the child has an opportunity to improve both mentally and physically. I am told that these exercises have made a great contribution towards the improvement of that child's condition. No publicity is given to such activities which deserve some recognition. That is one aspect which would be worthy of investigation.

I am Chairman of the Salvation Army Red Shield Appeal and I know that no door-knock would succeed if it were not for the large number of young people from high schools and the large number of young adults who are willing to give up two hours of their time to door-knock in order to collect money for organisations which we, as a Government, recognise as making a worth-while contribution to society. This is another aspect which the media could highlight. It must be recognised that the media does have a profound effect on the family in our community.

Another instance involves unemployment. The Jesus People have indicated that most of the young people they accommodate in their premises in this State tend to come from good homes and I suggest we should ascertain why this breakdown has occurred in family life and family responsibility.

Another area worthy of consideration is urban development. Recently at the Stirling City Council two pressure groups of Cedric Street and Beatrice Street families successfully convinced the council to withdraw its support for ramps to be constructed off the Freeway at Cedric and Beatrice Streets. That indicated to me that those groups saw the danger associated with any attempt to divide the community and families. This is definitely another area which should be considered; that is, the effect of freeways and roadways on family life. Some time has elapsed since that plan was produced and before the

actual protest got under way. Hence we need to find a better method of communication.

Technology is perhaps another major item which the group could consider. Recently the initiative was taken by the Liberal Government in South Australia in its "Family Impact Assessment". *The Advertiser*, on 1 May 1980, referred to the initiative of that Government and said—

It is aimed at identifying any adverse effects on families, and either minimising those effects or producing alternative approaches.

The committee should examine the effect of the initiative of that Government. The purpose of the "Family Impact Assessment" which is provided in the guidelines and pro forma for use by officers of Government departments and agencies of South Australia in the preparation of family impact statements. The document states—

The purpose of the Family Impact Assessment is to highlight for planners any possible adverse consequences of a proposal and, as a consequence, stimulate the investigation of alternative strategies for achieving departmental objectives without jeopardising the effective functioning of families.

It goes on to say that, before departments make decisions they should consider the effect those decisions will have on the family and if an adverse effect will result, they should consider what other way or better plan could be devised before any legislation is passed, rather than have the present situation which is that so often problems are recognised only after legislation is passed.

In closing, I wish to draw attention to two initiatives taken outside this State because they will have some effect on the advisory committee. The first is the formation of the Australian Family Association which, this coming weekend, is conducting its first seminar in Melbourne. It is a voluntary organisation which aims at strengthening and supporting the traditional family. It seeks to appeal to the grass roots of the community. A steering committee has been formed in Perth and I trust that when it gets moving in this State, members will give it the attention it deserves, and adequate promotion in their electorates.

The other area to which I refer is the establishment under the Family Law Act of the Institute of Family Studies. This body comes under the control of the Federal Attorney General's Department and intends holding a seminar in Perth on 8 and 9 September this year.

I draw members' attention to advertisements placed by this body in *The West Australian* on 26 July listing six areas regarding which submissions are invited. It is pointed out that although the closing date for submissions is 15 August, the director (Dr Edgar) will consider any late submissions. The organisation intends to select from the submissions a number of people to address the Perth seminar. It will then hold similar seminars in Adelaide, Brisbane, Sydney, and Melbourne, seeking a similar input from the community in each of these cities regarding the family area.

I believe this seminar and the resulting community input deserve the attention of each member of this House. We must ensure we do not end up with only academics providing input to this area of family welfare; we must seek input from the community as individuals to establish how they feel about the family in this base area.

In conclusion, I emphasise that the Government's initiative in indicating its preparedness to establish a committee, to which the public will have access, for the purpose of advising the Government in the important area of the family deserves the commendation of this House.

In addition, the initiatives of the Australian Family Association—a voluntary group—and of the Federal Government-sponsored Institute of Family Studies deserve our attention because the work of these bodies could have far-reaching effects upon the individuals in our community.

THE HON. H. W. OLNEY (South Metropolitan) [5.48 p.m.]: In rising to speak on this motion I am conscious that tradition would have it that I be heard in silence, and further, that I should reciprocate by refraining from raising any matter of controversy lest members opposite should feel constrained to break with tradition.

Already, in my short time here, the hallowed traditions of the past have had more than passing mention. I do not intend on this occasion to do more than express my personal conviction on a number of issues that I regard as important. I doubt that many will disagree with what I say. However, before passing from the subject of ancient tradition, let me say that so long as the observance of a tradition performs a meaningful function it may usefully continue; but once mere tradition becomes an excuse for inactivity, or an impediment to progress or indeed, is used to suppress just criticism, then it should go the way of all useless things.

Before entering upon the burden of my remarks, I wish to pay tribute to my predecessor

(Mr Ron Thompson), who represented the electors of South Metropolitan Province for some two decades with great distinction and enthusiasm.

The genuine affection with which Ron Thompson is held by those he so long represented, and served, makes my role as his successor all the more difficult.

It is my lot to be able to speak here with all the authority of an Opposition back-bench member of the Western Australian Legislative Council—a position which can be compared fairly with membership of the Queensland upper House—and I anticipate that what I say will be given the weight which my status here justifies. Because of this, or perhaps, in spite of it, I propose to add my own contribution to the debate.

It may not surprise members, particularly my colleagues on this side of the House, that I should choose, as the basis of my remarks, some aspects of the law. It is now 28 years since I first worked in the law, having over that time been student, articled clerk, solicitor, magistrate, barrister, lecturer, author, and more lately, one of Her Majesty's Counsel.

Lawyers have made an important contribution to Australian political history. Many Prime Ministers of Australia have had their background in the law, and both Federal and State Legislatures abound with representatives of the various branches of the legal profession. It is perhaps not without significance that at this time in our history, the Australian Labor Party, which does not have a record of having any particular affection for lawyers, should send three of us to this House at the one election.

For nearly a week now we have all been witnesses to what must surely be the greatest manifestation of the philosophy that "might is right" that has ever occurred in this State. The eyes of the whole world are upon us, and as the dust of Noonkanbah settles around the great road convoy, with its drilling rig and police escort, it is not only the editorial writer of *The West Australian* who is heard to say, "There must be a better way." In the context of these contemporary events, I believe it to be appropriate that I should raise for debate the related subjects of law, justice, and human rights.

Throughout history, mankind's inherent sense of justice has remained as a reminder that men may look, for the determination of their rights, to a principle mightier than might alone, but in practice they have had to be satisfied to catch the reflection of justice in human institutions.

Foremost among these institutions is the law. The law is vital to much we hold dear. Its past achievements and future potential are considerable. Its protection in the present is an imperative of our time.

The conditions of modern living demand of the citizen a basic familiarity with his rights, a fact that is more so today than in any previous age. The complexities of commerce and the numerous regulations affecting every detail of life make ignorance more expensive than ever before.

More importantly, the law which is the citizen's protection, itself needs protection. There has been scarcely a time in history when its future was so much in peril. The dangers to personal liberty, which now threaten every free society, will be met only by a vigilant public, aware of its rights.

Little is done either by the State or by the institutions of the law, or indeed by individuals, towards promoting more understanding. The multiplicity of diversions and claims upon an individual's time leave him with scarcely a thought for law and legal institutions, save in the rare instances when he comes into contact with them.

In the result, many a citizen is oblivious of the various elements in society that keep juggling with his rights and destroying his freedoms, while at the same time Governments get away with a near total neglect of their duty of elementary education of their citizens in regard to their basic rights.

One reason for this popular indifference is the tremendous growth in the volume of law. Statute law from State and national Parliaments, subsidiary legislation of all kinds, and a deluge of judicial decisions, render the law so expert a field that even the expert often is at sea.

An example of what can be done in practice to carry the message of human freedom to all levels of the community is the great experiment initiated by Japan in 1949 when it passed a law "to ensure the full protection of human rights by the appointment of civil liberties commissioners throughout the country . . . and to promote and make widely known the ideal of civil liberties in order to protect the fundamental human rights guaranteed to the people".

Thousands of these commissioners were appointed throughout Japan—one for each city, town or village. The duties of the commissioners are fivefold; namely—

- (1) To make the ideal of civil liberties known to the public.

- (2) To make every effort to encourage the civil liberties movement among the people.
- (3) To investigate and collect information regarding the violation of human rights, to take steps to remedy the situation and forward a report thereon to the civil liberties bureau at the Attorney-General's office and make recommendations to whatever other bodies may be concerned.
- (4) To take proper relief measures to promote civil liberties among the poor, such as legal aid, etc.
- (5) To strive for the promotion of civil liberties in all other matters.

The Japanese Civil Liberties Commissioners investigate thousands of violations of human rights every year. In 1969, after the legislation had been in force for 20 years the commissioners investigated some 6 150 cases and offered counsel and advice in another 116 519 cases.

Besides these activities, the commissioners have attempted to develop the sense of human rights among the people by information activities through newspapers, television, and radio, and by holding lectures and round-table-talk meetings at community centres, schools, and other places.

Another significant Japanese innovation, also introduced in 1949, was to make it the duty of every lawyer to protect fundamental human rights. Many western-style democracies with greater professions of respect for human rights have done less to place such a positive duty upon their legal practitioners.

Some of these ideas from the Japanese scene could well, with suitable adaptations, make a substantial contribution to other democracies, not the least being the State of Western Australia. I commend them to this House and to the Government.

The tasks placed upon the law in the present age grow enormously from year to year. An ever-widening segment of the individual's life is encompassed by law and legal regulation. Tax laws, highway codes, hire-purchase Acts, rating laws, town and country planning Acts, social security regulations, legal aid rules and administrative decisions crowd in upon our lives, bringing us in daily contact with the law in a manner unknown before.

To discharge these responsibilities adequately, the law needs the utmost efficiency in expression. Yet, although new techniques of efficiency are growing up in nearly all fields of human activity, language, the medium through which the law

must work, remains no more an efficient means of expression than it was in the days before the steam engine.

It is commonly said that words are the daily currency of the law. Professor C. G. Weeramantry of Monash University more eloquently put it when he said—

It is on the loom of language that all law is spun. Logic and history, morality and philosophy, commerce and science, may each contribute threads of their own but through the loom they must pass before they enter the fabric of the law.

One of the chief sources of annoyance with the law is the unintelligibility of many Statutes and regulations. Statutes and regulations are not infrequently beyond the comprehension of both lawyer and layman. This difficulty has affected the substance of citizens' rights to such an extent that it has, in some countries, attracted the attention of the Ombudsman who has attempted to ensure that the law reaches the layman in language which is within his comprehension.

It is not difficult to pick out from the Statutes of the last century sections running to hundreds of words, all massed together in close print, without subparagraphing to facilitate reading. It challenges the patience and ingenuity of lawyers, leave alone laymen, to work their way through such provisions with any understanding of their contents. One would think that, with the conscious avoidance of these styles by the draftsmen of today, the problem of unintelligibility would disappear, but the problem is perhaps becoming more acute.

Viscount Simon, in his autobiography, gives a glimpse of the perplexities felt by legislators when faced with an involved Statute. When, as Sir John Simon, he was Solicitor General in the Government of Mr Asquith, he often had the difficult task of expounding to the House of Commons the obscurer clauses of proposed revenue measures. He tells of what Mr Balfour had to say of one such exposition—

I am ready to take it as a matter of faith . .

I do not know whether there is any honourable member present whose intellect is equal to the task of grappling with the various subsections of the clause. If there is and he can show that the clause is not in conformity with the policy laid down by the Solicitor General that is another matter. I take it that on this subject there are many on both sides of the House in the same unfortunate position as I am.

Closer to home, the late Mr Justice Menzies of the High Court of Australia, in 1975, described the Western Australian Workers' Compensation Act as "a patchwork in which some of the patches hardly fit with the others". And two years later, Mr Justice Stephen of the same court, said of the same Statute—

The accumulated scar tissue of 65 years of frequent amendment, aggravated rather than aided by the cosmetic device of successive reprints, makes unrewarding the search for any underlying pattern likely to reveal legislative intent . . .

It is fact that successive Governments of both political persuasions must shoulder the responsibility for the state of affairs that justifies this type of criticism. The particular law mentioned is, of course, not the only one that warrants such harsh words. Where then, do the remedies lie?

To speak in terms of improving draftsmanship or criticising the draftsman is neither fair nor practical. What is required, among other things, is a determined effort of communication with the public. One step in that direction could be achieved by requiring every department and

authority which is responsible for legislation affecting the citizen, to issue a summary in readable form of each major piece of legislation which the average citizen could understand.

It is a tenet of our law that the citizen is expected to keep himself aware of matters affecting his rights, and it should be the duty of the authorities to supply the means whereby this knowledge can be readily made available to those affected. The expense incurred must be regarded as a necessary part of normal legislative expenditure. It is an expense necessary to the democratic process.

Mr President, we sit here as members of a Legislative Council. Presumably our role is to take part in the process of law making. Our time will be wasted, and our effort will be to no avail, unless the laws we produce not only adequately express Parliament's intention, but are also capable of being understood, and in fact are understood by the community at large.

I thank the House for its attention.

Debate adjourned, on motion by the Hon. J. M. Brown.

House adjourned at 6.05 p.m.

QUESTIONS ON NOTICE

FORREST PLACE

Meetings and Rallies

43. The Hon. H. W. OLNEY, to the Minister representing the Premier:

- (1) Did the Minister for Police correctly state Government policy in a letter published in *The West Australian* on Saturday, the 17 May 1980, when he wrote, "this Government agreed that, because of difficulties facing the police in controlling big groups of people at political meetings at Forrest Place, further applications were to be refused."?
- (2) If so, does the Minister's subsequent statement published in *The West Australian* on Monday, 28 July 1980, that—"There is, of course, no blanket ban on the use of Forrest Place for meetings and rallies . . ." represent a change in Government policy?

The Hon. I. G. MEDCALF replied:

- (1) and (2) There has been no change in Government policy.

The honourable member has plucked out one sentence from a letter from the Minister for Police and Traffic published in *The West Australian* on Saturday, 17 May 1980.

May I remind him how the previous two paragraphs of that letter read, and I quote—

Perhaps the Leader of the Opposition, Mr Davies has conveniently forgotten that it was the Labor Government of Mr John Tonkin, of which Mr Davies was a member of Cabinet, which in the first place decided to restrict severely the use of Forrest Place for public meetings.

Away back in 1972 the Tonkin Government when Mr Dolan was Minister for Police directed that the use of Forrest Place be limited to election meetings. Furthermore, these had to be restricted to a period of only two weeks before polling day.

This Labor policy was accepted by the Court Government when it came to power.

However, as it is the understanding of the Minister for Police that as the law stands, it is not open to the Commissioner of Police to impose or seek to enforce any blanket ban on the use of any public place for meetings, rallies, or processions.

The provisions of section 54b of the Police Act require the Commissioner of Police to consider each application within the criteria set down in that section.

This limitation on the power of the Commissioner of Police gives the lie to the repeated assertion of some people that section 54b gives the Commissioner of Police an unlimited discretion as to giving or refusing his consent to the holding of any public meeting, rally, or procession. The commissioner must always act within the strict terms of the section, and as would be well known to the honourable member, any departure by the Commissioner of Police from the requirements of section 54b could render him open to challenge in the Supreme Court.

Prior to 1975, under the law of public assembly then applicable, after 1975 under section 54b as it then stood, and since 1979 under the amended section 54b, the consistent policy of the Government has been to uphold the law of public assembly and to seek to have a law which fairly and reasonably balances the conflicting interests of those who have an undoubted right of public assembly, public meeting and public protest with the rights of others in the community to go about their lawful business.

TECHNOLOGICAL CHANGE

Government Departments and Instrumentalities

44. The Hon. D. K. DANS, to the Minister representing the Minister for Labour and Industry:

- (1) Is the Government prepared to hold discussions with the Union Movement prior to the introduction of any new

technology, method of operation or any change which is likely to affect employment in government departments and instrumentalities?

- (2) Is the Government prepared to agree to the insertion of redundancy provisions in awards or agreements covering State Government employees?
- (3) How many State Government employees, both salaried and wages, have unused sick leave, annual leave and long service leave entitlements due to them?
- (4) What Government departments and instrumentalities have employees who have outstanding accruals of annual leave, sick leave, and long service leave?
- (5) How much long service leave, sick leave and annual leave has been unused by government employees as at 30 June 1980?

The Hon. G. E. MASTERS replied:

- (1) The Government does not believe that formal machinery need be established for this purpose. However, it is sound management practice for heads of departments, etc., to discuss important changes with the employees affected.
- (2) No.
- (3) to (5) Leave records are not centrally maintained. This detail is maintained for each individual employee by the appropriate Government employing authority. There would be an inordinate amount of work involved to collate the information and the Minister is not prepared to agree to authorise such additional work.

RACECOURSE DEVELOPMENT TRUST

Payments to Clubs

45. The Hon. T. KNIGHT, to the Minister representing the Chief Secretary:

From the inception of the Racecourse Development Trust—

- (a) what clubs have received moneys; and
- (b) how much has been paid to each club?

The Hon. G. E. MASTERS replied:

(a) and (b)	\$
Kimberley Goldfields Amateur Jockey Club.....	1 000
Pinjarra Race Club.....	85 000

	\$
Albany Race Club.....	56 722
Albany Trotting Club.....	33 900
Esperance Bay Turf Club.....	24 000
Bunbury Trotting Club.....	86 000
Busselton Trotting Club.....	15 599
Kalgoorlie/Boulder Racing Club.....	63 058
Golden Mile Trotting Club.....	43 577
Bunbury Race Club.....	65 277
Toodyay Race Club.....	45 848
Mt. Barker Amateur Race Club.....	8 758
Cunderdin Trotting Club.....	55 442
Williams Trotting Club.....	7 520
Broome Turf Club.....	3 156
Katanning Race Club.....	17 948
Pingrup Race Club.....	4 629
Kojonup Polo & Polocross Club.....	2 557
Nyabing Racing Club.....	2 500
Merredin Trotting Club.....	29 537
York Jockey Club.....	105 045
Geraldton Turf Club.....	57 198
Wagin Trotting Club.....	17 378
Kambalda Trotting Club.....	2 246
Carnarvon Race Club.....	10 000
Harvey & Districts Trotting Club...	55 420
Leonora Racing Club.....	2 000
Wiluna Picnic Race Club.....	1 000
Northam Trotting Club.....	35 884
Mt. Magnet Race Club.....	1 000
Northam Race Club.....	59 416
Moora Race Club.....	5 669
Kellerberrin Trotting Club.....	2 662
Mingenew Yandanooka Amateur Turf Club.....	3 132
Beverley Race Club.....	33 595
Pinjarra Trotting Club.....	45 000
Katanning & Districts Trotting Club.....	7 391
Marble Bar Race Club.....	2 490
Narrogin Race Club.....	5 442
Ashburton Race Club.....	2 000
York Trotting Club.....	25 737
Bridgetown Trotting Club.....	2 482
Collie Trotting Club.....	8 004
Exmouth Race Club.....	2 000
Wyalkatchem & Districts Trotting Club.....	5 147
Coolgardie Racing Club.....	515
Dongara/Irwin Race Club.....	515
Northampton Race Club.....	228
Tom Price Turf Club.....	1 000
Narrogin Trotting Club.....	6 806
Winning Picnic Race Club.....	250
Trayning & Districts Trotting Club	147
Walkaway Amateur Race Club.....	515

HEALTH: ASBESTOS

Asbestos Diseases Society

46. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Has the Minister yet responded to the recent submission from the Asbestos Diseases Society?
- (2) If so, what was his response?
- (3) If not, when does he expect to be in a position to respond?

The Hon. G. E. MASTERS replied:

- (1) The Minister has responded to correspondence from the Asbestos Disease Society (WA) dated 7 February 1980.
- (2) A copy of the Minister's reply is hereby tabled.
- (3) Not applicable.

The letter was tabled (see paper No. 180).

HMAS "STIRLING"

US Nuclear Submarines

47. The Hon. D. K. DANS, to the Minister representing the Minister for Transport:

Is the Minister aware that a representative of the United States Navy has approached one of the local tug boat companies to supply a tug or tugs to provide a safety watch for United States' nuclear submarines berthed at HMAS *Stirling*?

The Hon. D. J. WORDSWORTH replied:

Inquiries made this morning by the Fremantle Port Authority give no indication that an approach has been made to local tug companies by representatives of the United States Navy.

FUEL AND ENERGY: NUCLEAR

Approaches to Vendors

48. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Fuel and Energy:

- (1) Has the Western Australian Government approached any of the vendors of nuclear reactors?

- (2) If so, who was approached, and for what purpose?
- (3) What is the Western Australian Government's current estimate of the costs of a 600-800 MW nuclear reactor?
- (4) What are the sources of this information?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The State Energy Commission keeps itself abreast of developments in the nuclear field and regularly discusses general matters with companies which, amongst other things, supply nuclear reactors. Since these companies provide a wide variety of equipment, the commission would make contact with almost all the vendors of nuclear power plants.
- (3) and (4) The Government is not regularly producing updated costs for a 600-800 MW nuclear reactor. General cost estimates are available to the Government and a definitive cost estimate for a reactor installed within Western Australia will be made at the appropriate time.

EDUCATION: UNIVERSITIES

Academic Staff: Tribunal

49. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

- (1) Does the Minister consider that it is appropriate that the Governor of the State, in his capacity as Visitor of the two universities, should be called upon to review decisions made by university authorities, as occurred recently in the case of a dispute between Murdoch University and a member of the academic staff relating to study leave?
- (2) Has the Government given consideration to establishing an arbitral tribunal to enable academic staff in tertiary institutions to have claims relating to their employment conditions considered impartially?
- (3) If not, will the Minister consider the matter?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes. In accordance with the legislation and the traditional role of a visitor in a university.

The Murdoch Act reads—

Section 9—Pt. 1—The Governor shall be the visitor of the University and shall exercise in that capacity such general powers as shall pertain to the office of visitor of a University as well such particular powers as may be conferred upon him by this Act or in Statute.

Part 2—For the purpose of this section the Governor is authorised to act without the requirement of obtaining the advice and consent of the Executive Council, Section 23 of the Interpretation Act 1918 notwithstanding.

Part 3—The visitor has the right from time to time, and in such manner as he thinks fit, to direct an inspection of the University, its buildings and general equipment, and also an enquiry into the teaching, research examination and other work done by the University.

- (2) Yes. Discussions are being undertaken between the practice of Churchlands, Claremont, and Mt. Lawley and Nedlands Colleges, the academic staff of those colleges, and the Chairman of the Western Australian Post Secondary Education Commission to prepare recommendations to the Minister for Education.
- (3) Answered in (2).

INDUSTRIAL DEVELOPMENT

Wesply-Wesboard Industries

50. The Hon. W. M. PIESSE, to the Minister for Forests:

- (1) Has the company Wesply-Wesboard Industries in Dardanup received, or is it receiving, Government financial support?
- (2) Is the company being supplied with thinnings from pine forests at a very nominal figure?
- (3) What is the price per cubic metre being paid by the company for pine thinnings?

The Hon. D. J. WORDSWORTH replied:

- (1) The company has borrowed funds with Government guarantees as provided in the Wesply (Dardanup) Agreement Authorization Act.
- (2) No.
- (3) \$3.31/m³.

ELECTORAL

Enrolments

51. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

- (1) At the date of closing of the rolls for the 1980 State election—
 - (a) what was the total enrolment of State electors; and
 - (b) what was the total enrolment of Federal electors in Western Australia?
- (2) What is the reason for any disparity in the respective figures?

The Hon. G. E. MASTERS replied:

- (1) (a) 715 222;
(b) at 28 December 1979—721 678.
- (2) The reason for the disparity cannot be determined specifically.

WORKERS' COMPENSATION

Comprehensive National Scheme

52. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Has the State Government ever engaged in any discussions with the Federal Government with a view to introducing a comprehensive scheme of national compensation?
- (2) If so—
 - (a) are these discussions still continuing; and
 - (b) what stage have they reached?
- (3) Does the suggestion by the retiring Chairman of the Workers' Compensation Board that the Department of Social Security should take over the responsibility for compensation payments after one year commend itself to the Government?

The Hon. G. E. MASTERS replied:

- (1) and (2) No.

- (3) As the honourable member is aware, the Government is currently reviewing the Workers' Compensation Act, and intends to proceed on this basis.

HOSPITALS AGREEMENT

Commonwealth-State

53. The Hon. N. E. BAXTER, to the Minister representing the Minister for Health:

- (1) Have negotiations in regard to the renewal of the hospitals agreement between the Commonwealth and State been finalised?
- (2) (a) Have there been any amendments or alterations to the provisions contained in the original agreement; and
(b) if so, would the Minister advise what amendments or alterations have been agreed upon?
- (3) Has a renewal agreement been drawn up and signed by the Prime Minister and the Premier?

The Hon. D. J. WORDSWORTH replied:

- (1) Negotiations are in abeyance pending the report of the commission of inquiry into the efficiency and administration of hospitals in Australia.
- (2) (a) and (b) An amendment which will permit the charging of nursing home type patients in recognised hospitals has been agreed to by an exchange of letters and is in the course of being drafted at the moment
- (3) No.

EMPLOYMENT AND UNEMPLOYMENT

Retail Shops

54. The Hon. J. M. BERINSON, to the Minister representing the Minister for Labour and Industry:

- (1) In each of the past five years how many retail shops in each category of employment recorded for purposes of the Factories and Shops Act were registered in—
(a) the metropolitan area; and
(b) the non-metropolitan area of the State?

- (2) What was the actual or estimated employment provided by each category in each year?

The Hon. G. E. MASTERS replied:

- (1) and (2) The statistics are shown in the annual reports of the Department of Labour and Industry as follows—

For Year Ended	Page Numbers	Statistics for Calendar Year Ended 31 December
30 June 1976	68-69	1975
30 June 1977	55-56	1976
30 June 1978	52-53	1977
30 June 1979	57-58	1978

The annual report for the year ended 30 June 1980 has not been tabled so I table herewith the return which will be included therein showing the statistics at 31 December 1979.

The paper was tabled (see paper No. 178).

EDUCATION: MURDOCH UNIVERSITY

Dr Herb Thompson

55. The Hon. N. F. MOORE, to the Minister representing the Minister for Education:

- (1) Is the Minister aware that during an interview on the ABC programme "Nationwide" on Wednesday, 6 August, a Dr Herb Thompson was introduced as a staff member at Murdoch University?
- (2) If so, would the Minister provide details of—
(a) the capacity in which Dr Thompson is employed at Murdoch University;
(b) the capacity in which Dr Thompson undertook a survey, referred to on "Nationwide," on behalf of the AMWSU; and
(c) the capacity in which Dr Thompson is currently conducting a survey, referred to on "Nationwide", in Pilbara mining towns?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) (a) Senior lecturer in economics in the school of social inquiry.
(b) and (c) The Minister does not have jurisdiction over the university, which is an autonomous institution; and the honourable member should contact Dr Thompson direct for such information.

PUBLIC TRUSTEE

Liability for Negligence

56. The Hon. H. W. OLNEY, to the Attorney General:

- (1) Is the Attorney General aware of the decision of the Chief Justice in Supreme Court action No. 1518 of 1978 in which the Public Trustee was found to be liable in an action for negligence to pay damages to a beneficiary named in a will prepared by the Public Trust Office which was not properly witnessed?
- (2) (a) Has the amount of damages payable by the Public Trustee yet been assessed;
(b) if so, what is the total liability of the Public Trustee for damages and costs?
- (3) Is the burden of the negligence of the Public Trust Office borne by—
 - (a) the taxpayers through the Consolidated Revenue Fund;
 - (b) the clients of the Public Trustee through the common fund;
 - (c) some other, and if so, what source?
- (4) What new procedures have been introduced to ensure that a similar situation does not arise again?

The Hon. I. G. MEDCALF replied:

- (1) Yes.
- (2) (a) Yes;
(b) \$60 452.21.
- (3) Consolidated Revenue Fund.
- (4) The execution of wills is being subjected to closer examination.

HEALTH

Nursing Homes

57. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Health:

- (1) How many nursing homes for the sick and elderly in Western Australia are operated by—
 - (a) the Government;
 - (b) non-profit-making boards or organisations; and
 - (c) private individuals or companies?
- (2) How many receive Government subsidies?

(3) What was the total amount paid in Government subsidies for the last financial year to these homes?

(4) What steps are taken by the—

- (a) State; and
- (b) Commonwealth;

to monitor these homes to ensure the patients receive the best nursing and other care, such as diet, comfortable and aesthetically pleasing physical surroundings, occupational therapy, etc.?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) 11;
(b) 46—(includes 2 nursing homes for the handicapped in addition to the sick and elderly);
(c) 64.
- (2) All receive funds from State or Commonwealth Government.
- (3) In relation to (2), \$5 864 352.
- (4) (a) Officers of the Department of Health and Medical Services carry out regular inspections.
(b) Officers of Commonwealth Department of Health also carry out regular inspections.

RAILWAYS: SUBURBAN

Passengers

58. The Hon. F. E. MCKENZIE, to the Minister representing the Minister for Transport:

- (1) Will the Minister advise the number of passengers carried on Westrail's suburban passenger service for each of the 12 months prior to the cessation of services on the Perth-Fremantle line?
- (2) Will he also advise the number of passengers carried on Westrail's suburban passenger service for each month since the cessation of services on the Perth-Fremantle line?

The Hon. D. J. WORDSWORTH replied:

The Metropolitan Transport Trust advises—

- (1) Periods 3.9.1978 to 1.9.1979—

4 weeks ending 30. 9.78	836 492
4 weeks ending 28.10.78	642 051
4 weeks ending 25.11.78	658 633
4 weeks ending 23.12.78	707 431
4 weeks ending 20. 1.79	561 546
4 weeks ending 17. 2.79	617 645
4 weeks ending 17. 3.79	654 933

4 weeks ending 14. 4.79	664 815
4 weeks ending 12. 5.79	653 697
4 weeks ending 9. 6.79	684 701
4 weeks ending 7. 7.79	637 233
4 weeks ending 4. 8.79	682 697
4 weeks ending 1. 9.79	731 986

(2) Periods 2.9.1979 to 2.8.1980—

4 weeks ending 29. 9.79	545 346
4 weeks ending 27.10.79	480 485
4 weeks ending 24.11.79	507 890
4 weeks ending 22.12.79	523 137
4 weeks ending 19. 1.80	419 691
4 weeks ending 16. 2.80	538 271
4 weeks ending 15. 3.80	561 103
4 weeks ending 12. 4.80	511 787
4 weeks ending 10. 5.80	539 861
4 weeks ending 7. 6.80	561 649
*4 weeks ending 5. 7.80	436 331
4 weeks ending 2. 8.80	531 767

* 3½ days lost due to strike

EDUCATION: SCHOOL

White Gum Valley Special

59. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

- (1) What is the programme for the development of the playing field at the White Gum Valley Special School?
- (2) When the Minister stated in answer to question 17 on 6 August 1980 that "action is under way to have the area adjacent to the school buildings developed in conjunction with the school", did he mean that some positive action has already been taken?
- (3) If so, what action has been taken?
- (4) When can the children concerned expect to be able to use the playing field?

The Hon. D. J. WORDSWORTH replied:

- (1) to (3) Some preliminary survey work has been undertaken.
- (4) Until such time as a report and cost estimate for the work have been received from the Public Works Department, it is not possible to indicate definitely when the playing area will be available for use.

HOSPITAL

Wanneroo: Opening

60. The Hon. N. E. BAXTER, to the Minister representing the Minister for Health:

- (1) Who was responsible for compiling the list of people to be invited to the opening ceremony of the Wanneroo Hospital on Saturday, 9 August 1980?
- (2) Did the Minister know that—
 - (a) I did not receive an invitation even though I initiated the programme to build the hospital;
 - (b) two parliamentary members of the Liberal Party, whose electorates do not include the Joondalup area, were invited and were seated on the dais; and
 - (c) a retired departmental officer in the person of Mr H. R. Smith was invited?
- (3) Is the lack of an invitation to the Wanneroo opening an indication that I will not be receiving invitations to the opening of additions to Sir Charles Gairdner, Fremantle and Royal Perth Hospitals when those take place, even though I initiated the total building programme?

The Hon. D. J. WORDSWORTH replied:

- (1) Officers of the Department of Health and Medical Services and the administrator, Wanneroo Hospital.
- (2) (a) to (c) "Yes". The Minister for Health did give final approval to the invitation list. He failed to notice that the member and well respected former Minister for Health was not invited and he apologises to him for this.
- (3) The member will appreciate that the total building programme is a complex matter and one which has been receiving detailed consideration by a consultant appointed by the Minister for Health and is subject to a continuing review by the department, the Minister, and the Government. On reflection, I am sure that the member will agree that his claim to have initiated the total building programme cannot be justified as it is altogether too sweeping an assertion. He will also appreciate that invitations to functions at the hospitals indicated are a matter for the individual hospital boards.

I am certain the member can expect to be invited to the opening of the hospitals mentioned.

HOUSING

Tenants Evicted for Non-payment

61. The Hon. H. W. OLNEY, to the Minister representing the Minister for Housing:

- (1) Is it the policy of the State Housing Commission to provide alternative accommodation to tenants who have been evicted for non-payment of rent?
- (2) (a) What arrangements exist for the housing of destitute families who have been evicted by the State Housing Commission for non-payment of rent;
- (b) is there any difference in the manner in which families of Aboriginal descent are treated compared with non-Aborigines; and
- (c) is the fact that the breadwinner is unemployed and has a large number of dependants to support regarded as entitling a family to special consideration?

The Hon. G. E. MASTERS replied:

- (1) No.
- (2) (a) The eviction process is extended over a period in excess of two months and in the event of the tenant failing to meet his or her obligations it allows time for the provision of alternative housing either privately or through the agencies of welfare organisations.
- (b) At an early stage in the eviction process the commission endeavours to make personal contact with the tenant regardless of ethnic origin. Failing this or a satisfactory response, the support of welfare agencies is sought for counselling and guidance. Aboriginal tenants have the additional support of the Aboriginal Housing Board which can advise the commission on extenuating circumstances.

(c) Yes. A greater degree of tolerance is exercised and in the case of continuing tenancies, where the bread-winner, from unemployment or any other reason, suffers from reduced income the commission has a rebate system which makes special provision in the case of large families.

HMAS "STIRLING"

Nuclear Vessels: Radiation

62. The Hon. LYLA ELLIOTT, to the Minister representing the Premier:

- (1) Is the Western Australian Government in favour of the establishment of a home port facility for nuclear-powered, nuclear-armed vessels in Cockburn Sound?
- (2) If so, what steps does it intend to take to protect the civilian population in the event of—
 - (a) a nuclear attack on the Cockburn Sound facility; or
 - (b) possible radiation leaks from nuclear-powered vessels visiting or permanently berthed in Perth waters?

The Hon. I G. MEDCALF replied:

- (1) Yes, as part of a total naval defence force.
- (2) (a) The Government supports the defence policies of the Federal Government in respect of Western Australia. We welcome the upgrading of defence facilities and the further facilities to follow, and have every confidence that the Commonwealth, in conjunction with us, will ensure that any protection that is necessary for the public will be provided.

- (b) In 1976 the State and Federal Governments established a joint committee under the chairmanship of the Western Australian Director of Conservation and Environment to plan and co-ordinate the activities of their departments involved in visits to Western Australia of nuclear-powered warships. The committee is also required to advise the Minister of measures needed to ensure public safety and protection of the environment beyond those measures within the normal capacity of the departments. A further function of the committee is to undertake the specific task of routine radiological monitoring during such visits.

EDUCATION: SCHOOLS

Wilson Park

63. The Hon. A. A. LEWIS, to the Minister representing the Minister for Education:

Further to my question 235 of 3 October 1979 which stated that the R. & R. of Wilson Park primary school was listed for last financial year—

- (a) why has it not been started; and
(b) when will it be started?

The Hon. D. J. WORDSWORTH replied:

- (a) Insufficient funds last financial year.
(b) Tenders will be called in conjunction with upgrading and additions to the administration wing presently anticipated in April 1981.

HMAS "STIRLING"

Nuclear Vessels: Radiation

64. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

- (1) Are measures taken to monitor possible radiation releases when there are visits by nuclear-powered vessels in Cockburn Sound?
(2) If so—
(a) who carries out such monitoring;
(b) to whom are they responsible; and
(c) is the data publicly available?

The Hon. G. E. MASTERS replied:

- (1) Yes.
(2) (a) Australian Atomic Energy Commission with assistance from the State x-ray laboratories.
(b) The Western Australian visits committee for nuclear-powered warships.
(c) Yes, through the Department of Conservation and Environment. I table reports for 1978 and 1979 which show that no detectable levels of radiation were present in a variety of samples. Data for more recent visits are also negative.

The reports were tabled (see paper No. 179).

CULTURAL AFFAIRS

His Majesty's Theatre: Opening

65. The Hon. A. A. LEWIS, to the Minister representing the Minister for Cultural Affairs:

- (1) How many Ministers of Cultural Affairs have there been since the WA Arts Council has been in operation?
(2) Who were they?
(3) Which of them were asked to the opening of His Majesty's Theatre?

The Hon. D. J. WORDSWORTH replied:

- (1) Three.
(2) The Hon. J. T. Tonkin, the Hon. G. C. MacKinnon, the Hon. P. V. Jones, and the Hon. W. L. Grayden.
(3) The Hon. J. T. Tonkin—as ex-Premier, not as Minister for Cultural Affairs—the Hon. P. V. Jones and the Hon. W. L. Grayden.

WORKERS' COMPENSATION ACT

Section 8(13)

66. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Has the Minister's attention been drawn to comments made by certain judges of the Supreme Court concerning the difficulties associated with interpreting and applying the provisions of section 8 of the Workers' Compensation Act, and in particular subsection (13) of that section?

- (2) In the light of current judicial opinion, does the Minister see any purpose in retaining section 8 (13) in the Act?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) The matter is receiving consideration in the light of the recommendations made in the Dunn report.

LOCAL GOVERNMENT

Perth City Council

67. The Hon. A. A. LEWIS, to the Minister representing the Minister for Cultural Affairs:

- (1) How many members comprise the Perth City Council?
- (2) How many of these were asked to the opening of His Majesty's Theatre?

The Hon. D. J. WORDSWORTH replied:

- (1) The Lord Mayor and 27 councillors.
- (2) Twenty-eight, of whom three are members of the Perth Theatre Trust. Certain councillors are also members of various arts and cultural organisations in Perth and were, therefore, invited in a dual capacity.

TOTALISATOR AGENCY BOARD

Belmont Agency

68. The Hon. F. E. McKENZIE, to the Minister representing the Chief Secretary:

- (1) On what date did the Totalisator Agency Board agency opposite the Sandringham Hotel, Great Eastern Highway, Belmont, cease to operate?
- (2) In view of the decision to operate a TAB agency on the premises of the Sandringham Hotel, why were operations ceased on the premises opposite?
- (3) Was the Australian Hotels Association (W.A.) consulted in respect of the operation of TAB agencies on hotel premises?
- (4) (a) If not, why not;
(b) if "Yes" to (3), what was its reaction?

The Hon. G. E. MASTERS replied:

- (1) The Totalisator Agency Board had an agency opposite the Sandringham Hotel until 12 May 1979.
- (2) Premises and location unsuitable.
- (3) No.
- (4) (a) T.A.B. deals direct with owners.
(b) Not applicable.

HOUSING

Terminating Building Societies

69. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Housing:

- (1) Which Terminating building societies in Western Australia provide adequate cover for house insurance at lower than normal premiums?
- (2) Which Terminating building societies in Western Australia charge less than the maximum prescribed management fee of one per cent?

The Hon. G. E. MASTERS replied:

- (1) Terminating building societies do not provide property insurance, but where cover is arranged through recognised insurance companies by societies the premium rates are competitive.
- (2) Both the Trades and Labor Council of WA Building Society and the WA Carpenters Building Society groups charge less than the maximum prescribed management fee.

70. *This question was postponed.*

STATE FINANCE

Income Tax: State

71. The Hon. LYLA ELLIOTT, to the Minister representing the Treasurer:

- (1) Is it the Government's intention to introduce a State income tax or surcharge?
- (2) If so, when?

The Hon. I. G. MEDCALF replied:

- (1) The Government has no present intention of introducing a State income tax or surcharge.
- (2) Answered by (1).

LAND

Crown's Claim to Title

72. The Hon. H. W. OLNEY, to the Attorney General:

- (1) (a) Has the Attorney General ever considered what is the true legal basis for the Crown's claim to title to land within the State; and
(b) if so, what are his views on the subject?
- (2) Is he aware that of the various former British colonies, it is only in respect of the Australian colonies that no treaty or settlement has ever been reached with the indigenous inhabitants?
- (3) If he has not already done so, will he seriously consider the material now being produced by the Aboriginal treaty committee?

The Hon. I. G. MEDCALF replied:

- (1) (a) Yes.
(b) I accept, in a general way, the application of the common law principles.
- (2) I am not aware that this is the case.
- (3) If the material produced by the Aboriginal treaty committee is made available to me, I am prepared to examine it.

LIMITATION ACT

Amendment

73. The Hon. H. W. OLNEY, to the Attorney General:

Will the Minister consider amending the Limitation Act to bring it into line with the corresponding legislation in England whereby the limitation period does not commence to run in a tort action until the prospective plaintiff becomes aware of the damage or injury suffered?

The Hon. I. G. MEDCALF replied:

I understand that the English legislation applies only to actions which involve some claim for damages for personal injury—Limitation of Actions Act, section 2A.

I would be prepared to consider a review of the provisions of our Act in so far as they apply to such actions.

NOONKANBAH STATION

Lease: Default

74. The Hon. H. W. OLNEY, to the Minister for Lands:

- (1) What is the name of the person or corporation that holds the pastoral lease for the property known as Noonkanbah?
- (2) Is the lessee at present in default in respect of any term of the pastoral lease?
- (3) If so, in what respect has default been made?

The Hon. D. J. WORDSWORTH replied:

- (1) Noonkanbah Pastoral Company Pty. Limited.
- (2) and (3) Certain deficiencies in the operation and management of the pastoral lease known as Noonkanbah Station have been observed and reported upon following field inspection.

The Department of Aboriginal Affairs has been advised of the situation and the need for competent management to ensure compliance with lease conditions.

That department has outlined proposals to rectify these deficiencies and the Aboriginal Lands Trust has also submitted a plan of projected development to be undertaken during the next five years as required under Land Act provisions.

QUESTIONS WITHOUT NOTICE

HEALTH

Nursing Homes

17. The Hon. LYLA ELLIOTT, to the Minister for Lands:

My question relates to part (3) of the answer given by the Minister to question 57. Could the Minister explain what his answer meant?

The Hon D. J. WORDSWORTH replied:

The answer to part (3) of question 57 reads, "In relation to (2), \$5 864 352." In other words, that would be the total amount paid in Government subsidies.

However, if the member rewrites the question and submits in more explicit

terms, perhaps she will receive a more helpful answer.

The Hon. Lyla Elliott: There is nothing wrong with the question. It is the answer which is not clear.

ELECTORAL: CHIEF ELECTORAL OFFICER

Telegram to North-west Presiding Officers

18. The Hon. P. M. DOWDING, to the Attorney General:

Is the Attorney General aware that on or about 18 February 1977, the then Chief Electoral Officer sent a telegram to all presiding officers in the Gascoyne, Kimberley, and Murchison-Eyre electoral districts? Did the Attorney General have any prior knowledge of the despatch of those telegrams by the Chief Electoral Officer?

The Hon. I. G. MEDCALF replied:

I ask that the member place his question on the notice paper.

HMAS "STIRLING"

Foreign Warships

19. The Hon. H. W. OLNEY, to the Attorney General:

My question is supplementary to question 62 asked by the Hon. Lyla Elliott and it is—

(1) Is the State Government actively encouraging the Federal Government to arrange for the home porting of foreign warships in Cockburn Sound?

(2) If so, why?

The Hon. I. G. MEDCALF replied:

(1) and (2) I would like the question placed on the notice paper.

COURT: SUPREME

Appeals to Privy Council

20. The Hon. P. M. DOWDING, to the Attorney General:

(1) Does the Attorney General accept that the right of appeal to the Privy Council

from Western Australia is in conflict with the concept of Australian sovereignty?

(2) If not, how does he justify the existence of this right of appeal?

The Hon. I. G. MEDCALF replied:

(1) No.

(2) Historical.

LAND SALES

Country Areas: Profits

21. The Hon. P. M. DOWDING, to the Minister for Lands:

(1) Does the Minister find it acceptable that a profit should be made by the State on land releases in the north?

(2) Will the Minister take steps to ensure that land releases are sufficiently frequent and upset prices are sufficiently low so as to ensure that land releases are available to people other than the wealthy?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) I request that the question be put on the notice paper and you, Sir, may decide whether or not it is applicable.

LAND SALES

Country Areas: Profits

22. The Hon. P. M. DOWDING, to the Minister for Lands:

I will ask a portion of the question I asked previously in the following terms: Will the Minister take steps to ensure that land releases in the north are sufficiently frequent and upset prices are sufficiently low so as to ensure that land releases are available to people other than the wealthy?

The Hon. D. J. WORDSWORTH replied:

I ask that the question be put on the notice paper.

COURT: SUPREME

Appeals to Privy Council

23. The Hon. H. W. OLNEY, to the Attorney General:

This question arises out of a question asked by the Hon. P. M. Dowding in relation to appeals to the Privy Council. How does the Attorney General contemplate that conflicts in decisions between the Privy Council, given on appeal from the State Supreme Court, and decisions of the High Court of Australia, given on appeal from the State Supreme Court, will be resolved?

The Hon. I. G. MEDCALF replied:
In the usual manner.

COURT: SUPREME

Appeals to Privy Council

24. The Hon. P. M. DOWDING, to the Attorney General:

Does the Attorney General regard it as appropriate that English judges should make the law for Australian people, or does he regard it as appropriate that Australian judges should make the law for Australian people?

The Hon. I. G. MEDCALF replied:
I really do not feel it is possible to answer the question in the terms it has been asked.

LOCAL GOVERNMENT

Perth City Council

25. The Hon. A. A. LEWIS, to the Minister for Lands:

My question is supplementary to the answer supplied to question 67.
Could the Minister outline the councillors who are members of the Perth Theatre Trust, and who are the certain councillors who have various interests in arts and cultural organisations in Perth?

The Hon. D. J. WORDSWORTH replied:
I think the honourable member, with his very great interest in the cultural activities of this State, would know the answer to that question. I have no

experience in this direction and I am sure that if the question is listed it will be answered tomorrow.

COURT: SUPREME

Appeals to Privy Council

26. The Hon. H. W. OLNEY, to the Attorney General:

My question is supplementary to the last answer supplied to me.

Could the Attorney General say what is the usual way of resolving conflicts between decisions of the Privy Council and the High Court of Australia in matters on appeal from the Western Australian Supreme Court?

The Hon. I. G. MEDCALF replied:
The honourable member should know the answer to that question himself.

COURT: SUPREME

Appeals to Privy Council

27. The Hon. P. M. DOWDING, to the Attorney General:

- (1) Is it a fact that the Privy Council mainly is composed of English judges?
- (2) Is it a fact that if the State—

The Hon. A. A. Lewis: Are you making a speech or asking a question?

The Hon. P. M. DOWDING: I am asking a question.

The DEPUTY PRESIDENT: Order!

The Hon. P. M. DOWDING: To continue: Is it a fact that maintaining the system of appeal to the Privy Council means that English judges are making decisions for Australians, rather than Australian judges?

The Hon. I. G. MEDCALF replied:

- (1) I do not know the exact composition of the membership of the Privy Council.
- (2) No, it is not a fact.

COURT: SUPREME

Appeals to Privy Council

28. The Hon. H. W. OLNEY, to the Attorney General:

Is the Attorney General aware that there has been, in relatively recent times, a change in policy by the High

Court of Australia in that it no longer regards itself bound by decisions of the Privy Council or the House of Lords?

The Hon. I. G. MEDCALF replied:

Yes, I have seen this reported.

COURT: SUPREME

Appeals to Privy Council

29. The Hon. P. M. DOWDING, to the Attorney General:

Is the Attorney General aware that other States in Australia have abolished the right of appeal from the State direct to the Privy Council, and will he give consideration to abolishing it in this State?

The DEPUTY PRESIDENT: Before I call on the Attorney General to respond, I would suggest to the honourable member that it might be more to his satisfaction to place these questions on the notice paper.

The way the questions have been couched during this part of the time allowed for questions without notice, there is a danger of impinging on repetition under Standing Orders.

I think the appropriate course is to place the questions on the notice paper for the satisfaction of the questioner. I call on the Attorney General to reply.

The Hon. I. G. MEDCALF replied:

No, I am not aware that the other States have abolished the right of appeal.

