

# Legislative Assembly

Tuesday, 2 September 1980

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

## QUESTIONS ON NOTICE

### *Admissibility: Statement by Speaker*

**THE SPEAKER** (Mr Thompson): I draw the attention of the House to question 478 appearing on today's notice paper. This question is out of order because it seeks a ruling. Speaker's rulings are not given by way of replies to questions.

I appreciate that there is difficulty in raising points of order concerning questions and answers, particularly under the changed circumstances now applying with the replies to questions. In these circumstances I feel the best solution, should a point of order arise, is for the member or Minister to raise the matter at the time when questions without notice are being answered.

For the information of members, the fact that a question appears on the notice paper does not necessarily indicate that it is in order. It is quite often the case that a question is ruled out of order after it has appeared on the notice paper, possibly as the result of further information being provided to the Speaker.

As I have informed the House earlier this session, the Speaker has no control over the manner in which a Minister replies to any question. If the Minister cares to express a certain point of view then that is his or her prerogative. It is clearly not a ruling and is not regarded by me as such. My personal preference is that Ministers avoid phrasing replies in such a way that they could confuse other members into thinking that they are giving rulings. A Minister, like any other member, is perfectly entitled to raise a point of order.

## BILLS (2): ASSENT

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

1. City of Perth Endowment Lands Amendment Bill.
2. Metropolitan Water Supply, Sewerage, and Drainage Amendment Bill.

## STOCK

### *Export: Petition*

**MR BATEMAN** (Canning) [4.35 p.m.]: I have a petition as follows—

**THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PARLIAMENT OF WESTERN AUSTRALIA IN PARLIAMENT ASSEMBLED:**

We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will legislate against the export of all live animals except for stud purposes, and pressure the Federal Government to do likewise.

We deplore the indisputable suffering involved in transportation, culminating in slaughter under primitive conditions.

The gross indifference to the fate of these animals as evidenced in commercial, governmental and certain public sectors can no longer be tolerated.

We are convinced that these barbaric practices are indefensible on both moral and economic grounds, presenting a bitter indictment of our supposedly civilised society.

Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

This petition bears 5 061 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 14.)

## ABORIGINAL HERITAGE AMENDMENT BILL (No. 2)

### *Second Reading*

**MR GRAYDEN** (South Perth—Minister for Cultural Affairs) [4.38 p.m.]: I move—

That the Bill be now read a second time.

The Aboriginal Heritage Act was introduced into this Parliament in 1972 because of a growing public awareness of the need to protect and preserve those Aboriginal objects and places which were of special importance and significance to living Aborigines and the Australian heritage.

The Act had the support of all parties and it was therefore worded in an all-encompassing way,

with the object of achieving as much protection as was possible, particularly in preserving Aboriginal objects and places which were an integral part of our history and so important to our heritage.

The Act conveyed wide powers on the Museum Trustees and the Aboriginal Cultural Material Committee, but at the same time made provision for the wider role of government and the obligation of government to take into consideration the public and national interest when determining whether Aboriginal objects and places should be protected or otherwise.

To this end, the Act contained a provision that enabled the Government, through the responsible Minister, to give to the trustees, or to the committee, directions of a general or specific character as to the exercise of any function under the Act and, further, that the trustees or committee should give effect to any such direction.

In practice, sections of the community have chosen to disregard the existing overriding role of the Government and as, in addition, the Act confers wide powers on the trustees and the committee, this leaves many sections of the Act open to varying interpretations and dispute.

As a result of this, the original purpose for which the Act was introduced has been largely lost and sections of the community, in a highly organised campaign, are now using the Act for political purposes to further their claims for land and mineral rights.

It is therefore proposed to make a number of amendments to the Act. The first amendment will, to some extent, tighten the provisions of the section relating to the places to which the Act will apply.

The alterations are moderate ones; however, it is hoped that in practice, the interpretation of this section of the Act will more nearly approximate the original purpose for which the Act was introduced and result in the Act being confined in its application to Aboriginal places and objects of importance and significance, worthy of preservation.

The second amendment will obviate difficulties being experienced in the current Act and make possible prompt, sensitive Government decisions having full regard for the urgent need to protect and preserve Aboriginal places and objects of importance and significance to living Aborigines and the Australian heritage, and for the wider public and national interest.

The amendment will provide for the Museum Trustees to make recommendations relative to the proper care and protection of places to which the

Act applies to the responsible Minister for decision after consideration by him of the recommendations of the trustees and the wider public and national interest.

Any decision by the Minister to impose conditions on, or wholly or partly withhold consent from the owner of any land, including a lessee from the Crown, a holder of any mining tenement or privilege, or any privilege under the Petroleum Act in relation to the land on which the Aboriginal site is located, will be subject to appeal to the Supreme Court.

The Act will be amended to ensure that, prior to an Aboriginal site being recommended for declaration as a protected area, notice shall be given to interested persons who shall have the opportunity to have their representations considered by the Minister who, in doing so may, if warranted, take into account the wider public and national interest.

If, upon considering the representations, the report of the trustees, and any further information that the Minister may require the complainant or the trustees to provide, it appears to the Minister that it is in the general interest of the community to do so, the Minister may recommend to the Governor that the Aboriginal site be declared a protected area.

The principle of this important amendment is supported by the Museum Trustees who have stated that they believe they should not be put in a position of being the arbiters "in regard to the general interests of the community" and that protected area proposals should be in the form of recommendations from the trustees to the Minister, upon which the Minister would make a decision. The proposal would then be submitted to the Governor in Executive Council for approval and declaration.

Provision is also made for a declaration of a protected area to be varied or revoked. However, any Order-in-Council varying or revoking such a declaration shall be published in the *Government Gazette* and, as with a regulation under section 36 of the Interpretation Act, 1918, shall be subject to disallowance by either House of Parliament.

Another section of the Act will be amended to ensure that the role of the Aboriginal Cultural Material Committee will be substantially advisory to the trustees and that the powers and functions currently given to the committee will be given to the trustees. The trustees have stated that, in principle, the role of the committee should be advisory to the trustees. With the consent of the Minister, powers and functions can be delegated by the trustees.

The current penalties for breach of provisions of the Act are stringent ones, providing as they do for fines and up to 12 months' imprisonment. It is felt that additional property forfeiture provisions which could involve forfeiture of pastoral or freehold properties, or mining tenements, are unnecessary. In the case of a pastoral or freehold property, entire families could be affected and, in the case of a company, large numbers of shareholders, although they may have in no way been involved in the original breach of the Act. So, it is felt that a maximum 12 months' prison sentence for serious breaches of the Act should be an adequate deterrent.

These amendments should serve to eliminate much of the uncertainty and disputation which has occurred recently in respect of Aboriginal sites. However, as with other Acts, no doubt in the future, further amendments will be found necessary.

In the meantime, it is important for us all to facilitate the protection of Aboriginal objects and places of significance by working together with this common purpose.

Before the advent of European settlement, Aborigines in Australia occupied a harsh land. They suffered from cold, hunger and thirst and lack of medical attention. Minor ailments caused suffering and death. Despite these privations, they developed many fine traits of character and established a culture and mythology which now forms an integral part of the Australian heritage.

While European settlement changed the traditional Aboriginal way of life, it also brought medical attention, freedom from hunger and thirst, protection from the elements and other benefits of civilisation.

We are now one Australian nation and our country is the home of peoples from many lands.

Let us resolve to go forward into the future as one family of peoples, resisting division, rejecting privilege for any section of our community and instead striving together to achieve a society in which every individual can develop to the maximum of his or her potential, a society in which the weak and the disadvantaged and the under-privileged find compassion and help.

Let us resolve to continue always as one family of peoples in one continent with one law for all and as one Australian nation.

Debate adjourned for one week, on motion by Mr Pearce.

### *Point of Order*

Mr PEARCE: Mr Speaker, I seek your guidance on a point of procedure. The Bill which has just been outlined by the Minister for Cultural Affairs is the Aboriginal Heritage Amendment Bill (No. 2). As members would know, there is an Aboriginal Heritage Amendment Bill in my name on the notice paper. Could you outline the procedures I would need to follow to seek a cognate debate on the two Bills?

The SPEAKER: The procedures are specified in Standing Orders. I suggest that the member for Gosnells has a look at Standing Orders and perhaps then discuss the matter with the Clerk in order to try to bring about the course he wishes to follow.

## CONSTITUTION AMENDMENT BILL

### *Second Reading*

Debate resumed from 12 August.

MR DAVIES (Victoria Park—Leader of the Opposition) [4.48 p.m.]: The Opposition is opposed to the addition of two members to the Ministry. Firstly, we consider it is not necessary to have these additional members, and that the argument advanced by the Premier has not been convincing; secondly, we point out the Government did not mention this matter during the election campaign, and we do not believe he has a mandate in this area; and, thirdly, I remind the House that this action is not in line with the Government's declared strategy of limiting the Public Service. Other side issues are associated with this measure but, basically, they are the three reasons the Opposition opposes the addition of two members to the Ministry.

Mr Nanovich: During the election campaign the Premier said that he would add to the Ministry.

Mr DAVIES: I have been unable to find any record of that statement. If indeed the Premier did say that and he is able to bring proof of it to the House it would merely limit the objection of the Opposition to two factors rather than three. I have looked very closely through the Government's book outlining its policies and on page 35 the Premier indicated that he would separate the areas of resources and industrial development; but he did not say he would appoint an additional Minister or Ministers. Nowhere in the book can I find any such reference.

I can find no reference to such a move in any of the Press cuttings on this subject. The first intimation that something along these lines might happen appeared in the Press on 25 February, a

day members would know was the Monday after the State election. The article written by Mr E. A. Barker, the political reporter for *The West Australian*, indicated that Sir Charles Court may have been considering expanding the 13-member Cabinet to 14 members to give more scope for developing the work ahead. The article indicated that the Lands portfolio would be revamped to become the Ministry for land resources. That forecast did not come true, because the Minister handling these matters is still referred to as the Minister for Lands and Minister for Forests.

What is interesting when going through the Press cuttings in relation to the formation of a new Cabinet is the strong impression which emerges that the Premier was on a spot. It appears the Premier was being put on a spot by his back-benchers because he was continuing to give precedence to two of the three National Country Party members who had remained faithful and he felt he could not, in any conscience, drop them from the Ministry.

In fact, I think he could have. I have seen him do some terrible things lately. However, the Premier felt he was in a situation where the National Party probably would say, "That is the kind of desserts one gets from that kind of Premier." I imagine the Premier said that he had better keep the two National Country Party members in the Cabinet despite the fact there were only three of them in the Legislative Assembly. It seems he said that they would continue to have two portfolios—two of the 13 portfolios.

Of course, this was upsetting some of the Government back-benchers, some of whom had given good service and who felt they were entitled to some degree of recognition for the work they had done. These members felt that the Liberal Party in its own right should take an increasing part in government.

It was not until 5 March that the Cabinet was announced, and not all of the forecasts which had been made proved to be correct. However, I do not want to deal with the personalities involved; I do not think that comes into it. The need for additional Ministers is the proposition upon which the Opposition needs to be convinced—we certainly have not been convinced up to the present time. I agree with some of the reconstitution of the Cabinet as it is now.

I think the Premier must have looked carefully at our policy, because we said that resources and industrial development could well be separated. We said, too, that small business needed to be given some attention and that there needed to be

a Minister for water resources. These matters have been put into effect in the new Cabinet and we are pleased the Premier has done so. We are unhappy to find that the Premier has done nothing about technology; he has not appointed any Minister to look at any facet of technology. I assume the matter will fall to the Deputy Premier in his Labour and Industry portfolio. There does not seem to have been any thought given to the appointment of someone to look after that aspect.

Certain Ministers seem to have extremely light loads. For instance, there are two Ministers who have only one portfolio—the Minister for Transport and the Minister for Health. I was surprised indeed—I had best be careful about what I say—that the Minister for Health, for whom I have a high regard as a Minister and as a member of Parliament, had the portfolio of Community Welfare taken from him. I believe it is well within his capacity to handle both portfolios admirably. I say this speaking as a former Minister for Health during which time and at various other times I held the portfolios of Environment, Fisheries and Fauna, Town Planning and, I think, Prices Control and Consumer Protection.

Whilst I certainly realise how hard Ministers need to work—I do not decry any of the efforts of the current members of the Ministry—a Minister with the capacity of the present Minister for Health could deal with an additional portfolio. I know that portfolio has particular problems at present, problems brought about by the present Federal Government which has effected something like 18 changes to our health scheme in five years. Our health scheme has been brought to such a situation that no-one knows just what the position is.

I suppose the Minister for Transport also could handle an additional portfolio. I recall the Premier lauding the Minister at a country shire councils' conference at one time, saying how he was one of the best Ministers for Local Government, Town Planning, and Urban Development this State had ever had. The Premier said he was a splendid fellow with a great capacity. The Premier sacked him the next week and made him the Minister for Transport! I am not sure whether the Minister was kicked upstairs or downstairs; but I am sure he could handle a further portfolio.

I am sure the Minister for Lands and the Minister for Forests could do more. I am sure the Minister for Agriculture could extend himself and do a little more. I am sure the Minister for Fisheries and Wildlife and the Minister for

Conservation and the Environment could extend themselves and take control of more portfolios.

Let us consider how the present Cabinet has been mixed, and it certainly has been mixed up. Regretfully, most members of the House do not know which Minister represents what portfolio these days. We have a Minister Co-ordinating Economic and Regional Development and we have a senior Minister assisting the Minister Co-ordinating Economic and Regional Development. I am not certain who is the senior Minister in this case; I do not know whether it is the Premier or the Minister assisting. Nevertheless, we have that area of concern being dealt with by two Ministers.

Then we have a portfolio for Resources Development which stands alone. But the portfolio of Resources Development must come in with the portfolios of Industrial Development and Mines, Fuel and Energy, and Economic and Regional Development. The portfolio of Resources Development must be associated with all these other areas. So we have this Minister in this particular portfolio standing alone, yet his portfolio is related at least to three others.

Then we have the same Minister handling the portfolio of Industrial Development and Commerce. He also has an Honorary Minister assisting the Minister in the portfolios of Industrial Development and Commerce. That same assisting Minister has been given the portfolio relating to small business. I am sorry that that important aspect of Labor Party policy has been relegated to No. 15 on the ministerial scale. So, we have two Ministers looking after the one department again.

Then if we look at the area of regional administration, we have a Minister for Regional Administration and the North West, and we have a Minister assisting the Minister for Regional Administration and the North West. Now, who is doing what and when? Do they know? Do they know the fields for which they are responsible? Do they have separate pieces of legislation to look after?

In the old days—and I hate saying that, because the Premier says so often, “Don’t you remember when”—and I have been here 19 years, there were clearly defined areas for which Ministers were responsible. I have not had a look at the list so I do not know whether the assisting Ministers have been given specific Acts to look after or whether they are just handed instructions as to what the Ministers wish them to do. There is some confusion there.

To add to that list there is a Minister for Housing and a Minister assisting the Minister for Housing. Again, the portfolios have been spread around. There are about eight portfolios with four Ministers. Four of those portfolios are, of course, handled by the same Minister in some way or another. So it is a regular mess-up!

I am not quite certain how the Government is allocating staff or how the Government is controlling the Public Service. Is it true that if the Minister for Industrial Development wishes some research work done he has to go to the Minister for Resources Development and say, “Lend me an economist. Can you help me out there?” Is it true that some of the work done by the Department of Resources Development and the Department of Regional Development is being carried out under contract by outside economists? Is this the way the Government is cutting down the Public Service?

If we had a clear case established of a Cabinet which is set up with clearly defined areas of jurisdiction we might not have much to argue about. However, confusion is confounded by this Cabinet. I can only say it seems to have been confounded because of the desire of the Premier to placate his back-bench members and keep in the Cabinet two National Country Party members, out of all relativity to their strength within the Parliament and their vote within the electorate. It is as simple as that. The Premier is attempting to please everyone and he is pleasing no-one.

Of course, he is expecting the public to pay for this. This is not the way to apply a strategy to limit the Public Service. We have enough complaints in that regard without the added ministerial appointments. I do not want to remind members about the propagandist superno, Mr Leggo. I do not know whether he has been working on the Noonkanbah situation. I would give him nought out of 10 if I were paying him \$34 000 a year.

The Government does not seem to apply any restrictions at all when it comes to Ministers and it is no good saying that these Ministers do not require additional staff because they do, if only a personal secretary. They need typists and the other staff that go with ministerial appointments. If there are to be Ministers then they are entitled to the staff. I do not cavil with that.

However, it seems to me that the Government has decided that it needs additional Ministers and also it is a way out of its problem—to keep the extra members of the National Country Party. The Government has mixed the portfolios and

spread the area of responsibility. The Government believes that that fact is sufficient proof that additional Ministers are required. The Opposition does not accept that.

With this extra work I thought it would mean that additional staff would be provided for the Opposition so I wrote to the Premier and asked him for additional staff. His reply stated that the situation did not necessarily mean that the Opposition had extra work to do. The Premier believed that if there were extra work to be done it would be by those in the Ministry. I reject that completely.

The Premier also stated in his reply to me that after each election he was prepared to review the staff available to the Leader of the Opposition and to members of Parliament. He said he would do that if I spoke to the under secretary. The Premier would be pleased to receive a submission from me, my deputy, or the leader in the other place.

I spoke to the under secretary who is still looking into the matter of a research officer for the Leader of the Opposition in the Legislative Council. That matter is four years old! It is four years since we first approached the Government on that matter. With the review of staff which is supposed to be taking place, the Government has added two Ministers because the load is too much for the existing ministerial officers.

How in the name of all that is moral and decent can we have a Minister for Police and Traffic and a Minister for Community Welfare—one man—looking after both portfolios? At present with this spread of ministerial portfolios we have seen how ludicrous the situation is. We have a Minister supporting a convoy in a panzer attack on Noonkanbah and also completely disregarding the situation of the Aborigines he is supposed to be representing.

Mr Hassell: Getting stuck into the police again. You are obsessed with the police.

Mr DAVIES: Every answer we have received from this Minister is "You are attacking the police."

Several members interjected.

Mr DAVIES: I promise the House I will get stuck into the Commissioner of Police before this session is over.

Several members interjected.

Mr DAVIES: I promise I will do that. I want to know who is running the country—the Commissioner of Police or the Government?

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

Mr DAVIES: There is no relativity between the police and community welfare. I thought for a moment, Mr Speaker, you were about to give me an answer as to who was running the country.

The SPEAKER: Order! I will not tell the Leader of the Opposition who is running the country but I will tell the Leader of the Opposition and those members who are interjecting who is running this House. I am, and I call on members to cease interjecting.

Mr DAVIES: Thank you, Mr Speaker. I want to know who is running the country, or who will run it: the Commissioner of Police or the Government. If the Government members continue to deny any knowledge of what is happening then obviously the Commissioner of Police is running the country. Is that a good thing? Has the Government abdicated? Someone is not being truthful in this House and the Opposition will be looking at some of these aspects very soon. The Opposition will be asking questions and will be looking for truthful answers.

It is no good the Minister for Police and Traffic saying, "Oooh!". It is no good the Minister for Police and Traffic pretending to be funny because he is disgracing himself when he does that. If he wishes to be a responsible member of Cabinet why does he not answer questions put to him which are fair and reasonable? If he wants to say, "Oooh" again—

Several members interjected.

Mr DAVIES:—then he can do so because he is a real funny boy when he does that, and that is about all he is—a boy! I am sure many of his colleagues sitting behind and who are joining in the merriment would really like to put a knife in his back. They were not happy about him attaining a job in Cabinet over and above some who have rendered good service.

Several members interjected.

Mr DAVIES: I can appreciate the difficulty the Premier had—

The SPEAKER: Order!

Mr DAVIES:—with the two National Country Party members he had to keep—at least for a while. The Premier had some back-bench members complaining. There were a few people who thought they should be in the Cabinet. In a debate in 1975 on the Constitution Acts Amendment Bill (No 4) the Premier said—

Governments need not have 12 Ministers, but they can have up to 12. Whilst there might be some attraction to increase the number to 13, 14 or 15, my own practical experience is that if this Government

contemplated doing that, then before I introduced the second reading of the relevant Bill I would have members sidling up to me saying, "Which one will I get?" One step at a time is enough, and we will leave the number at 13.

I can appreciate the difficulty of the Premier in 1975. He was frightened of members who were trying to wheedle their way into Cabinet. How much more difficult must his position have been in 1980, when he had a legitimate reason to get rid of National Country Party members?

Mr Stephens: The time was not opportune.

Mr DAVIES: It will come, as the member for Stirling suggests. If the Premier was embarrassed in 1975, then his embarrassment must have been so much more in 1980 when the circumstances were so different.

I also refer to the reconstitution of Cabinet and the appointment of a Cabinet Secretary. In a debate on the Constitution Acts Amendment Bill (No. 2) in 1975 the Premier said it was most unlikely that the Government would have a Cabinet Secretary from the Legislative Council. How things change. Of course he is entitled to have a change and I do not care where the Cabinet Secretary comes from. The Premier got over his difficulty in the Legislative Council by wielding the broad axe in that Council and promoting a junior member.

The Premier says he has to promote junior members and give them experience. I suggest that many of them should have much longer experience in this House as ordinary members of Parliament. They would then be much better Ministers.

I advise the Premier that I certainly will be pursuing the four-year-old matter of the appointment of a research officer for the Leader of the Opposition in the Legislative Council. I will also be making suggestions as to how facilities generally for members on this side of the House can be improved. The Opposition is attempting to do an honest job.

Despite what is said about electorate offices and the alleged benefits available to the Opposition, we all know that the work of electorate offices is double the amount of the work of members. It is therefore quite apparent, that by doubling the work, additional staff is required to carry it out.

I looked at the situation with regard to the Cabinets in other States to ascertain whether we were not being as generous as they were. I do not have the figures with me at the moment but from memory, since we last increased the size of our

Cabinet, New South Wales increased theirs by one, Victoria by one and South Australia by one. I do not know that the need for a bigger Cabinet is greater here than in other States.

The Government says it is consistent in the reasons it puts up on this occasion, as it was in the reasons it put up in 1975. We also are consistent in our objections to the proposal, and I do not think we should be otherwise. In 1975 the Bill was amended for a specific reason, which was to appoint a Minister to deal with Federal affairs. We know the background to that.

I do not know that we have seen any benefit of great consequence, and I say that without being disrespectful to the present incumbent. I do not know that this Parliament, at least, has been aware of any great benefit from having a Minister for Federal Affairs. When the Government wants to say something about Canberra, the Premier usually says it. I think the portfolio of Federal Affairs would be very easy indeed because all one has to say as far as this Government is concerned is "No". It does not matter which Government is in office or whether or not a proposal is for the good of the people; this Government is prepared to say "No" to any Federal Government proposal.

I want to speak about the role of Ministers. In his second reading speech the Premier spoke of environmental matters and other matters requiring attention. Most of this work is done by the staff in the department, and the Minister is required to oversee and direct the material that is brought before him. He is at the top. If he is doing all this work himself, he is not a good Minister. He should be able to delegate the slogging and hack work which needs to be done. That can be done by his staff; it is not a good Minister or administrator who does it himself.

Is the Minister for Police and Traffic directing the Police Force? He is not. We want a Minister for Police and Traffic only to sign a few documents from time to time. He does not direct the Police Force; he has admitted in this House that he does not.

The Premier particularly mentioned environmental matters. I remind members again about the environmental report on Worsley. We were given a clear understanding that everything was fine; the Minister and the Premier said so. But everything was not fine and the Government was not being honest with the public. Do we need an additional Minister to ensure the public are told what they ought to know or to ensure that the Government puts only its construction on all the reports? I do not accept that the Minister for

Conservation and the Environment has to do all this work. I speak from experience once again.

The Premier mentioned in his speech Government and private environmental matters. The role of the Government is only to assess the position on the advice it is given. If anything, environmental matters are receiving less attention now than they should receive, and I do not accept that as a reason for expanding the Ministry.

I have gone fairly carefully through the Premier's second reading speech and I can see no good reason at all for supporting this measure. Had an acceptable case been put up, we could easily have been convinced; but I am not convinced at the present time. In a Press release which was published in *The West Australian* on 6 March, I said I did not think additional Ministers were necessary. I said I could see no justification for the increase, and all the research I have done since then has convinced me there is no justification for it whatsoever.

I want to repeat very briefly the grounds upon which we oppose the expansion of the Cabinet. It is not in the Government's policy. It was never mentioned during the election campaign. It did not surface until a week or so after the election, and we do not believe the Government has a mandate to appoint additional Ministers. Had the proposal passed through the Premier's mind at election time, we believe he should at least have told the public what he was thinking.

We are not convinced the additional Ministers are necessary. I have detailed the way the various responsibilities have been scattered around. I believe there could have been tighter allocation. Staff within the departments might have been allocated some of the duties which the Honorary Ministers are doing. I suppose we should call them apprentice Ministers.

My colleagues and I are not convinced that the additional Ministers are necessary. I repeat that the increase is not in line with the Government's declared strategy to limit the Public Service. We have not been shown that any Public Service saving is likely to be effected. It has not been admitted that additional public servants are likely to be appointed because of the increase in the Ministry, but people know the way the Public Service works, and if there were to be a saving we might have been told about it. The Opposition and I have been consistent in our opposition to the expansion of the Cabinet, and because we have not been convinced it is necessary, we will be voting against the measure.

**DR DADOUR (Subiaco)** [5.22 p.m.]: I feel I should speak at this juncture because I am not at

all happy with this legislation. I have been making a study of the actual costing and of the State taxes to which we have been subjected over the past six years, and I find that we on this side of the House are not doing what we are supposed to be doing; that is, trimming Government spending and keeping taxes to a minimum. I find myself in the curious position that I cannot support this proposal. To me it is unnecessary and extremely expensive. It will lead to more inflation. There will be a massive increase in Government spending, with all the back up facilities. We will see more people in unproductive jobs—and let us face it, these are all unproductive jobs—which will further increase inflation.

Yet, we have a very firm policy to trim the bureaucracy and reduce Government spending. Let us look back a few years at the increase in the staff of the Premier's Department. In 1974 that department had a staff of 53 according to the Public Service List; in 1979 the staff numbered 143, which represents an increase of almost 200 per cent. However, with a firm policy of no increase in the Public Service, in fact a negative increase would have been the answer. In 1974 there were 88 000 people on the pay-roll of the Western Australian Government, and in 1980 there were 106 900. We have seen an increase in State taxes of over 70 per cent in the past five or six years, with a population increase of approximately 11 per cent. It is not as though the population were multiplying by the millions; it is not. The only thing that is multiplying is taxation.

There have been massive increases in the charges of the State Energy Commission and the charges for water and sewerage. All these charges are inflationary and create a disincentive to free enterprise. I do not think the increased expense for more Ministers can be justified. I have been unable to justify it in my own mind. I have a fair idea of the work load of Ministers. I have a fairly big work load myself and I do not complain about it; I just keep going. I cannot see that they have a greater work load than I have; as a matter of fact, their work load would not be so great.

Let us make a comparison with the other States. Under this proposal, Western Australia will have a total of 15 Ministers for a population of approximately 1.144 million as at 30 June 1976; say, 1.2 million. The population of South Australia is larger than that of Western Australia, and South Australia has 13 Ministers. Queensland, which has a population approximately double that of Western Australia, has only 17 Ministers. Victoria, with a population of 3.7 million, has 18 Ministers. New South Wales, with nearly five million people, has 19



Ministers. I do not think the Commonwealth provides a fair comparison because it covers different areas. With the proposal now before us, Western Australia will have two more Ministers than South Australia, which has a larger population than Western Australia. It is true that Western Australia covers a bigger area, but with plane travel I do not see that has much bearing on the matter.

As I said, it is not the salaries of the additional Ministers that worry me but the cost of the back up facilities. We cannot determine how much new portfolios will cost, because there will probably be new departments or sub-departments which will carry more and more staff, and there must be an increase in the Public Service. So, the increase in big fleas leads to an increase in small fleas, and that will happen under our policy of not increasing the Public Service.

As far as I am concerned, a unilateral decision was made to increase the Ministry. I read in the newspaper an announcement that it was proposed that there be 15 Ministers, and that was the first I knew about it. It worried me a great deal but I realised that for once I had a crucial vote. If the Opposition and the National Party vote against this Bill, my vote will count. I did a great deal of thinking and worrying about the matter, and I came to the conclusion that I should oppose the Bill. I think that as a Liberal I will do the right thing in opposing it. I sometimes jokingly call myself "No. 28"—the absolute majority on the floor of the House or the green parrot.

Governments do not create wealth, they consume it; and we are certainly making hogs of ourselves. There is little doubt that this proposal to increase the Ministry is a job for the boys. The National Country Party has three members in this House and two Ministers, and by comparison there is a great number of Liberal Party back-benchers. The Liberal Party has eight Ministers out of 26 members at the moment, and with the two Honorary Ministers we have 10 Ministers out of 26 members.

Mr Stephens: They ought to realise they are Country Party in name only—not in fact.

Dr DADOUR: More government does not equal better government—in fact, it is always the opposite. The more government the worse the Government is.

If the proposal in this legislation were adopted, the Government would lose its credibility. In my opinion the Government's credibility is at stake over this wastage of the taxpayers' money. That is a very important point to me. The Government is creating more disincentives for free enterprise,

there will be more Government spending, and I wonder what has happened to our free enterprise policy. Also, the Bill demonstrates a blatant misuse of political power. Indeed, the proposal reeks of more unproductive activity, more chiefs without enough Indians, more digging of holes and filling them in again.

I believe it would be quite incorrect to increase the number of Ministers in our Government. I read through the Premier's reasons for this increase very carefully, and I am left with the same opinion—that the Bill is not in the best interests of Western Australia.

It is not my intention to cross the floor to vote against the Bill. Such a procedure would result in a vote of 27 for and 27 against the Bill. This would give you, Mr Speaker, a casting vote, and therefore, an absolute majority. It is, however, my intention, to leave the Chamber and not take part in the division. That is my way of opposing the legislation. I do oppose the Bill, and in taking the action I propose to take, I am fully aware of what may or may not happen.

I was extremely alarmed to read the *press gallery report* of 22 August. At the bottom left-hand corner, under the heading, "cabinet debate delayed", the following article appeared—

Political manoeuvring has delayed debate on the Constitution Act amendments which seek to expand the Cabinet from 13 to 15 members. Although the Bill was high on the notice paper this week, it seems the intriguing debate anticipated and the crucial vote have been delayed while the Government and Opposition do a little horse-trading.

I was shocked to read such an article.

Mr Davies: You don't think we would trade with them, do you?

Dr DADOUR: I did not believe this sort of thing could go on, and I certainly hope it is not so. Have there been other such instances in the past? Certainly I did not know anything like this took place. Every case should be decided on its merits. If the Opposition needs more staff, it must put up a case to the Government, and that case must be dealt with on its merits. If the Government needs more Ministers or more publicity officers, a decision must be made on the merits of each case.

I was alarmed to read such a report, although I understand this is probably not the case at all.

Mr Shalders: You ought to know it was not the case.

Mr Bateman: No way was it the case.

**Dr DADOUR:** I have said as much as I wish to say on this matter. I oppose the Bill for the several reasons I have given. I believe it should not be passed.

**MR COWAN (Merredin)** [5.34 p.m.]: The National Party opposes this legislation, although unlike the member for Subiaco, I do not believe our opposition to an amendment to the Constitution will make any changes to the expansion of the number of public servants or the number of Government departments we will have in the future. If we were to support the Bill, we would merely give official sanction to the policy of increasing Government departments, increasing bureaucracy, and increasing rule by Government as opposed to rule by Parliament.

In the campaign leading up to the 1980 State election, our party made it very clear that we opposed any increase in Government bureaucracy; and also, that we opposed very strongly any matter which took from this place any rightful power belonging to it. One such power is some control over the Government which runs the State. Adding two more Ministers to the already inflated Ministry would serve no purpose at all, other than to diminish the power of this Parliament. It may be of some interest to members to note that if this legislation were passed, of the 30 members on this side of the House, exactly half would be directly in debt to the Premier for their positions. With the Ministry and the officers of the House, the Premier can hand out 15 positions to 30 members of Parliament.

We are aware already that Western Australia has an inflated Ministry compared with the other States. I believe it was the Leader of the Opposition who looked for some notes to give members an indication of the number of Ministers in other States. The member for Subiaco quoted the number of Ministers in some States and the population served by those Ministers. Western Australia, with its current 13 Ministers and its 1.15 million population, has a very favourable ratio of Ministers to population compared with all the other States.

New South Wales, with a population of 4.7 million and 99 members in the lower House, has 19 Ministers. Of course, Queensland has one House of Parliament only, and it has 82 members and 18 Ministers serving 2.01 million people. South Australia has 13 Ministers and 47 members of the lower House, and a population of 1.24 million. Tasmania has 10 Ministers and 34 seats for a population of 0.5 million. That is about the only State more favourable than Western Australia.

Victoria has 18 Ministers and 81 lower House members for a population of 3.65 million. I remind members that Western Australia has currently 13 Ministers and 55 members of the lower House to serve 1.15 million people.

On a population basis there is no justification for an increase in the Ministry. Certainly, there is no justification for such an increase on the basis of the policy of either of the Government parties. One of the strong points of both parties' policies was a reduction of bureaucracy and the promotion of free enterprise. If we support this Bill we will sanction the creation of more Government departments and more bureaucrats—a proposal that all members on this side of the House should oppose. Consequently, we oppose the Bill.

**SIR CHARLES COURT (Nedlands—Premier)** [5.38 p.m.]: I am not surprised at the opposition to this Bill from three quarters. It has been very well publicised that the Opposition is opposed to it, the National Party is opposed to it, and the member for Subiaco felt it was time for him to have his moment of glory.

Several members interjected.

**Mr Stephens:** Some people are prepared to think for themselves.

**Mr H. D. Evans:** He stood up to you.

**Sir CHARLES COURT:** I would like to make a few observations on the points made by the three speakers.

Several members interjected.

**The SPEAKER:** Order!

**Sir CHARLES COURT:** The Leader of the Opposition, in analysing the situation as he saw it, referred to the fact that two Ministers hold only one portfolio each. I was surprised that he adopted this attitude because he has had some experience of the portfolio of Health, although I do not think he has any practical experience of the portfolio of Transport. I would like to remind him and the rest of the House, that Health has become a much larger and more complex portfolio than ever before. Health needs a huge budget, and the control of this portfolio has become very complex, and this has happened for reasons other than those mentioned by the Leader of the Opposition.

**Mr H. D. Evans:** The same size as CSR, I suppose!

**Sir CHARLES COURT:** For example, the complexity of negotiations and financial arrangements with the Commonwealth has imposed an additional burden on the Minister and his staff and, quite apart from that, the

sophistication of the services we have to supply over such a huge State is very demanding. In view of the fact we had to rein in very severely our spending on health matters, including hospitals and all the associated facets that come under the control of the Minister for Health, we felt the time had come to relieve the Minister of his other responsibility, in this case, the portfolio of Community Welfare, to allow him time to concentrate on Health.

I want to assure members, and the Minister himself would assure them, that this decision was the result of fairly lengthy consultations with the Minister. He was very anxious that he should be able to concentrate his activities and his capacity in the field of finance on this very vexed question of health. In that regard he has achieved already some quite considerable savings, and it is his capacity and ability to understand the complexity of the problems involved in that very great portfolio, and his capacity to bring people together to analyse matters in a very objective way which has enabled us to save tens of millions of dollars. That fact in itself has warranted the concentration of a Minister in that one portfolio, especially bearing in mind the huge percentage of our Budget that it absorbs.

We then come to the portfolio of Transport which involves railways, the MTT, main roads, ports and harbours, heavy haulage and road transport generally, taxis, State ships, and airways.

Mr T. H. Jones: Convoys?

Sir CHARLES COURT: We are in the process of undertaking the first major review and reorganisation of the whole transport system of the State for 50 years.

Mr Davies: It has been going on for three years.

Sir CHARLES COURT: This means that the Minister must, of necessity, concentrate all his time and effort on this particular portfolio. So I make no apology for ensuring that these two Ministers were relieved of other commitments.

Mr Davies: The transport review has been going on for three years, and you changed Ministers midstream.

Sir CHARLES COURT: I want to refer to the anatomy of the Cabinet and the strategy of the portfolios that go to make up the Cabinet. It is a fact of life that because of the tremendous amount of resources development that this State has undertaken—and with more to come—it was very necessary to break away from the old portfolio of Industrial Development.

Those who have had experience in Government know it is imperative to have the same Minister for Resources Development as we have for Mines and Fuel and Energy, because these areas are very much interlocked. I can speak from a great deal of experience in the matter and I am aware of the complexities that can arise when these portfolios are split amongst different Ministers. It was my belief, and also that of the Government, that the time had come—as I foreshadowed prior to the election—to split the old portfolio of Industrial Development. This decision was put into effect at the time of the appointment of the new Cabinet.

The very weight of the portfolios of Industrial Development—while it included resources development—Mines, and Fuel and Energy had meant an overshadowing of the more detailed aspects of Industrial Development which in themselves were crucial. Industries which were wanting to develop here to provide services, to undertake fabrication, and to bring in some of the diversity we wanted, were affected. Also affected were small industry and commerce, and a host of things including interstate and overseas trade. Therefore, it was desirable and necessary, as I foreshadowed during the election campaign, to relieve a Minister of the heavy burden of Resources Development, Mines, Fuel and Energy, so that he could concentrate on matters which could be more correctly defined as the old concept of Industrial Development.

When I became the Minister for Industrial Development in 1959, the current files for that department came to me in an attache case! Since that time a great deal of development has occurred in the role of the department which has had to be absorbed, and a tremendous upsurge has taken place in respect of resources development.

The other aspect of the Ministry which I want to explain is this: In the Ministry I had been the Minister for Industrial Development—which included the work of resources development—for 12 years, and we had the present Minister for Works and Water Resources acting as the Minister in charge of the portfolios of Industrial Development, Mines, and Fuel and Energy over the last six years. No other Minister in the Cabinet had this detailed and exhaustive experience with the very complicated problems of international negotiation in respect of finance and trade for resources development. Therefore, it was felt the time had come when we should have greater depth in the Ministry so that we had more than two Ministers—bearing in mind no Minister goes on forever—with the experience necessary to

take part in these basic portfolios which are so important to the economic thrust of this State. So it was decided we would bring in a new Minister to take over Resources Development, Mines, and Fuel and Energy.

I would like to explain the role of the Minister for Works and Water Resources, who is listed also as being the Minister assisting the Minister Co-ordinating Economic and Regional Development. The significance of that is that we retained the interest, influence, and experience of the Minister for Works and Water Resources in the sphere of economic development and the co-ordination of that development, which is so vital to the State. So I believe in the regrouping that has occurred we have gained much greater strength and much greater depth. Another Premier might do it another way, as would be his right. Another Premier could have fewer Ministers if he wished; but the simple fact is that the greater depth now given to the Ministry is, I believe, vital to the future of Western Australia.

A query has been raised about the fact that we have Ministers listed as substantive Ministers, while the Honorary Ministers are listed as Ministers assisting other Ministers. The reason for this is simple. It must be done in this way under the Constitution until a Bill of this nature is passed, because we must have a substantive Minister. In point of fact, members opposite know this to be correct; they know we must have a substantive Minister to take the final, constitutional responsibility. But the detailed work of the department in the meantime is carried out essentially by an Honorary Minister.

Mr Jamieson: Are you telling me that an Honorary Minister cannot be a substantive Minister?

Sir CHARLES COURT: Not under the Constitution; but an Honorary Minister can conduct a department. In respect of constitutional matters, there must be a substantive Minister. That is the reason it has been done in this way. Substantive Ministers are sworn in in their portfolios, and the Honorary Ministers are sworn in as Ministers assisting the substantive Ministers. That is lawful and proper.

This State of ours has changed in character because of the huge amount of development that has occurred; it is without equal anywhere in the world in terms of its size compared with its small population and its special big resources development, including mineral, rural, energy, fishing, and many other aspects. It is interesting that at this time half of the known resources development projects to be undertaken in

Australia in this decade will be undertaken in Western Australia. Surely that in itself, along with the complexity, size, nature, and sophistication of the developments means that we must have more people able to take ministerial responsibility. This is quite apart from the fact that we have so great a size and only 8 per cent of the population, yet we earn so much of the export income and buy so much by way of manufactured goods from the Eastern States; in each case contributing to the national economy.

Bearing those things in mind, we must consider our Ministry in a different light; we do not have a pocket handkerchief State like Victoria has, where one must keep one's brakes on or one will run out of the end of it! I believe the people in the remote areas of this State are entitled to service, and the only way they can get it is to get Ministers out into the mineral areas, the rural areas, the fishing areas, the timber areas, and what-have-you. This is very time-consuming and very exacting for Ministers.

I want to say also that today we live in a different era from that which pertained when I first entered the Ministry. In those days one worked hard, and at the end of the year one chalked up one's results. We did not have the confrontation and difficulties faced by Ministers now. Members of the Ministry are now constantly confronted by hostile, one-issue groups, and they are confronted by a completely different type of media. I want to warn members on the other side about this because they have not had experience in the current era. The demands on Ministers now are terrific; they are never-ending, 24 hours a day, and seven days a week. Therefore, it is necessary to have people—

Mr Stephens: Take Parliament into your confidence and let parliamentarians do more work.

Sir CHARLES COURT: —who are able to absorb this type of responsibility.

There was another purpose in this expansion of the Ministry. I would like to feel the Opposition in its heart would support the thought that in a State like this with the nature of our development it is necessary to have adequate people with experience in the Ministry. I believe it is very necessary that we are able to bring in more Ministers so that we can have a greater spread of experience and age; because time marches on and some of the men who are new Ministers today will be very experienced in two or three years' time and capable of doing as good a job as anyone has done in the past.

Mr Bryce: A good argument for regular changes of Government.

Sir CHARLES COURT: This matter was thought out most carefully. I foreshadowed during the election, without being specific, that there would be some division of portfolios, and anyone in his right mind—and the Leader of the Opposition was fair enough to refer to this—would have had to realise that additional Ministers would be involved. It was suggested that a deal was made to placate the NCP. I do not know who dreamt up that one, but the situation has not changed from what existed previously. I make no apology for that; the coalition is working very effectively and smoothly and as far as I am concerned there was no decision to be made when it came to the portfolios held by NCP Ministers.

I want to remind members opposite that the addition of two portfolios was not meant to make life easier for me; on the contrary, it has not. The easiest thing I could have done would be to keep the Ministry as it was and simply replace the retiring Deputy Premier, then we could have gone on, hey presto, with less dislocation and probably less difficulty in making selections. Most people would accept that the Government had successfully entered an election and won it with the second-best ever result in the history of the Liberal Party and, therefore, it was entitled to carry on. It definitely was not a matter of making things easier for the Premier because in some ways it made my lot harder.

I want to refer to the question of staff and to disabuse the mind of the member for Subiaco in respect of a suggestion of a deal being made about staff. I have never made such a deal, and the member for Subiaco knows that to be true. The Leader of the Opposition at no stage suggested to me that we would have a little deal on the side if possible, with him giving me a few and me giving him a few. I believe that in fairness to all parties concerned the situation should be clearly known. It is a fact that before the election I undertook that a review would be held of the staff of the Leader of the Opposition after the election was over.

The staff allocated to the Leader of the Opposition today is most generous compared with the staff Sir David Brand and I had as Leaders of the Opposition.

Mr T. H. Jones: It is a changed situation.

Mr McIver: This is a new era.

Sir CHARLES COURT: I could bring tears to the eyes of members opposite if I were to talk about some of the things done to Sir David Brand and I. However, when we came into Government

we acknowledged that a change had occurred, and we have continued to acknowledge that. So the Leader of the Opposition and his colleagues have received large improvements to their facilities by comparison with what their predecessors had to put up with. I am not suggesting this is something which is not subject to review, because it was stated before the election that there would be a commitment on the part of the Government, if returned, to undertake a review of the staff. That is being done.

However, that is not part of a deal, and in any case the Opposition itself has given the lie to it by saying it will oppose the Bill. There has never been any negotiation or correspondence relating to a suggestion that if the Opposition wanted staff additions, the price would be the support of this Bill. I leave the matter at that.

Attention has been drawn to the other States, and I do not want to dwell on this because the other States are different from Western Australia. Queensland has special features, so have New South Wales, Victoria, Tasmania, and South Australia. When we look at what goes on in this State we must realise that our position is different and calls for a different form of government and a different form of administration. Having regard for the work load of Ministers as well as the distances involved and the special features in this State, such as its economic development, its position within the nation, and the importance of getting out into remote areas, I think the Ministry in its present form is desirable, and the amendment should be made to the Constitution.

I turn now to deal with the National Party, the leader of which expressed views consistent with those we have seen so often in the Press. We could have assumed, without him saying it, that the party would oppose this Bill. But that is the business of the National Party, and it is a free country.

Mr Bryce: Is it still? It isn't if you want to drill for oil.

Sir CHARLES COURT: It happens to be the most free country in the whole world.

Mr Davies: You are kidding yourself, never forget that.

Several members interjected.

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

Sir CHARLES COURT: The bitterness of the National Party in these matters is well known, and it comes as no surprise to us.

Mr Cowan: Give us an example. Of course you can't.

Sir CHARLES COURT: I would like to refer to a comment of the member for Subiaco when he referred to the fact that he was in a curious position—which is not unusual for him in matters of this kind. He said the Ministry is unproductive, and a Minister's job is unproductive. I dispute that strongly because in my experience, with very few exceptions, one of the greatest differences between a Minister and a bureaucrat in the true sense of the word is that the Minister is essentially productive because he is able to be creative and to make opportunities within his portfolio in respect of matters in which he is involved. He can take the department to greater strength and greater efficiency and make it a better department than when he took over. That is the great challenge of the Ministry; and a Minister who is running his department properly is quite different from a bureaucrat. I often point out to Ministers that a Minister doing his job properly in his office is often the only friend the citizen has, because the bureaucrat is there day in and day out, pumping his pump and pushing his barrow. The Minister is in exactly the reverse position if he is doing his job well.

The member for Subiaco referred to work loads and said his work load would be greater than that of a Minister. I remind him that his income would probably be much greater than that of a Minister. That is his business, and I do not question it at all; but when he criticises a so-called lack of work load on the part of a Minister, I think it is quite unfair on his part, and it is an action which ill becomes him.

Mr Speaker, I think my comments cover most of the points that have been raised during the second reading debate on this Bill. I make no apology for the fact we had a complete re-think of the role of the Ministers, the role of the Ministry, the spread of the portfolios, and the reallocation of the responsibilities. I think anyone who considers the question objectively and fairly will admit that the spread of portfolios is a sensible one. It makes for a balance in the Government; and it gives opportunities for younger Ministers to come in and gain experience, and to carry some of the heavy burden in the years that lie ahead.

I commend the Bill to the House.

#### *Speaker's Ruling*

**THE SPEAKER** (Mr Thompson): Before I put the question, I want to say I have been giving consideration to the question whether this Bill requires to be passed by an absolute majority. The

requirement that certain Bills need to be agreed to by absolute majorities at the second and third reading stages is to be found in section 73 of the Constitution Act, 1889. This appears in the volume *Acts and Other Information Relating to Parliament*, on page 38. The relevant portion reads—

73. (1) Subject to the succeeding provisions of this section, the Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act. Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

The phrase "Constitution of the Legislative Council or of the Legislative Assembly" has been discussed many times in this Parliament; and varying interpretations have been placed upon it, both in this House and in the Legislative Council. I see little point in recounting the arguments of previous times; but members who are interested may care to consult *Hansard* concerning the Lotteries (Control) Amendment, 1933; the Constitution Amendment, 1933; the Legislative Council Referendum Bill, 1945; the Legislative Council Referendum Bill, 1946; the Constitution Acts Amendment Bill, 1950; and the electoral amendments in 1936 and 1958.

Be that as it may, all those rulings, arguments, and comments do little more than illustrate the difficulty Parliament has in interpreting this particular provision in the Constitution. They cannot decide anything for the future. The ultimate decision on a matter such as this is made in an appropriate court.

Mr Speaker Guthrie, on 4 November 1969, expressed his doubt whether presiding officers should give rulings on constitutional matters, at page 2145 of *Hansard*. I think I can understand the reason for his attitude. If a presiding officer rules, for instance, that a certain Bill requires an absolute majority, or that another Bill needs to be supported by an appropriation Message from His Excellency the Governor, that is the end of the matter unless the House dissents from his ruling. The reluctance of members to carry a dissent motion may well result in a ruling, which is quite

wrong in law, becoming a precedent for later cases.

I emphasise that these questions are properly matters of law, not of parliamentary practice or Standing Orders. It is possible that a continuous series of precedents, all intended to uphold the Constitution, could all be incorrect legally. Once a practice is established and upheld by later rulings, it is unlikely to be reversed by a subsequent Speaker. This could eventually lead to a situation where the ability of the Parliament to legislate is restricted, quite incorrectly. Such a state of affairs surely is not acceptable in a parliamentary democracy.

I come now to the immediate question before me. The Bill is one which is popularly understood to increase the Ministry from 13 to 15. In fact, of course, the word "Minister" is not mentioned in the relevant sections. Reference is made to "office of the Government liable to be vacated on political grounds". This is a traditional parliamentary way of describing the office. If members take the trouble to read the Constitution and its amendments, they may be surprised to discover that there is no requirement that these offices shall be held by members of Parliament, save that one of them shall be a member of the Legislative Council.

Having made that point, I refer again to the words in section 73 of the Constitution Act. This requires an absolute majority to concur in the second and third readings of a Bill "by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be effected".

I believe that an argument could be sustained that this Bill does not involve a change or alteration to the constitution of either House. To my knowledge, this particular part of our Constitution has come before the courts on two occasions. The first was in 1933 and 1934 when, in *Clydesdale v. Hughes*, the High Court of Australia on appeal held that a Constitution Acts Amendment Bill did not alter or change the constitution of the Legislative Council so as to require absolute majorities under section 73. In those cases, the appeals, both retrospectively and prospectively, validated the accepting of an office of profit under the Crown—namely, membership of the Lotteries Commission—by a member of the Legislative Council.

The second occasion on which this part of our Constitution has been examined by the courts occurred this year, in the Supreme Court of Western Australia, in the case of *Wilsmore v. the State of Western Australia* and others. On that

occasion, Mr Justice Brinsden was required to give judgment on this very matter in connection with the Electoral Act Amendment Bill (No. 2) agreed to in the last session of the previous Parliament. I am extremely reluctant to attempt to summarise the specific questions in His Honour's judgment, particularly in view of the fact that the matter is before the Full Court of the Supreme Court on appeal. However, I feel it is fair to say that nothing in that judgment weakens the case requiring an absolute majority on a Bill meant to alter the constitution of either the Legislative Council or the Legislative Assembly. I will make no further comment on that matter because the question is, in a sense, *sub judice*. At a later stage, when we have the decision of the Full Court, a firmer conclusion may be drawn.

The question of whether certain Bills need to be agreed to by absolute majorities has been exercising my mind for a considerable time. I refer members to my statement on the Constitution Acts Amendment Bill on 27 November 1979. On that occasion I expressed doubt that that particular amendment to the Constitution was one which would necessitate the concurrence of an absolute majority. In my view, there is not sufficient reason for me to rule that this Bill does require an absolute majority to pass its second and third readings in this House. If I were to so rule, I might inhibit a majority of members in this House from validly passing legislation which is quite within their competence. On the other hand, if I declined to so rule and a majority, but not necessarily an absolute majority, of members passed legislation which is legally invalid, the courts are always available to decide the matter.

I personally prefer that such legal questions are decided in their proper place—the courts of the land.

It is relevant to note that there have been four occasions since the granting of responsible Government when the number of Ministers was increased. There were six Ministers in 1899. This was increased as follows—

in 1927 to eight,  
in 1950 to 10,  
in 1965 to 12, and  
in 1975 to 13.

The records show that only in the last two cases did the Speaker require the Bill to have the concurrence of an absolute majority. In the two precedents of longest standing, and therefore those which have been longest available to legal

challenge, no evidence of the support of an absolute majority is recorded.

I rule that this Bill does not require the concurrence of an absolute majority.

I will arrange for the Clerks to distribute to members copies of that statement and I will now leave the Chair until 7.30 p.m.

*Sitting suspended from 6.11 to 7.30 p.m.*

#### *Dissent from Speaker's Ruling*

Mr DAVIES: Just prior to the tea suspension you will remember, Sir, that you made a statement from the Chair in which you gave a ruling. I seek to disagree with that ruling and I am certain the House would be surprised if I did not do so.

With due respect, Sir, apart from saying that your ruling was one of the most shameful I have ever heard given in this House, I want to challenge the accuracy of it.

I do not know whether you did your own research, Sir, or whether someone else did it for you; but it seems that the position is not quite as clear as you would have us believe.

I was somewhat handicapped in carrying out research, because of the time available. I thought you, Sir, might have adjourned the House for an hour or two so that we could have another look at the matter. However, I am quite certain you would not do so, because you have not had such directions from the Premier.

Government members interjected.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I shall ignore the rather rude remark made by the Leader of the Opposition. I should like to inform him that it had been my intention to leave the Chair for an hour, after I had made the statement, in order that such research could be undertaken.

It just so happened that I concluded reading the statement at 10 minutes past six, and at that point I left the Chair without putting the question, for the deliberate purpose of allowing a full hour or more for members of the House to consider my ruling.

Had the ruling been given some time after the tea suspension, I would have left the Chair for an hour to allow research to proceed.

Mr DAVIES: With due respect, Sir, it would still place the Opposition at a distinct disadvantage, because you have had approximately three months to research the position, but you would have expected us to research it and bring down an opinion within one

hour. I am not certain that I can even properly comprehend your decision, Sir, in the time that has been made available to me, although I have done my best. Indeed, I thought you might have made your opinion more widely known at an earlier stage, in view of the fact that the necessity for a constitutional majority in regard to this matter has been publicised rather widely over the past few months.

I do not believe it suddenly came to you, Sir, when you entered the Chamber this afternoon, that you should rule one way or another and in fact reverse previous decisions which have been given in this House. You seem to take your strength from a statement you made on 27 November 1979, when you said you were concerned about whether or not the amendment before the House at that time—it was an amendment to the Constitution Acts Amendment Bill and I am quite certain the rest of the members of the House have not had a look at it—required a constitutional majority. You were not prepared to take the risk. You said, "I am going to demand a constitutional majority on it." You indeed did so. I shall read the relevant passage—

The question is that the Bill be read a second time. Those of that opinion say "Aye"; to the contrary, "No". I have counted the House, and as there is an absolute majority present and there being no dissentient voice, I declare the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

That statement appears at page 5315 of *Hansard*.

Mr H. D. Evans: It is a statement of unequivocal intent.

Mr DAVIES: As my deputy has said, it was a statement of unequivocal intent. There was no hesitation on your part. You were not concerned for a moment. You said, "Perhaps there could be a necessity for a constitutional majority." However, it was not a matter which related to the election of members and it did not affect the constitution of the House.

That is the first occasion on which you misled the House when you gave your opinion. Whether or not you thought it was correct is really of little account, because you said that you wanted a constitutional majority, therefore, you were going to have one. You counted the House, there was no dissentient voice—

Mr O'Connor: What is the date of that?

Mr DAVIES: It was 27 November 1979 and the statement appears at page 5315 of *Hansard*.



Mr O'Connor: You did not read the whole text of the statement.

Mr DAVIES: I shall read the full statement to the Deputy Premier. The Speaker was concerned about the matter, but he said that if there was a doubt, he intended to err on the side of requiring a constitutional majority.

Mr Bryce: And what has happened in between?

Mr DAVIES: I am sorry the Deputy Premier seems to have been privy to the opinion of the Speaker before me.

Mr O'Connor: I read it from this article and if you had any nous, you would have done the same.

Mr DAVIES: That is what I have been doing. What does the Deputy Premier think I have been doing since 10 minutes past six?

Mr O'Connor: You seemed to indicate that no-one else had read it.

Mr DAVIES: I gave members the details of the statement and the page at which it appeared in *Hansard*. The Speaker referred to the constitution of the Legislative Assembly. I do not believe you care whether or not your ruling is disagreed with, Sir. It appears it is more important that you should talk to the Clerk. Perhaps I should wait until you have finished. However, we are disagreeing with your ruling, Sir, and I would be pleased if you would pay some attention to what I am saying.

Mr H. D. Evans: It is a major matter.

Mr DAVIES: This is a rather major matter. We are dealing with the Constitution and what happens here tonight can affect this Government and future Governments for many years to come. Despite the fact that the Speaker says now that the matter should go to the courts, he seems to have forgotten previous utterances by senior members of the House that this is the highest court in the land and we are making decisions.

The only point on which I can agree with you is that the decisions are probably made on the numbers and are not always the best decisions. However, where a precedent has been established clearly—and it most certainly has been established clearly in this case, despite the opinion given by the Speaker—we should continue in that vein unless something upsets the situation.

What has happened to upset it on this occasion? Surely it was known some months ago that a constitutional majority was necessary. Indeed the corridors of Parliament were running hot with members full of brilliant ideas as to how the Speaker might be given a vote. It was as simple as that. When it became quite certain that we could not give the Speaker a vote in view of

the voting intentions which had been declared by various members, we had to start looking around again. Government members then said, "Perhaps we do not need his vote anyway. Let us start looking around to see how we might give a decision which will not require the Speaker to vote and if anyone does not like it, let him go to the courts." Of course, it was forgotten that we are the highest court in the land.

The Speaker argued that the alteration to the House was in fact not an alteration, because the people concerned were only going to be appointed Ministers. It is clear that, because of the power and authority they exert, the constitution of the House must be altered, in the same way as it would be altered if you, Sir, were taken from your position and the position abolished. You, Sir, make up the constitution of the House by being part of the House as set out under the Act and the Constitution.

I agree that, if Ministers were appointed from outside the Cabinet—apparently that is possible and it has been talked about for a long time—there might be some substance in your argument. I believe for a short time a Minister in an earlier Western Australian Cabinet was not a member of Parliament, and it is clear that can occur. If these Ministers were not within the Parliament, there might be some substance in your argument, Sir; but there is no substance in your argument when the Honorary Ministers are at the present time, and will be for some time to come, part of this Parliament, sitting in this House, and making up what constitutes the Parliament. If one alters the status and standing of some members, it is clear one alters the constitution of Parliament. It is clear that your opinion definitely erred in that respect.

Let us look at some of the cases you quoted. Unfortunately I was not able to look at all of them; but I should like to refer to an amendment to the Electoral Act in 1958. That amendment was challenged and it was intended that the matter should be sent back to the Crown Law Department. However, that did not have to happen, because a Government member had a heart attack and the Government lost its constitutional majority anyway. That case had a different complexion from the one you, Sir, quoted here.

Let us look now at the four occasions on which the size of Cabinet was increased. In 1927 Cabinet was increased as a result of a unanimous decision. It was carried on the voices. There was no need to count the House. A constitutional majority was not mentioned, but there was no need to do so, because there was no challenge. It

was counted as a constitutional majority on the voices and there was no challenge from members of Parliament.

In 1950 the size of Cabinet was increased to 10. On that occasion, a division was taken. The matter is recorded in *Hansard* and a clear constitutional majority was obtained. Once again, the Constitution could not be challenged, even if anyone was in doubt about it.

It can be seen that simply as a result of quoting cases and pretending no reference was made to a constitutional majority the whole situation is as set out by you.

Had the position been reported honestly to the Parliament you, Sir, would have detailed those matters, had you carried out the research you claim to have done.

In 1965 the Cabinet was increased to 12. At that time Speaker Hearman quite clearly said a constitutional majority was required. I should like to quote from page 246 of *Hansard* of that year. Speaker Hearman made the following statement—

I have counted the House; and, there being no dissentient voice, I declare the question carried.

Earlier Speaker Hearman made the following comment—

Before I put the second reading I must draw the attention of the House to the fact that this Bill will require a constitutional majority. When I put the question, if I hear a negative call at all I will be forced to call a division.

The previous quotation I made then followed. During the course of the third reading of the Bill, Speaker Hearman said—

Again I would point out that a constitutional majority is necessary. I have counted the House; and, there being no dissentient voice, I declare the question carried.

Clearly on that occasion—and it has not been challenged since—there was a need for a constitutional majority. I believe we are entitled to look at recent precedents as well as those in the distant past.

In 1975, during the second reading of the Constitution Acts Amendment Bill, Speaker Hutchinson made a statement which appears at page 1243 of *Hansard* and reads as follows—

It is my duty to advise members that this Bill requires an absolute majority. There being no dissentient voice, and having satisfied myself that there are 26 members

present, I declare that the Bill has the necessary absolute majority, and therefore the question is determined in the affirmative.

Question thus passed.

Bill read a second time.

The Bill then went through Committee and was reported without amendment.

Once again, at the third reading the Speaker satisfied himself that there was a constitutional majority in favour. That is recorded in *Hansard*. Those are the most recent cases which come to mind, and the ones to be looked at.

I do not think you, Mr Speaker, can claim in all conscience that any of those situations to which you referred indicate that other than a constitutional majority was required. I repeat that in 1927 the matter was carried on the voices; in 1950 *Hansard* clearly indicates that there was a constitutional majority; and at the divisions in 1965 and 1975 the Speaker clearly indicated he wanted a constitutional majority.

We have the situation where you have taken it upon yourself to say what the position might be as a result of an appeal which is now before the court. I think the very kindest thing you could have done, if you thought that was relevant, was to say that you would not give a decision and that the matter would stand adjourned until you had received a decision from the courts.

It has been said this is the highest court in the land. This is the place where we believe people can look for justice. I am amazed at what has gone on here tonight, particularly in view of the fact that for some months it has been known what the position was likely to be. My position, and that of my Opposition colleagues, has been made clear; constitutional majority or not, that would not have affected our vote. It is a tragedy that these kinds of things are happening in this Parliament. It is a travesty of all we are supposed to stand for when we get hit with this kind of thing, especially after eulogising you during the last few months.

Mr Bateman: Never again, Mr Speaker.

Mr DAVIES: As far as the Opposition is concerned, you have, in one shaky speech from the Chair, undone—or destroyed—all the credibility and respect which had been build up on this side of the House so painstakingly over the years. That is a matter of great concern as far as I am concerned because I have a great respect for the office of Speaker, and Parliament as a whole. We have put up with a lot of political chicanery and we have seen the electorates gerrymandered.

Mr Sibson: Which one?

Mr Bateman: The lot.

Mr DAVIES: The electorates will continue to be gerrymandered.

Several members interjected.

Mr DAVIES: When the Premier says he will not adjust the boundaries, even though one electorate has 27 000 voters and another has 2 000 voters, is it not reasonable to expect that there is some kind of gerrymander occurring?

Several members interjected.

The SPEAKER: Order! The House will come to order. As the Leader of the Opposition has said, it is my decision which is under challenge. I want to hear what the Leader of the Opposition has to say.

Mr DAVIES: We know what has happened over a score of things in this House, and we have seen some things change, I believe, for political advantage. That is my opinion, and it is the opinion of my colleagues.

Opposition members: Hear, hear!

Mr DAVIES: When we come to this kind of situation in this Parliament, where we can see decisions taken and rulings given to reinforce an incompetent Government by a man who we believe should be quite unbiased in all his decisions, then whilst this debate continues I and my colleagues do not want any further part of it. We believe there is no better way of showing our disregard for the Government and our disrespect for you than by deciding no longer to take part in the proceedings.

Several members interjected.

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

Mr DAVIES: We can only decide that during the rest of this sitting tonight we do not want to take part in any proceedings under this Government or any proceedings under your Speakership.

Mr Bateman: Democracy is nearly dead.

Mr Grayden: Carefully orchestrated.

Mr Young: You might get a front page heading.

[The Opposition members left the Chamber.]

Mr STEPHENS: Mr Speaker—

Sir CHARLES COURT: Mr Speaker—

The SPEAKER: Order. The member for Stirling has the call.

#### *Point of Order*

Sir CHARLES COURT: I rise on a point of order, Mr Speaker. Could you please clarify what

is before the House because to the best of my recollection whilst the Leader of the Opposition said he intended to move to disagree with your ruling I cannot at any stage remember him formally moving such a disagreement. Could you rule whether you are about to take a vote on the second reading, or on the dissent from your ruling?

The SPEAKER: I cannot specifically recall the Leader of the Opposition saying that he did, in fact, move to dissent. For the sake of accuracy I will leave the Chair until the ringing of the bells in order to make a study of the *Hansard* report. I will then give a ruling on the point of order raised by the Premier.

*Sitting suspended from 7.52 to 8.21 p.m.*

THE SPEAKER (Mr Thompson): I have had the opportunity to check the *Hansard* record, and I will quote the relevant passage of the Leader of the Opposition's remarks—

Just prior to the tea suspension you will remember, Sir, that you made a statement from the Chair in which you gave a ruling. I seek to disagree with that ruling and I am certain the House would be surprised if I did not do so.

I believe the Leader of the Opposition made it clear he was moving to dissent from my ruling and therefore, in reply to the point of order taken by the Premier, I say that the question before the Chair is that the Speaker's ruling be disagreed with.

Before I call the member for Stirling, I would like to say one or two things with respect to the points raised by the Leader of the Opposition. The Leader of the Opposition sought to cast doubt upon my claim that in 1927 and 1950, when similar Bills were before the House, no absolute majority was recorded in their support.

Firstly, I must make it clear that the courts accept the *Votes and Proceedings* as being the official record of this House. On 30 November 1927 the *Votes and Proceedings* show that the second and third readings of the Constitution Acts Amendment Bill (No. 2) were passed on the voices. This, of course, is not proof that an absolute majority supported the Bill.

The House is aware that it is always the practice of Speakers to warn the House when an absolute majority is required and to state that if there is a dissentient voice the Speaker will divide the House. When there is no dissent the Speaker counts the House to see that there is an absolute majority present and then announces that fact to the House. In such cases his statement is recorded in the *Votes and Proceedings*.

On 11 October 1950 a similar situation existed at the third reading of the Acts Amendment (Increase in Number of Ministers of the Crown) Bill. There is no record that the Bill was agreed to at the third reading by an absolute majority.

The Leader of the Opposition took some satisfaction from my statement on 27 November 1979. Perhaps I should remind him of the words I used in another part of that statement—

I feel it to be important that any decision made at this time does not place an obligation on a future presiding officer to make some consistent ruling when both in this case, and perhaps in that future case, there is strictly no necessity for this absolute majority.

I say again that it is my view this is a case where there is strictly no necessity for this absolute majority.

Mr Grayden: The Opposition took its bat and ball, and went home.

*Debate (on dissent from Speaker's ruling) Resumed*

Mr STEPHENS: I rise to support the motion moved by the Leader of the Opposition. I say at the outset that it gives me no joy to support a motion of this nature. However, we are deliberating a very serious matter here tonight and I believe it is important that a few words from the National Party be recorded in *Hansard*.

The original Constitution states that it cannot be amended in regard to the Legislative Council and the Legislative Assembly without the consent of an absolute majority of both Houses. The problem facing the Legislative Assembly tonight is one of considerable constitutional importance. It is beyond doubt that the original Constitution required only amendments affecting the constitution of the respective Houses to have an absolute majority. However, an amending Act was passed for the specific purpose of adding to the provisions of the original Act. One of the provisions dealt with a matter which is fundamental to the Constitution; namely, the number of Ministers of the Crown who shall be entitled to hold office. I realise they are not referred to in the Constitution as "Ministers of the Crown" but that clearly is the intent.

It must not be forgotten that the Legislative Council and the Legislative Assembly do not constitute the Government of Western Australia. Her Majesty the Queen is the most important functionary as far as the Constitution is concerned. The number of her Ministers is definitely a matter which goes to the basis of the Constitution.

If there is a provision in the Constitution Act that there shall be not more than 13 such Ministers then, by necessary implication, any alteration to that number is an alteration of the Constitution. It is not an alteration of the constitution of the respective Houses; it is more than that; it is an alteration of the Constitution of Western Australia. By necessary implication, it should require at least as serious a majority as for the original constitution of the respective Houses.

Anything which affects the Royal prerogative is of greater importance to the Governor and to the Constitution of Western Australia than an amendment which merely affects the qualification or functions of the respective Houses.

I feel we are not giving the Constitution the correct interpretation if we say it is only an alteration of the constitution of the respective Houses which gives rise to the requirement of an absolute majority. To do so would be to depart from the spirit of the Constitution.

Sir Charles Court: Who wrote this for you?

Mr STEPHENS: Nobody wrote it for me. I do not profess to be a "legal eagle". I have sought advice on this important matter. Surely a member who has seen fit to obtain information and has made his own judgment on the matter is entitled to refer to his notes in a subject of this importance.

It has been said that "the letter killeth but the spirit maketh to live". That maxim also applies to constitutional documents because the Constitution is a living organism; it expands with the will of the people.

If something has been specifically provided in the amending Act to the Constitution to the effect that Her Majesty's Ministers shall number only 13, that is not only part of the Constitution but also a fundamental part. To amend it without an absolute majority would be to depart from the spirit of the Constitution and the provisions of the legislation.

For those reasons, I find it necessary to dissent from the Speaker's ruling.

Sir CHARLES COURT: Mr Speaker, I rise to oppose the motion to dissent from your ruling. At the outset—I am sorry to have to do this in the absence of the Opposition—I must express on behalf of the Government our absolute disgust at the attitude of the Leader of the Opposition towards yourself as Speaker. It has been understood throughout the ages that even if one is dissenting in the most vehement of terms from the Speaker's ruling, one still has regard for the fact that he is the Speaker and, when the motion is over, he continues in his normal role as Speaker.

There is a further reason for our disgust. The Speaker is in a rather defenceless situation because he finds it very hard to discipline anybody who in fact is moving a motion of dissent against him. I hope my colleagues on this side understand the morals of what I am saying. If they are ever in the same position as the Leader of the Opposition was in tonight, I hope they are not tempted to do what he did, because it represented a serious reflection on the Leader of the Opposition, his colleagues and, indeed, this House.

Mr Speaker, to return to the actual matter before the Chair, obviously you have done a lot of research and you have arrived at your decision through a proper channel of study and deduction.

It is important that we acknowledge and accept some of the advice that has been given to the House by you, Sir, in the course of making your opinion known to the Parliament, because it is something we should all take to heart. I believe when the smoke of tonight's events has cleared, it will be something on which we shall reflect, because it sets out very clearly a matter to which I personally had not given proper thought in the past, although I must admit I was in the Parliament during the time of Speaker Guthrie.

It should be remembered Speaker Guthrie is a lawyer of considerable experience and competence. I believe as a result of his legal competence he added much to this place while he was Speaker.

It is well that I reflect on the part of your statement which you, Sir, read to us tonight which referred to a comment made by Speaker Guthrie on 4 November 1969, which appears at page 2145 of *Hansard*. On that occasion Speaker Guthrie expressed doubt as to whether presiding officers should give rulings on constitutional matters.

I do not intend to repeat it, but the reasoning that followed after that remark is something on which we should all reflect, because it points out that the Speaker could be placed in an invidious situation, giving rulings of this kind on these matters. The matter was summed up very well when you, Sir, referred to the fact that the decision could be wrong in law; but it could be a precedent that was accepted by subsequent Speakers and subsequent Parliaments as if it was in fact law, when at no stage would it really be the law.

It may transpire that, if and when the ruling was challenged by the courts, it may be found to be good in law; but, rulings made by Speakers are

no more than what you, Sir, explained them to be—that is, rulings of the Speaker.

I want to remind the House also of another part of your statement in which you refer to the fact that the courts are always available to decide the matter. It is important that we remind ourselves that this is the place where the laws are made. However, laws are not interpreted here and heaven forbid that they should be, because it would be a very dark day for the members of the community if we allowed this place to interpret some of the laws it passes.

Members of Parliament and Ministers may explain, by way of speeches, what they think the laws will mean; but they can never set themselves up in this House as interpreters of the law.

Let me follow that up and say that, if a court case were held subsequently and it was proved that the law did not say what we meant it to say, it is within the competence of Parliament to amend the law. However, Parliament does not interpret the law, at least as I see it. Therefore, it is the courts and the courts alone which have the final say in the interpretation of the law. If anyone feels a wrong decision has been made, the courts may make a decision on the matter.

I should like to refer, Mr Speaker, to the later comments made in your statement in regard to the further research you have obviously carried out—or it could have been an extension of the research you did earlier—concerning the two cases where a constitutional majority was not specifically called for by the Speaker. Your comments spell out volumes, because those cases are by far the two oldest and it is obvious that no-one, neither a member of the Opposition nor a member of the general public, saw fit as a "*pro bono publico*" to challenge the decisions that were made at the time. Those decisions have stood the test of time.

It is a matter of regret that the Speakers of the day on the last two occasions ruled otherwise, but that does not alter the law. It was only a ruling at the time and, whilst it creates a precedent for other Speakers, it is nevertheless challengeable by law.

On this occasion, had the Speaker agreed with the Opposition, it would be singing songs of praise and saying what a great and courageous Speaker he was. As the Speaker's ruling did not happen to suit the convenience of the Opposition, it has chosen to respond in what is not only a very unfortunate manner, but also a very distasteful one.

The member for Stirling said he has sought advice on the matter and I presume he read to us

the opinion he had received. I do not question his right to obtain advice on a matter such as this, but I should like to point out that, from his reading of it, I would prefer to accept the deductions of the Speaker—from whatever source he obtained them—than the advice obtained by the member for Stirling.

I oppose the motion.

Mr COWAN: I support the motion. Like my colleague, the member for Stirling, I am reluctant to do so; but if this place is to have left any reputation of democracy, I must support the motion dissenting from your ruling, Sir.

Mr Speaker, in your comments before you delivered your ruling that the second reading of the Bill which was before the House did not require a constitutional majority, you referred to certain matters relating to a gentleman who was involved in a court case. He was a member of the Lotteries Commission. When dealing with this matter, I hope you referred also to section 37 of the Constitution Act which quite clearly sets out that officers of the Executive are exempt from the section relating to the office of profit. I should like to read the section as follows—

37. Subject to the second proviso to section thirty-eight of this Act, if any person while holding an office of profit under the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, be elected a member of the Legislative Council or of the Legislative Assembly, he shall, if he takes the oath or makes the affirmation hereinbefore prescribed, be held by so doing to vacate his said office.

It then goes on to say—

Provided that this section shall not apply to the thirteen principal executive offices of the Government liable, in accordance with this Act, to be vacated on political grounds.

I am sure you, Sir, would have referred to that section of the Constitution Act before you arrived at this decision. However, regardless of that, it is very clear to me that in section 43 (2) of the Constitution Act there are defined rules for rather clearly defined laws relating to the Ministry in Western Australia.

As you are aware, Sir, these laws are part of the Constitution Acts Amendment Act. I have been told that, in law, any later section of an Act always takes precedence over an earlier part of an Act. I assume—I am making the assumption, because I am not a lawyer—if there were any conflict between section 43 (2) of the Constitution Acts Amendment Act and an earlier part of the Act, the later amendment would take precedence.

I hope, Sir, in your determination, you took cognizance of that.

Finally, Sir, you referred to the fact that a Speaker should not make a determination on points of law. With due respect, Sir, I believe you have left the time-honoured tradition of determining the procedures of this House and you have made an interpretation of the law, just as you made an interpretation in November 1979 which is completely contrary to the interpretation you have made now. I believe you have interpreted the Constitution and that you have done so wrongly.

Therefore, I must support the motion dissenting from your ruling.

Mr McPHARLIN: I too have some reluctance in supporting the motion dissenting from your ruling. However, in doing so, I should like to make a brief reference to your ruling in the latter part of which you said—

The records show that only in the last two cases did the Speaker require the Bill to have the concurrence of an absolute majority.

The majority of the members of this House believed that an absolute majority would be required for an amendment to be made to the Constitution Acts Amendment Act which we are discussing tonight. I was shocked and more than a little surprised when you gave your ruling. Section 73 of the Constitution Act, 1889, makes the requirement quite clear. I believe members of the House would be guided by that section. It has been quoted several times, so I shall not repeat it. However, I was shocked and more than a little surprised when you gave your ruling.

Perhaps one could offer, as a weak excuse, the suggestion that nothing in this place is certain and one lives and learns the older one gets and the more experience one has.

I do not believe the ruling you gave is in accord with the Constitution and I must support the motion to dissent from it.

The SPEAKER: The question is that the Speaker's ruling be disagreed with.

Motion put and a division taken with the following result—

Ayes 3

Mr Cowan  
Mr Stephens

Mr McPharlin

(Teller)

## Noes 28

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders

(Teller)

Motion thus negatived.

*Debate (on second reading) Resumed*

The SPEAKER: The question is that the Bill be now read a second time.

Question put and a division taken with the following result—

## Ayes 27

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Crane	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders
Mr Mensaros	

(Teller)

## Noes 3

Mr Cowan	Mr McPharlin
Mr Stephens	

(Teller)

Question thus passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

That the Bill be now read a third time.

Question put and a division taken with the following result—

## Ayes 27

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Crane	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders
Mr Mensaros	

(Teller)

## Noes 3

Mr Cowan	Mr McPharlin
Mr Stephens	

(Teller)

Question thus passed.

Bill read a third time and transmitted to the Council.

**QUESTIONS**

Questions were taken at this stage.

**CONSTITUTION AMENDMENT BILL (No. 2)**

*Second Reading*

Order of the day read for the resumption of the debate from 12 August.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

That the Bill be now read a third time.

I want to say how much I regret that members of the Opposition saw fit in a moment of pique to walk out of this House. In so doing they have denied their constituents representation here. They would well have known we were going to go on with this Bill, which deals with matters of considerable importance to members of Parliament and the circumstances under which they can be disqualified from membership. I think the Parliament was entitled to hear their views on this matter.

I must say I can only assume that when they stormed out of the House they did so because they had run out of an argument. The Leader of the Opposition certainly advanced no authority—

Mr Stephens: They realised that argument does not matter in this place; it is weight of numbers.

Sir CHARLES COURT:—in trying to establish that you, Mr Speaker, had ruled wrongly. I felt it was quite unbecoming of them to do what they did. However, it has been done and we are now in the situation where we have the second of the constitutional Bills, which were purposely put up as separate Bills so that it could not be alleged that the Government was using this particular Bill, dealing with disqualification of members, as some sort of bait to get the other Bill through, any more than I was prepared to do a deal with anybody about swapping some staff for a larger number of Ministers in respect of the first of these constitutional Bills.

I want to say briefly that we regret members of the Opposition have seen fit to do what they have done. No doubt at the appropriate time in another place somebody on their behalf will express their views on what is a very important piece of legislation. I have endeavoured to represent very factually and fairly the position in respect of this legislation as it has been explained to us. It has been introduced in order to be fair to members.

There will, of course, be a joint Select Committee of both Houses of Parliament to consider this question in greater depth. In the meantime, in view of the legal advice we received on some questions, we felt we had a responsibility to introduce the Bill now before the House. I believe we should proceed with it. Let us hope the members in another place will let the Parliament

have the benefit of their views on this particular piece of legislation and the importance of it. I cannot imagine they would want to oppose it but, as the member for Mt. Marshall said, "You never know what will happen in this place."

The SPEAKER: Before I put the question, I want to say that for reasons similar to those I gave in a ruling earlier tonight I do not require an absolute majority.

Question put and passed.

Bill read a third time and transmitted to the Council.

## QUESTIONS

### *Procedure in the House*

THE SPEAKER (Mr Thompson): In the statement I made to the House on Thursday 14 August, I outlined the times at which written replies to questions should be handed to the Clerk and the times at which the House might expect questions without notice to be taken.

Experience to date indicates that a change is necessary in relation to Wednesdays. Commencing tomorrow, written replies to questions on Wednesdays should be received by the Clerk by 4.30 p.m., instead of 2.15 p.m. Questions without notice will be called for as close as possible to 7.30 p.m., instead of 4.15 p.m.

This means that Tuesday's and Wednesday's arrangements in these respects are identical.

*House adjourned at 9.08 p.m.*



## QUESTIONS ON NOTICE

### HOUSING

#### *Pilbara*

429. Mr SODEMAN, to the Honorary Minister assisting the Minister for Housing:

- (1) Relating to State Housing Commission activities in the Pilbara, when were the first homes incorporating major design changes first constructed?
- (2) What is the specific nature of the changes made?
- (3) What was the date of the 33 1/3 per cent reduction in housing rentals?
- (4) What are the current rental charges and what is the rental for homes in similar categories in the metropolitan area?
- (5) What is the average waiting time in each category of housing (a regional average will suffice) and how does this compare with waiting times in the metropolitan area?
- (6) Does the Government plan to maintain or improve the situation in respect of questions (2), (4) and (5)?
- (7) What new initiatives are planned, particularly in respect of housing for childless couples and single people?

Mr LAURANCE replied:

*The answer was tabled (see paper No. 413).*

- (3) In view of the strong criticism of the conditions at the Swanbourne Hospital contained in the Mental Health Services Annual Reports for a number of years, why is the Government only beginning to plan now for a replacement hospital?

Mr YOUNG replied:

- (1) No. On 2 July 1980, I intimated that funds had been made available for preliminary site planning of the proposed replacement for Swanbourne Hospital. I made no reference to a time schedule.
- (2) Yes.
- (3) In addition to site assessment and consideration of the preparation of a functional brief for the new hospital the following projects which form part of the plan to replace Swanbourne Hospital have been completed or are under way—
  - (a) New Bulk Store
  - (b) New Primary Rehabilitation Unit
  - (c) New Central Pharmacy
  - (d) New Intensive Therapy Ward
  - (e) New Bennett Brook complex to assist in the relocation of intellectually handicapped persons at present accommodated in Swanbourne Hospital.
- (f) Development of Devonleigh Hospital also as a facility for the intellectually handicapped.

### RAILWAYS

#### *Funds: Railway Stores Account*

464. Mr DAVIES, to the Minister for Transport:

Will he explain the circumstances surrounding \$519 597 being incorrectly charged to the Consolidated Revenue Fund by the W.A. Government Railways Commission on account of issues from the Railway Stores account in 1978-79?

Mr RUSHTON replied:

The overstatement of the charge to the Consolidated Revenue Fund was due to a computer programming error during the conversion of the newly installed Material Supply Management System which resulted in the value of three fortnightly periods of stores issues being incorrectly transferred from one account to another.

### HEALTH: MENTAL

#### *Swanbourne Hospital*

440. Mr HODGE, to the Minister for Health:

- (1) Is it a fact that a public announcement was made by the Government on 2 July 1980 stating that planning for a replacement for Swanbourne Hospital was in the early stages and that a new hospital could take up to eight years to complete?
- (2) It is a fact that proposals for redeveloping Swanbourne Hospital have existed for several years and were mentioned in the Mental Health Services Annual Reports for the year ended 30 June 1977 and year ended 30 June 1978?

The error which could not have gone undetected was found after Treasury accounts for 1978-79 had been finalised and was adjusted in 1979-80. The error was detected in time for adjustment before preparation of Westrail's commercial profit and loss account for 1978-79.

### EDIBLE OILS

#### *Imports, and Bunbury Refinery Production*

465. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

Does the Government expect that the Bunbury edible oil refinery plant will replace the importation of refined oil from other parts of Australia?

Mr MacKINNON replied:

No.

### EDIBLE OILS

#### *Bunbury Refinery: Feasibility Study*

466. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) When did Bunbury Foods Pty. Ltd. submit feasibility studies to the Government for—
  - (a) an edible oil refinery;
  - (b) solvent extraction plant, at Bunbury?
- (2) When did the Department of Industrial Development commence studies into the state of the edible oil industry and its potential in Western Australia?

Mr MacKINNON replied:

- (1) (a) Feasibility study for establishment of the edible oil refinery was submitted by the company on 23 November 1977.
- (b) Feasibility study for establishment of the solvent extraction plant was submitted by the company on 20 November 1978.
- (2) Investigations of the company's submission for establishment of the refinery commenced in November 1977.

### EDIBLE OILS

#### *Dr Shrian Oskar*

467. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) Is he aware that a proposal put to the South Australian Government for an edible oil refinery by Dr Shrian Oskar and his associates has been rejected?
- (2) If "No", will he ascertain the details, including the report of the feasibility study conducted by the South Australian Development Corporation?

Mr MacKINNON replied:

- (1) and (2) No.

### EDIBLE OILS

#### *Bunbury Refinery: Crude Oil*

468. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) Does Bunbury Foods Pty. Ltd. have an agreement with the State to purchase crude oil from Refinoid of Jandakot?
- (2) If so, will he provide details?

Mr MacKINNON replied:

- (1) No.
- (2) Not applicable.

### EDIBLE OILS

#### *Sunflower Seeds*

469. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

Will he table the report of a South Australian firm commissioned to conduct a feasibility study into the potential of a local sunflower industry in Western Australia?

Mr MacKINNON replied:

No.

## EDIBLE OILS

*Bunbury Refinery: Finance*

470. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) What is the value of the mortgage on Bunbury Foods Pty. Ltd. plant at Bunbury?
- (2) What is the value of the debenture over the company's assets held by the Rural and Industries Bank?

Mr MacKINNON replied:

- (1) The initial mortgage, dated 10 November 1978, in support of the Superannuation Board guarantee, was stamped to secure \$2 118 000.

The second mortgage, dated 1 April 1980, in support of the Chase-N.B.A. Group Limited guarantee, was stamped to secure \$2 282 000.

- (2) The initial debenture, dated 10 November 1978, in support of the Superannuation Board guarantee, was stamped to secure \$2 118 000.

The second debenture, dated 1 April 1980, in support of the Chase-N.B.A. Group Limited guarantee, was stamped to secure \$2 282 000.

## EDIBLE OILS

*Bunbury Refinery: Plant and Machinery*

471. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) Did Bunbury Foods Pty. Ltd. obtain plant and equipment for its refinery through an agent between itself and United Kingdom and West German companies?
- (2) If so, who was the agent?
- (3) Who were the United Kingdom and West German companies from which the plant and equipment were purchased?
- (4) What was the cost of the plant and equipment?
- (5) What was the agent's commission?

Mr MacKINNON replied:

- (1) I am advised that no agent was used by Bunbury Foods Pty. Ltd. in purchasing its equipment for the Bunbury Refinery.
- (2) Not applicable.

- (3) I am advised that the plant was supplied under contracts between Bunbury Foods Pty. Ltd. and the following manufacturers—

- (1) Penwalt Limited, United Kingdom.
- (2) International Electrolytic Plant Co. Limited, United Kingdom.
- (3) A. Johnson, United Kingdom.
- (4) Extraktionstechnik Gesellschaft Fur Anlagenbau M.B.H. of Hamburg, West Germany.

- (4) This information is considered confidential to the Company and for commercial reasons I am not prepared to supply this information to the Hon. Leader of the Opposition.

- (5) Not applicable.

## RAILWAYS

*Parcel Delivery*

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

- (1) Has Westrail discontinued its service of sending parcels C.O.D., or does it propose to do so?
- (2) If "Yes", what is the reason for withdrawing this service, and will it be replaced by any alternative system?

Mr RUSHTON replied:

- (1) Yes, the C.O.D. parcels arrangement was discontinued as from 1 July 1980.
- (2) Because the scheme only had limited application in recent times and for economic reasons Westrail decided to withdraw from the C.O.D. arrangement. Bearing in mind the various other credit facilities now available to the public Westrail does not intend to replace the C.O.D. scheme.

## HEALTH

*Breast Milk: Dieldrin*

473. Mr H. D. EVANS, to the Minister for Health:

- (1) Did he see the report in *The West Australian* of 19 August 1980 which indicated that tests of breast milk for Western Australian women indicated traces of dieldrin well in excess of the maximum level classed by the World Health Organisation as acceptable?

- (2) Is the information contained in this report factual?
- (3) If so, what monitoring of dieldrin in foodstuffs is carried out in this State, and how frequently?
- (4) From what source is dieldrin contamination considered most likely?

Mr YOUNG replied:

- (1) Yes.
- (2) Generally, but the statement regarding the World Health Organisation levels requires qualification, such comparisons are inappropriate. A recent World Health Organisation publication pointed out that short-term variations of this kind in an infant wholly fed on breast milk should not be regarded as significant.
- (3) Regular monitoring is carried out in this State by the Department of Health and Medical Services, which took 40 samples of food stuffs during the first eight months of this year for examination for pesticides, including dieldrin.

The National Health and Medical Research Council also conducts a pesticide monitoring programme involving about 40 samples of food stuffs each quarter.

In addition, samples are taken by the Department of Agriculture and the Department of Primary Industry.

- (4) Data from the National Health and Medical Research Council indicate that in Australia meat and dairy products contribute the greatest proportion of dieldrin intake in a typical Australian diet.

#### EDIBLE OILS

##### *Bunbury Refinery: Local Growers*

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

- (1) Did he give an assurance to small seed or oilseed producers that if the Bunbury Foods crushing plant proved unviable they would not be forced to supply the local market at a lower price than would be obtained by exporting?
- (2) If so, why was it necessary to give this assurance?

Mr OLD replied:

- (1) The Farmers' Union was advised by letter that rapeseed is subject to statutory marketing through the Grain Pool, which has a responsibility to seek the highest return for the grower, be it on the export or local market.

The union was advised further that the Government had no intention of interfering with the aim of the Grain Pool in seeking the highest return for growers.

- (2) The Farmers' Union wrote indicating its concern that oilseed producers may be forced to subsidise the oilseed plant at Bunbury.

#### ROAD

##### *Beechboro-Gosnells Freeway: Land Acquisition*

475. Mr JAMIESON, to the Minister for Transport:

- (1) When is it anticipated that the Beechboro/Gosnells Highway will be completed to Great Eastern Highway?
- (2) Are there any further resumptions necessary for this section; if so, where?

Mr RUSHTON replied:

- (1) The Government has not yet adopted a timetable for the construction of this road.
- (2) Additional land acquisition will be necessary at various sites scattered over the section from Roe Highway to Great Eastern Highway.

#### HEALTH: PROMOTION

##### *Assistant Commissioner*

476. Mr HODGE, to the Minister for Health:

- (1) When was the Assistant Commissioner for Health Promotion appointed to that position?
- (2) Who is the Assistant Commissioner for Health Promotion?
- (3) What action has been taken to date and what is proposed for the immediate future by the Assistant Commissioner for Health Promotion to achieve the objectives set out in the Government's election policy promise on health promotion?

Mr YOUNG replied:

- (1) On 12 July 1979 but, as indicated earlier, his list of duties was altered on 4 August 1980 to ensure co-ordination of programmes for health promotion and for the improvement of personal and family health generally.
- (2) Dr K. J. M. Carruthers.
- (3) (a) The formation of an Education Services Branch.
- (b) The development of closer relationships with the Education Department, the Department for Youth, Sport and Recreation and with voluntary and other bodies involved in health programme activities.
- (c) A visit by an expert from Canberra who conducted a seminar to advise senior officers on more effective health promotion activities.
- (d) A change in emphasis by Health Education officers to more actively promote programmes in this area and this part of the Health Education Unit's work is being increased without neglecting the more traditional but very important "hygiene" aspects.
- (e) Discussion with the Department of General Practice at the University of Western Australia to increase the dissemination of knowledge about health education and health promotion to medical students and other associated professions.

## HOSPITAL

### *Royal Perth: Eye Clinic*

477. Mr HODGE, to the Minister for Health:

- (1) Is it a fact that out-patients attending the Royal Perth Hospital are required to wait for up to six months for appointments with the eye clinic?
- (2) Is it a fact that appointments are already being made for the Royal Perth Hospital eye clinic for January and February 1981?
- (3) If there is a long delay for appointments with the eye clinic, what is being done to shorten the delay?

Mr YOUNG replied:

- (1) Some patients are required to wait six (6) months for treatment. All new referrals, however, are assessed as being emergencies, urgent, or non-urgent. The former two are dealt with immediately or within a few days respectively.
- (2) Yes; for non-urgent cases.
- (3) Everything possible is being done within the limits of the hospital's present resources in specialist staff.

## QUESTIONS ON NOTICE

### *Admissibility*

478. Mr HODGE, to the Speaker:

- (1) Has his attention been drawn to the reply given to question 398 of 1980 by the Minister representing the Attorney General?
- (2) Does the Minister have authority to rule a question out of order?
- (3) Are all questions examined when they are submitted to the Clerk to determine if they are in order?
- (4) Was question 398 of 1980 in fact out of order?
- (5) If question 398 of 1980 was out of order, why was it originally accepted?
- (6) If question 398 of 1980 was in order, may I now re-submit the question to the Minister?

The SPEAKER replied:

- (1) to (6) I refer the member to my statement to the House earlier to-day.

## HOUSING

### *Funds: Commonwealth*

479. Mr PARKER, to the Honorary Minister assisting the Minister for Housing:

- (1) With reference to his answer to my question 406 of 1980 relevant to payments to States for Housing, what action is the Government taking to remedy the situation with respect to the Commonwealth Government?
- (2) What other sources of funding are available to the State Housing Commission to overcome the problem?

Mr LAURANCE replied:

- (1) Strong representation has been made by the Premier to the Prime Minister and I will continue with my representations to the Commonwealth Minister.
- (2) Funds are available from traditional sources through the State Treasury and those generated internally.

## ROADS

### Traffic Counts

480. Mr BRYCE, to the Minister for Transport:

Will he provide details of vehicle traffic counts for—

- (a) Garratt Road/Grandstand Road;
  - (b) Guildford Road;
  - (c) King William Street in Bayswater;
- in respect of the following years:

- (i) 1975;
- (ii) 1976;
- (iii) 1977;
- (iv) 1978;
- (v) 1979;
- (vi) 1980?

Mr RUSHTON replied:

Available figures per 24 hour average week day are given in the following table—

Year	(a) Garratt Road Bridge	(b) Guildford Road (East of Garratt Road)	(c) King William Street (North of Guildford Road)
1975	30 530	—	—
1976	35 420	18 620	9 500
1977	—	—	—
1978	36 760	22 480	12 640
1979	37 190	—	—
1980	36 020	24 480	9 900

## WATER RESOURCES

### Chemicals

481. Mr BRYCE, to the Minister for Water Resources:

- (1) With reference to question 360 of 1980 relevant to water supplies, will he indicate why each of the following substances is added to the metropolitan and country domestic water supplies:

- (a) chlorine;
- (b) sodium hypochlorite;
- (c) calcium hypochlorite;
- (d) lime;
- (e) caustic soda;
- (f) alum;
- (g) polyelectrolytes;
- (h) sodium alginate;
- (i) sodium silicate;
- (j) sulphuric acid;
- (k) hydrogen peroxide;
- (l) potassium permanganate;
- (m) activated carbon;
- (n) aluminium sulphate;
- (o) calcium chloride;
- (p) calcium hydroxide;
- (q) calcium oxide;
- (r) copper sulphate;
- (s) sodium carbonate;
- (t) sodium hydroxide;
- (u) alflor 671?

- (2) What quantity of each substance was used in 1979?

Mr MENSAROS replied:

(Pertaining to Metropolitan Water Board)—

- (1) and (2)

- (a) Chlorine is added to water at the outlets of service reservoirs and all sources for disinfection purposes and also for oxidation purposes in Water Treatment Plants. The Metropolitan Water Board used 657 tonnes of chlorine in 1979.
- (b) Sodium hypochlorite is added to water at service reservoirs for disinfection purposes and to control algae. Small amounts are also used for disinfecting tanks, wells and mains. The Metropolitan Water Board used 75 270 litres of sodium hypochlorite in 1979.
- (c) Calcium hypochlorite is used to disinfect reservoirs, tanks and mains. The Metropolitan Water Board used 4 tonnes of calcium hypochlorite in 1979.
- (d) Lime is used at treatment plants in the form of lime putty to adjust pH. The Metropolitan Water Board used 1 896 m<sup>3</sup> of lime putty in 1979.
- (e) Caustic soda is used at Jandakot Water Treatment Plant to adjust pH. None was used in 1979—usage commenced in January 1980.

- (f) Alum is added to water at Water Treatment Plants as a coagulant in the removal of colour and turbidity. The Metropolitan Water Board used 5 125 tonnes of alum in 1979.
  - (g) Polyelectrolytes are added as flocculant aids to assist flocculation at Water Treatment Plants. The Metropolitan Water Board used 14 tonnes of polyelectrolytes in 1979.
  - (h) Sodium alginate is added as a flocculant aid to assist flocculation at water treatment plants. The Metropolitan Water Board used 8 tonnes of sodium alginate in 1979.
  - (i) Sodium silicate can be used either to sequester iron or as a flocculant aid when activated by an acid. The Metropolitan Water Board used 28 tonnes of sodium silicate in 1979 to sequester iron at Wanneroo Water Treatment Plant.
  - (j) Sulphuric acid will be used to adjust pH or to prepare activated sodium silicate. None was used in 1979.
  - (k) Hydrogen peroxide will be used to oxidise hydrogen sulphide as an alternative to chlorine. None was used in 1979.
  - (l) Potassium permanganate has been used to oxidise iron at Wanneroo Water Treatment Plant. None was used in 1979.
- (Pertaining to Public Works Department)
- (1) (a) Chlorine is added to water at the source and at the outlets from major service reservoirs for disinfecting purposes (to kill bacteria, virus and amoebae naturally present in the water.)
  - (b) Sodium hypochlorite solution is used for the same purpose and also to disinfect tanks, wells and mains. It is also used for algae control in service reservoirs.
  - (c) Calcium hypochlorite powder is used for the same purpose.
  - (d) Lime is added at treatment plants to adjust pH, i.e. to reduce the acidity of natural waters to reduce its corrosion potential. Reduction in acidity is also required for treatment to remove iron colour and turbidity.
  - (e) and (t) Caustic soda is sodium hydroxide and is used for adjusting pH
  - (f) and (n) Alum which is aluminium sulphate is a coagulant and is added at treatment plants to reduce the colour and turbidity of natural waters and assist with iron removal.
  - (g) and (h) These are flocculant aids and used for the same purpose as in (f) and (n)
  - (i) (j) (k) (l) not used by Public Works Department
  - (m) Activated carbon is added at some treatment plants for removal of unpleasant tastes from natural waters.
  - (n) already covered in (f)
  - (o) Calcium chloride is used as a coagulant at some treatment works for removal of colour and turbidity from natural waters.
  - (p) Calcium hydroxide is also used at some plants to adjust pH.
  - (q) Calcium oxide is used for the same purpose as (p)
  - (r) Copper sulphate is added to reservoirs and open service tanks to combat algae growth.
  - (s) Sodium carbonate is added at treatment plants to adjust pH.
  - (t) covered by (e)
  - (u) Alfoc 671 is a flocculant aid and is used for similar purposes outlined in (f).
- (2) The information on the amount used in 1979 for the country water supplies, of the various chemicals, is not readily available.

## HEALTH

### *Medical Practitioners: Fees*

482. Mr BRYCE, to the Minister for Health:

Further to question 355 of 1980 relevant to doctors' fees, will he indicate why his department is opposed to a requirement that would cause general medical practitioners to publicly indicate their level of charges?

Mr YOUNG replied:

Because I believe the question of the fee charged is a matter between a doctor and his patient.

## PENSIONERS

### *Motor Vehicle Registration Fees*

483. Mr BRYCE, to the Treasurer:

Adverting to the Government's current scheme for providing limited motor car registration fee concessions in respect of

- (a) totally and permanently incapacitated war pensioners who receive 100 per cent concession;
- (b) invalid pensioners and other repatriated pensioners who receive concessions ranging from 50 per cent to 100 per cent—

- (i) how many pensioners receive the concessions in each of the above categories;
- (ii) what is the total cost of providing the concession on an annual basis for each of the above categories?

Sir CHARLES COURT replied:

- (i) (a) 482
- (b) 4 032.
- (ii) (a) \$19 773.80
- (b) \$161 765.94.

## TOWN PLANNING: MRPA

### *Land: Bassendean and Redcliffe*

484. Mr BRYCE, to the Minister for Urban Development and Town Planning:

In respect of her answer to questions 358 and 359 of 1980 relevant to land held by the Metropolitan Region Planning Authority:

- (a) with whom does the initiative lie to produce plans for the areas referred to in Redcliffe and Bassendean;
- (b) which Government department or agency would be responsible for the actual development?

Mrs CRAIG replied:

- (a) and (b)—Redcliffe area.
  - (i) Controlled Access Highway: the Main Roads Department is the responsible planning and construction authority.
  - (ii) Parks and Recreation: the Metropolitan Region Planning Authority and/or the Local Authority.

- (iii) No decision has been made concerning development of land classified as Parks and Recreation.

(a) and (b)—Bassendean area.

- (i) The Metropolitan Region Planning Authority and/or the Local Authority.
- (ii) As above—no decision has been made.

## CONSERVATION AND THE ENVIRONMENT

### *Discharge of Waste: Licences*

485. Mr BRYCE, to the Minister representing the Minister for Conservation and the Environment:

Further to question 365 of 1980 relevant to the discharge of waste—which statutory authorities in Western Australia are authorised to issue licences or permits for firms to discharge waste substances into the environment?

Mr O'CONNOR replied:

Department of Health and Medical Services  
Waterways Commission  
Fremantle Port Authority  
Public Works Department  
Metropolitan Water Board  
Local Government Authorities  
Radiological Council.

## PASTORAL LEASES

### *Degradation*

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

- (1) What area of the following pastoral areas is considered permanently degraded to the extent that it is considered that grazing stock should be removed from it—
  - (a) Kimberley;
  - (b) Murchison;
  - (c) Gascoyne;
  - (d) Goldfields?
- (2) What percentage of the total grazing area of each of these regions does the figure quoted in (1) represent?



Mrs CRAIG replied:

- (1) Full scale rangeland surveys have not yet been completed in all pastoral regions of the State but, in those effected to date, the areas which were to be withdrawn from grazing use by arrangement and agreement with the pastoralists concerned, were not all considered permanently degraded. Remedial measures, such as fencing and exclusion of stock, will encourage regeneration of pastures and vegetation over varying periods of time dependent upon the degree of degradation.

Specifically, the degraded and/or eroded areas agreed by the particular pastoralists as requiring special remedial attention were:—

- (a) 535 960 ha.
- (b) No full scale survey yet completed
- (c) 382 020 ha.
- (d) No full scale survey yet completed.

- (2) In the two rangeland surveys carried out in the West Kimberley and Gascoyne regions, the areas agreed as requiring special attention expressed as a percentage of the total areas encompassed by the surveys, were 6.2 per cent (1976-78) and 5.87 per cent (1974-75) respectively.

## STOCK

### Saleyards

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

- (1) Is the committee which was set up in 1978 to advise on regional saleyards still functional?
- (2) If "Yes", what recommendations has it made with regard to—
  - (a) regional saleyards;
  - (b) the future of Midland Junction saleyard;
  - (c) the centres for which regional sales are proposed?
- (3) Is it Government policy to continue the operation of the Midland saleyards?

Mr OLD replied:

- (1) No.
- (2) (a) to (c) The committee reached no consensus with regard to these matters.

- (3) The operation of the saleyards is the responsibility of the W.A. Meat Commission which has recommended the saleyards should continue to operate whilst environmental pressures are minimal.

## WATER RESOURCES

### Denmark, Kent, and Warren Rivers

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

- (1) How many properties has the Government—
  - (a) purchased;
  - (b) is in the process of purchasing,
 in each of the Warren, Kent and Denmark river catchment areas?
- (2) What is the total area acquired in each area?
- (3) How many properties or part properties have been leased to farmers in each of the catchment areas?
- (4) What area does this leased land comprise in each catchment?

Mr MENSAROS replied:

		CATCHMENTS		
		Warren	Kent	Denmark
(1)	(a) Properties wholly or partly purchased	13	9	Nil
	(b) Properties and part properties over which negotiations are in course.	14	11	Nil
(2)	Areas acquired under (1) (a)	4 838 hectares	4 454 hectares	Nil
(3)	Properties or part properties that have been leased.	4	1	Nil
(4)	Total areas leased	955 hectares	630 hectares	Nil

489. This question was postponed.

## SEEDS

### Sunflower

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

What is the linoleic acid content of sunflower seeds produced in the north of Western Australia on average?

Mr OLD replied:

Linoleic acid content of sunflower seeds produced at the Ord average about 65 per cent for crops planted in the March-April period, about 57 per cent for early June sowing and about 45 per cent for early July sown crops. Later sown crops

produce oil with 35-45 per cent linoleic acid. Commercial crops grown in 1979 ranged from 60 per cent to 37 per cent linoleic acid.

## RURAL ADJUSTMENT AUTHORITY

### *Funds*

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

- (1) What funds will be made available to the Rural Adjustment Authority in the recent Federal Budget for the 1980-81 year?
- (2) What amount will the Rural Adjustment Authority have available for—
  - (a) reconstruction of pastoral areas;
  - (b) compensation for purchase of entire properties in the water catchment areas where clearing bans have been applied;
  - (c) for purchase of partial properties in such areas?

Mr OLD replied:

- (1) The amount available in 1980/81 for Part A loan approvals (debt reconstruction, farm amalgamation and farm improvement) is \$2.9 million.
- (2) (a) Funds for Part A loans are available to all eligible pastoralists and farmers who demonstrate need and the ability to service on an equal footing.
- (b) and (c) Details of funding for purchase of properties (or part of properties) necessitated by the compensation scheme, have not been finalised.

## PRISONS

### *Hillston Detention Centre*

492. Mr HODGE, to the Minister for Community Welfare:

Further to question 58 of 1980 relevant to escapes from Hillston, can he now advise if he has concluded his study of the departmental committee report, and will he now table same?

Mr HASSELL replied:

As yet I have not completed my study of the report and I will advise you further in due course of action to be taken. The report is internal to the Department, and constitutes Departmental advice to the Minister. In common with other material of this kind, it will not be tabled.

## POLICE

### *Shaker Morton: Letter*

493. Mr PEARCE, to the Minister for Police and Traffic:

When does he expect inquiries by the Police Department into the complaint by the Leader of the Opposition on 16 May 1980, concerning possible seditious statements by Mr S. Morton of Derby, Western Australia, in the *Kimberley Echo* to be completed?

Mr HASSELL replied:

The author of this letter has not yet been identified.

## CULTURAL AFFAIRS

### *Art Gallery Board: Members*

494. Mr PEARCE, to the Minister for Cultural Affairs:

- (1) Are any members of the Art Gallery Board involved with other art galleries, commercial or otherwise, in Western Australia or elsewhere?
- (2) If so, will he indicate the members, the galleries with which they are involved, and the nature of the involvement?

Mr GRAYDEN replied:

- (1) and (2) None of the members of the Art Gallery Board is engaged as proprietor or staff of any other Art Gallery, commercial or otherwise.

## CULTURAL AFFAIRS

### *Zink Foundation*

495. Mr PEARCE, to the Minister for Cultural Affairs:

- (1) What is the Zink Foundation?
- (2) What is the legal basis on which the foundation is based?

- (3) Who administers the foundation?
- (4) Who authorises expenditures from the foundation?
- (5) What tax advantages are available to contributors to the foundation?
- (6) Who has contributed to the foundation, and what amounts?
- (7) What are the audit requirements for the foundation?
- (8) Will he table the audited accounts of the foundation?

Mr GRAYDEN replied:

- (1) The Zink Foundation is a charitable Trust established to assist benevolent, cultural and educational activities in Australia. To date the Zink Foundation has contributed to numerous Art and charitable organisations in Western Australia.
- (2) It was established in 1979 by a Deed of Settlement.
- (3) It is administered by a Board of Trustees.
- (4) Expenditures are authorized by that Board.
- (5) There are no particular tax advantages available to contributors to the Foundation.
- (6) Dr. Zink is the sole contributor to date.
- (7) There are no audit requirement for the Foundation.
- (8) Its audited accounts are not available.

#### CULTURAL AFFAIRS

##### *Art Gallery: Fashion Parade*

496. Mr PEARCE, to the Minister for Cultural Affairs:

- (1) What charges were made by the Art Gallery to Elle Boutique for the fashion parade recently held in the gallery?
- (2) What costs were incurred by the gallery for this function?

Mr GRAYDEN replied:

- (1) A Fashion Parade recently held at the Art Gallery was arranged by the Art Gallery Society of Western Australia, which is a voluntary association formed to support the Art Gallery and its activities. The function was held to raise funds for the purchase of art works for the permanent collection of the Art Gallery. The accommodation required, which did not include any of the exhibition galleries, was provided to the Art Gallery Society without charge.
- (2) The costs incurred by the Art Gallery were \$174.12 for attendants' wages. Power for lighting is estimated at less than \$20.
- (3) The function has produced more than \$5 000 profit which has been committed to the purchase of an internationally notable sculpture for the Art Gallery. This extends the sum of \$27 500 which the Art Gallery Society provided for the same purpose last year. It is another example of the extensive and generous public support which the Art Gallery is receiving from many Western Australians who are proud of this fine institution and are backing it with their confidence and hard work.

#### RAILWAYS

##### *Booking Office*

497. Mr McIVER, to the Minister for Transport:

- (1) Why is Westrail closing its City Arcade booking office which handles all interstate and country bookings within Western Australia?
- (2) If the booking office is to close on economic grounds, would he supply figures to justify closure?
- (3) (a) Is it proposed to open another centre for rail bookings;  
(b) if so, where?

Mr RUSHTON replied:

- (1) Increased rental charges for the premises were recently announced and this coupled with a downturn in interstate passenger business did not warrant Westrail operating three passenger booking outlets, serving City patrons.

The assertion that the City Arcade Office handles all interstate and country bookings within Western Australia is incorrect. So far as Perth is concerned rail bookings may also be made at Westrail Centre (interstate and intrastate) and City Station (intrastate) and this practice will continue. In addition, there are over 40 accredited travel agents in the metropolitan area conducting business for Westrail.

- (2) Westrail anticipates that the closure will result in a net annual saving of roundly \$25 000.
- (3) (a) and (b) No. However, greater use will be made of the superior facilities already provided for the public at Westrail Centre, where a special area will be set up for the sale of tour tickets.

### CULTURAL AFFAIRS

#### *Museum of Western Australia: Aboriginal Rock Engravings*

498. Mr STEPHENS, to the Minister for Cultural Affairs:

- (1) With reference to the article on page 1 of *The West Australian* of 26 August, relating to the Museum's action to save history in rocks, what is the estimated total cost of the project?
- (2) Who is financing the project?
- (3) If the State is making any contribution in cash or kind, what percentage of total cost will this represent?

Mr GRAYDEN replied:

- (1) The estimated total cost of the project is \$155 000.
- (2) Woodside Petroleum Development Pty. Ltd.
- (3) The State is not making any contribution in cash, but the Western Australian Museum is administering and supervising the project.

### NOONKANBAH STATION

#### *Base Camp: Cost*

499. Mr DAVIES, to the Deputy Premier:

- (1) Further to question 419 of 1980 concerning the establishment costs for

the base camp about 70 km from the drill site at Noonkanbah, is he now able to give a full assessment of costs?

- (2) Which department is bearing the costs of—
  - (a) providing meals at the camp;
  - (b) providing tents, camp stretchers, portable toilets and hot water showers;
  - (c) which Government agency, or other body, is supplying meals to the men?

Mr O'CONNOR replied:

- (1) No full assessment of costs has as yet been made.
- (2) (a) and (b) The Deputy Premier's Office.
- (c) The base camp ceased operations on 29th August, 1980.

### INDUSTRIAL DEVELOPMENT

#### *Great Southern*

500. Mr DAVIES, to the Honorary Minister assisting the Minister for Regional Administration and the North West:

- (1) Is he correctly reported in *The Albany Advertiser*, 29 May 1980, as having said that negotiations currently taking place could lead to the establishment of four new industries in the Great Southern, one of which would be in Albany?
- (2) Will he disclose the nature of the industries concerned and where they will be located?

Mr LAURANCE replied:

- (1) Yes. Negotiations for four new industries were commenced following a visit to the region by a group of businessmen. The visit was organised by the Regional Development Committee and the Regional Administrator.
- (2) This information could only be disclosed when commercial negotiations are completed.

### NOONKANBAH STATION

#### *Transport of Drilling Rig: Police Escort Cost*

501. Mr DAVIES, to the Minister for Police and Traffic:

Is he now in a position to provide details of the costs, including overtime and travelling expenses, involved in—

- (a) police escorting a convoy to Noonkanbah;
- (b) police stationed at a base camp about 70 km from the drill site?

Mr HASSELL replied:

- (a) and (b) No in each case. The Government has considered whether it would be appropriate to provide details of costs involved in the police escorting a convoy to Noonkanbah and providing appropriate protection for the Noonkanbah operation. It has been decided that these details will not be identified and released by the Government. The police protection provided to the convoy to Noonkanbah and the operation at Noonkanbah was carried out as a normal responsibility of the police force, which has as its fundamental objectives the maintenance of law and order in the community and the continuation of the basic freedoms of individual people to go about their work and business and pleasure without unlawful interference.

For carrying out these objectives, an appropriate level of police protection is provided to individuals, corporations, associations, and groups of people on different occasions, and as requisite and necessary.

It is not usual for costs to be identified in relation to individual police operations, and they will not be identified in relation to Noonkanbah. The Government makes no apology and has no regret that the police acted in accordance with their duty in relation to Noonkanbah, simply to permit a lawful operation to be carried out.

The Leader of the Opposition will undoubtedly recall that before the drilling rig left Eneabba, there had

been a number of public announcements by trade union officials that they would through the use of industrial action either prevent the removal of the drilling rig from Eneabba or prevent its successful transportation to Noonkanbah. In addition, a number of people in the community including some members of the clergy had indicated their intentions,

- (a) to disrupt the progress of the convoy to Noonkanbah, and
- (b) to prevent if they could the operations of the drilling rig at Noonkanbah.

In light of that public knowledge it was both necessary and appropriate and in accordance with the duty of the police force to provide such support and protection as was necessary to permit the operation to be carried out, not only in accordance with the law, but in accordance with the entitlements of the parties concerned.

The police operation in the escorting of a convoy to Noonkanbah and the support at Noonkanbah has, I am sure the Leader of the Opposition would agree, been carried out in an exemplary manner by our police force. At all points en route and at Noonkanbah, there was a public display of police operations at their best. Without in any way wishing to prevent public protest and public dissent, the right to which was never questioned by the Government or the police, the police officers involved acted with restraint, tolerance and care in seeking to prevent only one thing, unlawful obstruction and interference. At all points, appropriate warnings were given to people in the position of breaking the law and they were given every opportunity to exercise their undoubted right of protest without involving themselves in unlawful activities.

Having regard to all the circumstances, it has been concluded by the Government that it ought not to make an exception of Noonkanbah and to release details of the police operation which are not normally released.

## ELECTRIC POWER TRANSMISSION PTY. LTD.

### *Radio Tower*

502. Mr DAVIES, to the Premier:

Further to question 373 of 1980 concerning the Government's decision not to build a 63 metre radio tower in Kings Park, will he advise what alternative arrangements have been made?

Sir CHARLES COURT replied:

Police radio communications have been upgraded by the use of radio links between Headquarters and facilities at Lesmurdie and Hilton Park via Telecom land lines.

Investigations are being made into the possibilities associated with multi-storey buildings to be erected in the central city area in the near future.

## COURT: SUPREME

### *Damages Claim*

503. Mr DAVIES, to the Minister for Works:

Further to question 366 of 1980 will he outline the details of the settlement out of court with respect to a damages claim against architects and consulting engineers, Cox, Piggott & Associates?

Mr MENSAROS replied:

The settlement negotiated by the Crown Law Department, and which was considered satisfactory to the Public Works Department, amounted to \$200 000.

## GOVERNMENT COMMITTEES

### *Sitting Fees*

504. Mr DAVIES, to the Premier:

- (1) What are the current rates paid (where applicable) for sitting fees to members, other than Government employees, of Government committees?

- (2) Are such fees "net" or are other expenses, travelling, etc., also paid, and if so, what are such payments?

Sir CHARLES COURT replied:

- (1) The current rates paid (where applicable) for sitting fees to members, other than Government employees, of Government committees largely fall into five standard categories as follows:—

Category A Major	Chairman	\$5 000 per annum
	Members	\$2 500 per annum
A Minor	Chairman	\$3 000 per annum
	Members	\$1 500 per annum
Category B Major	Chairman	\$5 000 per annum
	Members—	Full day \$72 00 Half day \$48 00
B Minor	Chairman	\$3 000 per annum
	Members—	Full day \$72 00 Half day \$48 00
Category C	Chairman—	Full day \$96 00 Half day \$64 00
	Members—	Full day \$72 00 Half day \$48 00

There are other Boards and Committees for which various other rates are set according to the nature of the business undertaken. Details of these can be supplied if so desired.

All fees are paid for attendance at meetings and for the conduct of official business of the Committee.

- (2) The Chairmen of Boards in Categories A Major and B Major receive an expense allowance of \$600.00 per annum and the Chairmen of Boards in Categories A Minor and B Minor receive an expense allowance of \$300.00 per annum.

Allowances for mileage and travelling are paid when necessary for the conduct of official committee business to all members in accordance with current Public Service rates. This is with the exception that members residing in the metropolitan area and serving on metropolitan committees are not paid these allowances.

## EDUCATION: HIGH SCHOOLS

### *Senior*

505. Mr WILSON, to the Minister for Education:

- (1) What is the Government's policy with regard to any desirable upper limit for enrolments at senior High Schools?

- (2) How many senior High Schools in Western Australia have 1 000 or more student enrolments?
- (3) What are these schools and what are their current enrolments?

Mr GRAYDEN replied:

- (1) Senior high schools which have all five stages of construction can accommodate up to 1 300 students at peak enrolments.
- (2) 22.
- (3) As at 1 July, 1980, the following high schools had an enrolment over 1 000 students—

Albany	1 221
Applecross	1 155
Armada	1 118
Balga	1 001
Carine	1 163
Churchlands	1 253
Craigie	1 066
Girrawheen	1 064
Governor Stirling	1 127
Greenwood	1 122
Hamilton	1 061
Hampton	1 046
John Forrest	1 121
Kalamunda	1 227
Kelmscott	1 210
Kwinana	1 111
Lynwood	1 016
Mount Lawley	1 143
Morley	1 013
Rossmoyne	1 029
Scarborough	1 183
South Fremantle	1 032

#### WATER RESOURCES: UNDERGROUND

##### *Dianella: Water Table*

506. Mr WILSON, to the Minister for Water Resources:

- (1) (a) How many monitoring wells does the Metropolitan Water Board have in the Dianella area;  
(b) where are these wells located?
- (2) What drop in the water table has been recorded in these wells in the past five years?
- (3) If there are no such monitoring wells in this area, where are the closest wells situated and what drop in water table has been recorded in these wells?

- (4) How does this drop in the water table compare with that recorded in other parts of the metropolitan area?

Mr MENSAROS replied:

- (1) (a) One in Dianella, six nearby.  
(b) The well in Dianella is located just east of the Alexander Drive/Morley Drive intersection.
- (2) From the summer of 1974/75 to the summer of 1979/80, the drop in these seven wells in summer has been between 0.4 metres and 1.3 metres.  
From the winter of 1975 to the winter of 1980, the drop in winter levels has been between 0.4 and 1.4 metres.
- (3) Answered by (1) and (2).
- (4) The range of drops in levels in Dianella is similar to that recorded in other parts of the Metropolitan Area.

#### WILDLIFE OFFICERS

##### *Trainees*

507. Mr WILSON, to the Minister representing the Minister for Fisheries and Wildlife:

- (1) How many cadet or trainee inspectors have been appointed in the department each year since 1974?
- (2) What were the ages of those appointed to these trainee positions in 1978, 1979 and 1980?
- (3) What qualifications are required of applicants for these positions?
- (4) In what way are these trainee positions advertised?
- (5) What consideration, if any, has been given to increasing these trainee positions?

Mr O'CONNOR replied:

- (1)
 

1974	10
1975	2
1976	3
1977	7
1978	6
1979	10
1980	<u>1</u>
	<u>39</u>
- (2) 1978—30, 29, 19, 21, 23, 26.  
1979—24, 30, 24, 23, 31, 25, 24, 41, 18, 29.  
1980—31.

These ages reflect the trend in recent years to select persons of maturity for training in enforcement positions.

- (3) Achievement Certificate or equivalent, with twelfth year level English and seagoing qualifications an advantage.
- (4) In the *Government Gazette* and *The West Australian*.
- (5) Every effort will be made to continue the policy of appointing trainee inspectors, but this will depend entirely on available finance.

## EDUCATION: PRE-SCHOOL

### *Four-year-olds*

508. Mr WILSON, to the Minister for Education:

- (1) Is it a fact that his predecessor told Parliament in 1978 that consideration was to be given to a report on pre-school education for children in the 0-4 year age group by the two Ministers concerned, i.e., the Ministers for Education and Community Welfare?
- (2) Did the former Minister also tell Parliament that after consideration by the two Ministers concerned this matter would be referred to Cabinet?
- (3) If "Yes" to (1) and (2), what further developments have there been as a result of Cabinet consideration of this matter?

Mr GRAYDEN replied:

- (1) Yes.
- (2) and (3) So far, funds have been available to provide pre-schooling for children one year below admission to Year One at a primary school. Until finances permit, no consideration can be given to recommendations concerning pre-schools for the 0-4 group.

## WORKERS' COMPENSATION

### *Silicosis*

509. Mr WILSON, to the Minister for Labour and Industry:

- (1) What restrictions does the Workers' Compensation Board place on the redemption of silicosis pension entitlements by lump sum amounts?

- (2) Why are these restrictions imposed when, in so many cases, people would prefer lump sum settlements, would appear to be able to benefit more from such settlements, and see the reluctance to grant them as a lack of commitment on the Government's part to provide this pension entitlement in full?

Mr O'CONNOR replied:

- (1) Assuming the question relates to redemption of weekly payments of compensation, the answer is that there are no restrictions placed thereon by the board. All applications for redemption are dealt with according to the requirements of clause 10 of the First Schedule of the Workers' Compensation Act, 1912-1979.
- (2) See answer to (1).

510. *This question was postponed.*

## ANIMALS: DOGS

### *Attacks on Children*

511. Mr WILSON, to the Minister for Local Government:

- (1) Adverting to her answer to question 223 of 1980 relevant to changes to the Dog Act, from which municipal councils has she received representations for changes to the Dog Act?
- (2) What changes referred to in her previous answer have been requested by each of these councils and by the Local Government Association, the Country Shire Councils' Association?

Mrs CRAIG replied:

- (1) City of Stirling  
Town of Armadale  
Shire of Port Hedland.
- (2) The City of Stirling has sought a minimum penalty for the offence of failing to register a dog.

The Town of Armadale and Shire of Port Hedland have both requested that sections 32 and 33 be amended to facilitate the prosecution of persons who offend against these provisions.

The Country Shire Councils' Association has requested that—

there be a minimum penalty of \$100 where a dog is shown to have attacked a person without provocation, and for a justice of the



peace to be able to issue an order for the destruction of that dog;

it should be an offence for a person to own or keep an unsterilised dog unless that dog is a working dog or is registered for breeding;

the penalties prescribed in the Act be increased.

The Local Government Association has requested that—

dogs be required to be restrained by a leash whenever in a public place; and

there be a general minimum penalty of 20 per cent of the maximum penalties prescribed in the Act.

## TOWN PLANNING

### *Augusta-Margaret River Shire*

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

Why did she uphold an appeal against an Augusta-Margaret River Shire Council decision which now allows the owners of a large property fronting the Blackwood River to build three dwellings within the proposed river foreshore protection zone?

Mrs CRAIG replied:

All aspects of the appeal were, as always, carefully considered and the decision made in favour of the appellant.

## RAILWAYS

### *Fish*

513. Mr DAVIES, to the Minister for Transport:

(1) Did Westrail stop transporting freshly caught fish to Narrogin from Albany from 31 August 1980?

(2) If so, for what reason?

Mr RUSHTON replied:

(1) and (2) No. However, to overcome contamination problems, only fish boxes which are leak and odour proof will be accepted for carriage on rail after 31 August.

## TRAFFIC: RTA

### *Officer-motorist Ratio*

514. Mr DAVIES, to the Minister for Police and Traffic:

(1) Is he able to provide figures outlining the ratio of Road Traffic Authority officers in the country to country motorists and the number of Road Traffic Authority officers in the city compared with city motorists?

(2) If he is unable to provide the figures on a motorist basis, is he able to provide them on a *per capita* basis for rural and city dwellers?

Mr HASSELL replied:

(1) The ratio of members of the Traffic Patrol in the metropolitan area to licensed drivers resident in the metropolitan area is 1 : 1300.

The ratio of members of the Traffic Patrol outside the metropolitan area to licensed drivers resident outside the metropolitan area is 1 : 1051.

(2) Answered by (1).

## CULTURAL AFFAIRS

### *Albany Aboriginal Arts Centre*

515. Mr DAVIES, to the Premier:

(1) Has his department received a submission for funds from the Albany Arts Council to restore the Vancouver Street Hospital for the Aboriginal arts centre?

(2) If so, what was the response?

Sir CHARLES COURT replied:

(1) and (2) The Government has under consideration an application from the Albany Arts Council for the restoration of the old Albany District Hospital.

There have also been representations from the Legislative Assembly Member for Albany.

No reference appears in relation to its use as an Aboriginal Arts Centre nor do I know of any such intention.

Any decision will be dependent on a number of factors including the current budget deliberations.

## FISHERIES

### *Snapper*

516. Mr DAVIES, to the Minister representing the Minister for Fisheries and Wildlife:

- (1) Is it correct that a detailed study of the Shark Bay snapper industry will take up to four years?
- (2) If so, why?
- (3) What will the costs of the study be?

Mr O'CONNOR replied:

- (1) Yes.
- (2) The research programme will require close study of the life cycle and habits of snapper in the Shark Bay area, and the effect of both professional and amateur fishing on the species. Such an in-depth study can not be completed in a short period.
- (3) It is anticipated the study will cost \$60 000 to \$70 000 per year for a period of three to four years.

## HMAS "STIRLING"

### *United States Facilities*

517. Mr DAVIES, to the Premier:

- (1) Has the State Government done a survey on the attitudes of residents of the Cockburn Sound region to the establishment of United States naval facilities at HMAS *Stirling*?
- (2) If so, with what result?

Sir CHARLES COURT replied:

- (1) Not to my knowledge in a formal way.
- (2) Not applicable.

## DEFENCE FORCES

### *Helicopters*

518. Mr DAVIES, to the Premier:

What was the result of his approach to the Federal Government to have additional defence forces helicopters stationed in Western Australia?

Sir CHARLES COURT replied:

The Commonwealth advised me that decisions about the acquisition, basing and development of the capabilities of the defence force helicopters must be taken on the basis of essential military requirements, and that, to date, these

have pointed to the need to base helicopters in their present locations.

However, I replied that while no argument could be made against this basic tenet, it was still felt that our proposal would be of considerable assistance to defence force capability in this State, as well as give access to an important facility during times of natural disasters.

The matter will be further pursued with the Commonwealth.

To date, we have been well served by arrangements with private owners and operators of both small and large helicopters. But we need to be mindful of the times when private craft may be committed to their own essential rescue work.

## NOONKANBAH STATION

### *Transport of Drilling Rig: Mobile Canteen*

519. Mr DAVIES, to the Minister for Police and Traffic:

Further to question 414 of 1980 relevant to transport of drilling rig, will he advise the cost of the mobile canteen accompanying the convoy to Noonkanbah?

Mr HASSELL replied:

No mobile canteen accompanied the convoy.

## POLICE

### *Bicycles: Stolen*

520. Mr BATEMAN, to the Minister for Police and Traffic:

- (1) Did he read in the "Letters to the Editor" column of *The West Australian* newspaper dated 26 August 1980, a letter headed "A Lesson Here" which was a report by a mother regarding her son's stolen bicycle?
- (2) If "Yes", is it a fact when bicycles are handed into the various police stations that receipts are issued to the various people handing them in?
- (3) Is it also a fact that after 12 weeks if the bicycle is not claimed the receipt holder can claim it as his or her own?

- (4) If "Yes" to (2) and (3), then why was this young lad given all the wrong answers?
- (5) If it is a fact the lad was given all the wrong answers, then what are the right ones?

Mr HASSELL replied:

- (1) and (2) Yes.
- (3) No. All bicycles handed in are treated as stolen property, not found property. They are retained for at least six months and if not claimed by the owner within that period are disposed of by public auction. As stolen property, they cannot be returned to the finder as is the case with found property.
- (4) He was attended to by a cadet who was not fully conversant with proper police procedure. That was unfortunate, especially as the lad referred to was apparently misled, and disappointed. It will be hoped that he does not adopt a "finders keepers" policy in future as that will contribute to a breakdown in community honesty and detract from his previously exemplary conduct.
- (5) Answered by (3).

### RAILWAYS

*Fremantle-Perth: Show Week and Football Finals*

521. Mr McIVER, to the Minister for Transport:

- (1) Would he consider running suburban services in the Perth-Fremantle line during show week and the WANFL finals?
- (2) If not, why not?

Mr RUSHTON replied:

- (1) No.
- (2) It was clearly demonstrated last year that the crowds attending the Royal Show and the WAFL finals could be adequately handled by buses. As the operating costs are substantially less for buses than for trains, the running of special trains cannot be justified.

### FLOODING

*Carnarvon*

522. Mr DAVIES, to the Premier:

How much of the flood relief funds made available as a result of the

flooding of the Carnarvon area and the hardship suffered by the Carnarvon people, were transferred to Aborigines who faced hardship as a result of the flood?

Sir CHARLES COURT replied:

Records are not kept of assistance for relief of personal hardship and distress provided specifically for Aborigines as no distinction is made between recipients of benefits on the basis of race.

However, an amount of \$65 000 was spent in setting up tent accommodation for Aborigines who were forced to leave the reserve by floodwaters.

It is estimated that a further \$20 000 was expended in providing food, clothing and other assistance to Aborigines above any normal social service facilities available to them.

### EDIBLE OILS

*Bunbury Refinery: Exports and Imports*

523. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) Does Bunbury Foods Ltd. ship or transport by other methods, edible oil or other oil products to the Eastern States?
- (2) If so, what proportion of its output goes to the Eastern States?
- (3) Does Bunbury Foods Ltd. distribute vegetable products imported from overseas to—
  - (a) the Eastern States;
  - (b) New Zealand;
  - (c) Fiji;
  - (d) the Middle East;
  - (e) South East Asia;
  - (f) elsewhere?
- (4) If so, what proportion of vegetable products imported from overseas is used for local processing and what proportion is sent to each of the areas in (a) and (f) of part (3) of this question?

Mr MacKINNON replied:

- (1) Yes
- (2) This information is considered confidential to the Company and for commercial reasons, I am not prepared to provide this information to the Hon. Leader of the Opposition.
- (3) I am advised that crude vegetable oils are imported by the Company from overseas countries such as:—

The United States of America  
Brazil  
Argentina  
Eastern Europe  
Canada  
France  
Singapore  
The Philippines

for refining at Bunbury.

- (4) This information is considered confidential to the Company and for commercial reasons, I am not prepared to provide this information to the Hon. Leader of the Opposition.

#### EDIBLE OILS

##### *Bunbury Refinery: Crude Oil*

524. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) What types of crude oil are shipped from—
  - (a) the United States of America;
  - (b) South East Asian countries,
 by Bunbury Foods Ltd.?
- (2) Is the crude oil from—
  - (a) the United States of America;
  - (b) South East Asia,
 purchased through an agent?
- (3) If so, who is the agent in each case?
- (4) From which South East Asian countries is oil purchased?
- (5) Is the world commodity price paid in each country?

Mr MacKINNON replied:

- (1) I am advised by Bunbury Foods Pty. Ltd. as follows—
  - (a) Soya bean oil  
Sunflower oil
  - (b) Palm oil  
Coconut oil
- (2) I was advised that no agent is involved.
- (3) Not applicable.
- (4) Singapore and the Philippines.

- (5) This information is considered confidential by the company and for commercial reasons, I am not prepared to provide this information to the Leader of the Opposition.

#### BUNBURY FOODS LTD.

##### *Products*

525. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

- (1) What products are currently produced by Bunbury Foods Ltd.?
- (2) What is the brand name of each product?

Mr MacKINNON replied:

- (1) The company is now producing oils for both industrial and retail uses.

Products for industrial use are—

Industrial vegetable oil and  
Industrial frying compound.

Products for retail use are—

Refined polyunsaturated sunflower  
oil and Refined blended vegetable  
oil.

- (2) The industrial product lines are marketed under the name of Bunbury Foods Pty. Ltd. and the retail products are marketed under the brand name of "Merit" and "Crispeen."

#### EDIBLE OILS

##### *Cooking, and Margarine: Varieties*

526. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

How many varieties of—

- (a) cooking oils;
  - (b) margarines,
- are on sale in Western Australia?

Mr MacKINNON replied:

- (a) I understand at least eight varieties of cooking oils are on sale in Western Australia:—
  1. Blended oil
  2. Corn oil
  3. Sunflower oil
  4. Safflower oil
  5. Olive oil

6. Peanut oil
  7. Coconut oil
  8. Palm oil.
- (b) I understand at least five varieties of margarines are on sale in Western Australia:—
1. Polyunsaturated margarine
  2. Soft table margarine
  3. Whipped margarine
  4. Manufacturing margarine
  5. Industrial margarine.

527. to 531. *These questions were postponed.*

### LAND

#### *Bicton Animal Quarantine Station Site*

532. Mr HODGE, to the Premier:

Now that the State Government has finally made the decision to purchase the Bicton animal quarantine station site, will the Government enter into immediate negotiations with the Melville City Council to determine its future use?

Sir CHARLES COURT replied:

As previously indicated in the reply to question 400, the Government is purchasing the site over three years, and the Metropolitan Region Planning Authority has advised it sees no reason to amend the Metropolitan Region Scheme Zoning.

If the Melville City Council has a proposal for the future use of the site, the Minister—and if need be, myself—would be prepared to discuss it with them.

In any case, before a final decision is taken, the Government would propose discussions with the Council.

### EDUCATION: HIGH SCHOOL

#### *Melville*

533. Mr HODGE, to the Minister for Education:

- (1) Have the alterations made to some classrooms at the Melville Senior High School been successful in reducing the level of traffic noise in the rooms?

- (2) Have measurements been taken since the alterations to ascertain the reduction in noise in the classrooms?
- (3) Does the Government have plans to make similar alterations to other classrooms at Melville Senior High School?

Mr GRAYDEN replied:

- (1) and (2) Traffic noise penetrating the four classrooms treated for sound attenuation is much reduced and measurements are unnecessary.
- (3) No, rapidly declining enrolments allows the school to timetable to avoid having to use untreated classrooms, fronting Leach Highway, for quiet lesson work.

### INDUSTRIAL DISPUTES

#### *Strikes: Number*

534. Mr HODGE, to the Minister for Labour and Industry:

How many strikes have occurred since the new Industrial Arbitration Act came into force?

Mr O'CONNOR replied:

Statistics completed in conjunction with the Commonwealth Department of Industrial Relations from 1 March to 30 June show stoppages in the Western Australian Industrial Commission's jurisdiction to be 140 (with the loss of 99 813 man days).

It is noted that figures for the same period in 1979 were 117 stoppages (with the loss of 214 687 man days).

### COURTS

#### *Law Court Building*

535. Mr JAMIESON, to the Minister for Works:

- (1) How many times have progressive payments to the contractors for the new law courts been beyond the contract time?
- (2) What additional interest has had to be added to late payments?
- (3) Why have these late payments been necessary?
- (4) What was the original contract price for this building, and what is now the anticipated total cost to completion?

Mr MENSAROS replied:

- (1) Nil.
- (2) Nil.
- (3) Not applicable.
- (4) Original tender price—\$18 831 350.  
Anticipated total cost to completion—\$22 million.

## PIN BALL PARLOURS

### *Inquiry*

536. Mr BRYCE, to the Minister for Community Welfare:

- (1) Has he yet determined whether or not any form of government inter-departmental inquiry will be conducted into the operation, spread, and social impact of "pin ball parlours"?
- (2) If so, will he indicate who will be responsible for the conduct of the inquiry?

Mr HASSELL replied:

- (1) and (2) I am at present awaiting completion of advice from the Director, Department for Community Welfare and the Commissioner of Police. I will consider that advice when received.

## EDUCATION: PRE-PRIMARY

### *Centres: Ascot Electorate*

537. Mr BRYCE, to the Minister for Education:

- (1) Does the Education Department intend to establish a pre-primary centre within the grounds of—
  - (a) Redcliffe primary school;
  - (b) Belmont primary school;
  - (c) Rivervale primary school;
  - (d) Tranby primary school;
  - (e) Cloverdale primary school;
  - (f) Carlisle primary school?
- (2) If any or all of the above schools are interested to have a pre-primary centre established within the school grounds, what requirements must be satisfied?

Mr GRAYDEN replied:

- (1) As a desirable provision it is planned to have a pre-primary centre at every primary school eventually. Until funds are available for a building programme, use will be made of centres transferred from pre-schools.

In the list of schools given, Carlisle Primary School has its own pre-primary centre and a transferred centre is attached to the Tranby school.

- (2) If all children one year below school age are already enrolled at local pre-schools, a pre-primary centre may be provided at nearby schools only if the parents agree that the pre-schools cease to operate. Availability of funds for replacement buildings or conversion of existing classrooms is also a consideration.

## EDUCATION: PRE-PRIMARY

### *Centres: Local Authority Premises*

538. Mr BRYCE, to the Minister for Education:

- (1) Adverting to my question 445 (8) (a) of 1980, concerning pre-school centres, will he provide details of the instances where the Education Department has handed back to local authorities, premises which were used to establish pre-primary centres?
- (2) Had the Education Department's lease expired in each instance?

Mr GRAYDEN replied:

- (1) and (2) All pre primaries which the Education Department itself establishes (as distinct from a transferred centre which other agencies establish) are located within Departmental schools.

Adverting to my answer to Mr Bryce on Thursday 21 August, I wish to make the following corrections—

- (1) There are three categories of pre-schools apart from the Education Department's pre-primaries. 56 independent schools have pre-school classes; there are 177 community based pre-schools; and there are 25 Aboriginal kindergartens affiliated with the Early Childhood Branch.
- (2) 396 pre-primary centres have been established in Education Department primary schools of all sizes.
- (4) Five years, with an option for a further five years, but leases of a shorter duration are negotiated in some circumstances.

- (5) (a) 73.
- (b) 2 pilot units, 4 special language units in the Priority Schools Programme and 83 transferred centres in which there is a declining number of younger children.
- (7) (a) 258.
- (b) 2 special language units.

#### TRANSPORT: AIR

##### *Perth Airport: Development*

539. Mr BRYCE, to the Minister for Transport:

- (1) Further to question 181 of 1980, in the light of recent announcements in the Federal Budget concerning the future development of the Perth Airport; has the "master plan" for the development been completed?
- (2) Will he provide details of the plans referred to in the recent Federal Budget?

Mr RUSHTON replied:

- (1) The master planning process for Perth Airport commenced in August of last year following the acceptance of the recommendations of the Commonwealth/State Committee studying Perth's airport needs. We are promised the complete Master Plan by the end of this year.

The developments for the Airport announced in the Federal Budget were based on, and were in keeping with, the planning which had already taken place in the twelve months since August of last year. The remaining period of planning will finalise the details of the broad developments announced in the Budget.

- (2) Details of the plans referred to in the Federal Budget are as follows:

a new international terminal complex  
work on it to commence in 1981, with a view to the complex being operational by 1984.  
complex to include new terminal building, aircraft parking apron, roads and car park (for 600 vehicles).  
complex to be capable of handling up to four Boeing 747s in one hour.  
extension of main runway by 300 metres at a cost of \$1 million.

refurbishment of existing terminal for domestic operations.  
expenditure of \$6.6 million on works either already in progress or proposed, including \$1.95 million on extensions to the domestic terminal.

#### HEALTH: NOISE

##### *Morley Bus Depot*

540. Mr WILSON, to the Minister for Health:

- (1) On how many occasions since the introduction of the Noise Abatement Act has a Minister intervened to exempt premises from the provisions of the Act?
- (2) When have these exemptions taken place and what were the premises involved in each case?
- (3) On whose advice did the Minister act in exempting the Morley bus depot from the provisions of the Act?
- (4) Did officers of the Public Health Department prepare a report on the noise nuisance emanating from the bus depot in response to nearby residents?
- (5) If "Yes" to (4), what recommendations were made in this report?
- (6) Which of these recommendations were acceptable to the Metropolitan Transport Trust?
- (7) Why did the Minister wait till such a late stage, when his department must have been aware for several months of the Shire of Bayswater's intention to proceed with court action, and thus allow the residents concerned to build up their hopes of relief from the noise?

Mr YOUNG replied:

- (1) Twice.
- (2) In 1974 an exemption was granted for pile driving whenever and wherever such operations are performed. This exemption is current and certain conditions have been specified in this exemption. In August, 1980 an exemption was granted for the Morley MTT Bus Depot.
- (3) The decision was made by Cabinet, based on advice given to the Government on the depot's history, the circumstances under which the depot was established and the nature of the complaints against its operations.
- (4) Yes.

- (5) No recommendations were made, but possible solutions were suggested to the Shire of Bayswater.
- (6) Not applicable.
- (7) The matter was not drawn to my attention nor was any prior request made by anyone for an exemption.

## EDUCATION DEPARTMENT

### Artists

541. Mr WILSON, to the Minister for Education:

- (1) Is it a fact that the department has required artists working in its publications branch to sign an agreement which results in a drop of several thousands of dollars per year in their salaries and exempt them from national wage increases?
- (2) If "Yes", what is the department's reason for making this requirement and what will be the standing of these artists if they refuse to sign the agreement?
- (3) In making this requirement, what consideration has been given to established, fixed commitments which these employees are responsible for maintaining?

Mr GRAYDEN replied:

- (1) to (3) The Salaries of artists working in the Publications Branch of the Education Department are at present under review.

## QUESTIONS WITHOUT NOTICE

### CONSERVATION AND THE ENVIRONMENT

#### *Bunbury Beach: Pollution*

109. Mr SIBSON, to the Minister for Transport:

Is the Minister aware that—

- (1) Whilst on my normal morning jog yesterday I discovered the whole length of Bunbury's well known back beach was littered with thousands of pieces of clear plastic consisting of a fairly regular size plus other varieties and colours apparently lost or dumped from a passing ship?

- (2) There were two small stubby-sized soft drink bottles marked *Ingen Para Ingen Retur* meaning "No Deposit No return" which may indicate the origin of an offending ship?
- (3) If gathered into one heap the plastic pieces would constitute an alarming mass giving cause for much consternation?
- (4) This incident was reported in the *South Western Times* by myself this morning and I have taken the matter up with the Bunbury City Council?
- (5) The Harbour Master (Captain Bob Allsop) rang me to register his concern and to advise he will be reporting the matter to his authority?
- (6) Material of this nature could prove dangerous and damaging if caught in a boat's propeller or exhaust system?
- (7) Is it correct that the Bunbury City Council would be the authority responsible to clean the plastic off the beach and if so, what, if any, State or Federal funding would be available to compensate the Bunbury City Council?
- (8) Plastic is a non-biodegradable product and proves to be a nuisance both in the sea and on the beach?

Will the Minister take the following action—

- (a) Have the incident fully investigated?
- (b) Endeavour to determine the source of the plastic materials?
- (c) If the offender or offenders are flushed out, take firm appropriate action against the person or persons involved?
- (d) Effectively publicise that any future proven offenders in similar cases will be severely dealt with by the appropriate laws?

Mr RUSHTON replied:

- (1) to (6) Yes.
- (7) At the present time the authority responsible for clearing the litter is the *City of Bunbury*.



There are no known funds either State or Commonwealth from which reimbursement to the City of Bunbury can be made for the cost of clearing the foreshore.

I will arrange for the legal position, which is at present obscure, and the procedures for dealing with such incidents to be considered by the advisers to the Marine and Ports Council at its meeting in Perth on 20-22 October 1980.

- (8) (a) to (d) I will take action, as requested, that is within my jurisdiction.

#### EDUCATION: SCHOOL *Bullsbrook*

110. Mr HERZFELD, to the Minister for Education:

- (1) How many children attend the new Bullsbrook junior primary annex to the Bullsbrook District High School?
- (2) Will he confirm that the annex is about a quarter of a mile from the school telephone?
- (3) Has a telephone for the annex been denied and, if so, for what reason?
- (4) Would he agree that a telephone is essential in a school for such reasons as contacting parents when children are ill, an accident occurs, etc.?
- (5) Would he further agree that it is a waste of teaching resources for a teacher to have to walk half a mile to use a phone for essential purposes?
- (6) Would he instruct his department to have a telephone installed at the junior primary annex forthwith?

Mr GRAYDEN replied:

- (1) Junior primary—capacity 250 pupils.  
Pre-primary—capacity 25 pupils.  
Total capacity 275.
- (2) Annex is 200 metres or approximately one-eighth of a mile from school telephone.
- (3) Telephone has been denied under existing policy, but the policy is currently under review.
- (4) Access to a telephone is essential for contacting parents due to illness, accidents, etc.
- (5) Yes—400 metres or a quarter of a mile would be excessive; however, 200 metres is not necessarily in that category.

- (6) Yes—the change in policy for district high schools will eliminate the type of problem at Bullsbrook.

#### CEMETERIES

##### *Burials: Industrial Dispute*

111. Mr NANOVIH, to the Deputy Premier:

My question was prepared prior to reading this evening's newspaper. Following the strike of the Municipal Employees' Union, can the Minister advise—

- (1) Approximately how many bodies of deceased persons are at present in funeral parlours or other places in the metropolitan area awaiting burial?
- (2) Is there adequate storage if the strike continues?
- (3) Is he aware of the concern and strain being placed on relatives and friends of deceased persons because of the union's action?
- (4) Will the Minister seek co-operation from the union in an effort to have normal burials proceeded with?
- (5) If that co-operation is not forthcoming, what action will be taken?

Mr O'CONNOR replied:

- (1) Approximately 40 bodies today. Obviously, this number would have increased had no action been taken.
- (2) From information I have, no.
- (3) Yes, and it is unbelievable that a union and its secretary who used to be an ALP Federal member of Parliament can continue with such a callous and unsympathetic action.
- (4) This has been done to no avail. Mr Bennett has advised no decision would be made until next Thursday.
- (5) The Government has already arranged for volunteer labour to endeavour to ensure the deceased have a quick and decent burial and the strain and emotion of those close to the deceased is relieved. At the moment the crematorium is operating with some assistance, and today volunteers dug graves. Funerals will take place tomorrow.