Legislative Assembly

Thursday, 13 November 1980

The SPEAKER (Mr Thompson) took the Chair at 11.00 a.m., and read prayers.

BILLS (5): ASSENT

Message from the Administrator received and read notifying assent to the following Bills—

1. Road Traffic Amendment Bill.
2. Bee Industry Compensation Amendment Bill.
3. Beekeepers Amendment Bill.
4. Dairy Industry Amendment Bill.
5. Mine Workers' Relief Amendment Bill.

GOVERNMENT RAILWAYS AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Sir Charles Court (Premier), and transmitted to the Council.

ENVIRONMENTAL PROTECTION AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Deputy Premier) [11.05 a.m.]: I move—

That the Bill be now read a second time.

There is a proper process under the Westminster system of government where it is at the time of a second reading speech that proposed legislation becomes a matter of public scrutiny.

Unfortunately, on this occasion, we have had widespread and in some cases, ill-informed speculation in the media beforehand, and statements made by conservation groups and members opposite based on this speculation. That is all I wish to say on that matter at this time.

I now intend to proceed with the actual facts and presentation of this Bill according to the normal and traditional procedures of this Parliament.

Mr Davies: You are not denying there should be pre-scrutiny, are you?

Mr O'CONNOR: Not if the information which is presented is factual. However, on this occasion it was not.

Mr Davies: But do you deny it when there has been a reluctance on the part of the Government to come clean with the Parliament and the public?

Mr O'CONNOR: Does the Leader of the Opposition not believe the proper place for Bills to be introduced, and explanations made is this House?

Mr Davies: Yes, but lately you have been making public statements on many issues before you bring them to the House.

Mr O'CONNOR: Much of the speculation has been so far off the beam it has been quite unreal.

Mr Davies: It should have been immediately denied by the Government.

Mr O'CONNOR: What I want to do now is clarify those matters and, hopefully, they will be reported in the media so the public knows what is going on.

Mr Tonkin: Get on with it.

The SPEAKER: Order!

Mr O'CONNOR: This Bill deals with changes in the structure and composition of the environmental bodies and streamlines the operations of these bodies.

Mr Tonkin: A Bill to axe the EPA.

Mr O'CONNOR: That is totally untrue, as the honourable member should know.

The SPEAKER: Order!

Mr O'CONNOR: This Government is very proud of the fact that environmental protection was legislated for by the Brand Government—

Mr Davies: Steady on! We brought the Bill in; you simply appointed the director.

Mr Watt: What about saving it for your reply?

Mr Davies: No, we must correct these mistakes as we go.

Sir Charles Court: The Deputy Premier wants to establish the true history of this matter.

The SPEAKER: Order!

Mr O'CONNOR: It is quite obvious some people do not want the facts to be made known to the public; they will not let me continue. I will commence that paragraph again: This Government is very proud of the fact that environmental protection was legislated for by the Brand Government in 1970—

Mr Tonkin: What a joke! It was never implemented. It did not contain a single penalty.

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

Mr O'CONNOR: Members opposite will have the opportunity at a later stage to refute what I

have said; however, they will be unable to do so if they stick to the facts.

As I said, the matter was legislated for by the Brand Government in 1970, the same year as Japan and the USA also established environmental protection authorities or councils. The Act was not proclaimed because the person appointed as the first director was unable to take up the position until April 1971, by which time the Tonkin Government was in office.

Knowledge of, and understanding for, the need for environmental procedures have increased greatly over the years since then and this Government is now updating the legislation so that the best advice possible is available to it in the most efficient manner.

It has become increasingly difficult for a departmental head, who because of his public servant role, both advises and takes direction from the Government of the day, to change "hats" and act as a member, much less as the chairman of an authority that takes no directon from Government but serves the public of Western Australia.

It was physically impossible when the existing legislation was framed for these functions to be separated, however desirable separation may have been even then.

In 1971 the director of the department was the Government's only professional advisor on conservation matters. Since then, there has been a progressive expansion of the department and the number of its professional advisors.

It has become, therefore, a practical proposition for the Government to alter the structure of the EPA to make it more clearly an independent environmental watchdog for the public of our State.

Mr Davies: Cut it out.

Mr O'CONNOR: Members of the public have frequently said that Governments are run by the bureaucracy. Surely, if we have a department where its head is in charge of the EPA as well, we have a Caesar-to-Caesar operation. The Government does not want that situation to exist.

The three-member Environmental Protection Authority will remain, but all members will now be private individuals.

Mr Skidmore: Big deal.

Mr O'CONNOR: Of course, that is a slur on the members of the committee.

The present Chairman of the EPA is a public servant, as he is also the Director of the Department of Conservation and Environment. In future no member of the authority will be a public servant, with any obligation to the Government of the day. I thought this would have been welcomed by people throughout the State.

By restructuring the EPA we give it the freedom to stand aloof from the routine machinery of Government.

Similarly, the Conservation and Environment Council will now be chaired instead by a member to be appointed by the Governor.

In addition, to retain the council's membership at its present level of 16, there will be a further person appointed by the Governor. This can afford the Government the opportunity to appoint, if it so wishes, another member of the public.

Mr Barnett: Will it, though?

Mr O'CONNOR: The director of the department, or his representative, under this Bill shall be entitled to attend meetings of both the EPA and the council and may speak in a professional and advisory capacity on any matter.

It is most unfortunate that much of the speculation has centred on the future of the director as an individual.

The Director of the Department of Conservation and Environment will remain an advisor to the Government, as is the case with all departmental heads. The Department of Conservation and Environment remains a regular department of the public service, responsible to the Minister, and serving both the Minister and the EPA.

The EPA will remain an "independent" body, but will now operate through its own Minister as do other statutory authorities in the State at present.

The operations of the authority are streamlined because the authority will now be able to go direct to the responsible officer, according to the schedule attached to the Bill, requesting information and particulars of any applications or proposals. The responsible officer must comply with that request and the authority then makes recommendations to its own Minister, who shall communicate the recommendations and reasons to the responsible Minister. Each of these other Ministers, of course, is in a position to receive advice from his own responsible officer.

If the responsible Minister does not agree with the recommendations of the EPA, transmitted to him by the Minister for Conservation and the Environment, the matter will be resolved by the Governor.

I would emphasise that the present powers of the EPA, with regard to suspension or "freezing" of certain applications or proposals pending its

review, are retained within this amending Bill. It is only the sequence of procedures that is simplified for the sake of greater efficiency.

The sequence of procedures under the present Act whereby any Minister can advise, and in fact must advise, the EPA of any proposed development, project, industry, or other thing which may have a detrimental effect on the environment has also been amended. The amendment is to strengthen this section of the Act for it sets out that the Minister in question shall notify the Minister for Conservation and the Environment, who in turn shall notify the authority. The EPA then shall report to its Minister, who in turn shall communicate the EPA's report to his fellow Minister. All of these steps must now take place.

Mr Davies: It sounds like bungling bureaucracy.

Mr O'CONNOR: It is an obvious thing to do. I speak to the Leader of the Opposition as a man who was a Minister in a Government. He should be aware that when something which affects a certain department is happening, the Minister involved should be advised.

Mr Davies: He should initiate it.

Mr O'CONNOR: The EPA is not under the Minister's control.

Mr Davies: The Minister would find it almost impossible to deal with all those things.

Mr O'CONNOR: All we are saying is that the Minister should be advised. Is it not right that a Minister should refer a matter to the Minister for Conservation and the Environment about which he knows nothing because he has not been advised of it? We are saying that the Minister for Conservation and the Environment should be advised.

Therefore the powers of the EPA are strengthened by the fact that its recommendations will be transmitted from one Minister to another Minister. This procedure will ensure that at all times the Minister for Conservation and the Environment is kept fully informed of recommendations of the EPA and so can put forward arguments pertaining to environmental protection either at Cabinet level or directly to his ministerial colleagues.

In the past there have been occasions when the EPA has directly approached another Minister and the Minister for Conservation and the Environment has not been kept informed. Therefore he has been unable to advocate environmental protection if the issue comes before Cabinet. Indeed, under the present legislation, it might not even reach Cabinet but instead be decided solely by one of these other Ministers.

Mr Parker: Why are you introducing the Bill and not the Minister for Conservation and the Environment?

Mr O'CONNOR: I am introducing it because the Bill requires a Message.

Another facet of streamlining which I am sure will be of interest to members of the public, is the method for consideration of any matter they identify as a possible cause of pollution. This is not a new power, as such, being already contained within section 57(2) of the Act, but the Government considers it sufficiently important to justify a clause devoted to this issue alone. It has never been intended that the evaluation of information on environmental aspects of any proposed developments be carried out by any other than the Environmental Protection Authority. In fact, a complete new subsection now makes this an explicit function of the EPA.

I draw attention to the fact that nowhere in this amending Bill is there a suggestion that the Minister for Conservation and the Environment, or any other Minister, will direct the EPA or decide what advice is to be given by the EPA.

Mr Tonkin: They just ignore it.

Mr O'CONNOR: The EPA will make up its own mind on what its recommendations will be.

Mr Davies: They might get the message from the Government. The way you have handled these matters leads us to assume that.

Mr O'CONNOR: I know the fact that the EPA is on its own does hurt some members opposite. They thought they could stir up some trouble if the opposite applied. However, now that they realise this is the situation, it hurts them.

Mr Davies: It will weaken the authority.

Mr O'CONNOR: This Bill provides also for additional safeguards for the protection of the individual in that entry and inspection of premises shall not be made without either the permission of the occupier or, for the stated reasons, the authority of a justice of the peace. However, it recognises that emergency situations may arise and in such cases only the approval of a member of the authority is needed. It will also require complementary amendment to the Metropolitan Region Town Planning Scheme Act 1959 to allow for representation on the MRPA to be by a departmental officer and not a member of the authority.

Point of Order

Mr BARNETT: Mr Acting Speaker (Mr Watt), I want to ensure that the paragraph the Minister failed to read does not in fact appear in *Hansard* unless he reads it. I do not mind if he wants to include it, but if he does he should say so at this time.

The ACTING SPEAKER: There is no point of order, although I take the member's point which serves as a convenient way to let the Minister know he has omitted a paragraph.

Mr O'CONNOR: I am unaware of which paragraph is involved.

Mr BARNETT: It commences, "The Minister for Conservation and the Environment . . ."

Debate Resumed

Mr O'CONNOR: The Minister for Conservation and the Environment will now be able to get advice from two sources: From a totally independent EPA and, like all other Ministers, from his department.

Mr Barnett: That is the point, he gets two sets of advice and takes the one he wants.

Mr O'CONNOR: The EPA can make its own decisions. I am quite sure that with the sort of people we have on the EPA it will do just that. I have faith in people such as Professor Main, and I have faith in people such as Mr Phil Adams. I believe these people are capable and competent and have proved themselves. If the Opposition does not have faith in them, that is up to it.

Several members interjected.

The ACTING SPEAKER (Mr Watt): Order!

Mr Tonkin: We are not saying they are incompetent but that you have ignored their advice—

The ACTING SPEAKER: Order!

Mr Tonkin: —which you have always done.

Mr O'CONNOR: I thank the member for Rockingham for bringing to my attention the paragraph which I omitted, presumably because of interjections. It was not my intention to skip the paragraph.

The other changes to the Act are largely procedural ones which are intended, among other things, to make the Act easier to read and understand. For instance, the types of applications or proposals with regard to mining, land developments, and town planning are now specified in the schedule, rather than the body of the Act.

This Bill is simply an up-dating of 1971 legislation which takes into account the environmental developments of the past decade.

I commend the Bill to the House.

Mr Carr interjected.

The ACTING SPEAKER: Order!

Debate adjourned, on motion by Mr Barnett.

PERPETUAL TRUSTEES W.A. LTD., AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [11.23 a.m.]: I move—

That the Bill be now read a second time.

The amendments proposed by the Bill are designed to—

(1) provide for the release of the Perpetual Trustees site at 89 St. George's Terrace from the statutory charge under section 29 of the Act, to enable a joint venture redevelopment to proceed; and

(2) provide for alternative security for beneficiaries of deceased estates under section 29 of the Act, the limits of which may be prescribed by regulation.

Under section 29 of the Act, the company is precluded from entering into any commercial dealings on the property without the prior consent of the Treasurer.

Similar provisions are contained in the Western Australian Trustee Executor and Agency Company Limited Act 1893-1979. However, I understand that the West Australian Trustees Company does not wish to avail itself of corresponding amendments at this time.

Section 29 of the Perpetual Trustees Act was intended to provide a form of insurance, with the property as security, in the event of any beneficiary succeeding in legal action due to a loss on an estate administered by the company.

The company is currently negotiating to redevelop the property in partnership with the British Land Company Holdings (Australia) Ltd., on a 50:50 basis with one-half of the land being sold to the joint venture company.

To compensate the reduction in security resulting from Perpetual Trustees' decreased equity in the property, it is proposed that alternative security shall be required to be provided by the company to meet any claims arising from its operations under the Act. This security will initially take the form of an insurance policy providing professional indemnity of $300 000 and fidelity guarantee insurance for

protection against defalcation by the company, its officers or servants, in an amount to be approved by the Treasurer, and authorised trustee investments of $400 000.

However, it is possible that insurance cover may be difficult to obtain at a reasonable premium, and to allow for this contingency, the company will have the discretion to increase to $700 000 the security to be provided by way of investments. This security will be held upon trust for Perpetual Trustees by the Treasurer.

The limits of the security will be subject to review by the Treasurer who may, from time to time, prescribe new limits as he considers appropriate. All information necessary for the conduct of these reviews will be required to be furnished by the company.

It might become necessary substantially to re-write the Act at a later date to comply with the likely requirements of the national companies and securities legislation which is currently being drafted. However, in view of Perpetual Trustees' desire to conclude negotiations with British Land Company Holdings (Australia) Ltd., and to proceed with the proposed redevelopment, it has been necessary to introduce this amending Bill as a matter of urgency.

Therefore, to enable the property to be redeveloped and to ensure that adequate alternative security is provided, the Bill before the House proposes to repeal the existing section 29 of the Act, substituting a new section 29 concerning the provision of specific security for the beneficiaries of estates administered by Perpetual Trustees.

Members will realise upon a study of the Bill that the new form of security will bring about advantages. It will give greater flexibility; it can be adjusted to meet the changing times. In my humble opinion the fact that the security will be in the form proposed—either in an insurance policy providing professional indemnity and fidelity guarantee insurance plus some securities of an increased total amount of securities—will be preferable to the present arrangement. At the same time it will enable the company to undertake the development proposed.

I commend the Bill to the House.

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

PARLIAMENTARY SUPERANNUATION AMENDMENT BILL

Second Reading

Debate resumed from 30 October.

MR DAVIES (Victoria Park—Leader of the Opposition) [11.28 a.m.]: I spoke the other night about Bills taking a long time to work their way through the Parliament. This Bill has been on the notice paper for only a relatively short time, but it has had a tremendously long gestation period which, of course, has been due to the need for the various parties to assess the recommendations made by the Secretary of the State Superannuation Board and also by the party committees. It has taken a long time, something like three years, for it to come about.

It is understandable there should be considerable argument on what should be fair and just. The outcome of this Bill seems now to have been accepted by both sides of the House—all parties—as a reasonable product of superannuation provisions in other States.

Let me first of all make a plea for the Act to be reprinted as soon as possible if the Parliament agrees to the Bill. I have here the 1970 Act which has been annotated; thankfully, I did not have to read from it. As members would be able to see, it is a conglomeration of extracts from the amending Acts which has made an assessment of the position—trying to read amendments into the principal Act—indeed difficult. That was done by the member for Swan. I suppose it was to no avail because the Premier was once again kind enough to lend me his copy of the annotated Act and amendments together with his committee notes.

He quickly answered any queries I might have had.

In fact, the amendments were set out by the Treasurer in 10 points when he introduced the Bill. Anyone who is interested will be able to obtain a quick summary of what the Bill provides by looking at the Treasurer's second reading speech.

Basically, the Bill proposes to increase the premiums paid and to increase the benefits received. Members will pay 11½ per cent of their basic salary, rather than 10 per cent. That will mean an extra $7 or $8 a week will be paid by members. After seven years, the initial amount returnable as a pension is to be 38.8 per cent of a member's basic salary, and that will increase by 1.2 per cent for every extra six months' service. That means an increase of 0.2 per cent for every six months' service.

The proposed new scheme will not be of tremendous cost. The extra amount of expenditure involved by the Government is relatively small. It relates mainly to the increase which will be paid to widows. There is to be a small increase of about one-twenty-fourth which, no doubt, will be appreciated even though it is a small increase.

The amount we will pay by way of premium will be similar to that paid by members in other States—except for Tasmania—where members pay 12 per cent of their salary and where the benefits are somewhat similar to those which we will receive, but not quite as generous as they are in Victoria and some of the other States, as I understand the position. It is difficult to make a comparison with the other States because different factors affect the pensions payable.

Other provisions in the Bill deal with commutation arrangements, and there is likely to be some benefit to members as a result of those provisions, particularly to older members who are not able to commute very much of their pension at present. This has been increased, and the increase is not unreasonable.

It is not necessary for me to say very much more because this matter has been thrashed out in the various party rooms over a period of about three years. The fact that a provision in the Bill relates to members of Parliament who have already retired, and who are no longer members after the last election, indicates that the matter has been under consideration for a long time. The Government, and the committee, have been hoping to do something for those members who were forced to leave Parliament through no fault of their own, and having not qualified under the seven-year period provision. So, the proposed arrangement will help those members and it appears the fund will be able to bear the small expense.

I was a little disappointed to observe there is no provision for a *de facto* relationship. This type of relationship generally is fairly well accepted in most areas these days. It is generally accepted that *de facto* relationships do exist, and we would be impractical if we did not recognise that. However, the committee on this occasion apparently was not prepared to write into the Bill any provision to provide for a pension where there was a *de facto* relationship. As I said, the *de facto* relationship is fairly well recognised these days. For instance, it is recognised by the Department of Social Security. It is something which we could well write into our legislation on this occasion. Who knows what position a member might be in when he retires? Although there would be difficulties in making legal any benefits to be payable under the parliamentary scheme, I do not think those difficulties are insurmountable.

That is the only additional provision I would have liked to see included in the Bill. However, I understand the committee is prepared to look at that situation and, possibly, before the life of this Parliament expires we may see another amendment to the Act. If it takes as long to prepare as the last amendments I do not think we will see it during the life of this Parliament. However, as long as the matter is before the committee we can hope the situation will be recognised.

The last comment I want to make is to express my appreciation, and the appreciation of the Opposition, to the members of the Parliamentary Superannuation Scheme committee and to the Secretary of the Superannuation Board (Mr Lanigan) for the work they have done. As I have said, the preparation of the Bill has been difficult and it has taken a long time. Recommendations had to be made which would be acceptable to members of Parliament. There had to be no margin for criticism as far as the general public were concerned. The committee has taken a fairly cautious approach and adopted premiums which are roughly applicable in all the other States. The committee has tried to come to a fair balance with regard to benefits which are to be paid. It is difficult to make an exact comparison with the other States, but it seems the committee has struck an average of the benefits payable in the other States.

It is fair to say that as a result of these amendments—if the Bill is agreed to—the Parliamentary Superannuation Scheme will be improved, despite the fact that members will be required to pay an extra $7 to $8 a week by way of premiums. However, in the job of being a member of Parliament there is always some doubt as to the future of a member's earning capacity. The type of superannuation scheme we will now have will give some credit or some confidence to members who will know that if a seat is no longer available, the member will not be on the bread line. Neither will he have to seek the dole.

The fact remains members will pay a fairly heavy premium of 11½ per cent of their salaries. That is a considerable amount. I believe the benefits will be commensurate with the premiums.

Again, I thank the members of the committee who have put in such a lot of work. I also thank the secretary of the Superannuation Board for his advice and assistance. The proposed amendments have been examined over a long time, and the

Opposition has had an opportunity to examine them in the party room, and refer them back to the committee. We are happy to support the amendments.

SIR CHARLES COURT (Nedlands—Treasurer) [11.39 a.m.]: I thank the Leader of the Opposition for his support of the Bill. He rightly said the matter has been the subject of a considerable amount of careful review. The committee moved with caution. Further amendments can be made if something has been omitted, but it is the type of legislation which has to be handled with some sensitivity, to say the least. An equitable situation has to be reached without going overboard.

I want to comment on the reference by the Leader of the Opposition to a reprint of the Act.

I can appreciate the problem of the average person trying to work out what is the real position under the Act; but this is legislation which, hopefully, will remain static for a reasonable period, and a reprint would be in order. I will discuss the matter with the Attorney General to see whether it can be given some degree of priority.

This situation applies particularly to new members, because from time to time new members arrive in this place and one of the problems that has arisen in respect of this legislation is due to the fact that it is not easy for such members to pick up how they can make a back payment to place themselves in a more satisfactory position.

With regard to *de facto* relationships, the committee considered this matter at some length on more than one occasion. We checked on the situation in the Commonwealth and the other States, and we were not prepared at this time to recommend to the Parliament that we should acknowledge a situation that to the best of my knowledge has not been acknowledged in the other parliamentary superannuation schemes. On reflection I am sure members will appreciate that there is a slight difference in the situation of members of Parliament in this matter. Again, I think it is wise to move with caution in this area, because an adjustment can always be made later if that is desired.

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

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Sir Charles Court (Treasurer), and transmitted to the Council.

APPROPRIATION BILL (GENERAL LOAN FUND)

Second Reading

Debate resumed from 16 October.

MR PEARCE (Gosnells) [11.43 a.m.]: Mr Acting Speaker (Mr Watt), you will be aware that in respect of the Budget Bills and debate on the Address-in-Reply it has become the practice of members to raise questions that are of general interest in public affairs; indeed, that practice is enshrined in our Standing Orders. I would therefore like to take the opportunity during the debate on the Loan Estimates—the first parliamentary opportunity I have had—to make a statement on what has become known as the Cruttenden affair. I refer to a set of circumstances that I initiated publicly by asking questions in this place. However, because of the way the Parliament has been operating I have not had the opportunity to make a statement to the House as to my knowledge of the incident and the very serious questions of public policy which I believe it raises.

Of course, it has been the attitude of what *The West Australian* has taken to calling "the two Ministers"—but particularly it is the attitude of the Chief Secretary—to this whole question which has perhaps been the most significant factor in keeping the incident going for quite some time in terms of public notice; and I refer to letters written to the editor in this morning's paper, which indicate that citizens are still sufficiently moved to write in and express their opinions.

All of us know that the incident first came to public light when Lionel Cruttenden, a convicted swindler serving a 14-year sentence with a seven-year minimum, was found handing out how-to-vote cards for the Liberal Party.

Mr Hassell: That is what really worried you!

Mr PEARCE: No.

Mr Hassell: If he handed them out for the Labor Party we would never have heard of it.

Mr PEARCE: I will tell the Chief Secretary what is worrying me, and it is much more substantial than that.

Mr Hassell: It would never have become public information had Cruttenden handed out how-to-vote cards for the Labor Party.

Mr PEARCE: The Chief Secretary is attempting to twist the whole affair to make it look like I am conducting a personal vendetta against Lionel Cruttenden or anybody who hands out how-to-vote cards for the Liberal Party.

Mr Hassell: Your motives are pure, aren't they?

Mr PEARCE: Yes, remarkably pure.

Mr Hassell: They are not political?

Mr PEARCE: In terms of public policy, of course I am raising a political question. But the question, to put it in its crudest terms, quite simply is this: Are people being let out of Western Australian gaols when they are not entitled to be out under any other circumstances, because of their political friends?

Mr Hassell: The answer is simple. It is "No." It has been given several times but you don't accept it.

Mr PEARCE: The answer is not that simple, as I shall demonstrate; because I have in my possession still some information which has not yet come out.

Mr Hassell: Now, which officer did you get this from?

Mr PEARCE: I will have a little chat about my sources in a moment. It seems the Chief Secretary is very jumpy today, and in the light of what is coming I cannot say I am at all surprised.

Mr E. T. Evans: He didn't like the editorial in *The West Australian*.

Mr PEARCE: Nor the editorial in *The Sunday Independent*.

Mr Hassell: I didn't see that one.

Mr PEARCE: It is very rare that I am given support by *The Sunday Independent*, but I must say that newspaper was quite forthright on the matter.

I met Cruttenden once when I visited the gaol with a debating team in 1975, and he was a member of the opposing team.

Mr Old: He must have beaten you!

Mr Hassell: Now it comes out.

Mr Bryce: Did they win?

Mr Young: Don't worry, they beat my team.

Mr PEARCE: My team was victorious on that occasion. To my knowledge I spoke to Cruttenden maybe two or three sentences; and he obtruded himself on my notice only because at the time he was in the course of conducting his appeal—a very much publicised appeal—against the sentence he received. Apart from that, I do not know the man and I have no reason to have any opinion for or against him. I was not personally involved in his swindle, nor to the best of my knowledge was anybody else involved whom I know personally.

However, I have since spoken to a number of people who were and still are very bitter about the deal they received from Cruttenden and the clemency which has been extended to him. Therefore, I have no personal motive in any sense at all in respect of this matter. I do not know the man personally, nor did I know any person involved in his swindle prior to the time that I raised the matter publicly. Since that time I have spoken to a number of people who had something to do with it.

Perhaps a word or two about sources might be apposite at this time. The proposition which has been put to the House on several occasions—that is, that I am a mouthpiece for a specific officer, male or female; and the Chief Secretary made play of it being female—is simply not true. None of the things I have raised even by way of questions has come from a single source. I accept that one raises questions in this place sometimes by way of making an allegation. However, I have followed the practice of not saying anything in respect of this matter unless I have had information from at least two separate and distinct sources. In several cases I have had information from more people than that.

Mr Hassell: So one is the person in the department who had to hang up the phone quickly, as reported in the *Daily News*.

Mr E. T. Evans: You read the *Daily News*, do you?

Mr Hassell: The member for Gosnells said he had two sources.

Mr PEARCE: I said I had to have at least two sources.

Mr Hassell: So you have two departmental officers, not one?

Mr PEARCE: I said, "at least two". The bare minimum sources of information that I would check with before making a statement here is two. In relation to some facts I have had up to six sources.

Mr Bryce: The conspiracy grows!

Mr Hassell: So you are the mouthpiece of a lot of people instead of one.

Mr PEARCE: I do not accept that point. The Chief Secretary has attempted to throw a great veil of secrecy over this whole business. It is the

business of the Opposition, and it is the business of the journalists, to uncover that secrecy where it appears that an abuse of ministerial power is being made. Quite specifically, that seems to be the case here.

Mr Bryce: Hear, hear!

Mr PEARCE: I am not going to name the sources of the information that I have. All I am concerned about is that they are good sources. The Chief Secretary was kind enough to assure me and the House that my sources were very good indeed, to quote his words. That certainly is the case. If ever I had doubts about the information I was receiving—

Mr Hassell: What is the abuse of power you are talking about? Should not Ministers make decisions for which they have a responsibility under their Acts?

Mr PEARCE: Of course they should; but they should be accountable for the decisions they make. It was at the point when ministerial accountability started to be raised that the Chief Secretary suddenly went very quiet on the whole business, and he told me he would not answer any more questions from me on this subject because, he said, they were being written by an officer of the Department of Corrections. That is untrue. It is a most untrue statement.

Mr Hassell: No. They were written by six. You just told us that.

Mr PEARCE: They were not written by six officers. I obtained pieces of information from here, and pieces of information from there—

Sir Charles Court: I'll say!

Mr PEARCE: —and I put all the information together.

Mr Davies: He would not be doing his job properly if he did not do that. Exactly as Tozer used to do with the Premier.

Mr PEARCE: What I have done in this case is equivalent to what Woodward and Bernstein did in the case of Nixon—that is to say, they were given information and they were able to follow up leads. They had their own sources of information to check the veracity of what they discovered.

Mr Hassell: Journalist and detective!

Mr PEARCE: I do not think that is an ignoble thing to do. In the event, the Chief Secretary had the kindness to confirm that the information I was producing by these means was accurate. He said that in this House. My sources of information were very good indeed; and that is all I have to be concerned about. If I am telling the truth in this place, and the questions I asked raise serious issues of public policy—

Mr Hassell: None of the facts that you have supposedly brought out had not already been disclosed to me in the proper way.

Mr PEARCE: After I disclosed them.

Mr Hassell: None of the facts leave me with any embarrassment, because there is no argument on any of them.

Mr PEARCE: Yes there is.

Mr Davies: And he runs for cover.

Mr PEARCE: The reason the Minister runs for cover is that he was not prepared to explain the reasons that Cruttenden was being let out of gaol with treatment far more favourable than that available to any other prisoner in this State.

Mr Hassell: That is not accurate.

Mr PEARCE: The Minister will have his chance in a minute. The Minister is saying, in fact, that he and not the Department of Corrections is responsible for the decision. I accept that. I have never denied that. That is not the point I have raised. The fundamental question is: Are people being let out of our goals because of political influence? I ask: What is the attitude of the Department of Corrections to allowing Cruttenden out?

The situation that has emerged is that the Deputy Premier and the Chief Secretary are in favour of letting him out, and the Department of Corrections is not in favour. Therefore it is incumbent upon us to ask on what sort of information or on what basis did the Chief Secretary make the decision to let Cruttenden out, against the advice that he had from his department? Of course, he and his department are reading the same files.

Mr Hassell: You are not sure about that fact, are you?

Mr PEARCE: I am quite sure about that fact.

Mr Hassell: That the department advised he should not be?

Mr PEARCE: Yes, I am quite certain of that fact.

Mr Hassell: Have you got listening devices in all of the offices, and so on?

Mr PEARCE: My information is reasonably sound. If the Minister wishes to deny it, let him deny it now.

Mr Hassell: I have made it quite clear—

Mr Bryce: There he goes. Runs for cover yet again. "I have made quite clear"—

Sir Charles Court: Do not be so stupid. He has behaved as a Minister should behave.

Mr Bryce: Yes, yes!

Mr PEARCE: I am perfectly prepared to let it stand—

Several members interjected.

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

Mr PEARCE: I am perfectly prepared to let it stand at that. I say that the Department of Corrections was against letting Cruttenden out. The Minister has had the goodness to say that my sources of information are very good. I offered him an opportunity to deny that fact, and he chose not to do so. I am quite happy to let the situation stand there.

Mr Hassell: I did not confirm that at all. Do not forget that.

Mr PEARCE: I do not need the confirmation of the Minister. He would be about my fifth source on that particular point of information.

Mr Hassell: Unless you had some listening devices, you would not know; because not all advice is contained in departmental files.

Mr PEARCE: Let me explain to the House the favourable treatment that Cruttenden has received. As I said, at the outset he was given a sentence of 14 years, with a seven-year minimum. Under the policy which prevails at the present time, he could qualify for work release or compassionate weekend leave during the last year of that sentence—that is, after six years.

There has been some talk about whether Cruttenden's sentence was unduly severe. I do not place myself in the position of a judge or an appeal court. Suffice it to say that Cruttenden was sentenced to 14 years by the judge; he appealed against the severity of the sentence; and the appeal court upheld the sentence. Cruttenden then applied for clemency from the Governor, but the sentence was not reduced. Therefore, he used all the avenues of appeal that were open to him, and the sentence was not reduced. In the circumstances, I am happy to say that that was probably a reasonable sentence.

If the sentence were to be varied, it should be done in an open and public way that is available to everybody else.

Let us consider what happened to Mr Cruttenden. Within two years of entering Fremantle Gaol, he found himself in the West Perth work release centre. That was four years before he was entitled to work release. Now, I might say he is not in the work release centre as a work release prisoner. He did not qualify for that, so he was sent to the work release centre as a staff member. Some prisoners are placed in the work release centre to do the menial work, if I can put it that way. They do the laundry; they help with the cooking; they do the washing, and other things. Mr Cruttenden was appointed as a gardener. Although he is officially the gardener at the West Perth work release centre, he does not do any gardening. He is let out each day to work in a police and citizens' youth club, where he does voluntary work.

Mr Hassell: He is not doing it now, of course.

Mr PEARCE: But at the time I raised it, that was the situation.

Mr Hassell: Because of his one transgression, he has lost all of his rights.

Mr PEARCE: Where is he, then?

Mr Hassell: He is just a prisoner.

Mr PEARCE: Where is he?

Mr Hassell: He is still at the work release centre.

Mr PEARCE: On what basis is he at the work release centre?

Mr Hassell: On the same basis he was sent there.

Mr PEARCE: But he is not entitled to be there.

Mr Hassell: Who said he is not entitled to be there?

Mr Bryce: It helps if he is a Liberal.

Mr Clarko: What happened to Franchina at the election in 1971? You let him out.

Mr PEARCE: I understand there was some curtailment of Cruttenden's privileges as a result of my raising this matter publicly.

Mr Hassell: No, before you raised it.

Mr PEARCE: Will the Minister tell me a date?

Mr Hassell: Well before. As soon as the matter was reported, that action was taken immediately.

Mr PEARCE: Which day?

Mr Hassell: Immediately it was reported to me.

Mr PEARCE: When was it reported to the Minister?

Mr Hassell: I cannot quote you the date now.

Mr PEARCE: It would have to be fairly soon, because I raised the matter on the Thursday after election day. Cruttenden was seen on the Saturday, and he was reported on the Saturday. On the following Thursday—

Mr Hassell: No, it was not.

Mr PEARCE: It was on the Thursday after.

Mr Hassell: The officer changed his story later. You had better go back and check.

Sir Charles Court: You had better check your informants.

Mr PEARCE: In this matter, my informant is the Chief Secretary. I asked a long question about the Cruttenden business, and the Chief Secretary had no suitable reply to it. He asked me to put the question on notice. The Deputy Premier answered another question I asked and clouded the whole question at that time. At that point, I think it is fair to say that Cruttenden had not suffered the loss of his privileges.

Cruttenden was at the work release centre as a staff member doing the gardening, but from the time he took up voluntary work most days of the week at the police and citizens youth centre, he did no gardening. He was getting compassionate leave from Saturday mornings to Sunday afternoons, two weekends a month: that is, every second weekend. Those provisions were not only more favourable than those to which a prisoner is normally entitled, although there is some flexibility in regard to that—prisoners are entitled to compassionate leave, because they are serving the last few months of their sentences, but that did not apply to Cruttenden—but he was also getting compassionate leave on more favourable grounds than those laid down in the guidelines. It should be pointed out the departmental officers did not want Cruttenden to have compassionate leave at that time.

I had a talk about Cruttenden with some of the people in the work release centre and they told me the sorts of things he said to people. I will demonstrate why prisoners and prison officers did not want Cruttenden's privileges to be extended and why they felt compassionate leave should not be given to him.

When questioned about the fact that Cruttenden had been given compassionate leave on these grounds, the Chief Secretary said to the House, "It is up to me to make these decisions. It is not up to the Department of Corrections." The Chief Secretary almost pointed to the section of the Act which allowed him to do that.

I am perfectly prepared to accept that is the case and it is the Chief Secretary's responsibility to make those decisions. However, when circumstances such as these arise, it is incumbent on the Chief Secretary to demonstrate to us the basis on which the decision was made. In fact, three reasons have been given for Cruttenden being allowed compassionate leave. None of these reasons was given by the Chief Secretary. Two reasons were advanced by the Deputy Premier inside the House and one was advanced subsequently outside the House.

Mr Hassell: That is not correct. I gave three reasons to *The West Australian* and those reasons were published.

Mr PEARCE: I shall quote the three reasons and the Chief Secretary can tell me whether they are his or whether they were given by the Deputy Premier.

The first reason was that Cruttenden had repaid $100 000 of the $170 000. This was seen as a mitigating circumstance, bearing in mind the severity of the sentence imposed on him.

Mr O'Connor: You are saying I claimed that, are you?

Mr PEARCE: The reason was advanced that Cruttenden had repaid the $100 000. In an editorial in *The West Australian* the editor went so far as to say that statement was untrue. I will be a little kinder to the Deputy Premier and say I accept the point that different sums of money are involved in cases of bankruptcy and swindle; nevertheless, the conclusion cannot be drawn that $100 000 was repaid. There is a bit of mix and match going on and I endeavoured to check the records—

Mr O'Connor: You must admit I gave the answer off the cuff and you should look at the figures involved.

Mr PEARCE: I am not trying to call the Deputy Premier a liar; but the point I am making is, as a reason for allowing Cruttenden to have favourable circumstances, the fact that the Deputy Premier said he had repaid $100 000 did not stand up. I would not go so far as to say, as did the editor of *The West Australian*, that it is untrue. However, it has to be accepted by the House that, as a reason for giving Cruttenden extra compassionate leave, it does not hold up. The financing of the whole matter was very complicated; but Cruttenden did not pay back money in that sense, so in terms of intention, which is what the law looks at and which impressed the judge when he called Cruttenden a "cold-blooded swindler", it can be seen Cruttenden had no intention of paying back the money.

The second reason advanced was that Cruttenden's father was dying of cancer. The Deputy Premier raised that matter, although he said he hoped it would not be published, but in fact it was. Subsequently an investigating reporter spoke to the Cruttenden family and it was denied that his father was dying of cancer.

The third reason advanced for Cruttenden being given compassionate leave was that he had to patch up his ailing marriage. I do not wish to go into all these circumstances; but none of those

reasons is accurate. If they are the reasons Cruttenden was given extra compassionate leave, none of them holds up. Indeed, two of the reasons are untrue and, if the third reason was true at the time compassionate leave was granted, there is no reason for him to be given compassionate leave on those grounds now.

If these were the three reasons advanced, and they proved to be so tenuous on close examination, what were the real reasons Cruttenden was given compassionate leave? What were the underlying reasons for that? If the reasons advanced publicly for Cruttenden being given this degree of compassionate leave—

Mr Hassell: What do you think they are?

Mr PEARCE: I will come to that. The point I am making is—and this comes back to the Chief Secretary's claim in the House that it is up to him to make the decision and it has nothing to do with the Department of Corrections—it may well be in a legal sense, that it is up to the Chief Secetary to make the decision, but he must give reasons for his decision. Three reasons have been given and not one of them stands up.

Mr Hassell: None of those reasons was given by me and none of them related to the decision.

Mr PEARCE: That is what I said in the first instance; the Chief Secretary was only—

Mr Hassell: The reasons I gave have been published. You have obviously overlooked them in the course of your research.

Mr PEARCE: If the Chief Secretary wishes to advance other reasons off the cuff now, let him do so.

Mr Hassell: They will not be off the cuff.

Mr PEARCE: No other reasons have in fact been given. What the Chief Secretary in fact said was that the decision to release Cruttenden under these favourable circumstances had been made before he became Chief Secretary. It had been made by the former Chief Secretary (Mr O'Neil, now Sir Desmond O'Neil). When the present Chief Secretary looked at the circumstances he was in fact reviewing a decision which had been made previously.

I concede at the time Sir Desmond O'Neil originally allowed Cruttenden leave, the guidelines were infringed far more frequently in terms of prisoners' entitlement to compassionate leave and attendance at the work release centres than is currently the case.

The present Chief Secretary said that when they tightened up on these provisions, they were not prepared to tighten up on people like Cruttenden.

Mr Hassell: What we were doing was declining to be retrospective. The man had an established leave pattern in 1979. Had the new provisions been applied to him, it would have been like retrospective legislation.

Mr PEARCE: That is exactly what I have just said. Cruttenden was allowed more generous provisions before the tightening up of the guidelines.

Mr Hassell: That is not what you said.

Mr PEARCE: The Chief Secretary cannot have it both ways. Indeed, it is not vitally important whether it is one way or the other. The point has to be made—I said it and the Chief Secretary said it also in similar words and I am now framing his response whilst he seems to be accusing me of being a liar for saying this—members of the House are far more intelligent than the Chief Secretary gives them credit for.

Mr Hassell: The members of the House are all right; it is your intelligence which is lacking.

Mr PEARCE: The approaches made to the Chief Secretary with regard to Cruttenden's leave of absence from Saturday morning through to Sunday night were made originally on a basis more favourable to Cruttenden. The original circumstances centred around a proposition that he should be released on Friday night and return on Sunday night. The Chief Secretary decided not to accept the proposal and held the leave on the basis of Saturday morning to Sunday night. That provision was far more generous than leave entitlements accorded to anybody else, but it was not as generous as the entitlement sought originally.

Mr Hassell: How many other prisoners are in Cruttenden's position?

Mr PEARCE: The Chief Secretary can answer that; he is the person in charge of the department. However, he would not tell *The West Australian* that. I will tell the Chief Secretary how many other prisoners are in Cruttenden's position—none.

Mr Hassell: It is highly relevant. You are saying Cruttenden's leave is far more generous than that given to any other prisoner; but if no other prisoner is in the same position as Cruttenden, there is no comparison.

Mr PEARCE: I ask the Chief Secretary to explain to me the position Cruttenden is in.

Mr Hassell: The position he is in is that he has a sentence of 14 years, of which five years have been served. He is a minimal security risk; he does not represent a risk to the community in a

security sense. He has not committed an offence involving violence or drugs; he committed an offence relating to property. Those are factors which add up when considering the type of person with whom we are dealing.

Mr PEARCE: It leads quite neatly to the point I want to make.

Mr Laurance: If you are opposed to humane treatment for prisoners, why don't you say so?

Mr Bryce: We are opposed to selective treatment.

Mr Hassell: He is only opposed to humane treatment.

The SPEAKER: Order! The debate was proceeding quite nicely and we are now reaching a situation in which about six members are involved. That is not to be tolerated.

Mr PEARCE: I do not like especially favourable treatment of anybody on political grounds.

Mr Laurance: You are persecuting prisoners!

Mr Young: For political reasons too!

Mr PEARCE: I am quite prepared to accept the fact that Government Ministers, other than the Chief Secretary, are prepared to let prisoners out for political purposes because they are their friends. It is the "old boys" system under which the Liberal Party operates.

Mr O'Connor: That is not so.

Mr PEARCE: I am not trying to hound Cruttenden, it is the Chief Secretary I am concerned about.

Several members interjected.

The SPEAKER: Order! There were about four people interjecting then whilst the member for Gosnells was trying to address his remarks to the Chair. Those interjections are just not on.

Mr PEARCE: Can the Chief Secretary deny that the original proposition was that Cruttenden should be allowed out on Friday nights?

Mr Laurance: The myth of the ALP as the people's friend is now gone.

Several members interjected.

Mr PEARCE: The belief that Cruttenden is receiving favourable treatment because of his political friends is widespread throughout the prison system. This is the belief amongst prisoners and prison officers and the reason for this is the way in which Cruttenden habitually refers and talks to other prisoners and staff officers about his mate Ray. He also talks about the favourable treatment he receives because of his friend.

Mr Bryce: Which Ray is that?

Mr PEARCE: One could possibly guess. One could imagine the serious effect that would have on other prisoners.

Several members interjected.

Mr PEARCE: When a prisoner habitually claims to have friends in high places and refers to one as his mate Ray, and claims to have that person's private telephone number—even though it is not listed—that has a serious effect on other prisoners.

Mr O'Connor: Can I say that the same person said that your leader said something of the same nature? He told Cruttenden that if he wanted any assistance, he knew people in high places.

Mr PEARCE: The Deputy Premier is referring to the point I wish to make. I am alleging that because Cruttenden says these things, they may not necessarily be 100 per cent correct. I am saying that because of the intercessions of the Deputy Premier and two Chief Secretarys, Mr Cruttenden is receiving more favourable treatment. One can hardly be surprised that Cruttenden was talking in this way.

One can imagine how damaging that is to the confidence of the people inside and outside the prison system. It is very damaging to the operation of the prison system, especially when people are given preferential treatment because of their political friends. The actions of the Chief Secretary and the involvement of the Deputy Premier have caused the bad feelings which have come about.

Mr O'Connor: You would be surprised to know that one of your colleagues, a union secretary, approached me on this matter. However, I say that is fair enough.

Mr PEARCE: I have no knowledge of that, but if the Deputy Premier wishes to raise that fact he may do so.

Mr O'Connor: I saw nothing wrong with it.

Mr PEARCE: Whether there is anything wrong with it or not, one of the few comments I have made public about this matter is that Cruttenden was aware that his compassionate leave entitlements were to be extended, before the prison officers who were directly responsible for him were told. In fact, they found out from Cruttenden. One can imagine how that would irritate prison officers within the system.

Often, when a person approaches a member of Parliament and the member makes representation on behalf of that person, the member is aware of the outcome before the authority or those in the system are. The members often know the outcome before they hear it from the official sources.

If the Deputy Premier was incautious enough to tell Cruttenden before he found out from the official system, that undermines the authority of the prison system and leads to the sorts of feelings I have already articulated.

I do not know whether the Deputy Premier was the person who indicated these things to Cruttenden but he was the one who made the representations in the first place. The finger points directly to him.

Mr O'Connor: Sherlock Holmes!

Mr PEARCE: It is certainly of no value, in a troubled prison system, to have a person referring to his mate Ray and saying that he phones him all the time. As well, it is certainly damaging if that person is putting forward the proposition that when his mate Ray became Deputy Premier and Chief Secretary, it is likely he will be let out altogether.

That is not the sort of thing which encourages confidence in the Department of Corrections and it also raises questions about the Deputy Premier.

Mr Watt: Do you think the Deputy Premier or the Chief Secretary knew he was going to hand out how-to-vote cards?

Mr PEARCE: There is a letter addressed to "Dear Lionel" in which the Deputy Premier makes arrangements for that action. I am not arguing with the proposition that the Deputy Premier was first approached by Cruttenden.

Mr O'Connor: I have never denied that.

Mr PEARCE: The Deputy Premier has answered the question for the member for Albany and the answer was "Yes."

I question the ministerial silence which occurred when certain points were raised by *The West Australian* newspaper on 5 November 1980. That newspaper took the trouble to print a list of the questions put to the Chief Secretary and those which he refused to answer. The reason he did not answer the questions is that it would have been quite embarrassing if he had done so.

Mr Hassell: I was not in the least bit embarrassed.

Mr PEARCE: Then, why did not the Chief Secretary answer?

Mr Hassell: Because it had become a political position with certain employees of the department.

Mr PEARCE: Let us look at some of the questions which were asked. The first question was, "How many prisoners are there in WA gaols?" That is one of the questions which was allegedly framed by a prison employee. Another question was, "How many of those are receiving privileges in any way comparable with those given to Cruttenden?" The Minister did not answer that question because the answer would have been that no prisoners are receiving privileges which are in any way comparable. Another question was, "Why is Cruttenden at the work-release centre?" Cruttenden was at the centre because he was the gardener, however he was not gardening. Another question was, "How many other prisoners are working there but are not yet due to go out on work release?" The Minister did not answer that question either. Another question was, "Has any other prisoner been given leave or an extension to prison leave (of absence) in a manner that contradicted Corrections Department policy?" Why did not the Minister wish to answer that? If he had been able to say 45 or 57 or some large number it may have supported my case. However, the Minister made the allegation that these questions had been framed by an officer of his department.

Any intelligent person could have written those questions. In fact, they were drafted by a staff journalist of *The West Australian* who was simply working on the information I had raised in the Parliament. A person would not need to be remarkably intelligent to ask those questions.

Mr Young: Getting nasty about that staff journalist now.

Mr PEARCE: I do not even know which staff member it was.

Mr O'Connor: Just one of six.

Mr PEARCE: But one does not have to be a person particularly in the know to be able to answer those questions. Yet that is the sole reason the Chief Secretary has given for declining to answer those questions. There must then be a different reason, and it is not hard to pick up.

The ministerial silence has done the two Ministers no good at all. On the other hand, when we look for the reason that Cruttenden has been given this remarkably favourable treatment, in a sense earlier on the Chief Secretary pointed to the real answer; that is to say, members of the Liberal Party do not really consider him to be a crook.

Mr O'Connor: He certainly is. There is no doubt he has been a crook.

Mr Young: No-one could condone what he did.

Mr PEARCE: The Liberal Party did not see him in that light.

Mr O'Connor: You are quite wrong.

Mr Young: What nonsense!

Mr PEARCE: Fundamentally the sort of sharp business practices that finally put Cruttenden in

gaol are not remarkably different from the type of business practices carried on by friends of the Liberal Party who never really get caught.

Mr O'Connor: We expect that of you.

Mr PEARCE: As the Chief Secretary said, Cruttenden is not a murderer or a rapist, and he has not bashed anyone up. He has offended only against property.

Mr Hassell: I said he was not a security danger.

Mr PEARCE: Why is he not a security danger? He could be out swindling people of their money. The Chief Secretary should talk to some of the people who lost their life savings and whose lives were ruined by Cruttenden in the same way as though he had hit them over the head and crippled them.

Members on the Government side of the House do not really see people of that sort as criminals.

Mr Hassell: I hope you will take the same point of view when we discuss the misuse of drugs. We know your views on drugs, and they destroy life. We hope you will take the same view then.

Mr PEARCE: Certainly I will hold a discussion with the Chief Secretary about drugs at an appropriate time, but that appropriate time is not now.

Mr Hassell: You would not put in gaol people who smoke marihuana, would you?

Mr Parker: Do you say smoking marihuana is of the same order as stealing $100 000?

Mr PEARCE: The Chief Secretary is saying that smoking pot is worse than stealing $100 000 and ruining the lives of the people from whom it is stolen.

I do not have the same compassion for Cruttenden. The attitude of members on the other side of the House seems to be that his crime was not really a very serious one.

Mr Hassell: That is quite false. You are misrepresenting the truth.

Mr PEARCE: That sort of sharp business practice is not far removed from the general standards that prevail in some sections of the community. People who are involved in crimes such as that committed by Cruttenden are not really criminals in the Liberal Party view.

Mr Parker: In the eyes of the Liberal Party, the only crime is getting caught.

Mr PEARCE: I believe that is the underlying factor in the whole of the Cruttenden business. I do not know whether Cruttenden was a member of the Liberal Party before he went inside, but certainly he was a supporter of it, and a friend of members of the Liberal Party for many years.

I am prepared to concede that Mr Cruttenden's party connections probably have led to his present circumstances, although a number of people have spoken to me and put suggestions that much deeper underlying reasons exist for that treatment, and reasons much less obvious in the circumstances, and which will be remarkably discreditable to some people as the full facts emerge. It is not impossible that the full story of Mr Erickson, the private investigator, and the role he played in the Liberal Party leadership battle after the retirement of Sir David Brand will emerge. Perhaps the full story will one day come out, but I will not raise it now.

Mr Shalders: Does your leader support you in your mania of persecution of this fellow.

Mr PEARCE: The sad story has been told of the whole Cruttenden affair.

Mr Laurance: Certainly it has been by you.

Mr PEARCE: Certainly this case has had a deleterious effect on security in the prison system. In this State we do not have a settled and efficiently-operating prison system.

Mr Hassell: We have a very good prison system.

Mr PEARCE: When the Chief Secretary took over the portfolio, he appeared to be riding, in a sense, on the bandwagon of the public's disenchantment with the prison policy, and he seemed to be promising a tougher deal on people in the gaols. I attended the opening of the new remand centre at Canning Vale, and the Chief Secretary talked about a compassionate prison system. I was quite horrified by many of the things the Chief Secretary said on that occasion.

Mr Hassell: You did not listen very carefully.

Mr PEARCE: I did.

Mr Hassell: You could not have listened very carefully.

Mr PEARCE: Many of the people with me reached the same conclusion.

Mr Hassell: You and the Leader of the Opposition!

Mr PEARCE: I do not think the Leader of the Opposition attended the opening. I was representing him.

Mr Laurance: If you had your way you would have Cruttenden burnt at the stake.

Mr PEARCE: Rubbish! I would have had him treated in the same way as every other prisoner is treated. He would get compassionate leave on the same guidelines as apply to everyone else. He would receive compassionate leave when it was warranted. No-one should receive special

treatment; that is the best approach to take in the prison system. If the Government followed that course, there would not be so much dissatisfaction amongst the other prisoners.

At the present time the prisoners believe that Cruttenden is receiving favourable treatment because of friends in high places. That belief is shared by the prison officers and even higher up, by officials of the Department of Corrections. Such cases undermine the authority of those administering the prison system.

We must remember that the prison officers work in a hostile and confrontationist environment. Authority is important so that a small number of prison officers can control properly a large number of prisoners, many of whom are violent and very dangerous.

Mr Laurance: Are you advocating that a far tougher stance should be taken against people who have been imprisoned?

Mr PEARCE: I am saying that there should be consistency. The same guidelines should apply to everybody.

Mr Hassell: Why are you worried about Cruttenden?

Mr PEARCE: Because the treatment afforded to him is outside the guidelines.

Mr Hassell: You do not know what the guidelines are.

Mr PEARCE: That is my answer to the Chief Secretary and, indeed, it is my answer to the Honorary Minister Assisting the Minister for Housing when they say I am trying to persecute Cruttenden.

Mr Shalders: How many others are in for 14 years?

Mr PEARCE: The honourable member should ask the courts why he received a 14-year sentence.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: I do not think members of Parliament or the Chief Secretary ought to be determining the sentences of people.

Mr Hassell: That is quite right. It is the first sensible thing you have said.

Mr PEARCE: The Supreme Court determined the sentence, and the appeal court confirmed it. The Chief Secretary has gone out of his way to decrease it to some—

Mr Hassell: You are saying that we should abolish the leave of absence programme.

Mr PEARCE: No.

Mr Hassell: Yes you are.

Mr PEARCE: I am saying that there should be equal treatment and that the same guidelines should apply to all.

Mr H. D. Evans: Consistency!

Mr PEARCE: That is my concern in the Cruttenden business. There should be equal treatment for all and friends of the Liberal Party ought not to receive better treatment than the rest.

MR HASSELL (Cottesloe—Chief Secretary) [12.28 p.m.]: Mr Speaker—

Mr T. H. Jones: You have forced him to his feet.

Mr Nanovich: We will get the facts now.

Mr HASSELL: I have listened in silence to the remarks of the member for Gosnells.

Several members interjected.

Mr Parker: If that is the nature of your facts, we have a lot to come!

Mr Bryce: That is a measure of the Minister's truth.

Mr HASSELL: The whole business about the Cruttenden affair—

Mr B. T. Burke: It came unstuck.

Mr Harman: He got caught.

Mr HASSELL: —has reached quite silly proportions. I can say quite clearly and without any—

Mr Harman: Honesty.

Mr HASSELL: —concern at all, very few issues have been raised during the course of my duties in this portfolio that have caused me less concern.

Mr B. T. Burke: Less concern?

Mr Bryce: Caused you to keep your mouth shut.

Mr HASSELL: This issue is a nothing, because Mr Cruttenden has been treated properly all along the line; properly when he was given leave; properly when his leave was extended; and properly when his leave was cancelled because he breached the terms on which he was given that leave.

It seems necessary for me to deal with a number of areas specifically and to make matters clear about what has happened. The first point I want to make—

Mr B. T. Burke: Before you start—

Mr O'Connor: He has started.

Mr B. T. Burke: No, before he goes on to give us the details, is the Minister prepared to table all the documents in relation to this matter?

Mr HASSELL: No, I am not prepared to table a departmental file. I had better explain that, because it is for exactly the same reason I will not go into the advice that has come to me from the department. When one is confronted with questions relating to departmental advice, or what is in a file or is not in a file, one is greatly tempted to take the nice and easy way out, and table the information. However, when the matter of a proper standard of Government administration is considered, it will be recognised that cannot and should not be done. Those members of the Opposition who have had ministerial experience will know that it cannot be done.

Mr Bryce: It happens plenty.

Mr HASSELL: It does not happen "plenty" at all.

Mr Bryce: It does; you use advice when you like the sound of it.

Mr HASSELL: There have been occasions where a Minister has referred to advice he has received. However, there are occasions when it is not appropriate to do so, whatever that advice may be.

Mr B. T. Burke: What are those occasions?

Mr HASSELL: I will not go on with that issue; I have answered the honourable member's question. I do not intend to table the file, and I am not going to disclose the advice which was or was not given to me in relation to Cruttenden.

Mr B. T. Burke: And you are also not going to tell us why it is inappropriate to do so on this occasion.

Mr Clarko: Who is running this place? Be quiet!

Mr Parker: We appear to have more information than you.

Mr HASSELL: That may be the case. I do not know from where members of the Opposition got their information; they may have invented a lot of it.

Mr Parker: You said the other day that our sources were impeccably reliable.

Mr HASSELL: I wish now to refer to some specific points to clarify the position. I make it quite clear that, so far as I recall, I have never met Mr Cruttenden and, so far as I can recall, I have never met his family. I can say with certainty that I have never met Mr Cruttenden or his family since my appointment as Chief Secretary.

Mr B. T. Burke: But you have met the Deputy Premier, haven't you?

Mr HASSELL: The matter is one which I have dealt with from a position of complete objectivity; I have never been influenced by some representation Cruttenden may have made on a personal basis to me.

I include the words "so far as I can recall" because it is always possible for someone to dig up something from five years ago and say, "You met him then." I do not even know what Mr Cruttenden looks like; I simply do not know him.

Secondly, the Government and I, as Chief Secretary, are extremely concerned about the impact on people of criminal offences. We have been concerned about this area for a long time and we expressed that concern in the policy we took to the last election. We have expressed that concern in policies we have pursued both before and after the last election.

One of those policies as far as I have been concerned has been whether leave of absence should be granted to a number of prisoners. As members would probably know from their sources within the department, I have refused leave of absence to quite a number of prisoners. That leave has been refused on the ground that the prisoners should not qualify for leave of absence having regard for the offences committed, the nature of those offences, the security of the prisoners concerned, the length of their sentences, and their behaviour.

I have been dissatisfied with the overall policies relating to leave of absence because I do not believe they are sufficiently defined and clarified and to some extent they are too discretionary, notwithstanding the very proper and careful procedures which have been adopted by the Department of Corrections. I would like to see the leave of absence programme subjected to a significantly greater degree of regulation.

Mr Pearce: So would we.

Mr HASSELL: This could be achieved by specific provisions being incorporated into the Act.

I propose that when the new Prisons Act is brought forward to Parliament, it will contain provisions which describe in greater detail the requirements for leave of absence to be granted.

We are concerned in many ways about the impact of crime on people. We are concerned about the impact of people who are criminals on the road, and who are irresponsible there.

Mr Bryce: What about criminals in the office, and in business?

Mr HASSELL: We are concerned about the impact of criminals who are drug dealers, and

who destroy people's lives in that way. We are concerned about the impact of criminals who steal and destroy the livelihood and earnings of people who have worked to get something together for their old age or retirement.

In all of those respects, we have a proper concern which is evidenced by the laws which we support and maintain, the laws which we propose to enact in relation to the misuse of drugs, and in the system which we uphold in the government of this State.

It is not for me or the Government to question the length of a sentence given to a prisoner.

Mr Pearce: Tell that to your Whip.

Mr HASSELL: It is not for me to say that someone has received too long a sentence.

Mr B. T. Burke: But it is up to the Attorney General.

Mr HASSELL: It is a fact that Cruttenden's sentence was very long; he received 14 years. It is a fact that some other sentences which have been given since his offence, for property offences of a greater magnitude than he committed have been shorter. Those are simply facts; they do not involve any comment.

Mr Pearce: Cruttenden appealed, and was knocked back.

Mr HASSELL: It is also a fact that this Parliament, through the law in the Prisons Act, expressed a wish that successive Chief Secretaries and the Department of Corrections should consider the effect of long-term institutionalisation on prisoners and to alleviate that effect, if possible, through a leave of absence programme. That leave of absence programme can come into operation in any case where a prisoner is not seen as a security risk to the community in terms that he is a danger to the community.

I give as an example of the kind of leave of absence requests which I have refused the case of three people who were convicted separately for murder in 1975.

Mr O'Connor: In 1975?

Mr HASSELL: Yes, only five years ago. A recommendation was made to me through the normal channels that those prisoners be given leave of absence for work release.

Mr Bryce: You are now talking about advice from your department.

Mr HASSELL: I declined those proposals because it seemed to me inappropriate to grant the request, although those prisoners were, under the system, limited to a "minimum security" rating.

Mr Pearce: If you are prepared to say that, tell us what the department said in this case.

Mr HASSELL: We are concerned about the impact of crime, and how people are treated; we are concerned about the way criminals are treated in a proper sense. The Act provides that I should have some regard for the impact of long-term institutionalisation on prisoners, and it is in that respect that the leave of absence programme operates.

The matter of Cruttenden came to me by way of a representation made by the Deputy Premier—a perfectly proper representation—that I should look at his case to see whether anything could be done for him, because his long-term incarceration was having an impact on him which it might be considered desirable to alleviate in some way.

I took up the matter carefully, as I do in the case of representations made by members of Parliament from all parties in both Houses. I do not know whether it was because it was the Deputy Premier who made the representation, but I did consider that I should look at the matter very carefully before making a decision. I did so.

I took quite a number of weeks. I do not know whether the Deputy Premier can remember, but I think I took more than four weeks to give him any response to his note.

Mr Pearce: Do you want to tell us about the Friday night proposition?

Mr HASSELL: I insisted that I have the file, to read it very carefully. It is not always easy to find the time to read through an extensive file which is 2½ inches thick, from memory. Eventually, the opportunity came. I think I have the dates, the times, and the events right. I took the file when I went to the graduation of Aboriginal police aides at Pundulmurra; and on the plane trip back I took the opportunity to look at the file.

I raised a couple of questions with the department as a result of my research. One of the questions was whether Cruttenden had repaid any money. It was as a result of my research that the department made inquiries of the Official Receiver to obtain the information which did not appear on the file. I used that information to answer one of the questions raised by the member for Gosnells. If it had not been for the inquiry I made in considering Cruttenden's case, that question would not have been answered. That was a very proper inquiry by me, and it did not indicate political motivation.

Mr Pearce: But it did indicate no money had been repaid.

Mr HASSELL: If it had not been for my inquiry, the information would not have been available on the file and I would not have been able to answer the question. The member is complaining about documents which he said had not been included—

Mr Pearce: My sources were creditors of Cruttenden. They did not need a prison officer to tell them.

Mr HASSELL: I also wanted to learn some details of whether Cruttenden had shown any remorse for his actions in the sense of repayment; and I wanted to know the source of the funds for the support of his family in certain respects. I obtained answers to those questions before I reached a conclusion.

I discussed the matter by way of memorandum with the department. The member for Gosnells may have seen the memoranda, or copies of them. As I say, he seems to have received all sorts of information. My usual practice is that when I receive a memorandum, I write notes back to the department, sometimes in handwriting. I raise further questions.

Not only did I discuss the matter by memorandum—and I think the member for Gosnells ought to listen—but I also discussed the matter personally with the director on at least a couple of occasions; and I took his advice.

Mr Pearce: What was it?

Mr HASSELL: I listened to his advice, and we had our discussions.

If the member for Gosnells were the Chief Secretary, he would not regard it as appropriate to stand here as the Chief Secretary and attempt to interpret to the House the advice in those discussions.

Mr Pearce: Why were you prepared to say what the department had recommended in the case of the three murderers?

Mr HASSELL: Because the department recommended that in the normal course of things.

Mr Pearce: So you are prepared to talk about departmental advice in some cases, but not others?

Mr HASSELL: If the member for Gosnells had made a representation about special leave for a prisoner—and some of his colleagues have made special representations for special leave—

Mr B. T. Burke: You do not knock them.

Mr HASSELL: If that sort of representation is made, then the file comes up and the departmental process produces an advice; so there is nothing peculiar about that situation at all.

Mr Bryce: Have special pages disappeared from this man's file?

Mr Pearce: The whole file is in Kidston's office.

Mr HASSELL: I do not know. I do not keep the departmental files.

Mr Bryce: Have you got the file?

Mr HASSELL: I have read the file.

Mr Bryce: You know that several pages are missing?

Mr HASSELL: How would I know whether pages were missing from reading the file?

Mr Bryce: Is there no serialisation?

Mr Pearce: If you cannot read a file and know that pages are missing, you should not be a Minister.

Mr HASSELL: In view of the actions that have been taken by some very disloyal officers—I do not say prison officers, but some very disloyal departmental officers in their dealings with the Opposition and with the media—I would hope—

Mr Bryce: It still is a free country.

Mr HASSELL: —that the director had secured the file.

Mr Pearce: He has.

Mr HASSELL: Well, it must be very frustrating for the informants of the member for Gosnells if he has.

Mr Pearce: It was a bit late to do that.

Mr HASSELL: That may be.

Mr Pearce: The horse and the stable door, that was.

Mr HASSELL: As the standards of the community become lower—

Mr B. T. Burke: Do not moralise.

Mr HASSELL: —if the people who are employed by departments think they are free to run along and raise questions with the Opposition, and so on—

Mr B. T. Burke: As they did with Fraser.

Mr HASSELL: —they are not doing it in the proper way. The people who are employed in the Department of Corrections are entitled to have their political opinions, and they are entitled to voice them; and I do not question that. The member for Ascot knows that I do not question that. What I do question is an anonymous and malicious campaign by some employees who think that it is proper and part of their employment to deal as they have done with the media and the Opposition. I do not think the member for Ascot

would question that standard seriously. He might make it the subject of political banter, but I do not think he would suggest seriously that departmental officers in the Government ought to be free to take parts of files—to steal them, to hand them over, to disclose their contents, and so on.

Mr Bryce: I have been very impressed by Malcolm Fraser's teachings on this subject.

Mr HASSELL: I am talking about a standard.

Mr Bryce: Truckloads of them. Malcolm Fraser's argument—I have been very impressed.

Mr HASSELL: Does the member for Ascot say that the standard of not expecting civil servants to behave like that is wrong?

Mr Bryce: I am pretty impressed with what Malcolm Fraser said, that a civil servant should exercise his conscience.

Mr B. T. Burke: Do not worry about answering that question.

Mr Bryce: What sort of standard?

Mr HASSELL: Does the member think that civil servants—

The SPEAKER: Order!

Mr B. T. Burke: If you think civil servants should protect lying Ministers, I do not.

The SPEAKER: Order!

Mr B. T. Burke interjected.

The SPEAKER: Order! The member for Balcatta will remain silent. In the first place, it is unacceptable to have two or three members interjecting simultaneously. Certainly it is highly disorderly for members to continue interjecting when I rise to my feet to try to restore order.

Withdrawal of Remark

Mr HASSELL: There is a point of order which I had better take now. There was a remark by the member for Balcatta, and he should withdraw what he said about protecting lying Ministers, because there is a clear implication that that was directed to me.

The SPEAKER: The member for Balcatta is well aware of the standards that I am trying to apply with respect to statements like that, and I would ask him to withdraw.

Mr B. T. BURKE: Mr Speaker, normally I am quite happy to withdraw; but my statement was that if this Minister expects—

The SPEAKER: Order!

Mr B. T. BURKE: —civil servants to protect lying Ministers—I have made no particular implication.

The SPEAKER: I have determined that a withdrawal is required, and I simply ask the member for Balcatta to make a withdrawal. Otherwise I will have to take some appropriate action.

Mr B. T. BURKE: I withdraw.

Debate Resumed

Mr Clarko: Ha ha!

Mr B. T. Burke: You can laugh, you great oaf!

The SPEAKER: Order!

Points of Order.

Mr CLARKO: On a point of order—

Mr Bryce: Here he goes again—the trainee Speaker!

Mr B. T. Burke: You great oaf, oaf, oaf!

The SPEAKER: The House will come to order.

Mr B. T. Burke: You dullard!

The SPEAKER: If the member for Balcatta interjects or speaks again while I am on my feet, I shall name him. The member for Balcatta has used offensive words and I regard it as having been unparliamentary behaviour. I ask him to withdraw the words that he levelled at the member for Karrinyup.

Mr B. T. BURKE: The word "oaf" is not unparliamentary. However, I am quite happy to withdraw it.

The SPEAKER: Order! The member for Balcatta may consider that to shout across the Chamber in the way he did and call another member an oaf is an acceptable standard; however in my view it is not acceptable.

Mr H. D. EVANS: On a further point of order, Mr Speaker, I think the element of provocation on this occasion was such that it certainly mitigates the action of the member for Balcatta to a very large extent.

Mr O'Connor: It does not excuse it.

The SPEAKER: Order! I am prepared to concede that there are times when members do react to provocation by members opposite them. I point out to the House that in many cases the more offensive words spoken result from provocation. It is not always as clear cut as one person being wrong and the other right. On this occasion I believe the standard applied by the member for Balcatta was inappropriate.

Debate Resumed

Mr HASSELL: I wish to say very straightforward and simple things about this case because it is a very straightforward and simple case. I have not refused to answer questions about the Cruttenden case. I answered a lot of questions raised by the member for Gosnells and by the media. *The West Australian* newspaper, as is the wont of the Press, always get terribly excited if anyone refuses to answer precisely what it wants, precisely when it wants. That is the role of the Press and that is its right. But it should be recorded that I spent almost two hours in this House one evening with one of the senior reporters of *The West Australian* talking about the Cruttenden matter.

I did so at my invitation because he rang me and told me of a story which he had prepared from some of his sources—indeed, the same sources used by the member for Gosnells. His story was quite inaccurate in some respects and I thought it would be a sensible thing if we considered the matter thoroughly and for me to answer any questions that he had, which I did. It took some time and I think the reporter was quite satisfied with the answers he received. We sat down in the ministerial room, which was the only room available at the time. I explained the system to him, what was done in general in relation to Cruttenden, and so on. He produced his story which was published. It was only after that that some person in *The West Australian* felt he should prepare a list of questions, a list of questions which I declined to answer.

The answers to those questions were all prepared, and a lot of work went into researching them. Some did require a lot of research as they asked for information going back into the past. I felt, as I do now, that it was wrong to go on answering those questions knowing their purpose was simply to allow myself, as a responsible Minister to be subjected to public cross-examination by a member of my staff. I am not suggesting that members of the staff of the Department of Corrections are not entitled to make a contribution to the policy of the department or even of the Government. They have a tremendous opportunity to do so and in many respects they formulate the policies of the department.

Mr Pearce: Did you see the denials?

Mr HASSELL: Very interestingly, the editorial in *The West Australian* did not deny that the questions had originated from the informants. It said that no-one would believe what I said. That is different to denying it outright.

Mr Pearce: They were denied.

Mr HASSELL: I have answered a lot of questions. I am not prepared to be examined in the way proposed, in effect by the officers of the Department of Corrections. If they want to raise questions of policy they should do so in the proper way.

Mr Cruttenden's case was dealt with properly. I know that no amount of my saying this will convince the Opposition, because it thinks it is on to a good political thing and it wants to push the matter as far as it can. It will not do members opposite any good because there is nothing to find.

I can conclude by saying only that in relation to Cruttenden's leave, my conclusion was reached after a full and thorough consideration of his file. After the raising of specific questions as to his conduct in prison, his conduct in the past, the sentences he was given, the leave he had been given previously, and the moneys he had repaid or might have repaid, I indicate that after a perusal of the file—

Mr Pearce: Are you saying he repaid money or not?

Mr HASSELL: No.

Mr Pearce: One of the reasons you considered his leave related to whether or not he repaid money, and you came to the conclusion he had repaid money.

Mr HASSELL: I did not take that into account when I reached my conclusion.

Mr Pearce: Why did you send people to the Official Receiver's Office?

Mr HASSELL: I wanted to find out whether money which Cruttenden had misused was being used to support his family in a particular way.

Mr Pearce: What was your decision?

Sir Charles Court: Listen to Perry Mason Junior.

Mr HASSELL: Having undertaken those investigations, having obtained answers from the department, and having discussed the matter several times—it may have been only twice—with the director, I reached the conclusion that, in all the circumstances, Cruttenden's leave should be extended. I suggested his leave should be extended from Friday night to Sunday night. This is something the member for Gosnells brought up.

Mr Pearce: So I was right again.

Mr HASSELL: It was pointed out to me that in terms of the management of the work release centre and the prison system, it would be better if Cruttenden went on leave on Saturday morning when everyone went. I agreed to that.

Mr Pearce: Why did you suggest Friday night?

Mr HASSELL: I was trying to suggest an appropriate time for the extension of his leave and so I put forward that suggestion for consideration. None of these things is a matter of concern, because it was all done in the proper way by the proper people following correct procedures.

I understand that Mr Cruttenden has made somewhat of an ass of himself in the department. I can very well imagine the impact he must have on both the inmates and, more particularly—because they are my particular concern—the prison officers when he flaunts what he alleges is his influence in high places.

Mr Pearce: You have let yourself in for that.

Mr HASSELL: This is an impact which is detrimental to the management of the prison. I think he is foolish if he acts in this way and I have no sympathy for him whatsoever.

I wish to conclude my remarks on the matter of the cancellation of his leave. I have been concerned with this matter long before I ever heard the name of Cruttenden; I have been concerned that leave of absence is not automatically cancelled when there is a breach of conditions. I have been discussing with the department the idea that there should be a change in procedures. The reason Cruttenden's leave was not automatically cancelled once the conditions of his leave were broken was that that was not departmental procedure. The department reviews the matter first, and this is the reason his leave was not cancelled directly after it came to the knowledge of the department, which I think was on the Wednesday after the election.

I have said all that could be said sensibly about the Cruttenden matter. I think the whole thing was a political stunt. No matter how members of the Opposition may delve into it and no matter how many files they may steal, they are wasting their time.

Point of Order

Mr B. T. BURKE: The implication, if not the outright statement, of the Minister was, "however many files the Opposition may steal . . . ". I believe that remark to be unparliamentary and I ask for a withdrawal.

Mr HASSELL: I withdraw.

Debate Resumed

The ACTING SPEAKER (Mr Watt): Order! I shall leave the Chair until 2.15 p.m.

Sitting suspended from 1.00 to 2.15 p.m.

MR BRYCE (Ascot) [2.15 p.m.]: In answer to some of the queries raised from the other side during the remarks made by the member for Gosnells, I wish to indicate that I certainly support the remarks he made to the Chamber during his contribution to the debate on the Loan Estimates. He raised a number of matters which are of great concern to many people; people who are prisoners, people who are the relatives of prisoners, and people who are the members of staff helping to run and conduct effectively the prison system in Western Australia.

I regret the Minister is not able to be present this afternoon to hear the rebuttal of some of the nonsense he put to the Chamber prior to the luncheon suspension. It is well understood and appreciated by all of us who have listened to this debate that the Minister for Police and Traffic the Chief Secretary—has clammed up. He has refused to answer in Parliament questions directed to him and he has refused to answer questions directed to him by the media in respect of this matter. He says he has done this on the ground that it is improper for him to reveal publicly the nature of the advice that is given to him by his departmental advisers.

Perhaps only within seconds of having said that, the Chief Secretary revealed to this Chamber that he received advice from his department, a recommendation from some of his officers, which suggested that special leave provisions ought to be granted to a number of prisoners of the Fremantle Gaol. I think he went on to indicate they were serving sentences for murders committed as recently as 1975. So, we saw the Minister in the space of a few minutes completely contradict himself. He said he had no intention of revealing to the public generally the nature of the advice given to him by his

departmental advisers, and a few minutes later he revealed to the House what the same advisers advised him to do in respect of a couple of prisoners serving sentences, apparently, for murder.

So, the Minister spelt out quite unequivocally that if the advice he receives from his departmental advisers is liked and found to be acceptable by him, he is prepared to make that advice public. However, when he receives advice from his departmental advisers that he does not like and does not find acceptable, he is not prepared to make the substance of that advice public. It is quite apparent that is exactly what the Minister did in respect of this Cruttenden business.

Mr Shalders: Did he not say that he did not accept the advice in regard to three cases?

Mr Pearce: But he said what the advice was.

Mr BRYCE: He revealed what the advice was. Time and time again we have simply asked the Minister to indicate whether his department advised against giving a particular prisoner the generous conditions of leave. The Minister said—this was the basis of his highly specious argument—he was being subjected to public cross-examination by a member of his staff and, therefore, he would refuse to answer the question. He said it would be improper for him as a Minister to reveal that information.

This reveals a weakness in the Minister's position. He has publicly contradicted himself. He must have something to hide, otherwise he would be quite prepared to reveal to the House precisely what occurred. Having read the file, he made the decision to grant extra special conditions of leave to Mr Cruttenden.

Mr B. T. Burke: He would be in prison, otherwise.

Mr BRYCE: It has been demonstrated to members in this Chamber that the Minister did not make his decision on the basis of the arguments publicly advanced by the Deputy Premier. The Minister said that those reasons did not constitute the basis for his decision-making. Then, we ask him to indicate to us what there is on the file that justifies his intervention in this case to make the decision that he made.

One other matter which has come to light by way of interjection from the Minister and from previous speakers in this debate, and which disturbs members on this side of the House, is the attitude of various members on the Government benches to the question of corporate crime, or white collar crime. I certainly take exception to the dual standards, the double standards, which apply to the treatment of prisoners. The member for Murray interjected and said it was unfair and unreasonable for a 14-year sentence to be imposed on somebody who embezzled $170 000. We heard the member for Karrinyup say that a corporate crime cannot be treated in the same way as a criminal offence.

Mr Clarko: I did not say that. I said they are not the same. That is quite different.

Mr BRYCE: The member for Karrinyup made that interjection when we were discussing in this Chamber the treatment of prisoners, and when we said we were concerned about the double standards which apply.

Mr Clarko: I did not say that. I said they were not the same. That is a different point.

Mr BRYCE: I am happy to allow the record of *Hansard* to reveal not only exactly the member's interjection, but also the context in which it was made. I believe the record will demonstrate there are members on the other side of the House who generally feel that corporate crimes—white-collar crimes—are not actually of a serious nature, and that they do not deserve to be treated seriously.

Several members interjected.

Mr BRYCE: That is one of the underlying reasons Mr Cruttenden is being given preferential treatment, quite apart from the fact that he has some very good friends.

Mr Young: Since Cruttenden was convicted for this so-called corporate, white-collar crime, a pack rape took place four or five years ago involving about 13 people. Every one of those persons, I understand, is now loose in the community. How do you rate the two crimes?

Mr BRYCE: I think they were both dastardly.

Mr Young: But which one is rated the worst?

Mr B. T. Burke: Do not be ridiculous.

Several members interjected.

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

Mr BRYCE: The elements of this case should concern everybody, because the way the prison system is running is the result of the lack of consistency in respect of the role of the Chief Secretary.

The Chief Secretary, of his own volition, has placed himself upon a moral pedestal. Since assuming his high office, he has taken it upon himself to preach to the community and moralise at every conceivable opportunity.

The Chief Secretary went out of his way personally to direct a crackdown in the prison system. He made public statements, and he issued

directives from his department to impose an effective crackdown on the methods which applied to the conditions of leave of absence and for work release, etc. The Chief Secretary frequently repeated his demand, as a new broom sweeping clean; the new accountability in the running of the prison systems.

We find coming from the Chief Secretary the most unforgivable and most inconsistent and inexcusable feature of this case; the fact that the Minister himself, having established these public standards, then intervenes in this particular matter. He overruled the recommendation of his department and he broke the standard which he postulated himself. That is the very essence of this matter.

The member for Gosnells referred to the lack of morale in the prison system. He demonstrated publicly to any prisoner that if the prisoner agreed to join the Liberal Party he would receive similar treatment. I might make the suggestion at this stage that if the organisational wing of the Liberal Party was about to test its wits it would establish a branch of the Liberal Party inside the prison system.

Mr Shalders: Did Beamish join the Labor Party?

Mr BRYCE: I would not have a clue. I am suggesting that the Minister has placed himself on a pedestal and is sounding the clarion call that if prisoners want a short cut to release and cushy conditions, they should join the Liberal Party. I would not be surprised if that was the case. This is most inexcusable.

Mr O'Connor: What about Brockman?

Mr BRYCE: I am not the slightest bit concerned about previous or future Governments. I am concerned about the question of the Minister's consistency.

The Minister has set himself on a pedestal. He said today he was concerned about the lack of an automatic suspension of personal leave conditions in the case of a breach of those conditions. He said that should be a pre-requisite of leave being granted.

The Minister has laid down these standards, but when a representation is made to him by the Deputy Premier on behalf of somebody who, if he is not a member of the Liberal Party certainly is an activist in the Liberal Party, the Minister says he will not reveal to the public the reason for making his decision. We know his department recommended against this particular decision. The Minister, by virtue of his own involvement in the case, made a decision to grant the leave provision to the person in question.

What concerns me—and, might I say, the people I represent; because some people in my constituency have raised this question of principle with me—

Mr O'Connor: Some people in your field have made requests to me to make similar approaches.

Mr Pearce: Are you saying that you made an approach in respect of Cruttenden only because you received approaches from members on this side?

Mr O'Connor: No, I am not saying that. I am saying that similar approaches have been made from people in your field in respect of other persons.

Mr BRYCE: That does not deny the essence of the charge against the Chief Secretary that he is being fundamentally inconsistent in the way in which he is dealing with people; because the same Chief Secretary has repeatedly knocked back people's requests for leave of absence, and of his own volition he has tightened up the system applying to work release. He has said publicly, putting himself on that pedestal, that what we need is a tighter-run prison system. Yet the moment representations are made from the highest place in the land, the Minister breaks his own standards and contradicts himself.

I should like to take this opportunity to use this place to issue an invitation to every citizen, not only those in my constituency, but also every other citizen in the State who has a relative, a friend, a boyfriend, or a girlfriend in prison to queue up outside the office of the Chief Secretary and demand the same privileges and conditions that were granted to Mr Cruttenden; if not demand, since he may not respond favourably to a demand, maybe they should simply request the same privileged treatment. I say that because the friends and relatives of prisoners frequently come to members of Parliament and explain the suffering that is incurred by the families of prisoners.

Mr Barnett: And if they don't get it from the Chief Secretary they can go to the Deputy Premier and he will fix it up for them.

Mr BRYCE: I have had people come to my office and express concern and anxiety about the inability to obtain leave of absence or work release for prisoners. We have all gone through this; those of us who have been members of Parliament for any period of time have received such representations, and we have made representations to the Chief Secretary. We know this Minister as a matter of policy has publicly stated there will no longer be a continuation of the flexibility and the generous treatment that in

his view has been afforded in the past. Yet he turns around and makes an exception.

That means within the prison system itself prisoners are virtually encouraged to have no confidence in the figures of authority in the system. The prisoners can have no confidence whatsoever in the body of staff who run the prison, nor can they have confidence in the top level decision-makers—the Minister and the Government of the State—because they know that when it suits him the Minister will make a decision based on political grounds, and on political grounds alone, and play favourites in the prison system. He will allow people to be released under generous conditions, depending upon their background.

Mr Shalders: You said "favourites", which is plural. The member for Gosnells has mentioned one person; who are the others?

Mr BRYCE: I said, and I repeat, that this Minister on the basis of his behaviour is prepared to play favourites.

Mr Shalders: Tell us another.

Mr BRYCE: That is the name of the game as far as he is concerned.

Mr O'Connor: Who is the other one?

Mr BRYCE: For the benefit of the member for Murray I repeat that the Minister has played favourites because he has selected a Liberal Party supporter and said—

Mr Shalders: You cannot wriggle off the hook like that.

Mr BRYCE: That is exactly what I said.

Mr Shalders: No you didn't.

Mr BRYCE: The Minister made a decision to intervene, and he made a blunder when he did so. He has decided to run for cover and to clam up in order to avoid exacerbating the situation in which he finds himself.

Mr Shalders: Rubbish!

Mr BRYCE: Is it any wonder that *The West Australian* newspaper and the community at large immediately assume there must be something to hide when responsible Ministers of the Crown decide they will refuse to answer further questions? It is the most specious argument I have heard in this place for many years for somebody on one hand to explain to the public how on the basis of departmental advice he rejects requests for these sorts of leave conditions, and then on the other hand, having discounted all the reasons that have been given publicly for giving Mr Cruttenden special leave conditions, to explain why he overrode his department in that case. There is absolutely no justice whatsoever in that.

To sum up: In making this blunder the Chief Secretary has in effect suggested that Ministers of the Crown should not be accountable to Parliament. One of the basic principles upon which the Westminster system of Parliament was founded is ministerial responsibility to Parliament. Yet we have seen this Minister stand here and say he refuses to answer any more questions, allegedly because of the implication that one of his staff members is conducting a public cross-examination of the Minister. That is absolute, arrant nonsense. Any of the questions framed by the member for Gosnells—or, for that matter, by the staff journalists of *The West Australian*—could easily have been framed by any reasonably intelligent person, to use the words of the member for Gosnells. They did not need to be framed by someone within the Department of Corrections.

The second main theme that concerns us is the impact this affair is having on the morale of the prison system. Why should prisoners in Western Australia accept that there is a fair, reasonable, and dinkum system of administration within our prisons when they see special, privileged treatment afforded to Mr Cruttenden, and which is made worse by some of the highly unfortunate and inappropriate statements that Mr Cruttenden himself has made within the system?

Mr Shalders: I can remember how you stood there and made such a brilliant speech on this when it turned out that Archie Butterly had been out on work release—and he is a far more dangerous person than Cruttenden ever was. In that case the Opposition said nothing.

Mr Pearce: Your Government let Butterly out.

The SPEAKER: Order!

Mr Shalders: I appreciate that; and in my opinion there was far less reason—

Mr Pearce interjected.

The SPEAKER: Order!

Mr Shalders: —for his being out on work release than there was for Cruttenden.

The SPEAKER: Order!

Mr Shalders: I am pointing out that in a worse case the Opposition said nothing, and all you are doing is playing politics.

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

Mr BRYCE: I would like now to turn my attention to an entirely different subject.

I am pleased the Minister concerned has been able to join us because I will be most interested to hear her response. I would like to direct my attention to the Metropolitan Region Planning Authority.

I share the concern of an ever-increasing number of people about the *modus operandi* of the MRPA. I wish to take the opportunity provided by this debate to draw to the attention of the House, and of the Minister in particular, some of the methods of the MRPA in the hope that by adding my voice to the cries made by others in the community recently some firm action will be taken to reform and re-establish the MRPA and to change some of its methods in a significant way.

What was established as a Government authority to serve the community in terms of the way it is currently handling land and housing resumptions has become a body which is fleecing a relatively powerless minority in the community.

Mrs Craig: I think you had better indicate the changes you believe have taken place since 1972.

Mr BRYCE: I am not saying the changes have taken place since 1972.

Mrs Craig: You are saying it has changed, and it is fleecing a powerless minority. There is no difference unless—

Mr BRYCE: Quite the contrary. The attitude of some of the members of the MRPA—

Mrs Craig: You had better be specific.

Mr BRYCE: When it comes to obtaining the best possible price—the lowest possible price that means—for community properties, that leads to suffering amongst all of the neighbouring landowners in a particular area. I would be very happy—

Mrs Craig: There is a procedure laid down for the manner in which a valuation is determined. I think you ought to be specific and indicate the changes that have occurred and that are causing you concern.

Mr BRYCE: I shall.

Mr Parker: The Minister for Town Planning would be a good start.

Mr BRYCE: What has happened in respect of this matter is that as the years have passed the original concept of the MRPA has, in my opinion, become somewhat outmoded and it needs to be modernised. If that means restructuring on the one hand, and changing some of its methods on the other, I am happy to be involved in a serious discussion with the Minister about what ought to happen.

I would like to put some evidence before the House to demonstrate my point. I have been involved in my own constituency for some eight years with families who are some of the hundreds of families whose properties are involved in three major traffic programmes which involve widespread resumptions. Those three programmes are the widening of the Great Eastern Highway to a six-lane highway, the widening of Orrong Road and the construction of the Burswood Bridge, and the construction of the Beechboro-Gosnells freeway.

The basic philosophical point I wish to make about this system is that the community, through their elected Government representatives, have decided that they want these projects to go ahead. I say quite unequivocally that if the community make the decision that they want such a project, then the community must pay for the properties that are resumed. It is an amoral stance for any authority to adopt to attempt to get people's properties for less than the market value if they can.

I intend to demonstrate how people are suffering in this respect. I will show what changes need to be made to the legislation which currently governs the way the system operates.

Basically, I have no sympathy for the speculators who seek to take the community for a row; but I am saying, currently, anybody whose property is involved in an MRPA scheme suffers financially. People finish up behind the eight ball. I do not make that statement lightly.

Mrs Craig: I do not think it is fair to say that everybody suffers. I think what you are really saying is that the replacement value is only the value that has been accepted in so far as compensation for resumption is concerned. The true valuation of the property concerned is the amount of money that is paid.

Mr BRYCE: That is precisely the point I am making. It is time we changed the Act, or at least dealt with legislation—

Mrs Craig: It is not the MRPA Act you are talking about. It is a different Act altogether.

Mr BRYCE: I appreciate that the question of valuation lies with the PWD: but it is not just a question of valuation.

I referred to the *modus operandi* at the outset, and I intend to demonstrate it. There are two areas of concern on the basic question of resumption. Through this forum, I ask the Minister to have a very serious look at these problems. The first one is the method which is currently used to notify people that their property may be involved in a reservation gazetted by the

MRPA. The second basic concern of the people who have been mauled by this system is in respect of the method of valuation and the purchase of homes.

There are two aspects on which I would like to focus my attention this afternoon. I do not have time to canvass any other aspects today. When the metropolitan region plan was first designed and gazetted as long ago as 15 or 16 years, the people in the metropolitan area were not specifically advised. By "specifically", I mean individually.

Mrs Craig: No. That was the original plan.

Mr BRYCE: That is right. What concerns me is that people are now living in homes in the metropolitan area, and real estate agents are dealing in homes, and it is possible to purchase a home in the metropolitan area, and not to know until after one has purchased the home that the property has been earmarked for future development in respect of some feature of the metropolitan region scheme.

Mrs Craig: But it should not be, because every local authority is entirely aware of the reservations contained within its boundaries; and any person, on purchasing a house, surely makes the appropriate inquiries in relation to the land.

Mr BRYCE: That just happens to constitute a very comfortable, sophisticated, middle-class attitude. Surely not everybody goes racing off to the local authority to be absolutely certain that in respect of the town plan all the details are made available to every intending purchaser to land. That does not happen in practice.

Mrs Craig: I know; but what are you suggesting?

Mr BRYCE: I have a concrete suggestion to make. We have reached the stage where something should be done.

I will quote a specific example. A constituent came into my office recently, and he asked for my advice. He indicated his intention to brick-clad his home, but he had heard, by virtue of some backyard rumours, that the Beechboro-Gosnells freeway would go close to his property. He asked me whether I thought it would be worth his while doing it—should he do it. I asked him where he lived, and we consulted a map on the wall in my office. I said, "I have terribly bad news for you, brother. You are right in the middle of the reservation. Your property is required." He purchased that property four years ago; and he was advised verbally at the time that his property was not required. He was one of the few people who were advised that their properties were perfectly clear of the freeway.

I am suggesting to the Minister, in all seriousness, that we should have a system which requires some notation to be made at the Titles Office. I am not suggesting that without the back-up of proper resources. I am not arguing that the manpower is readily available to embark upon a drive through the Titles Office. I am not suggesting that, like an easement, for example, there should be a diagramatic notification on every title for property affected by the MRPA.

Mrs Craig: It has other difficulties, as you probably know, because we get changes also within the amendments.

Mr BRYCE: This is part of the problem. I suggest, with the greatest respect, some simple device. There are plenty of red stickers put on ministerial files, and those stickers indicate that urgent attention is needed. I could imagine something as simple as a sticker system being devised, to be attached to title deeds where the properties are affected by MRPA schemes. Therefore, when the inevitable or usual practice of a title search is conducted when a property changes hands, it would be drawn to the attention of the purchaser immediately that there was a danger signal—that the purchaser should make further inquiries; and that there are implications as far as the metropolitan scheme is concerned.

It is fundamentally unfair that somebody can buy a property and then discover subsequently that that property has a reservation placed upon it. It is a rather dishonest system in the first instance that an agent could sell such a property and I would hope no real estate agent would do so; but I understand it happens, because a commission is involved.

The current system of notifying people about changes is not satisfactory. The original MRPA scheme was one system, but the scheme has to be changed from time to time and the system of notifying people about the amendments certainly needs to be revamped.

As I understand it, if a major amendment takes place there is a responsibility on the part of the authority to lodge three different notices in the *Government Gazette* and two different notices in daily newspapers. That particular methodology of the department is terribly outmoded and out of date. How many people read the *Government Gazette*? How many people read the public notices section of the daily newspapers? What proportion of the population these days actually receives a daily newspaper? To say the least, it is a diminishing proportion.

One of the most remarkable knock backs of which I have heard in recent times occurred when

the member for Fremantle, as a member of Parliament, asked to be supplied with a copy of the *Government Gazette*. He was told he could have one only if he paid for it by way of subscription. That demonstrates it is hopelessly inadequate to use these channels as a means of notifying people.

I suggest there should be a mandatory requirement to write to every householder whose property is affected by any amendment.

Mrs Craig: Once the amendment has been accepted by the Parliament, those people are notified and then they have an opportunity to make a submission. There is a three-month period for advertising.

Mr BRYCE: The Minister is not strictly correct. I have been advised by the Minister's own department that, if a large amendment to the scheme is involved, people are not notified individually by letter. I checked this situation, because I wanted to be sure of the facts.

Mrs Craig: In the three-month period for advertising, it is true to say they are not notified; but there is a public display of plans and it is very well advertised throughout local authorities. Every local authority involved knows about it.

Mr BRYCE: The point I make is, it is not adequate to say that to put the plans on display in the local authority office will solve the problem. How many people visit the local authority office from time to time?

Mrs Craig: In the case of the south-east corridor we set up an office and it was open at various times so that people could come in and find out what was happening.

Mr BRYCE: Let me ask the Minister why she objects to the suggestion that, if the planning authorities proposed to shift the alignments of a scheme of reservations, the people should be notified by letter to ensure that, in an open and democratic society there is no chance they will not be notified that their properties, which in most instances involve their life savings, will be affected by a reserve.

Mrs Craig: Are you suggesting they should be notified before it has the force of law or after? In the first instance, they may be affected.

Mr BRYCE: If I could be afforded the luxury of being a member of the Opposition without the day-to-day experience in that particular office, let me say if we are a genuine, free, democratic society, given the anxiety this causes families, I believe the letter should be sent beforehand if such a change is mooted and it ought to be sent afterwards also to confirm certain things have happened. That is fair and reasonable.

Another aspect of this matter worries me greatly and the Minister should give it her attention to see whether a fairer system can be introduced when housing resumption takes place. The point to which I refer is that of valuation. I want to draw specific attention to my own constituency. The Minister knows what I mean when I talk about replacement cost instead of market price. All members in this place understand the basic mechanics of resumption; that is, if an authority decides it wants somebody's premises, if that person decides to move out, he approaches the authority and suggests a price. The authority then returns with a counter offer. A suggestion may be made that a valuation should be obtained, if one has not been performed already, and then the matter may go to arbitration.

The inadequacy of the Act which relates to the valuation process is that the Government of this State is permitted to pay only market prices for pieces of land. If the resident remained on the property until one day before it was required, he would be entitled to 10 per cent above the market price for a forced resumption.

I should like to highlight the unfairness and inadequacy of the situation, particularly in cases where families have overcapitalised their blocks. That in itself is a turn of phrase used by real estate agents.

If a person was building a home and simply had an eye on the future real estate market, he would never overcapitalise his block. However, I would venture to suggest the vast majority of homeowners in our State do not build a home with a mind's eye fixed on the resale value. A significant proportion of people building homes do so because they want a family home.

I should like to quote an example of a situation which has occurred in my constituency. A person owns an asbestos and timber-framed home valued at $27 000 at market price. This particular individual has installed a deep water swimming pool, a reticulation system, a solar hot water heating system, and a very large garage which contains $6 000 to $7 000 worth of minature train equipment.

Mrs Craig: And an air-conditioner.

Mr BRYCE: As the Minister is aware, it contains an air-conditioner also. Those particular items have added significantly to the actual replacement cost of the home.

Mrs Craig: It bears pointing out that this particular person has refused consistently to go to

arbitration. A private valuation has been effected and the other valuation has been offered, because the private valuation did not meet the requirements of the person involved. We asked repeatedly if he would go to arbitration and he has declined to do so, maybe on your advice.

Mr BRYCE: No, it was not on my advice. It is not only this gentleman who is experiencing concern in this regard; it also affects other people, because he lives in the middle of approximately 50 or 60 homes which will have to be resumed for the purpose of the Beechboro-Gosnells freeway.

The inadequacy of the current system of resumption is that the Government may not pay more than 10 per cent above market value for a forced resumption. I quoted the figure of $27 000 as being the market price of the property; but it may cost him $40 000 to replace what he now has. I am not suggesting he would shift to another suburb, but if he simply moves around the corner, that is the sort of replacement cost involved.

If a family has made a reasonable decision to stay in a family home, it should not be forced to suffer financially, because the Statute of this State proscribes the Government may not pay more than the market value or 10 per cent above it in the case of a forced resumption.

In conclusion, I wish to bring to the Minister's attention the situation as it applies to old people. It is grossly unfair that someone in his 50s or 60s—and at that stage of life in many cases a person is free of a mortgage and some may have suffered heart attacks or other serious health problems—should be faced with the anxiety of having to enter into mortgages in the twilight years of his career.

It has been my experience with those people who are relocated that it is not the case that they take the opportunity to raise their status in terms of a suburb; most of them just want to settle in the same community or around the corner. In many cases if they have overcapitalised their homes, they are in a great deal of difficulty in just simply trying to achieve the same material, physical, and other standards of living which they had established in the preceding 10 to 15 years.

Mrs Craig: Your objection is not really to the authority, it is to the legislation.

Mr BRYCE: My objection is twofold. The first is to the way the authority notifies the people and the second is the manner in which the actual valuations for resumption purposes are being calculated. I ask the Minister to look at the matter. I would be very happy to sit down at some stage with a view to a constructive discussion to try to devise some solutions.

MR T. H. JONES (Collie) [3.03 p.m.]: I take this opportunity to refer to two matters which concern me. I regret the Minister for Police and Traffic is not in the Chamber at the moment because I wish to speak about the morale of the Police Force. I wish also to speak about the Government's lack of concern for power generation in the State.

I have referred to the morale of the Police Force in this State previously. I have been advised on good authority that the Police Union is very concerned about the general morale of policemen in Western Australia. The union has asked the Government to arrange for an inquiry to be set up to look at the set-up and construction of the Police Force and the RTA in this State.

I have heard nothing from the Government in this respect. I wonder whether the Deputy Premier would like to indicate what is happening in Cabinet. Has this matter been shelved or has the Government agreed to the request?

Mr O'Connor: I believe discussions are being held between the Premier, the union, and the Minister for Police and Traffic. That is my understanding of the matter.

Mr T. H. JONES: As spokesman on police matters for the Opposition, I have held discussions with members of the Police Union in order to ascertain the problems of the Police Force in this State. It is interesting to note that the Secretary of the Police Union indicated this week that the Road Traffic Authority in Western Australia is grossly undermanned. That is the general position throughout the whole of the State. The Western Australian Police Union of Workers issued a circular to members on 23 October this year. Under the heading "What is happening in the Union" it read in part as follows—

> We have also received widespread advice from all sections of the force regarding staff shortages and we request members to continue to note examples of severe shortage and forward same to the union office.

It is quite clear that there is a requirement for an inquiry. We have only to consider the situation at the Warwick Police Station and the drastic shortage there. There is also a drastic shortage at Albany and concern is expressed in that area on a weekly basis. There is also concern in my home town of Collie and the Chamber of Commerce in Collie has asked me to have this matter raised in the Parliament.

I regret the Minister is not present because we have had a situation in Collie where the police have been required urgently but they have not been available. A person who required the police urgently found there was no-one available at the police station and he had to search the town. As he was unable to contact the Collie Police he was forced to contact the Bunbury Police Station.

It is a sad state of affairs if a town which comprises 10 000 people cannot have a better system. Surely some system should be derived so that such a situation does not occur. The police station in Collie is seriously undermanned. The situation to which I have referred concerns some children so I will not mention it here but I will inform the Minister for Police and Traffic of the details.

It is not right that such a situation should occur in today's society especially when there is an urgent need for police attendance and when a request has been made for them to attend. It is not right either that someone should have to look around a town to locate the police and then finally receive a phone call from the district inspector from another locality. It is not what we would expect in the year 1980.

I wish to quote a letter written to me by the Collie Chamber of Commerce on 17 October. The Chamber asked me to raise this matter in Parliament. The letter states—

> At a recent meeting of our commerce concern was given to the lack of manpower staffing our Collie Police Station for the increasing size of our district.
>
> Our resident Police staff are more than effective but occasions have occurred when several crimes have taken place and there is not sufficient staff to cover all situations. The public brought this to the commerce's attention and would certainly appreciate your consideration on the matter. Correspondence has also been forwarded to The Commissioner of Police and the Hon. Minister for Police.

That letter supports my comments. I think the matter should be investigated. I wish to make it clear that I am not reflecting on the local policemen. They do a good job and I have a good liaison with the police sergeant and the policemen in the town. However, they can perform their duties only to a certain level because they are severely undermanned.

I ask the Deputy Premier to take this matter up with Cabinet and I hope that as a result of my complaint an inquiry will be inititated. I do hope some notice will be taken of it.

The Western Australian Police Union of Workers, in its circular letter also stated—

> . . . actions of this union should not be construed as political as we have always adopted an independent attitude. Our stand is purely industrial.

As indicated in yesterday's issue of the *Daily News* and today's copy of *The West Australian*, spot checking will be carried out by the police in Western Australia. I asked the Minister for Police and Traffic a question without notice about this matter yesterday. The Minister evaded replying to my question. If road blocks are not spot-checking, then what are they? I asked the Minister yesterday, on two occasions whether it is the intention of the RTA to set up road bocks and check people who have been suspected of drinking. The Minister said this is not spot-checking as is carried out in other States of Australia. I say that it is spot-checking and I will pause so that Government members may interject if they disagree with me.

Mr Shalders: I disagree with you.

Mr T. H. JONES: I will quote an instance where checking was carried out in Victoria. It was done at the Waverly Oval after a night football match. The police decided to have a road block set up to check every motorist coming out of the oval. Some people who attended that football match did not get home until 3.00 a.m.

Mr O'Connor: I bet some of them were in trouble getting home that late.

Mr T. H. JONES: They were in trouble, and the police did not have a good name. Many of them took "sickies" the next day.

Mr Young: Did your wife believe that story? None of us does.

Mr T. H. JONES: My wife was there with me.

Mr Young: That is probably what you told your wife.

Mr T. H. JONES: Perhaps the Minister for Health can take a leaf out of my book. He should have a look around to see what is going on.

Whilst I was in Melbourne, I looked at the night life. There were many things going on.

Mr Young: That is why you went there.

Mr T. H. JONES: The inspector took me around to show me spots that would not normally be seen by tourists. He extended every courtesy to me, and I am better informed in my capacity as shadow Minister for Police and Traffic.

I will now return to the subject of spot checks. Barricades are put up on certain roadways, and everyone is stopped. If a policeman suspects that a

driver has been drinking, he will carry out a test. This is what will happen in Western Australia.

As I understand from today's edition of *The West Australian* from tomorrow road blocks will operate, and they will be no different from the spot checks carried out in Victoria.

Mr Shalders: Can I ask you a question? In Victoria, were the drivers of all vehicles tested for alcohol?

Mr T. H. JONES: Usually the police would not require a test on someone smelling of lemonade, but certainly they would test someone smelling of alcohol.

Mr O'Connor: They gave you a miss!

Mr T. H. JONES: They gave me a miss because I was in the back seat of the car. I promised the Deputy Premier that I would speak for 15 minutes only, but it looks as if my time will be extended by all the interjections.

I want to warn the Government about its timetabling. The Minister could not answer the two questions I asked him yesterday about spot checks. At the moment the policemen have the right to stop any motorist they suspect of drunken driving or a driver who is driving his vehicle erratically. They can then ask the driver to take a breathalyser test. So our road blocks will be similar to those used in Victoria and other States.

Every time increases in wages are requested, the immediate reaction from Cabinet Ministers is that if requests for increases are granted, there will be a cut-back in the services involved. Even this week the Minister for Health told the Parliament that if certain changes are made in one area, there will be cut-backs in other areas. The State Housing Commission is one of the areas concerned, as is the Police Department. The Minister for Police and Traffic has indicated already that the Government has insufficient funds to extend the strength of the Police Force. Every department has insufficient funds and is facing cut-backs. This applies also to our road works programme. A number of bad decisions made by successive Liberal Governments have contributed to the situation in which the State finds itself. Every time Government members have the opportunity they refer to poor old Gough Whitlam.

As a result of a disastrous decision made by a Liberal Government, it cost the State a large sum of money to convert the power units at Kwinana from oil to coal. Everyone knows what happened and I will not go over the story. However, members will recall that the unions, and I as secretary of a union, opposed the installation of oil-fired units at Kwinana on the ground that the rest of the world was swinging back to coal at that stage.

After the first six units were constructed, in 1965 it was then proposed to double the capacity. We opposed that move also. When the Brand Government made that decision, America and other large nations such as Germany were swinging back to coal. We urged the Government to investigate the matter, but the Government knew better and went on its merry way. We are now paying the penalty. We all know that the Government of the day, for some reason known only to itself, the Minister, and the Cabiniet,, was hell-bent on installing single-fired units only at the Kwinana station. Every other power house in Western Australia—the old East Perth station, South Fremantle, Bunbury, and Muja—have convertible units which can use either coal or oil. However, in the case of Kwinana, it was oil and nothing else.

We have no alternative now but to consider converting the Kwinana units. Members are aware of the escalation in the price of oil, and we can thank God the Tonkin Government had more initiative than the Liberal Government before it. Its decision to extend the Muja power house at Collie saved this State. This Government would have been in a worse mess had not the Tonkin Labor Government decided to add two 200 megawatt units to the Muja station at Collie.

Mr Coyne: Everybody has a win now and again.

Mr T. H. JONES: This was a big win, and I will tell the member about it in a minute. We were lucky that the Tonkin Government made that decision before the Arab oil crisis arose.

I would like to compare the cost of producing a unit of energy with oil at Kwinana with the cost of producing a unit of energy with coal. The cost per kilowatt hour at Kwinana is 6.095c. At the Muja station the cost is 1.706c. Can anyone blame me for rising to my feet to say that if the Tonkin Government had not taken the initiative to install those units at Muja, we would have been in great trouble?

Mr Coyne: It is all right to use hindsight.

Mr T. H. JONES: The member would not back a horse imported from America if it had lost at its last 20 starts. That is not an example of hindsight, it is an example of common sense.

The writing was on the wall; the large nations of the world were swinging back to coal. This State Government thought it was the only one in step and the rest of the world was out of step.

It cost the State $32 million to convert the units at Kwinana. The Government is now considering the conversion of another two x 120 megawatt units at a cost of $39.1 million. So that is $71.1 million that should not have been required. The Government should have followed the recommendation of the commissioner and the other men who, at the time of the construction of the East Perth power station saw what could happen in regard to the supply and price of oil. The East Perth station was constructed to burn either commodity.

The report relating to this matter goes on to say that if the first two 200 megawatt units had not been converted, it would have cost the commission another $20 million a year for fuel. I am not playing politics on this issue; I do not blame members opposite for this mistake. However, Western Australia is now paying the penalty.

Recently I asked the Minister for Fuel and Energy what was the current cost of oil per tonne and, once again, he became secretive. At least the Tonkin Government, when it came to office, revealed the price of oil. The Minister's answer was that the information would not be made available. However, I found out the price of oil. I know the Collie power station pays over $180 per tonne and the Laporte industry in Bunbury—which I inspected recently—pays about $190 per tonne for fuel oil. That is why it is converting to coal.

Let us compare the cost of producing the same amount of heat by using coal. It would take 2.2 tonnes of coal, costing $50, to equal the heating value produced by a tonne of fuel oil, costing $190. We are now paying the penalty for the stupid policies introduced by successive Liberal-Country Party Governments.

Some $71 million is to be spent converting the units at Kwinana. Would not that money be handy today, to build more hospitals and schools, and to assist in the fields of housing, pensioner assistance and the like? This was one of the biggest mistakes ever made by a Government in Western Australia. The Government stands condemned for its policies.

When I was secretary of the union, we tried to take on the Government in 1965; I make no bones about the fact. We attempted to get the trade union mass behind us, but we were unsuccessful. Subsequent events proved who was right and who was wrong. I am not saying we were "know alls"; we were simply basing our attitude on what was happening in other parts of the world. When we were switching over to oil, the rest of the world was swinging back to coal. The Government would not take any notice of what we had to say; it told us we did not know what we were talking about.

As a result, we see cut-backs in finance allocated to education, police, road programmes, and other areas of Government expenditure. The $37.9 million to be spent this year would be very handy for the State. Instead of having cut-backs, we could be extending our operations in many areas.

It is quite evident from subsequent events who was right and who was wrong. Unfortunately, however, it is the electricity consumers and taxpayers generally who must pay. We are now paying the penalty for the ill-conceived policies of successive Liberal-Country Party Governments.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Connor (Deputy Premier) in charge of the Bill.

Vote: Agriculture, $611 000—

Progress

Progress reported and leave given to sit again, on motion by Mr Pearce.

HIRE-PURCHASE AMENDMENT BILL (No. 2)

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [3.28 p.m.]: I move—

That the Bill be now read a second time.

This Bill is introduced to amend section 3 of the Hire-Purchase Act.

As the Act presently stands, failure by a dealer or owner to fully complete the written statement in the first part of the first schedule to the Act automatically releases the hirer from the terms charges under the hire-purchase agreement. No matter how minor the omission is, the above will apply.

The majority of documentation in relation to hire-purchase agreements is completed by dealers. It is therefore considered to be inequitable that the owner—that is, the hire-purchase company—should then be in the position where it cannot recover the terms charges for errors not of its own making.

This is particularly so where the owner acts in good faith in accepting an offer to hire submitted to him on behalf of a hirer by a dealer.

Protection of the hirer's rights has been retained.

Applications for relief from the terms charges by a hirer will be determined by the Commissioner for Consumer Affairs. A right of appeal to a Local Court against a decision by the commissioner is provided to those persons who are party to the agreement.

A specific penalty of $5 000 is to be provided where an owner does not comply with the provisions of subsection (2). This is a substantial increase in the penalty as at present the general penalty of $1 000 provided in section 39 applies to offences against the subsection.

The Bill will remove what is seen as being an inequitable and unfair situation but at the same time will ensure that protection is still afforded to the hirer.

I commend the Bill to the House.

Debate adjourned, on motion by Mr B. T. Burke.

LOCAL GOVERNMENT AMENDMENT BILL

Second Reading

MRS CRAIG (Wellington—Minister for Local Government) [3.30 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes to amend the Local Government Act in four major areas. Probably the most significant change is the proposal to transfer the local government audit function from the Department of Local Government to the State Audit Department. At present, officers of the Department of Local Government audit the accounts of 127 councils in this State. Eleven councils use the services of private auditors.

Although the Department of Local Government has most ably administered the local government audit service for a great number of years, the Government believes that considerable advantages would accrue from an amalgamation of this service with that provided by the State Audit Department.

The relatively small number of persons employed by the department on local government audits has not always facilitated the maintenance of an adequate training programme for audit staff and has made it difficult to recruit and retain experienced and qualified officers. An amalgamation with the State Audit Department will enhance the prospects of recruiting staff, provide the potential for greater development of audit training, and offer a more attractive career service for present and future audit staff.

As the present functions of the State Audit Department include a fairly extensive programme of country audits at branch offices of Government departments and instrumentalities, it is anticipated that the amalgamation of the local government audit service will provide the opportunity for a rationalisation of country audits and consequential cost savings.

The amendments contained in this Bill provide for the audit function currently undertaken by the Department of Local Government to be undertaken by the Auditor General, or officers appointed by him for the purpose. Staff presently engaged on local government audits will be transferred to the State Audit Department without any loss of salary or entitlements.

No change is proposed in relation to the audit of councils that currently engage private auditors. Neither is any change proposed in relation to the arrangement whereby country shires receive a 50 per cent subsidy on the fee charged by the Government for the conduct of their audits.

As the Act stands at present, Government inspectors of municipalities, who are attached to the Department of Local Government, are required to conduct municipal audits and to make inquiries into local government polls and elections and the administration of municipalities.

It is proposed to transfer only the audit functions to the Auditor General.

The Bill provides for the retention of the office of Government Inspector of Municipalities to continue to carry out non-audit duties. It is anticipated that the Government inspectors will be available to advise councils on aspects of municipal administration and municipal practices. Initially it is envisaged that a very small staff of inspectors will be engaged by the department.

These changes offer the potential for improvement in the audit service provided to local government and, at the same time, enhance the department's role of assisting and advising councils in their operations and ensuring the continuation of a proper system of local government in the State.

The remaining amendments proposed in this Bill have all become necessary in the light of certain difficulties experienced with the present provisions of the Act. The first of these relates to the number of offices of member of a council.

At present the Act specifies that the number of offices of member for a city or town is determined

either on the basis of the population of the city or town or on the number of wards of the district. For a shire, the Act specifies that there shall be a minimum of five and a maximum of 13 offices of member of the council.

Legal opinion obtained following a recent change in the status of a municipality from a shire to a city indicated that whilst the membership of the municipality as a shire complied with the Act, it became incorrect immediately on its change of status to a city.

As there is no good reason for the existence of different membership criteria between a shire, and a city or town, this Bill proposes that the same criteria shall apply to all municipalities. Provision is made for the Governor to determine the number of offices of member of each council, with provision for a minimum number of five and for there to be no limit on the maximum number.

Retrospective provisions have been included in the Bill to regularise the situation with regard to the membership of those councils where there is some doubt as to the validity of the present number of members.

Associated with the issue of the number of offices of member is a problem that has come to light in the provisions relating to the mode of election to the office of mayor or president. The general rule that presently applies in relation to the election of mayor or president is that the mayor of a city or town is elected by the electors, and the president of a shire is elected by the council. There is provision for a majority of the councillors or a certain percentage of the electors to petition for a change in the mode of election of the mayor or president. There is also provision for a council which changes in status from a shire to a town or city and from a town to a shire to retain the mode of election to the office of mayor or president that previously applied to the municipality prior to the change.

Where a change in the mode of election is sought the Act provides for the question to be submitted to a poll of electors and, if carried at the poll, the Governor is required to implement the change. However, there is no provision for a change in the mode to be sought where a council has changed status and retained the previously applicable mode of election. That deficiency in the provisions of the Act prevents the councillors or electors of a municipality from seeking an alteration in the mode of election where there has been a change in the status and the council has retained the previous mode of election.

The amendments proposed in this Bill will remove that deficiency and correct several other minor anomalies and problems in the existing provisions.

A recent decision of the Land Valuation Tribunal with respect to the City of Perth held that the rate for the endowment land portion of that municipality, which is valued on unimproved values, should be determined with reference to the rate for the balance of the district which is valued on gross rental valuations.

Although the two systems of valuations are used by the City of Perth under the provisions of the City of Perth Endowment Lands Act, the tribunal's decision raised doubts about the way in which rates may be determined by about 80 other councils which use the dual system of valuations under the provisions of the Local Government Act.

These councils, which are all shires, use unimproved valuations for their rural areas and gross rental valuations for their urban areas, and it is important that they have the power to set a separate rate in the dollar for each area which is appropriate for that area. This Bill proposes that this power be made perfectly clear where the dual system of valuations is used under the provisions of the Local Government Act. No change is proposed in respect of the City of Perth.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Carr.

BILLS (2): RETURNED

1. Electoral Amendment Bill.
2. Parliamentary Superannuation Amendment Bill.

Bills returned from the Council without amendment.

JUSTICES AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Connor (Deputy Premier), read a first time.

Second Reading

Leave granted to proceed forthwith to the second reading.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [3.39 p.m.]: I move—

That the Bill be now read a second time.

Under the provisions of the Justices Act, persons who fail to pay fines may be imprisoned under warrants of commitment issued in accordance with that Act.

The present scale is one day's imprisonment for each $5 of the amount outstanding. This figure was fixed in December 1971 and it is considered appropriate that the scale now be reviewed.

In reaching a decision on a new scale, consideration has been given to the relevance of the existing rate to present-day values. The Government seeks to increase the figure referred to in section 167 of the Act from $5 to $20.

In arriving at the figure of one day's imprisonment for every $20, regard has been had to prices, incomes, and current-day values as against those applying in 1971 when the present rate was established. The daily rate for default in 1959 was $2.

During the period between 1959 and 1971 the Consumer Price Index and minimum wage index variations suggested that in 1971, $3.65 would have been an appropriate figure. In fact, the figure of $5 was selected. In the nine years, the Consumer Price Index and minimum wage index variations have been much steeper and calculations indicate that a figure in the vicinity of $13 to $14.50 could be appropriate.

The Government has, however, after looking at the position in other States, and bearing in mind the likelihood of further increases in the variations referred to, decided to recommend that the figure of $20 be now adopted. This figure is considered to be reasonable, fair, and equitable. As a matter of interest the present daily rates for default in other States are the following—

	$
New South Wales	25
Victoria (average)	10
Queensland	No set figure
Tasmania	5
South Australia	10

During the six months ended 31 December 1979, over 700 people were received into prisons for default in payment of fines. In addition, there were others who served their defaults in police lockups.

Members will appreciate that such an adjustment as that proposed will reduce the period of imprisonment and, hence, the number of prisoners at any one time.

The Bill which is now before the House will amend section 167 of the Justices Act in order to give effect to the proposal.

I commend the Bill to the house.

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

STATE FORESTS

Revocation of Dedication: Council's Resolution

Message from the Council received and read requesting the Assembly's concurrence in the following resolution—

> That the proposal for the partial revocation of State Forests Nos. 12, 15, 28 and 37, laid on the Table of the Legislative Council by command of His Excellency the Administrator on the fifth day of November, 1980, be carried out.

STAMP AMENDMENT BILL

Returned

Bill returned from the Council with a requested amendment.

RESERVES BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mrs Craig (Minister for Local Government), read a first time.

Second Reading

Leave granted to proceed forthwith to the second reading.

MRS CRAIG (Wellington—Minister for Local Government) [3.44 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains 14 separate proposals dealing with variations to Class "A" reserves. It is a requirement under the Land Act that any such variations require the approval of Parliament and for the benefit of the House I will now detail the areas concerned and provide comments on the need for the changes proposed.

Reserve and Road Closure Act No. 102 of 1978 provided for the excision of three portions of Class "A" Reserve No. 28402 for university buildings, with the intention that one area be utilised for the realignment of Hackett Drive and the other two being retained for recreation purposes. Construction of the new alignment has long since been completed and survey has been carried out to define one composite area of Crown land which is to be included within adjacent Class "A" Reserve No. 34322. This reserve is vested in the Subiaco City Council and it is also proposed that a small portion of adjoining Class "A" Reserve No. 17375 be excised and included within Class "A" Reserve No. 34322. The National Parks authority has no objection to the proposal and authority is sought to exclude an area of 6 033 square metres from Class "A" Reserve No. 17375 so that the Subiaco Council can develop both areas for passive recreation.

Bernier and Dorre Islands are situated about 50 kilometres off the Carnarvon coast and are set apart as Reserve No. 24869 for the purpose "conservation of fauna". The reserve is vested in the Western Australian Wildlife Authority, classified as of class "A," and boundaries extend to high water mark. The Environmental Protection Authority recommended, and Cabinet agreed that the purpose of the reserve be changed to "conservation of flora and fauna" and that the boundaries be redescribed to include land down to low water mark.

While preparing a plan to effect these recommendations, the Lands and Surveys Department noted a discrepancy in the original area of the reserve and a recalculation was made which fixed the size of the two islands at about 9 720 hectares in lieu of the original gazetted area of 10 521 hectares. The revised figure includes land to low water mark but excludes two lighthouse sites of 405 square metres which are to be reserved and vested in the Commonwealth.

It will be necessary for Parliament to agree to an official reduction in the area of the reserve and also alter the purpose to "conservation of flora and fauna" and authority is sought accordingly.

Class "A" Reserve No. 25039—conservation of flora—comprises the majority of abandoned Emu Hill townsite and is situated about five kilometres south-west of the Narembeen townsite. Investigations into the future of this reserve have led the Department of Fisheries and Wildlife to request that the purpose be changed to "conservation of flora and fauna" and that it be vested in the Western Australian Wildlife Authority. The Narembeen Shire Council and the Lands and Surveys Department endorse the proposal and the sanction of Parliament is required to alter the purpose of Class "A" Reserve No. 25039 accordingly.

Class "A" Reserve No. 24029 was set apart in 1954 for the multiple purposes of "kindergarten, infant health clinic, children's playground and park" and vested in the Nedlands City Council without power to lease. The reserve is situated in Floreat and is one of two parcels of contiguous land locally known as Lawler Park. The City Council constructed a hall on this reserve many years ago and recently applied to have the purpose of the reserve amended to include "Civic Hall". Vesting with power to lease was also required to formalise a leasing arrangement with the Hackett Civic Association. The Lands and Surveys Department considered that an addition to the already cumbersome purpose of the reserve would not be desirable—particularly if power to lease were given—as some of the other purposes did not require this facility. Agreement was reached to excise the hall site from Class "A" Reserve No. 24029 so that the land could be separately reserved for a "Municipal Hall" and authority is sought to proceed with this course of action.

Westrail is in the process of upgrading the standard gauge railway and it requires an area of land for use as a loading siding in connection with a ballast quarry reserve near Toodyay. Land affected comprises portion of Class "A" Reserve No. 30192—Avon Valley National Park—and the National Parks Authority has confirmed that there is no objection to excision of the area concerned. It is proposed that the land be reserved for "railway siding" and Parliamentary approval is needed to exclude the area from the national park.

Class "A" Reserve No. 5183 in Hamersley Road, Subiaco for a Civic Centre comprises city gardens and the city hall. The Subiaco City Council desires to lease the hall to a private

caterer but the current purpose of the reserve does not permit council to enter into such an arrangement.

It is therefore proposed that the purpose be changed to "parklands, hallsite and functions centre" and the approval of Parliament is sought accordingly.

Class "A" Reserve No. 25933 for recreation and camping is situated at Point Quobba about 75 kilometres north of Carnarvon and is vested in the Carnarvon Shire Council. The reserve has always been a popular picnic, camping and holiday area with a safe beach for children and is also a regular drawcard for tourists wishing to observe the "blowholes". The erection of a number of makeshift shacks on the reserve has caused the shire and the Department of Lands and Surveys to re-examine needs for the area and it is now proposed that separate reserves be created for a caravan park and camping, foreshore recreation and chalet development over the area which now constitutes the Class "A" reserve. It is considered that these proposals will provide the most practical solution to orderly development of the land but implementation of the actions will necessitate the prior cancellation of Class "A" Reserve No. 25933.

The Albany Shire Council desires to establish holiday chalets about 25 kilometres west of Albany at a place known as Port Harding. The site selected comprises portion of each of contiguous Class "A" Reserves Nos. 24547 and 24548—camping and recreation—which are vested in the shire. No objection is seen to the proposal which it is hoped will alleviate indiscriminate camping and erection of illegal shacks around this part of the coastline. Creation of a separate reserve for "holiday chalets" will be arranged together with vesting in the shire.

Class "A" Reserve No. 25337 containing 2.642 5 hectares in Denmark townsite is set apart for the purpose "park (pioneer park), kindergarten and boy scout hall site" and is vested in the Denmark Shire Council. A kindergarten has been established on the reserve but although an adjoining area was cleared for construction of a scouts hall, building did not proceed as the organisation was catered for on another reserve.

The Uniting Church has applied for an area of approximately 3 420 square metres comprising the former boy scouts site as it desires to establish a church and associated facilities on the land. Both the Denmark Shire Council and local environmental groups support the venture. As negotiations concerning this matter have been in progress for about twelve months and these included unsuccesful investigations to locate a suitable alternative site, the church has become extremely concerned that its finances for the venture are being and will be further undermined unless building can commence in the very near future. Therefore, in view of the circumstances and the fact that a boy scouts' hallsite is no longer required in the purpose of the reserve and a kindergarten does not require a Class "A" classification, it is proposed to cancel the reserve. This action will permit early establishment of the church following which a separate Class "C" kindergarten reserve will be created and a thorough review of the future of the balance of the reserve will be underaken in conjunction with the shire and other interested parties.

Greenplace Hostel at Point Chidley, Mosman Park, has been officially closed by the Mental Health Services and arrangements are in hand with the Public Works Department to sell the land and buildings in situ. However, sale of the property is complicated because even though the land has legal road access by way of Bateman and Wellington Streets, it is physically impracticable to gain entry from those streets and vehicles must travel along a road which has been constructed through and forms part of adjoining Class "A" Reserve No. 3346—recreation. The Public Works Department requires the road to be made a public thoroughfare and bearing in mind that the Mosman Park Town Council has no objection to excision from the reserve and dedication of the land as public road, survey was carried out to define the limits of the road. It was not until survey had been completed that it could be determined that the area of the road would exceed the 1/20th restriction placed on road excisions from Class "A" reserves and it is therefore necessary to obtain Parliamentary approval for this action to proceed.

In accordance with the Metropolitan Region Planning scheme, West Coast Highway has been surveyed and constructed through the Western portion of Class "A" Reserve No. 23563—recreation-national fitness—at Hillarys, Whitfords. However, because the amount of the land required for the road slightly exceeds the 1/20th restriction placed on amendments to Class "A" reserves, it is not possible to proceed with excision and dedication of the road under normal circumstances and it is necessary to obtain the approval of Parliament to officially exclude the land from the reserve.

Deviation of Salt River road in the Shire of Cranbrook resulted in isolation of a small elongated portion of Class "A" Reserve No. 14792—Stirling Range National Park—from the

main body of the reserve. The area has inadvertently been fenced in with and cleared by the owner of Plantagenet location 6154 and, as the land is no longer of any use as national park, it is proposed that it be disposed of to the owners of that location. The National Parks Authority has no objection to the intended action and it is necessary to excise the area from the national park before it can be dealt with.

Class "A" Reserve No. 20701—public gardens—has an area of 311 square metres and is situated in the middle of the intersection of Crawley Avenue and Mounts Bay Road, Crawley. The National Parks Authority, in which the reserve is vested, recently advised that the land had been absorbed totally for road purposes many years ago and that action should be taken to formally cancel the reservation. The Main Roads Department has confirmed that the land officially forms part of Mounts Bay Road and it has become necessary to recognise this fact.

The northern portion of the developed part of Gracetown townsite is surrounded by Class "A" Reserve No. 27618 which is set apart for the purpose "recreation, caravan park and camping" and vested in the Shire of Augusta-Margaret River. The shire considers that the entire reserve should be retained solely for recreation purposes and the Department of Lands and Surveys supports the proposal bearing in mind that a caravan park and camping facilities have been established several kilometres north east of the town. It is proposed therefore that the purpose of Class "A" Reserve No. 27618 be changed to "recreation" to allow the shire to proceed with planning of the area.

As is desirable and in accordance with usual procedure, the Deputy Leader of the Opposition in the House will be provided with copies of relevant notes and plans applicable to each variation, as soon as possible after the second reading.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

ROAD TRAFFIC AMENDMENT BILL (No. 2)

Second Reading

MR O'CONNOR (Mt. Lawley—Deputy Premier) [3.58 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Road Traffic Act 1974-1979 to remove anomalies which have surfaced since the repeal of the Road Maintenance (Contribution) Act and introduction of the fuel levy on 1 July 1979, and to give effect to suggestions made by members of this House, courts, officers of the Crown Law Department, Main Roads Department, Transport Commission and Road Traffic Authority.

All of these proposals have been considered and recommended by the Road Traffic Authority.

Nine sections of the Act are involved in the proposed amendments and I will refer to these in the order in which they are contained in the Bill rather than in their order of importance.

The Act provides that a representative of the Country Town Councils' Association shall be a member of the Road Traffic Authority. As from 7 August 1979 the association changed its title to "Country Urban Councils' Association", thus creating an anomaly in the Act. The proposed amendment will rectify this anomaly.

The majority of the proposed amendments to section 19 of the principal Act are to remove anomalies which have arisen as a consequence of the repeal of the Road Maintenance (Contribution) Act and the introduction of the fuel levy on 1 July 1979.

Before dealing with the amendments in detail, I propose firstly to outline the anomalies that are present in the existing legislation.

All commercial goods vehicles with a load capacity over 8.13 tonnes with the exception of those used solely for transporting livestock were previously subject to road maintenance charges. As partial compensation, these vehicles were allowed a 50 per cent rebate on vehicle licence fees. With the repeal of the road maintenance charge, full licence fees were reinstated. At the same time, diesel engined vehicles up to 5 865 kg tare weight in the case of a rigid truck—and prime movers up to 3 060 kg tare—as partial compensation for having to pay the 3c per litre fuel levy on distillate were granted a 50 per cent rebate on their licence fees.

In the case of the rigid truck, the limit of 5 865 kg tare was judged to correspond most closely with a load capacity of 8.13 tonnes. Similarly, the tare of 3 060 kg was determined in the case of the prime mover.

Subsequently, it became apparent that there are a number of diesel engined vehicles whose load capacity is less than 8.13 tonnes and which were not subject therefore to the road maintenance charge, yet whose tare weight is greater than the 5 865 kg limit for the 50 per cent concession.

Up to 300 vehicles are estimated to be affected in this way, and as it was the intention that vehicles which did not fall into the old road maintenance category should enjoy the benefit of the diesel vehicle concession, it is now felt that the concession should be extended to these vehicles.

The proposed amendment will allow owners of diesel engined rigid trucks and prime-mover semi-trailer combinations with up to 8.13 tonnes load capacity, to qualify for the 50 per cent rebate in licence fees.

The amendment will provide also that where an anomaly has occurred arising from the repeal of the Road Maintenance (Contribution) Act and the introduction of the fuel levy, the owners of such diesel engined vehicles will not be disadvantaged. The concession licence applicable to these vehicles will be granted with effect from 1 July 1979.

Under the Road Maintenance (Contribution) Act, vehicles used for carrying livestock were exempt from the payment of road maintenance charges. This advantage was lost with the abolition of the road maintenance charge and the introduction of a fuel levy. To compensate, the Road Traffic Act was amended to provide a concessionary licence of $10 per annum to vehicles used solely for carrying livestock provided they exceeded 1 524 kg tare weight.

Since the introduction of the concessions, the following problems have arisen—

Many owners of livestock vehicles have objected to the fact that they are not permitted to carry other goods, particularly on return journeys.

Public carriers, whose traffic is of a mixed nature even though livestock represents the major part of it, are unable to take advantage of the concession.

Many wish to take advantage for a limited period of the year.

In an effort to meet some of these criticisms, approval was given for the concession to be granted on a retrospective basis. However, it has been found that this is open to abuse and there has been an escalation in the numbers claiming the concession which, of course, leads to a reduction in funds available to the Main Roads Trust Account for expenditure on roads.

The amendment proposes that the existing concession be replaced by a 50 per cent concession on the appropriate vehicle licence fee for the stock vehicle. This will bring it into line with the concession for farmers' vehicles.

In order to cater for vehicle owners who transport livestock on an occasional basis, the exact duration of which cannot be known in advance, it is proposed that on receipt of an application, a permit may be issued for the carriage of other goods. The fee for the issue of such permit will be $10.

It is proposed also that administrative arrangements will be made whereby farmers will be able to obtain this permit under the same arrangements as other permits are issued by the Transport Commission. It will not, however, affect licensing requirements in terms of the Transport Act 1966.

As a means of identification and control, it is proposed that all vehicles in receipt of the livestock carriers concession should—

be issued by the Road Traffic Authority with clearly identifiable stock plates—6ST;

have obtained a permit when backloading goods other than stock.

As it is currently worded, the Act leaves the livestock concession open to forms of livestock never intended. For example, owners of stock transports used for carriage of racehorses have taken advantage of the concession, whereas such owners did not previously have the benefit of a concession licence.

The proposed amendment includes for the purposes of the livestock concession, a definition of the term "stock" to include only cattle, pigs, sheep, goats, and such other forms of livestock as may be specified from time to time. One and two horse trailers would not be affected as they are too light to qualify for the concession already granted.

The licence fee concession to bona fide kangaroo hunters, prospectors, sandalwood pullers, and beekeepers was originally 50 per cent of the normal fee but was reduced to $10 to conform with the livestock carriers concession. To ensure that all categories are treated the same, the amendment proposes that these groups be required to pay 50 per cent of the licence fee.

Under the existing Act, a farmer is entitled to a licence concession of 50 per cent in respect of one vehicle provided its tare weight exceeds 1 524 kg. As the Act now reads, in the case of an articulated vehicle, the concession can be granted to the prime mover but not to the semi-trailer which completes the combination. The prime mover is of no practical value without its semi-trailer.

The amendment proposes that the farmers' concession be extended to include, in the case of a

prime mover, one semi-trailer where the two form a combination.

It is proposed also that the concession be limited to vehicles whose load carrying capacity does not exceed 14 tonnes. This is necessary because of the introduction of the land freight transport policy, which is designed to remove constraints on freight transport and at the same time eliminate what may be regarded as unfair forms of competition. The intention of the farmers' concession is that it should apply to a farm vehicle used for normal farm purposes.

A small but increasing number of farmers are using heavier trucks commercially and in so doing are effectively competing with commercial road hauliers.

I do not believe that the farmers' concessionary licence should be used in this way and it is proposed accordingly that the Act be amended to limit the farmers' concession to vehicles whose load capacity does not exceed 14 tonnes.

This is the normal load capacity of a two axle rigid truck and has been adopted as representing the cut-off point between a typical farm truck and a heavier commercial haulage vehicle.

Currently the issue of dealers plates for use on unlicensed vehicles outside the prescribed purposes must be approved by the Minister. To avoid unnecessary delay and inconvenience when permission is urgently sought outside of the prescribed purposes, the proposed amendment provides for delegation of the power of sanction to the Road Traffic Authority.

The use of an unlicensed vehicle is authorised under the Act provided a permit is in force, number plates as issued are attached, and conditions imposed are complied with. These permits are issued by the authority for a period of 12 months in respect of a specific purpose only.

Recently vehicles have been found to be operating contrary to the conditions of such permits and it was discovered that there is no power to cancel the permit when breaches occur. The proposed amendment will provide the authority with this power.

When a motor driver's licence is issued certain conditions or limitations—for example, the holder to wear suitable aids, or specific appliances to be fitted to the motor vehicle—may be endorsed thereon. However, this applies only to an application for a licence and the Bill proposes to amend the Act to allow conditions and limitations to be endorsed on a licence which is already in force.

The Act defines a "pensioner" and provides for a reduction of $4 for the issue or renewal of a driver's licence to such persons. As from 1 November, 1979, the Commonwealth Government extended entitlement to the pensioner health benefit card to recipients of supporting parents benefits and the State Government promised similar concessions. The amendment will encompass these persons within the definition of a "pensioner".

Further to the amendment to allow conditions and limitations to be endorsed on a driver's licence which is already in force, it is necessary that the Road Traffic Authority has the power to cancel or suspend the operation of such a licence if the holder fails to comply with the conditions so endorsed.

The proposed amendment will give the authority the same power as exists already in respect of an applicant for a licence.

The Act provides that a person who is required to supply a sample of breath or blood for analysis may at his option have both tests.

Under present legislation the breath or blood sample must be taken within a maximum of four hours after the event which gave rise to the requirement and when a person demands both tests at widely spaced intervals an anomaly can occur in the results obtained.

The amendment will eliminate the option of both tests but will permit a defendant to choose either breath or blood analysis.

In certain circumstances a person can be required to submit a sample of blood for analysis and the sample is to be taken by a medical practitioner.

Instances have occurred where the medical practitioner has not been available within the time permitted—four hours—or distance prescribed—40 kilometres—or refused to take the blood sample. As a result charges have been dismissed because of the difficulty in producing material evidence to prove the unavailability of the medical practitioner.

The proposed amendment will remove the necessity to prove unavailability of the medical practitioner and counter the situation where a person refuses to nominate a medical practitioner.

The patrolman will in the prescribed circumstances be entitled to nominate a medical practitioner to carry out the test.

It is an offence under the Act to forge or fraudulently alter any licence, number plate, or registration label for any vehicle or animal, but similar provisions do not apply to the forging or

fraudulent altering of a motor driver's licence. An amendment now proposed seeks to rectify the situation.

The Act provides that the Governor may make regulations empowering an authority therein named to erect traffic signs, control signals and similar devices. The regulations of the Road Traffic Code name the Commissioner of Main Roads as the authority empowered by the Act.

A further regulation—subregulation 2 of regulation 301 of the Road Traffic Code—provides that the Commissioner of Main Roads may authorise the council or any municipality to erect, establish, display, alter or take down traffic signs or control signals of types or classes specified in the authorisation.

The Assistant Crown Counsel has expressed an opinion that the latter regulation provides for the Commissioner of Main Roads to delegate powers to councils that the Governor has conferred on the commissioner alone. There is a risk that the regulation is *ultra vires*.

Since 1975, traffic signs have been erected by a number of councils under the delegation of the Commissioner of Main Roads and the validity of these signs is now in doubt.

The proposed amendment will validate the current practice and give retrospective effect to the date the Road Traffic Act came into operation.

I commend the Bill to the House.

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

BILLS (4): MESSAGES

Appropriations

Messages from the Administrator received and read recommending appropriations for the purposes of the following Bills—

1. Environmental Protection Amendment Bill.
2. Road Traffic Amendment Bill (No. 2).
3. Land Amendment Bill.
4. Town Planning and Development Amendment Bill.

QUESTIONS

Questions were taken at this stage.

House adjourned at 4.27 p.m.

QUESTIONS ON NOTICE

HOSPITALS

Teaching: Boards

1413. Mr HODGE, to the Minister for Health:

(1) In view of his comments in his second reading speech on the introduction of the Hospitals Amendment Bill that the teaching hospital boards had co-operated particularly well and that he had no criticism of them to make, will he explain why the proposed changes are necessary?

(2) Can he explain what disadvantages have occurred because some hospital boards have apparently become "self perpetuating"?

(3) Why is it necessary to provide the Governor with additional powers regarding the appointment of hospital board members other than those already bestowed by the present Act?

(4) Can he provide details of what expenses he expects will be incurred in connection with the nomination or election of persons to a hospital board?

(5) Does his department consider that the board of any of the teaching hospitals is too large, and if so, please provide details?

(6) Are the boards of any of the teaching hospitals currently dominated by one group of members?

(7) Which hospital boards are composed of a majority of medical practitioners?

(8) What type of particular interest group does the Department of Health and Medical Services believe could dominate a hospital board?

Mr YOUNG replied:

(1) The changes will define the role of the Minister and the Governor in the creation of boards and their composition.

(2) Where the nomination of persons to a vacancy is left to the board, there exists the possibility that the scope of selection will be limited to persons known to those members or as recommended by the hospital administration.

(3) The amendments to section 37 detail a number of headings under which regulations may be made. The amendments will enable the Governor to specify the nature of the nomination required.

(4) No. This section is a routine enablement for a board to incur such expenses where an election requires to be held. Such expenses could include the cost of advertisement and similar expenses.

(5) The Department of Health and Medical Services has not expressed an opinion about the size of any hospital board.

(6) None to my knowledge.

(7) None.

(8) This provision is considered necessary in the event that any of a number of various groups might seek to dominate a hospital board.

HEALTH: DENTAL SERVICES

Availability

1414. Mr HODGE, to the Minister for Health:

(1) Why is it necessary still to have two medical practitioners on the Nurses Board when now it is apparently not necessary to have one medical practitioner on the Dental Board?

(2) Why is it necessary to have a legal practitioner on the Dental Board, but not necessary to have one on the Nurses Board?

(3) Will the restrictions imposed by the Dental Act Amendment Bill on the automatic registration of graduates from certain overseas colleges and countries result in a better and cheaper dental health care service for Western Australians?

(4) What evidence is there that the supply of dentists currently exceeds the demand?

(5) Can he assure the House that all Western Australians, regardless of where they reside, have good access to high quality dental health services?

Mr YOUNG replied:

(1) The medical and nursing professions are so closely interrelated that there are benefits to both professions in this representation. Matters of a medical nature are seldom encountered by the Dental Board.

(2) In practice, it has been found invaluable to have legal representation on the Dental Board whereas legal opinions are seldom necessary on the Nurses Board.

(3) The restrictions will have the effect of restricting the flow of lesser qualified overseas graduates, thus creating more employment opportunities for local graduates.

(4) The Australian Dental Association recently conducted a survey which indicated an oversupply of dentists to the extent that the viability of some practices was being threatened.

(5) Private practices cater for the majority of the population, but geographically disadvantaged areas, including areas served by mobile and aero dental clinics, are receiving high quality dental services from Government dentists.

Private practitioners in country areas provide dental care for disadvantaged persons under the country subsidised dental programme.

PARLIAMENT HOUSE

Dining Room: Wines

1415. Mr STEPHENS, to the Speaker:

(1) How are the wines for sale in the Parliamentary Dining Room and refreshment room selected?

(2) Who makes the selection?

(3) What wines are currently available?

The SPEAKER replied:

(1) to (3) The matter is one for the Joint House Committee and I undertake to refer his query to the chairman of that committee.

LAND

Hampton Gold Mining Areas Pty. Ltd., and Hampton Trust Ltd.

1416. Mr E. T. EVANS, to the Minister for Mines:

(1) Further to question 1232 of 1980 and earlier questions relating to land held by Hampton Gold Mining Areas Ltd. and Hampton Trust Ltd., does the agreement dated 18 June 1890 that allowed the registered proprietor to work all metals reserved by the Crown grants still apply in respect of land held by these two companies?

(2) If so, does this not in fact mean that Hampton Gold Mining Areas Ltd. and Hampton Trust Ltd. own the freehold rights to all minerals, gold and precious metals in the ground on the locations held by these companies?

(3) If the answers to (1) and (2) are "Yes", did Western Mining Corporation Ltd. inherit the same rights when it acquired the land that takes up part of this company's nickel operations?

Mr P. V. JONES replied:

(1) Yes.

(2) No.

(3) Not applicable.

MINING REGISTRAR

Southern Cross

1417. Mr GRILL, to the Minister for Mines:

Would the Mines Department give consideration to installing a cash register in the Southern Cross Mining Registrar's office to provide facilities for residents to pay Government fees and taxes through that office?

Mr P. V. JONES replied:

Yes, provided the installation of this facility at that centre could be justified.

ROAD

Southern Cross Bypass

1418. Mr GRILL, to the Minister for Transport:

(1) Does the Main Roads Department intend to proceed with stage two of the bypass road around Southern Cross?

(2) Has any date been set for proceeding with stage 2?

(3) If so, what is that date?

Mr RUSHTON replied:

(1) to (3) A decision as to whether stage 2 of the bypass road around Southern Cross should be proceeded with has still to be made. The Main Roads Department is investigating the relative merits of two alignments—one following the existing road and one on a new alignment.

It is intended to arrange a meeting with the Yilgarn Shire Council to discuss the stage 2 project when the investigation has been completed.

TOWN PLANNING

North-south Highway

1419. Mr DAVIES, to the Minister for Urban Development and Town Planning:

(1) In view of the Metropolitan Region Planning Authority report's statement that no recommendations were made on whether one option for a major north-south highway was more environmentally suitable than another, what further environmental studies are envisaged?

(2) What studies are proposed with respect to costing the options presented for a north-south highway?

(3) When is it proposed to make a copy of the relevant reports available to the Opposition, further to the Premier's advice to Cabinet that such reports should be made available to the Leader of the Opposition at the same time as they are presented to the media?

Mrs CRAIG replied:

(1) to (3) This question is identical to question 1381 asked on Wednesday, 12 November, to which an answer was provided to the member.

LOCAL GOVERNMENT

Loans

1420. Mr CARR, to the Minister for Local Government:

Will she please provide details of any statutory restrictions imposed on local authorities in so far as the raising of loans is concerned, such as interest rate limits or limits on the amount to be raised?

Mrs CRAIG replied:

Under the provisions of the Local Government Act, a council may not incur a total loan indebtness of an amount greater than 10 times the balance of its ordinary revenue after deducting annual loan principal and interest payments on account of existing loans, which balance is averaged over the previous two years.

The Act also requires that each loan be approved by the Treasurer of the State. In giving that approval, the Treasurer would ensure that the loan met the following requirements—

(i) except for the three municipalities referred to below, a council may not raise loans totalling more than $1.2m. in one financial year;

(ii) the Cities of Perth and Stirling and the Shire of Wanneroo are included in the State semi-Government programme and for 1980-81 their respective loan allocations are $3.2m., $2.5m. and $2.0m;

(iii) the interest rate must not be greater than—

(a) 13.0 per cent for loans to be repaid over a period of between four and nine years.

(b) 13.2 per cent for loans to be repaid over a period of 10 years or more.

ROAD

Northwood Drive

1421. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

(1) Is there provision for underpasses or overpasses across the proposed Northwood Drive road development in Dianella?

(2) What contribution is the State Housing Commission to make towards the provision of such underpasses or overpasses?

(3) Will he provide a map showing details of the proposed road and associated subdivision plan?

Mr LAURANCE replied:

(1) As a condition of approval by the City of Stirling an underpass and an overpass is to be provided.

(2) The underpass and overpass will be constructed at the commission's cost.

(3) Since the total project is the subject of several Town Planning Board approvals, a composite plan is being prepared and will be available shortly.

EDUCATION: NON-GOVERNMENT SCHOOLS

Catholic Education Commission

1422. Mr WILSON, to the Minister for Education:

(1) How much of the estimate of expenditure for assistance to private schools for the current financial year will go towards the Catholic Education Commission?

(2) What proportion of this amount is represented by *per capita* grants.

(3) What are the detailed amounts of other assistance included in the Budget allocated for Catholic schools?

Mr GRAYDEN replied:

(1) to (3) Financial assistance to private schools consists of a number of different grants of which the major one is the *per capita* grants, which is dependent on calculations yet to be made by the Education Department. Other distributions are based on factors such as school populations having effect during the year.

As the calculations determining the grants have not been made and information for the second half of the year will not be available until about March 1981, it is not possible to supply answers to the questions at this stage.

TRAFFIC

Nicholson Road

1423. Mr BATEMAN, to the Minister for Transport:

(1) Has there been a traffic count in Nicholson Road from New High Road, Lynwood, to Wilfred Road, Canning Vale?

(2) If "Yes", will he advise the number of vehicles using this section of road from Monday to Friday?

(3) Will he further advise if a traffic count has been conducted in Nicholson Road from Wilfred Road, Canning Vale to Forrestdale?

(4) If "Yes" to (3), what numbers were recorded from Friday to Sunday with particular reference to Thursday-Friday and Saturday evenings?

(5) If no count has been conducted in these road sections, will he have such a check made and report to the Parliament?

(6) If not, why not?

Mr RUSHTON replied:

(1) Yes, in April 1979, south of New High Road.

(2) Daily traffic flows were recorded as follows—

Monday	8 780
Tuesday	9 290
Wednesday	Not available
Thursday	9 320
Friday	10 240

(3) Yes, in April 1979, north of Forrest Road.

(4) (a) Daily traffic flows were recorded as follows—

Friday	5 210
Saturday	5 020
Sunday	5 100.

(b) Evening flows between 4.00 p.m. and 7.00 p.m. were recorded as follows—

Thursday	990
Friday	1 180
Saturday	930.

(5) Not applicable.

(6) Not applicable.

1424 and 1425. *These questions were postponed.*

LAND: CROWN

Squatters

1426. Mr DAVIES, to the Minister representing the Minister for Lands:

(1) In line with moves to increase the penalties for squatters on Crown land, is the Government taking action to remove squatters from coastal areas north of Perth?

(2) Is the Government taking any action to remove squatters from Didi Bay, four miles north of Lancelin?

Mrs CRAIG replied:

(1) and (2) A Bill before the House not only increases penalties for the unauthorised occupation of Crown land, but provides more effective powers to remove illegal structures.

When such legislation is passed and proclaimed, the Government will be in a position to effectively continue its efforts to discourage or remove squatters. However, in view of the incidence of squatters particularly in coastal areas

north of Perth, priority will be given to the removal of illegal structures that pose an immediate environmental hazard or inhibit development of community projects.

1427. *This question was postponed.*

QUESTIONS WITHOUT NOTICE

FUEL AND ENERGY: GAS

Albany

424. Mr WATT, to the Minister representing the Minister for Fuel and Energy:

(1) Does the State Energy Commission receive a subsidy of $80 per tonne from the Commonwealth Government for gas supplied to its customers in Albany?

(2) If not, have representations been made in an effort to obtain the subsidy?

(3) If the request has been rejected, what reason was offered?

Mr MENSAROS replied:

(1) No.

(2) Yes, representations have been made for quite some time, and they are vigorously being pursued.

(3) Our request has not been rejected; in fact, there is a reasonable expectation the matter will be favourably considered.

WATER RESOURCES

Salinity: Whittington Interceptor Banks

425. Mr STEPHENS, to the Minister for Water Resources:

I draw the Minister's attention to *The West Australian* of Thursday, 13 November in which, at the opening of a seminar on salinity, he is reported as having said—

> It is important to ensure that there are no gaps in our research effort and that the research being undertaken is the most effective in the search for practical solutions to the problem.

My question is—

(1) Was the Minister correctly reported?

(2) If so, and in view of the fact that recently he stated that "officers of the Public Works Department have never claimed that the theory of Mr Whittington was wrong; they have simply said it has yet to be proved that this is a sure method to prevent or improve salinity in creeks or reservoirs", is this an indication that the Government is considering implementing in a catchment area a full-scale field trial of the Whittington interceptor bank concept?

Mr MENSAROS replied:

This is a very interesting and leading question; I will not engage in discussion on the leading part of it. The answer is—

(1) My remarks were not quite correctly reported. From memory, I said a considerable amount of time must elapse between theoretical research and the results of practical application. The member for Stirling can verify this with his colleague, the member for Mt. Marshall, who occupied one of the front rows during the seminar and listened very carefully to what I said.

(2) Again, the member for Stirling did not quite correctly quote what I said.

Mr Stephens: I actually quoted from your corrected copy of *Hansard*.

Mr MENSAROS: From memory, I said the PWD has never come out against the concept of the Whittington interceptor bank system or, for that matter, any other method of salinity control. What I said was that insufficient time had elapsed to prove the method could combat salinity in streams. I added that the officers of the department were not interested primarily from a professional point of view in land salinity, but in stream and reservoir salinity.

Mr Stephens: So are we.

Mr MENSAROS: From that point of view, they cannot claim that the system is foolproof and in fact remedies or even improves stream salinity.

A great deal of correspondence has been entered into both with the honourable

member and with other proponents of the Whittington scheme. Money was made available to conduct tests at Batalling Creek, the results of which are still being awaited.

CONSERVATION AND THE ENVIRONMENT

EPA: Chairman

426. Mr BARNETT, to the Deputy Premier:

(1) Has a replacement been found for the Chairman of the Environmental Protection Authority (Mr Colin Porter); if so, who is to be appointed to the position?

(2) If a replacement has not yet been found, how is it anticipated a replacement will be located?

Mr O'CONNOR replied:

(1) No replacement has been found.

(2) This has not been decided by the Government at this stage.

FERTILISERS

Manganese Sulphate

427. Mr NANOVICH, to the Minister for Agriculture:

(1) Is it correct there is no supply of manganese sulphate currently available in Western Australia?

(2) Is it also correct there will be no supply of manganese sulphate until June 1981?

(3) Is Western Australia's supply of manganese sulphate restricted to China?

Mr OLD replied:

I thank the honourable member for some notice of this question, the answer to which is as follows—

(1) to (3) I have checked with my department, which has no knowledge of any shortage. I checked with CSBP which also has no knowledge of any immediate or long-term shortage. CSBP informed me it obtains it supplies from indigenous ore manufactured in South Australia.

TOWN PLANNING

North-south Highway

428. Mr TAYLOR, to the Minister for Urban Development and Town Planning:

Because of the broad public and Press interest in the possible alignment of the western suburbs north-south traffic route and because of the publicly expressed intention of the Government to involve as wide a spectrum of interests as possible in any such decision before any final decision is made, will she include an invitation to one or more members of the Opposition to attend the MRPA seminar at WAIT on 19 November 1980?

Mrs CRAIG replied:

I thank the member for Cockburn for the notice of his question and, indeed, for asking it of me as it gives me an opportunity to inform the House of the intention of the Metropolitan Region Planning Authority. The seminar to be held on 19 November is quite specifically for members of the councils concerned and their officers. But that is not to say the MRPA is not keen, indeed anxious, to be able to allow the maximum number of people to see the options which were considered and the reason the authority arrived at its conclusion. While I am unable to give the member the exact date of the next seminar, another one or two will be conducted which I hope all members of the House who have an interest will attend. Perhaps we will be able to have one at Parliament House specifically for that purpose.

LAND

Hampton Gold Mining Areas Ltd. and Hampton Trust Ltd.

429. Mr E. T. EVANS, to the Minister representing the Minister for Mines:

My question 1416 on today's notice paper asked whether Hampton Gold Mining Areas Ltd. and Hampton Trust Ltd. owned the freehold rights to all minerals, gold, and precious metals in the ground on the locations held by these companies, to which the Minister replied, "No." Does this answer conflict

with previous answers I have received and who does hold the freehold rights to gold and other precious metals on these locations?

Mr MENSAROS replied:

If the member was referring to part (2) of his question, the Minister's answer was quite correct. From my knowledge of the Mining Act, gold and precious metals do not fall under this provision. The general rule is that the pre-1899 freehold land title holder has the property to minerals other than gold and precious metals, which belong to the Crown.

TOWN PLANNING

North-south Highway

430. Mr DAVIES, to the Minister for Urban Development and Town Planning:

I was rather surprised to hear the department is holding perhaps two or three seminars. Is there any reason that one seminar would not suffice? It seems there would be a waste of time involved for officers of the authority in arranging accommodation and the like if several seminars were involved.

Mrs CRAIG replied:

There are many reasons, the most pertinent of which is that those people who attend the seminar will be interested enough to want to know the issues involved and will want to have the opportunity to see quite clearly the matters which the MRPA wants to bring to their attention. It is probably not possible to have more than 200 people at a time to view something of that sort. Indeed, the venue which has been chosen as being suitable holds only 150 people which covers those members of local authorities whom the authority wishes to have at the first seminar. To have a larger venue with more people would mean the visual displays which the authority is endeavouring to put together would not be fully appreciated by some people. It is better to have people at the seminar who will be able to see the displays easily and to have the opportunity to ask questions. This would not be possible in a larger forum.

LAND

Hampton Gold Mining Areas Ltd. and Hampton Trust Ltd.

431. Mr E. T. EVANS, to the Minister representing the Minister for Mines:

My question on notice 1069 (3) asked, "How does a bona fide gold prospector go about pegging for gold on this land?" This was land held by freehold title by the Hampton Gold Mining Areas Ltd. and Hampton Trust Ltd. The Minister replied, "By agreement with the owners of the land." To peg for gold and precious metals owned by the Crown, a claim has to be lodged with the Mines Department; so why does this not apply with respect to the property I have mentioned?

Mr MENSAROS replied:

I cannot answer the member specifically because I do not have the question referred to in front of me. But the situation can exist where a freehold owner of land with a pre-1899 title has a mining tenement on his own land. Mining tenements and ownership of land are two different things.

Mr E. T. Evans: According to the Minister's answer, the only way a prospector can peg on that land is by an agreement with the owner.

Mr MENSAROS: In general, freehold title to land and mineral mining tenements are two different things, which can coincide. A lot of individuals and companies own land and peg for mining tenements on that same land. I suggest the member place a question on the notice paper so that the department can research the matter carefully for him.

NOONKANBAH STATION

Accounting of Exercise

432. Mr DAVIES, to the Deputy Premier:

I address this question to the Deputy Premier as the Premier, the Minister for Resources Development, the Minister for Transport, or the Minister for Police and Traffic—all of whom have some interest in this matter—are not in the Chamber.

Would he check with the Premier to see whether we can have a full accounting of the Noonkanbah situation before the parliamentary session ends, as promised by the Premier?

Mr O'CONNOR replied:

Yes. As a matter of fact, I think the compilation of the information has been completed. The Premier was hopeful to present the information to Parliament today, but it seems it is not quite completed. My understanding is that the Premier will present the information fairly early next week.