

The Hon. V. J. Ferry: They'll save petrol.

The Hon. R. THOMPSON: I can take members to a home in Forrest Road, Hamilton Hill, on which the owner spent thousands of dollars extra on foundations and elaborate work in order to have his garage underneath his home, but all he has is a worthless hole underneath his house.

When I represented the case to the Builders Registration Board it indicated that it could take no part in the dispute because the house was built in a workmanlike manner, and that is its only concern.

The Hon. N. E. Baxter: It must be built according to the plans and specifications.

The Hon. R. THOMPSON: The workmanship could not be faulted. It was perfect.

The Hon. N. E. Baxter: The board has no power to do anything if the workmanship is all right.

The Hon. R. THOMPSON: I have recommended for years that somewhere in the Act a provision should be included to make it compulsory for a building to comply with the uniform building by-laws and with the plans and specifications. We are fooling ourselves when we say we have a Builders Registration Act which protects home builders because the Act does not do that. We have an Act which protects builders.

In another instance a builder erected the foundations of a home 18 inches lower than the plans stipulated. The board could not act because the home was built in a workmanlike manner. Yet the mistake was pointed out before the bricklayers commenced work. What is the point in having a useless Act like this if people cannot obtain the protection they deserve?

Such homeowners are told they can take civil action, but that is costly. Why do we have an Act at all if people must take civil action to obtain redress?

The Hon. N. E. Baxter: The Act was never meant to cover such instances.

The Hon. R. THOMPSON: Initially the legislation was a private member's Bill and it was introduced by Mr Graham at a time when a great deal of shoddy building was taking place just after the war. It was introduced to provide some protection and some standardisation in regard to the quality of work. At that time anyone who had a sugar bag, a saw, a hammer, and some nails could build a house.

The Hon. N. E. Baxter: Quite right.

The Hon. R. THOMPSON: As a result people were getting into serious financial difficulties because the standard of the work was very poor. I want a complete—

The Hon. N. E. Baxter: You want to extend the legislation beyond the original concept?

The Hon. R. THOMPSON: Every few years amendments are made to the Act.

The Hon. N. E. Baxter: We have not had an amendment since 1970.

The Hon. R. THOMPSON: I said every few years.

The Hon. N. E. Baxter: It has been in force only since 1961.

The Hon. R. THOMPSON: This is the fourteenth amendment in 34 years.

The Hon. Clive Griffiths: Every time it is amended there are 20 or 30 amendments.

The Hon. R. THOMPSON: Why can we not get the Act into shape? It is not a political issue. The issue is to protect the person who is paying out once in a lifetime to build a home, and the Builders Registration Board should come up with the necessary amendments. It has the responsibility to do so, and if it does not do so let us tear up the legislation and allow everybody to have a go because it is not worth a spit at the present time.

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

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

House adjourned at 10.52 p.m.

Legislative Assembly

Wednesday, the 10th September, 1975

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

QUESTIONS (47): ON NOTICE

1.

RAILWAYS

Narrow Gauge Line: Cost

Mr SHALDERS, to the Minister for Transport:

(1) Can he advise the current cost per kilometre of laying new narrow gauge railway line?

(2) What is the saving per annum in the changeover from rail to bus transport between Bunbury and Perth?

Mr O'Neill (for Mr O'CONNOR) replied:

(1) The cost is dependent on a number of factors which differ in accordance with the particular circumstances, including location, terrain, etc.

However, an assessment, based on average costs of line located outside the metropolitan area, gives an indicative figure of \$97 000 per km.

- (2) The Railways Department estimates the saving, due to the replacement of the "Bunbury Belle" and "Bunbury Shopper" trains by road buses, at \$123 000 per annum.

2. *This question was postponed.*

3. PRE-PRIMARY CENTRES

Programme and Cost

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

- (1) How many pre-primary school centres does the Government hope to have built by the end of 1975?
- (2) Will he list the pre-primary centres?
- (3) What is the estimated total cost for the centres listed?
- (4) How many centres are programmed to be built during 1976 and what is their estimated cost?

Mr GRAYDEN replied:

- (1) Six pre-primary centres were built with State funds and opened this year. Thirteen centres have been approved and funded by the Commonwealth Government. Some of these centres will be completed this year and the others early in 1976.

- (2) The six State funded centres are in the following primary schools—

Balingup Primary
Greenbushes Primary
Montrose Primary, Girrawheen
North Scarborough Junior
Primary
Southwell Primary, Hamilton
Hill
West Busselton Primary

The thirteen Commonwealth funded centres are being established at the following schools—

Beaconsfield Primary, South
Fremantle
Winterfold Primary, Hamilton
Hill
Queen's Park Primary
Spearwood Primary
North Lake Primary, Coolbellup
Bentley Junior Primary
East Carnarvon Primary
Jarrahdale Primary
Girrawheen Primary
Kondoola Primary
Nulsen Primary, Esperance
Eneabba Primary
South Kalgoorlie Primary

- (3) The total cost of the six State funded centres is \$350 000. The amount granted for the thirteen Commonwealth funded centres is \$1 020 000.
- (4) In view of the significant changes which have recently occurred in funding of school buildings, priorities must be reviewed.

4.

HEALTH

Water Catchment Areas: Public Access

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

- (1) Would the Minister list the harmful water-borne diseases which could be indirectly introduced into the Metropolitan Water Supply by way of the public having access to water catchment areas?
- (2) By what mode of contamination could the diseases be introduced, i.e., faecal or otherwise?
- (3) Of the water-borne diseases listed in (1) are there any which are immune to chlorination, and if so, would he list them?

Mr RIDGE replied:

- (1) There is a wide variety of such diseases including—
Diseases caused by animal parasites:

taeniasis
hydatid disease
amoebic dysentery
giardiasis

Diseases caused by bacteria:

bacillary dysentery
typhoid fever
paratyphoid fever
salmonella infection

Diseases caused by viruses:

viral hepatitis
poliomyelitis
a variety of mild gastrointest-
tinal illnesses presumably of
viral origin

- (2) Mainly faecal.
- (3) No, but contamination beyond minimal levels requires treatment other than simple chlorination and there are doubts about some viral diseases.

5.

MUNDARING WEIR CATCHMENT AREA *Prohibition on Entry*

Mr MOILER, to the Minister for Water Supplies:

- (1) In reference to the letter he handed me Thursday, 4th September arising out of my question 23 of the same date and in connection with the Mundaring and

Lower Helena catchment areas, will he confirm that the working group has made a final report on recreational use of the presently prohibited areas adjacent to the Mundaring Weir basin and the Lower Helena River between Mundaring Weir and the pipe-head?

- (2) (a) Is the Water Purity Committee in complete agreement with the Public Works Department's desire to prevent recreational use of the Mundaring Weir catchment area;
- (b) if not, will he indicate the areas of agreement and disagreement?
- (3) With regard to that portion of his letter which reads: "Distribution reservoirs from which water is supplied directly to the public require the strictest of controls and under no condition should be used for recreation", would he clarify whether the American Water Works Association, which made the above statement, was referring to passive recreation within catchment areas or to recreation carried on and in the actual water storage?
- (4) Would he table a copy of the article contained in the August 1971 issue of the "American Water Works Association" from which he quoted?

Mr O'NEIL replied:

- (1) Yes.
- (2) (a) and (b) The Purity of Water Committee has accepted the report in principle but has decided that no decisions will be made nor action taken until all major catchments have been investigated and a full report submitted to the committee.
- (3) The policy statement issued by the American Water Works Association referred to all types of recreation in the vicinity of the water basin.
- (4) A photostat of the article from the August issue of the American Water Works Association Journal is hereby tabled.

The photostat was tabled (see paper No. 379).

6. MUNDARING WEIR

Chlorination of Water

Mr MOILER, to the Minister for Water Supplies:

- (1) Does the amount of chloride used to chlorinate Mundaring Weir water fluctuate from day to day?

- (2) If "Yes" what method is used to regulate the amount of chloride introduced into the water, and is it an automatic process?

Mr O'NEIL replied:

- (1) Yes.
- (2) The dosing rate of chlorine is manually adjusted according to the water quality, which is regularly sampled and tested for bacterial pollution. The introduction of chlorine to the water is automatically controlled in proportion to the pumping rate by a magnetic flow meter at Mundaring.

7. WATER PURITY COMMITTEE

Membership and Meetings

Mr MOILER, to the Minister for Water Supplies:

- (1) Would he list the members of the Water Purity Committee?
- (2) On how many occasions has the committee met over the past 12 months?
- (3) Would he show the attendance figures for each member over the past 12 months?

Mr O'NEIL replied:

- (1) to (3) The committee has met 6 times and membership and attendance are as follows:
 Chief Engineer, Metropolitan Water Board, 6 times;
 Deputy Chief Engineer, Metropolitan Water Board, 5 times;
 Commissioner of Public Health, 6 times;
 Director, Government Chemical Laboratories, 6 times;
 Conservator of Forests, 5 times;
 Director, Department of Agriculture, 5 times;
 Engineer, Country Water Supply, Public Works Department, 6 times;
 or their deputies.

8. TRAFFIC

Motor Vehicle Research Branch: Reports

Mr MOILER, to the Minister for Traffic:

Would he list the titles of the various reports commissioned by the motor vehicle research branch over the past 18 months?

Mr O'Neil (for Mr O'CONNOR) replied:

The titles of the various reports commissioned by the motor vehicles research branch over the past eighteen months are as follows—

Hartley, D. J.: An analysis of accident severity in Western Australia. June, 1974.

- Hartley, D. J.: A study of priority and de-facto priority roads. November, 1974.
- Hartley, D. J.: Location of fatalities and responsible vehicles. March, 1975.
- Hartley, D. J.: Single and multi-vehicle casualty accidents. June, 1975.
- Smith, D. I.: Periodic vehicle examination in Western Australia. May, 1974.
- Smith, D. I.: A controlled study to determine the relationship of alcohol to motor vehicle accidents in Western Australia. September, 1974.
- Smith, D. I.: Evaluation of Western Australian graded license scheme for motorcyclists. October, 1974.
- Smith, D. I.: An investigation to determine whether blood alcohol tests should be compulsory for all traffic accident casualties over the age of 15 years admitted to hospital in Western Australia. November, 1974.
- Smith, D. I.: Driver re-testing. November, 1974.
- Smith, D. I.: The National Safety Council proposal of compulsory motorcycle training: a critique. November, 1974.
- Smith, D. I.: An investigation to determine whether the daytime usage of motorcycle headlights and tail-lights should be made compulsory in Western Australia. July, 1975.

9. UNIVERSITY OF WA AND WAIT

Radio Licenses

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

With regard to the experimental radio licenses offered by the Australian Minister for the Media, Dr Moss Cass, to the University of W.A. and WAIT, can the Minister advise whether it is the intention of either one, or both of the institutes to accept the offer by the Australian Government?

Mr GRAYDEN replied:

Both the University of Western Australia and the W.A. Institute of Technology have indicated their intention to accept the offer.

MEMBER FOR MORLEY

Questions: Postponement

The SPEAKER: As the member for Morley is suspended from the service of the House, I direct that all his questions be postponed until the next day of sitting.

10 to 16. These questions were postponed.

17. KWINANA, BUNBURY, AND MUJA POWER STATIONS

Generation Output

Mr T. H. JONES, to the Minister for Fuel and Energy:

What units of electricity have been produced at the Kwinana, Bunbury and Muja power houses on a monthly basis for the period 1st June, 1974 to 31st August inclusive, and what were the production costs per unit?

Mr MENSAROS replied:

The information requested is tabulated as follows—

Units Generated shown in kWh x 10³

Production costs in cents/kWh shown for each 6 month period

Month	Muja	Bunbury	Kwinana
1974—			
June	153 751	20 501	116 050
July	160 038	59 439	100 929
Aug.	157 065	58 890	85 354
Sept.	124 271	59 151	89 369
Oct.	133 035	56 690	60 103
Nov.	134 280	56 441	51 487
Dec.	144 517	53 180	55 060
1975—			
Jan.	137 003	53 499	52 987
Feb.	132 265	57 791	62 955
Mar.	117 351	55 169	59 811
Apr.	138 948	57 954	36 202
May	147 340	58 718	37 840
June	152 100	58 257	34 467
July	163 373	65 198	42 173
Aug.	158 060	67 065	45 232

18. DONNYBROOK-MUMBALLUP ROAD

Widening

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

- (1) Has the widening of the Donnybrook-Mumballup road been examined?
- (2) If "Yes" will he advise when the work will be undertaken?
- (3) If (1) is "No" in view of the concern being expressed by road users and residents in the area, will he have the serious problem examined?

Mr O'Neil (for Mr O'CONNOR) replied:

- (1) Yes.
- (2) Reconstruction of the first 6 kilometres of this road, estimated to cost \$240 000, is planned to commence in April, 1976. Consideration will be given to further work on the road when preparing future programmes.
- (3) Answered by (1).

19. WEST COAST HIGHWAY

Extension

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

- (1) Has the Government determined where the extension to the West Coast Highway will be made?
- (2) If "No" will he advise of the studies being undertaken and the routes being considered?
- (3) Of the routes under consideration, will he please advise the cost of demolitions and resumptions, in each case, and also the anticipated expenditure in each particular case?

Mr O'Neil (for Mr O'CONNOR) replied:

- (1) No.
- (2) The consultant firm of Scott and Furphy is carrying out a study of transport requirements in the Cottesloe-Swanbourne area and a number of road options are under consideration.

The consultants have established a site office at the corner of North Street and Marmion Street (Tel. 31 1829) in order to give the public an opportunity to participate in the study and it is suggested that the member call at that office and obtain first hand knowledge of the alternatives being studied.

- (3) The final solution of the various route options being considered may not involve demolition and resumptions; however, this will not be known until the study is completed and a report received.

20. CATTLE AND MEAT IMPORTS

Certificates

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

- (1) Does the Western Australian Department of Agriculture require a certificate regarding tuberculosis and brucellosis for cattle imported into this State?
- (2) Does any such requirement apply to meat which has been slaughtered outside the State and imported into Western Australia?
- (3) Is brucellosis contagious to human beings and is it transmittable through carcase meat and meat products?

Mr OLD replied:

- (1) Yes.
- (2) No.

- (3) Brucellosis is a contagious disease of domestic animals which may be transmitted to human beings, but carcase meat and meat products are not considered to constitute a health risk.

21. WATER SUPPLIES

Pemberton

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

- (1) Did the Public Works Department receive a petition which expressed concern at the present Pemberton water supply from residents of that town?
- (2) If so, when was it received, and what action has been taken on the matter?
- (3) In view of the unpleasant sediment which is obvious in the summer months when the Pemberton Weir is at a low level, is it proposed to undertake any upgrading of the weir in the 1975-76 financial year?
- (4) In view of the unsatisfactory reticulation of the Pemberton water supply at the higher levels of the town over the summer months, is it proposed to improve the storage and reticulation system during 1975-76?
- (5) If no works or improvements are proposed for the 1975-76 financial year, what plans are proposed for the Pemberton water supply?

Mr O'NEIL replied:

- (1) Yes.
- (2) Received at the Collie Water Supply Office on 23rd January and answered the same day.
The petition dealt with the general inconveniences of the poor condition and rate of flow of water and specifically with a failure of supply on 13th January. This problem was caused by breakdown of the pumps which was rectified immediately.
- (3) The Pemberton weir is not operated at a low level but is continually topped up from Manjimup dam. No upgrading is proposed this financial year because of other higher priority works.
- (4) Some reticulation improvements were carried out in the high level areas during the 1974-75 financial year.
Negotiations are in hand with Bunning Bros., who own the pumping station, to improve the supply from the headworks. Planning of improvements will proceed when negotiations are completed.

- (5) A review of the water supply position at Pemberton is being undertaken with a view to ascertaining future requirements to maintain a satisfactory supply.

22. **PASTORAL LEASES**
Kimberley: Inspection

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

Adverting to his reply to question 20 of 15th April, 1975:

- (a) how many pastoral leases in Kimberley region have been examined by inspection committees;
- (b) how many pastoral leases still have to be inspected;
- (c) of those inspected what percentage of the total leasehold area has been categorised as good, fair and severely eroded rangeland condition;
- (d) what is the actual area involved in each of the categories referred to in (c)?

Mr RIDGE replied:

- (a) to (d) The inspection work on the affected stations in the West Kimberley region has not yet commenced. Planning for the field programme is presently in progress and the ground inspections will commence as soon as practicable.

23. **MILK**
Manufacturing Section: Inquiry

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

- (1) Does the Government propose to carry out an in-depth inquiry into the manufacturing section of the dairy industry?
- (2) (a) If "Yes" what are the terms of reference and when will such an inquiry commence;
- (b) if "No" what are the reasons for an inquiry not being held?

Mr OLD replied:

- (1) and (2) The Government is having discussions with the authority and will consider action which can be taken in relation to the outcome of these discussions.

24. **WATER SUPPLIES**
Falcon Area

Mr JAMIESON, to the Minister for Water Supplies:

- (1) What is the nature of the water boring taking place about 8 km south of Mandurah adjacent to the Old Coast Road?

- (2) Is it the intention to provide early reticulation for the residents of Falcon and nearby settlements?
- (3) If so, what is the proposed timetable for this development?

Mr O'NEIL replied:

- (1) An exploratory bore is being drilled. Should the bore provide water of satisfactory quantity and quality, it could be considered as a production bore for eventual supply to the settlements in the area.
- (2) and (3) No—the reticulation of the area will depend on future availability of loan funds and will not be considered until construction work at Mandurah has been completed.

25. **PLANT NURSERIES**
Legislation

Mr SKIDMORE, to the Minister for Agriculture:

Does the Government intend to proceed in this session with legislation that seeks to control the activities of persons in the plant nursery industry?

Mr OLD replied:

No. The matter of registration of plant nurseries on the basis of Australia-wide uniformity is currently receiving consideration by the Standing Committee on Agriculture.

Until the committee's report is received it would be inappropriate to consider the introduction of legislation.

26. **BANK HOLIDAY**
22nd January, 1976

Mr SKIDMORE, to the Minister for Labour and Industry:

- (1) Is he aware that the Australian Bank Officials' Association has made a request to the Department of Labour and Industry for an additional bank holiday on Friday, 2nd January, 1976, under the Public and Bank Holidays Act, 1972?
 - (2) Is it the Government's intention to accede to the request from the association and thus grant the additional holiday?
 - (3) If not, why not?
- Mr GRAYDEN replied:
- (1) Yes.
 - (2) No.
 - (3) The Public and Bank Holidays Act sets down ten standard holidays for bank officers which are common to workers under industrial awards. The bank officials

have been advised that if unions make an approach to the W.A. Industrial Commission for the additional holiday and are successful over a range of awards, the position will be reviewed for bank officers.

27.

SEWERAGE*High Water Level Areas*

Mr SKIDMORE, to the Minister for Water Supplies:

- (1) In all areas where a very high summer water level exists (e.g. Bassendean) would he have the department install the sewerage connection lead above that level?
- (2) If this is not agreeable to him would he consider making arrangements for the householder to be able to make the necessary connection to the sewerage main at the time the main is being installed and before any back filling takes place?
- (3) If cost is a factor mitigating against the proposals outlined in (1) and (2) would he investigate the possibility of a mutually agreed financial arrangement to be negotiated between the householder and the department in each instance that would allow the connection to be made as under (2)?

Mr O'NEIL replied:

- (1) to (3) There are occasions when it is difficult to determine precisely the ground water level. This may be due to seasonal variations and in any case the operation of dewatering plants usually depresses the general ground water level so determination of normal level is somewhat uncertain.

As a general rule when a sewerage reticulation area is constructed, the Metropolitan Water Supply, Sewerage and Drainage Board installs a connection within 8 feet of the surface. In recent years in the special situation where the ground water is less than 8 feet from the surface the connection is extended to provide for likely requirements.

The board co-operates with its customers to the extent that this is practicable.

28.

SWAN VIEW HIGH SCHOOL*Construction*

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

- (1) Is the Minister able at this time to indicate when commencement may be made for the erection of the Swan View high school?

- (2) Would the Minister investigate the possibility of some of the pupils now attending the Governor Stirling Senior High School being accommodated in classrooms that may be available at the Midland Technical School?

- (3) At what level of priority is the Swan View high school in comparison with all other high schools under consideration for erection in the 1975-76 year?

Mr GRAYDEN replied:

- (1) No.
- (2) Yes. This is one of the possibilities being investigated.
- (3) In view of the significant changes which have recently occurred in funding school buildings priorities of new high schools must be reviewed.

29.

INDUSTRIAL SAFETY*Funds for Training*

Mr SKIDMORE, to the Minister for Labour and Industry:

- (1) What amount of money has been spent directly on the training and education of workers in all aspects of industrial safety in the years 1974-75?
- (2) Is any money to be funded for the purpose of training workers in industrial safety in 1975-76?
- (3) If not, why not?

Mr GRAYDEN replied:

- (1) to (3) Considerable expenditure is incurred by the Government in the training and education of workers in all aspects of industrial safety. Major Government departments which are large employers all employ at least one safety officer. All such departments individually expend money on safety training and education through various courses available. The current programme of the Government is to intensify occupational accident prevention and all departments and instrumentalities are spending additional funds in this direction.

Safety training is carried out by various departments in respect to training for licenses in the construction, engineering, manufacturing and mining industries.

The Government has allocated \$20 000 as a subsidy towards the Industrial Foundation for Accident Prevention for 1975-76 as well as a subsidy towards the supply of apprentice safety manuals. Other expenditure is involved in

the preparation of safety book-lets for use within Government departments and for industry generally.

30.

RAILWAYS*Midland Workshops: Parking*

Mr SKIDMORE, to the Minister for Transport:

- (1) Would he advise the amount of money that has been spent for the purpose of providing employee parking at the Midland railway workshops in the years 1973, 1974 and 1975?
- (2) (a) Is any special area set aside for the purpose of providing parking space for staff personnel;
(b) if so, is this area fully bituminised and adequately drained?
- (3) Is the area at present set aside for the purpose of workers parking their vehicles fully bituminised and adequately drained?
- (4) In view of the repeated promises made by the department and the Minister to provide adequate and suitable parking for all employees at the Midland workshops, would he advise when the proposed over-all plan for development of parking for workers will be completed?
- (5) Is there any intention on the part of the Government to close the unnamed but gazetted road that runs adjacent to the railway reserve and the Midland workshops?

Mr O'Neil (for Mr O'CONNOR) replied:

- (1) 1973—Nil
1974—\$1 825
1975—\$2 100
- (2) (a) Fifteen only senior officers, representing 7% of the salaried staff, have parking bays allocated to them, due to their departmental work commitments.
(b) Yes.
- (3) There is an area sufficient for approximately 80 workers' cars fully bituminised and fully drained.
The remainder of the parking areas for workshops employees, including salaried staff is not bituminised, nor fully drained.
- (4) The Minister for Transport in his letters dated 19th December, 1974 and 3rd February, 1975 advised—
(a) that it was acknowledged an increased demand for parking existed;

- (b) that the department intends to progressively increase the parking spaces and improve them;
 - (c) that the department could not be expected to provide space for every employee;
 - (d) that a work programme would be undertaken as funds could be made available;
 - (e) that works essential to the efficient operation of the railways must take precedence; and
 - (f) that parking works will be undertaken as the opportunity arises but in view of the many other commitments with which the department is faced no firm undertaking can be given.
- (5) Some consideration has been given to closure of this road but at this stage it is not intended to proceed further with the matter.

31.

TOWN PLANNING*Bassendean Shire: Project*

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

Would he advise what is the present position regarding the proposed development that is to take place in the Bassendean Shire area that is contained within the boundaries of the streets, namely, Guildford Road, West Road, Extension Road and Whitfield Street?

Mr RUSHTON replied:

The Town Planning Board met with the Mayor, Town Clerk and council's consultant on 9th September to discuss the proposal. The board will further discuss the matter at its next meeting on 16th September.

32. **AGED PERSONS' HOMES AND "C"-CLASS HOSPITALS**

Swan Electorate

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

Would the Minister please advise the number of homes that cater for aged people in the Swan electorate, and also the number of patients that are in each of the hospitals, the name of the hospital and the persons owning same?

Mr RIDGE replied:

Hospital; No. of beds; owner/lessee.
Amevo Hospital; 30; Messrs Vossebelt & Jekel.

Bassendean Nursing Home; 44;
Bassendean Nursing Home Pty.
Ltd.

Guildford Hospital; 22; D. Vanek.
Marshall Park Nursing Home; 63;
G. & A. Vose.

Midland Convalescent Hospital;
63; Midland Hospital Pty. Ltd.
St. Vincent's Hospital; 66;
Daughters of Charity.

Tuohy Memorial Hospital; 50;
N. S. Miles.

The number of patients that are
in each of the hospitals varies
from day to day.

33.

BRIDGE

Maddington-Thornlie

Mr BATEMAN, to the Minister for
Transport:

- (1) Is he aware plans were made seven years ago to connect Maddington and Thornlie together by way of a bridge over the Canning river?
- (2) If so, will he give full details and reasons why this proposal was not proceeded with?

Mr O'Neil (for Mr O'CONNOR) replied:

- (1) and (2) Several alternative proposals have been considered in recent years but as yet no firm plan has been adopted. Consultants engaged by the Gosnells Town Council have now prepared a proposal which is a variation of the preliminary plan referred to in the answer to question 6 of November, 1973. This latest proposal is with the Town Planning Board awaiting comment which, when received, will be forwarded to the council with an estimate of costs.

34.

TRAFFIC

Gregory Street, Wembley

Mr BERTRAM, to the Minister for
Transport:

- (1) Is he aware of the concern of residents of Gregory Street, Wembley, as to the safety of their children, elderly persons, themselves and their property, arising from the high speed and dangerous driving of vehicles on that hilly street between Dodd and Grantham Streets?
- (2) If so, what steps, and when, does he propose to take to remedy this position which has already resulted in accidents and damage, and has potential to produce fatalities?

Mr O'Neil (for Mr O'CONNOR) replied:

- (1) I am aware of a newspaper report on a recent accident.
- (2) An investigation of the recent traffic accidents on this section of Gregory Street will be undertaken.

35. **MANGANESE OXIDE PROJECT**

Australind

Mr SIBSON, to the Minister for
Works:

With reference to Hancock and Wright, manganese oxide experiments at Australind—

- (a) has a submission from this company been received by his department;
- (b) is it considered likely that production on a commercial basis will begin at any time in the future?
- (c) would marketing of this process result in a beneficial effect on the Laporte effluent problem?

Mr O'NEIL replied:

- (a) Yes.
- (b) The latest communication from Hancock and Wright states—

Hancock and Wright are not ready to proceed with a manganese upgrading plant utilising all effluent from the Laporte titanium plant at the present time. Hancock and Wright have completed market studies for both manganese sulphate and battery grade manganese dioxide. From these studies we are of the opinion that it will not be possible to write sales contracts immediately for all material produced if all the available effluent was utilised.

- (c) A beneficial effect on the Laporte effluent problem would necessitate the utilisation of virtually all of the effluent in a commercial process.

36.

HOUSING

Collie

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

- (1) Have contracts been let for additional State Housing Commission homes at Collie?
- (2) If so, will he outline the building programme?
- (3) When were tenders let, and when will the building programme commence?

Mr P. V. JONES replied:

- (1) Yes.
- (2) Six pensioner units, i.e. three for pensioner couples and three for single pensioners.
- (3) Tenders for the above units called on 5th July, 1975, and closed on 28th July, 1975. The tender was accepted on 8th August, 1975. All materials have been ordered by the contractor and work will commence on the footings on Thursday, 11th September, 1975.

37. *This question was postponed.*

38. POLICE

Drug Prosecutions: Bunbury

Mr SIBSON, to the Minister for Police:

In regard to the incidence of drug taking and charges laid—

- (a) how does Bunbury compare to Perth;
- (b) how does Bunbury compare to other country towns;
- (c) does he consider the incidence of drugs in Bunbury to be of an alarming nature?

Mr O'Neil (for Mr O'CONNOR) replied:

- (a) From 1/1/75 to 10/9/75: Perth, 332 persons charged; Bunbury, 8 persons charged.
- (b) Below average for towns of similar size.
- (c) No.

39. SOUTH WESTERN HIGHWAY

Greenbushes: Deviation

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

Will he table a copy of a map showing the proposed deviation of the South Western Highway around the town of Greenbushes, indicating precisely the access road/s into the town from the highway?

Mr O'Neil (for Mr O'CONNOR) replied:

A copy of the required map is being posted from the Main Roads Department's Bunbury office and will be passed to the Member when received in Perth.

40.

HEALTH

Building Blocks: Groundwater Level

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

- (1) Are there any health regulations pertaining to the minimum height above groundwater which land must be before a dwelling is allowed to be erected on it?
- (2) What redress is available to any person who having obtained permission from a local authority to erect a dwelling on an area of land finds subsequently that the land on which the dwelling has been erected is not above the minimum allowable height above the groundwater level?

Mr RIDGE replied:

- (1) No.
- (2) Civil action if applicable.

41.

HEALTH

Detoxification Unit

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

- (1) What progress has been made in regard to the establishment of a detoxification unit in this State?
- (2) When is it estimated such a unit will be fully functional?

Mr RIDGE replied:

- (1) This matter is the subject of investigation and various alternative means of establishing such a facility are being examined.
- (2) It is not possible to say at this stage. The solution is dependent on the results of further negotiations and the availability of funds.

42.

WATER SUPPLIES

Quindalup and Dunsborough

Mr BLAIKIE, to the Minister for Water Supplies:

- (1) Has the Public Works Department evaluated the capacity of a test bore located in the vicinity of Quindalup for—
 - (a) capacity of bore;
 - (b) quality of water, to supply the Quindalup and Dunsborough areas?
- (2) Has an estimate of costs of above works been prepared, and if so, can he give detail?
- (3) In relation to the works programme of his department would he indicate the priority of this project and when finance will be allocated?

Mr O'NEIL replied:

- (1) Yes.
 - (a) Pump tested at 16 000 g.p.h.
 - (b) Water quality—
 - ph—7.8
 - total dissolved solids—210 p.p.m.
 - sodium chloride—100 p.p.m.
 - total hardness—73 p.p.m.
 - iron—0.05
 - fluoride—0.3

The water quality is satisfactory for a town water supply.

- (2) The estimated cost to supply Quindalup and Dunsborough is \$500 000.
- (3) The Public Works Department has listed this work to allow for a commencement in its 1975-76 programme. However, the 1975-76 capital works programme has not yet been determined.

43. HEALTH

Frozen Goods: Draft Standard

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

- (1) Has he received from the National Health Medical and Research Council a new draft standard for the transport, storage and sale of frozen goods?
- (2) If so, will/has it been circulated to interested organisations in this State?
- (3) Which are the organisations concerned?
- (4) What stage has been reached in consideration of a new draft?
- (5) When is it likely any alterations will be made?

Mr RIDGE replied:

- (1) Yes.
- (2) The amended draft standard has been circulated to interested bodies for comment.
- (3) W.A. Ice & Cold Storage Association Inc.
Irvin & Johnson.
Arctic Foods.
W.A.G.R. Commercial Branch.
Retail Grocers & Storekeepers of W.A. (Inc.).
Refrigeration Section Medical Department.
Chamber of Manufactures.
Director General of Transport.
- (4) For discussion at N.H. & M.R.C. Food Standards Committee meeting 16th and 17th September, 1975.
- (5) At the meeting referred to in (4).

44. TOTALISATOR AGENCY BOARD

Dowerin Agency

Mr McPHARLIN, to the Minister for Police:

Further to my question 28 of Thursday, 4th September, 1975, concerning the TAB agency at Dowerin—

- (1) As the agency referred to was showing a profit why was it considered necessary to close it?
- (2) Could not other suitable premises be obtained?
- (3) Is not action of this nature regarded as a retrograde step with unfavourable reaction on the town and district concerned?

Mr O'Neil (for Mr O'CONNOR) replied:

- (1) and (2) The Dowerin TAB was in leased premises which the owner desired for her own use. There were no other suitable premises available and the margin of profit was deemed to be insufficient to support the large capital commitment which would be necessary to build premises.
- (3) In the circumstances mentioned above no alternative action was available.

45. LOCAL GOVERNMENT

Loam Excavation: Herne Hill

Mr SKIDMORE, to the Minister for Local Government:

- (1) Have lots 33 and 34 Burgess Crescent, Herne Hill, been the subject of a previous application to him to approve the issuing by the Swan Shire Council of a permit to excavate loam from the lots so mentioned?
- (2) If "Yes" what were the dates of such applications and what was the Minister's attitude at that time?
- (3) In view of the article that appeared in *The West Australian* dated 9th September, 1975 headed "Pressure on council over loam 'crisis'" would he intervene to ensure that no loam be removed from lots 33 and 34 Burgess Crescent, Herne Hill, as suggested in the article?

Mr RUSHTON replied:

- (1) No, but appeals were made to a previous Minister.
- (2) The appeals were dated 17/12/1968 and 25/5/1970 and were dismissed on each occasion.

(3) No. But the question will receive my consideration if an appeal is lodged under the provisions of section 235 of the Local Government Act.

46 and 47. *These questions were postponed.*

QUESTIONS (3): WITHOUT NOTICE

1. WATER SUPPLIES

Pemberton

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

In reply to question 21 today the Minister indicated that a petition which expressed concern at the present water supply at Pemberton had been received at the Collie water supply office on the 23rd January. A letter I received today indicated that while the Public Works Department had received complaints regarding the water quality at Pemberton a few years ago, it was believed this had been overcome by the release of water further upstream. Could the Minister reconcile the fact that a petition was received in January of this year with the contents of the letter I received indicating that complaints had not been received for several years?

Mr O'NEIL replied:

If the honourable member will either put his question on the notice paper or write to me I will endeavour to do so.

2. MINING TENEMENTS

Applications: Total

Mr MAY, to the Minister for Mines:

What was the total number of new applications for mining tenements received by the Mines Department for the period the 29th March, 1974, to the 29th August, 1975?

Mr MENSAROS replied:

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

During the period the 29th March, 1974, to the 29th August, 1975, 8 570 new applications for mining tenements were received in the Mines Department, Perth, for processing.

3. MENTAL HEALTH

Ross Memorial Hospital: Acquisition

Mr B. T. BURKE, to the Premier:

I am sorry for the delay in asking the following question of which I gave notice several days ago—

- (1) Are Public Works Department valuers currently making inquiries in regard to the Ross Memorial "C"-class Hospital in Forrestfield?
- (2) If the answer to (1) is "Yes", what is the purpose of those inquiries?
- (3) Is the Government intending to acquire this hospital for housing the profoundly retarded?

Sir CHARLES COURT replied:

- (1) to (3) The honourable member did give me notice of this question, but then did not ask it so I sent the papers back to the department concerned on the assumption that he had made his own direct contact with the Minister. I would not risk answering it off the cuff. As far as I know the PWD was inspecting and negotiating in respect of those premises, but I am not sure of the answer the Minister gave regarding the ultimate use of the premises. Now the honourable member has revived the question I will obtain the answer as quickly as I can, by direct contact with the Minister in the House either today, or tomorrow.

MEDICAL SERVICES

Geraldton: Grievance

MR CARR (Geraldton) [4.55 p.m.]: My grievance relates to the provision of medical services in Geraldton and its surrounding regions. I want to raise two separate but closely related points.

The first refers to the shortage of doctors in Geraldton. We now have very long waiting lists and people frequently have to wait for up to two weeks to get an appointment to see a doctor.

The need for resident doctors in Geraldton to relieve the situation has been stressed for some time now. Residents are required to see outpatients at the hospital and, in particular, to treat emergencies, especially emergencies which occur out of normal hours.

I have raised this question repeatedly for something over 12 months now, but I think I should deal firstly with the recent history of this problem.

On the 30th April this year, in answer to a question in this House, the Minister representing the Minister for Health said that resident doctors were not needed at the Geraldton Regional Hospital because the needs of the area had hitherto been catered for by local private general practitioners. I said at that time that such a statement would not be agreed with by a single person in Geraldton or the Greenough electorate which surrounds it, and so it proved. There was an outcry of public disagreement in the region.

On the 15th May I wrote to the Minister for Health seeking action. On the 19th May the Minister for Health acknowledged my letter and indicated that Dr W. Roberts would be in Geraldton that week to investigate the situation, but I have received no further reply to this date, not that I have not tried to obtain a reply.

On the 6th June I rang the Minister and asked whether any further action had been taken. The Minister said he was waiting for the report from Dr Roberts and would advise me further. The next thing that occurred was an article in *The Geraldton Guardian* of the 5th July under the heading, "Action For Doctors Has Slowed Down". The article, by Brian Abbott, reads in part—

Efforts to have resident doctors at the Geraldton Regional Hospital have so far failed.

This is despite a promise from Health Minister Baxter six weeks ago that an investigation into the town's doctor shortage would be held.

Mr Baxter told me yesterday that "We have not yet got around to it".

On the 17th July I again rang the Minister. This was almost exactly two months after my first approach to him. He advised me again that there was nothing to report and that he would advise me further.

It is now the 10th September which is just five days short of four months since I first raised this matter by letter with the Minister, and we are not any closer to having resident doctors.

I was not happy with two other comments in the article of the 5th July. These read—

"We have put strings out for interns to be stationed in Geraldton."

"We are hoping for a response from interns so that someone can go up there and get the thing operating," he said.

It is not good enough to invite interns to the country. I understand doctors must do a term of residency. I also understand that it costs something like \$50 000 of the community's money to train a doctor and the community is entitled to a return where that return is needed. I consider that interns should be sent to whichever

hospital requires them, just as school teachers and bank officers are sent where they are required.

The shortage of doctors in the Geraldton region is at present the most important issue in the whole area. The failure of the Minister to meet this need and to provide resident doctors will undoubtedly be the biggest local issue during the forthcoming Greenough by-election.

The second aspect of my grievance refers to the refusal of local doctors in Geraldton to co-operate with the hospital side of Medibank.

I will explain briefly that under Medibank there are two types of patient: a private patient and a hospital patient. A private patient uses his own doctor, he pays the doctor directly, receives \$16 a day from Medibank, and pays the remaining \$20 or \$30 himself. The hospital patient receives free hospitalisation and free medical treatment, this being paid directly to the hospital. Where there are residents this is okay but where there are no residents the scheme relies on general practitioners. In Geraldton the practitioners have not been able to come to agreement with the Medical Department concerning these terms. The Geraldton doctors have refused to treat hospital patients, as shown in my question 2 of the 14th August. A man was also removed from a theatre without surgery because he was not a private patient.

I can quote another example of a pregnant woman who is likely to have to come to Perth to have her baby. The woman's husband is in gaol, she has two children aged two and four, and she is living in a caravan at \$35 a week. She has no hospital benefit cover because she came from Queensland at the end of last year, where of course there is free hospital treatment and no need for hospital benefit insurance. The woman is being given prenatal treatment at present but has been told by her doctor that the group of doctors will not treat her when she has her baby unless she becomes a private patient. The husband is due for release in October and the baby is due in February, and the position will be reassessed then. If the husband cannot get a job the woman will be treated as an emergency patient. If the husband can get a job the woman will be treated as a private patient, which means she will have to pay \$20 a day, for which she has no private insurance cover, or she will have to go to Perth to have her baby. She would probably have to go there two months before confinement due to restrictions on travel in late pregnancy. I do not know how she would get on in that situation.

This means doctors are means-testing their patients, despite the fact that Medibank opposes this. The AMA has defended doctors' actions on the grounds of freedom

of choice. That needs looking at. At the Geraldton Hospital one cannot choose to be treated by the first available doctor. One has to choose from a list of names, even if one does not know any of the doctors. I have been given examples of one visitor to Geraldton, the wife of whom is employed at Parliament House. The visitor to Geraldton was injured and sought medical attention at the hospital. A doctor was present in the outpatient centre and the patient asked to be treated by that doctor, but he was not able to be treated by that doctor because when he was required to play the game of pin the tail on the donkey and pick a name from the list, the name he picked out was not the name of the doctor who was there. So he had to wait. Eventually he was treated by a sister and saw the doctor later in the week. If this is what the AMA means by freedom of choice then I agree with the song writer who said, "Freedom is just another word for nothing left to lose."

I hope the Minister representing the Minister for Health in this Chamber will agree a serious situation exists and ask the Minister for Health to take urgent action to send residents to Geraldton and bring pressure to bear on the local doctors so that the position can be remedied for the benefit of the people of Geraldton and those in the surrounding region which comprises the electorate of Greenough.

MR RIDGE (Kimberley—Minister for Lands) [5.04 p.m.]: I am not able to answer the specific questions raised by the member for Geraldton. I will undertake to bring them to the Minister's notice. The honourable member indicated he has raised these questions repeatedly over a period of 12 months. If this is the case I certainly cannot indicate why the Minister has not given him the answers he requires.

On the other hand, I know there is a shortage of doctors in country areas right throughout the State, and the Minister and his department have repeatedly tried to get doctors by advertising throughout Australia and overseas, without a great deal of success. However, I am sure the Minister is aware of the problems and of how serious the situation is at Geraldton as compared with the situation at other places. Nevertheless, I will bring the matter to his notice. I am sure it is not through choice that the Minister has failed to meet the needs at Geraldton. I am quite aware his department has tried very hard to attract doctors to Western Australia.

As to whether patients should have the right to private or hospital treatment, once again I am not in a position to answer that. We were all told Medibank would be the answer to all these problems. I am aware of the circumstances surrounding the matter raised by the honourable member a couple of weeks ago. A doctor who was involved in that situation is an avowed socialist who fought very hard against me

at the last election, and I am surprised to find he has not gone along with Medibank, which is a policy of his party.

I will refer the matters raised by the member for Geraldton to the Minister and ask him to communicate further with the honourable member.

MINERAL SANDS

Commonwealth Policies: Grievance

MR BLAIKIE (Vasse) [5.07 p.m.]: My grievance concerns questions which were answered in the Federal House of Representatives in September of this year, arising out of a Press statement by the Minister for Industrial Development in *The West Australian* of the 28th August, wherein he blamed the Federal Government's policies regarding export licenses in the Capel mineral sands area for pending plant shutdowns, and retrenchments which had taken place. On page 825 of *Federal Hansard* Mr Bennett asked the question—

Mr Bennett—Has the attention of the Minister for Minerals and Energy been drawn to a report in *The West Australian* of 28th August by Mr Mensaros, the Western Australian Minister for Mines and Industrial Development, criticising the operation of export controls on mineral sands? Are these comments true?

The Minister replied—

Mr Connor—I have seen the report. It is both misleading and incorrect. As a matter of fact, in the world today there is imminent overproduction of zircon. The present world production capacity is of the order of 700 000 tonnes of which approximately 600 000 tonnes is produced in Australia. The market is of the order of 500 000 tonnes only. There are 15 producers of zircon in Australia, some in Western Australia and some on the eastern coast. Due to the differences of viewpoint and the differences of planning and production a serious situation has developed. For example, my Department formerly permitted a price differential of \$4 per ton less in respect of zircon produced in Western Australia as compared with that produced in the eastern States. The matter will need very careful consideration.

There are quite a number of facts that I could give to the House that would go far beyond the bounds of a reasonable answer to a question. But this much I can say: Of the 15 producers some ten are quite prepared to arrive at a reasonable price and also are anxious to secure contracts on a 3-year basis with proper escalation clauses. Nevertheless the suggested prices which they have submitted to my Department vary from \$90 to as much as \$250. Not all of them are prepared to accept a quota. My Department was in conference with all

the producers on 6th June. It is absolutely incorrect—worse than that, it is deliberately incorrect—to suggest that we are in any way responsible for the situation. We are again communicating with them. We are seeking to get some common denominator amongst them, some common agreement on matters of policy, so that we can restore order and sensible marketing to a currently chaotic situation.

This is the reason for my grievance.

By way of explanation, the export situation in regard to mineral sands in Western Australia, particularly zircon, is causing the industry tremendous concern. Zircon can be exported from the State provided companies meet the Department of Minerals and Energy price of \$200 a ton. Having done that, they are allocated an export license. However, across Australia there is a difference, because in the Eastern States, where large amounts of this product are produced, the zircon is of a higher grade and is used in the ceramic tile industry. The amount of zircon required to coat a tile is quite minimal and a basic price of \$200 per ton is also of minimal consequence. The zircon exported from Western Australia is of an inferior grade but is ideally suited to the iron and steel industry as a refractory, wherein a zircon brick is virtually 100 per cent zircon.

These are the problems. The Minister has set a price of \$200 a ton before zircon can be exported from Australia, bearing in mind the low grade Western Australian product as against the high grade product of the Eastern States. This is quite unrealistic for Western Australian producers because it has no relationship to or bearing on the available world price of that grade of zircon. In this State, this has led to cancellation of contracts. Orders in excess of 14 000 tons of zircon have been cancelled resulting in a loss of over \$2 million to the industry.

It has had a further impact. There has already been retrenchment of 24 men and scaling down of plants. Operations have ceased at Yoganup and Busselton. Production will be further reduced unless the companies can get the green light to sell the zircon at a realistic price which is available in the world. Unless this happens there will be further retrenchments.

I believe in the domino theory, and in the mineral sands industry in this State we can see the domino theory having an impact as of now. Associated with the mineral sands industry we have a transport industry. The transport industry has already indicated it has been cut rather dramatically. The *South Western Times* of the 4th September amply illustrates the situation which persons involved in that industry are facing. As regards the water-side workers in the wharfage industry at

Bunbury, in June of this year 54 000 tons of mineral sands were exported from Bunbury. In August this year 24 000 tons were exported—a reduction of 50 per cent—and the figure is reducing week by week.

I believe the policies which are being implemented by Mr Connor on behalf of the Federal Government show a blatant and total disregard for the Western Australian mineral sands industry. They take no cognizance of the particular situation of the industry in this State as compared with that on the eastern seaboard. The Capel mineral field is a major provider of mineral employment to some 500 persons. In excess of one million tons of mineral sands have been exported through Bunbury in the last 12 months, and if Mr Connor continues the Nelson treatment with this industry he will wreck it. The policies and frustrations over export licenses and the development of new mineral projects are in my opinion a considered and deliberate attack on Western Australian mineral sand producers and unless they are changed I believe they will lead to a further scaling down of the operation and further retrenchment of employees.

I draw the attention of the House to my grievance. I believe the comments made by Mr Connor in the Federal House were incorrect and misleading and have no relationship to or consideration for the mineral industry in this State.

Mr May: You do not know what you are talking about.

MR MENSAROS (Floreat—Minister for Industrial Development) [5.14 p.m.]: The subject mentioned by the member for Vasse is of course well known to me and my department. The companies concerned are in constant dialogue with the department and with me, and we have assured them that if they feel it will help their case we will make representations to the Department of Minerals and Energy relating to the export licenses they are seeking. In this case, Sir, I want to be quite objective—

Mr May: I hope so.

Mr MENSAROS: —and entirely apolitical. It is a very good example and quite outside of politics, of what happens when decisions are made at the eastern seaboard because people cannot but feel, think and act as Eastern Staters—

Mr May: Why don't you say why the semi-commercial plant was closed down?

Mr MENSAROS: The honourable member can make the next grievance.

Mr May: Why don't you tell the truth?

Mr MENSAROS: The difference between the zircon product in Western Australia and that in the Eastern States is a matter of purity. The impurity depends on the percentage of iron oxide, titania, and alumina; also colour comes into it. The Western Australian product is brownish,

greyish, or reddish, whereas the product obtained in the Eastern States is creamy. As the member for Vasse said, the Eastern States product in most cases is being used for the manufacture of ceramic tiles, and therefore, the end product has a small content only of zircon and the price of the zircon does not matter much when the end product is tiles. However, the Western Australian product is used mainly in refractory bricks, and recently, in Japan, as the lining of steel ladles, and it figures much more in the cost of the end product. Therefore, the price of zircon makes quite a difference.

Last year a larger quantity of zircon from the Eastern States was sold than that obtained from Western Australia. Because of its quality and use, a much higher price was paid for the Eastern States' product than could be obtained by most of the Western Australian firms. When a Western Australian firm offered a contract, the Department of Minerals and Energy apparently set a price based on the prices achieved in the Eastern States, and hence the difficulty started. The member for Clontarf does not accept this fact. It is not a matter of politics; it is a matter of people in the Eastern States deciding what the price shall be for all States without intimate knowledge of the Western Australian conditions.

Mr May: What happened in the Eastern States had no connection with the closing down of the plant at Capel.

Mr MENSAROS: I am not saying that.

Mr May: You did in your Press statement. Why don't you tell the truth?

Mr MENSAROS: The member for Clontarf has not listened to what I am saying.

Mr May: We listen, but we cannot understand it.

Mr MENSAROS: The honourable member may go outside now and read my comments later. The point is that the Western Australian manufacturers are being offered contracts at certain prices on which they can make reasonable profits and so ensure that their mining enterprises are viable. However, they cannot obtain an export license for the zircon.

Furthermore it is my understanding that the Western Australian manufacturers are not being told, "You may go out and contract for a certain price." The manufacturers must approach the department and say, "We have a contract for, say, \$100", only to be told that they cannot sell the product for that price. However, they are not told that they can sell it for \$125, \$130, or \$200.

One producer told me he was virtually sitting with his customer in Japan tele-dexing the Department of Minerals and Energy and upping the price by \$10 with every teledex. He received negative replies until his figure reached a certain level and he was then told he could sell

the product. This manufacturer took the course deliberately because it is very hard to make a customer in Japan believe a Federal department can act in this way. It is for this reason that sales from Western Australia are low.

I heard the member for Vasse quoting the Federal Minister for Minerals and Energy when he said that there is an oversupply of zircon. If there is an oversupply as at present, it becomes even less logical that the Minister for Minerals and Energy wants to keep up the price before issuing an export license.

The SPEAKER: The Minister has two minutes.

Mr MENSAROS: Of course, if there is an oversupply, the price should come down.

I come back to the point that I am not accusing anyone of a political action. I am simply saying that because manufacturers in the Eastern States make representations to the departments over there obviously it is to their advantage to sell something at a different price. However, they are thereby squeezing the Western Australian manufacturers out. That is apparently the reason for the decision by the Department of Minerals and Energy.

MINING

Government Policies: Grievance

MR MAY (Clontarf) [5.20 p.m.]: Let those without sin cast the first stone. Tonight I would like to mention a few matters about mining policy and I wish to refer to the lack of initiative which has been displayed principally by the Minister for Mines in regard to the Mines Department and the development of further mining in Western Australia.

Recently I asked the Minister for Mines a question about the backlog of applications for mining tenements with the Mines Department. We were told that when the Tonkin Administration took office, there was a backlog of 60 133 mining tenement applications. I will be quite fair and say that of course this figure reflects the mining boom. At the end of the Tonkin Administration—March, 1974; a three-year period—the backlog was just over 6 000 applications.

I asked a further question about the backlog of applications with the Mines Department for mining tenements at the present time, and the answer was 5 259 applications. Here we have the situation where the Tonkin Administration reduced the backlog from 60 000 to 6 000 in a matter of three years, but the present Government—under a Minister for Mines who saw fit to leave the Mines Department to go to an office in the Superannuation Building so that he could be near the Premier, the real Minister for Mines—has reduced the backlog by just 1 000 applications in a matter of 18 months. The Minister for Mines should supervise the Mines

Department. This is the current situation, and it is about time the Minister did something about it instead of standing up to talk about mineral sands of which he has no knowledge.

In my possession I have proof of my statements, and this can be given at a later date. I did not realise that the member for Vasse intended to bring this matter forward now.

Another matter concerning us is the allocation of temporary reserves. When the ban was lifted in 1972, we arranged for the setting up of a committee to look at the matter in toto so we could organise applications for temporary reserves to provide for the orderly development in this particular area.

As a consequence we made available approximately 16 temporary reserves to companies which were able to develop them. In the case of the Marandoo project, we have seen a letter of intent. Whether it is a letter of intent or a letter of interest, I am not certain. It seems to be a matter of conjecture on the part of the Premier that it is a letter of interest. I am sure members will realise that if the present Premier, when he was the Minister for Industrial Development, had received the letter that Hancock and Wright received he would have held an immediate Press conference to inform everyone, "We have faith in Japan, here we have a letter of intent."

I know the integrity of the Japanese businessmen because I have dealt with them for a long while, just as the Premier has done. These people do not issue a letter of intent out of hand; they ensure that anything put down on paper is right and proper. It is no good the Premier saying the Marandoo show is just a pie-in-the-sky affair. He does not want the project to get off the ground because he does not like Hancock and Wright. He is now going around telling everyone that we will have the Deepdale project getting off the ground. We have to face facts. The project at Marandoo is a goer, and we allocated temporary reserves to it, in addition to Cleveland Cliffs, Goldsworthy Mining, etc.

This has been the pattern since the present Government took office. It has received 103 applications for iron ore temporary reserves, and not one application has been granted for the extension and development of iron ore areas.

The excuse given by the Minister is that the Government is looking at the overall problem. The situation in Western Australia is that geologists and other mining people are out of work, and yet the present Government talks about not granting temporary reserves to these companies because it is looking at the overall situation.

The Government is looking at the overall situation, because we know it had a meeting today with representatives of BHP about the proposed Jumbo steelworks. I will bet members anything they like that one of the matters discussed was the possibility of allocating further temporary reserves to BHP. I am quite certain this matter was on the agenda today. It is actions of this nature that we on this side of the House feel very upset about.

When the present Minister for Labour and Industry was in Opposition he criticised the Tonkin Government for allocating temporary reserves to Newmont Pty. Ltd. On page 4588 of *Hansard* of 1973, the present Minister for Labour and Industry had this to say—

Newmont Pty. Ltd. is one of the biggest companies in the world. It is not interested in the small mining ventures in Western Australia; . . .

What does the present Minister for Mines have to say? He said that this is a significant project.

THE SPEAKER: The member has three minutes.

MR MAY: This will be the State's first new goldmine of any size to be developed for more than 25 years. The Minister for Labour and Industry criticised the Tonkin Government because we allowed temporary reserves to be granted to Newmont Pty. Ltd. for the purpose of exploring this very remote area, when very few other applications had been received for it. Then the present Minister for Mines lauds the fact that a new project will get off the ground, and that it is the first project for a period of 25 years. This is the sort of duplicity that is going on. Again I say: let those without sin cast the first stone.

The State Government has the temerity to criticise the Australian Government for what it says is a lack of assistance to the mining industry in this State, but State Government Ministers do not get off their tails themselves to help the industry.

Certain things were said about this Government last night by Opposition members—believe me, I would have liked to say something myself, but I thought I might lose a day's pay! I know now that this is not so, and had I known it then, I might have stood up to say a few words about what the present Government is doing to this State.

The State Government should be indicted for its lack of action, and for the fact that the Minister for Mines has not got his finger on the pulse of the industry. He does not know what is going on. Under the Tonkin Administration, the Mines Department brought down the backlog of applications for temporary reserves from 60 000 to 6 000 in three years. In answer to a question without notice today, the Minister for Mines said that the Mines

Department has received about 8 000 mining applications in the past 18 months. That amounts to about 129 mining applications a week or 20 per day. Then in answer to a question the other night, the Minister for Works, on behalf of the Minister for Mines, said that applications had to be referred to the Environmental Protection Authority, the water supply department, etc. The same factors operated during our term of office, and yet we were able to reduce the backlog of applications from 60 000 to 6 000.

I reiterate that the Minister for Mines should be supervising the work of the Mines Department rather than sitting in an office at the Department of Industrial Development, so that the Premier can look after him. It is my guess that the majority of temporary reserve applications are on the desk of the Premier, and he has not had time to look at them in order to give the Minister for Mines an idea of when they will be approved.

That is the situation at the present time. We have 103 applications for iron ore temporary reserves in Western Australia, and not one has been allocated by the present Government.

MR MENSAROS (Floreat—Minister for Mines) [5.29 p.m.]: I listened to the speech of the honourable member very quietly and with greater politeness than the member for Clontarf ever affords me. The honourable member was playing with words, and quite frankly, I could not understand what he meant.

Mr May: That is for sure.

Mr MENSAROS: I notice that he will not listen to me quietly and politely, because he is unable to do so. I did not interject once.

Mr May: You couldn't!

Mr MENSAROS: The very fact that there was a mining boom and an unprecedented number of mining applications is known to everyone. The fact that the mining boom receded and the Mines Department has slowly caught up with the backlog of applications is known also to everybody. Nobody wants to make political capital or blame anyone as a result of this situation.

When we were in Opposition we did not say it was the fault of the then Government, nor did previous Oppositions accuse the Brand Government of being at fault because it could not process more applications.

The applications are processed in the normal manner. However, they are harder to deal with today. It takes a longer time to process them than it did some years ago because, as the member for Clontarf mentioned, more authorities must be consulted.

Mr May: We had the same situation.

Mr MENSAROS: The previous Government had this delay mainly with those applications which were outstanding during the latter part of its term.

Other members of the House occasionally complain about these matters. The member for Geraldton did not understand aspects of the mineral sands agreements; he queried the difference between having and not having environmental clauses in an agreement. Such conditions with mining tenements have been introduced only recently, and it takes somewhat longer to process an application as a result.

The member for Clontarf referred to my office. It is irrelevant where a Minister conducts his business when he is responsible for three departments—previously, I was responsible for four—and I strongly reject the implication of his comments. I do not know the purpose of his remark, except to try to denigrate the Premier, which is the constant purpose of the Opposition because it cannot fight him in other ways.

As the member for Clontarf knows, the Premier must be involved with files which go to Executive Council. No other files are with the Premier. Apparently the member is proud that he has access to internal information. I would not be proud to make such a claim. But in this case, his informant is absolutely wrong.

Mr May: The informant was you. You told me it was on the Premier's desk.

Mr MENSAROS: I told the honourable member?

Mr May: Yes, you told me! You told me that certain applications were on the Premier's desk.

Mr MENSAROS: Those which go to the Executive Council.

Mr May: But it has not gone to Executive Council; none of the iron ore projects have gone to Executive Council because they have not yet been approved.

Mr MENSAROS: The member for Clontarf knows he is only playing with words. To return to the subject of temporary reserves, the member for Clontarf conveniently failed to differentiate between iron ore and other temporary reserves when referring to the question of Newmont, which as he very well knows is not an iron ore temporary reserve.

It is a fact that during the term of our Government we have not allocated a single iron ore reserve.

Mr J. T. Tonkin: You ought to be ashamed to admit it, after 18 months in office!

Mr May: And with the same officers.

Mr MENSAROS: I make two points in relation to this matter: Firstly, the so-called jumbo steel plant has an important bearing on this issue of temporary reserves. I could not understand why the member for Clontarf complained that BHP might

be allocated more temporary reserves; nor could I understand his remarks in relation to Marandoo, because the Premier has never said he is against development in this or any other area.

If the member for Clontarf understood the legal meaning of the document to which he referred he would see that, despite its title, it is not a real letter of intent. It does not discuss quantities or delivery times. Why is the member for Clontarf suddenly so much against a company with which he served and from which he recently took a young lady as his secretary?

Mr May: Why don't you get your facts right? I never served with BHP.

Mr MENSAROS: I did not say BHP. However we all want mining projects to go ahead.

Mr Davies: Then why don't you do something about them?

Mr MENSAROS: There has been a great deal of argument as to the interpretation of this letter. I agree that it is not a letter of intent; no banker would lend anyone a single penny on the strength of this letter. However, if members opposite believe it is a letter of intent, that is their prerogative.

To return to the subject of iron ore temporary reserves, I have already explained the reason for not allocating them. It is necessary first to assess the requirements from the 1980s onwards of our main customer, the Japanese steel industry; in addition, we must establish the requirements of the consortium planning the jumbo steel project. Obviously, this project will use iron ore, because that is one of the advantages of establishing the industry in Western Australia.

The member for Clontarf has not said he is against the eventual establishment in Western Australia of such an industry. I know the member for Clontarf has no complaint in this direction.

Mr May: Have you received any deputations from large companies recently?

Mr MENSAROS: I had a talk with all four companies involved in the ongoing projects about a week ago and I asked them whether they were being hindered in their exploration programmes, and they all answered that they were not.

Mr May: But have you received any deputations recently from the large companies?

Mr MENSAROS: No; apart from the discussions to which I have just referred, and which I have initiated, I have not received any deputations.

CHILD CARE INSTITUTIONS

Financial Assistance: Grievance

DR DADOUR (Subiaco) [5.36 p.m.]: I wish to bring to the notice of the Parliament a sorry state of affairs which exists

at the moment in the welfare field. I refer to the voluntary religious residential child-care institutions, such as the Salvation Army Boys' Home, Parkerville, and the Presbyterian, Methodist and Roman Catholic homes, to name a few. The Roman Catholic homes include the Catherine McAuley Centre in my electorate, the Home of the Good Shepherd, the Clontarf Boys' Town and the Castledare Boys' Home.

This sorry state of affairs is due not only to our Government but also to past Governments where our contributions to these institutions looking after children have been always ridiculously small. Of course, inflation has made their problem even greater. I have been badgering and pushing my Government in relation to this matter; in fact, I have a file which is ever thicker than my brothel file!

Mr Davies: Have you had any more luck?

Dr DADOUR: These institutions are chronically short of money to enable them to carry out their charitable work. Not only are they unable to meet their running expenses; they also cannot carry out repairs and renovations to their premises or establish other needed facilities.

Already, the running costs of the Catherine McAuley Centre in my electorate are being supplemented by the age pensions received by the elderly nuns living in retirement there; in that way, they are able to purchase the children's food.

What type of children gravitate to these institutions? Of course, they are orphans; these establishments used to be called orphanages. Most precipitate there as a result of broken marriages. Physically, these children appear quite normal but mentally they have suffered great trauma, stress and strain. Many, of course, have been unable to be fostered out into homes not once, twice, but several times and as a result they gravitate to these institutions. It is only the loving care, devotion and expertise of the people running these centres which provide the children with a chance to become normal citizens of the future.

Surely there is no area of greater need than that these children should become good citizens. How much does this State provide in the way of subsidies? For a pre-high school child, the State provides \$12.50 a week, plus \$1 a week from the Lotteries Commission; for a State ward attending high school we provide \$15 a week, plus \$1 a week from the Lotteries Commission.

The majority of other children in the home—generally about 50 per cent of them—receive no financial help at all. Parents who foster children may receive up to a maximum of \$10 a week in fostering assistance; however, it must be realised that they may receive any part of \$10 and more

often than not receive nothing at all. So, 50 per cent of these children receive virtually no help from the State.

As a contrast, Victoria provides \$48 a week for State wards and \$24 a week for non-State wards, across the board, with no discrimination. Why can Victoria provide such assistance while Western Australia cannot? I believe that two factors are involved: Firstly, an X number of dollars is available for health and welfare, and if health takes too much, welfare suffers. I will not enlarge on this aspect of the problem, which includes the wasteful level of duplication, and so on.

The SPEAKER: The honourable member has four minutes remaining.

Dr DADOUR: Thank you, Mr Speaker. Secondly, Government welfare institutions receive the lion's share of funds. While we give \$12.50 a week to subsidise a State ward in an institution, it costs almost \$200 a week to keep that child in a Government institution.

I direct my remarks to the Treasurer and to each Government Minister. The Budget is on the way, and I feel this matter weighs on all their shoulders. I agree that this is an emotional subject but it is also an area of special need. It is no good conducting a departmental investigation; that would be a waste of time. I have seen the results of such investigations before.

I advocate greatly increased financial subsidies for State and non-State wards. In addition, money should be provided to enable these institutions not only to retain what they already have but also to plan in terms of expansion. By helping them, really, we are helping ourselves because if we do not assist the institutions, they will be swallowed up by the Government welfare services and it will cost \$200 a week to support each child.

The Commonwealth Government has refused to come to the party. It takes the attitude that this matter is a State responsibility, so aid from that quarter is out of the question. I impress upon members of the Cabinet not to hide from this issue when drafting the Budget, because it is a matter of great urgency. The Budget should contain an interim measure providing for an increase in subsidy to \$26 a week, across the board. In addition, we must establish an independent committee of inquiry to ascertain the future needs of these institutions.

The SPEAKER: The honourable member has one minute remaining.

Dr DADOUR: The provision of \$60 000 to the Castledare Boys' Home will be of benefit only if it is followed by the sorts of measures I have outlined. I give the Government a warning that if help is not forthcoming in the near future, these institutions will be forced to close their doors

to these children. What will happen then? The children will become the responsibility of the State and it will cost \$200 a week to maintain them in a Government institution. Thus, it can be seen that by helping these people we are helping ourselves and in the process, achieving good Government.

SIR CHARLES COURT (Nedlands—Treasurer) [5.44 p.m.]: I assure the member for Subiaco that, as has already been indicated to the various bodies and members concerned, the entire question is receiving consideration not only in the framing of the Budget but also on a broader basis. I understand the problem stems from the fact that the Commonwealth will not provide assistance for these children because they are institutionalised. I find this attitude hard to follow and I have asked the Minister concerned to examine the situation because it may be that if we adopt a different approach to the matter, these children might qualify for assistance additional to that already being provided by the State.

However, the State is doing its best to cope with the position. We have already provided some relief, without waiting for the Budget to be brought down. We are not without sympathy for the children concerned, because it appears to me from a study I have made of the matter that the problems of some of the organisations assisting these children stem back over a considerable number of years.

Many of these people have worked extremely hard, have endeavoured to be self-reliant, and have had a degree of pride in their self-help approach. They have had assistance of an *ad hoc* nature from several quarters. With rising costs being as they are, these people are now finding themselves in circumstances they cannot overcome.

We notice this in the case of all institutions of a voluntary nature. We are having to put in more and more money, because the sources from which they have been receiving voluntary help are not expanding at the same rate as costs have risen. Most of them are subject to the effects of inflation in terms of wages and other costs.

It is paradoxical that at a time when they need greater help from the voluntary sources, the people who have given generously are not now in a position to give more in terms of dollars, which in practical effect means the real value of the money they now give is less than the money they gave a year or two ago.

I can assure the honourable member that the representations made by him, by other members, by institutions, and by some churches have been receiving active consideration. I am hoping we will be able to provide some relief in the forthcoming Budget, but I am not prepared to forecast what the extent of the help will be.

The **SPEAKER**: The grievances are noted.

BILLS (2): INTRODUCTION AND FIRST READING

1. Road Traffic Act Amendment Bill.

Bill introduced, on motion by Mr O'Neil (Minister for Works), and read a first time.

2. Workers' Compensation Act Amendment Bill.

Bill introduced, on motion by Mr Grayden (Minister for Labour and Industry), and read a first time.

ORDER OF THE DAY No. 1

Postponement

MR J. T. TONKIN (Melville—Leader of the Opposition) [5.49 p.m.]: I move—

That Order of the Day No. 1 be postponed until after consideration of Notice of Motion No. 3.

Question put and passed.

PROSECUTION OF BAYMIS UGLE

Inquiry by Select Committee: Motion

MR B. T. BURKE (Balga) [5.50 p.m.]: I move—

That a Select Committee of inquiry be set up forthwith to inquire into and report on all aspects and circumstances surrounding and touching on the arrest and trial of Baymis Ugle at Narrogin during August and October of 1974.

That the inquiry be instructed to pay specific attention to allegations that:

- (1) Certain police officers perjured their evidence during the trial of Baymis Ugle.
- (2) That subsequent police investigations into the trial were superficial and prejudiced.
- (3) That one or more police officers lied to those officers instructed to carry out subsequent investigations.
- (4) That the subsequent police inquiries, instead of uncovering the truth, failed to discover vital evidence then available and resulted only in the victimisation of an innocent officer.

Firstly, I would like to thank the Premier for his co-operation to enable me to move this motion before the consideration of Order of the Day No. 1, and to say to the House that in the two years I have been here I have, perhaps, stamped myself as one of the most political members of this place. That is not something for which I am now apologising, but it does cause

me some trepidation that in certain circumstances, such as the present circumstances, when in my opinion a matter of incredible importance is to be discussed, debated, and voted upon, some members might assign to it less importance than might be warranted, because the member moving the motion has, by his past actions, stamped himself as one possessing a very political bent.

As I have said, I do not apologise for that, but I do ask each and every member to consider the evidence I will place before the House and to make up his or her mind on these matters. If a member becomes convinced, as I have been convinced, that there have been very disturbing and serious irregularities in the investigations surrounding the arrest and trial of Baymis Ugle, then I would urge the member so convinced to support any attempt that might be made to right the situation.

Prior to rising to my feet I spoke to the Minister acting for the Minister for Police, and I informed him that this motion was the result of my application to the Labor Caucus that such a motion be moved. I said to the Minister acting for the Minister for Police that if the Government becomes convinced there is a situation that needs to be righted and decides to take appropriate action, then he has my assurance that I will return to the Caucus of my party and seek permission to withdraw the motion, upon the Minister undertaking that appropriate action will be taken.

On the 8th September I wrote the following letter to the Premier—

Dear Sir,

I wish to draw to your attention a very disturbing situation involving allegations of police perjury.

The alleged perjury occurred during a case heard last year and the allegations have been made and supported by several different people.

In addition, it is alleged there were irregularities in the police investigations into the alleged perjury. I believe the Minister for Police has knowledge of the case.

I intend to seek the Speaker's permission to raise this matter by way of urgency motion on Tuesday, September 9th and am informing you now because I know your Minister for Police is soon to leave W.A. on a trip overseas.

In reply the Premier sent the following letter, also dated the 8th September—

Dear Sir,

Your 8th September letter is acknowledged.

From what you set out in your letter, and from what I assume is the case to which you refer, I could not agree that there is a case for the matter to be raised by way of an urgency motion today.

No doubt you have the Speaker's decision on this matter.

In any case, I do not think the presence or absence of the Minister for Police is pertinent as the portfolio is administered by an Acting Minister in the absence of the Minister who normally holds the portfolio for Police.

In this case it will be the Deputy Premier and Minister for Works, Water Supplies, and the North West, Hon. Des O'Neil, M.L.A.

You, of course, have the right to give Notice of a Motion which may be moved on the first day when Private Members' business has precedence over Government business.

However, I would have thought in a case such as this you would have been well advised to discuss the matter on a confidential basis with the Minister and obtain from him such explanations as he was able to give, as it could be that such explanations would be adequate and would satisfy you that all necessary official action that could, and should be taken had, in fact, been taken.

In view of this, you will appreciate it is only right and proper that I acquaint the Minister for Police and the Minister who will be acting during his absence, with the content of your letter, and of my reply.

The course you follow is essentially one for your own decision, but my advice, for what it is worth, would be to seek an early discussion with the Acting Minister.

On the same day, the 8th September, I sent the following letter to you, Mr Speaker—

Mr Speaker,

A matter of the greatest urgency has arisen which requires the immediate attention of the Parliament. It concerns allegations supported by statutory declarations of police perjury.

The alleged perjury occurred during a case heard last year and the allegations have been made by several people including a member of the Judiciary and several serving policemen.

I should appreciate it if you would permit me to move the adjournment of the House under Standing Order 48.

At 3.00 p.m. on that day you, Mr Speaker, informed me that the Government had told you the Minister for Police would not be remaining in Western Australia and would be undertaking his tour overseas as scheduled. With those very good reasons in mind you, in my opinion quite rightly, ruled that the urgency of the motion had receded.

The SPEAKER: The member will resume his seat. He saw me earlier than 3.00 p.m. on the 8th September, in company with the Leader of the Opposition. At that stage I informed him and the Leader of the Opposition that I thought there was no urgency to introduce this motion; however, I said I would facilitate it if it were necessary.

Mr B. T. BURKE: Thank you, Mr Speaker. The only urgency attached to the situation at the time was the presence of the Minister for Police, but as he has decided to maintain his scheduled plans the urgency has receded.

Before any member raises the question as to why I am bringing this matter forward, and whether this is coincidental with the Minister's recent departure from the State, let me give the following information to the House.

In no way am I impinging on the honesty of the Minister; and in no way am I saying he has done things that are considered to be culpable or suspicious by reasonable people. What I do say is that he has been involved in this case, and I will outline to the House his involvement. It will be up to the House to consider and decide the seriousness of that involvement, and the nature of the circumstances to which such involvement could lead.

Prior to outlining in brief the situation, I want to point out that today I received the following telegram—

I consent to the file of my activities and involvement in the charge of drunkenness laid in August 1974 against me being produced and used in Parliament.

Baymis Ugle.

I did not ask the Minister acting for the Minister for Police to table the file when questions without notice were being asked today, because I feared that had I done so it might have had some political connotation.

I understand the Government's reluctance in previous cases to table files of this nature stems from the fact that those involved did not deserve to be exhibited in such a public manner. However, the man involved in this case has said he is quite happy for the file to be tabled. Of course, I would be grateful if the Minister acting for the Minister for Police would, in fact, table that file.

At Narrogin in August, 1974, Baymis Ugle was arrested and charged with being drunk in a public place, and with habitual drunkenness. Three police officers—namely, Sergeant N. Taylor, Constable W. Pense, and Constable I. Beard—were at the Narrogin Police Station, and they responded to a call about an assault which was occurring in a street in Narrogin.

These three police officers went to that street, and when they arrived they saw Baymis Ugle. An independent witness was there—a Narrogin plumber, named Keith

Ruttley. Subsequent evidence in court showed that Baymis Ugle was assisting Ruttley to load his plumber's van following his completion of a task he had been employed to carry out.

Ugle was arrested. I will say nothing now about the circumstances of that arrest, because the circumstances are open to conflict at a later stage. It is sufficient to say Ugle was arrested and was transported to the Narrogin Police Station.

At this time stationed at Narrogin Police Station was one, Sergeant Fanderlinden. He states that Constable Beard told him on the day Ugle was arrested that Ugle was not drunk. Sergeant Fanderlinden states that Constable Beard told him that Ugle had been charged with the drinking offences only because he could not be "fitted" with an assault charge about which he had been questioned. I would remind the House that the assault charge arose from the complaint made to the police about an incident at Narrogin.

Sergeant Fanderlinden further states that he took Constable Beard into the office of the officer in charge of that station, Sergeant James, where Constable Beard told Sergeant James what he had previously told him—Sergeant Fanderlinden. Sergeant Fanderlinden states that Sergeant James was very critical of Sergeant Taylor after he had heard Constable Beard make his claim about the situation when Ugle was arrested.

I have simply said what Sergeant Fanderlinden has stated. At this stage there is no supporting evidence; that will be presented later and will prove that Ugle was not drunk when arrested and was charged because further questioning failed to produce evidence of assault that would withstand cross-examination.

In any event, Baymis Ugle appeared in court the next day—he pleaded not guilty, and was remanded. Subsequently, Sergeant Taylor and Constable Pense gave evidence against Ugle. Keith Ruttley, the plumber, gave evidence for Ugle and corroborated Ugle's own testimony.

The charge of being drunk in a public place was dismissed, and the habitual drunkenness charge was withdrawn on application of the police. Costs amounting to \$70 were awarded to Ugle.

Mr Hartrey: Was Ugle represented by counsel?

Mr B. T. BURKE: Ugle was represented by counsel from the Aboriginal Legal Service. The first investigation into the circumstances of the Ugle incident was as a result of Magistrate Burton referring the papers to the Minister for Justice for an investigation into allegations of possible police perjury. The notes of evidence, which I will make available later, surely show that there were ample grounds for Magistrate Burton to worry about the contradictory evidence, and refer the papers to the Minister for Justice.

As a result, Detective Sergeant Lee Walker was instructed to investigate the matter. He was assisted by Inspector Wright, who was then the relieving inspector in charge at Narrogin. Detective Sergeant Lee Walker was attached to the Perth CIB. He submitted his report at the end of 1974. The report, in part—

1. Exonerated Sergeant Taylor and Constable Pense of any allegation of perjury; and
2. Stated that "He (the magistrate) is completely satisfied now that Ugle was drunk on the day he was arrested".

That is an extract from a Police Department file dated the 23rd December, 1974.

So Detective Sergeant Walker claimed that the magistrate was satisfied that Ugle was drunk. The absolute falseness of the claim is evidenced by the fact that within a few weeks Magistrate Burton had waited upon the Minister for Police (the Hon. R. J. O'Connor) and had told him he was not satisfied with the result of the investigation carried out by Detective Sergeant Walker and that he wanted a further investigation.

I have evidence which will support Magistrate Burton's contention. He had every right to be very disturbed. The magistrate has been quoted as saying he was completely satisfied that Ugle was drunk.

The second and more senior inquiry was conducted by Superintendent H. L. Taylor. His report also included statements by Sergeant Taylor, who was the senior officer present at the time of Ugle's arrest, and Constable Pense. Constable Beard said he believed Ugle was drunk when arrested, but made no mention of saying anything about the case to Sergeant Fanderlinden and Sergeant James. Sergeant Taylor and Constable Pense repeated their court evidence and maintained that their submissions were true.

At this stage, of course, Sergeant Fanderlinden had no knowledge that an inquiry was proceeding. He had no knowledge that the matter which was brought to him by Constable Beard had been referred by the magistrate to the Crown Law Department or the Minister for Police for investigation.

Walker's report of his inquiry also included an interview with witness Ruttley who maintained that the evidence he gave in court was the truth, and that he could not understand how the police witnesses said what they did. Walker also included in his report a very brief statement by Sergeant Fanderlinden to Inspector Wright in which Sergeant Fanderlinden states Ugle was not refused bail. Ugle claimed in court that he had been refused bail. Inspector Wright, who was assisting Detective Sergeant Walker, went to Fanderlinden who was the senior officer of the

station during the afternoon and evening and asked whether Ugle had been refused bail. Sergeant Fanderlinden stated that he repeatedly offered to make a full statement of everything he knew about the Ugle case, but that Inspector Wright said several times that he wanted only a statement about bail not being refused.

So, Sergeant Fanderlinden offered to tell what happened in full detail to Inspector Wright who was helping to carry out the investigation. However, Inspector Wright said that he only wanted to hear that bail had not been refused.

I would state here that Detective Sergeant Walker's report included statements that Ugle and Ruttley gave their evidence in a straightforward fashion, but that the police witnesses had performed very badly.

These are my notes, and the brief details of the whole situation. Later I hope to go through and quote all the supporting evidence from the supporting statements. I am aware that by reading from the file I am open to a request to table it. When talking to the Acting Minister for Police I assured him he could have access to the file as soon as I finished my speech. I told him I would be pleased to go through the file with him and explain any points necessary, when it was convenient to him and to me.

In the interim, soon after the first inquiry and after he had been interviewed by Detective Sergeant Walker, witness Ruttley complained to Magistrate Burton that the detective had intimidated him. In fact, it was at 7.30 a.m. the next day. He claimed he had been intimidated in an effort to get him to change his court evidence.

By this time Magistrate Burton had already heard rumours that Ugle was sober when arrested, and had been charged with the drinking offence only because he could not be "fitted" with an assault charge.

Mr Hartrey: There was also sworn testimony.

Mr B. T. BURKE: Of course. After hearing sworn testimony in court Magistrate Burton took what he considered to be appropriate action and referred the papers covering the police officers who were involved, and the sworn evidence, to the Crown Law Department because he had the feeling that perhaps all was not well.

Mr Burton set out the full details of his concern in a letter to the member for Narrogin (the Hon. P. V. Jones). I hasten to say at this stage that, firstly, the letter was not sent and I will explain why a little later. Secondly, Magistrate Burton has at no time received from the member for Narrogin anything but fair treatment and complete co-operation. In fact, it was the member for Narrogin who ultimately helped to go one better and arranged for the magistrate to spend about an hour with the Minister in order to discuss the matter.

So, there is no criticism of the member for Narrogin. It so happened that when he heard the complaint, and the reason for the magistrate being so worried, he said that rather than post the letter he would arrange for the magistrate to speak to the Minister.

The Minister for Police (the Hon. R. J. O'Connor) visited Narrogin on the 20th and 21st February this year in connection with the Road Traffic Patrol. On that occasion the magistrate had an opportunity to speak to the Minister who promised to look into the matter.

Shortly before this occurred Sergeant Fanderlinden, still operating in parallel to this situation and with no knowledge of what was happening, was transferred back to Perth. Prior to being transferred Magistrate Burton wrote to the Minister commending Sergeant Fanderlinden for the work he had carried out. In the meantime Sergeant Fanderlinden had spent some time in Boddington doing relief work and that is why he was out of the mainstream. As I said, Magistrate Burton told the Minister for Police that Sergeant Fanderlinden was to be commended, and was an excellent officer.

The letter to which I have referred will be quoted later. When I returned to Perth the Minister said that the Ugle case would be investigated. The letter from the Minister in reply to Magistrate Burton's commendation of Sgt. Fanderlinden had a footnote stating—

I've made inquiries and it would appear it's correct (your view).

The context in which that footnote was written was that in which the magistrate had spent an hour with the Minister for Police outlining the disturbing matter.

A second inquiry was conducted by Superintendent Taylor who is now Assistant Commissioner (Crime). Indications are that the inquiry was completed in late June or early July—I cannot be specific. Superintendent Taylor's report—

- (1) Again exonerated Sergeant Taylor and Constable Pense.
- (2) Said that Constable Beard (who had now joined the Australian Police Force) restated his belief that Ugle was drunk when arrested.
- (3) Included a statement by Sergeant James who denied that Sergeant Fanderlinden and Constable Beard had come to see him on the day Ugle was arrested.
- (4) Included a report submitted by Sergeant Fanderlinden after he had been interviewed by Superintendent Taylor, Mr Leitch, and Mr Strachan.

Mr Leitch is now the Commissioner of Police. This report set out in full the knowledge Sergeant Fanderlinden had of the Ugle case.

There are strange aspects of the interview which when later highlighted will raise several questions regarding the involvement of very senior police officers. A conclusion reached by Superintendent Taylor was that Sergeant Fanderlinden was highly imaginative and probably imagined that Constable Beard had come to see him.

Mr Davies: These things have happened often.

Mr B. T. BURKE: I make no comment except to say I have extracts from the Police Department file to show this was stated. A second conclusion reached by Superintendent Taylor was that Sergeant Fanderlinden should be charged with making a false report. That would be the logical thing to do if the situation uncovered by Superintendent Taylor was true.

Before continuing let me say that Sergeant Fanderlinden has since been promoted to prosecutor in the Traffic Court. It is very strange that a man who is highly imaginative, and who imagines all sorts of things, and who should be charged with making a false report, is promoted to the plum job of prosecutor in the Traffic Court.

Sitting suspended from 6.15 to 7.30 p.m.

Mr B. T. BURKE: Prior to the tea suspension I described how the second inquiry, which was a top-level inquiry into the Ugle incident, had concluded. The report states firstly that Sergeant Fanderlinden was highly imaginative and had probably imagined that Constable Beard had come to see him to report the irregularities. The second conclusion from the report of the second inquiry stated that Sergeant Fanderlinden should be charged with making a false report.

Sergeant Fanderlinden was shown the Police Department's file on the Ugle case and when he was shown the conclusions that Superintendent Taylor had reached he was quite rightly and understandably perturbed.

In a series of memos which I will read to the House later, Sergeant Fanderlinden requested he be informed of his position. He was then told that he would not be charged or reprimanded but that the papers concerning the matter would be attached to his personal file. Quite clearly, if as the department said the papers were to be attached to his file, that could effectively end the career of this sergeant in the Police Force.

Accordingly Sergeant Fanderlinden set out to collect the evidence he thought necessary to clear himself. He first obtained a statutory declaration from a sergeant to whom Constable Beard had also reported irregularities about the Ugle incident. Next he obtained a statutory declaration from a constable to whom Constable Beard had also reported the irregularities, and he further

obtained a third declaration from a constable which again stated that Constable Beard had reported irregularities in the arrest of Baymis Ugle. He obtained the record of another interview with a constable which also supported the claim that Beard had said to many people that Ugle was not drunk when he was charged. Beard had told him that Ugle was charged with the drinking offence only after he could not be "fitted" with an assault charge. A statement by Sergeant Fanderlinden says, notwithstanding Beard's denials—

- (a) Beard told him Ugle was not drunk on the day he was arrested.
- (b) Beard told him that Ugle was charged with the drinking offences only after he could not be fitted with an assault charge.
- (c) Beard accompanied him into Sgt. James' office where he repeated the preceding statements and that James was very critical of Sgt. Taylor after listening to Const. Beard.
- (d) Later, after Beard had told the investigating officer, Detective Walker that Ugle was drunk when arrested. Beard had told him (Fanderlinden) that the Department was protecting Sgt. Taylor and Const. Pense and that he had no option but to go along.
- (e) It was common knowledge in Narrogin police circles that there was something wrong with the Ugle charges.

At this stage I do not intend to deal with the conclusion that I have reached with regard to the evidence but rather to go on to read to the House and illustrate the basis for the contention that there is something seriously amiss. Firstly, complaint warrants against Baymis Ugle were sworn out by Mervin William Taylor. They are both on the file which I intend to make available to the Government.

The second thing on the file is the notes of evidence compiled by the magistrate prior to his making a determination of the case. I am in no position as a lay person to be able to say that someone had committed perjury on the basis of these notes, but I can say that evidence given by the different witnesses and recorded by the magistrate as part of the process by which he reached his determination showed some very strange things.

For example, during Sergeant Taylor's evidence he said, "On arrival I found the defendant in court and he was leaning on a front fence post." The subsequent inquiries by the Police Department have shown there was no front fence post; in fact there was no front fence to the house where they arrested Ugle. Sergeant Mervin Taylor said, "I informed him he was under arrest for drunkenness and then I told Beard to look after him while we carried

on the complaint that we had come to investigate." Within the space of less than one minute the police witness had contradicted himself. Taylor further said, "I had hold of him all the time from the post to the van." In fact he had contradicted himself in the space of three sentences. Firstly he told the court he had handed Ugle over to Beard; he then told the court he had hold of Ugle all the time from the time he was arrested to the time he was put into the van. Referring to Ugle, Sergeant Taylor says he was not questioned at all about the Baggs assault until the next day. When Constable Pense gave evidence he said, "The defendant was being questioned about another incident but this was not in my presence."

That does not prove that Ugle was questioned about assault, but it does prove he was questioned about something. Pense said he observed Ugle standing holding onto a post situated between the two houses, not in front of the house as Taylor had said.

It is important to realise that if there is no evidence at all that Ugle was wanted in connection with any assault the statement that the police officers had arrested him on a drunkenness charge is more credible; but suspicions are aroused if, in fact, there was a charge of assault and the inquiries failed to produce sufficient evidence for him to be charged. In his evidence Constable Pense said—

I knew we were looking for a person like him in relation to the Baggs assault but the investigation was not till next morning.

Going forward in time a little I would point out that an extract of the Police Department file strangely enough says that the file on the assault charge has gone missing; and the police are unable to locate this very vital evidence.

There is an interesting comment in the notes of evidence regarding Sergeant Wells who prosecuted the case against Ugle which states that he—Sergeant Wells—addressed and said that in the event of this evidence of Mr Ruttlely who was a plumber he did not wish to say anything.

So it became obvious that the prosecuting sergeant was not convinced he could win the case, because Sergeant Wells addressed and said that in the event of this evidence of Mr Ruttlely's he did not wish to say anything.

Mr Coyne: What was Sergeant Wells' initial?

Mr B. T. BURKE: His initial is "I". I would like to mention that during the tea suspension a member asked me to clarify a point. If anybody has anything he does not understand—and this matter is fairly involved—and he lets me know I will do my best to inform him. In making his decision the magistrate said—

What I have to decide is whether the defendant on this occasion was drunk within the meaning of Norman-dale v. Rankin (1972) 4 S.A.S.R. 205.

He then quotes an opinion in that case and says—

Applying that test I find that there is no proof beyond a reasonable doubt, that the defendant was drunk. In fact it would appear that the defendant didn't do what the two officers said he did.

In this case I have no reason whatsoever to disbelieve Mr. Ruttlely.

Therefore the charge will be dismissed and I order costs in the sum of \$70.00 against the complainant.

Habitual drunkenness, charge 420/74.

Application was made by the prosecutor to withdraw the charge on the basis that it is usually laid with a drunk charge.

This was done even though the defendant would have three in the previous 12 months.

This application was granted and consented to by defence.

We come now to the part of the evidence which indicates there is an incredibly serious irregularity in this whole affair; something with which we as members of Parliament should be vitally concerned and something about which any Government should take prompt and decisive action.

Magistrate Burton who heard the charges against Ugle was unhappy about the nature and the disparity in the evidence and he wrote a letter, as I indicated before, to his local member setting out what he thought of the trial, the arrest, and the first inquiry. The third paragraph reads as follows—

I was concerned because Ruttlely had come to see me that morning and complained of the manner he was interviewed by the investigating officer, Walker, who had with him Inspector Wright who was relieving Inspector at Narrogin. Without that complaint to me I would have let the matter die and nothing further would have happened.

The whole investigation for perjury which this concerns arose out of what could only be described as a "two bob" offence of being drunk in a public place. In my opinion if anybody had given perjured evidence and that person had been other than a policeman the police would have pursued the matter relentlessly.

Mr Hartrey: That is rather strong stuff about the police which I do not think is altogether justified.

Mr B. T. BURKE: Magistrate Burton's letter continues as follows—

The characters in the drama are first of all one Baymis Ugle who could be only described as one of the flotsam and jetsam of the system and the

other main character one Keith Ruttlely who could best be described as one of the little people of this world being a plumber and not versed in the law and in this particular instance merely an innocent pawn who happened to be available at the time to be called by the defence as a defence witness.

As to the complaint by Ruttlely, I told him of his options namely that he could complain to the Commissioner of Police, in actual fact that should have been the Minister for Police or else forget about the matter.

He said that he'd been working on the particular day before he was interviewed and that a car passed his house so often that his wife had become concerned about the matter and at half past eight in the evening when the car was still going past at intermittent times she had had enough and she went up to the high school where Ruttlely was working and got him to come home. Ruttlely returned home and at that stage Walker attempted to get him to go down to the station to make a statement concerning the evidence he'd given in the proceedings and Ruttlely said that he wouldn't (which is his right) and that he'd said all he wished to say and that it was all correct in the notes of evidence.

In my opinion had Walker approached Ruttlely in a reasonable manner and discussed the matter with him he then would have had the evidence confirming or denying the allegations made. In fact he approached Ruttlely on the basis that he was the villain and the one that had committed perjury.

The magistrate then describes the actual incident which occurred; and, as I have already explained it to the House in some detail I will not weary members with a restatement of the case, except to comment on some of the interpolations that the magistrate made in this letter. He said—

... the evidence before the Court was that if Ugle had even smelt of alcohol Ruttlely wouldn't have given him a lift into town and said that he would give him a lift into town if he put the oxy bottles into the trailer which he did, (because of the weight of oxy acetylene bottles this would seem to me to prove that he was not drunk in the sense meant by being drunk in a public place, that is so drunk that he couldn't properly look after himself ...

The magistrate continues in this letter—

Other information that may interest you is that I heard a rumour after the case was over that Sergeant James would not prosecute this

matter and it was left until there was a relieving Sergeant here and James was on holidays.

Also as a rumour and after the case I heard that the suggestion that Pauric Lane made in the case that they wished to fit Baymis Ugle with the assault on Baggs was true but that it wouldn't work because Baggs had known Ugle for some five years.

What the magistrate was saying was that as Baggs had known Ugle he would not have given a description of Ugle, but would have said to the police, "I have been assaulted by Baymis Ugle." The magistrate continues—

In order to back up Ruttlely's story, Ruttlely informs me that his father was an alcoholic and that would suggest that he knew what a drunk looked like.

Mr Hartrey: Did you say Ruttlely's father was an alcoholic?

Mr B. T. BURKE: That is right. The magistrate continues—

Inspector Wright was present when Ruttlely was being interviewed and according to Ruttlely looked embarrassed about this whole procedure.

Sergeant Wells was the prosecutor and perhaps he didn't address the Court further because in the circumstances he knew he was on a loser.

Here is the really pertinent part. Up to now we have heard only secondhand information that Ruttlely has told the magistrate and the magistrate is now telling a third person. I will substantiate that in a moment with an affidavit from Ruttlely. But now we have a first person description of the dealings Walker had with the magistrate. In this respect the magistrate says—

It is interesting to note that I had two discussions with the investigating officer, Walker, one earlyish in the morning when he came to investigate and one later in the morning and then later on I received a telephone call from him advising me of what had been done. Walker came to me and I in no way sought him out and I feel it's strange that he should have been so attentive to me to see that I had the right story.

On the occasion he first visited me he said that he had been to see the scene and then seen the officers and that he had been through the matter with them and in his opinion the way it had occurred was such and such and outlined to me just what that was and then later in the morning he came back to me to say that he had found an aboriginal woman who had just returned from Perth that day (of the investigation) who had given a statement that agreed with his theories.

He continues on to say that the woman was a nondrinker; and she said she had seen Ugle drinking that day. The magistrate then continues—

I find it strange that an investigating officer, investigating perjury should be quite so attentive on the Magistrate who is involved, I would have expected perhaps to be told out of courtesy by him that he was here to investigate the matter and then later on that he'd made certain recommendations or come to certain conclusions. My suspicion and it is no more than that is that I was kept informed meticulously so that the matter could be explained away in the manner that Walker reached his conclusions.

Mr T. J. Burke: Is this the report in which Walker said there was evidence that the magistrate felt that Ugle was drunk?

Mr B. T. BURKE: That is right; this is a letter written after Walker had made a note on the official file to say that the magistrate was then convinced that Ugle was drunk. Far from the magistrate being convinced that Ugle was drunk, I am reading to the House the thoughts in the mind of the magistrate which he actually committed to paper and gave me permission to read to the Chamber. The final page of the magistrate's letter begins with this paragraph—

Needless to say my concern stems from the fact of Ruttley's evidence and the fact that I believed him implicitly then and continue to do so and when he came to complain to me about the matter I believed his story even more.

A little further on the magistrate says—

When Walker investigated the matter and came to see me I told him of the rumours I'd heard regarding the matter so that he knew what was in my mind at the time.

He concludes his letter by saying—

I hope that this information is of some use to you Peter, and you may put it to whatever use you see fit.

Mr O'Neil: To whom was that letter written? You said it was written to the local member.

Mr B. T. BURKE: It was written to, but not sent to, the local member.

I was conscious of the claims that would be made that I deliberately delayed the release of this information to embarrass the Minister and the Government because the Minister was about to go away. I cannot prove, of course, that I did not do that, but I can say that I knew if the Minister was to stay behind it would add substance or authority to this case, because it would mean the Government viewed it seriously. However, that is not the main reason, and although I cannot prove it, it is indicated by the fact that the declaration which

I will now read was sworn on the 8th September and was not available to me until the afternoon of the 8th September. So I did not have in my possession an essential part of the story until that day, and the fact that it was not in my possession precluded me from releasing the information.

The declaration to which I have just referred reads—

I, KEITH RUTTLEY of 52 Furnival Street, Narrogin in the State of Western Australia, Plumber, do solemnly and sincerely declare:—

1. That on one afternoon at about 4.30 p.m. in December, 1974, Det. Sgt. Lee Walker came to my house and without introducing himself to my wife or in any way indicating that he was a Police Officer demanded to know of my wife, my whereabouts.

Mr Hartrey: That is only hearsay, because he was not there. He is declaring something that his wife told him.

Mr B. T. BURKE: Yes, that is what he is saying. The statutory declaration continues—

2. My wife told him that I was working and would not be home till late in the evening.

3. Walker drove around the block at least four or five times during the remainder of the afternoon and evening. My wife knows this because it was a hot summers day and she left the front door open. My wife was worried and took the number of the car Walker was in.

4. At about 5.30 p.m. on that day a friend, Robert Tombleson called at my house and my wife told him what was happening and asked whether she should call the Police. Tombleson saw the car and the occupants and told her that he thought it was Inspector Michael Wright's car.

5. My wife became more worried at the activities of the car and its occupants and finally at about 9 p.m. drove to Caloola Hostel, Narrogin where I was working on the new Hostel construction.

6. We then journeyed home in our respective vehicles. I drove the long way home around the Narrogin Hospital and down Furnival Street towards my home. In Furnival Street, opposite the Hospital, but well up from my house I noticed a parked vehicle. It was the vehicle my wife had told me about.

7. I drove into my yard, parked my vehicle and walked around the front and stepped onto my verandah.

8. A man later known to me as Det. Sgt. Walker got out of the vehicle that had been described by my wife and met me on the verandah.

9. I said to him, "are you the bloke who has been harassing my wife?"

10. He denied this and called out, at least twice, to Wright who was some distance away. "We have only been past two or three times". Wright answered yes on a couple of occasions.

11. Then Walker told me that there had been "allegations" made against me and that he wanted me to come down to the Station. He repeated this a number of times. He would not say what the allegations were.

12. After fifteen minutes of this treatment I said to him, "Is this this Baymis Ugle business?"

He did not reply one way or the other.

13. He kept on about the Station and said he had some statements he wanted me to read down there.

14. I refused to leave home but he kept on and on about the statements by various Aborigines.

15. I told him I was not interested in these statements. He changed his tack and kept making much of the statements. He said things such as "Here they are. Don't deny later that I wouldn't let you see them", etc. etc. I told him I was not interested in the statements.

16. He started to read one allegedly made by an Aboriginal Marie Hansen. He got about halfway through it before I interrupted him to tell him that it was a lot of nonsense and he should stop reading it.

17. He went through my evidence given in Court and attempted to change my evidence to agree with the Police view and the incorrect statements he had gathered.

This is an affidavit, and it contains a frightening allegation. Ruttlely says that Walker went through his evidence and attempted to change it to agree with the police view and the incorrect statements Walker had gathered. The declaration continues—

18. He suggested on at least six or seven occasions that I was mistaken—that I had made "an honest mistake".

19. To this I said "no, I made an honest statement", but he did not take any notice of me.

20. I said at one stage, "You just want me to tell a lie don't you", He replied, "perhaps you made an honest mistake".

21. During the entire interview which lasted about three quarters of an hour Inspector Wright, appeared embarrassed by Walker's conduct and upset by him. He kept fidgeting and when I looked him in the eye he immediately looked away.

22. When leaving, Walker was still annoyed at my refusal to agree with him and vary from the truthful evidence I gave in Court and at the gate he said, "Don't worry we'll be back" and he repeated this a couple of times.

The next part of the statement deals with the time that Superintendent Taylor called upon witness Ruttlely, and it is of interest because—

Mr Nanovich: Is that Lloyd Taylor?

Mr B. T. BURKE: Yes, Lloyd Taylor. This part of the declaration is interesting, because Taylor's actions verify Ruttlely's statement. I point out that Ruttlely refers to "Inspector Taylor", but that is a mistake and he should refer to "Superintendent Taylor". The declaration continues—

23. That in about April, 1975 Inspector Taylor called at my house and spoke to me about Walker for about twenty minutes. He did not touch directly on the Ugle business but attempted to placate Walker's conduct after I described it and told him how much it had upset my wife. He told me several times that "they have a difficult job" etc. and that "he may have been a bit brusque".

24. He would not say why he came and he spent most of the twenty minutes apologising for Walker.

Yet Taylor was carrying out the second and more senior inquiry into the Ugle business, and according to the main defence witness Taylor did not question him about the Ugle business at all. Although Ruttlely knew of the Ugle business, if theoretically he had no prior knowledge of it, he would not have known that Taylor was there for any reason other than to apologise for Walker.

Mr T. J. Burke: Is that following the direct approach to the Minister by the magistrate?

Mr B. T. BURKE: Yes, this followed the direct approach by the magistrate to the Minister. The next interesting thing is the letter that the magistrate, not knowing that Fanderlinden was facing problems and not knowing there was any doubt about Fanderlinden's integrity at all, wrote to the Minister for Police. This is the letter he wrote—

Dear Sir,

It has come to my attention that Sergeant Fanderlinden from the Narrogin Police Office is being transferred to Perth. I have known him for most of the time that I have been down here and have been very impressed with his work and the way he has done it. I have found him a very competent prosecutor with, within the rules, a very high degree of fairness.

As well as Petty Sessions matters he has handled a number of coronial inquiries very competently.

He has also been of assistance on a number of other matters.

With what I have seen about him I would hope that he has a great future wherever he should go.

The only reason I write this letter is that I think that a man of this calibre deserves to have my appreciation recorded somewhere so that it may be of assistance.

That is what the magistrate said about Fanderlinden, not knowing that these allegations were about to appear and not knowing that Fanderlinden was in any way officially involved in the case.

The Minister wrote to the magistrate in reply to that letter. He thanked the magistrate for the letter, and on the bottom he wrote in handwriting, "I've inquired and it appears it is correct (your view)".

Remember this is after the magistrate spent some one hour with the Minister putting to him the position that the trial and arrest of Baymis Ugle was a trial and arrest which contained very serious irregularities.

The following statement is by John Leonard Fanderlinden, of 15 Bath Street Wembley. He states—

I am a member of the Western Australian Police Force.

I joined the Western Australia Police Force in 1952 and I have been a member of the Force continuously since that time.

I presently hold the rank of second class sergeant.

So that the House is not wearied, the details of staffing at Narrogin Police Station and that sort of detail contained in the statement will not be read by myself although they will be available to any member who wishes to see them. The statement by Fanderlinden continues—

On the Tuesday, 20th August, 1974, I was rostered to come on duty at the Narrogin Police Station at 4 p.m.

My duty shift was 4 p.m. to 12 midnight.

At 4 p.m. on the 20th August, 1974, I reported on duty.

At the time First Class Sergeant Les James, the officer in charge at the station was at the station on duty.

He was on day shift which was either 9 to 5 or 8.30 to 4.30 p.m.

I cannot remember which.

When I first arrived at the station I sat on the main office desk and just checked the occurrence book.

While I was doing this Third Class Sergeant Mervyn Taylor came over to me and said:—

"I have locked Baymis Ugle up for being a drunk and he will be charged with habitual drunkenness. Don't let him out on bail."

Or words to that effect.

I said:—

"If enough money is brought for him I will let him out on bail."

Sergeant Taylor walked off then and said nothing.

I then went to my office at the police station which was situated right next door to Sergeant Les James' office.

I was approached while in my office by Police Constable Ian Beard.

Beard virtually followed me into the office.

He said:—

"I want to see you because there is something on my conscious and it is a private matter."

Or words to that effect.

I replied:—

"Certainly."

Beard then told me that during that afternoon he had been in company with Sergeant Taylor and First Class Constable Pense when they attended a complaint involving the Williams family of Floreat Street, Narrogin.

He said that when they arrived at the scene he observed Baymis Ugle sitting in a car.

He said that Baymis Ugle was then brought back to the station and questioned in relation to the assault complaint.

Mr Hartrey: What was the vehicle?

Mr B. T. BURKE: Actually it was a station wagon with a trailer on the back, but that is not mentioned in the statement. I continue to quote—

He said that he had questioned Baymis Ugle and could not fit him with the assault.

He then went to Sergeant Taylor and told him.

He said that Sergeant Taylor then started to type up a complaint and that he said to Taylor:—

"What are you typing up a complaint for."

He said that Taylor replied:—

"He is being charged with drunk".

Beard said:—

"I then said to Taylor it's a bit rough charging him with that."

Taylor replied:—

"Bugger him we are not bringing him here for nothing".

Beard then told me that Ugle was not drunk and that he was sitting in his car when they first arrived and took him out of the vehicle.

He further said to me:—

"I do not wish to give evidence in this matter because of the circumstances. What am I to do".

I said to Beard:—

"This is a serious matter. I think you had better come with me to Sergeant James' office and we will report the matter to him".

We walked next door into Sergeant James' office.

I said to Sergeant James:—

"Beard had reported a fairly serious matter to me and I think that you should know about it".

I said that "Beard was concerned that Baymis Ugle was being charged with drunkenness when he was not drunk and that Ugle was in a car when he was brought in".

I said that "He had been brought in and questioned for an alleged assault and Beard did not want me to call him as a witness, he did not wish to go to court if there was a plea of not guilty".

Beard then spoke to Sergeant James in my presence and confirmed what I had said to him.

The following is the reaction of Sergeant James—

Sergeant James said:—

"That bastard Taylor if we could get rid of him from this station we would have no worries at all, we would have a good running station. The trouble is that if he gets in the shit he drags all of us down with him. I will make him prosecute this thing himself and let him get out of it the best way he can".

At this stage I was called from the office and Beard and James were still there.

The next relevant portion is a statement by Sergeant Fanderlinden which is a continuation of the previous one. It reads as follows—

I heard nothing more of anything relating to Ugle until while at Boddington I received a telephone call from Inspector Wright who was the relieving District Officer.

I would say this telephone call came through between 3 and 4 weeks after I had gone from Narrogin to Boddington.

Inspector Wright told me over the telephone that he would like to see me privately.

We fixed a time for about 2 p.m. at the Boddington Police Station on the same day.

After we had fixed the time, he said to me to make sure that I was alone in the station when he arrived and that the young constable there was not in the station at the time.

At or about 2 p.m. that day Inspector Wright arrived at Boddington Station in company with his wife.

She remained in his car outside the station while the Inspector came in.

He said there is a little matter that I want to discuss about an incident with Baymis Ugle.

I said:—

"Yes, it was a bad business. Have you come to get a statement from me".

He said:—

"No, I am only concerned that Ugle alleged that he was refused bail on that day".

I said:—

"Do you know the circumstances of the incident".

He said:—

"No. What is it?"

I told him of the circumstances surrounding the incident as far as I knew them.

There is a very serious allegation. The relieving inspector was told of all the circumstances surrounding this man against whom, at this time, there was no allegation of malpractice or wrongdoing, and yet it does not appear that the inspector wanted a report.

Mr Hartrey: Was Fanderlinden a third class or a second class sergeant at this stage?

Mr B. T. BURKE: A second class sergeant; Taylor was the third class sergeant. Continuing—

I again said that I was prepared to make a full statement of the matter.

Wright told me:—

"No I do not want a full report, only a short statement covering the fact that you were not asked for bail by Ugle".

I said:—

"Are you sure you do not want my statement".

He said:—

"Yes. All I want is the short report that he did not ask for bail".

I said to him:—

"What is going to happen".

He said:—

"Everything will be alright. I don't think anyone has anything to worry about".

That is terrific! One or two further sentences follow, and then the next pertinent point, when Fanderlinden returned to Narrogin, after finishing his duty in Boddington, is when he says—

Shortly after my return to Narrogin, one afternoon when I was on duty on the 4 to 12 shift I came into the station and called into the lunch room to make a cup of tea.

There I saw Police Constable Beard and Police Constable Pense sitting round a table having what appeared to be an afternoon party.

It was apparently Beard's farewell.

He was leaving the W.A. Police Force to join the Commonwealth Police as it was then.

I left the room with the tea and drank it in my office.

I then intended to take my cup back to the lunch room.

I met Police Constable Beard just walking out of the room into the passageway.

I stopped him and said to Beard:—

"Is that your farewell tea".

He said:—

"Yes".

I said:—

"By the way what eventuated with the Ugle business".

He said:—

"What do you think the Department are covering up for them".

I said:—

"What do you mean".

He said:—

"They got their heads together of course, and worked out a beauty".

I said:—

"How do you get on then".

He said:—

"I had to just go along with them".

Then he walked off.

Just shortly after that conversation with Police Constable Ian Beard I went on holidays.

I returned to Narrogin somewhere about the middle of February, 1975.

I heard there were talk in the station when I returned amongst the fellows there that nothing had happened about the Baymis Ugle business.

Then shortly after that I got my transfer back to Perth Central Police Station.

I had been back at Central a few weeks when I requested to see the Commissioner in connection with a certain matter at Boddington.

I went up to the Commissioner's office and I was directed by him to the Senior Assistant Commissioner, Mr. Leach, and when I went to see Leach, I can't remember the date, Leach was present and also the Assistant Commissioner for Crime, Lloyd Taylor.

This is something I mentioned in the House previously. At this time Fanderlinden did not even know that Taylor

was carrying out an inquiry into the Ugle business. This was the man who had sought an interview with the Commissioner of Police about an incident that occurred at Boddington and which was entirely unconnected with the Ugle business—the man who was directed by the then commissioner to the then Assistant Commissioner Leitch. I continue to quote—

Also present was Mr. Strahan the Assistant Commissioner for Traffic.

After my discussions with them about the Boddington matter Leach said to me:

"What do you know about the business of Ugles up at Narrogin".

I then told him what I knew in accordance with the terms of my report of the 22nd May, 1975.

I have that report in this file. It is not mentioned here but I believe that Fanderlinden was subjected to intense questioning, and very unfair questioning, when he was completely unaware that one of his questioners was conducting an inquiry into the Ugle business.

I suppose it is valid to argue that if Sergeant Fanderlinden was telling the truth he had nothing to hide; but, nevertheless, it seems unfair to me that this should happen. He had been to see the three police officers, one of whom is now the Commissioner of Police; one of whom is the Assistant Commissioner (Crime); and the third who is unknown to me, about a matter not connected with the Ugle business. I continue to quote—

It was sometime later again that I was called in by the Superintendent in Charge of Central, Superintendent Reid.

I am not certain of the time period that elapsed after the preparation of my report to Inspector Pages-Oliver.

Superintendent Reid called me into his office and said he had been instructed to show me the contents of the file on Baymis Ugle.

He was instructed to bring it to my attention.

I read the file and on the file there was a report from the Assistant Commissioner for Crime, Lloyd Taylor, whose date I do not know.

In his report he said that he had written to Beard in Canberra and Beard had denied ever coming to me.

He also said in his report that he had checked with Sergeant James and Sergeant James had also given a report that I had not gone into him.

His conclusion was that I had started the rumour at the station and perhaps I was highly imaginative and imagined that Beard had come to me with this story.

He said in the report that he had found from his enquiries that Baymis Ugle was drunk at the time—

Despite the magistrate's finding in court, and the weight of evidence, Superintendent Taylor, several months after the incident, states that Ugle was drunk. Continuing the quote—

—and that he completely exonerated Sergeant James, Sergeant Taylor and Constable Pense.

Also mentioned in the file that I should be charged with making a false report.

I made notes on the file at that time.

Then Sergeant Fanderlinden details those notes he made of Taylor's report. Remember Sergeant Fanderlinden is a man who had been in the Police Force since 1952; a man about whom a magistrate had commented most favourably—his letter of commendation has already been read to the House—a man who was respected in the community in which he previously served before being transferred to central station; a man whose whole life had been spent in the Police Force. One can imagine how shattered he would have been to read that report, especially when it had been made by a man who had interviewed him in company with the new commissioner, Mr. Leitch. Sergeant Fanderlinden then had this to say—

I then prepared a memorandum dated 14th July, 1975 addressed to Superintendent Reid and I gave the original of that memo to Superintendent Reid.

It should also be on the main file.

In that memorandum I requested that I be advised whether I would be charged or reprimanded or whether the papers would be attached to my personal file.

The original of that memorandum to Superintendent Reid came back to me, not on the file but with a face sheet attached to it and on the face sheet was a notation to the effect that I would not be charged or reprimanded that the matters would be put on my personal file.

So Fanderlinden had an interview with the Commissioner of Police because he wanted to object to the matters being put on his personal file, as that would effectively end his career in the Police Force.

Mr Hartrey: That is only an assumption.

Mr B. T. BURKE: He was concerned that if those papers were attached to his file his future would be prejudiced.

Mr Hartrey: Fair enough.

Mr B. T. BURKE: If the Government considers that Sergeant Fanderlinden's position is a faithful and true one, one of

the major tasks confronting it will be to ensure that this police sergeant is adequately protected. Pressures on him will be very great as will be the pressures on the policemen who have put their necks on the block to support one of their colleagues. However I will come to their evidence later. I continue to quote—

I asked to be paraded before the Commissioner of Police to place before him certain information that I had in connection with the matter.

I was then called in subsequently a few days ago by the District Superintendent Blackman from Central who said that the Commissioner had requested that I not be paraded before him but that I wait until Assistant Commissioner Leach returned from holiday and see him.

That memorandum from Superintendent Blackman was dated 6th August, 1975.

Blackman said to me you are hitting your head up against a brick wall.

He said once the Department make up their mind to put it on your file it will go there.

He said I must say to you that this matter is not going to be placed on your personal file for everybody to look at, but it would be kept very very confidential.

That is what the superintendent has said—"It would not be there for everybody to look at, but it would be kept very confidential". Continuing—

I said to him that I didn't care if the file was hung up in the number three City Car Park, I said I was not concerned with how confidential it was going to be, I was only concerned with getting the truth out or words to that effect.

I have obtained through the good officers of John Higgins of Lane Buck & Co. affidavits sworn by Police Constable Stanley Ashman and Sergeant George Charles Ross setting out an account of conversations they had with Beard in which he said he felt that Ugle was not drunk at the time he was arrested.

They also confirmed that Beard said he had brought Ugle in for the assault.

I also took a report from Constable David Glew, but he had not signed it. He said that if I was going to be charged he would sign it.

He is in the Road Traffic Authority in Perth.

I also obtained a signed statement or affidavit from Senior Constable Owens.

I should mention that I did pay a visit to Ray O'Connor it was at 11 o'clock on a Thursday a couple of weeks ago.

I showed him the affidavits and statements.

He said to me,

"Do you want me to carry on with it from here".

I said,

"You realise under the Police Regulations I am not allowed to see you unless I get permission through the Department".

He said,

"I would suggest then that you ask to see the Commissioner and tell him you have certain information".

He said,

"If you are not satisfied with that then put in an application officially to come and see me".

He said,

"I don't think you would have much to worry about as far as the affidavits are concerned".

At that stage I left his office but did not make my visit to him public as it is really contrary to Police Regulations for me to visit him without permission from the Commissioner.

That ends Fanderlinden's statement.

Considering that interview with the Minister I ask: would most members, presented with the affidavits, have made that same decision; that is, to send that police officer out once again, and say to him, "I do not think you have much to worry about as far as the affidavits are concerned."

Mr Hartrey: He had a chance to approach him through the regular channels.

Mr B. T. BURKE: That is true. I just go one pace forward to ensure that everyone is aware that Fanderlinden attempted several times to place the evidence before the responsible authorities.

The last memo he wrote, on the 6th August, more than a month ago, stated—

1. I have perused the remarks of Chief Superintendent Woods and herewith respectfully note same.
2. I would still request an opportunity to discuss this matter as requested in my report of the 30th July, 1975.
3. I therefore respectfully request that the matter be held in abeyance until the return of Mr. Leitch.
- 3.1 At that time, perhaps the necessary arrangements could be made for an interview with him.

That was the 6th August. I am informed that Mr Leitch returned, but Sergeant Fanderlinden has still not had an interview with anyone.

Mr Hartrey: Has he no rights under the police regulations?

Mr B. T. BURKE: This is the great problem. Fanderlinden has the right to legal counsel only if he is charged. If he had been charged with making a false report he could have obtained legal counsel to defend him. He has the right to ask to be paraded before the Commissioner of Police, which he did.

Mr Hartrey: Has he not a right to insist on being paraded? You have in the Army or Air Force.

Mr B. T. BURKE: I have no idea. He sent the memos and asked to be paraded before the commissioner, but the commissioner refused to see him and told him to wait until Mr Leitch returned. The Minister knew of the affidavits and if the matter was as serious as this why not have him up straightaway?

Mr Hartrey: That is what I want to know.

Mr B. T. BURKE: So we see that essentially Fanderlinden as this stage has not got a leg to stand on because Beard has changed his story. Fanderlinden, who took no part other than to be told by another officer that something had happened, turned for support and found none.

After 23 years in the Police Force he found he was being blamed for something to which he was only an innocent witness. So what did he do?

This is where those investigators made their big mistake. To the best of my knowledge, the investigation by Lee Walker did not question any of the policemen, apart from those I have mentioned, who were stationed at Narrogin at that time.

Beard had come back from the arrest and told not only Fanderlinden, but other officers also of certain irregularities; and this is just where Fanderlinden found his support after Beard and James changed their stories.

The declaration of George Charles Ross states—

I am a Sergeant attached to the Road Traffic Authority, Fremantle.

During the year 1974, I was attached to the Narrogin Police Station.

In the month of August, of that year, (1974), I was Relieving Officer-in-Charge at Pingelly Police Station, and on a number of occasions I had cause to visit the Narrogin Police Station.

On one of these visits to the Narrogin Police Station, I recall having a conversation with Police Constable Ian Beard, regarding a charge of Drunkenness which was preferred against Baymis Ugle.

Due to the length of time which has elapsed, and to the best of my knowledge, Beard stated that, in company with Sergeant Taylor and Police Constable Pense, he (Beard) had been involved in the arrest of Baymis Ugle. He was concerned about the matter as Ugle had been charged with being drunk when, in fact, he was sober at the time.

That is the first impartial, disinterested witness supporting Fanderlinden's contention that Beard, who was present at the arrest, said these things. To continue—

Beard stated that he had already reported the matter to Sergeants Fanderlinden and James.

But James was denying that they ever came to see him. Of course there is a very good reason for that. If an officer in charge of a station is notified of a situation about which he should take action and he fails to do so, he has a vested interest in ensuring that his failure is not uncovered. Ross's statement continues—

Shortly afterwards I discussed the matter with Sergeants Fanderlinden and Wells.

Sergeant Fanderlinden stated (in the presence of Sergeant Wells and myself) that he had taken Police Constable Beard into Sergeant James's office and had reported the matter to him.

Sergeant Wells stated that Sergeant Fanderlinden was going on holidays and that he (Wells) did not like prosecuting and that I would have to do it.

No-one wanted to do it. To continue—

I said to Sergeant Wells that I would not prosecute because of what Beard had said to me.

Sergeant Wells stated that Taylor would have to do his own prosecuting then with regards to Baymis Ugle.

At a later date, when I was back on duty at the Narrogin Police Station, I was approached by Sergeant Taylor (who was not in uniform at the time) to do the prosecuting; however, I refused.

The final paragraph of this properly signed and witnessed declaration reads—

It was common knowledge in the Police Station that Beard was not happy with the charge, and, I understood, he indicated to several of the staff that he did not wish to attend Court.

If it was common knowledge, why was it so difficult for the police investigators to uncover it?

The other pertinent point is that Constable Beard did not go to court. The case went down the drain when the third witness may well have saved the day for the Police Force.

So we have one impartial witness who stated that Fanderlinden's statement was truthful. He said nothing about perjury. He has no knowledge of perjury. All he said was that Beard, present when the man was arrested, told him certain things.

I have here a declaration by Stanley Ashman of 95 Clayton Road, Narrogin. I will not read the entire statement, but extract those parts which are relevant, and leave members to read the file if they wish. Portion of his declaration reads—

2. That Constable Ian Beard told me of an incident and a conversation relevant to the charge of drunkenness that was laid against Baymis Ugle on or about the 21st day of August, 1974 . . .

Beard said that he had interviewed Ugle and that when he had spoken to Ugle he had come to the conclusion that Ugle was not guilty of the assault that had been complained of.

But the police witnesses all say he was not questioned about the assault. To continue—

He said that when he came out of one of the smaller offices in which he had conducted the interview alone he saw Sergeant Merv Taylor typing up a Complaint charging Ugle with being drunk. He said that he said to Taylor, "It's a bit rough knocking him off for that".

He said Taylor replied, "Oh bugger him we're not bringing him in here for nothing".

4. Beard then said to me, after telling me this, "I'm not happy about it and I'm not going to Court if he pleads not guilty", or words to that effect.

So we have the second impartial and disinterested policeman willing to place his neck and career firmly on the line for a sergeant he respected and liked, a sergeant to whom he was loyal. He had no interest in the matter.

The third independent, disinterested, and impartial witness is Robert Elliott Owen who states—

I am a Senior Constable attached to the Road Traffic Authority, Perth.

During the year 1974, I was stationed at the Narrogin Police Station, and during the month of August that year, as far as I can remember, I was performing relief duty at Wickepin.

I recall, during the latter part of August, and having had a conversation with I/C. Constable Beard.

The conversation was held in the main office of the Station and we were standing near the Station lockers. I said to Beard, "What is all this about Baymis?"

Beard said, "It was rough and I don't want to have anything to do with it. They brought him in for

questioning regarding an assault, but they couldn't fit him with it, so they locked him up for being drunk".

I said to Beard, "Tell the truth".

Fanderlinden told the truth, and was told he was highly imaginative; that he should be charged with making a false report.

The fourth independent witness supporting Fanderlinden's case is Constable David Glew.

Remember now the police case is starting to look a trifle sick because in the first instance without any of these witnesses it was dismissed and the case was sent to the Minister for Justice for investigation into perjury, and if that was warranted at that time, what is warranted now? The record of the interview with Constable Glew is unsigned, although I am informed he will sign it if Fanderlinden is charged. He will say—

I am a Police Officer, attached to the Traffic Branch, Perth...

On the day,—

That is, the day of Ugle's arrest. To continue—

—I commenced duty at 4 p.m. and arrived at the Station early. I entered through the Change Room and I saw Sergeant Taylor and Baymis Ugle come out of a small room known as the interviewing room. I heard Sergeant Taylor say, "Lock him up for drunk anyway", or words to that effect. I think that Ian Beard was there at the time. I saw Ugle walk out of the room and he was not being assisted by Sergeant Taylor.

What is to come is very important because up till now we have heard only from those constables who were told things by Beard and knew nothing of the incident themselves. But Glew says—

I know Ugle well and in my opinion he didn't appear to be drunk.

Later that day, P.C. Beard spoke to me and said that Ugle was brought to the Station for questioning regarding an assault, but there was no evidence for that, so Sergeant Taylor instructed him to put a drunk charge on Ugle.

Beard further stated that he wasn't happy about the charge and said that he didn't want to give evidence against Ugle, as he wasn't drunk at the time and that he was not going to Court, if there was a plea of not guilty.

We have all seen that he did not go to Court. There was a plea of not guilty and the case was dismissed.

Mr Hartrey: It would be difficult to draw any inference from the fact that Beard was not called as a witness by the prosecution. It would be unusual to call a sergeant and two constables to prove that an arrested Aboriginal was merely drunk.

Mr B. T. BURKE: It may well be allowed when there is no foundation for the charge, but I would question it. Previously we have had two inquiries of this sort to result only in the blaming of an innocent man who now faces victimisation for the rest of his life if he chooses to stay in the Police Force.

Mr Hartrey: Not necessarily.

Mr. B. T. Burke: The next item on the file is the statement of the meeting which Sergeant Fanderlinden had with Messrs. Strahan, Leitch, and Taylor. He was instructed to submit this statement after he had returned from that meeting. It sets out how, when he went to report on an incident at Boddington, Fanderlinden was grilled for a lengthy period about the Ugle case.

He put in this report which was merely a rehash of what was said in his statements and in the other statements that I have already read.

Next are some very interesting parts of the file. They are extracts from the Police Department files to which the Acting Minister will have access. The Occurrence Book at page 152478 simply sets out details of the case. There is a statement made to Walker during his inquiry by Sergeant Taylor in which he maintains his position and says that Ugle was drunk and they were right to arrest him because he was drunk.

The next statement is from Constable Pense who has written on Taylor's statement, "I have read the above statement and corroborate in every detail."

Beard says in his statement that he believed Ugle was drunk; and remember that Fanderlinden stated he saw Beard after Walker's inquiry and Beard said he had no option but to go along with what the department was doing in covering up for those two officers. This was the statement Beard was referring to when he said he had no option but to go along with it.

It merely sets out the fact.

There is one very interesting thing right throughout the report. There is an effort not to tell any lies, but not to include things relevant and which destroy the authenticity of the report.

Remember that Fanderlinden spoke only about Beard's involvement after he returned to the station.

Mr Beard's statement ends when he got back to the station. He says—

I then drove the van to the BP Fuel Depot to fill up with petrol.

I do not know if he was asked whether he went back to the station after that, or whether he did not bother to touch on it, but it is relevant to say that Fanderlinden made his claims about that period back at the station after Beard returned. Beard's

statement on the official file ends when he drops the prisoners and police off at the station and goes to the BP station.

The next statement is by Martin Panting of 100 Toodyay Road, Northam, who was a police cadet at Narrogin at the time. He says—

I have seen a lot of drunks and B. Ugle was drunk.

He smelt of liquor.

He couldn't stand up without hanging on to the counter.

He was carrying on abusing Sergeant Taylor.

I am informed that Cadet Panting is no longer a member of the Police Force. He resigned after he was asked to do so.

The next is a record of an interview by Detective Sergeant Lee Walker of witness Keith Ruttlely which sets out that Ruttlely repeatedly refused to say that his evidence was not anything but 100 per cent correct. The interview lasted 45 minutes, and yet the report is of about two minutes.

Mr Hartrey: What was the time of day?

Mr B. T. BURKE: About 8.30 p.m. or 9.00 p.m. Members can see in my hand a copy of the report of the interview which was put on the police file by Lee Walker. If the questions on the report were repeated for 45 minutes, it is *prima facie* evidence, to borrow the term, of the harassment he suffered. It indicates that the questions were repeated over and over again in that short period.

The point about it is that Ruttlely refused to back down. Here is some very interesting information about the court hearing. Sergeant Wells was the prosecutor and when Lee Walker was doing the inquiry he went to Wells and said, "What happened?" Wells put in a report to be included in the official inquiry. Wells said Ugle gave his evidence in a straightforward manner. He said Ruttlely was the most damaging witness to the prosecution case. This is what the police sergeant who prosecuted the case said—

Prior to the hearing, prosecution witnesses were briefed on what was required to prove drunkenness. They were directed to Routine Orders on the subject.

I was unable to draw from Sergeant Taylor anywhere near the evidence required to support the charge. In short the prosecution witnesses did not acquit themselves at all well by well knowing what was required of them.

Mr Hartrey: That has nothing to do with the charge of perjury.

Mr B. T. BURKE: I do not say it has. I say it is relevant to the inability of the police to sustain a charge against Ugle. It is relevant to the fact that Ugle was not guilty. Even the prosecuting sergeant said he could not get the evidence to support

the charge. But Superintendent Taylor, who is now the Assistant Commissioner (Crime) in this State, said months later that Ugle was drunk. Detective Sergeant Walker claims the magistrate had become satisfied about that fact. This is the unreality of the whole situation. This appears in the Government file on this inquiry under the date of the 23rd December, 1974—

He is completely satisfied now that Ugle was drunk on the day on which he was arrested.

It is unbelievable that the investigator should say that, when months later I have been able to obtain so easily and read to the House the evidence which says the magistrate says he did not believe Ugle was drunk. In fact he was so sure he caused the Minister to hold an inquiry.

Here is an extract from the report which I do not understand in full because it is abbreviated—

Ivan Wells reports (para 8) disturbing fact was brought to my notice by Sergeant James and later mentioned by Sergeant Fanderlinden that the charges against Ugle (para 14). Sergeant James had first suggested that Sergeant Taylor should prosecute this case.

Wells seemed to be saying he had heard the rumours, too. Walker has not acted on them. No-one seems to have acted on them. Here is what Sergeant James said to Superintendent Taylor during the second inquiry—

Sergeant James:

Sergeant Taylor more active. Promptly dealt with complaints. He was always prepared to make a decision, not afraid to make arrests. I have complete faith in his integrity. I did not say there was any difficulty with the brief or that any of the Sergeants had declined to prosecute it. I did suggest that Sergeant Taylor could handle the prosecution as he was fully aware of the facts.

He is saying he said Sergeant Taylor could handle the case because he was aware of the facts, not because other sergeants did not want to handle it. The prosecutor would be giving evidence in the court himself and I am informed that is a situation which almost all prosecutors and witnesses like to avoid.

Mr Hartrey: No, they do not. The usual thing is for the policeman who prosecutes to give evidence.

Mr B. T. BURKE: This statement is not signed. It says—

Sergeant James states 18th April, 1975—not witnessed.

Denied Fanderlinden went to see him with Beard. Taylor and ex P.C. Beard handling the assault inquiry. The file cannot be found.

That is one of the key parts of the evidence. That is the file on the assault. If it was found to include references to the fact that Ugle was questioned, Pense's and Taylor's allegations do not stand up under any light at all.

I have mentioned previously that Constable Beard, who had changed his story, has now joined the Commonwealth Police, and Sergeant Fanderlinden, at a loss to know what to do, wrote to Senator Cavanagh whose responsibility it is to manage the portfolios of Customs and Police. Senator Cavanagh wrote back to him and I will read his letter to assure members I am not trying to leave covered up any evidence which might support the other side of the story. Senator Cavanagh wrote—

Dear Mr. Fanderlinden,

I acknowledge receipt of your letter complaining of matters which happened within the Police Force at Narrogin.

You shall realise that it is essentially a matter for the Western Australian Police organisation and if you have suffered as a result of false reports it may be that your Police Association could assist you.

As there was a Constable involved who is now a member of the Australian Police Force, I requested one of our liaison officers to interview Constable I. T. Beard. He submitted a report completely disagreeing with your account of the incident. Further, Constable Beard says that he has not at any time discussed the matter with other Constables stationed at Narrogin and therefore disputes that there could be any statutory declarations that implicate himself.

That is quite clearly a lie. The statutory declarations have been read to the House tonight. If Beard is guilty of telling a lie about what he thought Ugle's condition was when he was arrested, and if Beard in fact becomes a witness for the defence, what do we say about the testimony of Pense and Taylor?

To show the House that Fanderlinden was not at any time obsessed with the idea of causing trouble or "stirring", we have only to refer to the efforts he made to obtain a hearing. At no time has he disguised the fact that he possesses certain affidavits or evidence. Even in the letter to the Australian Government Minister he was saying, "You had better tell Beard to tell the truth because I have these statements that prove he has told other people or irregularities in Ugle's arrest." Beard wrote back and said, "That is a lie."

This is what Sergeant Fanderlinden said in a memo to Superintendent Reid after

he had been shown the Police Department file—

I have read the contents of this file and disagree with the remarks made therein . . .

I request that I be advised:—

- (1) Whether I will be charged?
- (2) Whether I will be reprimanded?
- (3) Whether these papers will be attached to my personal file?

If any charges are preferred against me, I intend to defend myself.

He received a reply, following which he wrote a memo to Superintendent Purkis as follows—

1. I have noted the remarks of Acting Assist. Comm. (Crime), dated July 22nd 1975, that:

- (a) I will not be charged in connection with this incident.
- (b) I will not be reprimanded.
- (c) That the papers concerning this incident will be placed on my personal file.

2. I repeat that I have told the truth in this matter.

3. I wish to lodge an objection to 1c. "the papers in their present form being placed on my personal file".

4. I request that before any papers of any description be placed on my personal file, that I be paraded before the Commissioner of Police, to place before him certain information that I have in connection with this matter.

He told them the information existed and he said in effect, "If you let me come to see you I will show you the information." In a matter as serious as this, which of us in this House would say to Sergeant Fanderlinden, "That is all very well but we cannot see you"? He received a reply to say the commissioner would not see him and he would have to wait until Assistant Commissioner Leitch returned from holidays. So Fanderlinden replied to Superintendent Blackman and said—

1. I have perused the remarks of Chief Superintendent Woods and herewith respectfully note same.

2. I would still request an opportunity to discuss this matter as requested in my report of the 30th July, 1975.

3. I therefore respectfully request that the matter be held in abeyance until the return of Mr. Leitch.

3.1 At that time, perhaps, the necessary arrangements could be made for an interview with him.

From the 6th August to now, nothing has been heard. Who can blame Fanderlinden? Who can blame his lawyer, who is charged with the responsibility of clearing his client's name, for coming to me and saying, "We can't do anything for Fanderlinden because of the police regulations. Will you please raise the matter? He has tried himself and no-one will listen to him. Can you raise the matter and please inquire into it?"

Fanderlinden is at the stage where he is saying he is resigned to the fact that he has no career in the Police Force but not to the fact that lies shall be put into his personal file and his name will be blackened. That is the negative aspect. The positive aspect is that there are two police officers who are still arresting people and giving evidence before courts and whose truthfulness, at least in this case, must be called into question.

There is one police sergeant who was in charge of the Narrogin station at that time and whose truthfulness as an investigating officer must be severely called into doubt. If that is not bad enough, that police sergeant has been recommended for promotion to the position of inspector. So we see all the actors in the scene have been promoted. James, who may have told lies, has been promoted to an inspector. Fanderlinden, who may have done nothing but about whom the Police Department says certain things, has been given a plum job as a prosecutor in the traffic branch. I understand Sergeant Taylor has been promoted or recommended for promotion, and Constable Beard has joined the Australia Police Force. Superintendent Taylor, because of his good work, has been made Assistant Commissioner (Crime).

Mr Hartrey: What was the occupation of Walker?

Mr B. T. BURKE: Sergeant in the CIB.

It is a very serious matter because which of us in this House would say a man who was highly imaginative and should be charged with making a false report should be a prosecutor in a traffic court? We would say, as reasonable people, he should not even be in the Police Force; but had he been charged with making a false report he would have had access under police regulations to legal defence.

There is no doubt that Magistrate Burton was raising serious allegations of police perjury when he referred the papers in the Baymis Ugle case to the Minister for Justice.

The Police Inquiry which followed was conducted by Detective Lee Walker and showed.

1. Ugle gave his evidence in a straight-forward and convincing fashion.

2. Keith Ruttley's evidence supported Ugle's position and was the most damaging to the prosecution's case.

3. The two police officers who gave evidence performed very badly.

4. Witness Ruttley refused to vary his evidence previously given in Court despite intensive questioning by the inquiring officer.

We must remember what that declaration by Ruttley involved. He was called home by his wife who was frightened and had taken the inspector's car number. She wondered whether she should call the police but it was the police themselves who were harassing her. What kind of an inquiry would that have led to? To continue—

5. That the inquiring officer reported to his superiors that the Magistrate had become convinced that Ugle was drunk when arrested.

The falseness of this claim is easily proved by the fact that the Magistrate caused a second inquiry to be held because he was dissatisfied with the manner and result of the first inquiry.

6. That Sergeant Taylor and Constable Pense (who gave evidence against Ugle) restated their claim that Ugle was drunk when arrested.

7. Constable Beard (the third officer present when Ugle was arrested) claimed Ugle was drunk when arrested.

There are ample grounds for believing this inquiry by Detective Sergeant Lee Walker was both superficial and prejudiced. It was superficial because of the nature and substance of the evidence since collected by people interested in the situation and which was available to Detective Sergeant Walker when he made his inquiries but he did not even seek to find out what was going on. It was prejudiced by virtue of the manner in which Detective Sergeant Lee Walker and Inspector Wright sought the information which they collated. The additional evidence which was available to this first investigation—and which was about a "two bob" offence which need have gone no further than the first investigation—was ignored.

First of all we have the additional evidence of Sergeant Fanderlinden, which is—

1. Statement by Sergeant J. L. Fanderlinden who notwithstanding Constable Beard's denials, says:

(a) Constable Beard told him Ugle was not drunk.

(b) He accompanied Constable Beard to Sergeant James' office to report the matter.

- (c) Sergeant James was critical of Sergeant Taylor's general attitude to the job.
- (d) That, later, after Beard had spoken to Detective Lee Walker and denied ever saying Ugle was sober when arrested, Beard had told him the Police Department was "covering up" for Sergeant Taylor and Constable Pense.

Lee Walker did not ask Fanderlinden anything, and neither did Inspector Wright. Members will recall that the inspector said repeatedly he did not want the facts.

The additional evidence includes—

2. Declaration by Sergeant George Ross, who backs up Fanderlinden in two respects, but he did not talk to Lee Walker because Lee Walker did not talk to him, and he did not know there was an inquiry or that the inquiry was Lee Walker's job.

3. There is a declaration by Constable Stanley Ashman. Again this constable entirely supports the position adopted by Fanderlinden, Ross, Ruttlely, and Ugle.

4. Another declaration is by Senior Constable Robert Owens. Again Senior Constable Owens supports now Ashman, Ross, Fanderlinden, Ugle, Ruttlely, and the magistrate. Constable Ashman and Senior Constable Owens also are still implying in their reports that Ugle was questioned about an assault charge. Taylor and Pense denied it.

5. There is an unsigned record of an interview by Constable David Glew, a man who actually saw Ugle on the day he was arrested and said, "I know Ugle. He was not drunk when I saw him at the police station." He also said that he heard Taylor question Ugle about the assault. Taylor denied it. Pense said he knew Ugle was questioned about something, but he was not present.

Now I turn to the evidence of prejudice. When Inspector Wright interviewed Fanderlinden, Fanderlinden offered a full statement of what had happened. However, Inspector Wright said he did not want a full statement, and that all he wanted was a statement that bail was not refused. Again Fanderlinden said, "Do you want my whole story? It is a bad business." Inspector Wright said, "No, I only want a statement that bail was not refused."

Mr Hartrey: At least he had the grace to be ashamed of the investigation.

Mr B. T. BURKE: In fact, Inspector Wright was at pains to prevent Sergeant Fanderlinden from providing information

for the report because Fanderlinden had said, "Do you want me to tell you what happened?" Inspector Wright said, "Yes." Fanderlinden said, "Do you want it in a statement?" and the reply was, "No." That "official blind eye" is the thread through the whole inquiry.

Beard's statement stopped when he got back to the police station, but all of these allegations concerned what happened at the police station. What about the actions of Detective Sergeant Lee Walker? The statement of Ruttlely and the letter from the magistrate are not indicative of an investigator seriously intent on uncovering the truth. The magistrate says that Walker was much too attentive to him and also said that he believed Walker was so attentive to him because Walker wanted to be able to explain the solution to the problem that he would enunciate when he put in his report.

What about the affidavit of Ruttlely? Is it acceptable to members of this House that a police officer should go to a witness and commence from the premise that the witness had told lies? As the magistrate says, should he go to a witness in a trial and say, "You are a villain and we will start from that point", or should he say several times, "You made an honest mistake" and then repeat as he left, "Do not worry; we will be back"? Is that intimidation? Is that an unprejudiced inquiry?

Then there is the utter falseness of the statements of Walker which I have canvassed several times about the magistrate being satisfied Ugle was drunk. Of course Walker was not to know that the magistrate would ever learn what he put on the file. He could have said that the magistrate had stubbed his toe on the moon and the magistrate may not have known. However, what he did say was that the magistrate was satisfied that Ugle was drunk, when in fact, it is just so untrue, it is just so much a lie.

We now come to the second inquiry, a top level inquiry by a man who is now Assistant Commissioner of Police (Crime) in this State. He went along and uncovered the fact that James denied that Beard and Fanderlinden had even been to see him. Now I know that when the Acting Minister looks at his files he will see the statements of Marie and Charlie Hanson, two Aborigines who maintained that Ugle was drinking and was drunk on that day.

Mr Hartrey: By the way, on what date were the statements taken?

Mr B. T. BURKE: Just a second.

I do not want to prejudice the Minister's opinion at all. Let me just say that the fact that Ugle was drinking or was not drinking has now receded from importance in my

opinion in view of what followed. I do not intend now to disclose to the House the entire evidence that I have, unless the Hansons' statements form the fulcrum of any defence in this case. Certain things are known to me about the Hansons and if I stated these facts, it would destroy their position entirely. I do not wish to state these things now, nor is it up to me to predict the course of action of the Acting Minister. I believe I have laid before him sufficient information to justify his attention to this case.

Mr Hartrey: Do you see any reason that you could not tell us the date the statements were made by Hanson and his wife?

Mr B. T. BURKE: I do not know. I do not have a copy of those statements but I know they exist and I know they say Ugle was drunk.

Mr Hartrey: Only by mere accident would an Aboriginal pick the right date anyway. They cannot calculate the date.

Mr B. T. BURKE: The point is that at least sufficient doubts can be raised about Charlie Hanson to plunge Constable Pense and several other officers into a new cauldron, but in my opinion there is no need to raise those matters until the Hansons' statements are used—indeed, if they are to be used—as a fulcrum in the defence of Pense primarily and Taylor secondarily.

The second inquiry was instigated by the Minister for Police after he went to Narrogin and saw the magistrate. The magistrate spent a good deal of time with him. The Minister then returned to Perth and instigated the second inquiry by Superintendent Taylor. It was a farce, but the fact of the matter is that shortly after receiving a letter of commendation about Fanderlinden, the Minister wrote back and said, "I have inquired; it appears it is correct (your view)." And yet within two months Superintendent Taylor was able to say that the Minister was wrong: that Ugle was drunk; that Fanderlinden was a liar; and that Taylor and Pense were guilty of nothing. What evidence did the Minister have to allow him to say effectively, "Your view seems to be correct?" Did he make that evidence available to Superintendent Taylor? If he did—

Mr O'Neil: Was not that simply the magistrate's view that Fanderlinden was a good policeman?

Mr B. T. BURKE: I will admit that argument and I will just repeat the facts. I have read to the Acting Minister, the magistrate's letter, and the notation on the bottom of the Minister's reply—if it makes any sense at all I will bow to the view of the Acting Minister.

Mr O'Neil: As I understood the way he wrote it, it was simply that the magistrate had taken the opportunity to write to the Minister to praise a police constable and the Minister made a notation on the file to this effect.

Mr B. T. BURKE: He did not note the file; this was the letter he sent back to the magistrate.

Mr J. T. Tonkin: Does the Minister think a magistrate would go to the trouble to say a police officer was a good fellow?

Mr O'Neil: I am not taking any sides at all, I am listening.

Mr B. T. BURKE: The Acting Minister has misunderstood the position. The letter notated in handwriting was a letter of acknowledgment and thanks for the magistrate's letter commending Sergeant Fanderlinden. The letter I read out was the one the Minister sent to the magistrate saying, in effect, "Thank you for the letter of commendation about Sergeant Fanderlinden", and noting on the bottom, "I have inquired, it seems it is correct (your view)."

Mr O'Neil: You think that was referring to some other matter?

Mr B. T. BURKE: I have no argument on it. As I said earlier, I am not accusing the Minister of anything. It would be verging on tedious repetition if I were to read the letter again. One part of the reply to it is typed and the other part is in handwriting. However, this is not a matter for me to judge.

It seems to me that the second inquiry was no less prejudiced nor more thorough than the first. Superintendent Taylor, an officer with high rank and specifically appointed because the inquiry was a serious one, failed to do what Walker also failed to do, and that is uncover evidence that easily could be gathered from those constables and sergeants from whom it has now been gathered. Apart from the fact that Sergeant James had denied to Superintendent Taylor that Fanderlinden and Beard came to see him, to my knowledge only the statements of the Hansons support Superintendent Taylor's position. These statements were available, or I understand at least one of them was, when Walker carried out his investigation.

There are several important points. First of all, the promotion of all the actors in a situation—that just cannot be acceptable. Someone is right and someone is wrong. One cannot overcome the problem by promoting them all, unless of course, one wants to overcome not the problem but the difficulty of what might follow from one's own mistakes.

I understand Sergeant James has been recommended for promotion to the position of inspector. If he told a lie about Fanderlinden and Beard coming to see him, or more importantly if they came to see him and he failed to take action in the face of the actions of Pense and Taylor in arresting Baymils Ugle, then Sergeant James, soon to be inspector, should not be in the Police Force of this State.

Mr Skidmore: Hear, hear.

Mr B. T. BURKE: If Sergeant Fanderlinden started a rumour definitely designed to prejudice his fellow officers, and maintained that rumour with the mass of evidence that I have already brought to the attention of members, then he does not deserve to be in the Police Force of this State. If Superintendent Taylor has carried out an investigation which failed to uncover a situation in which Fanderlinden is innocent, then, to be polite to Taylor, we can only impugn his competence. To be impolite to the man, we can say much more.

If Detective Sergeant Lee Walker was guilty of intimidating the main defence witness in a trial that he was investigating for the purpose of discovering whether perjury had taken place, and if Detective Sergeant Lee Walker deliberately put lies into the mouth of the magistrate by saying that the magistrate was convinced Ugle was guilty, then it seems to me that Detective Sergeant Lee Walker should not be in the Police Force of this State.

If Constable Beard told lies about telling Fanderlinden of the Ugle incident, if he told lies about telling Sergeant James, and if he told lies about telling all these other people, then he should not be in the Australia Police Force.

If Commissioner Leitch was privy to the interview with Fanderlinden, Strahan, and Taylor, under the conditions that I have outlined to this House, and if he was the one who instigated the interview in the first instance and who failed to inform Fanderlinden that Taylor was investigating alleged police perjury, then Commissioner Leitch needs to be asked some questions.

Sergeant Fanderlinden has been made the scapegoat for the whole affair simply because the Police Department believed quite strongly that he was the one who provoked the magistrate into starting the second inquiry. I have proved to the House tonight that it was Ruttlely who said, "I have been intimidated; what can I do?" Fanderlinden was at Boddington and he says he would not recognise Ruttlely if he saw him today. However, because the Police Department concluded that Fanderlinden provoked this second inquiry, it says Fanderlinden is highly imaginative and should be charged with making a false report. He has been made a scapegoat, and a key witness has been intimidated.

The first inquiry failed to uncover a mass of evidence that I submit to this House is very convincing. In my opinion the Minister for Police knew that there had been very serious departures from normal procedures because he appended to the bottom of that letter the words that I read out. The Minister for Police also knew of the existence of the affidavits because Fanderlinden took them to the Minister's office and showed them to him.

I am not saying that the Minister was dishonest or that he was guilty of any malpractice, but I am saying that had I been the Minister and been confronted with evidence that could only be described as dynamite, Fanderlinden would not have taken one step towards the door.

The Commissioner of Police and any other actor in the scene of sufficient importance to be able to affect the outcome would have been in my office within half an hour. I am not saying it shows anything; but I am saying that the Minister for Police must answer as to why he allowed an inquiry to conclude the opinion he expressed in a footnote to a letter was wrong, and why he allowed a sergeant in the Police Force to leave his office holding affidavits that were of vital importance to the good name of so many people and to justice in the case of several.

It is difficult for me to convince members opposite that I am not trying to denigrate the Police Force. What I have tried to do is to present without any colour a situation that became known to me through a lawyer who had been engaged by a police sergeant who thought he had been victimised. What alternative had I than to bring those findings before this House? What was I to do to achieve a change in the situation which I had become convinced was unfair?

The Premier said that I should have a confidential chat with the Minister. I am not saying that would have been the wrong course to adopt. What I am saying is that, had I taken such a course, I would have been worried and concerned that the full exposition of the case would not have been possible. I have no doubt that the Minister would have acted in good faith, but I am sure he would not have given me the time the House has given me tonight—almost two hours—in which to explain almost every detail of this case.

In the period between the time when the Government considers the matter and decides to appoint a Select Committee, or to take some other worth-while and meaningful action to right a situation I believe is wrong, or in the period before which it decides that what I have said is untrue and wrong, and the matter should be rejected out of hand, I urge the Government to make every effort to protect these policemen, who by their actions have stamped themselves as remarkably courageous men who are prepared to stand beside a mate when he falls into trouble.

I would urge the Government not to ignore the opinion of a magistrate who is known to more members in this House than just myself and who has the respect of those members and the courage to speak out not once but twice about a situation he finds disturbing—a magistrate who told me that it was hard enough

sending guilty people to prison, and how much more difficult it was to lock up innocent men because the police would not tell the truth in court.

With that plea that the Government take steps at least in the period before it makes up its mind about this case to protect these policemen, I commend my motion to the House and inform members and Ministers that if they want any more details or if there are any questions which have not been explained fully, I will do my best to supply the information.

Mr J. T. TONKIN: I formally second the motion.

Debate adjourned, on motion by Mr O'Neil (Minister for Works).

AUSTRALIAN CONSTITUTIONAL CONVENTION

Postponement and Review: Council's Message

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

ELECTORAL DISTRICTS ACT AMENDMENT BILL *Third Reading*

MR O'NEIL (East Melville—Minister for Works) [9.05 p.m.]: I move—

That the Bill be now read a third time.

At the conclusion of the Committee stage of the Bill early this morning I undertook to make some inquiries regarding queries raised by the Deputy Leader of the Opposition in respect of three areas on the line which divides the metropolitan region from the rural districts. I think the Deputy Leader of the Opposition will excuse me if I indicate I have not had time to do a great deal of research on the matter since 6.00 a.m.

However, I am prepared to concede that he is correct, certainly in respect of the district along Gnangara Road. It appears to me from an examination of the appropriate maps that it would be better for the line to follow the centre line of Gnangara Road, rather than to dip as it does, and then go around the area which I suppose could be regarded as rural—that is how it is classified under this proposition, because I believe there are a number of strawberry farms in the area. From the point of view of tidyness, it may well be that it should follow the line of that road.

It also strikes me that the description in the schedule to the Bill is essentially a surveyor's description and it may be that the line takes the course it does for a technical reason. However, if there are no technical reasons for the line to be where it is, I will give serious consideration to suggesting that the line follow the course recommended by the Deputy Leader of the Opposition; namely, Gnangara Road.

If we go south we come to the part where the Deputy Leader of the Opposition says the boundary line runs through the Western Mining Nickel Refinery building. A check of the map indicates that the line in fact is the boundary between two local authorities. If this is true, according to my examination the refinery building has been built across that line.

Mr Jamieson: It could be.

Mr O'NEIL: I do not know whether or not this matters; I do not imagine many people would live in the refinery building, or have that site as their residential address.

The other matter raised by the honourable member referred to an area near, I think, Greenmount. It appears that the original line which separated the metropolitan seats from the rural seats followed a certain path, and the map indicates that a number of dwellings have been reclassified from what was previously regarded as the metropolitan area into what will be the country area.

I have to admit that, because the Minister for Justice has been away, I have not been able to discuss the matter with him and I can offer no reason for the siting of this line other than to assume that it was made to follow what is known as the "escarpment" in order to preserve some kind of community of interest there.

However, it is my view that the line should be restored to the position it held prior to the amending boundary line. That being so, and there being no technical reasons to prevent such a course being followed—I cannot imagine there will be, because the previously prescribed line was as the honourable member suggested it should be—I give an undertaking that appropriate amendments will be prepared to the schedule to correct this matter. I believe we will have to leave the bottom line where it is. The amendment regarding Garden Island which I had proposed to move in Committee will now be moved in another place.

The SPEAKER: Before I put the question, it is my responsibility as Speaker to advise the House that the third reading of this Bill requires an absolute majority of the House and that any dissentient voice will necessitate a division. The question is that the Bill be now read a third time.

MR J. T. TONKIN (Melville—Leader of the Opposition) [9.10 p.m.]: This probably is the last opportunity the Opposition in this House will have to indicate how strongly opposed it is to this form of legislation which is deliberately designed to give the Government parties the advantage at an election.

There is a seat in Western Australia, now known as Vasse, which used to be called Sussex. Labor has never got anywhere near winning that seat in 50 years,

despite the fact that from 1933 to 1947 there was a succession of Labor Governments in Western Australia and in 1933 the people of this State thought so little of the Liberal Party that they relegated its members to the cross benches, and the Country Party was the official Opposition.

Labor has never been able to obtain a majority of the number of members in the Legislative Council, due to the way the weighted votes affected the ultimate result. That is something this Government wants to hang on to. When we come to realise how the Standing Orders are framed, we can see the tremendous disadvantage at which the Labor Opposition is invariably placed. Our Standing Orders provide that they can be set aside completely and be no longer applied; this can be done by the Government of the day without giving prior notice of its intention to suspend Standing Orders.

So, it is truly a numbers game and because it is the Government parties, being fully conscious of that fact, are going out of their way to ensure that they will remain on the Treasury bench for a very long time.

The electoral laws of our country have been exploited at every change of Government. When Labor went out of office in 1947 in the very first year of office the then Liberal-Country Party Government introduced an electoral districts Bill for the purpose of making it easier for that Government to stay in Government. The same thing occurred again when those parties returned to Government in 1959. In the first year of their return to office they introduced another Bill to change the boundaries of the electoral districts to ensure that they would have a greater hold upon the Treasury bench.

Members opposite have not been so quick on this occasion; they have allowed the first year in which they returned to office to elapse before they took any action. But here is the Bill before us now; it has the same purpose as all the other electoral Bills introduced by previous Liberal-Country Party Governments.

The time will come when the people of this country will no longer tolerate a weighted vote deliberately designed to give an advantage to one party or another. The present situation is too anomalous.

If at the last election a person resided in Gosnells his vote would have been only half the value of the vote of a person who resided in Kelmscott. However, if at the next election the person who resided in Gosnells at the last election moved into Kelmscott on the eastern side of the line which has been drawn through the middle of Armadale, his vote will be worth twice as much as the vote he had at the last election.

It is no good for the Liberals to say we have to have a weighted vote in order to be fair to the people in the remote areas, because the Liberals themselves believe in

the principle of one-vote-one-value. In the 1974 democratic elections referendum, which was conducted as a result of a decision by the Australian Government, the Liberals put out a booklet with regard to that referendum. In it they said, "Your vote should be of equal value to any other vote". If that is not a principle of one-vote-one-value I do not know what it is. In this booklet the Liberals made particular reference to State Parliaments.

What happens in the Liberal Party organisation itself? Do the Liberals carry on this idea that their members in remote parts of the State should be given an advantage? No. In the Liberal Party organisation it is the people living in the metropolitan area who get an advantage—not those in remote country districts—because this is the rule of the Liberal Party: the branches shall be allowed one delegate and one proxy delegate for every 50 members of the branch.

Mr Clarko: That is not one-vote-one-value. It is clearly the opposite.

Mr J. T. TONKIN: The honourable member should wait to hear what I have to say. Let us take every branch of the Liberal Party throughout Western Australia. Under the rules of the Liberal Party every branch is entitled to send one delegate and one proxy for every 50 members of the branch.

Mr Rushton: They have more members in the country.

Mr J. T. TONKIN: The Liberal Party organisation further provides that for every additional 50 members or part thereof a branch is entitled to one more delegate and one more proxy delegate. The point I am making is that it is much easier for a branch in the metropolitan area to enrol 200 members.

Mr Young: You are wrong, but I see your point. However, it does not work that way.

Mr J. T. TONKIN: Even if it does not work that way, that is not the fault of the people they enrol. It is my firm opinion that if the Liberal Party organisation was keen to attract members into its branches it would have a greater opportunity to enrol 150 members into a branch in the metropolitan area than a branch in, say, the Murchison-Eyre electorate.

Mr Coyne: It has to be relative.

Mr J. T. TONKIN: In some of the remote towns there would not be 50 men, women, and children in the families around.

Mr Grewar: They are all Liberals.

Mr J. T. TONKIN: The point I make is that the rules of the Liberal Party are weighted to give an advantage to the metropolitan area, but whether it works out that way is another matter. They are weighted to give an advantage to the areas of greatest population. It is not worked on the basis that a branch in a remote

part of the State is entitled to two or three delegates for every 50 members. Each branch can have one delegate and one proxy only for each 50 members.

If the Liberal Party was consistent in the view that we should give greater representation to the people living in the remote parts of the State, then within its own organisation it should provide that in areas like the Pilbara, Kimberley, and the south-west, each branch be entitled to more representation than branches in the metropolitan area; but that is not the case.

Mr Coyne: They have other concessions.

Mr J. T. TONKIN: They are given the same basis of representation—one delegate and one proxy for every 50 members of a branch. If there is any substance in the argument that remoteness entitles people to greater representation, it ought to apply to the Liberal Party's own organisation, and not merely to the Parliament.

Mr Young: Do you know we are allowed to form country branches with fewer members than metropolitan branches have? They can form branches with half the number of members required for metropolitan branches.

Mr J. T. TONKIN: My opinion is that the weighted vote for country areas is held onto by the Liberal Party deliberately, because it knows what a tremendous advantage that is to the party. One has only to look at the figures for the last election to see what a tremendous advantage it has had. At the last election Labor polled 48.1 per cent of the votes and it got 22 members from those votes. The Liberal Party polled 40.2 per cent of the votes and got 23 members, and the Country Party polled 10.8 per cent of the votes and got six members.

If we are taking into account the voice of the people and if we believe the voice of the people should be heard, then we have to go on the number of votes polled, irrespective of where they are polled. But the Liberals want to continue this farce of having fewer electors in Kelmescott and parts of Armadale to elect a member of Parliament—

Mr Sibson: Where would you put the line?

Mr J. T. TONKIN: I would not have a line at all. We should get rid of the line, and divide the State into electorates and adopt the principle of one-vote-one-value. Irrespective of what the member for Bunbury and others opposite think, we will reach that situation because public opinion eventually will be so aroused on this question that the people will not continue to tolerate the present unfair position. Action will be started by the people, and this has been the history all over the world. Inequalities are tolerated for a cer-

tain time, and then the people bring about a change. That is what brings about revolutions.

Mr May: Bloodshed in Darling Range!

Mr Sibson: Leave it to the people to decide.

Mr J. T. TONKIN: The Liberal philosophy is to keep the people in ignorance. The Liberals do not want to let the people know what is going on, and in so doing they wish to ensure that the existing situation will be retained longer. Our purpose in speaking to the Bill is not that we think we will change the vote on it; our purpose is that by speaking to it we are given the opportunity to tell the people what is going on.

Let us look at some of the anomalies. The criteria for determining whether or not there should be a weighted vote are based on distance from the capital, physical features, and community of interest. Let us take the people living in Gosnells and those living in Kelmescott. What difference is there in physical features, in distance from the capital, and in community of interests? I suggest there is none at all, but the people who live in Kelmescott have twice the voting power of those who live in Gosnells.

Speaking about the distance from the capital, Kwinana which is regarded as a metropolitan seat is further away from the capital than Kelmescott, which is in a country seat. We could examine these arrangements very carefully and find they are full of anomalies which cannot be justified. It is not my intention to delay the House any further. I say on behalf of the Opposition that we are absolutely disgusted with this further attempt on the part of the Liberal Party and Country Party to take such steps electorally as will give them security of office for a longer time than they are entitled to enjoy; and the sooner they realise that the principle of one-vote-one value—as put forward by the Liberal Party when that suited it at a referendum—should be introduced the better it will be for all concerned, and the greater will be the strength we can give to the claim that we are a democratic community and we believe in the rule of the majority.

So far as members opposite are concerned, they do not believe in the rule of the majority in relation to the electors; what they believe in is the rule of the majority in this House—a numbers game. Of course they will do their best to ensure that they can manipulate the electoral laws of the State as long as possible, so that they can retain their advantage.

MR BERTRAM (Mt. Hawthorn) [9.28 p.m.]: There are one or two points which should be made, and can be made fairly briefly, and lack of credibility is certainly not the least of these points; in fact, it is the most important one.

It so happens that last year the Leader of the Opposition was able to tell the members of the Opposition something which has happened, and for some time past has become quite plain. He was able to tell up that within a few short months—

The SPEAKER: Will members refrain from standing in the alleyway?

Mr BERTRAM: He said that within a few short months a Bill would be brought to this Parliament, designed to fiddle once again with the Electoral Districts Act and the Constitution Acts Amendment Act. That happened to turn out to be perfectly correct and that statement was made many months ago; in fact I believe it was some time last year.

The Leader of the Opposition, who is not a member of the Government and who does not have access to the secrets of the Government, was able to tell us this with such accuracy that it is reasonable to say the Government, and in particular the Premier, was aware that on the overwhelming probability, if not certainty of the situation, and well before the last State general election, the Government would be introducing Bills of this nature, designed to gerrymander and to continue the malapportionment of votes in Western Australia.

Is that an unreasonable argument? Is that not perfectly logical? The Premier went to the people at an election and told them he would put things right. He went out of his way to make sure that he kept his intention in this regard strictly secret.

Now the idea is, as everybody knows—or ought to know in this place—that when one goes to an election one tells the people the significant things which one proposes to do once in power. More importantly, this applies to the Liberal Party because it does, in fact, gain power. The Labor Party does not gain power; it simply attains office. It has never had the ultimate power in this State because in not one of the 38 elections held for the other place has it gained priority.

The Government refused to tell the people that once it gained power, at an early date it would play around with a gerrymander and malapportionment of the electorate of Western Australia. That is something which goes clearly against the credibility of the Government. It is a dishonest procedure, and the type of procedure which we should abhor whichever party may use it from time to time.

The Government kept this matter secret because it knows, as we on this side know, and as we have demonstrated during the course of this debate, that one-vote-one-value is the modern day accepted system of voting. The Government is aware that had it told the people of its intention to fiddle with the laws in the way it is doing now the people would rebel. It is just not

good enough to bury one's head in the sand, as the Government is currently doing. The Government has an obsession to stay in the past and drag the people of this State back into the past indefinitely. This is the type of situation which can bring only trouble.

That action may be consistent with what the Premier claims when he says he is putting things right, but he is the only person—if, in fact, he believes it himself—who considers this piece of legislation will put anything right. Clearly, on the evidence put forward and the case heard in this Parliament during the last few days, it will put things completely wrong.

The Minister handling the Bill has referred to the new found love of one-vote-one-value. However, that is not the truth. One-vote-one-value has been in our platform for some little time. I do not know the precise time—probably not long enough for my satisfaction in any event—but the important point is that over a number of years branches from all parts of the State have been pressing for some action. That is a fact which is capable of absolute proof. There is nothing new about it. This was occurring before we received the advice of the Leader of the Opposition of what was cooking, based on his own experience.

When Liberals come to power the first thing they do is to look at the boundaries in an effort to maintain power. The system of one-vote-one-value is not a new found love at all, but it is a love which we now have and we will work for, and which the Liberal and Country Party members know will ultimately be attained. The only point in question is the date on which it will be attained. It is because of that knowledge that this particular conspiracy has been worked out. I have previously said that the fate of the Country Party in this State is clearly visible. It is doomed and, once again, the question is as to when it will occur.

Obviously there is a deal between the Liberal Party and the Country Party. Apparently the Liberal Party has said one thing is certain; that is, in a matter of a few years there will be one-vote-one-value and if the Country Party agrees to another six seats within the metropolitan area—in the knowledge that the Country Party will not get one of them—the agricultural, mining and pastoral area will be preserved for a space of time in order to keep the Country Party in existence. The moment one-vote-one-value is introduced the Country Party will be headed for complete oblivion and will finish up with only one or two seats.

That is probably the promise that nobody has bothered to tell us. Everybody knows there is a promise; the position could not be otherwise. That is another secret which we have had to work out for ourselves.

As I said, the probable promise is that the Liberal Party has asked the Country Party to agree to the creation of an additional six seats and in exchange certain areas will be preserved for the Country Party. The deal will not be admitted openly because that would be bad for the people but there would have to be a deal. In any event, no doubt members opposite are aware of the deal and they will have an opportunity to tell us what it is before this debate concludes.

We have heard talk about the devaluation of votes, and how people outside the metropolitan area have, effectively, two votes to the one vote of people who live in the metropolitan area—as depicted by the crooked line on the map. Those within the line have half the voting capacity of those outside the line.

I want to take a few moments to underline this point because it is only part of the story. I do not think we should sell ourselves short because in the upper House, as everybody here is aware—or ought to be aware—the votes are not devalued two to one; they are devalued in varying ranges up to 15 votes to one.

Liberal Party members and Country Party members cannot deny that people in certain parts of Western Australia, for all practical purposes, have 15 times the voting power of people in the metropolitan area whether they live in Subiaco, Mt. Hawthorn, or Nedlands. The people in the north, and other parts of the State, have 15 times the voting power of people in the metropolitan area. That happens to be absolute fact.

I would like to know how the member for Karrinyup can face up to the people in his electorate and tell them he was party to an arrangement whereby the voting power of the people of Karrinyup is discounted 15 times.

Mr Clarko: That is not accurate.

Mr BERTRAM: Is it not?

Mr Clarko: It is a gross distortion.

Mr BERTRAM: The member opposite will have an opportunity to show where my arithmetic is wrong.

Mr Clarko: Your error is in regard to the principle.

Mr BERTRAM: As I said, the member opposite will have an opportunity to explain to the House. I also wonder whether the member for South Perth should explain to the people in his electorate that they have only one vote while the people outside the national metropolitan area receive 15 votes.

Mr Laurance: They do not have 15 votes at all; they have only one vote.

Mr BERTRAM: Do they? What is the effective position when those people go to the polling booths? In the electorate of Mt. Hawthorn the people receive one ballot paper which equals one vote. A person in

the north, going into the polling booth at the same time for the same purpose, receives one piece of paper worth 15 times the ballot paper of a person in Mt. Hawthorn.

Mr Clarko: That is not accurate.

Mr BERTRAM: The member opposite is not only disagreeing with me, but he is also disagreeing with a former Chief Justice of the Supreme Court of the United States of America. He is entitled to do that but I am suggesting there is overwhelming proof that he is wrong.

As I have said previously, the law of the United States of America is such that if a Bill of this nature were introduced into a Parliament of any of the States of that country, or into the Federal House of the Congress of the United States, it would not get to first base because it would be unlawful constitutionally. It would not be tolerated in that country, and it will not be tolerated here much longer.

Mr Sodeman: How did Mr Frank Wise and Mr Jack Hunt hold their seats?

Mr BERTRAM: I do not know. I confess readily that in the past we have had a go at fiddling in this way. However, that was at a time when this sort of thing was accepted. It is not accepted today in other parts of the world, and we want to bring the people of Western Australia up to date with comparable countries. The country with which we are most comparable is the United States of America.

Mr Rushton: Do not tell that to the people of Kalgoorlie.

Mr Sodeman: When speaking previously the member opposite said we should not mention other countries and make comparisons. It is a different story now.

Mr BERTRAM: On that occasion I was concerned with Medibank when it was claimed that similar schemes had failed in other countries.

Mr Sodeman: We also mentioned New Zealand and Canada.

Mr BERTRAM: Finally, there is a point which I would like to get over because it has not been mentioned previously. I refer to the fact that we do recognise certain difficulties encountered by people who live in remote parts of this State. We do not want them to be disadvantaged in any way at all.

We think those people should have the same voting capacity as everybody else in the State. We are aware they have some difficulties, and to meet those difficulties we will provide benefits which are already available, in a minor way.

In order to overcome the recognised and special difficulties of people in remote areas, members representing country electorates should be given electorate allowances commensurate with the difficulties

and disabilities involved in representing those electorates. They should be given appropriate additional staff to help with the day-to-day running of the country electorates. Free transport should be provided for electorate purposes. Free telephones with the right of an elector to reverse charges, should be available. There should be free postage, up to a certain limit, and free telegrams. Perhaps members representing country electorates should have additional electorate offices in their electorates.

Perhaps members representing country electorates should be subsidised for city accommodation when it is required for parliamentary purposes. All of those matters would come within the province of the Parliamentary Salaries Tribunal which could examine the situation in a logical manner according to the evidence submitted.

There could be other additional matters. These are just a couple of "thought starters" but that is where the balancing up has to occur ultimately.

Finally I remind all members opposite that they are all inculpated in this decision. It is no good their saying that they know nothing about it; it is no good their hiding behind the Premier because he is their spokesman. They are all involved, each one of them equally. Make no mistake about that.

Mr Nanovich: You seem to think you have the perfect system over there. Far from it—you have not proved anything.

Mr BERTRAM: We on this side of the House very often do not agree with the policies and principles of the Liberal Party, and there is nothing particularly wrong with that. Liberal Party members do not agree with our policies, but we do not concern ourselves particularly about that. In this adversary type of Parliament, we have these confrontations and very often somewhere along the line a reasonable result comes about. However, we take the strongest exception to the fact that where there is no policy and where there is no principle, there is just a conspiracy of 30-odd people to do one thing; that is, to guarantee themselves a term of office in this Parliament irrespective of what the people of the electorate may want.

In effect the measure we are discussing will determine the result of State elections here for years to come. It was brought before the Parliament without notice having been given to the people at all. The Government had complete knowledge that the legislation would be put into effect long before the policy speeches for the 1974 election were drafted or delivered. We take an extremely dim view of this type of performance. I do not have the capacity to produce words which are permissible in this Chamber to describe adequately what

I think of the Government's performance. However, I will finally and unmistakably place on record that we believe this legislation is a shame and something which every member on the Government side of the House should be ashamed of.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [9.48 p.m.]: In my brief address to the third reading stage of this Bill, I would like to say that any electoral legislation in Australia, other than that providing for one-vote-one-value, has been brought in by the Government of the day with some intention to advantage itself. Of course, a Government which brought in its own demise would be rather silly, and I do not think any Government has been game to do that, although it may have happened on some occasions with the rare systems that have been used in Federal elections. However, the present Federal system is the nearest approach we have in Australia to the principle of one-vote-one-value. The only State lower House in Australia which is elected on the basis of one-vote-one-value is the Tasmanian lower House, and this illustrates the reason the Liberal Party does not wish to implement that principle—the Labor Party has been in power in that State for so long and it has remained in power because of the one-vote-one-value system.

For a while a system was introduced in Victoria where two State electorates were allocated to each Federal electorate. This was in fact a virtual vote-value distribution. However, the system did not look to be going extremely well for Sir Henry Bolte, so he altered it to afford himself some protection other than that system. The parties bringing in such electoral amendments will say they have more principles than to gerrymander boundaries, but in fact, whatever Government is amending electoral legislation, if the amendments are not on the basis of one-vote-one-value it is fooling around with it, and of course, it is fooling around for its own advantage.

I would like to draw the attention of the House to certain features that have been brought out during the course of this debate. One such matter was drawn to my attention last night by the member for Victoria Park. I take strong exception to some comments made by the Premier in his reply to this Bill in the second reading stage, and I have taken the trouble to check out the matter. The member for Scarborough and others thought they had a great point on me because of my attitude in 1965, and my comments when I was the official spokesman for the Opposition in respect of electoral legislation then before the House. I now find that my position is very sound, and if members refer to page 1498 of the 1965 *Hansard* where the comment that was quoted by the

Premier appears they will see a flagrant breach of the procedures of this House.

In dealing with the legislation then before the House, I said—

It is simple mental arithmetic to work out that if the people in the outer areas have double the voting rights of those living in the metropolitan area, for Legislative Assembly elections, they have quadruple the voting rights of metropolitan electors for Legislative Council elections. So unless we are prepared to adopt a basis of one vote one value there will always be an argument along those lines. The argument has always been, of course, that in a rural State the rural areas should have some special privileges allocated to them, as do the people in the goldfields areas and remote areas such as the north-west. People in those districts have had privileges accorded to them in regard to voting rights.

Now, Mr Speaker, when the Premier referred to what I said, he used only part of my sentence. I said—

The argument has always been, of course, that in a rural State the rural areas should have some special privileges allocated to them, as do the people in the goldfields areas and remote areas such as the north-west.

The words held against me were clearly these words of mine from the 1965 debate. However, the Premier's report of my remarks was as follows—

... in a rural State the rural areas should have some special privileges allocated to them ...

Over the years I have become used to the Premier quoting remarks out of context, but usually he completes a sentence. However, this is an example of the Liberal Party propaganda of late. The Deputy Premier has now fallen into this habit and sometimes he does not quote fully what people have said. It is a bad trait, and I do not recall ever having done it myself. Certainly I have quoted a paragraph in my own propaganda to use against a person, and this is a usual practice with political parties. But I have never dissected a sentence to reverse its meaning. Mr Speaker, I suggest that you look at this matter to see whether perhaps some breach of Parliament has been committed.

Mr Harman: They will come at anything.

Mr JAMIESON: This manoeuvre is quite obvious when the quotations are compared. Because I had been referred to the 1965 debate, I thought I should look at the whole situation to see what comments were made. At that time the present Premier was acting in this House for the

Minister for Justice, and on page 1574 of the 1965 *Hansard* we see a criticism made by the present Premier of the attitude of my own leader. He was Deputy Leader of the Opposition in those days. I would like to quote these comments of the present Premier because they show how people can change their minds. He said—

The honourable member would be in safer ground in making the allegation of gerrymandering—I am referring to the Deputy Leader of the Opposition and not to the member for Beeloo, who did not make it—if the Government had, at the same time, brought in a provision which said that this is the metropolitan boundary and this is the number of seats for all time that will be in it. That has not been done; nor is it the Government's intention. The Government has tried to set out in clear terms the boundaries for what is known as the Metropolitan Area; and the number of seats within this area will be determined by the commissioners. This is fair enough, when we have regard for the peculiar electoral system we have followed in this State for many years.

So in effect the present Premier was saying that if one did that one would be charged with gerrymandering. Now, I ask members: What is being done on this occasion? For those who hark back in history, let them go back further to see what happened in 1906 and 1911, when the Labor Party commenced to win seats in the north. Every time electoral legislation was brought in, one seat would be lost to the Labor Party. I do not say that the number of electors was not increasing, because it was.

Mr Coyne: They were different people.

Mr JAMIESON: Of course they were. These were long-bearded, garrulous people, and they should not have had a vote because they were Labor supporters. Of course they were different people. The fact remains that if we delve into the history of electoral legislation, it does not add to the gloss of the Liberal Party, the National Party, or whatever other conservative name it has carried.

Mr Coyne: Certainly they were not socialists then!

Mr JAMIESON: My word they were. There was a socialist member for Pilbara back as far as 1906, and there was a socialist member for Roebourne in 1911. From then on the representation varied. One Labor member lost the seat for a while, and then Mr Rodoreda held it for a considerable number of years, and from then on the Labor representation built up. From 1924 onwards, of course, Mr Coverley held the Kimberley electorate, and that

seat was held for Labor by him and the late Mr Rhatigan until 1968.

Mr Ridge: Altogether 48 years.

Mr JAMIESON: From 1924 to 1968?

Mr Ridge: A total of 48 years in a row.

Mr JAMIESON: I cannot see how the Minister comes to that figure, but I will not spoil the argument for four years! The situation is that any Government which tries to fool around with a system other than that of one-vote-one-value is doing so only for its own advantage.

We have shown very strong opposition, and we have said very clearly that we will accept only electoral legislation on a vote-value system. Until this system is brought in, we know that any redistribution is made against the interests of the Labor Party. We will always hold to the principle of one-vote-one-value.

The United Nations Assembly has made a statement about this matter, and members have heard what the Supreme Court of the United States of America had to say about it. It is a pity that our constitutional fathers did not give a little more thought to this section of the Constitution, because if they had, we would have a far better basis on which to work than we have now in regard to electoral distribution in this State.

I oppose the third reading of the Bill; and, Mr Speaker, I would ask you to look at the section I referred to you because I do think this goes beyond the normal basis of parliamentary activity.

MR SKIDMORE (Swan) [10.01 p.m.]: I do not wish to traverse—and, of course, you, Mr Speaker, would not allow me to—the debate which has occurred so far on this issue. However, I would like briefly to summarise the issues we on this side of the House feel are important.

I would say at the outset that surely there should be no doubt in the minds of members opposite that we believe in one-vote-one-value. We believe the first step in the achievement of that ideal—even though not in its entirety—is the deletion of any lines upon a map which mark out a metropolitan area. We believe the whole State should be divided into 51 electorates; and those electorates in turn should be divided into the total number of electors in the State thereby creating as nearly as possible one-vote-one-value for each elector.

I would like to summarise my remarks in this debate. I mention again the corridor plan, and in particular the south-east corridor. However, before doing so, I would like to ask members opposite: Why must votes be equal? This equal claim to freedom requires equal and enduring opportunity to exercise as much power over

the election of representatives as any other citizen. Special privilege, like additional voting power, can allow one group of citizens to advance their interests at the expense of other groups. That is precisely what we say is taking place in the presentation of this Bill by the Government.

The Government has ignored the corridor to the south-east suggested in the corridor plan. However, at least a slight chink in the armour of the Government has appeared in that the Minister handling the Bill has indicated to us the arguments submitted by the Deputy Leader of the Opposition in respect of the inexplicable divergences of the boundary line will be considered, and corrected if there are no technical reasons why that should not be done. This certainly goes a little way towards recognising that the corridor plan accepted by the Government contains an eastern corridor which is supposed to embrace the metropolitan area.

When we consider the matter of the south-east corridor I merely repeat—and I do so unashamedly—the remarks I made previously: We cannot have a south-east corridor and split it down the middle and say one side of the line is metropolitan and the other side is rural. I do not believe I need to elaborate on that point.

I again pose the question: Why must votes be equal? I would say that Governments are instituted among men, deriving their just power from the consent of the governed. That principle is taken from the USA Declaration of Independence. That the decision-makers should be under effective popular control is essential to democracy. The only just way to decide where the greatest good lies is to rely on majority rule where everybody is to count for one and nobody for more than one. That is what we have been saying all the time. Ideally the percentage of votes won and the percentage of seats won should correspond so that when the elected representatives vote on an issue their votes reflect the views of the majority. I see nothing wrong with that.

One might ask, "What is meant by popular control?" I believe it means that it is a vote of the majority of electors; that it is an unbiased vote; and that it is an equal vote with an equal value; and that, of course, would give popular control of Governments.

I will not give percentages, although they are readily available to me, to indicate the inequality of voting in respect of rural seats compared with metropolitan seats. The figures are readily available for anyone who wishes to study them; and anyone who is honest will be able to reach no conclusion other than the one members on this side of the House have been propounding since this Bill was first introduced; that is, there is inequality and injustice in our present system and there

is certainly greater injustice in the proposed system which will worsen the position of the metropolitan voter as against the rural voter. If members opposite do not believe me they can do their homework and they will ascertain that is so.

It is a fair statement to say that every citizen is equal before the law, whether he is being protected or prosecuted. However, when it comes to electoral boundaries that equality goes out of the window and we have second-class citizens and first-class citizens; yet all citizens are compelled to obey the laws made by the Parliaments and therefore they should have equal opportunity to make the laws. There should not be any change in values. Surely if we represent people the people we represent are entitled to be represented properly and in a fair-minded manner without bias.

If I were asked whether I could substantiate that statement, I would simply say that we on this side have regaled members opposite for many hours in respect of this matter, and if they failed to hear and to understand what we have said, then it is not my intention to regale them with the same message again. I merely suggest that they avail themselves of the opportunity to read *Hansard* to see if what we have been saying substantiates the statement I have just made.

I would like to deal now with the question of democratic majority. Democratic majority rule with politically equal votes gives legitimacy to government. Surely one could not quarrel with that. By definition, most of the people are happy with the Government and all have had an equal say in the election under democratic majority rule. I would say that is the case under what I term an effective popular control where each and every person is equal and has the same rights. In that case government is by decision of the majority of the people in an unbiased manner.

I would like to conclude by quoting from a book entitled *Sovereign People* which, I understand, was written on the question of voting systems. The author is unknown to me only because I received a print without his name on it, and I have not been able to ascertain who he is. However, the heading under which I quote is, "Indirect Democracy: the Subordinate Instruments of Government". I quote as follows—

On this basis, and without going any further, it is quite clear that under existing arrangements the representation of the people must always be distorted and denatured, and the position is easily reached where representation is merely nominal, or is even the direct contradiction of the true state of public opinion.

I agree unquestionably with the author in respect of that statement; it is exactly

what I have been saying about this Bill. It goes on—

There are the most enormous differences between the number of electors to whom the various members of parliament respectively owe their seats.

One would not need to be more than a very small person with a small amount of intelligence to understand that I would agree with that statement, and that all members on this side of the House would agree with it. The imbalance in respect of rural versus metropolitan versus statutory electorates is so pronounced that no-one can ignore it. The quotation continues—

Some bodies of electors are therefore greatly over-represented and others greatly under-represented. Quite commonly a majority of members in parliament represents only a minority of the electors voting, and the machinery therefore permits the smaller part of the nation to give laws to the greater part.

The Leader of the Opposition clearly illustrated that in his closing address on this Bill tonight when he indicated the great percentage of votes won by the Australian Labor Party, and the number of seats the party achieves with that percentage. I continue to quote—

All this is due chiefly to four causes:

- (1) a restricted franchise and plural voting, where these still exist (e.g., the Upper Houses of three Australian states);

One does not have to be a wizard to work out where one of those upper Houses exists; of course it is in this State.

Mr Laurance: That is a bit old-fashioned.

Mr SKIDMORE: It might be, but we have been regaling members opposite with the same thought during the debate on this Bill. If the member for Gascoyne wishes to go back into history I suggest we could give him a history lesson later on; but as I am not an historian I would have to rely on history books. I do not know that would achieve anything. I do not want to place myself in a position of not admitting that maybe somewhere along the line I have made mistakes; my party is not in a position to say that somewhere along the line it has not made a mistake; but nowhere along the line has my party changed its view in respect of one-vote-one-value. However, it has been prevented from achieving the objective it has pursued for many years because the electorate has been gerrymandered.

Mr Young: You are wrong.

Mr SKIDMORE: I might be wrong, but the honourable member can get up later

and tell me where I am wrong. I continue the quote—

- (2) the grossly unequal number of registered voters in the different electorates. Some of the worst examples of this in recent times have been the United Kingdom and the more backward of the Australian states;
- (3) the system of compulsory voting, where this exists (e.g., Australia),
- (4) the lack of any machinery either for representing at all the minorities in each electorate, or for equalising the representation of the different sized majorities.

Members on this side have adequately proved to the Government that this Bill seeks to do nothing more nor less than to gerrymander the electorate in such a way that the Labor Party will be destined to fill the Opposition benches for a long time. However, the Labor Party is resilient; it has existed as a party for many years; since it became a party it has not adopted the subterfuge of changing its name; it has not indulged in the political expediency of swapping Ministers and selling them down the drain or of saying they are jolly good fellows one day and that they are not good fellows the next day; nor has the Labor Party indulged in tactics such as having agricultural matters dealt with by other Ministers while the Minister for Agriculture sits in silence.

I conclude on the note that we have put forward an irrefutable case which establishes that this Bill is another gerrymander by a Liberal Party Government and, for this reason, that Government stands condemned. I support the proposition that the measure should be defeated.

MR HARMAN (Maylands) [10.16 p.m.]: I join with other members of the Opposition in opposing the third reading of this Bill. I will make my comments brief in order to stress to the House what this legislation will do. It is really seeking to perpetuate a system that has been operating in this State for too long with the type of Government we now have. In other words, the people who live in the metropolitan area are denied their vote having a proper value as compared with the vote granted to people living in country areas.

Members may well say: People living in country areas should be granted some advantages because of their isolation. What I am suggesting is that this so-called progressive Liberal Party Government, led by the so-called progressive Liberal Party Premier (Sir Charles Court) is, in fact, a conservative status quo Government and every piece of legislation it has brought to this House, if it is

properly analysed, is merely designed to preserve the status quo, and to preserve the power and domination the Liberal Party would like to have over the people of Western Australia.

That is not the view of the Labor Party. The view of that party is that the people of Western Australia should have an opportunity to resolve and determine those matters that will affect their everyday lives. They will not get that opportunity under this legislation because it will, for all time, preserve the domination and the power of the Liberal Party which will dictate to the people of Western Australia how they shall live.

The Labor Party holds a different point of view. We believe that the people of Western Australia should have the benefit of some sort of process by which they can determine the way in which they live. On many occasions in this House we have said that the Labor Party proposes that in this Assembly there should be a system of committees and we should not have to go through the process of sitting here night after night, day after day, listening to many lengthy debates that do not get down to the real "nitty-gritty" decision-making processes. The decision-making process should occur during the Committee stage of a Bill.

Every piece of legislation proposed by the Executive Government should, in the first place, be sent to a committee and at that committee members of Parliament, elected on the basis of one-vote-one-value, could grant an opportunity to the people of the State to put their view and so we would not have this ramrodding legislation, and we would not have legislation pushed through by forcing members to sit here until six o'clock in the morning, just because the Government wants it to be passed as soon as possible.

We would not expect the people of this State to attend a meeting of a committee in the middle of the night to put forward a proposition that this or that should take place. This is 1975, and I hope we are a progressive State. We should not be going backwards or even retaining the status quo. We should be progressing, and the only way to progress in this country now is to get people involved in the decision-making process. That is the policy of the Australian Labor Party.

It was announced by our Prime Minister in his policy speech in 1972 that the Australian Government wanted to provide an opportunity for people to become involved in decision-making and that Government has provided that opportunity to the people by all sorts of techniques developed by the Australian Government.

However, this so-called progressive Liberal Government of Western Australia has said, "Not on your life! We do not want the people to become involved. We know

what is good for the people and we will make the decisions here in this place where we have the numbers, and also in another place where we also have the numbers."

This Bill is a classic example of the Liberal Party deciding that it knows what is right for the people of Western Australia and it will push this piece of legislation through the Parliament. The alternative offered by the Labor Party is one in which I think the people of Western Australia would be interested; namely, an opportunity to become involved in what is happening in their own State and what is happening to their families. The people want to have some say in what is happening to them. They do not want to be told by the Liberal Party, and by Sir Charles Court, that they can have this or that. They do not want to be told, "You cannot have this because of the Australian Government."

The people want to know the reasons for the decisions made by the Government. So many people in the community nowadays are questioning the Premier of Western Australia because of his attitude. It was evident recently, in a survey conducted by his own party, as to how the Premier —

Mr Young: Who told you that silly story? Can you tell us where you got it from?

Mr HARMAN: I do not have to tell the honourable member, because he knows. It is already documented in this House as to where that information came from. If the honourable member wants to spend his time outside the Chamber when issues are being debated and information is being given to the House, he should read *Hansard* to ascertain where this information came from.

The facts are that the Liberal Party in this State has discovered that its stocks are down. It has organised a system that will provide the party with an opportunity to keep its stocks up to the extent that it will remain in Government. The Government has done that by this Bill; that is the whole purpose of the measure.

If we analyse the objectives of the Bill it will be found that the Liberal Party will remain in office as long as the electoral system proposed in this measure remains in existence. We do not want to have any association with that sort of legislation. We want the people of Western Australia to become involved in what will happen to them, and the Labor Party offers the people of this State that opportunity under a system of Government—when we become the Government—that occurs through committees; where people become involved in all sorts of legislation which is brought to this House from the Executive Government.

As I said when I commenced my speech, this is a classic example of the Liberal Party remaining in power by domination

and by telling the people of Western Australia, "This is the way you shall be ruled, because we believe we have a divine right to rule, and this is how you will be subjugated."

Question put and a division taken with the following result—

Ayes—26

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

(Teller)

Noes—19

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr May
Mr T. J. Burke	Mr McIver
Mr Carr	Mr McKinnon
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

The SPEAKER: I declare that the motion—that the Bill be now read a third time—is carried with the concurrence of an absolute majority of the whole number of members of the House.

Question thus passed.

Bill read a third time and transmitted to the Council.

House adjourned at 10.29 p.m.

Legislative Council

Thursday, the 11th September, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

BILLS (4): ASSENT

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

1. Friendly Societies Act Amendment Bill.
2. University of Western Australia Act Amendment Bill.
3. Stipendiary Magistrates Act Amendment Bill.
4. Metric Conversion Act Amendment Bill.