The Hon. R. THOMPSON: The whole idea of a provisional tax is rather obnoxious, and it should not be included in the Bill now before us. It was introduced previously to finance the war effort.

I hope the Minister will be able to satisfy me on the points I have raised. I want to make those points clear before I resume my seat, because I do not want any misunderstanding with regard to what I have said. I realise the Government has the right to introduce legislation such as this but, personally, I am opposed to it—not partywise, but from my own personal point of view.

For some unknown reason my hairdressers usually come into debates in this Chamber. While dealing with a Bill last week I had occasion to mention my previous hairdresser. Just recently, while my current hairdresser was searching for some of my hair to cut, I mentioned that he had changed the interior of his shop. He explained to me that he had got rid of his cigarettes and tobacco because of the additional costs involved and the additional insurance he would have to pay. He said that because of those additional costs, and the number of robberies that were taking place, it was no longer profitable for a small businessman to carry cigarettes. I think he presented a rather valid argument. I do not know what the insurance premiums are on stocks of cigarettes and tobacco, but they are pretty expensive items.

At present cigarettes cost about 75c a packet, and the price will go up by at least another 10 per cent a packet. That price involves considerable risk as far as tobacconists or small shopkeepers are concerned, and many of them will be forced out of business. They are not able to operate in the same way as do chain stores, where cigarettes can be purchased at discounted prices.

The type of cigarette which I smoke can be purchased in some of the chain stores at $6.40 or $6.50 a carton. However, in the ordinary stores they cost up to $7.30 a carton. It will be seen that the small retailer who seems to be squeezed all the time will be squeezed a lot more as a result of the passing of this legislation.

I feel sorry for the small retailers. We have heard the cry from members opposite, over the years, that they would protect the small retailers. Members opposite said they would do something for these people, but the imposition of this new tax will reduce the return from one of their most saleable items. The average person who makes a purchase at a small store usually buys a packet of cigarettes.

I give qualified support to the legislation at this stage, but I want to know more about provisional licenses at country shows, for field days, at fetes, etc. I want to know whether a $10 license will be required for those types of functions. The Bill contains no provision for a special license. A retailer who applies for a license in July will not know whether he will be selling cigarettes during the following February or March. For that reason I want to know whether there will be some provision for a special license, and I also want to know what conditions will be imposed on vending machine outlets.

Debate adjourned, on motion by the Hon. V. J. Ferry.

House adjourned at 8.00 p.m.

Legislative Assembly

Tuesday, the 4th November, 1975

The SPEAKER (Mr Hutchinson) took the Chair at 4.30 p.m., and read prayers.

HEALTH

Mercury Content in Fish: Censure Motion —Statement by Speaker

THE SPEAKER (Mr Hutchinson): Some time ago the censure motion relating to mercury in fish was made the last order of the day on the notice paper at my direction because the matter was *sub judice*. As the writ in question has now been finalised, I direct that the motion be brought to the top of private members' business for Wednesday, the 5th November.

BILLS (4): INTRODUCTION AND FIRST READING

1. Salaries and Allowances Tribunal Act Amendment Bill.
2. Judges' Salaries and Pensions Act Amendment Bill.
3. Parliamentary Superannuation Act Amendment Bill.

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

4. State Housing Act Amendment Bill.

   Bill introduced, on motion by Mr P. V. Jones (Minister for Housing), and read a first time.

QUESTIONS (21): ON NOTICE

1. WITNESSES

Fees

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

(1) How much per day is paid to cover the expenses of a Crown witness appearing before the Supreme Court in Western Australia?

(2) In the event of a witness from a country area being required to stay overnight in Perth what rate of expenses is payable?

(3) When were the existing expense rates for witnesses set at the present level?

(4) Are witnesses appearing before the Supreme Court recouped against loss of wages or salary if required to appear during normal working hours?

(5) Has the scale of fees payable to witnesses in the Criminal Court been determined, and if so, what are the details of amounts?

Mr O'NEIL replied:

(1) The scale of allowances to witnesses provides payment as follows—

Witness Fees:

(a) Professional witnesses such as medical practitioners, legal practitioners, architects, engineers, surveyors and certificated accountants carrying on business as principals are paid at the rate of $8.40 per day.

(b) Other male persons over 21 years of age are paid at the rate of $4 per day.

(c) Male persons between the ages of 18 and 21 years are paid at the rate of $2.50 per day.

(d) Adult female witnesses engaged in remunerative employment are paid at the rate of $2.50 per day.

(e) Other adult female witnesses and female witnesses between 18 and 21 years of age are paid at the rate of $2 per day.

There is a discretion for the Under-Secretary for Law to approve an increase in these rates up to $40 per day where actual loss of earnings is demonstrated.

Travel:

Witnesses are paid in addition the cost of public conveyance to and from the Court if this mode of travel is available and will enable the witnesses' attendance at the Court in time. In isolated areas the cost of air fares is paid and in instances where private car travel is necessary, kilometrage is paid at the rate of 5c per km each way.

Witnesses are also paid for travel time in accordance with the scale outlined above.

(2) The scale of allowance payable to witnesses provides for payment of $1 for each overnight stay the witness is required to spend away from his residence. However where reasonable expenditure on overnight accommodation is demonstrated to have been incurred the Under-Secretary for Law may approve reimbursement up to $15.40 per day, which is the current rate payable to State Public Servants.

(3) 1960. Discretion to recoup loss of earnings has offset any deficiency in the scale rates.

(4) Yes.

(5) No. A new scale is in process of formulation.

2. WATER SUPPLIES

Scabby Gully Dam

Mr H. D. EVANS, to the Minister for Water Supplies:

(1) What amounts of water were released from the Scabby Gully Dam to augment the Pemberton town water supply in the—

(a) 1973-74 summer;

(b) 1974-75 summer?

(2) What quantities of water were released from the Scabby Gully Dam for the purpose indicated on each occasion and on what date was each release made in the two seasons referred to in (1)?

(3) What was the height level and volume of water contained in the Scabby Gully Dam as at 30th October in each of the past three years?

(4) In view of the increasing demands on the Scabby Gully Dam which can reasonably be expected to grow, what danger of a water shortage exists for the town of Manjimup if water has to be released for the town of Pemberton?

Mr O'NEIL replied:

(1) The amount of water released from Scabby Gully Dam to augment Pemberton water supply was—

(a) 1973-74 summer—18 223 m^3

(b) 1974-75 summer—107 530 m^3

(2) These amounts were released as follows—

(a) 1973-74 summer:

Period	Amount released
29/1/74-5/2/74	14 081 m^3
22/3/74-27/3/74	4 142 m^3
Total	18 223 m^3

(b) 1974-75 summer:

Period	Amount released
4/2/75-2/4/75	107 530 m^3

(3) The gauge board reading at top water level is 10.67 metres which corresponds to a capacity of 743 740 m^3.

On 30th October in the years 1973, 1974 and 1975 Scabby Gully Dam was overflowing and gauge board readings on these dates were 10.97 metres, 10.74 metres and 10.69 metres respectively.

(4) Scabby Gully Dam has adequate capacity to allow for the release of water downstream to Pemberton for several years whilst still being able to supply Manjimup in conjunction with the Phillips Creek Dam. The position in relation to growth in both centres is being kept under review. At present in a normal season there is no risk of a water shortage for Manjimup.

3. POLICE
Rape Cases

Mrs CRAIG, to the Minister for Police:

(1) According to the files of the Police Department how many rapes were alleged by victims to have taken place between 1st July, 1973 and 30th June, 1975?

(2) How many of these allegations were established by investigation to have been false beyond a reasonable doubt?

Mr O'CONNOR replied:

(1) 187.

(2) 14.

Circumstances of a further 20 reported offences of rape were found to constitute lesser offences, e.g., indecent dealing, unlawful carnal knowledge, indecent assault and attempt to stupefy with intent to commit rape.

In an additional 51 cases the available evidence was insufficient to establish any offence.

4. INDUSTRIAL DEVELOPMENT
Kwinana Beach Area: Land Acquisition

Mr TAYLOR, to the Minister for Industrial Development:

(1) Further to his answer to question 6 of Thursday, 4th September, wherein he advised that he would table a map of the Kwinana Beach area, has he yet tabled that map?

(2) If "No" when will it be tabled?

Mr MENSAROS replied:

(1) No.

(2) Yes, the plan is now ready and I seek leave to table it.

The plan was tabled (see paper No. 520).

5. USED CAR YARD
East Fremantle: Zoning

Mr TAYLOR, to the Minister for Local Government:

(1) Further to my question 7 of Thursday, 4th September regarding the apparent move to have a used car site established in Canning Highway, East Fremantle, has the question of zoning of these lots been raised with his department?

(2) If "Yes" what is the present situation?

(3) Has any appeal been lodged with him with respect to these lots?

(4) If "Yes" what is the present situation?

Mr RUSHTON replied:

(1) The rezoning of lots 183/184 Canning Highway from residential to commercial was gazetted on 13th September, 1974.

(2) See (1).

(3) There was an appeal to me as Minister for Urban Development and Town Planning against a condition imposed by the Town Planning Board on the amalgamation of these two lots. The condition related to a requirement to widen Canning Highway.

(4) I upheld the appeal in July, 1975.

6. SHOPPING CENTRES
Public Toilets

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

(1) Has any finality been reached regarding preparation of regulations for provision of public toilets in shopping centres?

(2) If not, what is the present position?

Mr O'NEIL replied:

(1) and (2) The Member is referred to the answer to question 7 on Thursday, 16th October, 1975.

7. ORELIA SCHOOL
Fire Damage

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

(1) With reference to fire damage at the Orelia Primary School and to his answers to question 10 of 29th October, when is it anticipated that all work will be completed?

(2) What has been the reason for the delay of some months in calling for tenders to make good the damage?

Mr GRAYDEN replied:

(1) Subject to a satisfactory tender being received, all work should be completed by the end of April, 1976.

(2) Delay has been occasioned by staff being involved in the completion of documentation for projects already in hand.

8. BEEKEEPERS

License Fees

Mr LAURANCE, to the Minister for Agriculture:

(1) What registration and license fees are payable by beekeepers?

(2) Are these fees still payable when bees are kept on pastoral properties where a pastoral rent is paid?

Mr OLD replied:

(1) Registration fee $1, renewable every five years.

Hive brand fee $1, payable at first registration only.

In addition a levy of 10 cents per hive for each five years period is payable for compensation purposes under the provisions of the Bee Industry Compensation Act.

(2) Yes.

9. PEACH TREES

Manjimup District

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

(1) Which varieties of canning-peach trees planted in the Manjimup district have shown indications of dying prematurely?

(2) What is the reason, or suspected reason for these trees falling?

(3) What research programme(s) have been initiated to eradicate the cause of the present tree failure?

(4) What trials to establish new varieties of peaches are being conducted, and with what varieties and in which areas?

Mr OLD replied:

(1) Keimoes, Kakamas, Professor Neethling, Oom Sarel, Izaac Malherbe.

(2) The reason is undetermined but suspected causes include a virus or virus-like organism, bacterial canker or adverse environment/management factors associated with wood rotting fungi.

(3) Experiments have been initiated at the Manjimup and Stoneville Research Stations to determine the involvement of (a) disease causing organisms, (b) environmental/management factors, in the decline problem.

(4) There is a continuing programme of introduction and assessment of peach varieties at the Stoneville Research Station and as the occasion requires selective field plantings have been made in south-west districts.

Tatura Dawn and a more recent introduction Tatura Noon are being considered as possible alternatives as an early maturing canning variety but plantings at present are limited to odd trees planted on growers' properties and at the Manjimup Research Station.

10. LOCAL AUTHORITIES ASSISTANCE FUND

Grants

Mr MOILER, to the Treasurer:

With reference to the Local Authorities Assistance Fund would he provide a list of local authorities which have received—

(a) formula grants;

(b) grants or loans because of special or demonstrated needs;

(c) grants to assist offset pensioner deferment of rates,

under the fund since its inception, also showing the amount in each case?

Sir CHARLES COURT replied:

The information requested by the Member is presented with a request for permission to table.

The information was tabled (see paper No. 521).

11. QUARRYING

Darling Escarpment: Policy

Mr BARNETT, to the Minister for Urban Development and Town Planning:

Further to questions on notice 25 and 45, asked on 2nd and 7th October respectively, what are the policies in regard to—

(a) the establishment and/or extension of quarries on the face of the Darling Scarp;

(b) the establishment of quarries out of sight in valleys behind the escarpment;

(c) the establishment of quarries in the Helena Valley?

Mr RUSHTON replied:

Insofar as the metropolitan region is concerned, the MRPA is generally opposed to quarries on the face of the Darling Scarp which would be visible from the coastal plain. Elsewhere within

the Darling Scarp, the MRPA considers each proposal on its merits having regard to environmental factors and other town planning considerations.

12. TRAFFIC

Fines and Infringement Notices

Mr J. T. TONKIN, to the Minister for Police:

In view of the article appearing in the *Daily News* of Wednesday, 29th October, that erring motorists swelled the State Treasury coffers to the tune of $1 454 665 last financial year and that these fines had resulted from 34 198 charges and that later figures showed that in the 12 months to the end of September country offenders had paid $343 975 and the metropolitan contribution was $1 548 604, would the Minister for Police advise—

(1) Is it correct that the combined figure for the metropolitan area and the country for the 12 months period ended September last was $1 892 579 (country $343 975 —metropolitan $1 548 604)?

(2) If the answer to (1) is "Yes" will the Minister confirm that this amount was the result of charges against erring motorists and not as a result of infringement notices?

(3) If the figures shown in (1) do not include penalties by way of infringement notices what then was the amount paid by "erring motorists" during the same period as a result of the issue of infringement notices?

Mr O'CONNOR replied:

(1) to (3) I refer the Member to the answer given to question 24 asked by the Member for Stirling in the Legislative Assembly sitting of Tuesday, 28th October, 1975 which was correct.

13. BALDIVIS SCHOOL

Repairs

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

(1) Is the Minister aware of reports in the *Sound Advertiser* of Wednesday, 29th October, and the Fremantle supplement of *The West Australian* of Thursday, 30th October, showing Baldivis Primary School to be in an extremely dilapidated condition?

(2) (a) Is the Minister aware that verandah floor boards are missing and/or rotting away;

(b) does the Minister know that several main supports of one of the two classrooms are more than half eaten through by white ants;

(c) is the Minister aware that balcony railings on the junior classroom are so rotten that they fall apart at a touch;

(d) does the Minister realise that these are but a few of the serious problems besetting children attending the school?

(3) Because of these facts and the fact that the population of Baldivis is increasing at a fairly rapid rate will the Minister provide funds to replace the unsatisfactory facilities that are there now?

Mr GRAYDEN replied:

(1) to (3) The Minister is aware of the condition of the school at Baldivis. A replacement school is to be undertaken when funds permit. The existing buildings are being maintained to ensure appropriate health and safety standards until such time as replacement can be implemented.

14. HOUSING

Solar Heaters

Mr BARNETT, to the Minister for Housing:

Further to his answer to my question 22 on Tuesday, 28th October relative to solar heating, would he please table a copy of the investigation that was carried out?

Mr P. V. JONES replied:

The investigations referred to are not documented in a single report appropriate for tabling. The subject of solar hot water systems is under continuous investigation, and the position is constantly updated by exchange of information, study of literature, and attendance at seminars.

At this stage, there are two aspects which are critical to acceptance by the State Housing Commission; these are—

(i) for family use, some booster device is necessary and the capital costs of installing a dual system are too high;

(ii) the maintenance problem of keeping the plates free of a dust film which affects the efficiency of the unit.

When the commission becomes aware of any improvement in present technology, which will provide adequate hot water service at reasonable capital cost,

the installation of solar hot water systems would be seriously considered.

In the meantime, the Member is invited to discuss with the Commission's General Manager and his officers, the various matters which have been elucidated during the Commission's investigations.

15. MENTAL HEALTH

Kareeba Nursing Home: Acquisition

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

Referring to question 42 of 20th August, 1975 regarding Kareeba nursing home—

(a) has any deposit been paid and if so how much and to whom;

(b) is it still expected occupancy will take place on 1st December, 1975;

(c) has the Australian Government been kept advised of the dispute surrounding the purchase of the home;

(d) if so, what has been their reaction?

Mr O'NEIL replied:

(a) All moneys have been paid.

(b) This matter is still the subject of negotiation.

(c) No.

(d) Answered by (c).

16. RED CROSS BLOOD TRANSFUSION SERVICE

Funding

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

(1) Is a new agreement being negotiated at the suggestion of the Australian Government regarding funding of the Australian Red Cross Blood Transfusion Service?

(2) How do any proposed arrangements differ from those existing at present?

(3) What saving, if any, will result to the Western Australian Government?

Mr O'NEIL replied:

(1) The Commonwealth has advised new arrangements relating to capital expenditure on Red Cross Blood Transfusion Service applicable from this financial year.

(2) Previously no capital grants were made by the Commonwealth Government and equipment costs were included as operating costs, which are financed 60% by the State, 35% Commonwealth and 5% Red Cross Society. As from 1975-76 the Prime Minister advised that the cost of capital expenditure would be shared on a $1 for $1 basis with the State, and items of equipment costing $1 000 or more would be considered as capital expenditure.

(3) The State has applied for half the cost (estimated at $400 000) of the additions to the Red Cross Blood Transfusion Service building in Wellington Street, and also half the cost of equipment estimated to cost $24 000, but the Australian Red Cross Society, Western Australian Division, has been advised that $12 000 is the maximum grant available to Western Australia this financial year.

The Federal Minister for Health advised the State Minister for Health on 23rd October, 1975, that $160 000 is the maximum available for all States in 1975-76.

It would appear, therefore, that the undertaking by the Prime Minister to share the cost of capital expenditure on a $1 for $1 basis cannot be implemented this financial year in respect of the building.

If this is so and the Commonwealth, in fact, makes available $12 000 towards the cost of equipment, the State would be better off to the extent of $3 600 in 1975-76.

17. MINING BILL

"A"-class Reserves: Security against Alienation

Mr A. R. TONKIN, to the Minister for Mines:

Further to page 0-22 of the Conservation Through Reserves Committee's 1974 report, where it is recommended that forest parks and fauna priority areas be accorded the same security against alienation as a Class "A" reserve under the Land Act, what consideration has been given to extending provisions of the Mining Bill applying to Class "A" reserves to such areas?

Mr MENSAROS replied:

The Conservation Through Reserves Committee's 1974 report is a recommendation only which is presently being studied but no decision has been made by the Government.

18. MINING

Drysdale River National Park

Mr A. R. TONKIN, to the Minister for Mines:

(1) Further to part (3) of question on notice 15 asked on 7th October, does the Minister mean that, although the Drysdale River area was considered to be an area whose preservation for wildlife and related reasons to be of prime importance by the EPA, the Government's Reserves Advisory Council and the Australian Academy of Science, and therefore deserving of Class "A" status, the mere declaration of the national park at Class "B" automatically proves that such aspects are not of prime importance?

(2) Under current mining legislation and proposed mining legislation now before this House, what reduced risk to prospectors is there in having this national park declared Class "B" as against its being Class "A" as recommended by several competent authorities?

Mr MENSAROS replied:

(1) No. The prime importance of any area can only be established on the basis of a thorough assessment of its total resources.

(2) Current mining legislation makes no specific reference to particular classes of reserve, whilst proposed legislation will be explained in the House when the Bill and amendments to it are further considered.

19. MINING

Drysdale River National Park

Mr A. R. TONKIN, to the Minister for Mines:

(1) Further to question on notice 11 asked on 28th November, 1974, is the Minister able to provide an explanation for the apparent inconsistency between his answer to part (5) and the answer given to question on notice 29 for 3rd September?

(2) (a) Further to question on notice 14 asked on 7th October, could a plan please be tabled showing the boundaries of the Drysdale River national park and the boundaries of TR 4692 and TR 4707;

(b) what are the following details for each of the above temporary reserves—

date of application;

date of creation of temporary reserve;

date of occupancy and terms of occupancy;

minerals concerned;

name of occupant;

date of cancellation?

Mr MENSAROS replied:

(1) There appears to be no apparent inconsistency.

In replying to question 29 on 3rd September, 1975, Mr Jones said, *inter alia*, that the Conservation Through Reserves Committee had recommended to the Environmental Protection Authority that a national park be created. No class was mentioned.

He continued by saying that the Environmental Protection Authority recommended to the Under-Secretary for Lands that a Class "A" national park be created.

In replying to question 11 on the 28th November, 1974, I referred to a recommendation by the Conservation Through Reserves Committee for a national park of Class "B".

The national park has been made Class "B".

(2) (a) Plan tabled subject to Mr Speaker's permission.

(b)—

Date of application, 4692H 22nd April, 1968; 4707H 22nd April, 1968;

Date of creation of temporary reserve, 4692H Warden reserved 22nd April, 1968, confirmed by Minister 13th September, 1968; 4707H refused 13th September, 1968;

4692H.

Date of occupancy and terms of occupancy, commencement date 13th September, 1968—see paper tabled;

Name of occupant, The Broken Hill Proprietary Company Limited;

Minerals concerned, nickel, copper, lead, zinc, uranium and vanadium;

Date of cancellation, 6th January, 1969.

The paper and plan were tabled (see paper No. 522.)

20. HAMERSLEY RANGE NATIONAL PARK, AND WILDLIFE SANCTUARIES

Classifications

Mr A. R. TONKIN, to the Minister for Lands:

(1) What is the rationale for the Hamersley Range national park being declared a Class "A" reserve rather than Class "B" or "C"?

(2) What is the rationale for the Barrow Island wildlife sanctuary being declared a Class "A" reserve for the preservation of flora and fauna, rather than Class "B" or "C"?

(3) What is the rationale for the Bernier and Doore Islands wildlife sanctuary being declared a Class "A" reserve for the conservation of flora and fauna rather than Class "B" or "C"?

(4) What is the rationale for reserve 30885 at Hamelin Pool for the protection of sedimentary deposits being declared Class "A" rather than Class "B" or "C"?

Mr O'Neil (for Mr RIDGE) replied:

In the four parts to the question the permanent jurisdiction of Parliament was considered desirable to afford necessary protection from alternative usages in circumstances as follows—

(1) A recommendation for the creation of a Class "A" Reserve vested in the National Parks Board was made by the Western Australian Sub-committee of the Australian Academy of Science Committee on National Parks. Both the National Parks Board and the Reserves Advisory Council (advising the Minister for Lands) were in accord and the Minister so approved on 28th May, 1969. His Excellency the Governor's approval was given on 22nd October, 1969 and a proclamation made on the same date.

The reservation included a complete section through the Hamersley Range, a number of magnificent mountain peaks and gorges, varied and interesting mammals, bats and reptiles and avifauna of great interest. The area was considered to have potential for tourism also.

(2) On 23rd December, 1909, the Colonial Secretary, following a deputation from the Natural History Society, requested a Class "A" reserve classification for Barrow Island. It was considered the island possessed unique species of flora and fauna demanding protection "for all time by creating it a permanent reserve". Executive Council approval was given under the Permanent Reserves Act, 1899, on 9th February, 1910.

(3) In 1957 a request was received from the Chief Warden of Fauna for a Class "A" classification of these islands following a meeting of the Fauna Protection Advisory Committee. Both islands had been proclaimed under the Game Act as reserves to afford protection to rare marsupial fauna and were being sought for pastoral usage.

The Lands Department concurred in the need for a permanent protection by Parliament and the reserve was proclaimed on 21st November, 1957.

(4) Conservation of these sedimentary deposits was recommended in strong terms by the Geology Department of the W.A. University and the W.A. Museum professional staff. The deposits are considered unique and scientifically important by world standards. One deposit was mentioned as possessing tourist attraction. Class "A" status was conferred by proclamation on 12th May, 1971.

21. WOOD CHIPPING INDUSTRY

Environmental Protection Report

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

(1) Will he table the second interim report of the EPA on the marri wood-chip project?

(2) What was the date of its original publication?

(3) Was it ever corrected in any way?

(4) If so, on what date and will he table the correction?

Mr P. V. JONES replied:

(1) Yes. This report was originally tabled on Tuesday, 7th October, 1975.

(2) September, 1975.

(3) Yes. A minor editorial correction.

(4) The 8th September, 1975. The report tabled herewith is the corrected version.

The report was tabled (see paper No. 523.)

QUESTIONS (4): WITHOUT NOTICE

1. KWINANA POWER STATION

Conversion to Coal: Funds

Mr J. T. TONKIN, to the Premier:

(1) In view of the Government's decision to have work commenced immediately on the conversion of

the two biggest generating units at the Kwinana power station to use coal as well as oil, will he state—

(a) what amount of money will be required this financial year; and

(b) from what source he expects to obtain the money?

(2) Will he explain how it has suddenly become possible for the Government to commit itself to an expenditure of $24 million for the conversion work when he has been asserting all along that he has been unable to provide $3.5 million for necessary sewerage work which would keep 300 workers in employment and avoid the serious dislocation to water supplies with resultant problems likely to occur from a stoppage of work?

Sir CHARLES COURT replied:

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

(1) (a) $500 000.

(b) The deferment of work referred to in part (2) of the answer below.

(2) In order to make funds available for the conversion for the Kwinana units it has been necessary to defer for one year the No. 5 and 6 units now under contract for installation at Muja. Certain associated transmission works are also to be deferred.

I think this was included in the Government's statement last night after Cabinet. Continuing—

The result of the deferment coupled with the proposed Kwinana conversion project is an overall small reduction in total capital expenditure over the next four financial years. In the present difficult financial year 1975-76 there has already been a reduction of $5 million effected in the deferment of works which would otherwise have been carried out at this time.

Although the Muja units are to be deferred, it is proposed that some preliminary construction works should continue in order to assist in maintaining activity in the construction industry.

2. TOWN PLANNING

Canning: Amendment of Scheme

Mr BATEMAN, to the Minister for Urban Development and Town Planning:

Will he advise the House why it was necessary to give the Town of Canning less than four days' notice to convene a special meeting in order to pass a special resolution in accordance with the Town Planning and Development Act of 1928 to amend the town planning scheme—Town of Canning Town Planning Scheme No. 16 Zoning Scheme—so that a timetable for the benefit of the Swan Brewery could be complied with? The final meeting in regard to the timetable will be held on the 21st January, 1976, when the board will report to the Minister for Urban Development and Town Planning for final approval to the amendment, with the final approval being published in the *Government Gazette* on the 23rd January, 1976.

Mr RUSHTON replied:

I thank the member for Canning for adequate notice of this question without notice. The answer is—

The co-operation of the Town of Canning was sought in order that town planning scheme No. 16 could be amended to conform with the metropolitan region scheme in so far as the land within the proposed Canning Vale industrial estate is concerned. The relevant amendment to the metropolitan region scheme has been given effect to and this procedure included a three-month objection period.

3. TOWN PLANNING

Swan Brewery Project: Canning Vale

Mr BATEMAN, to the Minister for Urban Development and Town Planning:

Is he aware that the Town of Canning has not been advised how the proposed brewery to be built at Canning Vale will dispose of its effluent? If he is, will he advise the House and the council immediately?

Mr RUSHTON replied:

The answer to the honourable member's question without notice, of which I have had adequate notice, is "No".

4. PIONEER QUARRY
Test Blast

Mr BARNETT, to the Minister for Local Government:

(1) Further to questions on the proposed reopening of Nettleton Road quarry by Pioneer, is it a fact that a test blast will take place on Wednesday, the 5th November?

(2) If so, at what time will it take place?

(3) In view of the fact that the blast will surely be one of the most carefully prepared explosions of all time, what purpose will be served by it?

Mr RUSHTON replied:

(1) to (3) In answering the question without notice asked by the member for Rockingham, I trust that by now he would have had an invitation to attend the experimental blast which is to take place at 4.00 p.m. tomorrow. The blast is to be carefully monitored by officers of the Mines Department, the Department of Conservation and Environment, and the Public Health Department. The idea is to have a simulated blast which can be assessed by scientific means to assist me in my determination on the appeal in relation to the development of the quarry in question.

MEAT INDUSTRY

Inquiry by Select Committee: Extension of Time

MR CRANE (Moore) [5.00 p.m.]: I move—

That the time for submitting the report of the Select Committee be extended for a further six weeks, the date being the 16th December, 1975.

Question put and passed.

PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [5.01 p.m.]: I move—

That the Bill be now read a second time.

This is the second of the measures to which I referred when introducing the Budget. It has two purposes, which are—

to replace the existing general exemption with a system of tapered deductions; and

to prevent avoidance of tax by the use of multiple registrations.

When the Commonwealth Government administered pay-roll tax, the general exemption was raised to $20 800 in September, 1957, and this figure was adopted by the States in their uniform law when they took over this tax in September, 1971. It has remained at that figure ever since and still applies today.

Pay-roll tax is currently levied on the total taxable annual wages paid at a rate of 5 per cent.

Currently all employers whose annual wage bill exceeds $20 800 are allowed to deduct that sum and pay-roll tax is payable on the balance. Where annual pay-rolls do not exceed $20 800, no tax is payable.

The majority of taxpayers pay the tax in monthly instalments under a return system. The others pay on a quarterly, half-yearly, or annual basis as approved by the commissioner. These are those employers with the smaller pay-rolls.

Provision exists in the law for the commissioner to make adjustments either by additional assessment or refund after the conclusion of a financial year.

Since the takeover of pay-roll tax by the States, there have been consistent requests for an increase in the general exemption of $20 800.

In the past, all State Governments, for financial reasons, have resisted any change in the uniform legislation, but the rapid wage inflation in recent years has brought renewed and persistent demands, particularly from the small business sector, which is encountering severe financial difficulties.

As a result of these Australia-wide urgent representations, the State Premiers commissioned their Treasury and taxation officials to examine the problems of the general exemption. They were asked to make recommendations for changes which could be prudently made with regard to the financial difficulties faced by the States.

Arising from these recommendations, the majority of States agreed to replace the general exemption with a uniform system of tapered deduction to operate on and from the 1st January, 1976. Queensland then decided it was able to go a little further and, as far as I am aware, Victoria has not yet finalised its decision.

Under the new system, all annual pay-rolls of $41 600 or less will not be liable for the payment of any pay-roll tax. This is double the existing level of $20 800.

For annual pay-rolls of more than $41 600, the deduction will reduce by $2 for every $3 that the annual pay-roll exceeds $41 600. This means that the deduction will phase out at $104 000 and annual pay-rolls above this amount will receive no deduction.

Calculations will show that compared with the present situation, all employers with annual pay-rolls below $72 800 will either pay no tax or a reduced amount.

Those with pay-rolls in excess of this sum will pay more. However, the maximum increase in tax in those cases will

be $1 040 per annum and this burden will be substantially reduced as pay-roll tax is a deduction for income tax purposes.

In this State there are approximately 7 000 pay-roll taxpayers. Of these, about half will either pay no tax or a reduced amount.

Of the remainder, almost 2 500 will receive no deduction and, therefore, pay on the total pay-roll.

The introduction of the proposed system in Western Australia will, therefore, achieve its objective of granting a measure of relief to the small businessman.

The Bill now before members contains provisions to give effect to the deduction system I have described on and from the 1st January, 1976.

In addition, there are provisions which will allow pay-roll tax to continue to operate on a monthly return system with an annual adjustment, where necessary.

The Bill also contains provisions to deal with the transition from one system to another half way through the year.

There are also proposed amendments in the Bill to provide for the operation of the new system in respect of taxpayers who have employees both in this and one or more of the other States or territories.

The remainder of the Bill deals with the problem of multiple registrations which, as I mentioned earlier, is the second reason for its introduction. For some time this problem has been under examination in all States.

Under the provisions of the existing law, it is possible for a large variety of arrangements to be made which have the effect of enabling a concern to obtain a number of employer registrations for pay-roll tax and, therefore, qualify for an equal number of deductions.

This has the result of, instead of qualifying for one deduction of $20 800, as currently provided, the concern qualifying for a number of these deductions and so pay-roll tax is avoided to this extent.

The most common methods in vogue are the use of related companies, partnerships, trusts, and service contracts.

Related companies are those which have common direction or control or are grouped in a common enterprise such as a holding company and its subsidiaries. In these circumstances each of the companies registers as a separate employer and submits separate returns, each claiming the full general exemption.

In the case of partnerships, each partner may separately employ individuals employed in partnership business and so gain a number of registrations.

Another method is to create a series of trusts each of which is employing a number of individuals engaged in a common enterprise and thus gain a number of registrations with a corresponding number of exemptions.

In some cases the owners of a business employ persons to supply specific services, which, when taken together, enable the business as a whole to perform its functions. Each of the owners thereby then gains a separate registration.

Because a blatant case came to light in Victoria which was costing that State a little less than $1 million in pay-roll tax per annum in that instance alone, the Victorian Government has already legislated to prevent avoidance by the means previously described.

The problem of multiple registration has been under examination by State taxation officials for some time and recently was one of the subjects of a drafting conference between a number of the States which our Parliamentary Counsel attended.

This conference has produced a uniform draft which has been adapted to suit Western Australia and the provisions appear in the Bill now before members.

In essence, the scheme contained in the Bill groups together as one entity for pay-roll tax purposes, certain employers and allows only one deduction for the group where the aggregated annual pay-rolls of the members of that group qualify for a deduction.

In summary, the types subject to grouping are—

related corporations;
partnerships with common ownership;
trusts with common beneficiaries;
businesses with common control; and
where employees are used in other businesses.

Because there is a wide variety of combinations which may be employed to avoid pay-roll tax, the legislation is, of necessity, complex and extensive.

Each of the foregoing types of employers is defined and tests for grouping appear in the proposed sections.

There may be cases where, following an examination, an employer would be technically included in a group, but the business conducted by such employer is carried on completely separately from the group and is in no way connected with it except that an owner has a connection in other ways.

The Bill provides that, in these circumstances, the commissioner is to have discretion to exempt the employer from the grouping provisions.

This proposal is to avoid the unintentional grouping of completely independent businesses.

I should add here that it is not usual to provide this type of discretionary power to a commissioner, but after consultation with the other States and with me, the commissioner suggested, and I agreed, that there should be this discretionary power because, with the complexity of this legislation, there will be cases where, technically, a company or companies could get

caught up in the group provisions but, in fact, be bona fide separate businesses never intended to be caught up in this machinery dealing with multiple operations.

The Bill contains a provision under which, where businesses have been grouped together, only one deduction may be claimed and it is to be granted to a nominated employer in that group.

So far as the commissioner is aware, currently in Western Australia we have only relatively few cases of avoidance which will need to be corrected by grouping.

However, we have been informed that the practice was becoming widespread in the major States and recent evidence indicates its being actively canvassed in this State.

Under the proposed deduction system, the tax saving by use of multiple registration devices could be twice as great as under the existing system of general exemption.

On the advice of the commissioner it was felt that now was the hour to introduce this provision in our legislation before evasion became rampant and thereby make it much more difficult to deal with, especially as we are doubling the basic exemption and making it much more attractive for this type of multiple operation.

If it is allowed to continue and grow, it will not only lead to a serious reduction in revenue, which may result in increases in the rate, but will also produce numerous inequities.

For the reasons I have given, the Government has agreed to the proposals recommended by States' conferences.

As a result of the introduction of the grouping provisions in the Bill, it also contains a number of consequential amendments to various sections.

These grouping provisions are to operate on and from the 1st January, 1976. This gives reasonable notice of the Government's intention.

This concludes my survey of the legislation now before the House.

It is introduced in conformity with the announcements made when submitting the Budget and I commend the Bill to the House.

Debate adjourned, on motion by Mr J. T. Tonkin (Leader of the Opposition).

FINANCE BROKERS CONTROL BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [5.13 p.m.]: Before proceeding with the notes on this Bill, I want to indicate to the House that a Bill to provide for the regulation of finance brokers was introduced on the 29th April, 1975. That Bill was purposely allowed to remain on the notice paper until interested parties had an opportunity to examine it and make recommendations as to desirable amendments.

The Minister for Justice was in receipt of a considerable number of amendments which I think would have taken up six pages of our notice paper, and consideration was also given to amendments previously placed on the notice paper by the member for Mt. Hawthorn.

The Bill has been redrawn and has included those amendments which the Government found acceptable. This Bill has a slightly different title in order that we do not strike the difficulty of having two Bills before the House dealing with the same subject, despite the fact that no decision has been made on the previous measure. With that brief explanation, Mr Speaker, I move—

> That the Bill be now read a second time.

The Bill provides for the statutory control of finance brokers; that is, those who, as agents, in the course of business negotiate loans on behalf of others.

At present, finance brokers are not subject to any specific statutory control. Thus, even though they handle other people's money, they are not required by Statute to maintain a trust account or to have their accounts audited. They are not required to have sufficient financial resources to maintain a stable business nor are they required to lodge a fidelity bond. They are not required to be of good character nor, even though they hold themselves out as having certain expertise, are they required to understand the business of finance broking.

The need for legislation is emphasised by the conviction recently of a mortgage broker. He had misappropriated more than $170 000 in a number of dishonest dealings, leaving nine of his clients with little chance of getting their money back.

This Bill is designed to remedy this sort of situation. Subject to certain exceptions, which I shall mention later, finance brokers will no longer be permitted to carry on business as such unless they are licensed under this legislation. A license may be held by a natural person, a firm, or a body corporate. Applications for licenses are to be made to the finance brokers supervisory board, which is to be set up under this legislation. Any person aggrieved by a decision of the board has a right to appeal to the District Court.

An applicant for a license will be required to lodge with the board a bond from an insurance company or other approved surety, or a guarantee from a bank or other approved guarantor. The amount of the bond or guarantee in the case of each broker will be fixed by the board. The bond or guarantee must be conditional on the licensee duly accounting for money coming into his hands and complying with obligations imposed on him in relation to

that money. The Government decided to require a bond or guarantee rather than establish a fidelity guarantee fund, because a fidelity guarantee fund, would take time to build up to a satisfactory level.

The Bill also provides that finance brokers must maintain trust accounts into which they must pay all money received by them as brokers and that such trust accounts must be audited by an approved auditor. The board is given power to cause a trust account of a finance broker to be audited whenever it considers it is in the public interest to do so.

In 1973 the Law Reform Commission, during the course of its study of the Land Agents Act, drew the attention of the then Attorney-General to problems in the area of mortgage broking. As a result, the commission was requested by the Attorney-General to consider and report on the question whether legislation should be enacted to control the activities of mortgage brokers. The commission submitted a report to the Minister for Justice in September, 1974, recommending that finance brokers be controlled by Statute and detailing the form such controls should take.

The commission considered that statutory control should not be limited to persons arranging loans on the security of mortgages over land. It pointed out that mortgage brokers do not always confine their activities to arranging secured loans and that, in any case, the risk of defalcation by a broker exists whether or not the lender intended that the loan be secured. In the commission's view the only categories of brokers who should be exempt from statutory control are those where safeguards against defalcation are already adequate. This Bill broadly follows the recommendations of the commission, although there are some differences.

The Government considers there is an urgent need for legislation and, accordingly, has brought this Bill before Parliament as soon at it was possible to do so. The Bill provides for the Minister to fix an appointed day after which a finance broker shall not carry on business as such unless he is licensed. However, the Bill also provides for the control of finance brokers in the transitional period before the appointed day. During this transitional period all the provisions of the legislation that are in force will apply to finance brokers. By this means the Government will be able to proclaim certain provisions to apply during the period; for example, the requirements for the maintaining and auditing of trust accounts.

The following persons or classes of persons are excepted from the definition of "finance broker" in and for the purpose of the Act—

(a) banks and insurance companies;

(b) certain pastoral companies;

(c) building and friendly societies;

(d) stockbrokers who are members of an approved stock exchange within the meaning of the Securities Industry Act, 1970, when dealing in securities within the meaning of that Act;

(e) trustee companies authorised to act as executor or administrator pursuant to Statute;

(f) certificated legal practitioners when acting incidentally to the practice of their profession as such; and

(g) a person who, in association with a bona fide business of supplying goods or services carried on by him, acts as an agent to negotiate or arrange loans for persons who deal with him in the ordinary course of that business.

The Government considers that persons dealing with members of the above categories are already adequately protected. The Bill also empowers the Government to except any other person or class of persons from the definition of "finance broker" in and for the purposes of the Act if it considers adequate protection against defalcation already exists.

The Government does not consider that accountants who engage in finance broker activities should be excepted from the definition of "finance broker" in the Act. Although most accountants are members of private professional associations, they are not subject to statutory controls with respect to trust accounts or audit, nor are they required to contribute to a fidelity guarantee fund.

There is doubt whether the provisions of the Land Agents Act extend to a land agent acting in the capacity of a mortgage broker. The Government therefore considers that a land agent should be required to obtain a finance broker's license before he can act as such a broker. I think this would be in accordance with the views of most land agents who would generally regard the activities of mortgage brokers as separate from those of land agents.

The finance brokers supervisory board will consist of five members—one will be appointed as chairman; one must be a person experienced in commercial practice; one must be a legal practitioner; and two must be licensed finance brokers elected by the body of licensed finance brokers.

The board will be assisted in the carrying out of its functions by a registrar and inspectors appointed under the Public Service Act. The registrar and inspectors will have the power to aid the board in matters of inquiry.

At this stage I should point out that it will be open to the Government, in order to save expense, to combine the activities of this board with other similar boards, in the sense that members and officers

could be appointed to more than one board, and common registration facilities utilised.

The board has the power to cancel or suspend a finance broker's license and may also fine or caution a licensee. For these general purposes the board has the power to hold an inquiry, to summons witnesses, and administer oaths. The board is required to fix the maximum amount of remuneration for services rendered by licensees. One interesting feature is that a license, once granted, is not subject to annual renewal. All that is required is an application for an annual certificate. The board is given the right to attach such conditions as it thinks fit to annual certificates.

One further point should be mentioned. The Bill contains provisions controlling the contents of a finance broker's advertisement. In particular it regulates statements about interest rates. An advertisement published by a finance broker must not mention an interest rate in respect of loans unless it is mentioned in respect of specific amounts, and includes the percentage rate of interest calculated in accordance with the formula set out in the schedule to the Bill.

These are the main provisions of the Bill which I think should be drawn to the attention of members. I commend it to the House.

Mr Jamieson: I think that is enough to frighten Khemlani away from this State.

Debate adjourned, on motion by Mr Moiler.

MAIN ROADS ACT AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

PUBLIC AREAS (USE OF VEHICLES) BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [5.26 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the first real attempt by a Government in this State to control the irresponsible use of off-road vehicles.

For some time in Western Australia the public, municipal authorities, and some Government departments have complained at the lack of control over the use of vehicles generally, and particular types of vehicles such as trail bikes and beach buggies on both public and private land.

Every member in this House would probably have received at least one complaint from a constituent relating to the irresponsible use of vehicles and this Bill contains provisions aimed at reducing the nuisance and damage to the environment that has been occurring of late.

It has been obvious to the Government that there is also need to provide some areas of freedom for a legitimate and good recreational activity.

Many people have bought or made off-road recreational vehicles for their own personal and family use. Clubs have been established with appropriate rules, and codes of behaviour have been laid down.

So it can be seen that there are in fact two sides to this coin—the rightful objections of propery owners and environmentalists to the nuisance and damage that may arise from the irresponsible use of these vehicles, and also the need to provide for an extremely popular recreational activity to which our State is not unsuited.

With this in mind the drafting and negotiations associated with this Bill have been handled mainly by the Minister for Recreation with the assistance of the Ministers for Local Government, Conservation and the Environment, and Police and Traffic.

As the Premier stated recently, it is the Government's intention to allow adequate public debate on the provisions of the Bill before it becomes law. Considerable difficulties have had to be overcome in the drafting of the legislation and it has taken a good deal longer than was at first anticipated when the matter was raised with the previous Government in 1973.

I now propose to be a little more specific by dealing with the main purpose of the Bill. As indicated in the title of the Bill, its main purpose is to regulate the use of vehicles in places other than on roads, and to provide for areas where the use of certain vehicles shall be prohibited.

This, in effect, means that as the Bill is drafted it automatically provides for areas where such vehicles can be used, these being all areas not prohibited under the provisions of this legislation.

The Bill contains machinery whereby the Governor or a municipal authority may take action to have a specified public area gazetted as an area in which certain vehicles shall be prohibited. It also provides that private land may be classed as a public area for the purpose of this legislation.

Mr Jamieson: That does not go far enough. Most of the problems are associated with private owners who will not agree to do anything with their land.

Mr O'CONNOR: Of course, it is our intention to allow this Bill to lie on the Table of the House so that arguments can be brought forward. The Deputy Leader of the Opposition is aware of the difficulties in connection with this legislation because it was considered during his time in Government. I have already made that explanation during the course of my remarks.

As far as the vehicles themselves are concerned the Bill provides that any vehicles being used in or in connection with primary production—licensed professional fishing, forestry operations, and cultivation—licensed mineral exploration by a person who is a bona fide prospector, construction or maintenance, the conveyance of an incapacitated person, or for the purposes connected with the prevention and extinguishing of fires, is exempt from the provisions of the legislation.

The proposed legislation will not apply to the use of vehicles in a public area by local authorities or the Crown.

There is provision for the Road Traffic Authority to maintain a register of the particulars of the registration of vehicles and renewals and transfers thereof affected under this Act.

The Bill provides that a person shall not drive or use those vehicles to which this Act applies in a public area unless the vehicle is registered under this Act or licensed under the Road Traffic Act, 1974.

It is also provided that a vehicle shall not be registered in the name of a person under the age of 18 years.

The Bill also contains provisions relating to the issue of number plates and the safety aspects of the vehicles involved.

With regard to the policing of the various provisions contained in this Bill, I would point out that certain sections of the Road Traffic Act, 1974, are to apply for the purposes of this legislation; and also any officer of the council of a municipality may be authorised by that council to carry out such other duties of a patrolman under the Road Traffic Act, 1974, as may be prescribed and may so act within the district of the particular municipality.

Mr H. D. Evans: Have you set the license fees for these vehicles? Will they be similar to the license fees for ordinary motor vehicles?

Mr O'CONNOR: No, these vehicles will attract only a fairly small fee, because they do not use the roads.

Mr H. D. Evans: Are the fees included in this legislation?

Mr O'CONNOR: They will be.

The Bill contains a clause relating to the burden of proof which is designed to make a prosecution more feasible by deeming certain elements of complaint to be proved in the absence of proof to the contrary.

Any person who contravenes the provisions of the proposed legislation will be liable to a penalty not exceeding $200, and provision is included for the making of regulations necessary to give effect to the provisions and the due administration of the legislation.

It should be noted that such regulations may also impose penalties not exceeding $100 for any contravention thereof.

All in all the Bill as introduced is designed as minimal legislation. The problem must be tackled somewhere and although the Government is not in favour of piecemeal approaches, it is thought that further modifications may be necessary in the fullness of time.

To a great extent this is pioneering legislation. It is hoped that the burden of opprobrium might be lifted from the properly-behaved users of off-road recreational vehicles.

It is proper that certain notable omissions from the legislation should be mentioned.

No effective method has been found to include third party insurance despite detailed examination by the Government over an extended period. It will therefore be wise for any owner to insure himself privately.

There is no licensing provision for drivers. It therefore follows that people of any age can control a "vehicle" as referred to in this legislation.

Whilst the minimum age for registration is 18 years there is no specific age limitation for control, riding, or driving.

Starting with the committee set up by the Hon. T. D. Evans, MLA, in 1973, many hours of discussion have gone into this piece of legislation.

In many cases a choice has had to be made between alternatives. All such choices have been carefully canvassed and this Bill is the result.

I believe the proposals outlined will go a long way towards resolving the problems caused by off-road vehicles currently confronting private individuals and local authorities all over the State.

In the hope that it will receive careful and sensible consideration I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Rushton (Minister for Urban Development and Town Planning) in charge of the Bill.

The amendment made by the Council was as follows—

Clause 5, page 3, lines 1 to 30—Delete all words in clause 5 and substitute the following—

The principal Act is amended by adding after section 33 a section as follows—

Validation.

33A. (1) The Scheme, or any amendment to the Scheme made before the coming into operation of the Metropolitan Region Town Planning Scheme Act Amendment Act, 1975 or any act or thing done pursuant to the Scheme or such an amendment to the Scheme shall not be regarded as invalid by reason only of one or more of the following reasons, namely—

(a) that, in the notice of the Scheme or that amendment to the Scheme, as the case may be, the period prescribed for the making of objections was less than the proper period;

(b) that the Authority did not accept for consideration an objection to the Scheme or that amendment to the Scheme, as the case may be, being an objection that was made within the proper period but was not made within the period prescribed for the making of objections in the notice of the Scheme or that amendment;

(c) that a form for making objections to the Scheme or any amendment to the Scheme was not prescribed.

(2) In this section—

"notice", in relation to the Scheme or an amendment to the Scheme, means the notice published pursuant to paragraph (c) of section thirty-one of this Act in respect of the Scheme or that amendment, as the case may be;

"proper period", in relation to the Scheme or an amendment to the Scheme, means the period of three months from the date the notice of the Scheme or that amendment, as the case may be, was first published in the *Gazette*.

Mr RUSHTON: I move—

That the amendment made by the Council be agreed to.

This minor amendment was agreed to in another place because of a difficulty which arose when we gave effect to a request made by the member for Cockburn in this Chamber. The amendment is simply to tidy up a provision already contained in the Bill.

Mr DAVIES: We have heard the Minister's explanation of this amendment. Unfortunately, the member for Cockburn is not in the State at present, and therefore he is unable to express satisfaction or dissatisfaction with it. However, it appears to be simply a tidying up of a matter that was brought to the Minister's notice, as he said.

We would like to express a little concern at the number of town planning measures which are returned to this Chamber with amendments, either because of remarks in this place or as a result of some investigation in another place. This present measure seems to be keeping up the record.

Mr Nanovich: Making progress!

Mr O'Neil: It shows how valuable the Council is.

Mr DAVIES: On several occasions the Bills could have been amended here, but the Government required a little time to investigate certain matters, and an undertaking was given that the measures would be amended in the Council. I suppose this is something to be thankful for. We have heard the famous phrase, "Thank God for the Legislative Council", used many times by Ministers of different political colours over the years. In my opinion this is not so, although I must be careful or the Chairman may say I am reflecting on it.

The CHAIRMAN: That is right.

Mr DAVIES: I would hate him to think that. We have no objection to the amendment.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Second Reading: Budget Debate

Debate resumed from the 30th October.

MR SODEMAN (Pilbara) [5.38 p.m.]: While speaking in support of the Bill currently before the House, I take the opportunity to highlight certain urgent requirements within the Pilbara electorate, and other matters affecting its well-being and continued development.

Firstly, I would like to talk about some of the State Government's achievements, and I am referring to the achievements of this particular Liberal State Government.

Mr Carr: That won't take long!

Mr SODEMAN: In deference to my learned friend's interjection, I will endeavour to precis the achievements of this Government so that I will have sufficient time to talk about other matters also.

The first matter I would like to mention is the reduction of the rents of the State Housing Commission homes in northern areas by 17½ per cent. This is the first time in the history of the State that such a move has been made.

Mr Jamieson: That is after putting them up, of course.

Mr SODEMAN: I believe the honourable member will agree that with inflation running at 20 per cent, any reduction in anything is remarkable. I do not think he should knock it. Charges for water and electricity in northern areas are now comparable with those in the metropolitan area. Except in towns such as Onslow, Roebourne, and Wittenoom, our education facilities are second to none in Australia. We do have a minor problem in regard to teacher housing but as with many minor problems, this is receiving attention at the moment, and it will not be long before we have a near perfect education system.

Mr Davies: You should have commenced your comments with, "Once upon a time."

Mr Bryce: The teachers of Roebourne do not think so. What about air-conditioning?

Mr SODEMAN: I did mention Roebourne as an area which still needs attention. However, these problems in the field of education will be overcome in the next 18 months. Two or three years ago we were battling to get a teacher to stay in the Pilbara for six months. Now queues of teachers are lining up to come to towns in my electorate. So I believe the member for Ascot should return to what he was doing, and mind his own business.

Mr Bryce: Is that because of the Liberal Government, or because of the surplus of teachers? You twit!

Mr O'Neil: That is really nice!

The SPEAKER: Order!

Mr SODEMAN: It is amazing, is it not?

Mr Bryce: Why don't you do your homework? There is a great surplus of teachers.

Mr SODEMAN: South Hedland has its problems in regard to housing development and commercial development. I am rather pleased to say that the existing adaptation of the Radburn concept is now being modified. The design of State Housing Commission homes is being completely reappraised, and a more flexible approach to commercial land tenure has been embarked upon in order to encourage private developers to participate. The organisation of the town centre is under way, and discussions have taken place with possible developers. Development has been sadly lacking in this area, and perhaps the member for Ascot would like to interject now to tell me where I am going wrong, and in what area I have not done my homework.

Mr Barnett: Standing on your feet—that is where you have gone wrong.

Mr SODEMAN: I will tell the honourable member how this Government has made progress. I notice he is silent.

Mr Bryce: The member for Ascot is doing his reading.

Mr SODEMAN: One-third of the road finance for the State is to be spent in the north this financial year, and 75 per cent of the national road funds will be spent also in the north of the State.

Medical facilities and services in the Port Hedland, South Hedland, and Karratha areas have been a cause of concern up to this point of time. However, the problems have been identified now; the Minister has travelled throughout the area and he has undertaken to rectify the immediate deficiencies as quickly as possible. He has advised the residents that planning is under way for an additional ward at the Port Hedland Hospital. Requests for basic equipment by local doctors have been agreed to, and X-ray, blood donor and physiotherapy facilities will be upgraded. Also the need for additional doctors and itinerant specialists is being met currently. It is this Government's intention to foster private enterprise in regard to the practice of medicine in the areas I have mentioned. The Minister has undertaken to see that two private practices are established in the Cooke Point area at Port Hedland, as well as two in South Hedland. This will take a tremendous burden off the outpatient department of the Port Hedland Hospital.

As well as this, the Medical Department has given a very high priority to the development of a community health centre at South Hedland. Plans have already been drawn up for a medical centre at Karratha, which will include such facilities as out-patient reception area, three consultation rooms for doctors, X-ray facilities, and a casualty operating theatre. The honourable member who commented

a moment ago that it would not take long to list the achievements of this State Government will be interested to know that I am not even part of the way through.

Mr Jamieson: You would be looking silly without the Commonwealth funding.

Mr SODEMAN: The SEC takeover at Wittenoom had nothing to do with Commonwealth funding. In actual fact, the money was provided from loan funds through the local shire, and, in co-operation with the local authority, the Government has taken over control of power at Wittenoom. Instead of paying 11c per unit, those people now are experiencing a rate of 4.5c per unit, like others in the area. For the first time they can afford refrigerated air-conditioning which in itself is an achievement worthy of note.

Another benefit to be provided under the 1975-76 State Budget relates to pensioners living in the north-west. Eligible aged pensioners will be granted one free return trip a year from the north-west to the metropolitan area. Again, I do not seem to hear very much noise from the member for Ascot.

Mr Skidmore: You asked him to be quiet.

Mr SODEMAN: It will be granted to eligible aged pensioners who qualify for fringe benefits from the Department of Social Security and who have resided north of the 26th parallel for at least two years; the scheme will commence in the beginning of 1976.

The Government also has undertaken to provide a living-away-from-home allowance for students in remote areas. An amount of $150 a year is to be provided which, when added to the $350 already supplied by the Federal Government, will provide students in the area with a minimum of $500. Of course, if they qualify for other stagings of students' allowances they could receive in excess of $1 000, although I should add that not many people would qualify for such a subsidy.

Another benefit included in the Budget is only small in nature but means a lot to the people of the Pilbara. I refer to the subsidy scheme under which the Government will increase assistance provided to local authorities for the capital and operating costs of their swimming pools. In the case of pools north of the 26th parallel, the maximum subsidy is to be increased by $10 000 to an amount of $35 000. A number of other items fall into this category, but I do not intend to mention them all during this speech.

I should like to move on now to what I class as urgent northern requirements. One of the most important, of course, is continuing action towards achieving basic services-cost parity. Members representing the north have undertaken to work constructively towards reducing water costs, electricity charges and other basic service costs to the level of charges operating in the metropolitan area. This Government has made tremendous inroads towards achieving that objective.

The north badly needs houses in the open towns. Unfortunately, private enterprise and service industry operators wishing to move into the area find that capital establishment and overhead costs are prohibitive; one of the principal costs in this respect, of course, is in the provision of housing. The Minister for Housing has made representations to the Federal Government for additional funds but unfortunately the Federal Government has not seen fit to make them available. Therefore, the State Government is limited in the number of houses it is able to build in country areas, particularly in the north of the State.

We need to maintain the high priority which has been established in improving medical services and facilities. The necessity for parents and children to travel to Perth is both a disruption and an expense. It also involves an expense to the Government and we intend to establish the facilities in the area in an endeavour to keep people at home and to ensure that children do not have to leave their families.

We badly need further programmed development in order to achieve balanced communities complete with stable service industries and alternative retail outlets. In my assessment, this Government's performance, having completed just over half its present term is far better than one would have expected, having in mind the present economic circumstances, with inflation running at an average of about 20 per cent. Of course, inflation is lower in some areas and substantially higher in others; one of the areas where inflation is in excess of 20 per cent is the building industry, and this has had a severe impact on the north.

I refer now to matters which require immediate attention but which perhaps cannot be dealt with directly by the State Government. The first of these is tax indexation. The Federal Government in budgeting for a deficit of something like $2.8 billion is grossly overspending the taxpayers' money.

Mr Bryce: Where should it cut back?

Mr SODEMAN: I would like to tell the honourable member about that, but time does not permit me. But he should not worry; I will discuss this matter in a later speech; I am quite happy to take issue with him on this subject. Much of the finance the Federal Government has obtained has come from areas like the Pilbara.

To illustrate what has happened in the north over the last four years, the gross weekly earnings, including overtime, of all trades have risen from approximately $153 a week to $239 a week.

Mr Skidmore: They are not working 40 hours a week for that sort of money.

Mr SODEMAN: No, they are not; I am glad the honourable member made that point. That represents an increase of $86 a week over four years. However, in the same period the scale of tax charges virtually has not moved. Consequently, the Federal Government is taking a tremendous rake-off from people in areas such as the north. Much the same situation applies in the metropolitan area, where wages are slightly lower. Four years ago, the average gross weekly earnings was $100; earnings now are in the vicinity of $164 a week.

Mr Hartrey: Yes, but what is it buying?

Mr SODEMAN: That is a most important point. Each of the points just raised by interjection would take me hours to answer. The money is buying less and less, which is precisely the point I am making. Tax indexation is badly required, because as gross wages rise money buys less and the pressure that unions and employees are forced to put on companies place those companies and their economies in jeopardy.

Mr Skidmore: The poor old companies.

Mr SODEMAN: If the companies are in jeopardy it must have an effect on their employees and their families.

Mr Skidmore: Why don't you take a lesson in economics?

Mr SODEMAN: I remember the member for Swan talking about compulsory overtime.

Mr Skidmore: I did not refer to it as compulsory overtime.

Mr SODEMAN: He stated that companies in the north would not employ people who were not prepared to work overtime. The figures I quoted for the metropolitan area include an average of eight hours overtime per person per week. The comments of the member for Swan do not have any substance, because the situation to which he refers does not apply in the Pilbara.

While I am on the subject of the Federal Government's tax rake-off I refer to an article which appeared in the *Daily News* of the 7th August, 1974. The article is headed, "Big jump in July tax rake-in" and states—

> With inflation raging, the Federal Government's taxation rake-off is increasing at a staggering rate.
>
> In July, pay-as-you-earn income tax netted $405 700 000—an increase of more than 82 per cent on the $222 300 000 collected in the same month last year.
>
> Other income tax receipts more than doubled from $41 600 000 in July, 1973, to $84 100 000 this year.

Yet the Federal Government says it has no money to spend on housing in the Pilbara. The article continues—

> . . . most of the increase is attributable to inflation pushing taxpayers into higher income brackets.
>
> Company tax brought in $24 700 000 as against only $13 700 000 for the month in 1973.
>
> There were also big increases in customs and excise duty, gift duty and payroll tax. . . .
>
> Total money coming into the Federal Treasury this July was $925 400 000, compared with $588 800 000 last year.

I refer now to a document titled, "Federalism Policy" put out by the Liberal and National Country Parties. I am rather pleased to see under the heading, "Tax Reform" the following—

> We acknowledge the severity and distortion of existing income tax rates and are pledged to reform them.

I think the people of the Pilbara will be very pleased to read that statement because it applies more to them than to anybody else in Western Australia.

Mr Bryce: What have they promised to do about the zone allowances? Absolutely nothing!

Mr SODEMAN: May I ask what was the reaction to the member for Ascot's approach to his Federal Government on the question of zone allowances?

Mr Bryce: I am asking you the question. You are making a big fellow of yourself talking about the distortion of income tax.

Mr SODEMAN: I entirely agree with the honourable member. The zone allowance was established on basic criteria and should be increased or decreased according to those criteria. Although such a move was considered unconstitutional, it was seen fit to introduce zone allowances and it is time they were reviewed. I have no arugment with that point of view.

Federal policies in the field of overseas finance have had a disastrous effect on industrial development in areas such as the Kimberley and the Pilbara, and many other areas of Western Australia. I do not think I need refer again to the dramatic movements of the Statutory Reserve Deposits during the last two years and the confidence that was lost due to the inconsistency of the actions of the Federal Government in this field.

Again, I believe it would be unnecessary for me to repeat the comments I made a couple of weeks ago when quoting a newspaper article in which Mr Hayden was reported as saying that private and foreign funds were vital to the Australian economy.

Mr Barnett: Oh, go on.

Mr SODEMAN: For the benefit of the member for Rockingham, the article appeared in *The West Australian* of Saturday, the 11th October, and states—

> The Federal Treasurer, Mr Hayden, yesterday turned his back on a big section of the Labor Party by praising

profits and foreign investment and urging business men to "sell" the virtues of private enterprise.

He told an Australian-American Association in Melbourne that without foreign investment Australians would have a lower standard of living.

The Government did not want to stifle foreign investment, he said.

What he forgot to add was, "now we have changed our mind because earlier we did not believe in this." I refer now to an article which appeared in *The West Australian* of the 28th October, 1975. The article is headed, "AIDA: Government errors harm industry", and states—

Industry in Australia felt it was fighting for survival and in the case of manufacturing industry did not feel it was winning, the president of the Australian Industries Development Association, Mr R. L. Stock, said in Sydney yesterday.

Industry's problems stemmed from policy errors by Government, which in turn resulted from bad advice and bad judgment, he told the annual meeting of AIDA.

Before Labor was elected in 1972 there were people outside the manufacturing industry who knew little about the realities of business but were full of theories about changes that should be made to the manufacturing sector.

They were the proponents of "restructing," he said.

Acting on advice from this quarter, the Government could not be convinced of mistakes it was making until it came face to face with the damage it had done.

"We have now been living with that damage for just a year," he said.

In the 12 months to June, 1975, retrenchments in manufacturing industry totalled 135 000, he said.

That is amazing.

Mr Shalders: I thought the Federal Labor Government looked after the workers.

Mr Barnett: What would you know about workers?

Mr Shalders: I am a worker.

Mr SODEMAN: The Federal Government says it looks after the interests of the workers and that its intentions are good. But as a matter of fact, it has let the worker down in every quarter.

To conclude my remarks relating to matters requiring immediate attention, I emphasise that in order to encourage and foster private enterprise, Government policies not only must be realistic but also must be predictable and stable. From the newspaper articles I have just read to the House, one can hardly say that our Federal Government has been successful in those two areas.

My comments have alluded to private enterprise, and that is the next topic I wish to discuss; I believe it is one of the most important issues in Australia today.

Mr Skidmore: Do you not think that private enterprise has some responsibility to get itself under way, or must the Australian Government do everything?

Sir Charles Court: All it wants is the opportunity to get under way.

Mr Bryce: Are you going to delete the interjections before you distribute this speech in your electorate?

Mr SODEMAN: I was hoping the member for Swan would think along the lines he did, because in another part of my speech I will cover that point precisely.

Responsibly implemented and managed private enterprise, like responsible unionism, is an absolute necessity if we desire to improve our social structure and our way of life. The member for Swan raised a query about private enterprise and asked why private enterprise did not get off its tail. Probably he thinks there is a better system.

Mr Skidmore: You would not know what I have been thinking.

Mr SODEMAN: It is fairly easy to explain private enterprise along these lines. From the day we are born we are all capitalists. One person is better looking than another; one can speak better than another; one turns out to be a better tradesman than another; and one has better teaching and sporting attributes than another. All of these are assets with which people are born, and which they exploit to their own benefit and to the benefit of their country. Whether or not we like it, we are all born capitalists.

Mr Jamieson: That is a peculiar statement.

Mr SODEMAN: As students we do not conform to a common level or to an average standard of education. We all endeavour to do our best within the educational framework. As students we are all capitalists; and as workers we are also all capitalists.

Mr H. D. Evans: Where did you get this tripe from?

Mr SODEMAN: One tradesman will pit his skill against the skill of another, in an endeavour to become a leading hand or a foreman. He is a capitalist. The unionists are the greatest exponents of private enterprise I have ever witnessed.

We have one group of unionists here which has been expounding the philosophy of group participation; all in for the benefit of the total community. What has happened is that this has become an isolated

group which is out for the biggest slice of the cake it can get. These people seem to think that if the others can catch up, well and good. In my view they are the greatest exponents of private enterprise I have known.

As families we are a part of the private enterprise system. We work for the money that comes into the family, and we have to pay our expenses. The families that can operate on the most efficient basis have a surplus of income over outgoings. That, in itself, has a private enterprise connotation. In fact, communist countries operate on the private enterprise system.

Mr Jamieson: Some of them do.

Mr SODEMAN: All of them do.

Mr Jamieson: That is where you are wrong.

Mr SODEMAN: All of them operate on the private enterprise system whenever they interact in the world trade cycle. The national incomes derived are from the private enterprise system.

Mr Skidmore: They share the profits among the greatest number of people.

Mr SODEMAN: I shall deal with that aspect later. Professing socialists also operate under the private enterprise system. There are more people who profess they are socialists living in certain parts of my electorate, than there are Liberal supporters. The only difference is the degree and the level of private enterprise participation.

Whereas in communist countries the top level of the hierarchy operates under the private enterprise system, the people operate on a different level. Regardless of what members opposite say, the private enterprise system is here to stay; it will not disappear by giving it another name.

The next topic I wish to deal with relates to the future of the Pilbara. Pilbara is totally dependent on private enterprise for its future development. Were it not for private enterprise, coupled with efficient Liberal administration in the past, the development of the Pilbara would not have reached its present stage.

Mr Skidmore: Have the workers anything to do with this?

Mr SODEMAN: The workers have a tremendous amount to do with this and I am sure they appreciate the merit of the comment.

Mr Skidmore: At least you have given them a mention.

Mr SODEMAN: I have not berated the workers, and shortly I will speak at great length about them.

Regarding the development of the Pilbara, without its continued viability future progress and existing living standards will be in jeopardy. If we can cure inflation, and in so doing regain the confidence of other countries as well as retain our markets, the Pilbara will have a wonderful future.

However, the whole question hinges on the word "if". In this respect I refer to an article which appeared in *The Sunday Times* of the 2nd November headed, "Doubts on new iron project—long-term contract difficulties". The article states—

> Grave doubts surround the future of the proposed $450 million Goldsworthy Area C, iron ore project in the Pilbara region of Western Australia . . .
>
> The reason given for the mills' reluctance to sign on the dotted line is said to be mainly because of uncertainty about future demand for steel.
>
> Another major stumbling block is said to be the price being sought by Goldsworthy—about 50 per cent more than current contracts.

Another article that also has relevance to this matter appeared in *The West Australian* of the 31st October last, under the heading of "Factories in money crisis, report says". This is just a backup to the problems we experience in the Pilbara, and also the problems we will find confronting this State and this country in the years to come, as a result of the adverse policies that have been implemented by the present Federal Government in the last three years. The article states—

> Australian manufacturing industry is undergoing a financial crisis, according to a Green Paper tabled in the Federal Parliament yesterday.
>
> The paper says that there is a deep-seated and long-standing malaise in industry.
>
> Unemployment is high and factories are running below capacity. Many firms have borrowed to the hilt, and their credit standing has been eroded.

Further on in the same article the following appears—

> In some other cases the pace of change had proved to be too rapid for the industry's capacity to adjust.
>
> There would be a need to determine whether tariffs should be raised for a period and whether a more appropriate timetable for reduction was necessary and desirable.

When the Federal Government abolished the 25 per cent tariff protection which was granted to certain industries, there was nothing wrong with the concept of that move; however, it was the administrative implementation of the move that was totally in error.

The Federal Government should have warned the people and industries concerned that it would be cutting out the tariff protection over a period of time, so that the people who had undertaken feasibility studies and laid out capital based on such tariff protection would have enough time to readjust their internal economy, and when the tariff protection was discontinued

would have the opportunity to be in a firm and solid position.

In the same article the following also appeared—

> It said the malaise was mainly of Australia's own making and it was open to Australians to cure it.
>
> It said new policies should aim at:
>
> Improving the working of the economy.
>
> Improving the quality of work life.
>
> Encouraging social cohesion.

Further on the following appeared—

> All manufacturers would agree with the report that unemployment was high, factories were running below capacity and some were closing.
>
> In brief, the summary highlighted the toll that wrong Federal Government restriction and financial policies during the past three years had taken of Australia's manufacturing industry.

So, if there is not a change in the policies of the present Federal Government, things will not look too bright for the future of this country.

I now want to deal with the query that has been raised by the member for Swan in regard to the part played by the workers in the development of the Pilbara.

Mr Skidmore: I am not interested in what you have to say.

Mr SODEMAN: I did not really think that the query raised by the member for Swan was a genuine one. I am very concerned about the current situation. The people who have gone to work in the towns of the Pilbara and received certain benefits should not have to lose them. The majority of the work force in the area is employed by companies which provide houses at a rental of $6.90 per week. These are three and four-bedroom houses which are fully air-conditioned and furnished. Electricity is supplied at a flat rate of $2, and water costs nothing. Free air fares to Perth are paid by the companies to the employees once annually. Virtually these workers are living in model towns, and they are provided with most of the basic facilities that are enjoyed by people in the city.

I am concerned about the people who live in the Pilbara, and the workers who are employed by the companies there. I am also concerned about the companies. So, when the member for Swan asks about the companies, there we find the underlying reason for the apprehension I have about their continued viability and its effect on the people of that region. If the region were to collapse such collapse would affect Western Australia, and Australia as a whole.

There is a responsibility on unionists in that area of the State, and there is also a responsibility on members of Parliament —and I intend to deal with that aspect shortly. Dealing with the matter under the heading of "Responsibility of unionists", I say that the Government, private enterprise, and unionists have a direct responsibility—and not only in the north of the State.

Mr Skidmore: Do you say it does not exist at the moment in the Pilbara?

Mr SODEMAN: Employees have a responsibility to do a fair day's work for a fair day's pay.

Mr Skidmore: Are you saying the workers in the Pilbara are not doing a fair day's work for a fair day's pay?

Mr O'Connor: I thought you were not interested.

Mr Skidmore: The member for Pilbara has provoked me.

Mr SODEMAN: The member for Swan seems to adopt a set course. When he is on his feet and someone interjects he says, "Do not interject. You should get up and make your own speech." When he is not on his feet and some other member is speaking he says, "Sit down. I do not want to hear what you have to say; I do not agree with you." Perhaps the best advice that I can give to the member for Swan is that it would be better for him to remain silent and let us think he is a fool, rather than continually to open his mouth and dispel all doubt.

Mr Thompson: You have dispelled all doubts about the member for Swan tonight.

Mr SODEMAN: It is amazing that one person who is blind, who has done nothing else but worked all his life, and who does not have all the privileges which the workers and we ourselves enjoy, has been moved to come out and make a public statement which appeared in *The West Australian* of the 28th October last. This is a report of the comments made by Mr Ray Charles, a blind musician. The article states—

> "I might get into trouble for this but I'm going to say it and that is that too many unionists throughout the world are not making the best use of their time and they're wrong to always want a shorter working week.
>
> "Not only that but they're not working hard enough when they're working and a lot of work is getting shoddy because too many people are thinking about the money they're going to get and nothing else.
>
> "You know what's going to happen in the end it's that the ones who are going to keep their jobs are the ones who use their time properly and who are doing good work."

That statement did not come from a Liberal Government; it has come from a person who has achieved success under tremendous difficulties and through his own efforts. He has had to make his own way in this world, and this is a man who cannot see the day-to-day activities but can

only hear about them. He has made the sort of assessment I have just read out.

Mr Skidmore: What qualifications does he have to say that?

Mr SODEMAN: I wonder whether the member for Swan knows what he is talking about?

Mr Hartrey: We do not know what you are talking about!

Mr Bryce: Do you endorse the views of that man?

Mr SODEMAN: I certainly do.

Mr Barnett: If a worm said he was the member for Pilbara, would you say he was a worm?

Mr SODEMAN: The proper answer to that ridiculous interjection is, "Only if it were the member for Rockingham."

The unionists have a responsibility to exercise restraint in their own best interest, and in the best interest of their families and their country.

Sitting suspended from 6.15 to 7.30 p.m.

Mr SODEMAN: Before the tea suspension I was referring to the responsibility of unionists to exercise restraint in their claims under the current economic circumstances. I realise that I drew a few comments from the other side of the House.

I would like to convey to members of the Opposition that this opinion is shared also by the Federal Treasurer who is apparently going through a major change of heart at the moment. The other morning he said—

> If it wasn't for the restraint being exercised on the wage front, then the economy would be irretrievably undermined.

Mr Hayden said this during question time in the Federal Parliament on Thursday, the 30th October.

A number of unionists already do exercise this restraint; unfortunately it is only a handful, indeed a small minority, who upset the overall situation.

Members of Parliament also have a responsibility which goes a little further than perhaps some of us think. We have a responsibility to conduct ourselves in a respectable manner both inside the House and in our electorates.

I will talk on that aspect a little further and refer to a comment made by the Deputy Leader of the Opposition when speaking about the standard of behaviour and the operation of this State Parliament. When speaking on the subject he said our standards here were equal to the best standards, so far as he knew, that existed anywhere in Australia. However, I do not think that is sufficient reason for us to remain complacently at that level. We should endeavour to be the best not only in Australia but the world.

Mr Skidmore: Why don't you set an example?

Mr SODEMAN: We should strive for honest representation and productive and objective criticism. This is the obligation we should face up to.

Mr Jamieson: If you fall off some of those high principles you mentioned you will break your neck.

Mr SODEMAN: The two members who have just interjected are two of the greatest culprits in this House in this regard.

Mr Skidmore: I do not mind you calling me a culprit.

Mr SODEMAN: When talking about the problems in the north the Deputy Leader of the Opposition was reported in *The Hedland Times* of the 29th May, 1975, as having said that Point Sampson did not have a power supply and that the Government should do something about it. I point out to the honourable member that he was in Government for three years during which time he does not appear to have done very much in regard to this matter.

Mr Jamieson: I got more done in Point Sampson in three years than anybody else.

Mr SODEMAN: I do not know what the honourable member did in this regard, but I do know that if this Government does not help the people concerned in that area I will be very surprised indeed, to say the least. I have no doubt the Government will help the people of Point Sampson and come up with some plan to solve their problem. The Government's action to solve this problem will be a positive one as distinct from the critical and negative attitude of the Opposition.

The member for Swan spoke previously on the question of safety and the safety requirements necessary. He did so without doing any homework or endeavouring to assess the position, or pay accord to the fact that we already have several Acts which cover this aspect.

Mr Skidmore: Are you suggesting I do not know anything about it?

Mr SODEMAN: If the honourable member feels there is insufficient provision in this regard in the legislation, it is his responsibility to have these Acts amended. He has not made any suggestion or come forward with any statement to the effect that he has approached the major companies; nor has he stated what his findings are. If the honourable member wishes to make the criticisms he has it is his responsibility to take the necessary action in this direction. But all we find is that time and time again the honourable member's criticism consists of generalities. He seems to think that all the Government need do is to spend money to solve the problem.

This is not the entire solution to the problem; apart from which we should have some regard for the amount of money that has been spent by private enterprise. The

member for Swan should pay accord to the effectiveness, for example, of the Factories and Shops Act which states that it is "an Act to consolidate and amend the law relating to the supervision and regulation of factories, shops and warehouses and for incidental and other purposes".

For the information of the member for Swan this Act covers such aspects as the duty of inspectors to visit the scene of accidents; payment for non-attendance through ill health; health and safety regulations; prohibition of employment of women within six weeks of confinement; and certificate of fitness for work, to name only a few.

Another Statute which controls this aspect of safety is the Machinery Safety Act which is "an Act to provide for the safe design, construction, installation, and operation of machinery, for the inspection of machinery and the conditions under which it is used, and for the safety of persons and for incidental and other purposes".

A third Act which also deals with the safety aspect is the Construction Safety Act which is "an Act to make provision for the safety and welfare of persons engaged in construction and other work and for incidental and other purposes".

I did a survey of some of the major companies and I was surprised to learn of the few safety problems they have. Sure we have accidents in industry, and we will continue to have accidents in industry, but there will also be a continuing responsibility and requirement on employers and employees to be more careful and responsible and to ensure that we make progress in this matter.

I do not deny that Governments must participate in this matter of safety in industry, but the mere handing out of money will not solve the problems involved. The honourable member should pay more accord to the safety measures and provisions which exist at the moment.

From my survey of these companies I found that their achievement in the field of safety is quite impressive. One company had worked 162 000 accident-free man hours; another company had 100 000 accident-free man hours over three or four months, while a third had achieved 150 000 accident-free man hours over four weeks. These companies supply their workers with free steel capped boots and work clothes etc.

Mr Skidmore: Big deal.

Mr SODEMAN: Does not the honourable member think that this is admirable?

Mr Skidmore; No.

The SPEAKER: The honourable member has four minutes.

Mr SODEMAN: Thank you, Mr Speaker. It is also interesting to note that of the six companies of which I have a record, four are in the Pilbara and two are major companies in the metropolitan area. One company stated that in 50 per cent of the cases, accidents were attributed to the non-observance of the existing safety regulations, or were due to the employees not wearing safety equipment supplied.

Members opposite know that workers are human beings and, although they are supplied with glasses to protect them from welding slag and so on, quite often these are not worn and, as a result, they are injured in the course of their employment. So there is a responsibility on the worker to abide by the regulations and take the necessary precautions.

Mr Skidmore: Could I make one remark?

Mr SODEMAN: The member for Swan did not allude to the circumstances I have mentioned.

Mr Skidmore: I did allude to them.

The SPEAKER: Order!

Mr SODEMAN: The question was asked of the companies as to whether the unions were generally happy with the safety standards and one company replied that union associations are good on this point; another company said "Yes", while a third company said unions are most co-operative and satisfied with safety conditions. A fourth company stated that the unions meet with management each month and that relations are most harmonious; a fifth company said that unions in general are happy with safety precautions, while the sixth company stated that it enjoyed amicable associations with unions on safety.

So it is obvious that there are some people who do not share the view of the member for Swan. It is this sort of irresponsible representation that does the State no good; it just hinders progress.

Mr Skidmore: I said the mining companies had a good record.

Mr SODEMAN: In order to obtain a balanced economy we must have healthy agricultural, pastoral, and mining industries, and these must be protected at all costs. We must repel anything that will adversely affect these areas of development.

Before concluding I want to allude to the pastoral industry in the Pilbara. Like some other industries elsewhere in the State its survival is in jeopardy. Wool producers are suffering from excessive overheads and operating costs; and those who have gone from wool to beef have run into trouble because of oversupply and depressed overseas markets. Some of them have had to walk off their stations and take up other work.

Mr Speaker, in conclusion, it is the responsibility of each one of us to ensure that there is no further decay and erosion of private enterprise. The Pilbara is founded

on a private enterprise base, and if it is destroyed by individual and governmental irresponsibility the architects of its downfall will have to shoulder the blame.

I have pleasure in supporting the Bill.

MR MOILER (Mundaring) [7.40 p.m.]: After members have heard me speak they will realise, perhaps, that I am not speaking about the same Government as was the previous speaker, the member for Pilbara.

In the limited time at my disposal I have no intention to heap praise on this Government. Nor do I intend to praise the Treasurer.

Mr Nanovich: Why don't you talk about the Bill?

Mr MOILER: It is my contention that since he has been Treasurer of the State he has inflicted considerable hardship on the majority of the people in Western Australia; and because of his wholesale bias and his dogged, bigoted, and narrow-minded attitude to the Australian Government he has caused the State to lose very large sums of money.

Mr Nanovich: Personal abuse again.

Mr MOILER: As I have pointed out, the Treasurer, because of his wish to play politics in so far as the Australian Government is concerned, has acted to the detriment of the people of Western Australia.

In this respect the most outstanding issue which comes to mind is that which relates to Medibank. As we all know the Treasurer was able to delay for one month the State's entry into the hospital side of the Medibank scheme. However, he was unable to delay the entry of the State into the medical side of Medibank.

As a result of the Treasurer—in conjunction with the Premiers of the other Liberal States—being able to delay the State's entry into the hospital side of Medibank he has been responsible for the State losing a sum of $3 million; an amount which could well have kept the Metropolitan Water Board employees fully occupied. This amount was lost to the State because the Treasurer and his Cabinet chose to play politics on this issue—a welfare issue—the introduction of which would have been to the benefit of the State.

I would like to take a little time to run through the saga of the Treasurer's activities in this direction, starting in January this year. We find *The West Australian* newspaper ran a headline on the 15th January, 1975, which read, "WA 'no' to Commonwealth hospital moves". The article of that date stated—

> The State Government has rejected Commonwealth health insurance scheme proposals for financing public health operating costs.
>
> It has also rejected the suggested form of agreement proposed by the Federal Minister for Social Security, Mr Hayden, to the State Minister for Health, Mr Baxter.

I would now like to read from the first page of a document titled, "Agreement between the Government of the Commonwealth of Australia and the Government of the State of Western Australia in relation to the provision of hospital services". The first page of this document briefly gives an indication of what the Australian Government wanted to do and what this State Government rejected.

We all know that the Leader of the Opposition told the Treasurer in March that he would accept the principle of the Medibank scheme and that the State would participate in the scheme. At that time we heard quite a lot of piffle from the Treasurer, and I will quote what he had to say as I proceed with my speech.

Even though the Leader of the Opposition told the Treasurer in March that the Medibank scheme would be introduced into Western Australia and that he should, for the benefit of Western Australia, come to an agreement with the Australian Government, he did not do this until a month late and, as a result, he cost the State $3 million.

I would like to indicate the proposals that were rejected in January—

> Introduction:
>
> The following notes have been prepared as an indication of the content of bilateral Agreements between the Australian Government and the State Governments for the Provision of Hospital Services.

This is the part I emphasise—

> The notes are not intended to express the final content, form or wording of such Agreements.

The Australian Government wanted to get together with the State Government and bring about an agreement whereby the hospital side of Medibank could be introduced into the State for the benefit of the community. To continue—

> Purpose of Agreement:
>
> (2) The purpose of the Agreement is to ensure that every person has access to comprehensive hospital care, including medical treatment, provided without charge in standard beds of public hospitals in a way that will not place any impediment in the way of persons being able to seek private treatment in public hospitals if they so wish.
>
> (3) To this end, the terms of the Agreement include the removal of any existing means tests which determine eligibility for access to standard bed accommodation and treatment in public hospitals; abolition of standard

ward fees; the provision of free medical services to hospital patients; determination of the method of paying doctors providing medical services to hospital patients; the setting of specified fees to be charged for certain categories of inpatient; and payment by the Australian Government of specified amounts to both individual hospitals and to State hospital authorities to cover 50% of the net operating costs of all the recognised hospitals in the State for the period of the Agreement.

This is the scheme which the State Government rejected and refused to negotiate with the Australian Government.

On the 23rd February the following appeared in *The Sunday Times* under the headline, "Medibank shock for WA"—

Western Australian taxpayers will contribute towards free hospital treatment for people in most parts of Australia from July 1—Medibank Day.

They must also continue to pay voluntary hospital insurance (or be liable for their own hospital fees) . . .

I emphasise the following passage—

The reason for WA's three-fold expenditure is that the State Government has refused to join the hospital side of Medibank, the national health insurance scheme.

Though WA has sent a new proposal to Canberra outlining the conditions under which the state would join, the Australian Government is not likely to make concessions to WA.

And the Premier, Sir Charles Court, yesterday made it clear his government would not give in.

Of course, we now know the Government did give in and accepted the conditions of the Australian Government. The article went on to quote the Premier as saying—

There are times when other matters, including the vital principles of personal freedom of choice, transcend dollars and cents.

We have heard that statement so often. That article appeared in the Press in February, but it was not until the 12th August that we were able to get the Premier to table in Parliament the letter containing the alternative proposals which he claimed to have sent to the Australian Government. The letter comprised two pages of suggestions to most of which the Premier must have known the Australian Government would not accede, and it was no more than part of the delaying tactics. The suggestions are such that I can understand the Premier's delay in producing them in this House and his reasons for keeping the public ignorant of what the State Government was doing.

In February we had a statement from three Western Australian Labor members of the Australian Parliament that the Premier's attitude was callous and the State Government's refusal to negotiate with the Australian Government disregarded the welfare of Western Australians. The Minister for Health in this State immediately answered the criticism levelled at the Premier by the Labor members of the Australian Parliament and said—

. . . the Federal Labor politicians who alleged that people in WA would pay twice if the State did not adopt Medibank and the national health scheme were playing politics.

The Minister said that those who told the public the truth—that they would be paying extra if the State did not enter Medibank—were playing politics. He went on—

The Premier, Sir Charles Court, had set out clearly WA's attitude in a letter to the Deputy Prime Minister, Dr Cairns.

The letter the Premier sent to Dr Cairns was the letter to which I referred earlier which was tabled in this House on the 12th August. I invite members to read that letter and observe that it contains nothing of value to this State. It was nothing but a load of piffle.

On the 13th March a Press announcement appeared in *The West Australian*, under the headline "WA misses deadline on hospitals", wherein Mr Hayden is quoted as saying—

. . . that he regretted the "inexcusable and undesirable" result of the State ministers' behaviour.

He was prepared to meet them either separately or together—but only if they indicated a serious interest in joining Medibank.

Of course at that stage they did not. They were playing politics and disregarding the welfare of the people of Western Australia. They obviously thought they might be able to achieve something, and it was only because of the determination of dedicated men like Mr Hayden that Western Australia has received the benefit of Medibank, against the wishes of some doctors and the Government of this State. The announcement of the 13th March continues—

Mr Hayden said: "WA's hospital system would continue in exactly the same hands if the WA Government accepted the Medibank proposals.

"Funds would not be taken from other avenues of assistance to the State to provide the $20 million that WA hospitals would get under Medibank."

At the time of signing the agreement months afterwards, the Premier was still saying we would lose control of our hospitals.

I am sorry the Premier has now seen fit to leave the Chamber.

Mr O'Neil: You did not send him out. He had to take a very important phone call.

Mr MOILER: I am sorry he has left.

On the 13th March the Leader of the Opposition moved a censure motion against the Premier for his refusal to co-operate with the Australian Government on Medibank. During the debate on that motion the Premier refused to table any documents or letters which had passed between the two Governments. It is no wonder he refused to do so; his actions were not in the best interests of the public of Western Australia, generally.

Mr H. D. Evans: Could the water supply crisis have been averted if the State had joined Medibank?

Mr O'Neil: No.

Mr MOILER: The State would have been $3 million better off and could well have found the money to keep those people in employment.

During the Premier's reply to the challenge by the Leader of the Opposition on the 18th March he said, referring to the proposed agreement sent by the Australian Government—

> I answered the letter and said we would not accept the Commonwealth Government's conditions, and we sent a counter-proposal. He acknowledged the letter and said it had been referred to Mr Hayden. That is all.

As I said, the counter-proposals were contained in a two-page letter, and if the Premier had any ability at all he would have known the Australian Government would not accept them. He then made the famous statement, "One does not put aside principles for dollars and cents." Later on he spoke about the sacrifice of the principle of freedom of choice. These were all fine words with nothing whatsoever in them.

From January to March the same attitude was sustained. When speaking to the censure motion the Leader of the Opposition said this State would enter the hospital side of Medibank, and it did—but unfortunately one month later than the 1st July.

On the 31st May the following appeared in *The West Australian* under the headline "WA puts terms for Medibank"—

> The Premier, Sir Charles Court, said that the proposed agreement sent to Canberra by WA would safeguard the State's rights and provide flexibility necessary in the State's widespread hospital system.

To this very day the public of Western Australia do not know what the counter-proposals were. The article I have just quoted appeared on the 31st May, and I imagine the counter-proposals had just been sent off. We have not yet had the benefit of sighting them. I am putting a question on tomorrow's notice paper asking the Premier to table them in this Parliament.

The Federal Minister said of the joint counter-proposals put forward by the Liberal States—

> The programme these States were talking about might not be the Medibank scheme which had been prepared by the Federal Government after years of exhaustive preparation.
>
> The States had not entered negotiations on the Medibank proposals till last month, despite repeated requests to begin discussions much earlier.

Having sent the counter-proposals by the 31st May, the Premier of this State and the Premiers of the other Liberal States could see the time was getting short. On the 8th June, after months of messing around, delaying tactics, and playing politics, the Premier sent a telegram to the Prime Minister urging an early decision on the Medibank issue.

The newspaper article stated that an immediate decision on Western Australia's case was urged by Sir Charles Court. The article continued—

> Sir Charles pressed for the decision in a telegram to the Prime Minister, Mr Whitlam.
>
> In the telegram he said he was disturbed at the possible impact of Federal Cabinet changes on the Medibank negotiations.
>
> The WA Government was ready to complete an agreement.
>
> "We can see no reason for delay in reaching finality and find it hard to accept Mr Hayden's statements that he cannot see us joining before January 1, 1976," Sir Charles told Mr Whitlam.

Of course, by that time Mr Hayden was accustomed to the messing around on the part of Liberal Premiers, who had little regard for the welfare of the people of their States.

Mr O'Connor: Some of the Commonwealth people have no regard for any of the people in Australia.

Mr MOILER: That is completely untrue.

Mr O'Connor: You know it isn't. If you look at the loans affair and see the shonky business that went on, you would know.

Mr Bryce: What shonky business went on?

Mr Jamieson: You are like your colleagues: all talk and no facts.

Mr O'Connor: It was very close before the intervention occurred. What about the commission cheques?

Mr Jamieson: All talk and no facts.

Mr O'Connor: You would sack anyone involved in that, and so would I; and that is what the people of Australia would do to the Commonwealth Government.

Mr MOILER: The Minister for Transport can have a go later.

Mr O'Connor: Thank you.

Mr MOILER: Then, on the 18th June, the Western Australian Government received its reply. It was advised by Treasurer Hayden that the proposals drawn up were not acceptable. As always, the Premier attacked that decision; he said that Mr Hayden had tried to defeat any chance of an agreement being reached by the 1st July. The newspaper article in *The West Australian* of the 19th June stated—

> Mr Hayden said that the proposals, put forward on May 30, were designed more for propaganda purposes than as a serious attempt to reach agreement.
>
> The documents carefully ignored the basic issues which were still to be negotiated.

It is those counter proposals, which the Australian Government said were designed for propaganda purposes, which I hope the Premier will see fit to table in this House tomorrow so that the Parliament and the people of Western Australia may ascertain just who it was that the Premier was concerned about—the people of the State or a handful of doctors. The newspaper article continues—

> Mr Hayden said the Australian Government had asked the States to sign agreements enabling Canberra to meet half the net cost of operating the public hospital systems.
>
> The South Australian and Tasmanian Governments had signed such agreements and detailed negotiations with the Queensland Government had reached an advanced stage.

Those agreements signed by South Australia and Tasmania are almost identical with the agreement subsequently signed by Western Australia; and the Tasmanian and South Australian agreements were signed a considerable time before the 1st July. This State could have done the same; it has derived no benefit whatsoever from this exercise which Mr Hayden said was merely for propaganda purposes. In fact, it lost $3 million.

Sir Charles Court: Weren't you concerned about retaining doctors in the country?

Mr MOILER: Yes, I was. The Australian Government was ready to negotiate, and it agreed with the method of payment of doctors in peripheral and country areas.

Sir Charles Court: It eventually agreed because we held out.

Mr MOILER: No, it did not.

Sir Charles Court: Don't talk about something you know nothing about.

Mr J. T. Tonkin: You gained nothing at all by holding out.

Sir Charles Court: We did.

Mr J. T. Tonkin: Why don't you agree to put up the proposals you originally submitted, and those which were ultimately agreed to? You will not do that.

Sir Charles Court: Who has said we will not? Your people don't want doctors in the country.

The SPEAKER: I think the member for Mundaring may continue.

Mr MOILER: Thank you, Sir. The issue continued in much the same vein until the 27th June, when the headline, "August start likely for WA Medibank" appeared in *The West Australian*. Of course, this was after the Premier had said there would be no giving in and that principles transcended dollars and cents. The newspaper stated—

> Sir Charles said that the agreement, within reason, met criteria laid down by his Government: State control of hospitals; retention of private beds in public hospitals; the preservation of private hospitals; and the preservation of the doctor-patient relationship.

I have already pointed out that back in March Mr Hayden assured the States that there would be no interference with State control of hospitals or the retention of private hospitals; yet on the 27th June the Premier saw fit to state rubbish such as that which I have just read out. The matter of State control of hospitals and retention of private beds in public hospitals is included in the South Australian and Tasmanian agreements. The Premier then referred to the preservation of private hospitals and the preservation of the doctor-patient relationship—matters agreed on in the final signing of the agreement, All those matters are in accordance with what the Australian Government wanted to do; yet the Premier saw fit to say that Western Australia had achieved its points, which was, of course, a complete lie.

Then, on the 24th July, a further article appeared in *The West Australian* under the heading, "WA to join Medibank next week". In part, the article stated—

> The WA agreement was almost exactly the same as the one between the Commonwealth and South Australia and differed only slightly from the one with Tasmania.

Then, as always, the Premier for his swansong stated in a headline in *The West Australian* on the 1st August, "Medibank forced on W.A." The article states—

> The Federal Government had virtually put a gun at the State's head to sign the agreement on the hospital side of Medibank, the Premier, Sir Charles Court, said yesterday.
>
> The State had been forced to sign because of financial pressure from the Commonwealth.
>
> He signed the agreement yesterday with the greatest reluctance.
>
> However, the State would do its best to make the agreement work.

Of course, had the Premier heeded the advice of the Leader of the Opposition back in March when he was told that the State would join eventually we would be far better off now; but that is the attitude of the Premier; that is the way he plays politics.

Mr O'Connor: Fair go.

Mr MOILER: On this issue alone the Premier has cost this State $3 million; I am not suggesting this was done by the Minister for Transport or other Cabinet members, because they are just puppets.

Mr O'Connor: What about Whitlam? He is the greatest dictator of all time.

Mr MOILER: The Premier is the greatest dictator of all time.

Mr Skidmore: Whitlam is no more a dictator than the Premier would like to be.

Mr MOILER: Had we not wasted this amount of $3 million, a 60-bed ward block could have been built at Fremantle Hospital at a cost of $2.4 million, and we could have had an additional hospital such as the Kalamunda Spa, which was purchased for $610 000, and has 62 beds. So many facilities could have been provided had we not wasted that $3 million.

Mr Thompson: What did you say about my hospital?

Mr Bateman: He owns it!

Mr MOILER: I have not the slightest doubt that the member for Kalamunda is entitled to call it his hospital, because the Premier certainly came running to his assistance at the time.

I can imagine there may have been $1 million to spare to build the Swan View High School if the Government had not wasted all this money.

Mr Sodeman: How much was wasted?

Mr MOILER: The State would have lost $3 million.

Mr Sodeman: What do you think it will cost the State in 10 or 15 years' time?

Mr MOILER: Certainly no more than it would have lost under the previous system. Many hospitals are very happy with the arrangement because the Australian Government is picking up the tab for huge sums of money which would not have been collected otherwise. This Government will save many millions of dollars per month. If the Premier were in any way responsible he would acknowledge this fact.

Mr Hartrey: Insurance companies too are very happy about it because of workers' compensation.

Mr Sodeman: Do you realise that Britain currently is holding a Royal Commission into its troubled National Health Service?

Mr MOILER: I will quote other extracts from the actual agreement made between the Government of the Commonwealth of Australia and the Government of the State of Western Australia. I hope that as the Premier has been so lax in bringing forward the final agreement between this State and the Commonwealth some member may see fit to ask that it be tabled. I will be more than happy to lay this on the Table of the House if our Premier will not. On the first page we see the following—

> it is the policy of Australia to ensure that every person has access to comprehensive hospital care, including medical treatment, provided without charge and without means test in standard beds of public hospitals but in such a way as will not place any impediment in the way of persons being able to seek private treatment in public hospitals if they so wish;

That is exactly the same as the wording in the agreements with Tasmania and South Australia.

Mr Bateman: Mr Speaker, can the honourable member table the documents?

Mr MOILER: I will be quite happy to, Mr Speaker.

The SPEAKER: The member may lay the documents on the Table of the House for the information of members.

Mr MOILER: Thank you, Sir. Just to emphasise my point that the Premier was misleading the public, I will quote from clause 5.6 which states—

> Any financial gains which accrue to the State as a result of payments made by Australia under this Agreement as varied from time to time will not be offset by Australia against General Revenue Payments to the State.

That clause is exactly the same as the one appearing in the Tasmanian and South Australian agreements which were signed months before this one. I will be quite happy to lay these on the Table, Mr Speaker.

Mr O'Neil: I thought nobody would ask you to do it.

Sir Charles Court: I hope *Hansard* got that comment of yours asking the member for Canning to ask you to table those documents because we got it over here.

Mr MOILER: Unlike the Premier—

Mr Bateman: I could not hear the interjection.

Mr MOILER: I emphasise again my hope that the Premier will see fit to table the papers I have asked for; members can then see what is involved and how the public, in my opinion, have been misled by the Premier as to the benefits the Australian Government was offering to this State.

Mr Shalders: The Federal Government spent $1.5 million misleading the Australian public over Medibank.

The SPEAKER: The honourable member has five minutes—I am sorry, the honourable member has 10 minutes.

Mr MOILER: Thank you, Mr Speaker. Another waste which the Premier has inflicted on this State is the money that will be spent on the limited inquiry into police involvement in prostitution in Western Australia.

Mr O'Connor: Maybe we should have an inquiry into some of your involvement on that side.

Mr MOILER: That would not worry me.

Mr O'Connor: It might worry a few people, though.

Mr MOILER: I do not believe it will, but that is beside the point. I say that this inquiry will be a waste of money because of the limited terms of reference decided upon by the Premier. Whatever comes out of the inquiry will be of little benefit, and most people acknowledge this fact. We realise fully the Premier's attitude towards prostitution; we accept that with his hangups he is incapable of forming a rational opinion regarding the rights of the female to do what she may wish to do with her own body.

On the 29th August, when advising that the State Government would not hold an inquiry into prostitution, the Premier said he believed that such an inquiry would achieve nothing.

Mr O'Connor: Why don't you introduce a Bill if you want it legalised?

Mr MOILER: If the Minister had any courage he would do that.

Mr O'Connor: I do not want to.

Mr MOILER: The Minister should do something.

Sir Charles Court: We don't want to. You introduce it and see how you go.

Mr O'Connor: You are all talk and no action. Why don't you do something instead of talking?

Mr MOILER: That is a fine statement from a Minister who is all talk. Months ago, when a member in this House moved for the appointment of a Select Committee to inquire into prostitution, the Minister said that his only reason for not agreeing to an inquiry was that this issue was involved in the police legislation and that an inquiry would delay the amending Bill then before Parliament. For emotional effect the Minister added that the amending legislation referred to drug trafficking and other related matters. Members will note that the amending Bill is still on our notice paper and an inquiry could have been completed by this time.

Mr O'Connor: Why don't you clear the air and have the courage to introduce a Bill?

Mr MOILER: The Premier has said it is a complete waste of time. There is no Minister on the front bench—and remember each Minister is in charge of his various departments—

Mr O'Connor: You do not like this other inquiry because you won't come out of it too well.

Mr Jamieson: Your side promised the inquiry.

Mr MOILER: I am not suggesting—

Mr J. T. Tonkin: You would be surprised!

Mr O'Connor: So would you. I could ask you certain questions right now.

Mr May: You are allowed to.

Mr J. T. Tonkin: Did you get a message from Carpenter yesterday?

The SPEAKER: Order!

Mr O'Connor: No. Did you go to Simpson Street on the 20th October?

The SPEAKER: Order! The member for Mundaring.

Mr MOILER: I believe the terms of reference, as set out by the Government, cover the matter of least importance in this issue. If we had decent legislation, the Police Force would not become corrupted.

Sir Charles Court: Are you suggesting they are corrupt? Are you suggesting that?

Mr MOILER: I said that the Police Force would be incorruptible if we had decent legislation.

Sir Charles Court: You go outside this Chamber and say they are corrupt, and then see how you get on with the police.

Mr MOILER: The degradation of women is of minor importance to this Government.

The SPEAKER: The honourable member has five minutes.

Mr MOILER: The Government will waste money on this limited inquiry which will achieve nothing, except that perhaps it will have some detrimental effect on police officers who believe that the letter of the law should be carried out. We see just how far this Government is prepared to go by the report in this morning's Press. The Police Force used videotape equipment to film activities outside buildings which they suspect are being used as brothels. The purpose of these films was to blackmail the prostitutes who were further degraded. They appeared in Court, and because the police officers had photographs of the men involved, they agreed to plead guilty.

Who are the people responsible for this whole stinking mess which the Government refuses to do anything about? The prostitutes are not responsible for it; the two women concerned have been degraded further by their visit to court. What about the landlord? In today's article we see it is alleged that he received $24 a day for

the use of his premises. What is the Government doing about that person? What is the Government doing about the men whose photographs were taken? Why were they not brought into court? If the photographic evidence is sufficient to convict these women, surely it is sufficient to bring the men to court also.

Mr O'Connor: Do you want the men brought into court?

Mr MOILER: While the present legislation is on the Statute book, I believe they should be brought in.

Mr O'Connor: What wrong have they committed?

Mr MOILER: I submit that prostitution should not be illegal.

Mr O'Connor: What crime have they committed?

Mr MOILER: What crime have the women committed?

Mr O'Connor: Keeping a house of prostitution. Now you tell me what crime the men committed.

Mr Hartrey: They assisted the women in the committing of a crime.

Mr MOILER: If we are going to make it a crime, then the men are just as guilty as the women.

Mr O'Connor: Of course they are not; they have not committed a crime.

Mr MOILER: It is this stupid attitude of the Government, which represents the hangups of old, bigoted men, which is causing the problem. We are inflicting unwanted values on the community.

I believe this issue provides an opportunity for this State to take the lead in dealing with prostitution. What the women do has nothing to do with the Premier or his Ministers. These are victimless crimes. By adopting my attitude towards the matter the Government could save thousands of dollars in not having to deploy the vice squad to observe these activities. However, rather than providing an avenue whereby the Government can save money, it merely indicates how the Premier is prepared to waste money.

Another area where money is to be wasted is in the proposal to elect an additional six members of Parliament at the next election.

Mr Sodeman: Do you uphold the concept of prostitution?

Mr MOILER: I do not uphold the concept of prostitution; but I also do not uphold the principle of men degrading women by taking them to court. I believe that any woman would have more brains and ability to work out what she should or should not do than the member for Pilbara.

Mr Sodeman: Would you be happy if your wife were a prostitute?

Mr MOILER: That is a stupid question and could come only from an idiot like the member for Pilbara.

Debate adjourned until a later stage of the sitting, on motion by Mr Blaikie.

(Continued on page 4072)

BILLS (2): MESSAGES

Appropriations

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

1. Finance Brokers Control Bill.
2. Public Areas (Use of Vehicles) Bill.

CONSTITUTION ACTS AMENDMENT BILL (No. 4)

Second Reading

Debate resumed from the 23rd October.

MR J. T. TONKIN (Melville—Leader of the Opposition) [8.24 p.m.]: The purpose of this Bill is none other than to increase the size of the Ministry from 12 to 13 Ministers in order to provide a berth for the Hon. I. G. Medcalf, who at present is an Honorary Minister. The Premier did not explain how suddenly it has become possible for Mr Medcalf to take on ministerial duties when he found the greatest difficulty in so doing when this Government went into office. I believe we need some explanation as to what change has taken place.

The following article headed, "Court picks his team—Cabinet selected" appeared in *The West Australian*, on the 6th April, 1974—

> An almost certain Cabinet member, Mr I. G. Medcalf, decided not to make himself available for selection.
>
> Mr Medcalf, a member of the Council, is the only lawyer in the Liberal-NA parliamentary ranks and Sir Charles said that he had been keen to include him in the Cabinet, almost certainly as Attorney-General.
>
> However, it is known that Mr Medcalf was unable to resolve problems with his law practice and this led to his decision not to accept a ministry.

I understand that Mr Medcalf still is closely associated with that law practice. Has he been able to solve these problems, or is it intended that the job will be just a sinecure, and he will still be able to devote the major portion of his time to his law practice?

Our view is that this is no time to increase the cost of government. This Government has found it necessary to load upon the people of this State taxes and charges of an unprecedented nature. There have been three increases in the price of electricity and I am certain further increases will follow. The Government is in no position to start to throw money around in this way.

If it could be shown that by the appointment of this 13th Minister, some Minister who presently is overloaded will be relieved of some of his work, something might be said in favour of the move; however, the proposal does not contain that idea at all, because it cannot be said that the Chief Secretary is overloaded, and he is the only Minister who is going to be relieved of some of the duties of the Crown Law Department. So one wonders what is the real purpose behind the additional expenditure which is to be undertaken.

It is just a few days over three months ago that the Premier circularised all his Ministers and pointed out what a serious financial position the Government was in. He said he was greatly concerned at the projected Consolidated Revenue Fund Budget; he said he was facing a deficit of $77 million and it had become necessary to request all departments drastically to cut back their proposed expenditure in order to bring it down to a figure with which he could cope.

In informing his Ministers of this absolute necessity to save money, the Premier said what was perfectly true; namely, "The public will not accept further increases in State taxes and charges at this time." The Premier then made some reference to his loan fund position and said that the capital fund position was critical. He was not prepared to direct Cabinet resources to cover a Consolidated Revenue Fund deficit.

Having told his Ministers all that, the Premier issued an ultimatum and said the departments would have to cut back drastically on their expenditure requirements. All this took place just three months ago. Yet the Premier introduced a balanced Budget! Heaven knows how he was able to do that, because he complained that he did not receive the assistance he should have received from the Commonwealth Government. So, where did the money come from to make up this deficit of $77 million?

Mr Fletcher: Khemlani.

Mr J. T. TONKIN: The only plausible explanation is that the departmental requirements were cut to the bone. Having done that the Premier introduces a Bill to appoint six additional members of Parliament, each of whom will cost at least $30 000 a year. Now we have a proposal for the appointment of another Minister. Surely this is no time to be increasing the expenditure of government when we are calling upon taxpayers all over the State to pay these increases in taxes and charges. Look at the water supply bills people are now receiving! I hazard a guess that the complaints being received by the Government are numerous. People are coming to me to advise me of the situation, including pensioners who are in dire straits in endeavouring to meet these increases. What is being said to them is that the Government, being short of money, finds it necessary to impose these additional charges and so the people must pay up.

However, on its part the Government does not hesitate to enter into these additional obligations which involve very substantial expenditure. We on this side say there is no justification at this time for appointing an additional Minister, more especially as it appears to us that it will be a sinecure, because we have not yet been told what changes have taken place which will enable this proposed Minister to do what he could not do when the Government took office; when he was not able to accept a position which almost certainly was available to him, the Premier having said he was keen to include him in the Ministry because he was a lawyer and he had in mind making him Attorney-General. But he had problems with his own private practice. Does he not still have those problems? What has happened to change the situation so that he can now become available to accept this appointment? All he has been doing up to date as Honorary Minister is to give some legal opinions about problems which exist between the Commonwealth and the State.

Mr Thompson: A full-time job.

Mr J. T. TONKIN: A full-time job? An office job! If that is a full-time job, how will he have time to be Attorney-General?

Mr Thompson: No trouble.

Mr J. T. TONKIN: The honourable member contradicts his own statement.

Mr McIver: Out of the mouths of babes!

Mr J. T. TONKIN: The Government cannot justify this additional expenditure at this time. We know for certain that, having regard to its latest decision to involve itself in the expenditure of $24 million to convert oil-burning generators to coal-burning generators at Kwinana, the Government will find it necessary to request the Fuel and Energy Commission to increase its charges to the people. So there will be a further impost, not only on taxpayers generally, but also on industry, to make up a shortage of funds. However, the Government is so prodigal with its money in other directions that we say this proposal cannot possibly be justified and therefore we are strongly opposed to it.

MR SKIDMORE (Swan) [8.35 p.m.]: I would like to make a small contribution to the debate on the Bill presently before the House which seeks to amend the Constitution Acts Amendment Act for the purpose of providing a Ministry of 13 instead of the present 12.

On reflection one may perhaps say that one would be on fairly uncertain ground to suggest that the reasons for the Bill were not valid so far as the Government

is concerned. I would suggest that a conservative Government, such as this one is, would look carefully at a proposal to increase its Ministry merely for the purpose of creating a position for a person who did not want that position previously.

It would appear to me to be facetious on the part of the Government even to consider such a proposal, and I hope to be able to show that what I am saying is correct. One becomes alarmed at the utterances of the Premier in complaining about the shortage of money in various directions and the diabolical conditions imposed by the Australian Government on a Liberal-Country Party State Government. Despite the fact that the Government is always complaining that not enough funds are being made available to it, it still goes ahead to impose an additional burden on the Western Australian people by adding another member to its ministerial ranks.

Let us have a look at its achievements as a result of spending money recklessly. First of all it has appointed a Parliamentary Secretary of the Cabinet. The Government has had to meet the cost of that appointment together with all the requirements of the office such as staff, telephone, printing, and so on. Next, let us look at the statement of the Leader of the Opposition in regard to the Electoral Districts Act, and the cost of electing another six members to this Parliament to represent the people of Western Australia. At the time it was said that such a move was not justified; that there were sufficient members of Parliament at present well able to look after the total number of people in this State provided there was a fair and equitable distribution of boundaries and that people were granted proper voting power.

So I suggest that this Government is deceitful when, on the one hand it says it must preserve its funds and yet, on the other hand it is recklessly spending money for the creation of positions which obviously will impose a burden on the people of Western Australia. We now have a Bill introduced in this House for the purpose of appointing another Minister apparently to bolster up the flagging energies of a Liberal-Country Party Government. Is that the true purpose of the Bill? Is that the reason for its introduction? It is fairly obvious that the Hon. I. G. Medcalf will be a front runner for the position available and yet, as I said a moment ago, he previously refused the position and my understanding is that his refusal was based on the fact that he could not conduct his own private legal practice and at the same time carry out his duties as a member of Parliament.

Is this the sort of situation we are to countenance in this House? It is certainly not a situation in which I believe. Every member of Parliament should devote 100 per cent of his time to his parliamentary duties and not undertake any work connected in any shape or form with a private practice.

When it comes to the question of whether or not this Government is going to put things right, I want to refer to the "I will put things right" attitude adopted by the Premier in regard to this issue on the hustings. He made the statement that he would put things right and I believe he has a right, within the framework of the platform of the Liberal Party, to make such a statement on the hustings. That is within the province of the policy of this Liberal-Country Party Government.

However, I query his assertion of the right to usurp the rights of the people of Western Australia to determine what that policy shall be, and to ram down the throats of the people that 13 Ministers are to be appointed for no other reason than to create an extra position for one of the Government's favoured sons. I would not mind that so much if this Government had not been alleging that the present Australian Government had been creating jobs for the boys. It is always making that claim, and it is a never-ending cry that we hear. This Government accuses the Australian Government of not giving it sufficient finance, and is always accusing the Australian Government of creating jobs for the boys.

If the appointment of the additional Minister is not the creation of a job for the boys, I wonder what it is. Is this a move by the Government to put things right? The only thing it has done to put things right is to take away the facilities from people which enable them to obtain a decent standard of living in this community in the year 1975. Would this Government have us go back to the candle era?

In his contribution to the debate on the Appropriation Bill (Consolidated Revenue Fund) tonight, the member for Pilbara referred to the wages received by the workers. I should point out that many people of the State are suffering as a result of the increased charges which have been foisted on them by the Government.

In this case the Government is imposing another charge, and it does that without any conscience. It simply says that it does not care. In this respect I am not unmindful of the remark made by the Premier in another debate. He said that it did not matter because his Government had the numbers, and we would have to cop it. I say that is what the result will be under this Bill, despite efforts by members on this side of the House.

Additional costs will be involved in a Ministry of 13 members. I imagine there will be a need to appoint an under-secretary as well as to engage more public servants to staff the new office. Other

costs that will be involved are those for telephones, furniture, and furnishings; unless it is proposed that the new Minister will move into the office of the Premier and share it with him. Maybe he is so pally with the Premier that he will move in. Maybe there will be no staff, but I say there will be a need to appoint staff.

Mr Harman: There will be another chauffeur-driven car.

Mr SKIDMORE: As the honourable member has just reminded us, there will be another chauffeur-driven car which will be supplied by the Government and placed at the disposal of the new Minister. All these costs added together represent a tremendous burden on the people of Western Australia. We see this from a Government that consistently has been complaining about inflation, and consistently criticising us on this side of the House for suggesting that there should be a degree of pruning in regard to Government expenditure, in view of the fact that the Australian Government has had to cut back on its allocations to the States in an effort to overcome inflation.

At present we have the situation in Western Australia where some 300 workers of the Metropolitan Water Board are unsure of their jobs. Some of this money could be diverted to avoid any retrenchment of those workers. We have the case of about $24 million to be expended on the conversion of the Kwinana power station from oil to coal; this is a classic example of the bungling of the Court or the Liberal-National Country Party Government.

This Government is leading the people up the garden path, and is proposing to spend the people's money in the useless exercise of creating a Ministry of 13 members. Why is there a need to have an additional Minister? If we look at the legislation which has been introduced this session we cannot fail to see what little that legislation contains. Some of these Bills are small in content, and should not grace the Statute book in any form. In the main the Bills effected amendments of no consequence.

In some cases the Bills affected the workers of this State. The ones we have opposed were mainly centred against the worker and his right to attain a decent standard of living. We have battled to ensure that the worker received 100 per cent of his wages when he went on workers' compensation. That right is to be taken away from the workers on the ground that the wages include other payments. Again, the worker's ability to earn adequate wages is reduced, and this has the effect of imposing a burden on him in meeting the extra charges imposed by the Government.

In this case the Government has put forward a proposal which will involve the wasteful expenditure of public money. We on this side of the House oppose the Bill, and I will certainly oppose it with all the vehemence I have. This is an irresponsible piece of legislation, and it will do nothing else but create a job for one of the boys. At long last I am in a position to accuse this Government, which in recent times has been continually accusing the Australian Government of creating jobs for the boys, of doing this very thing.

MR HARTREY (Boulder-Dundas) [8.46 p.m.]: I agree with my learned leader that 12 Apostles are quite sufficient for the time being. This is not a propitious time to increase the number of Ministers in Cabinet. However, I certainly do not agree with the contribution which has just been made by the member for Swan.

Mr Skidmore: You rarely do.

Mr HARTREY: I would not say that. Often I do agree with the honourable member, but not on this occasion. First of all, I would like to congratulate the Government on its determination to place the Crown Law Department under the control of a trained legal practitioner—a man of high integrity who possesses high qualifications, as undoubtedly Mr Medcalf does. I presume he will be the person to be appointed to the position. I am not the Premier, but I know enough about the Premier to realise what he will do in this respect.

To me it seems to be a duplication of expenditure to have a Minister for Justice, in addition to an Attorney-General. I have never known a time when the Attorney-General was not the person in charge of everything related to the administration of Crown Law, as the Justice portfolio is called.

In my early days as a law student I was taught this: that what I was supposed to learn was not justice in the abstract, but justice according to law. That is perfectly true, but I soon found out, especially in criminal jurisdiction, that there are two kinds of justice—justice according to law, and justice according to Crown Law! I might add the people do not get as much justice from the Crown Law Department when it is administered by a layman.

I am glad for the sake of the workers of this State, for whom the heart of the member for Swan bleeds, and for the sake of the people in general, and especially for the sake of anyone who has the misfortune to fall foul of justice according to the Crown Law Department, that the Crown Law Department is to be administered by a person with high qualifications, with high integrity, and with aloofness from that department—atttributes to which Mr Medcalf can justly lay claim.

I do not say it is a good thing to have 13 instead of 12 Apostles. I say that at the present time it is wrong to increase

the number, because the State does not have the money to pay for the additional appointment. However, I certainly do not disagree in any way at all with the Premier's action in appointing a qualified man to control the Crown Law Department. I am sure that despite our political differences and the different views we hold on economic problems, I will find it more easy to approach the new Minister in relation to the rubbish that has been coming out of the Crown Law Department affecting workers' compensation.

I refer to the case of a man who in January last was declared by the Pneumoconiosis Board to be 100 per cent disabled for work, who had worked until 64 years of age, and who had to give up work because he was quite unfit for any sort of occupation according to the board, whose decision is final and conclusive. Thirty per cent of this disablement was due to an industrial disease, pneumoconiosis. However, this person received a reply from the State Government Insurance Office which stated that its legal adviser, the Crown Law Department, had indicated he had "suffered no economic loss".

Can members imagine my going to a layman and saying, "Did you ever hear such drivel in your life"? He would not know. Mr Medcalf would know. I can see myself approaching him with confidence on that subject.

It is in the interests of the people generally to have a qualified man in the department, and I congratulate the Government on the appointment. However, I still think the Government could have made a redistribution of Cabinet, retained the 12 men, and saved the expenditure which has been so volubly and capably denounced by the member for Swan.

SIR CHARLES COURT (Nedlands—Premier) [8.51 p.m.]: I thank the members for their comments. I gather that the main objection of two members of the Opposition seems to be that the possible appointee as a full Minister if the Bill—in the event of being passed by both Houses—will be Mr Medcalf, because they have directed many of their comments at the person rather than at the principle involved in the Bill.

I make no bones about the fact that if and when this Bill is passed by both Houses and assented to, it is intended that Mr Medcalf will become the Attorney-General. I have strong feelings on the matter because I believe it is very desirable and necessary, for the reasons given by the member for Boulder-Dundas, to have a fully qualified legal practitioner of repute as the Attorney-General if that is at all practicable. It is a time-honoured office, is written into our Statutes, and has its roots very deeply in the British tradition.

I do not suggest we should have an Attorney-General just because we have a qualified lawyer, but when we have a person who has the experience, competence, reputation, and respect of his profession and the community, it is very unfortunate if his talents are not used.

Mr. J. T. Tonkin: You had him in Parliament last year.

Sir CHARLES COURT: I will explain that point for the information of the Leader of the Opposition. It so happens that when Mr Medcalf was approached by me—and I make no bones about it; I said so at the time—to be the Attorney-General in the Government formed last March which took office on the 8th April, 1974, he explained to me with complete frankness, as is typical of Mr Medcalf, what his personal problem was in connection with his practice; and I think he did the right and honourable thing. He said to the potential Premier, "I cannot, because of my practice commitments at the moment and special commitments I have to my partners, give you the service you are entitled to have if I were Attorney-General". I gave him full marks, although I was disappointed, because I have tremendous respect for his capacity and good sense in studying and interpreting matters of the law and giving advice on the law.

I can confirm exactly what the member for Boulder-Dundas has said in his approach to the law because I find it very refreshing to go to Mr Medcalf on occasions with matters I find somewhat difficult to interpret from the source we normally gain our interpretations and he is able to apply the experience he has had as a general practitioner.

I must say here and now that I have a tremendous regard for the general practitioner who has had a very wide experience rather than one who has had his experience at the bar exclusively or almost exclusively, because men who have had their experience and gained their reputation in general practice have the sort of experience a Government needs.

Mr Hartrey: That is very true.

Sir CHARLES COURT: For this reason I make no bones about the fact that I approached Mr Medcalf when we formed the Government in 1974 and was disappointed when he explained to me why he could not accept the position. This is one of the facts of life, and the attitude he adopted is to his credit.

Mr Jamieson: Some of his opinions would have to be better than some of those I have seen given to you. Some are pretty poor.

Sir CHARLES COURT: Then we got to another stage in our activities when it was becoming quite obvious that government today is a far more complex matter than it was when we went into office in 1959 and, in fact, when we went out in 1971. I think that in his heart the Leader of the

Opposition would have to admit that government now is an entirely different affair from what it was when he first came into Parliament and when he first entered the Ministry; and it is not being made any easier day by day. There are a number of reasons for this. Even five years ago the community had a different attitude to consumer affairs, the environment, and Parliament itself. This has been the product of the education system; and I am not complaining about it.

However, I do want to remind members that changes are taking place and there are all sorts of complexities. I personally urgently need someone who has the status of Attorney-General to handle some of these very complex matters and be prepared to give them the necessary time. I do not expect the Attorney-General to be running from Esperance to Wyndham on day-to-day administrative matters of government because I would want him to do something of more value and have the time to sit down to think.

If we consider the origins of Attorneys-General in the States and their task, we find that they have a very special role.

As far as I am concerned I make no excuse about the fact that I want Mr Medcalf to be Attorney-General because of his capacity; and I will deal with another aspect of this Bill because I have answered only one half of the question—that part dealing with Mr Medcalf's professional competence.

When we reached a certain situation, and I felt Mr Medcalf might be more available, he explained to me that he was quite prepared to sever his connection with some of his previous commitments and, by a certain time, he would be available for full-time service as a Minister. I know the gentleman concerned well enough to appreciate that when he accepts a full-time commitment, it will be full time. It has amazed me to see the amount of time he has spent in his capacity as Honorary Minister for which he does not get paid as does an ordinary Minister. He has been completely unselfish and unstinting and has given the Government very fine advice. In fact, all Ministers would say that his presence at the Cabinet table has been an advantage.

Mr Davies: You are getting back to the individual and not the principle. You criticised our leader for doing that.

Sir CHARLES COURT: It is my responsibility to answer the personal criticism of the man concerned; and now I want to move on and deal with the principles because they are another matter. I realise, and I acknowldge that we are really talking about 13 Ministers. It may be that another Government will be elected which does not have a qualified legal practitioner.

Mr Hartrey: With 13, that puts you in a unique position!

Sir CHARLES COURT: We have heard it expressed as one and 12!

Mr Davies: There will be 13 Ministers and a secretary.

Sir CHARLES COURT: I come back to the point. There could be a Government with no qualified legal practitioner and therefore it would not have an Attorney-General. Then the provisions of the Statutes would prevail and a Minister for Justice would be appointed. The simple fact is that that is a situation with which the Premier of the day will have to deal in the allocation of his portfolios.

I do remind members that this is not a new idea; that is, having an extra Minister. It is not a new idea at all.

Mr Harman: It is a lot of rubbish.

Sir CHARLES COURT: I refer members to page 5735 of *Hansard* of the 4th December, 1973, when Mr O'Neil asked the then Premier—

> (1) Does he recall stating in his policy speech " . . . it is proposed to examine carefully the effect of additional responsibility of Ministers and, if found necessary, Parliament will be asked to alter the Constitution to enable an increase to be made in the number of Ministers"?

The answer was, "Yes". The next question was—

> (2) Is the fact that no move has been made to increase the number of Ministers an indication that—
>
> (a) there has been no increased responsibility of Ministers; or

To which the answer was, "No". The next portion of the question was—

> (b) no careful examination has been carried out; or

The answer to that was, "No". The last part of the question was—

> (c) experience has shown that 12 Ministers can adequately handle any increased responsibility that has eventuated?

To which the answer was, "Yes".

Mr O'Neil: It appears I asked the wrong question!

Mr May: You were probably frightened you were not going to get the job.

Sir CHARLES COURT: The fact is, the proposal is not new. I want to say quite categorically, because this was asked of me by the Press at the time, that when we were forming the Government after the election in March, preparatory to taking office on the 8th April, it was very seriously considered that we should have an extra Minister at that time. On that occasion I argued with my colleagues that it would be better to get into Government

and experience the work load under the new conditions of government, and then make our decision as to whether we should take steps for the setting up of an extra Ministry.

Out of that experience came, first of all, the Honorary Ministry, which was a transitory period, and then eventually we decided to have the extra Ministry.

Mr Davies: The real question is—Mr Medcalf apart, if he were not in the picture—would the Government still have another Minister?

Sir CHARLES COURT: At the moment, I would say, "Yes". If the honourable member opposite were in office the question would not be whether to have 12 or 13 ministers; the question would be whether to have 13 or 14 ministers. If the honourable member ever gets back into office—

Mr May: When we get back into office.

Sir CHARLES COURT: —he will find it is an entirely different ball game from what it was when he went out of Government—which is not all that long ago.

Mr Davies: The Premier is kidding himself.

Mr Harman: He is justifying his argument to his own members.

Sir CHARLES COURT: I do not have to justify the position to them; they have examined this matter very carefully and made up their own minds.

I want to remind members opposite that there has been a lot of play on the extra cost involved in the appointment of an additional Minister. For the information of members, his salary will be some $10 000 a year extra. Of course, there is the allowance he is already receiving as an Honorary Minister and it is true he has to have a secretary and an office. However, when the total cost of the appointment is measured against the commitment entered into by the Tonkin Government in respect of electorate offices it is not comparable.

Mr T. H. Jones: Members opposite did not oppose electorate offices.

Sir CHARLES COURT: I know that if the inner thoughts of the then Premier and myself—

Mr T. H. Jones: Let us hear them.

Sir CHARLES COURT: —were ever known publicly, and in the light of our experiences and our sense of responsibility, there would never have been the extravagance embarked upon on that occasion.

Mr Harman: What extravagance? The services were essential.

Mr T. H. Jones: I cannot get even a water bag.

Sir CHARLES COURT: I feel sure members will rue the day—

Mr T. H. Jones: What about giving us a water bag?

The SPEAKER: Order!

Sir CHARLES COURT: I feel sure members will rue the day when they did not allow priority to be given to bringing this building up to scratch in order to cope with the requirements of Parliament, and then deal with the question of electorate offices later.

I hope that during the discussion on the Estimates someone will show sufficient interest to make inquiries on behalf of the taxpayers as to exactly what the electorate offices cost, and then measure that cost against the pittance involved in having an extra Minister.

Mr T. H. Jones: What about all the new cars which have been purchased?

Mr Harman: The Minister could have an extra electorate office.

The SPEAKER: Order! There are too many interjections.

Mr Harman: I think the Treasurer has put forward a very poor argument.

Sir CHARLES COURT: I am disappointed that there are not sufficient members on the front bench opposite with experience in Government to see the merit of what is now proposed and the reason it is proposed, and adopt a more considerate approach to what I believe is quite a serious matter. For my part, I can only argue that it is a matter of convenience for members opposite to oppose the appointment for a purely political reason.

Mr Davies: Nonsense.

Sir CHARLES COURT: It seems that members opposite want to have a go at a particular member.

Mr Davies: You have got the old record on again.

Sir CHARLES COURT: I hope that on reflection members will realise that what the Government has done is sensible and in the interests of good and adequate government.

Mr Davies: You have not got an argument.

The SPEAKER: I advise members that the constitutional requirement in regard to the second and third reading of this Bill is that there should be an absolute majority of members of the whole House voting in favour of the question. If there is a dissentient voice I will call for the bells to be rung.

Question put.

The SPEAKER: As there is a dissentient voice, I order the bells to be rung.

Bells rung and the House divided.

Ayes—26

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko

(Teller)

Noes—17

Mr Barnett	Mr Jamieson
Mr Bateman	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Carr	Mr McIver
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moiler
Mr Hartrey	

(Teller)

Pair

Aye	No
Mr Ridge	Mr Bertram

The SPEAKER: The result of the division is Ayes 26 Noes 17. I declare the second reading of this Bill carried with the concurrence of an absolute majority of the whole number of the members of the House.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

SIR CHARLES COURT (Nedlands—Premier) [9.08 p.m.]: I move—

That the Bill be now read a third time.

Question put and passed.

The SPEAKER: I neglected to state again what I said earlier with regard to the third reading of this Bill. As there was no dissentient voice when I put the question that the Bill be read a third time, and as I have counted the members of the House and found there is an absolute majority present, I declare the third reading carried with the concurrence of an absolute majority of the whole number of members of the House.

Bill read a third time and transmitted to the Council.

RESERVES BILL

Second Reading

Debate resumed from the 30th October.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [9.11 p.m.]: At this time every year we have a Reserves Bill dealing with the various reserves the usage of which is being changed. The Bill now before us contains about a dozen items and I see no reason to object to any of them. However, other members will speak about the reserves which are in their areas.

Some years ago Heirisson Island was vested in what was called the National Fitness Council at the time for development for sporting and other activities associated with that council. However, we are well aware that there have been several proposals for the use of Heirisson Island. The Deputy Premier in the Tonkin Government brought forward a plan for its development and the present Government has proposed other plans. The Government and the Perth City Council are now working on the procedure for developing the island as a botanical garden and a fauna reserve.

I think this proposal deserves a lot of support because the island has made a rather ugly approach to the city and it has had very little use other than as a speedboat headquarters which I sanctioned as Minister for Works. In a sense it has been a fauna reserve because when the grass was mown prior to the island being used as a speedboat headquarters it was found to be full of dugites. The man who was doing the mowing was flinging them up all the time; so there was a fair amount of activity in the grass about which we did not know.

In the future, instead of having snakes there we might have some species of the fauna peculiar to this State which will be available for visitors to see. We may have some varieties of marsupials, and it would be appropriate at such a place to have the numbat, which is the animal emblem of Western Australia, although it might be difficult to obtain.

Some of the small matters dealt with in the Bill are rather unique. It appears that at Preston Point the Army has exerted itself too much and fenced off part of a reserve for its own purposes. The Army has now decided it is prepared to pay $2 000 rather than move the fence back to its proper location, and this is probably a sensible approach. Nobody has worried about this situation and I am sure it will be a suitable arrangement for all parties.

There is an interesting feature at Noble Falls. Many members will know the small reserve there which is maintained by the Shire of Swan. It appears some of the amenities have encroached upon a farm property, but the shire has made what appears to be a sensible arrangement whereby it will cede part of the reserve in exchange for the farming area that has been used. There is an associated proposal that the fence which is now in existence can remain for the next 10 years or until such time as it is necessary to realign the fences.

There is a matter associated with a caravan park in the Donnybrook area, but I am sure the member for the district

will be interested in speaking about that proposal.

So far as the Bill, generally, is concerned and the areas in which I have taken an interest, I see no reason for not supporting the proposals. As I said, the Bill is a regular occurrence at this time of the year and it tidies up a lot of matters which needed tidying up.

MR J. T. TONKIN (Melville—Leader of the Opposition) [9.18 p.m.]: My deputy leader has indicated our general approval of the Bill. I looked at it very carefully when it was first introduced and read the notes which were handed to me. There is only one reserve mentioned in the Bill which concerns my own district; that is, Reserve No. 22365, classified as Class "A", comprising Swan Locations 4880 and 4881, which contain 7.418 7 hectares set aside for park and recreation purposes and vested in the Town of East Fremantle.

I noted this matter had been referred to the East Fremantle municipality, which had no objections to the Government's proposal to excise the area from the reserve. As that is the body most concerned, and the reservation is vested in it for recreation purposes, there is no reason for our raising any objection to the proposal. I think these enactments are very necessary to tidy up certain situations, and we are in favour of the Bill.

MR H. D. EVANS (Warren) [9.20 p.m.]: Traditionally the Reserves Bill is left until the latter part of a session, and in this way all possible alterations to the tenure and holding of land can be carried out at the one time and so avoid a delay of some 12 months before action can be taken in a particular area. On this side we raise no objection to most of the areas concerned, and the majority of the purposes for which intention has been given, although perhaps objection is not the right word to use.

The Leader of the Opposition referred to an area at Preston Point. He told us that he knows this area and had no objection to the proposal for it. However, I do have a small amount of concern about one particular area. I am not personally familiar with it and I am unable to say whether or not the local inhabitants are in favour of the intention set out in this Bill. This is the Class "A" Reserve No. 337 at Beaufort River. It appears this is in the Shire of Woodanilling.

Mr O'Neil: What clause is this?

Mr H. D. EVANS: This is covered in clause 3(1). Apparently the Shire of Woodanilling has requested a change in status of the reserve to permit the establishment of a rubbish dump for the disposal of waste, and particularly waste water from the tearooms. The severance will be 13.163 1 hectares. While we know that the disposal of rubbish is essential, it seems to me that the location of a tip within 50 metres of a highway is not really desirable. The Minister told us that this 50 metres is covered with scrub which will provide a screen, but I still feel that a rubbish tip should not be located 50 metres from a major highway. As I am unfamiliar with the area, I cannot say whether any alternatives exist.

I hope the member for that area will be able to convince us that this excision is a desirable one. The Minister told us that the trenching processes will be organised by the shire in a manner which will encourage regeneration of the native vegetation. Was this recommendation made by an engineer without reference to environmental considerations? I would have liked the opportunity to make further inquiries, but I was unable to do so. I admit that I have reservations about the proposition, and I hope the member for that area will comment on it.

I notice with some interest that clause 6 provides for the cancellation of Class "A" Reserve No. 15997 near Yanchep. I looked a little more closely at this provision as it is an area about which I have some personal knowledge. The reasons given by the Minister are valid ones, and we do not object to the proposal. This area of 65 acres was set aside as a reserve for water in 1915, subsequent to a request from the Shire of Gingin. The reserve encloses Yeal Swamp and in 1955 the tenure and purpose of the reserve was changed to the protection of fauna and flora because it was found to contain gum trees which are suitable for koala bears. The introduction of koala bears to an area is relatively simple, but they are very selective in the leaves they eat, and as a consequence, any native eucalypt which provides feed for koala bears is of considerable importance for that purpose.

Under the provisions of clause 6, the area enclosing Yeal Swamp—the area containing the particular eucalypt which name escapes me for the moment—will now be included in the larger area as a single reserve for the conservation of flora and fauna. This is purely a change in designation and we do not object to it.

The Deputy Leader of the Opposition referred to Heirisson Island. A large number of groups and organisations have expressed concern about the ultimate use of this island. It is divided into three sections as set out in the diagram which the Minister provided when he introduced the measure. Since 1960 many suggestions have been made about the development of the island and how it can best be utilised. It has now been agreed that the City of Perth can control and develop the reserve for recreation and other compatible purposes, such as picnicking. The general concensus of opinion seems to be that this is the best purpose for the island. Work has commenced already with funds made available from both the State Government

and the parsimonious Commonwealth Government about which we have heard so much. Here is further evidence of its miserliness in that funds are available for purposes such as this.

Although the present purpose of the island is not really suitable for a reserve controlled by a municipality, this clause seeks parliamentary approval to change the purpose of Class "A" Reserve No. 23063 from "Recreation (National Fitness)"—as it was originally designated—to a public park. As we are aware of the research into this matter, we should feel confident that this is the most beneficial purpose for the island.

Clause 2 refers to a large area of 2 158.795 hectares in Reserve No. 27107 which was set up in 1964 for the purpose of "Townsite Extension—Albany—and National Park". This was partly to provide for future urban development, but at the same time to provide protection for the flora and fauna of this large area.

Since that time recommendations have been put forward by the Albany Port Authority, and it appears the Public Works Department is looking well into the future in respect of an area of 900 hectares which has a deep water frontage and this area could be suitable for possible expansion of the harbour which may ultimately be the only solution for the town of Albany. While it does have a magnificent harbour, there are limitations in respect of future expansion.

It would appear that the proposal to change the purpose of this reserve from "Townsite Extension—Albany—and National Park" to "National Park" is the best way of retaining the reserve. If it is ever required for some purpose in the future, whether it be for the expansion of the harbour or for any other purpose, I would imagine the matter would have to come to Parliament and, therefore, Parliament will have control over this most important reserve. Probably this is more of a holding situation rather than the creation of a permanent national park. I see the member for Albany nodding his head in agreement, so it looks as though that is probably the best way of retaining the land so that it may be utilised in another manner at some future time. Parliament will have the opportunity to debate and examine any future proposals when they are contemplated.

The Deputy Leader of the Opposition referred also to the amendment of Class "A" Reserve No. 2146, which is the subject of clause 4. If anyone reads back through the files he will see that a succession of Ministers have been embroiled in trying to resolve this particular problem. The clause virtually tidies up a situation which has accumulated over a period of time. It seeks parliamentary approval of the excision of portions referred to on the survey as Swan Locations 9264 and 9266 so that they may be granted by way of exchange to Swan Locations 9263, 9265, and 9267 as part of an agreement to rationalise and ratify the land available for public enjoyment at Noble Falls. I have examined the area in question and I appreciate the problem.

Mr Thompson: Are you sure you weren't inspecting the place across the road?

Mr H. D. EVANS: I viewed the place over the road with some interest as I passed. This area offers a useful public recreation function and I am personally very happy to see that the problem is finally being laid to rest.

I cannot speak with any personal appreciation of the problem referred to in clause 5. The reserve in question is within the Shire of Donnybrook-Balingup. I have the exact locale fairly clearly in my mind, as I pass it several times a week, but I have not discussed the matter with the shire and I am certainly not sanguine in respect of offering an authoritative comment. I think it would be more fitting for the member for the area to reflect the feeling and the observations of the shire and the people of the area. The excision of a portion of the reserve so that it may be set aside as a reserve for a caravan park vested in the Shire of Donnybrook-Balingup has probably met with the approval of the local authority. Certainly it is a needed facility in that area.

Caravan parks in the south-west are overcrowded at the moment and will continue to be overcrowded in the future. The position will not ease in the near future, particularly once the Eyre Highway is fully sealed because, according to the projections, it will mean about 180 additional caravans a day coming to this State. Obviously we will have thousands more caravans in the State and the pressure on existing caravan parks will increase. The need for this facility certainly justifies ensuring that land is available. The locality is well suited to be used as a caravan park. I can only assume that the shire initiated the move and that it has met with the approval of all concerned.

There is nothing in the Bill at which I could cavil. The thoroughness with which these matters have been prepared and the detail contained in the files of the Lands Department is indeed considerable. The department comes in for criticism at times. It is criticised for slowness and for other things, but it is often forgotten that in dealing with land it is not possible to make a mistake that does not have very serious consequences.

Every particular transaction in respect of a piece of land must be recorded because at the time of the owner's death when documents must be perused before

the court if an error has occurred it creates tremendous legal complications which take a great deal of time and cost to resolve. Western Australia can feel it is well served by the officers of the Lands Department because as a result of the system of checking devised in the department it is very seldom that an error does occur.

With those few comments, I support the Bill and express the hope that I will receive clarification of the two reservations I have outlined.

MR O'NEIL (East Melville—Minister for Works) [9.39 p.m.]: I thank the member for Warren for his support of the Bill. He will be aware, of course, that I am acting for and on behalf of the Minister for Lands in respect of this matter. Members who have been here for some time will realise that the method of presenting the Reserves Bill was changed some years ago to make every clause self-contained and as nearly as possible descriptive of the proposal contained in it.

In addition to this, of course, copies of the Reserves Bill, the appropriate maps of the reserves to which they relate and extensive notes prepared by officers of the Lands Department are made available to the Opposition, and in fact to any members who would like to examine matters relating to the variation of reserves in their electorates.

The honourable member raised a query in relation to clause 2 of the Bill which refers to an area previously set apart for townsite extension near the town of Albany; it is now proposed to set this area aside as an "A"-class national park.

Mr H. D. Evans: You are going to look silly if, having classified it as an "A"-class national park, you cannot get it released again.

Mr O'NEIL: We will take that risk. I recall when I, as the Minister in charge of port authorities, visited the Albany region some 18 months ago, the Albany Port Authority raised the matter with me, as Minister for Works, in the presence of the Under-Secretary of the Public Works Department. We saw the need to ensure this area was not used for townsite extension, particularly the area around Gull Rock, because several surveys had indicated that this was a site for some possible deep-water port which could service the region generally.

Certainly it is a very long-range proposal, and there are no firm proposals for port development in that area at the moment. However, it spoke well of the foresight of the Albany Port Authority and the Public Works Department that they had regard for the possibility that at some time in the future when it was decided it was necessary to establish a deep-water port in the area, it could well be that the area had been used for townsite purposes, on which perhaps holiday homes had been established. The area could well have grown to the point where it would be virtually impossible, or excessively costly to resume the land for the purpose of constructing a port.

The member for Warren referred to the extensive area involved. I remember the proposal as originally discussed was to confine the national park to a much smaller area than is proposed in the Bill. However, it was felt it would be a much simpler matter to redesignate the entire reserve, rather than amend part of it. The honourable member has accepted that, essentially, the Bill is a holding measure. Furthermore, any proposal to cancel or vary "A"-class reserves must be the subject of the approval of Parliament.

The member for Warren also raised the matter of the redesignation of reserve No. 337, which straddles Albany Highway at Beaufort River. Presently this land is designated as a camping or stopping place, and for recreation. The local authority desires to establish on that reserve a rubbish disposal site, which is to be situated some 50 metres from the road, screened by scrub. The local authority says the disposal site will service principally the Beaufort Tearooms which, as I understand it, is not on the reserve but some small distance to the north.

Much of the area is not suitable for rubbish dumping because it is low lying, and becomes swampy in winter. The disposal site will be supervised entirely by the local authority and will be subjected to examination and control by the shire's health inspector. It is proposed to use the sanitary landfill method of disposal. In other words, the area will be trenched, rubbish will be dumped and compacted and, later, trees and shrubs will be planted to cover the area.

Mr H. D. Evans: To me, 50 metres from the highway is not very far, especially when we start digging trenches, burning rubbish and the like.

Mr O'NEIL: I have not seen the site, but apparently the officers consider the scrub at the edge of the highway to be of sufficient height to conceal the operation.

Mr Watt: It is very thick, banksia-type scrub.

Mr O'NEIL: The honourable member has accepted that the officers of the department are very careful in relation to these matters. In fact, it is to be a sanitary landfill operation of the type the member for Clontarf has in his electorate, not very far from where I live. Admittedly, sanitary landfill would create greater problems in the electorate of the member for Clontarf, because of the proximity of houses, than will this proposal.

However, people have accepted that sanitary landfill along our river foreshores and in our low lying areas in fact ultimately converts swampy land to land which can be used for either passive or active recreation. I believe I have covered the points raised by members.

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 Mr O'Neil (Minister for Works), and transmitted to the Council.

STATE FORESTS

Acquisition of Land at Manjimup: Motion

Debate resumed, from the 30th October, on the following motion by Mr Ridge (Minister for Forests)—

> That the consent of this House be granted to purchase, acquire, resume or appropriate the land designated Nelson Location 3643 in the Shire of Manjimup for the purpose of inclusion in the surrounding State Forest No. 38.

MR H. D. EVANS (Warren) [9.48 p.m.]: This motion involves a small plot of land which is located well into State Forest No. 38. It comprises only about 10 acres, but is one of those pieces of land which makes forest management very difficult.

The block itself is registered in the name of Ralph Percival Johnson, sleeper cutter, care of Mrs George Crowd, Hillview, Upper Warren, via Manjimup. I have sighted the title and have assured myself that there are no encumbrances on the land, or ways in which the title can be held up. At the same time, it has not been the subject of an investigation through the Probate Office. The probate officer of the Lands Department has stated in writing that no application has been made to administer the estate.

So, Ralph Percival Johnson, sleeper cutter, seems to have vanished. If he is still alive, he would be a very old man today. This is one of those situations where nobody knows his whereabouts, or what happened to him after he dropped out of site from the district. He was one of the old breed; his vocation of sleeper cutter indicates that we are dealing with another era.

The interesting significance of the motion now before the House is that, as far as I am aware, it seeks to use for the first time section 22 (1) of the Act to acquire a portion of State forest which hitherto has not been used. This is being done on the motion of a Minister, and he did indicate that in using this section land will be acquired for State forest purposes in a rather unusual way. As I have said, it is the first time the section has been used in this manner, as far as I can recall. However, I think such a course is justified.

In the first place rates would be owing on this land which probably would be in excess of its value. The owner cannot be located and so the shire would be perfectly entitled to sell the land if for no other purpose but to obtain its rates.

Mr Thompson: That would make it difficult to sell, would it not?

Mr H. D. EVANS: No, that is not so at the present time. There would probably be more like 200 than 100 applications being received by the Lands Department at the present time from people throughout the south-west for pieces of State forest for various purposes in order to assist farmers. No State forest will be available for release. The procedure is too difficult and as a consequence I cannot see any Government allowing a piece of State forest to be excised for farming purposes. If that were agreed to in one instance it would open the floodgates. Literally, dozens of applications would be made, probably just as valid and justifiable as the first, and this precedent would have dangers as far as State forests are concerned.

Mr Laurance: It must be a very old title.

Mr H. D. EVANS: Yes, it is a fairly old location.

Mr O'Neil: It was 1922.

Mr H. D. EVANS: Yes, 1922. I would like to see approaches made by other farmers for individual purposes. This has been done. It is a practice that is possible for the Forests Department to follow. If a mutually satisfactory exchange can be arranged the Forests Department is happy to co-operate. The department is in a difficult position in that it cannot go onto the open market to purchase land that it wishes to purchase. This is undesirable for management, regeneration, and other purposes.

In this instance, this little block located right in the middle of a State forest would be entitled to a surveyed access road. Such a road is not in existence at the moment, because I know the locality of the block. Forestry tracks would give very close access to it but a surveyed line would have to be taken into the property at some considerable cost, and the owner would be entitled to demand this from the shire.

So whilst on the one hand it would be desirable for a private individual to purchase it—or if there were some prospect of an exchange of land being arranged with the Forests Department this no doubt would resolve the problem in another area by straightening up a boundary for a farmer, or obviating a difficulty for the department—on the other hand, if a private purchase was made on this title it would mean the block would have to be

cleared, fenced, and firebreaks placed around it. I mention firebreaks because it is an area that is subject to aerial burning, and to try to control such a small speck in a large area of State forest would be very difficult indeed.

So I do not think we can dispute the practicability of the Forests Department exercising this power which it can do under section 22 (1). In this case it is reasonable and quite fair. I do not know if such an act could be justified in all circumstances; in fact, I am sure it could not, but in this particular situation the reasons that have been advanced are valid. The difficulty a private individual would have in locating the right owner—Mr Johnson—suggests that a private sale would be virtually impossible. The owner cannot be traced. There is no indication that he can be found and there is no way by which the estate could be tidied up.

The significant point is that the title has been sighted. There is no record of anything having transpired with the land. There is nothing on the title to indicate in any way that the original owner is still alive and no application has been made to administer the estate. So the title is lying dead in the Titles Office. The only indication that the place was ever settled are the ruins of a fence surrounding the area and to put firebreaks around the property to safeguard such a small plot in the middle of a large area of forest would make the position intolerable.

The cost of managing an area of that size would heavily outweigh the real benefits that would accrue to any individual, unless, as I say, it was exchanged for another piece of land which ultimately would bring the land back to the Forests Department and at the same time resolve a problem in another locality.

So I go along with the intention behind this motion now before the House. I have taken the trouble to check the matter as thoroughly as I was able. I feel that the motion is justified, and so I support it.

MR O'NEIL (East Melville—Minister for Works) [9.58 p.m.]: I thank the member for Warren for his support of the motion and congratulate him on the endeavours he has made to ascertain whether the motion has merit. As the honourable member has said, my understanding is that it is a rare move to use a particular section of the Forests Act to acquire land for various purposes. We are accustomed, of course, to deal with the usual motion which seeks revocation of State forests, and it is most unusual to use this method. It has been used, of course, as the member for Warren has said, because the owner cannot be located. He is not known to exist in the eyes of those who have searched for him. His name does not appear in any electoral roll. Several letters sent to his last known address have been returned marked "Address unknown" and so it is an extremely difficult matter to handle.

Nevertheless the law provides for most things. In this Chamber it is often said, "We can do anything except make them love the child." We are therefore putting this particular section of the Act into operation to take action to resume this land. However, a further procedure must be followed. I understand the final act of resumption must be taken under the powers provided under the Public Works Act. It is unusual to use the resumption powers under the Public Works Act for this purpose, although the motion itself is unusual.

I can recall a case that occurred quite recently where some people desired to bequeath small blocks of land for public purposes. The titles were missing and it would have been extremely difficult and quite expensive to go through the process of making sure the titles were in good order and condition. The people who wanted to give the land away would have been burdened with this expense.

It was found to be much simpler and to be in the interests of all concerned for the Public Works Department to resume the land. This was done at absolutely no cost to the owner, and the land was converted to the original desired purpose. In this case the owner is missing. I understand he purchased the land in 1922, but he cannot be found. The land is surrounded completely by virgin forest, and this area itself comprises 10 acres of forest which is identified only by a broken down fence. The procedure which has been adopted will enable this land to be included in State Forest No. 38.

Question put and passed.

Resolution transmitted to the Council and its concurrence desired therein, on motion by Mr O'Neil (Minister for Works).

STATE FORESTS

Revocation of Dedication: Motion

Debate resumed, from the 30th October, on the following motion by Mr Ridge (Minister for Forests)—

> That the proposal for the partial revocation of State Forests Nos. 2, 22, 28, 36, 40, 43, 47, 64 and 69 laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant Governor and Administrator on 28th October, 1975 be carried out.

MR H. D. EVANS (Warren) [10.02 p.m.]: This again is a motion moved annually, through which adjustments to State forests are brought before this House under the terms of the Forests Act. The presentation to both Houses of Parliament of a motion setting forth the recommendation of the conservator and the concurrence of the Minister ensures that no adjustment is made to State forests and no excision is carried out unless the

opportunity is made available to examine each intention thoroughly.

On this occasion 10 areas are involved. At the onset I was a little perturbed to find that the area to be excised from the State forests is considerably more than that which is acquired through exchange, leaving a net loss in the State forests in the year 1975.

This seemed to be a most unusual situation, because a net loss has not occurred for some years. I was beginning to lose confidence in the administration of the Forests Department, until I realised the Metropolitan Region Planning Authority was involved in an area of some 2 000 acres or 924 hectares.

The proposed excisions amount to 906 hectares, and the gain to the State forests through exchanges in the course of these proposals is 182 hectares. There is a net reduction of 724 hectares, of which an area of 708 hectares is included in the transfer of land to the Metropolitan Region Planning Authority in State Forest No. 69 near Wanneroo.

The reason for the proposed revocation of State forests near Wanneroo is the redirection of the land to the Joondalup subregional centre. We are beginning to think in terms of a twin city when the Joondalup subregional centre is mentioned.

There are several points concerning the other excisions which should be made. In dealing with the items as they have been presented, the first area is a relatively small one involving 1 327 square metres, and it contains the old school and teachers' quarters at Wonnerup. The purpose and the reason for the revocation of this area is that it is reserved for "Preservation of Historical Buildings". A condition of the grant from the Australian Government for the restoration of the buildings is that the area be vested in the National Trust of Australia (WA). That seems to be a fair and reasonable ground for the alienation of 1 327 square metres.

The area around Wonnerup goes back to the early stage of the State's history. If a building is approved by the National Trust and is the subject of a Commonwealth grant then I feel there is sufficient justification for the revocation of the land. I know the area slightly, and also the building concerned. No doubt the member representing the district will wish to make some comments on the proposals relating to the future use of that old building.

The second area involved is one of 4.061 9 hectares at Pickering Brook. From the point of view of forest management and general overall forestry policy this is not a good area. The level of tree coverage does not constitute good forest; it is difficult to maintain; it is in a bad locality; and it is to be released by the Lands Department as an addition to the adjoining recreation reserve to be used as playing fields by the Pickering Brook Sports Club.

The Public Works Department and the Forests Department have no objection to the release of this land. If they are satisfied with the proposal in relation to forest management, forest production, water supply and water catchment, it would be difficult to find fault with the principle behind this excision. The stated purpose is for the release of the land to the Pickering Brook Sports Club, provided no additional buildings are erected on the reserve as a consequence of this proposed release.

A condition is attached to the release, and the club has accepted it. As a consequence, both departments involved are satisfied that the underlying principle, reason, and intention are worthy. I have no doubt the member representing that area will agree, if he has any interest in the club.

Mr Thompson: I have. I will let you know my thoughts shortly.

Mr H. D. EVANS: The third area involved is in the Jarrahwood district. Once again this relates to a very unusual type of release of Crown land. The actual historic origins are difficult to trace, but St. John Brook was settled by a person named Grewar in the latter part of the nineteenth century. The usual Crown grant was issued, and it was a particular type of lease that is not encountered nowadays.

Here we have virtually a straightout exchange of an equal area, and if the Forests Department is satisfied that it has a better class of forest land and a better management proposition, then I for one would be quite happy to concede that it is in the interests of the State to agree to it.

The fourth area involved in this motion is in my own locality. It is about 10 miles south of Manjimup, and is part of Nelson Location 13130. An SEC substation is established in that area. This is a release of a further area of 5 904 square metres to allow access to a substation site that has already been excised from the State forests.

I do not think we could justify holding out against that particular purpose. The project has already been involved in a previous excision, and unless this present excision goes through, the first will be to no avail. I do not know what the SEC would do in that case.

Area No. 5 is again in a region I know well, and is south-east of Northcliffe. The adjoining holder of Nelson Location 11109 is exchanging with the Forests Department an area of about 11 hectares. It is an equal area of exchange, and once again the Forests Department maintains it is in

its interests to go ahead with this proposition. In that case, there can be no criticism of the intention behind it.

Area No. 6 involves only eight hectares situated 15 kilometres north-east of Walpole, inadvertently included in the survey of the northern boundary of Hay Locations 2308, 2309, and 2313 which have been released for selection. It would appear that this is a rectification of a survey error. The area concerned is mainly flats and no merchantable timber is involved. It will not affect access to State forest. As it is again a tidying up operation it is one about which there can be no difficulty.

Area No. 7 is in the same Walpole area and takes in about 24 hectares situated about 14 kilometres from the Walpole townsite. It is required to enable the boundary of a location in a Lands Department subdivision of adjoining land to be brought to an acceptable boundary fronting a forestry road. I know the area, which is rather sandy, flat, and of very little timber value.

The next area—No. 8—involves 61 hectares, again in the Walpole district, and it is described as containing mostly flats with an occasional merchantable tree, applied for by the holder of private property, Nelson Location 10172, in exchange for that location. Once again it would appear to be in the interests of the department to go ahead with this, and with that justification, and with the confidence I have in the departmental officers, I would accept their recommendation in the matter.

Area No. 9 is to the north-east of Denmark and is a relatively small area of 14 hectares situated about 10 kilometres from the townsite. This portion is to be added to an area of vacant Crown land to be released for selection adjoining the unsurveyed boundary of State forest. The survey to establish the northern boundary of the area to be released resulted in the encroachment into State forest in two sections requiring excision action to conform with the survey. Again this is providing a tidying up process for a previous excision and in this case it involves an access. The survey line will result in an area of about 34 hectares of vacant Crown land containing some timber being added to State forest, so the net gain is something like 10 hectares.

Area No. 10 is a large region to which I made initial reference and it is to be relinquished to the MRPA. It is 708 hectares. This is getting into quite a large tract of land and it raises the whole issue of the planning of the outer metropolitan region. If we are releasing that amount of State forest it must be put to a very good purpose, as it is in this case.

I have examined the area previously and it contains several quarries, and is rather stony in terrain, but, at the same time, it is State forest and it does serve a useful purpose as a water catchment and to some extent as a flora and fauna reserve. The underground water of the area is quite important, but I suppose one of the prices we must pay if we are to have a twin city will be the alienation of further State forests. I do not suppose we can stand in the way of progress in this matter.

There has been no indication as to whether this area has been referred to authorities outside the MRPA, and I am thinking in particular of the EPA, and also the Department of Fisheries and Wildlife. I do not know whether the underground water is of sufficient importance to allow an area of that size to be alienated with impunity. It is quite possible it can be, but then again it might not be.

Several locations are in the area and if the region is cleared and subdivided, I do not know what will be the effect on those locations. I have no way of knowing, and I have not been advised by the information provided in the Minister's introductory speech. However, it is something about which I seek comment and about which a comment should be made.

I will not open the debate to the full broad gamut of the future planning of the City of Perth, if a twin city it may necessarily be. It is, of course, verging on that, and this alienation of 708 hectares of State forest is the first step in the expansion we will see in the short and mid term. However, there have not been any answers —probably because there have not been any questions either—as to the precise ultimate effects.

As I said, it is not an area which is suited to forestry so if a portion is to be taken from State forest that is probably about the best portion to excise. The limestone makes it not a good proposition for planting pines and, anyway, I do not think it would be the best area in which to develop a pine plantation in this State. There are regions more suited to providing a prophylactic effect of the spread of *Phytophthora cinnamomi* as well as to providing a suitable source of timber.

I will be very interested in the reply of the Minister to those several queries raised in connection with the general implications of the release of the final area referred to in the tabled information. With those qualifications I support the motion.

MR THOMPSON (Kalamunda) [10.19 p.m.]: I would like to make a brief contribution to the debate although at the outset I indicate that I support the motion.

I want to make reference to that section of land in Pickering Brook which is to be made available for use by the Pickering Brook Sports Club; and I would like to say a little about the history of the club.

It was established some years ago on land under the control of the Metropolitan Water Board on the catchment of the Victoria reservoir. The MWB was concerned about the existence of the club. Several years ago when the club indicated

it wished to establish a swimming pool at its premises the board jibbed at the idea. The club suggested that unless the board was prepared to buy the facility and allow it to be moved to another location it ought to approve of the construction of the swimming pool.

A compromise was reached in that the board accepted the existence of the golf course on Metropolitan Water Board land, but insisted that the club house and its associated facilities be moved. As far as I am concerned it was rather ironical that the facilities were moved from one water catchment area to another—from the Victoria catchment to the Lower Helena catchment.

The club has been rather fortunate in that it received something in the order of $85 000 for the premises on the old site. It was then given the right to shift the premises to the new site so it received $85 000, plus the value of the building. The local authority, at the request of the club, raised a self-supporting loan of $40 000 and, lo and behold, "Father Christmas Gough" turned up and under the RED Scheme gave in excess of $100 000 to be spent on this private club.

Mr H. D. Evans: You will never criticise Gough again!

Mr THOMPSON: I will criticise Gough because I believe the expenditure of $100 000 on club facilities for the benefit of members of that club only is misappropriation of taxpayers' money.

Mr Bryce: There are some local Liberals holding out their arms for the money. They do not all share the view of the member opposite.

Mr THOMPSON: I do not care whether or not they share my view. I am saying that the money was misappropriation of taxpayers' funds.

Mr McIver: It was the best scheme ever introduced into this State.

Mr Nanovich: The worst scheme.

Mr THOMPSON: I have stated my views to the members of the club concerned, and I will state them to anyone else who is prepared to listen to me.

The piece of land to which we are now referring consists of a few acres adjacent to the club. The committee of the club made the request for the land when the $100 000—or thereabouts—was granted for extensions. The committee considered that the extra land would enable them to provide additional facilities for their members.

A condition laid down by the Public Works Department is that no building is to be erected on the piece of land which is to become attached to the club. The club has accepted that condition, but there is one point about the whole question which perplexes me. In the past, when I have discussed the matter of development on water catchment land with senior officers of the Metropolitan Water Board I thought the concern expressed was centred around the disposal of effluent and other waste. However, I have been told the principal concern is that when vegetation is cleared from the ground there is a rise in the salinity of the soil.

The Public Works Department opposed the expansion of the Carilla townsite, which is adjacent to the Pickering Brook Sports Club. A total of 70 building blocks were originally surveyed but the reason they have not been released is that with the removal of the trees from that area a rise in the salinity of the soil will occur. I find some contradiction between the attitude of the departments in those two situations.

It is not my intention to delay the debate. I wished to draw attention to the situation which exists in respect of that particular club, and, more particularly, to highlight what I believe to be a gross misuse of public moneys under the RED Scheme.

Mr H. D. Evans: Are you querying the use to which the land will be put?

Mr THOMPSON: No, I am simply saying that I find some inconsistency in the attitude of the Public Works Department with respect to its policy on water catchment areas. I do not query at all the use to which the land will be put. I am sure the club is quite sincere in its intention to provide for some additional sporting activity.

At the present time the club has a full-sized football oval which is bigger than most of the league grounds.

Mr Skidmore: It is not as good as the oval at Bassendean.

Mr THOMPSON: It is possible that in years to come the ground will be used for league games. The club caters for golfers, bowlers, and a half-sized Olympic swimming pool is under construction. There are a number of well constructed tennis courts and baseball courts; you name it, Mr Acting Speaker (Mr Crane), and they have it.

I do not in any way criticise the management of the club, because I think it has done an excellent job. I do not blame the management for having a dash and obtaining Commonwealth money, but I do criticise the Commonwealth Government for allowing money to be spent on facilities to benefit members of the club only.

MR O'NEIL (East Melville—Minister for Works) [10.26 p.m.]: I thank members for their contribution to this debate on the motion to revoke certain State forests. The member for Warren raised only one query relating to area No. 10, which is an area of approximately 708 hectares situated about three kilometres west of Wanneroo townsite. I understand

the area of land, currently designated as State forest, is no longer required and, in fact, is unsuitable for forest purposes. It is intended that the land will be used for the purpose of establishing the Joondalup subregional centre.

I am given to understand by my colleague, the Minister for Urban Development and Town Planning, that planning of this nature is subject to the overall supervision of Professor Gordon Stephenson who is well known in this State and in this Parliament. In the course of those deliberations all appropriate Government departments will be consulted in the planning and development of the centre. I am also given to understand it is most likely that Parliament will have a further opportunity to examine the proposal once the final plans are prepared. I am not sure on that point, but I understand that to be the position.

I will certainly draw to the attention of Professor Gordon Stephenson and the steering committee the remarks of the member for Warren. I am convinced, in my own mind, that the matters about which he expressed concern—regarding the environment and the like—will be adequately considered.

Question put and passed.

Resolution transmitted to the Council and its concurrence desired therein, on motion by Mr O'Neil (Minister for Works).

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Second Reading: Budget Debate

Debate resumed from an earlier stage of the sitting.

MR HARTREY (Boulder-Dundas) [10.29 p.m.]: By the grace of the mover of the second reading I address myself to this debate. I take refuge under Standing Order 130 to digress very substantially from the subject of the debate itself, and to deal with another matter altogether.

The Speaker, who unfortunately, at the moment, is not occupying his Chair is by reason of his exalted position our voice in dealing with another place, His Excellency the Governor, and with the Parliaments of the other States and of the Commonwealth.

But he is more than that. He finds himself our spokesman with the Almighty Himself because he daily supplicates the Lord that he will direct our consultations in the true interests of the people of Australia. It is in the hope that I may make some contribution to the true interests of the people of Australia that I will address myself to the grave constitutional crisis which at present confronts them.

I am well aware that in political language, and particularly in journalistic language, the word "crisis" has been for the last 150 years much overworked and undervalued. The characteristic of journalists to make any Cabinet change in a British community or even in a foreign community the subject of a heading "Crisis in France", "Crisis in Australia", or "Crisis in Italy", when nothing much is at stake, has been notorious for many years.

Charles Dickens, who was himself a parliamentary reporter and commentator in his early days, makes fun of that tendency in words which I cannot expressly recall but which I can fairly paraphrase. He said, "The country has for the last couple of weeks been in a state of crisis. Lord Noodle has discovered that he simply cannot continue to carry on the Government, and Mr Doodle, who has been asked to replace him, despite the King's request says he cannot form a Government. So we are having a crisis as nobody has thought for a moment that we can be governed by anybody except Noodle or Doodle."

I am not using the word "crisis" in the frivolous sense in which Dickens uses it in that passage, because this is no trivial crisis. We are facing real dangers to our beloved country in the confrontation which exists at the present time between the Senate of the Parliament of the Commonwealth and the House of Representatives of the same Parliament.

Many eminent, and far more not very eminent, legal authorities have already sprung into the fray and expressed their opinions, mostly from a preconceived political standpoint. They have expressed certain shibboleths with which I strongly disagree. Some of them emanate from overenthusiastic Labor supporters. It has been said quite enthusiastically by some of the Labor suporters that the methods followed in New South Wales and Queensland to replace Senator Murphy, who was translated to the gods above the thunder, and Senator Milliner, who was translated to another place—I hope also with the gods—were unconstitutional because the persons chosen to follow them were not of the same political party as those whom they replaced.

No lawyer worth his salt will subscribe to that proposition. It is based upon a contention that a gentlemen's agreement was inaugurated by the McLarty Government in Western Australia round about 1947 and that it has been conveniently and justly followed ever since until this year. But nobody could possibly imagine that a habit which had grown up over a period of less than 30 years could replace the written words of a Statute such as the Commonwealth of Australia Constitution Act. It is perfectly plain in section 15 of that Constitution that the Parliament of the State, if it is sitting, and the Government of the State, if Parliament does not happen to be sitting, appoints the successor to any casual vacancy in the personnel of the Senate, and it appoints whom it chooses. There is nothing in the Constitution which refers to any poltical party whatever. So that shibboleth I reject.

Another shibboleth which I am afraid some overenthusiastic Laborites utter is the contention that this has become a factual legal principle. Convention must be distinguished from what has really become a principle of law; and I may add it is quite possible for a convention over a long period of time to reach the status of a legal principle which is actually enforceable by the courts of law, from the High Court to the Supreme Courts of the States, or even by the courts of England where it is applicable to the United Kingdom.

I hope to demonstrate in the course of my remarks that one such convention of great historic antiquity has become such a principle and was such a principle before there was any Commonwealth of Australia at all. It was the result of years of historical development. The words of St. Paul in the second epistle to the Corinthians, devoted to the word of the Lord, are absolutely, literally true of constitutional law: "The letter killeth; the spirit maketh to live."

One of the commonest cliches in constitutional discussions is the statement that Britain has an unwritten Constitution and Australia has a written Constitution. Both parts of that statement are false and misleading. Some of the most important constitutional provisions of the United Kingdom are Acts of Parliament, the classic example being the Parliament Act, 1911, which almost completely put an end to the powers of the House of Lords to frustrate for any length of time the will of the House of Commons. That was achieved as a result of many years of historical development of "freedom broadening slowly down from precedent to precedent", as Tennyson said.

From the days of King James I to the days of King George I, a span of about 100 years, the House of Commons battled all the way for the right to choose and approve the King's Ministers. It was dealt with first of all by the rather crude and sometimes very hash process of impeachment. I will illustrate the process with an amusing story told by a scribbler during the reign of King Charles II.

Two young blades who were members of the King's Second Parliament in 1678 were drinking freely and not very wisely in a London tavern. Suddenly one of them said, "I feel a speech coming on; I am going down to the House." His mate said, "You are too drunk to speak", and bet him 100 guineas he would not make a speech. So they got into their sedan chairs and went to the House of Commons, where the young man found a seat—it was not easy because there were never enough seats for all the members—caught the Speaker's eye, and said he wanted to speak about the impeachment of the Earl of Danby. He addressed the House in these words: "Thomas Cranfield, Earl of Middlesex, was impeached by Sir Francis Bacon, later Lord Verulam; Lord Verulam was impeached by Sir Thomas Wentworth, later the Earl of Strafford; the Earl of Strafford was impeached by Sir Thomas Hyde, later the Earl of Clarendon; the Earl of Clarendon was impeached by Sir Thomas Osborne, now the Earl of Danby."

Now, who wants to impeach the Earl of Danby? I think he was worth his 100 guineas, and I hope he got it. Those are historical facts, and they indicate how the House of Commons, time after time, gained control over the King's Ministers. In fact, Danby, despite his oratory, joined the record too; he was impeached and sent to the Tower, and what is more, the Parliament said that the King's prerogative of mercy did not extend to a person impeached by a Parliament. Charles, who did not want to go on his travels again, gave in to the Parliament. So it was established that a man impeached by a Parliament could not be pardoned by a king.

By such means, harsh and crude at first, but later more humane and civilised, it was by the end of the reign of the first Hanoverian monarch, George I—1714 to 1720—established beyond doubt that the House of Commons controlled the King's Minister. The King's Ministers had to have the confidence of the House of Commons, and if they did not have it, they had to be dismissed. Since about 1721 that has been an established principle of the unwritten Constitution of the United Kingdom. It has been also an established principle of every colonial Parliament in Australia that in turn obtained responsible government, and it is a fundamental principle of the Constitution of Australia. It is not in any written document. Where is it written anywhere what has to happen if a Prime Minister were defeated at any time on a motion of no confidence in the House of Representatives, and he refused either to ask the Governor-General to dissolve the Parliament or to resign—in other words, if he proposed to ignore his defeat and treated the no confidence motion as a matter of no concern? There is nothing written in our Constitution to say what should happen. However, we all know that the Governor-General would be bound constitutionally to dismiss such a Prime Minister. This is a matter of long historical precedent. It is as much a vital part of the Constitution of our country as is anything that is written into it. It applies to all the States of Australia and it applies to the Commonwealth which was inaugurated well after responsible government was granted to all the Australian Colonies.

It has been said also by over-enthusiastic Laborites that the Senate does not have any power to reject a money Bill. Of course, that statement is quite wrong.

Mr Clarko: Hear, hear!

Mr HARTREY: It is elementary; members need only read section 53 of the Constitution to see that point as clear as daylight. The Senate does not have the power to propose a money Bill; it does not have the power to amend a money Bill; it does not have the power to amend any Bill so as to increase a burden upon the taxpayers of Australia. However, apart from those facts, there is a very significant conclusion to section 53 which I quote—

> Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Now a Budget is a proposed law and there is no doubt whatever that the House of Representatives has the right to reject a Budget. So *prima facie*, that is to say at first sight, the Senate has the power to reject the Budget also. However, does it follow that the Senate is acting constitutionally in refusing to pass the Whitlam Budget for the reason which it has given without the slightest doubt, in fact, which it has announced blatantly all over Australia? The answer is "NO", in large capital letters.

Mr H. D. Evans: Hear, hear!

Mr HARTREY: If the Senate has the power to reject a Budget, why may it not do so in these circumstances? The answer is because it is attempting to arrogate to itself a power which it has never had and which it never will have—the power of determining who shall be the Government in the House of Representatives.

In the days when Sir Robert Menzies was just Robert Gordon Menzies—a well-known constitutional authority and not the figure of fun he was when he became Admiral of the Cinque Ports—he was a man to be reckoned with in the High Court, and he reminded the High Court of one famous case that it had decided in 1908—the King *v.* Barger; the so-called New Protection case. This determined that although it was undoubtedly within the power of the Parliament of the Commonwealth to impose duties of excise, it was not in the power of the Parliament of the Commonwealth to use the excise power to arrogate to itself a power it did not possess—the power of fixing wages and hours of labour.

Alfred Deacon, when he was Prime Minister, to win the Labor vote for his high protection policy—because Labor voters in those days were not protectionists but mostly free traders—put up a proposition that if the manufacturers would grant an eight-hour day at 8s. a day, their products would be free of excise, and if they would not grant these conditions, they would have to pay the excise duty.

The High Court said, "Of course the Parliament has the right to impose excise duty, but not for the purpose of arrogating to itself a constitutional power it does not possess", and that ruling in the case of the King *v.* Barger has not been overruled yet. The principle applies here exactly, and it applies, of course, in one's own private life.

For argument's sake, if one owns a large property on which there is a shed which one does not want, provided there is no danger of the conflagration spreading, one may burn the shed down rather than pull it down; there is no law against it. However, if one burns it down in order to obtain the insurance, that is a different proposition; it is a criminal offence. The action is lawful in one case and not in the other, because in the second case the motive is unlawful.

Here again we can apply the principle of the King *v.* Barger. It is no mere suspicion that the Senate's intention is to arrogate to itself a constitutional power it does not have. We know that that is what "Big Mal"—or as I call him, "Big Mouth"—has said all over Australia. He has said to the Prime Minister, "We will not pass your Budget until you dissolve your House." What right, under God's heaven, has the Senate of Australia to do such a thing as that? It wishes to exercise a power which it does possess for a perfectly wrong motive—a perfectly unlawful motive. It wishes to arrogate to itself a power it cannot possess. That is the crisis facing the people of Australia, and it is so obviously contrary to the letter and spirit of the Constitution that I have no hesitation in saying that it is a political conspiracy.

An action may be lawful when taken by an individual, but if a combination of individuals exercise that same right collectively to the detriment of someone else, it can be at common law, and indeed it is at common law, a conspiracy. That is what happened to the poor labourers who, in the latter part of the eighteenth century, were pioneers of the first Labor movement. I do not mean that they were pioneers of the first political labor movement, but of the first industrial labor movement; I refer to the Tolpoddle Martyrs who, for their efforts were sent out to Van Diemen's Land for criminal conspiracy.

Serfdom was abolished in the days of Henry VIII—1507-1548—and I am now speaking of a period about the time of the French Revolution—1789-1800. It is obvious that no individual farm labourer was bound to work for a particular farmer in 1800, but when a number of farm labourers combined and said, "We will not work for any of you damned farmers; we are on strike", the very fact they had the individual right to refuse to work but were using it collectively amounted to conspiracy.

That is the exact position in regard to the Senate's actions in the last few weeks. For a legitimate purpose, the Senate has the right to reject the Budget. It may well be that the Senate believes the Budget is too protective or not protective enough. The Senate may think the postal charges

are too high—indeed, I too think they are too high and many other people share my opinion.

However, that is not why the Senate says it will not pass the Budget. It says, "We will not pass the Budget because you will damn well not do as we tell you", and that is totally unconstitutional.

How does that affect the people of Australia? It affects them very, very dangerously. We are facing a crisis in which presently it will be impossible—and very soon—to pay our armed forces. I do not want to frighten people, but what power is there in the whole of Australia that is better trained, better equipped, and more enthusiastic and courageous than our armed forces?

Supposing we insisted that they do not get paid; might they not suddenly decide to march on Canberra and say, "To hell with you politicians; you will not get paid if we don't"? That could be a very serious situation. Apart from the possibility of such an occurrence—I do not think it is a great possibility; but certainly it is there—let us look at the economic damage that this arrogance, this illegal conspiracy to dictate, has already caused the people. It has caused great disruption amongst business people—manufacturers, wholesalers, distributors, retailers, and others who are ordinarily supporters of the Liberal Party itself. They are afraid to invest because people are frightened; they are losing confidence in the economic state of the country because they do not know where to turn. If the civil servants are not going to be paid, how will they buy goods? If the members of the armed forces are not going to be paid, how will they buy goods?

If the country comes to a financial standstill, how are people who are in a very comfortable position today going to be able to pay their overdrafts? Even very wealthy people have overdrafts because they find it is the easiest way to finance their day-to-day business. If a crisis is precipitated that threatens the very economic existence of the country the banks are challenged to call in their overdrafts.

I saw that happen once, and many men of my age have seen it. Even many younger than I have seen it happen. It happened in 1930, and it continued for year after year. The banks called in their overdrafts, and manufacturers who had stocks threw them onto the market. To give one simple illustration, I bought a coat in Ballarat, Victoria in June, 1930, for the price of £6, and that was more than a week's wages in those days. It was a good coat in that cold climate. I went to Melbourne in September and I found exactly the same coat of the same brand was on sale for £2. The article could not have been manufactured for that price, but the factory was forced to throw its stock onto the market at whatever price it could get for it because the bank had called in its overdraft.

We are facing that sort of crisis now. The limitless insolence of the elected persons is the phrase of a famous French revolutionary, the Abbi Sieyes; and if ever there has been an illustration in the history of Australia of the limitless insolence of elected persons it is to be found in the limitless insolence of Malcolm Fraser and the members of the Senate who support him. This country is facing a real crisis; and I am speaking seriously as an Australian who loves his country and who would never under any circumstances prefer a political party to the interests of his country as he sees them. I am happy and proud to say that the Prime Minister is standing up for responsible Government. He is defending every principle of liberty for which the people of England have fought for years and years progressively, from the death of James I, right down to the passing of the Parliament Act in 1911.

He is defending the basic structure of the Australian Constitution and is refusing to bow to the arrogance of elected persons who take unto themselves rights they have not possessed at any time.

The Duke of Wellington was the great hero of Waterloo. He had a seat in the House of Lords, because the rank of duke is a very high one. He sat in the House of Lords and was the Prime Minister of England from the 28th January, 1828, to 1831. He was repeatedly outvoted in the House of Lords, but he took no notice at all of that. However, when he was outvoted in the House of Commons he resigned and never again sought office.

Mr A. R. Tonkin: And he was a Tory.

Mr HARTREY: That is right; he was a Tory. He did retreat though whenever it was necessary. He passed the unpopular Roman Catholic Emancipation Act, in respect of which he had to retreat. However, when he was outvoted in the House of Commons he resigned readily and did not seek re-election, although he could have done so. He knew he must have the confidence of the House of Commons, even though he may not have the confidence of the House of Lords. He did not give a damn about the House of Lords. That was well over 150 years ago.

If that is the unwritten Constitution of Australia—and it undoubtedly is—how could anyone possibly hesitate to say to the senators, "You are being misled by Malcolm—Bigmouth—Fraser; stop him and give Australia a go."

I ask members to recall one other aspect. As an analogy to what I have already said, I point out that the Criminal Code provides penalties for different kinds of unlawful homicide. It clearly distinguishes between wilful murder, which is still a capital offence, and murder, for which the minimum sentence is life imprisonment. It distinguishes between those two very grave crimes and manslaughter, which is also a grave crime, the maximum penalty

for which is the same as the minimum penalty for murder. But where is it to be found anywhere that a man charged with murder, wilful murder, or unlawful homicide in any other form has to be found guilty beyond a reasonable doubt? That is not in the Criminal Code.

What the jury must be told by the judge as to the standard of proof that is necessary to prove a man guilty of any of these serious crimes is not to be found in any Statute at all; it is part of the common law of Britain and every British dominion. It is part of the law of this State.

Twice in the last 25 years in relation to judges of the Supreme Court of Western Australia, once the High Court 25 years ago and once our Full Supreme Court two weeks ago, insisted that the criterion is that guilt must be proved beyond a reasonable doubt. In the first case the then Justice Virtue started to substitute for those words other words of his own. He started to explain to the jury what he thought those words meant, and the woman charged was convicted. On appeal to the High Court the judges of that court reversed the conviction, and at a second trial the accused was acquitted.

The point of the matter is that the judges of the High Court said the law of Western Australia and of Australia is that the judge direct the jury that each individual member of the jury must be convinced beyond a reasonable doubt of the guilt of the accused before the jury can convict anybody of a charge of homicide. Very recently, the late Justice Wright—who was a personal friend of mine, and of whom I speak with great respect—made the same mistake. He did exactly the same thing as Justice Virtue had done 25 years earlier; he started to explain to the jury in different words what he thought "beyond reasonable doubt" meant. But the Full Court on this occasion insisted that the High Court decision of 25 years ago should be maintained.

That is as assuredly the law as it is that it is wrong to steal or that a person can be hanged for murder.

However, it is not in the Statutes or the Constitution; it is in the law. That one cannot use a valid constitutional power to achieve an invalid constitutional aim is just as much in the law. What the majority of the Senate—I exclude our own supporters, who are 100 per cent behind Gough Whitlam—now is doing is attempting, by the misuse of a prerogative which it has under section 53 of the Constitution to arrogate to itself a prerogative it does not have and will not have until the Constitution of this country is amended by referendum. I very much doubt whether the people of Australia would ever vest in the Senate the right to determine what party will form the Government in the House of Representatives. It does not matter what pretext or reason has been put forward by Opposition senators; that is the position.

The hour is late and I shall leave the subject there; I do not intend to stress it further. However, I say in all sincerity that I make this contribution to the debate in the hope that our consultations may be directed to the true welfare of Australia, because if ever Australia stood in peril, it stands in peril today; it stands in economic, social and political peril because of the arrogance and insolence of elected persons. It is time we—both sides of the House, unanimously—took the opportunity to tell these people that Australia is worth more than their personal aggrandisement, advancement and politics.

MR A. R. TONKIN (Morley) [11.02 p.m.]: I should like to say a few words about a matter which is interesting people more and more in the State of Western Australia; I refer to the proposed establishment of a jumbo steel mill near Perth. I note the cry of anguish from the Premier in his "Political Notes" column in *The West Australian* when he asked who was the spokesman for the Labor Party on this subject; he did not seem to know whether it was Mr Berinson, Mr Taylor or me.

I realise it is very hard for the Premier to understand this principle; we do not fall into line; we have different opinions. The party itself has not adopted an attitude at this stage, and the various comments which have been made by those people and others are comments we have a duty to make so that the matter will be properly aired and people will consider some of the problems which would face Western Australia should such a development occur.

I would add that it does the Premier no honour, and Western Australia no service to make simplistic statements of this nature, which would be marked wrong in a grade 7 geography test. For example, in his "Political Notes" column of the 16th October, 1975, the Premier stated that the steel mill would, in time, banish unemployment in this State. Of course, that is nonsense; it certainly will not banish unemployment here any more than it has banished it in the United States, Japan, the Federal Republic of Germany, or Britain. To make such statements is to lower the standard of debate to a grade 7 level—and, as I say, not even a correct grade 7. I believe what we need is a higher standard of debate.

In my opinion, it is quite obvious that the Premier realises there is no earthly chance of establishing a jumbo steel mill in Western Australia. I believe this is indicated by the lack of planning on the part of the Government. I refer members to the questions I have asked on the subject. I asked the Minister for Conservation and the Environment question 3 on the 30th September seeking information about the

environmental problems which might be associated with such an industry. The answer I received was, "See the answer to question 4 on today's notice paper."

I asked the Premier about the economic impact on Perth and the State of the establishment of such an industry and the Premier gave me a whole series of words, and said nothing; that was the famous answer to question 4. On the same day, I asked the Minister for Fuel and Energy question 11, but he fell in line behind the Premier and said, "See answer to question 4." I asked a question about land of the Minister for Lands; but he dared not give an answer; he merely said, "See answer to question 4." However, question 4 had no relevance to my other questions.

On the same day, I asked question 6 of the Minister representing the Minister for Health, which related to hospital costs. I considered this to be an important question because if we are to establish an industry generating a population of 100 000, hospital services must be provided. However, the Minister representing the Minister for Health said, "See answer to question 4." I asked question 7 about schools, and the answer was, "See answer to question 4." My question 8 of the same day related to port facilities, to which I received the same reply. Question 9 was asked of the Minister for Water Supplies, and he too replied, "See answer to question 4."

I also asked questions 61 and 62 on the 11th September, but no answer was given. To my question 10 on the 8th October I was again referred to question 4. So, it is quite clear the Government does not have a clue as to what impact the jumbo steel mill would have on Perth. It seems to me to be irresponsible to allow a consortium to make plans for such an industry when the Government, which is supposed to be concerned for our welfare, is not concerned enough to be able to provide any answers to questions asked in Parliament.

Sir Charles Court: We probably know more about it than you think we do.

Mr A. R. TONKIN: Such a jumbo steel mill would have a big impact on Western Australia. To enter such an arrangement blindly and to say that it must be all right because it would have to come before Parliament of course is nonsense. We all know what happens when such measures come before Parliament; the Premier has the numbers in both Houses and neither House dares to go against him. So, both Houses would agree to the proposal, which is of no help whatsoever. I believe the Premier knows there is no chance of getting this industry off the ground.

Sir Charles Court: What makes you say that?

Mr A. R. TONKIN: I say that because, from the lack of planning on the part of the Government. It is obvious that the Government intends to keep the prospect alive until the next State election.

Sir Charles Court: We are miles ahead of you in regard to planning.

Mr A. R. TONKIN: The Premier certainly is miles ahead of the people.

Sir Charles Court: Will you tell us whether or not you want to see it established?

Mr A. R. TONKIN: The point is that if the Premier is miles ahead he has been dishonest in not answering our questions in the House and should tell the House what the plans are and what will be the effect of such an industry on Western Australia.

I remind the Premier that this place belongs to the people of Western Australia. If he has undertaken some planning and knows the impact such an industry will have on Western Australia he should inform the Parliament, because the people have a right to know. However, I suggest that the Premier does not know what he is saying because in the 30th October issue of *Living Today* he was reported as saying—

> The comparison of a 10 million tonne a year steel mill to the Kwinana industrial complex is, in the first instance ridiculous. I can only suggest that claims of mills 10 times bigger than the entire Kwinana complex are intended to be mischievous and deliberately misleading. Otherwise they could be made in ignorance of the nature of both steel mills and the entire industrial complex.

Sir Charles Court: Have you seen a modern 10-million tonne plant?

Mr A. R. TONKIN: I am quoting what the Premier said in *Living Today*. I do not mind the Premier saying that as in effect, he was saying that the Minister for Industrial Development was ridiculous and in complete ignorance because in fact the remark to which he took exception was my quotation from the newsletter *Enterprise* published by the Department of Industrial Development.

The front page of issue No. 5 of that publication contains a statement that the impact of such an industry on Western Australia could be likened to the impact of building 10 Kwinanas. I do not know how the Minister for Industrial Development enjoys the Premier saying he is ridiculous because the Department of Industrial Development made that kind of comparison.

If we are to have a jumbo steel mill established the Opposition and the people would want to see greater evidence of proper planning, and, to date, there does not seem to be any evidence at all. There is a refusal to release information. For example, the Town Planning Department presented to the Environmental Protection Authority a report relating to social and urban problems involved with the establishment of a jumbo steel mill. Apparently

this report is unfavourable; it throws grave doubts on the social desirability of a jumbo steel mill, because the Government will not release it although I have asked for it four or five times.

This report deals with the social and urban factors involved in the establishment of a jumbo steel mill, but this arrogant Government will not allow the people to have a copy of the report so that they may see what they are letting themselves in for. Obviously the report is quite damaging. Obviously it is a document that will lead people to have second thoughts on the establishment of a jumbo steel mill, but the Government is keeping it under wraps. Yet this is the Government which said it would introduce open government to Western Australia. The Government says that the report is incomplete and it does not want anyone to see it, but the very factors that are involved in a project of this nature should be revealed to the people of Western Australia because they are the ones who will be living here long after the Premier has built great mausoleums to himself.

The people not only have a right to see this document but also they have a right to have public debate on this issue. The following appears in a letter from the Minister for Industrial Development to myself in support of the Co-ordinator of Industrial Development in which the Minister said there should not be debate on these matters while information was being received—

> I do agree with the Co-ordinator that while a company or companies deliberate on possible developmental projects and take the State into their confidence, seeking and disseminating information, these matters are not the subject of public debate.

I submit we must have public debate on this matter because it would leave us at the crossroads; Perth would never be the same again. It would have a great effect on Perth and the people of Western Australia, and to say that the people of this State do not have the right to involve themselves in public debate is arrogance of the worst kind. I believe the people have a right to debate these issues, but they can debate them only from a position of knowledge. It is very difficult to debate in a vacuum, and so if the Government were sincere and believed in the democratic process it would allow the people to debate from a reasoned stand. No-one wants to debate from shaky platforms and from premises which are unfounded. We all want to debate with reason, with soundly based facts, and the Government, having many of these facts, can assist in the debate.

We are not asking for final details; we are not asking for trade secrets.

Sir Charles Court: Will you tell us whether or not you want the jumbo steel mill to come here?

Mr A. R. TONKIN: How can we answer that question when we do not even know what is involved? The Premier will not tell the people what is involved. How can we possibly answer whether we want it here or not?

Mr Clarko: Assuming everything is covered, would you still want it here then?

Sir Charles Court: You are just against it—full stop! You are the one who has a lot to answer for.

Mr A. R. TONKIN: That is quite untrue.

Mr Clarko: Well, answer the question.

Mr Mensaros: What is your objection?

Mr A. R. TONKIN: It is not a question of objection; it is a question of wanting to know what is going on. The Minister and the Government expect us to sign a blank cheque. The Government expects the people to accept the establishment of a jumbo steel mill without their knowing what is involved. The Government is taking the people for suckers. I hope the people will prove the Government to be wrong and not accept the proposition.

Mr Mensaros: You want to ask the members of your unions whether they want jobs or not. That does not interest you, of course.

Mr A. R. TONKIN: It is those tactics which bring politics into disrepute. Here we have the Minister for Industrial Development saying the establishment of this jumbo steel mill will give men jobs. We know that the men who will work in these areas will be imported into this State from other parts. Let us take a look at other steel mills established throughout Australia. I suppose there is no unemployment in Japan or in the United States of America because they have steel mills? This follows the same kind of simplistic thinking that if we do not establish a jumbo steel mill there will be unemployment. Look at the burgeoning unemployment at Kwinana. The development there was going to abolish unemployment! What nonsense that is!

Any person knows that a country with a sophisticated economy such as the United States of America has tremendous unemployment. I know the Minister for Industrial Development does not believe that the establishment of a jumbo steel mill will prevent unemployment because he is an intelligent and educated man, and therefore it merely shows how cynical he is when he sits in his seat and says, "Don't you want jobs for your unions?"

Mr Clarko: That is a fairly ill-mannered remark.

Mr A. R. TONKIN: I am saying that that kind of argument cannot be upheld. It is just not true that if we have established a jumbo steel mill providing employment for 10 000 people unemployment in this State will be abolished. It is not even demonstrable that it might be

lessened. It is a lesson in industrial development to say the opposite will probably be the case, and the statement that the environmental situation will be looked after is suspect. What confidence can we place in this Government that will give us the assurance that the environmental situation will be looked after? I have asked for details concerning wastes being discharged into Cockburn Sound. The member for Rockingham has also asked for such details, but, in effect, we have been told to mind our own business.

We know full well once the jumbo steel mill is established anywhere bland assurances given beforehand will be forgotten; we will be told it is a trade secret, and that the information is confidential to the Government.

I have asked questions on what is causing the seagrass to die in Cockburn Sound and the Minister, in a very learned treatise, replied, "It may be some chemical in the water". Apparently that is the kind of environmental protection we are to get from this Government. It will say, "Mind your own business." The position will be much the same as when a previous Minister told us, "We do not want to tell you what is happening to the Swan River."

Mr Stephens: Get your facts right.

Mr A. R. TONKIN: The facts are right; the question and answer are recorded in *Hansard*. The Premier said, "This is a public place", and the Deputy Premier said, "Yes, this is a public place; it is as public as Forrest Place." Apparently the people must not be supplied with this information.

I have asked the following question in the House—

> What chemicals are in cooling water discharged into Cockburn Sound?

The answer given was—

> Without industrial co-operation it is not possible to study the type of chemical and the volume of water discharged.

I do not know whether or not co-operation from industry was being received, but in view of the answer to that question, which does not give one bit of information, what confidence can we have in the Government saying that environmental aspects will be considered? We will be told to mind our own business, in the same way as we are being told to mind our own business about what chemicals are being discharged into Cockburn Sound. Therefore we can have no confidence whatsoever in the so-called environmental protection the Government has to offer.

There is another matter that is related to the jumbo steel mill, and that is the question of the growth of Perth. At the moment there is no plan, and Perth is growing bigger and bigger. The planning consists of saying, "If you intend to come here and to build, you can do it here or there." That is our metropolitan region planning scheme.

Mr Rushton: That is your conception of it.

Mr A. R. TONKIN: As far as the size of Perth is concerned, there is no plan. We have not made any attempt to find out what is the optimum size for Perth. This is indisputable, and there are many studies to show quite clearly—I shall not go into those studies, because to do so would take up to an hour—there is a correlation between urbanisation, the size of cities, the rate of growth of cities, and the crime rate. That has been shown indisputably throughout the world.

This is one of the factors the people of Perth should decide: Do they want a big city and a jumbo steel mill to be established in the city, even if it is 60 kilometres north of Perth? In a few decades the metropolitan area will encompass the area within that radius. I am not thinking 10 years ahead, but 40 to 50 years ahead.

When that steel mill is part of the metropolitan area there will be a great impetus in the growth of the population. The estimate is 100 000 people would be generated by the steel mill, but the normal growth of Perth has been estimated to increase it to a city with two million people by the end of the century; and that will make Perth the third largest city in Australia.

So, we will probably have that kind of growth, besides the impetus generated by the steel mill. Are we prepared to pay the price for the increase in the incidence of rape? I am not suggesting that if the size of a city doubles, the incidence of rape doubles: It is not a linear increase, but a positive acceleration; in other words, the higher the growth the higher the acceleration.

In this respect I would quote some figures for the United States of America relating to cities with populations of over 250 000, 100 000 to 250 000, 50 000 to 100 000, 25 000 to 50 000, 10 000 to 25 000, and under 10 000.

If we look at the homicide rate we find that in a city with a population of over 250 000 the rate is 1.9 per 10 000 inhabitants, compared with 0.4 per 10 000 inhabitants in a town with under 10 000 inhabitants. In other words, the homicide rate of towns with less than 10 000 people and cities with over 250 000 people is a five-fold increase per 10 000 inhabitants.

When we take into account the incidence of rape we find that in towns with a population of less than 10 000 the rate is 0.8 per 10 000 inhabitants, whereas in cities with over 250 000 people the rate is 4.4 per 10 000 inhabitants. That is a five-fold increase.

For robberies, the rate increases from 3.1 per 10 000 inhabitants to 63.3 per 10 000 inhabitants, or a 20-fold increase. In respect of assault cases the rate increases from 12.8 to 35.1 per 10 000 of population; while in respect of burglaries

the rate increases from 72.2 to 202.6 per 10 000 inhabitants, or a three-fold increase. In the case of car thefts the rate increases from 17.3 to 109.9 per 10 000 inhabitants.

Mr Clarko: To what extent are the homicide rates for the USA and Australia comparable?

Mr A. R. TONKIN: That is hardly a relevant point. One of the problems in this kind of situation is that the figures for Australia are much more scanty. Not nearly the same amount of work has been done in Australia, although some has been done. However, what studies have been undertaken show the same trend as in the USA, but I must point out these are not comparable figures between the USA and Australia; these are comparable figures between large cities and towns in the USA.

When we look at the position in Australia we find that suicides, alcoholism, drug abuse, and crime rise in large-scale cities, as compared with the towns. It is felt that perhaps anonymity is one of the reasons; that a person can get away with crimes to a much larger extent, because of the size of the city. Of course, young children can get away with offences in large communities, whereas in small communities they would be known, and that would mitigate against offences.

Another factor seems to be the mobility of the population. Studies have shown that in larger cities there is greater mobility of the population, and the people shift houses more often. As they shift houses they come up against different social mores and find the reference points are not so clear; therefore, they are at a loss to know what is deviant behaviour and what is correct behaviour.

The Australian data from works by Vinson in 1972 indicate that most types of offences and adult crime rates are higher in Sydney than for the rest of New South Wales. Kraus in 1973 showed that juvenile delinquency rates were much higher in urban than in rural areas. Moreover, there is no discernible plateau. It is not that sociologists are aware of any discernible plateau or law of diminishing return. When the rate reaches a certain figure there is no levelling off; the acceleration seems to carry on. The fact that it is a positive acceleration and not a linear increase is something which must cause a great deal of concern.

I am touching only briefly on this matter, because it is one of the factors which should be considered in the establishment of a steel mill in Perth. This is something about which the people have a right to think, because it will affect their lives and the lives of their children. For that reason we believe there should be a full debate on these issues.

It is not a case of the Premier promoting something, and we on this side trying to prevent it. Through the lack of planning the Government knows it has no chance of getting this project off the ground. What the Premier is attempting to do is to try to blame me and the Opposition. No doubt, he will say, "You stopped the establishment of a steel mill. It is your fault. You do not want to bring progress to Western Australia." In that way he will hope to win the election in 1977. We will wait and see what happens, and whether he is successful in that tactic.

We on this side are not saying that we are opposed to a jumbo steel mill being established in Western Australia. What we want are more facts; we want the people of Western Australia to be given the opportunity to consider the facts, to be supplied with the information, and to be able to debate the whole issue.

When it comes to the establishment of a steel mill in the Perth area, and the Moore River locality is in the Perth area—and this seems to be the most likely locality—not only will it affect the social development of Perth such as the crime rate, and other factors, but it will also affect pollution. It is no good saying we will be able to get rid of pollution, and that there are environmental safeguards to prevent pollution. The fact is we do not stop pollution, and that is quite clear. We may abate pollution or decrease it, but we cannot stop it.

If I may use an example, the venturi scrubbers and the electrostatic precipitators which are used to take particles out of the smoke will satisfy the residents, because they are able to say, "Before they put those things in there was black smoke belching out, but now the smoke is only grey in colour and is not so bad." What has happened is that the big particles, bigger than two or three microns, are precipated, but the smaller particles are left in the smoke.

Why should we worry about the small particles? They are the dangerous ones. It would not matter if the big particles were left because they do no damage. There are three main reasons the smaller particles do more damage. The first is that they will stay longer in suspension and will not fall out near the mill. They will go for miles. In fact, some of these particles will stay aloft for two or three weeks and can be carried enormous distances in that time.

The second reason the small particles are dangerous is that the surface area is greater in relation to the mass than is the case with the bigger particles. Therefore there is a bigger surface area to react chemically. From a steel mill will come, for example, aromatic hydrocarbons which are carcinogens—cancer causing. So one would not be breathing in a tiny portion of coal dust, but a little particle which is now charged with an aromatic hydrocarbon, thus breathing in something which will cause cancer. That is one example.

The third and most important reason the small particles are the most dangerous is that they can be breathed

into the lungs. The bigger particles cannot be breathed into the bronchial tubes because they are caught in the hairs of the nose, but the smaller particles are breathed in.

So we have a situation where we have got rid of the nasty black smoke and the residents are apparently happy. If they are, they have been conned because the dangerous particles still remain.

Let us not kid ourselves, because pollution will come with steel mills. For example, there is a cyanide reaction. One of the products of a steel mill is cyanide. I can imagine myself in this place asking a question concerning the position of waste water. Remember that one million cubic metres of sea water a day will be used which will be discharged back into the ocean. I can imagine myself asking the composition of this sea water and being given some fuddy duddy answer which does not mean a thing when, in fact, it will contain cyanides, as would anywhere else in the world.

We must realise why it is that these consortiums are so anxious not to have steel mills in their own lands. There is tremendous pressure in Japan, Germany, Britain, and the United States to stop pollution. I mentioned various devices such as the venturi scrubbers and electrostatic precipitators, but they are very expensive items. They also break down and when that occurs the whole production of a blast furnace stops to enable a replacement to be made. Such a stoppage costs a large number of dollars, particularly if the plant is closed down for a period of time. Pollution preventive devices are terribly expensive and so there is tremendous pressure on the Governments of the countries where the pollution problem exists to export them. They want them in someone else's backyard, and I do not blame them.

I believe that if we were to have this jumbo steel mill close to Perth—and I believe the most likely position will be close to Perth—the people of Western Australia should study the position very carefully.

Mr Thompson: Where would you put it?

Mr A. R. TONKIN: I cannot answer that question for the simple reason that before it is put anywhere it has to obey several laws. For example, it would have to be environmentally sound and it would have to be economically viable. I suppose what we are tempted to say is, "Put it in the area of the Pilbara", but economically that would be a big problem.

It may be that what suits us economically will not suit us socially or environmentally. In that case we must ask ourselves—and this is what I am asking people to do—whether we want development at any price. Do we want that development even though we know that environmentally and socially it will cause problems? If the people of Western Australia want it at any price and are prepared to say, "We will ensure that venturis and so on are installed to stop it a bit", and they are prepared to accept that because they want Perth to be bigger and their standards better with all the alleged advantages that go with it, that is fair enough. I am happy to abide by the people's decision even though I disagree with them and try to persuade them they are wrong.

I believe that people should have some of the knowledge, and it is our job as parliamentarians, and it is the Government's job to ensure that the people are armed with sufficient knowledge to enable them to look at the ledger and the balance. They must be able to see what are the advantages on the one hand and what are the disadvantages on the other hand and then they can decide whether or not overall they favour the proposition.

Mr Thompson: There is some inconsistency. Your party is repeatedly telling us we are allowing our natural resources to go to other countries for processing and that we should be processing them here; but when an attempt is made to do so you find a number of reasons why we should not.

Mr A. R. TONKIN: That is a fair enough comment. There is a great pressure to process our resources here, but we just cannot accept simplistic slogans and solutions. It may be that the evils associated with processing our commodities here are greater than the benefits to be derived. I agree that we should process our resources here if this will be of benefit to the society. However, we must study the position and make sure it is of benefit. That is all I say. We must study the environmental and social implications.

Great play was made recently about the number of questions asked in this Parliament. I would like to suggest that far fewer questions would be asked if Ministers knew their job and tried to answer the questions in a co-operative and reasonable manner. On the 9th October the following is part of question 5 I asked—

> what decision has been made concerning the appointment of a pollution control officer or a liaison officer concerned with this area?

The Minister replied—

> Staffing arrangements within the department are an internal matter and not one for discussion in the House.

So we are not to be told in the House apparently about the staffing of a Government department. When was such a policy formulated?

On the very same day the Premier answered a question by the Leader of the Opposition concerning staffing arrangements in the Education Department. I do not know whether the Minister for Conservation and the Environment started a new Government policy. Apparently not, because I asked a supplementary question of the Premier, which would not have been necessary if the Minister had

done his job properly. The Minister, in a further answer to my question, continued—

> I would add that if the honourable member will let me know what is specifically referred to, I will provide him with the information.

How more specific could I be? I asked whether a decision had been made concerning the appointment of a pollution control officer, yet the Minister asked me to be more specific and he would see if he could answer the question. If that is not an example of sheer incompetence on the part of the Minister I would like to know what is.

I asked a similar question of the Premier. After he made some rude remarks about me and put words into my mouth, he answered in the negative. My question was answered eventually, but I had to ask two questions. Only one would have been necessary had the Minister known his job and done it in a reasonable manner. The Premier seemed to be quite happy to give the facts—

Mr Barnett: For once.

Mr A. R. TONKIN: —but the Minister for Conservation and the Environment was not.

Now we come to a delightful piece of rudeness on the part of the Minister for Industrial Development. I will be accused of speaking about the Minister when he is not in his place. The Premier might be able to assure me that I can continue my remarks at a later date when the Minister is in his seat.

He has not done this, so let members listen to this nice piece of rudeness.

The SPEAKER: The honourable member has another six minutes.

Mr A. R. TONKIN: Six minutes? How extraordinary!

I asked the Minister for Industrial Development whether, if the amount of ilmenite processed at Laporte was halved, the volume of effluent would be halved? The Minister for Industrial Development replied—

> As far as mathematical theory is concerned—as every first grade school child would know—the answer is yes.

There is a bit of gratuitous rudeness from the Minister who did not even know that these effluents are transported in water. Of course, it does not mean what he thought it meant at all. As a matter of fact, I asked another question later on and the Minister replied in part—

> However, the volume of effluent will increase only slightly . . .

I do not know what happened to his first grade mathematics! Maybe he can get past that. The Minister said that the volume of effluent would increase only slightly because of better water economy. In other words, he was admitting that the volume of effluent would not double, necessarily.

I asked the Minister another question and the answer was 1 000 times too small, which meant that I had to ask a further question. In answer to the further question he admitted that he was out by 1 000. There is no need for the gratuitous insults which are handed out in this place. There is no need for the Minister to suggest that a grade 1 child would know the answer to the question. That was not true because the effluent depended for its transport on the medium in which it was suspended or dissolved. In effect, the Minister contradicted himself later by admitting he had made a mistake.

Mr Sodeman: You make the same comments yourself.

Mr Bryce: I think the member for Morley is expecting too much.

Mr A. R. TONKIN: Another answer which did not make sense was in reply to my question—

> (4) Has the EPA suggested modifications to the Wesply (Dardanup) Agreement at any time?

The reply was—

> (4) No. The department has done so on behalf of the Environmental Protection Authority after discussion by the Authority.

I followed that up with a further question as follows—

> (4) Further to part (4) of that question, would he please table recommendations which he has stated were made by the Department of Environmental Protection?

The reply was—

> (4) As indicated in the answer given to question 53 on 12th August, the Department of Conservation and Environment made recommendations to the Department of Industrial Development which administers the agreement.

I asked the Minister if he would table the recommendations, and he told me that recommendations had been made. That is an absolutely stupid answer and is a waste of the time of this House. If the Minister did not want to table the recommendations, instead of telling me again that the recommendations were made—which I obviously knew—surely he should have answered "Yes" or "No".

The replies which I have received are the types of answers I would be very hard on as a schoolteacher with a grade VII child. We have a right to expect answers of a higher calibre from Ministers in this House.

Sir Charles Court: The member must have a lot of fun reading through the answers at night time after we supply them to him.

Mr A. R. TONKIN: I asked another question of the Minister for Education. I asked him whether there were any limitations on the recording of television programmes for schools. The schools are not

allowed to make their own recording of television programmes unless the programmes have been made especially for the schools. However, a programme can be very good and quite suitable for schools, but it cannot be recorded. The Minister replied and said there were no limitations, but then went on to give details of limitations. In a further question I asked whether the answer to part (1) applied, and he replied that it was not applicable. However, it was applicable because there were limitations.

I then had to ask further questions to point out where the Minister had gone wrong, and he said he would make inquiries. That is what he should have done in the first place. In the case of the Minister for Education, I asked whether there were limitations, and he replied by saying that there were no limitations, but then went on to list them. The latter part of the question was made completely worthless.

That is the standard of answer we receive to our questions. We have to ask two questions, when one would do. I have given three such examples. I suggest the standard of the Ministers in this House is very low.

I am concerned that the Minister for Conservation and the Environment is not answering questions relating to the Conservation Through Reserves Committee. I realise he is waiting on a report from the EPA on the CTRC. That is fair enough, but every time he is asked a question he refers to previous answers when, in actual fact, the questions do not relate to the previous questions and answers.

There seems to be this reflex action. In fact, I had some fun when I asked questions about the jumbo steelworks. I was repeatedly referred to the answer to question 4 supplied by the Premier. So, in one question, I left out any reference to a jumbo steelworks and the question was answered because there was not that reflex action.

Sir Charles Court: We were a wake-up to that one.

Mr A. R. TONKIN: I believe my time has almost expired so I will save the rest of my comments until the Committee stage of the Bill.

Debate adjourned, on motion by Mr Blaikie.

House adjourned at 11.46 p.m.

Legislative Council

Wednesday, the 5th November, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (10): ON NOTICE

1. TERMINATING BUILDING SOCIETIES

Funds

The Hon. J. C. TOZER, to the Honorary Minister representing the Minister for Housing:

(1) Does the Minister recognize that the figure of $210 000 made available to the three terminating building societies in the Pilbara from the Home Builders' Account will provide finance for only six or seven loans for houses of little better than minimum standard?

(2) Is he aware that one of the terminating building societies has already returned seventeen applications to the applicants as the meagre allocation has been committed?

(3) Will he please endeavour to channel additional funds, possibly from other areas where the requirement is not so urgent, to these terminating building societies in the Pilbara to meet the undoubted demand?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) The demands from all districts throughout the State have increased and the supply of funds has been cut.

In 1974/75 the Pilbara received $259 000 from a total of $18 645 000 whereas in 1975/76 $210 000 was allocated from a total of $8 088 000.

(3) All loans to other areas have been committed, and the Commonwealth Government indicates no further funds from this source can be expected during 1975/76.

2. WEST COAST HIGHWAY

Marmion Avenue Extension

The Hon. R. F. CLAUGHTON, to the Honorary Minister representing the Minister for Conservation and the Environment:

Further to the answer to my question 8 on the 30th October, 1975, regarding West Coast Highway Study—

(1) Does the Minister's answer indicate that the private consultants, Scott and Furphy Engineers, have been empowered to answer questions on behalf of the Government?

(2) If so, does the Minister affirm that any information given by the consultants has the same authority as information given directly by the Minister?