endeavour to overcome this anomaly a decision was made to repeal the two Acts and to combine them in a new Act.

At the same time there has been some tidying up of the Acts; and under the new Act it will be necessary to register all veterinary products. An evaluation will be made of all products, whether veterinary or produced for animal feeding stuffs, as to their potency, purity, and adulteration with pesticides or chemicals. In fact, this will provide a guarantee to the consumer or user regarding the purity of the product and its correctness of labelling.

Premises on which veterinary products are manufactured will have to be registered, and this will provide a further safeguard regarding the purity of the product.

An advisory committee will be formed on which the industry will be represented. and the committee will undertake the duty of advising the Minister on the various aspects of the administration of the Act. Whereas at present there are separate registrars—they are not full time but employees of the Department of Agriculture—now their duties will be combined and we will have one registrar who will be responsible for the registration of products.

Inspectors will be appointed, and they will have the usual inspectorial authority. It will be their duty to ensure that the requirements of the Act are carried out.

The Bill has been in the pipeline for some time. I consider it to be a desirable Bill; it is an administrative measure more than anything else. As the Deputy Leader of the Opposition said, it is virtually a tidying up exercise and, at the same time, one in which the situation has been updated.

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.

COUNTRY TOWNS SEWERAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th August.

MR JAMIESON (Welshpool—Leader of the Opposition) [11.02 p.m.]: As the Minister indicated, this is a small Bill which gives the Government power to take over company-owned sewerage works which have been constructed in the various closed towns built mainly as a result of mining operations. This seems to be a sensible procedure. No doubt over the years we will see a number of such Bills, as other towns become open, and the companies concerned approach the Government to take over the management of the sewerage installations. This will apply particularly where a company town becomes integrated with other people associated with the various services and general infrastructure of the town.

Under these circumstances, the Opposition sees no reason to object to the Bill. It is the type of amending legislation which represents sensible action on the part of the Government. I believe the example given of the town of Wickham to be a good one, and I feel such legislation is of advantage to the people of this State. Accordingly, I support the Bill.

MR T. H. JONES (Collie) [11.04 p.m.]: I apologise to my leader for being absent from the Chamber when this Bill was brought on. As he indicated, the Opposition supports the Bill. The Leader of the Opposition has adequately put the case on behalf of the Opposition, and I rise merely to express my apologies and to indicate my support of the Bill.

MR O'NEIL (East Melville—Minister for Water Supplies) [11.05 p.m.]: I thank the Opposition for its co-operation in getting this Bill through the House.

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.

House adjourned at 11.06 p.m.

Legislative Council

Wednesday, the 18th August, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (18): ON NOTICE

1. ROAD TRAFFIC AUTHORITY

Breathalyser Tests

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

(1) Will the Minister admit that spot breath tests of motorists are taking place by the Road Traffic Authority?

(2) If the answer is "No" will he explain why a motorist, who had not been drinking, but who had called at a shop next to the Darling Range Hotel at approximately 10.15 p.m. on Wednesday, the 4th August, 1976, was subsequently stopped by an RTA patrolman and asked to take a breathalyser test,

to which he agreed, but which was not administered because of his obvious state of sobriety?

The Hon. N. E. BAXTER replied:

(1) No.

(2) Three persons were apprehended for speeding in the vicinity of the Darling Range Hotel between 9.45 and 10.30 p.m. on Wednesday, 4th August, 1976. One person was not questioned regarding alcohol or given a breath test. One person was questioned concerning alcohol. He replied that he had not been drinking and as he did not smell of alcohol, he was not given an alcohol test. The third person, whose breath smelt of alcohol, was given an alcohol test which did not register enough for further action to be taken.

A Patrolman may require a person to undergo a breath test where there are reasonable grounds to believe he has—

(a) been involved in an accident;

(b) committed a driving offence;

(c) alcohol in his body,

and one condition is sufficient in itself.

2. HOUSING

Esperance

The Hon. D. J. WORDSWORTH, to the Minister for Education representing the Minister for Housing:

(1) In view of the fact that there are still un-housed Aborigines in the Esperance Shire, how many State Housing Commission homes have, in each of the last five years, been—

(a) built;

(b) rented to a new occupant;

(c) rented to an Aboriginal;

(d) rented to a family not previously living in the area;

(e) rented to a local Aboriginal?

(2) What has been the average waiting list in each of these years for—

(a) total applicants;

(b) Aborigines?

(3) How does this waiting list per house compare to—

(a) the city;

(b) other rural towns?

(4) How many families in each of these years have been considered to be of unsuitable standard for allocation of a—

(a) State Housing Commission home;

(b) Aboriginal home?

(5) Has it been the policy of either a State or Federal Government department to encourage Aborigines from other shires, where there has been over-crowding and lack of job opportunity, to move to Esperance?

The Hon. G. C. MacKINNON replied:

(1) to (5) The information sought by the Hon. Member is extensive and requires considerable preparation.

Having regard to the importance of housing to the Esperance region, the Minister will write promptly to the Hon. Member providing a detailed answer.

3. HOUSING

Aborigines: Grants

The Hon. R. F. CLAUGHTON, to the Minister for Education representing the Minister for Housing:

(1) For the financial years—

(a) 1974-1975; and

(b) 1975-1976;

what grants were received from the Australian Government for housing for Aborigines?

(2) What amounts were expended for the above purpose from these grants?

The Hon. G. C. MacKINNON replied:

(1) (a) 1974-1975, nil;

(b) 1975-1976, $2 368 973.

(2) (a) 1974-1975, $2 875 439;

(b) 1975-1976, $2 184 516.

(Balance for 1975-1976 of $184 457 is for works nearing completion and contracts in hand.)

4. GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

North-west

The Hon. J. C. TOZER, to the Minister for Education representing the Minister for Housing:

(1) Which State Government departments or instrumentalities are declared under section 7 of the Government Employees' Housing Act, thus making the Government Employees' Housing Authority responsible for the housing of staff in North Province?

(2) Which departments or instrumentalities employing staff in the north, are not dependent upon the GEHA for staff accommodation?

(3) What weekly rental is paid for a standard type three-bedroom house by the tenants referred to in question (1)?

(4) For comparable accommodation, what rental is paid by the employees of each of the departments or instrumentalities listed in the answer to question (2)?

(5) Is is possible for certain sections of a department (e.g. the Mechanical and Plant Engineers Division of the Public Works Department) to be excluded from the provisions of the Act even though the parent department has been declared by proclamation?

(6) Are there any special factors, such as conditions contained in industrial awards, which preclude the payment of a standard rental by some categories of employees (e.g. prison warders)?

The Hon. G. C. MacKINNON replied:

(1) to (6) This information is not readily available and, as it will take some time to obtain it from several sources, the Minister will provide the answer by correspondence to the Hon. Member.

5. MADDINGTON SCHOOL

Cost of Bore

The Hon. CLIVE GRIFFITHS, to the Minister for Education:

(1) Would the Minister advise what the current position is in regard to the provision of the bore installation at the Maddington primary school?

(2) Has a cost estimate been received from the Public Works Department?

(3) If so, what is the estimated cost of the work?

(4) When can the school expect to have the work completed?

The Hon. G. C. MacKINNON replied:

(1) to (4) A test bore has revealed that an adequate water supply is available. The estimated cost of providing a pump and connecting to the existing reticulation system is $3 000. It is anticipated that the work will be completed in December, 1976.

6. *This question was postponed.*

7. HEALTH

Atmospheric Pollution: Monitoring

The Hon. R. F. CLAUGHTON, to the Minister for Health:

(1) (a) Have base year readings of air pollution for the Perth metropolitan area been recorded;

(b) if so, what is the base year;

(c) how many recording stations were used in recording these readings; and

(d) what methods, other than fixed stations, were used in collecting data?

(2) (a) Has the recorded data been analysed and a report prepared;

(b) to (d) answered by (1) a copy of the report?

(3) How many staff are employed in continuous monitoring of air pollutants in the metropolitan area?

(4) From how many stations is information being recorded?

(5) What is the frequency with which these recordings are taken?

The Hon. N. E. Baxter replied:

(1) (a) No.

(b) to (d) answered by (1) (a) above.

(2) (a) and (b) answered by (1) (a) above.

(3) Five.

(4) Thirty-nine.

(5) Oxides of nitrogen, sulphur dioxide and smoke are recorded daily. Ozone and carbon monoxide, and hydrocarbon are recorded hourly and dust is recorded monthly.

8. TECHNICAL SCHOOL ADVISORY COMMITTEES

Appointments

The Hon. LYLA ELLIOTT, to the Minister for Education:

(1) Under what regulation are appointments made to Technical School Advisory Committees?

(2) How many members are permitted to be appointed to such committees under the regulation?

(3) How many members are now appointed to the Midland Technical School Advisory Committee?

(4) What criteria are used to determine the suitability of nominees for such committees?

(5) For what reason was my nomination to the Midland Technical School Advisory Committee rejected by the Minister?

(6) On what previous occasion was a nomination for the Midland Technical School Advisory Committee rejected by any Minister for Education?

The Hon. G. C. MacKINNON replied:

(1) Appointments to technical school advisory committees are made under Education Department Regulations Nos. 253 and 257.

(2) The regulations permit a maximum of fifteen members.

(3) Eleven members.

(4) The principal of the school or college submits to the Director of Technical Education the names of persons considered by him to suitably represent the community within which the school is situated. He is required to have regard for two factors—

(a) that the industry and community generally is well represented;

(b) that the nominees, in his opinion, will make a contribution to the affairs of the committee.

If the Director approves of the principal's nominations, he submits these names through the Director-General of Education for the Minister's approval.

(5) It is considered that no reason need be given.

(6) Not known.

9. HOSPITALS AND HEALTH CARE

North-west

The Hon. J. C. TOZER, to the Minister for Health:

(1) What is the estimated annual cost to the State to provide medical care and hospitalization which can be directly linked with alcohol?

(2) What is the estimated cost in the Kimberley?

(3) (a) Do medical and hospital records, in the Kimberley, separate costs attributable to the Aboriginal component of the community; and

(b) if so, what is this figure?

The Hon. N. E. BAXTER replied:

(1) and (2) This information is not available, nor could a reasonable estimate be made without incurring considerable unwarranted expense.

(3) (a) No.

(b) Answered by (a).

10. POLICE

Mr W. A. Wilson: Prosecution

The Hon. LYLA ELLIOTT, to the Attorney-General:

Further to my question without notice of the 11th August, 1976, concerning the case just heard in the Wyndham Circuit Court against the owner of Billiluna Station, Mr William Alex Wilson—

(1) Who were the witnesses subpoenaed to give evidence on behalf of the Crown?

(2) Which of those appeared and gave evidence to the Court?

(3) Did the evidence from these persons constitute the "evidence available to the Crown from other sources which resulted in the Crown being unable to demonstrate sufficient prejudice to its case to warrant an adjournment", as stated by the Attorney-General in reply to my question?

(4) As Yupupu was, or should have been, the Crown's main witness, why were no reasonable steps taken to ensure his attendance in Court, e.g. by arranging an escort known to and trusted by him?

(5) Is it a fact that—

(a) Paul Bruno, an Aboriginal witness to the incident when Yupupu was shot—

(i) was in Roebourne prison during the Wilson trial in Wyndham;

(ii) advised a prison officer that he wanted to give evidence at the trial;

(iii) was the most articulate of the Aboriginal boys involved in the Billiluna incident and capable of giving evidence; and

(b) the Crown was aware of Bruno's presence and availability for the trial?

(6) If the answers to (5) (a) to (b) are "Yes" why did the Crown not arrange for Paul Bruno to give evidence at the trial?

The Hon. I. G. MEDCALF replied:

(1) The witnesses subpoenaed to give evidence on behalf of the Crown were Dr Griffiths, Mr Verdon, Mrs Verdon, Yupupu, P. C. McLaughlin, Sergeant Atkinson, Detective-Sergeant Rowtcliff and Sergeant Foster.

(2) All of the abovenamed persons appeared and gave evidence to the Court with the exception of Yupupu and Sergeant Atkinson, whose evidence was ultimately not required.

(3) Yes.

(4) Yupupu was not, nor could he properly have been advanced as the Crown's main witness. Nonetheless all reasonable steps were taken to secure his presence.

(5) (a) The information in the possession of the Crown was that when Yupupu was shot, there

was no person present apart from himself and Wilson, the other aboriginal persons present being on the other side of the house.

(b) The office of the Crown Prosecutor was not made aware that Paul Bruno wished to give evidence at the trial. Had the Crown believed that Bruno could give evidence as an eye-witness to the incident when Yupupu was shot he would have been called. However, the Crown understood that Bruno was not an eye-witness of the incident.

(6) Not applicable.

11. "POLICY AND PERFORMANCE" PUBLICATION

Economic and Regional Development

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister Co-ordinating Economic and Regional Development:

With reference to page 39 of the "Policy and Performance" publication—

(a) how many officers are employed full-time in the Ministry co-ordinating economic and regional development who are not officers attached to the Premier's Department; and

(b) who are the senior officers employed in co-ordinating economic and regional development?

The Hon. N. McNEILL replied:

(a) There are no full time officers in this Ministry. Use is made of other departmental officers and consultants as is necessary, this being the most economic use of the wide range of experience and expertise required.

(b) Answered by (a).

12. CONSUMER PROTECTION

Bread Prices

The Hon. D. W. COOLEY, to the Minister for Education representing the Minister for Consumer Affairs:

(1) (a) Was the Minister correctly reported in the press when it was stated that the Wheat Product Prices Fixation Committee "rubber stamped" bread prices and did not take into account whether the base figure was justified; and

(b) if so, does the Minister consider that this statement reflects discredit on the Auditor-General, who was chairman of this committee, his staff, and committee members?

(2) Is not the base figure referred to by the Minister produced by chartered accountants and checked by the Auditor General?

(3) Has the Government received any request from the Bread Manufacturers Employers Union, The Operative Bakers Union, or consumer organisations, to remove control on the price of bread?

(4) (a) Has Cabinet been the final arbiter on bread prices since the Wheat Products Prices Fixation Committee was reformed in 1972; and

(b) if so, on how many occasions did Cabinet decline to act on the committee's recommendations?

(5) Is the 680 gram sliced and wrapped milk loaf the most widely purchased item among these formerly under price control?

(6) What are the respective prices of the 600 gram sliced and wrapped milk loaf and the 900 gram standard loaf in the metropolitan areas of—

(a) Sydney;

(b) Melbourne;

(c) Brisbane;

(d) Adelaide;

(e) Hobart; and

(f) Perth?

(7) In which cities is bread currently under price control?

The Hon. G. C. MacKINNON replied:

(1) (a) and (b) Not in the context used. The reference to "rubber stamping" referred to the committee inevitably being faced with justifiable production increases beyond the manufacturer's control and the necessity to acknowledge those increases. This may tend to give the impression that the base figure was open to question. The necessity to pass on the increased costs does not reflect on the Auditor-General and his staff or the members of the committee.

(2) The base figure referred to is assessed by the committee from information available from a panel of bakeries and from information obtained by investigating officers from the Audit Department. A

public accountant maintains costing records for the industry and a review is made by him at the same time as the committee using a different panel of manufacturers. The results of these reviews are advised to the committee for comparative and confirmatory purposes.

(3) No.

(4) (a) Yes;

(b) three.

(5) Yes, the 680 gram sliced and wrapped milk loaf constitutes approximately 60 per cent of production.

(6) The respective prices of the 680 gram (not 600 gram) sliced and wrapped milk loaf and the 900 gram standard loaf are:

	680 gram.	900 gram.
Hobart	45c	45c
Melbourne ..	49c	49c
Perth	47c	43c
Sydney . .	48c	44c
Adelaide	49c	45c
Brisbane	44c	40c

(7) Bread is currently under price control in Sydney and Adelaide.

13. "POLICY AND PERFORMANCE" PUBLICATION

Local Government Liaison Committee

The Hon. R. F. CLAUGHTON, to the Attorney-General representing the Minister for Local Government:

(1) When was the Local Government Liaison Committee, referred to on page 37 of the "Policy and Performance" publication, established?

(2) Who are the members of this committee?

(3) What changes in the membership have occurred since it was established?

(4) On how many occasions has the committee met since it was established?

(5) What important decisions have arisen from meetings of the committee that have benefited local government generally?

The Hon. I. G. MEDCALF replied:

(1) June, 1974.

(2) and (3) Individual membership is not formally established but the Committee is comprised of three representatives of the Local Government Association, three from the Country Shire Councils' Association and one nominee from the Country Town Councils' Association together with senior officers of the Local Government Department.

(4) Seven times (at approximately three-monthly intervals).

(5) These are too numerous to list but all amendments to legislation relating to local government have been discussed as well as the financial assistance to municipal councils and the basis of its allocation.

14. "POLICY AND PERFORMANCE" PUBLICATION

Planning and Co-ordinating Authority

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

(1) Under what legislation is the Planning and Co-ordinating Authority, referred to on page 39 of the "Policy and Performance" publication, established?

(2) Who are the members of the authority?

(3) When was the authority established?

(4) On how many occasions has it met since it was established?

The Hon. N. McNEILL replied:

(1) The Planning and Co-ordinating Authority is not a statutory body. It was created by Cabinet direction.

(2) Mr E. R. Gorham (Chairman), Co-ordinator, Department of Industrial Development;

Mr D. H. Aitken, Commissioner of Main Roads;

Dr I. D. Carr, Town Planning Commissioner;

Mr E. N. Fitzpatrick, Director of Agriculture;

Mr R. M. Hillman, Director of Engineering, Public Works Department;

Mr L. E. S. McCarrey, Under Treasurer;

Mr J. F. Morgan, Surveyor-General;

Dr B. J. O'Brien, Director of Conservation and Environment;

Mr K. M. McKenna, General Manager, State Housing Commission;

Mr B. M. Rogers, Under Secretary for Mines;

Mr J. B. Kirkwood, Commissioner, State Energy Commission.

Note: The Planning and Co-ordinating Authority has the right to co-opt additional people for special subjects and projects, as required from time to time.

(3) On 7th September, 1964, Cabinet approved the establishment of the North West Planning Authority (name subsequently changed to present style).

(4) The Authority has met on 73 occasions.

15. "POLICY AND PERFORMANCE" PUBLICATION

Government Policy

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

In respect of policy item 21, appearing on page 40 of the "Policy and Performance" publication, will the Minister advise—

(a) why the second paragraph of that item was not listed as a distinct promise;

(b) what specialist individual and groups have been engaged to assist the Government in the formation of policy; and

(c) what has been the cost of engaging these persons and groups?

The Hon. N. McNEILL replied:

(a) Because it is obviously interrelated with the first paragraph;

(b) these are many and varied, and the Premier is not prepared to use up valuable senior staff time in tabulating all of those concerned. Most were from within existing Government resources;

(c) see answer to (b).

16. "POLICY AND PERFORMANCE" PUBLICATION

Government Departments and Instrumentalities

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

(1) On what date or dates were Government departments and agencies requested to examine their functioning as referred to on page 41 of the "Policy and Performance" publication?

(2) If the request was made on differing dates, will the Minister list the dates and the departments and agencies involved.

The Hon. N. McNEILL replied:

(1) Initially, 26th July, 1974, by the Premier. This is a continuing process.

(2) See answer to (1).

17. "POLICY AND PERFORMANCE" PUBLICATION

Executive Development Centre

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

(1) (a) When was the R. H. Doig Executive Development Centre completed; and

(b) was this during the term of the Tonkin Government?

(2) On what date were courses first commenced at the Centre?

The Hon. N. McNEILL replied:

(1) (a) The R. H. Doig Executive Development Centre was officially opened on 27th September, 1973;

(b) yes.

(2) The first course commenced in August, 1973.

The present Government has actively encouraged the role of the Centre and, over the period April, 1974, to the current date, 146 courses (involving 3 635 participants) have been conducted.

18. "POLICY AND PERFORMANCE" PUBLICATION

Community Needs

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

As on page 41 of the "Policy and Performance" publication it is stated "more wide-ranging analysis is being made to gain better understanding of community need", will the Minister advise—

(a) the methods being employed to conduct this analysis; and

(b) what additional staff have been employed to carry out this activity?

The Hon. N. McNEILL replied:

(a) It has been the policy of the Government to encourage progressively a more comprehensive approach to the assessment of community needs.

No longer are individual programmes considered in isolation.

Departmental surveys and reports are increasingly seeking the views and involvement, without duplication of function, of other agencies. This activity is co-ordinated by the Ministers and by Cabinet.

Ministers and their departments are more deeply involved than ever before in

taking Government proposals to the community to enable full and frank discussions and views to be put, before ideas are converted to actions.

There are numerous examples of Ministers and senior Government officers attending and, in some cases initiating, public discussions and presentations to enable community attitudes to be assessed.

(b) No additional staff have been employed specifically to this end.

The emphasis has been rather on an improvement in use of available staff.

In the interests of minimising the strain on scarce funds, every effort is being made to limit, as far as possible, staff growth in the Public Service.

LEAVE OF ABSENCE

On motion by the Hon. R. F. Claughton, leave of absence for six consecutive sittings of the House granted to the Hon. S. J. Dellar (Lower North) on the ground of ill health.

BILLS (3): INTRODUCTION AND FIRST READING

1. Medical Act Amendment Bill.
2. Nurses Act Amendment Bill.

   Bills introduced, on motions by the Hon. N. E. Baxter (Minister for Health), and read a first time.

3. Criminal Code Amendment Bill (No. 2).

   Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney-General), and read a first time.

LAW REFORM COMMISSION ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and transmitted to the Assembly.

DOG BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.57 p.m.]: I move—

That the Bill be now read a second time.

Legislation introduced into Parliament towards the end of the parliamentary session last year to repeal and re-enact the Dog Act, was done so with the intention of deferring final consideration of that Bill to provide an opportunity for it to be critically examined by all those interested.

The exercise has proved valuable, in that many individuals and organisations have responded with varying opinions as to the degree of stringency with which dogs should be controlled.

It has enabled a fresh look to be made at the previous Bill, to weigh up its merits and possible disadvantages in the light of public comment.

The Bill now before this Chamber can therefore be regarded as the culmination of a very comprehensive process of consideration, consultation, and review, based on exhaustive and critical examination.

The need to review the Dog Act has been recognised for some years and, in fact, a committee was set up by the previous Government to examine the Act and make recommendations which might serve as the basis for new legislation.

This committee included representatives of several organisations which have a particular interest in dogs—for instance, The Canine Association of WA, The Dogs Refuge Home—as well as the Country Shire Councils' Association, the Local Government Association, the Police Department, and others. The committee held its first meeting in May, 1973.

The process has been a long and exhaustive one, and it is believed that everything reasonably possible has been done to produce worth-while legislation.

The Bill provides a balance between the sometimes conflicting principles that people should be enttiled to acquire and enjoy the ownership of dogs, and the need for adequate control of dogs.

The Bill is therefore aimed at preserving the right of the ownership of dogs, whilst at the same time placing an adequate measure of responsibility on those who choose to be owners.

Under the present Act, a dog registration must be renewed annually. However, this Bill will allow registration to be extended over a number of years, with a provision that the registration may be cancelled if the owner is convicted of two offences in a 12-month period.

Registration fees will be fixed by regulations. This regulation-making power also allows concessional registration fees to be set for particular classes of persons—for instance, pensioners—or for extended registrations.

In addition to ensuring the registration disc is attached to the collar of a dog, the owner must also ensure that his name and address is likewise affixed to the dog's collar. This will not only assist enforcement, but will also act to the advantage of the owner. For instance, it will allow any dog which is seized by a council to be returned immediately to its owner. It will also facilitate what is commonly known as "on the spot fines".

A joint responsibility to control a dog is placed on both the owner and a person who may have temporary possession of it

to ensure that the owner does not escape responsibility because the dog was with someone else at the relevant time.

Notice of transfer of ownership of a dog from one person to another must be formally given to the appropriate council. By failing to do so, a person will be responsible for any offence which may take place in respect of that dog.

One of the principles on which this Bill is based is the right for people to own a dog. What the Bill lays down more specifically is that a by-law cannot be made by a council which would prevent a person from keeping at least two dogs on a property. Councils will be able to make by-laws placing restrictions on the number of dogs which may be kept in different parts of their district, providing always that a limitation of less than two could never be imposed. I expect that many councils will want to impose different limits appropriate to the circumstances of different areas. In the case of rural land, for instance, a council might set the limit at a very high number or, alternatively, it could decide against imposing any limit at all.

Because the setting of a certain limit for a particular area could impose special hardship on certain people, the Bill allows a council to grant exemptions from the particular restriction.

Kennel licences can also be granted by a council to cater for dog breeders and the like, who have to keep large numbers of dogs. In this way, councils will be able to ensure that kennels are properly located and maintained to a satisfactory standard.

It will be an offence to permit a dog to wander in a public place without being under effective control.

Of course, councils will also be empowered to seize uncontrolled dogs found in public places, as they are under the present Act. However, the present Act does not create an offence; this Bill does.

The Bill requires that a dog so seized must be kept in the pound for at least 72 hours, to give the owner the opportunity to recover it. The present Act provides for a minimum detention of 48 hours.

Another change which has been made from the present legislation is that a dog which has been seized by a council, but not claimed by its owner, will not automatically have to be destroyed. As an alternative to destruction, the council will be able to sell or otherwise dispose of the dog.

Limited power is given to authorised persons to enter private property for the purpose of seizing a dog which has been wandering uncontrolled in a public place. Authorised persons may enter premises only with the permission of the owner or occupier of those premises, or under the authority of a warrant issued by a Justice of the Peace.

The Bill provides for a substantial increase in penalties for offences, by comparison with the penalties specified in the current Dog Act.

However, one of the features of the Bill is that it introduces modified penalties—commonly referred to as "on-the-spot fines". I believe this will greatly assist the enforcement of dog control measures.

The number of greyhounds which one person may have under his control in a public place has been reduced to two. The present Dog Act allows four.

In addition to giving councils the power to make their own by-laws, the Bill allows uniform by-laws to be made. These uniform by-laws can be applied to the whole or part of any municipal district in the State. There is also power to make draft model by-laws which can be adopted by councils as they see fit.

One of the most significant things which this Bill sets out to do is to bring the control of all dogs, whatever their breed, into the one piece of legislation. Members will be well aware of the existence of the Alsatian Dog Act, which lays down control measures in respect of German shepherd dogs.

This Bill allows regulations to be made in respect of a specific breed, or a mixed breed of dog, which is considered to be a potential danger. Such regulations can impose conditions or restrictions on the keeping of a dog of a specified breed.

If these provisions are acceptable to Parliament, it is intended to proceed with a Bill to repeal the Alsatian Dog Act.

On the question of German shepherd dogs, a careful re-examination would obviously have to be made as to what, if any, controls should be prescribed by regulation once the Alsatian Dog Act was repealed.

The views of all municipal councils will be considered prior to any regulations being drafted.

I wish to inform members that I intend moving an amendment to clause 27 of the Bill in the Committee stage in respect of the procedure for the licensing of kennels.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. H. C. Stubbs.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.05 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for amendments to the Local Government Act, which became necessary as a consequence of the Bill to repeal and re-enact the Dog Act.

At present, the Local Government Act confers certain powers on councils to make by-laws for the control of animals, including dogs.

It is considered desirable for legislation dealing with dog control to be contained in the one Statute.

The Local Government Act provisions are adequately covered in the proposed new dog legislation.

It is therefore proposed to delete the reference to dogs in section 197 of the Local Government Act which presently gives councils the power to make by-laws to regulate, prohibit or require a licence for the keeping of dogs and cage birds for breeding purposes.

Section 207, which gives councils by-law making power to regulate the manner in which dogs must be kept and controlled, is to be repealed.

Provision is also included to exclude dogs from the by-law making power conferred by section 243 dealing with straying animals, and the destruction of animals suffering from a contagious or infectious disease.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. H. C. Stubbs.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th August.

THE HON. G. E. MASTERS (West) [5.07 p.m.]: I would like to make a few comments on this Bill, principally because the Hon. Lyla Elliott mentioned in her second reading speech the problems faced in the Mundaring and Kalamunda Shire Council areas, and I am sure the honourable member has brought the Bill forward with the best of intentions.

When we refer to the dumping of animals we are mainly talking about dogs and cats. The Hon. Lyla Elliott mentioned there was already legislation to cover dogs but that the dumping of cats did not seem to be a matter for which a penalty or a fine could be imposed.

As far as I can ascertain, the Mundaring and Kalamunda Shire Councils do not seem to be having problems so much from the dumping of animals as from the great number which are roaming the district for one reason or another. I believe in many cases people do not intend to be cruel to the animals or to cause any trouble, but because of the extent of rural land in that locality people seem to think it is a good place in which to dump their animals. This is easier to do than virtually putting them to death. If an animal is taken to a vet an owner is virtually sentencing it to death, and some people think by taking an animal into the country and letting it loose there is a chance it will be adopted by somebody else or that it may be able to survive in one way or another.

This is a problem in many areas. I do not think people realise the agony animals suffer, and in particular they do not realise the damage the animals can do. They need to survive in any way they can, and they may cause damage to household property and farm livestock.

The main problem with cats seems to be uncontrolled breeding, by which I mean they are able to breed quite freely without a great deal of interference. Their owners are often out at work while the children are at school, so the animals are left to their own devices not only during the daytime but also at night-time.

It seems to me some kind of control should be exercised in this matter. The Kalamunda Shire Council intends to bring in by-laws limiting the number of cats which may be kept by any household. It has been suggested the number be limited to three, and that any number in excess of three must be kept in places set aside for this purpose; in other words, catteries in rural areas. I do not think this will be the answer. Cats, unlike dogs, cannot be penned in to restrict their movements. I believe cats which are not kept specifically for breeding purposes and those which are not kept in catteries should be sterilised, and that this requirement should be enforced by law. It might appear to be a strong step to take but I cannot see any other way to control the large number of cats which roam around and cause many problems—certainly by keeping people awake at night.

I support the Bill. I think it is an honest attempt to do something to protect the animals. There will be a continuing nuisance problem for the public, and I think for some time to come the public will be subject to the nuisance of having cats on the rooftops and cats on the tiles.

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.

STANDING ORDERS COMMITTEE

Consideration of Report
In Committee

Resumed from the 12th May. The President (the Hon. A. F. Griffith) in the Chair.

New Standing Order 89A. (Partly Considered).

The PRESIDENT: I would remind members that when we last discussed this matter the Committee reported progress on the recommendation that new Standing Order 89A be agreed to.

For the information of members I would indicate that the proposed new Standing Order 89A reads as follows—

89A. To insert a new Standing Order to stand as S.O. 89A as follows—

Time Limits on Speeches

89A. The maximum period for which a member may speak on any subject indicated in this Standing Order shall not exceed the period specified.

BILLS

Second reading:—	
Mover	unspecified.
Leader of the Government or one member deputed by him	unspecified.
Leader of the Opposition or one member deputed by him	unspecified.
Any other member	45 minutes.
Mover in reply	45 minutes.
Third reading:—	
Each member	45 minutes.
MOTION—"That the Council take note of a tabled paper"	30 minutes.

Provided that with the consent of a majority of the Council on a motion to be moved, and determined at once without amendment or debate, a member may be permitted to continue his speech for a further period not exceeding 15 minutes.

The Hon. R. J. L. WILLIAMS: This subject was discussed at some length by the Standing Orders Committee and it was generally felt by the Committee, and certainly by myself, that this move was long overdue. It is long overdue in regard to this Chamber as it is already operative in the Legislative Assembly.

I do not think the Committee was aiming at any specific speaker at the moment or in the future, but we felt we were leaving unscathed the right of a mover to speak for an unspecified length of time. This also applied to the Leader of the Government or—and I think this is important—a member deputed by him; it further applied to the Leader of the Opposition or a member deputed by him.

So, in point of fact, we could have two speeches of unspecified length which on occasions is extremely necessary. We have had some very complex Bills to consider in this Chamber, where the introductory speech alone has gone on for something like an hour and a quarter.

Back-benchers who do their research properly and who may be deputed by their leader to stand and speak to a particular Bill may run into two hours or more to properly explain to the Chamber what the Bill is all about.

Having said that I think it is a sad reflection on members who find it necessary to wax eloquent for longer than 45 minutes with a possible extension of 15 minutes when speaking in support of any of the major Bills.

When we consider that we are supposed to be parliamentarians, properly motivated and prepared and in good order to be able to debate a motion I say, with all due respect, the mind boggles at the thought of having to hear a member who might find it necessary to speak for more than one hour. It is certainly excruciating agony for members to have to sit and listen to a speaker who finds it necessary to take more than one hour, particularly when what he might say is repetitious.

When one considers the time factor one finds there is adequate opportunity for all members to speak reasonably to any Bill. If their command of the English language or vocabulary is deficient they may need a little longer and the Standing Orders Committee felt that with the leave of the Chamber they could be granted an extra 15 minutes.

In dealing with the second part; that the Council take note of a tabled paper, I would point out that this was put in by the Committee because of the complaints made by back-benchers that they were not given adequate opportunity—and this has been voiced in the Chamber on several occasions during my time—to speak as perhaps our colleagues in another place are allowed to speak, on a grievance debate. Since the opportunities are very limited indeed the Committee felt the Council should take note of a tabled paper. It was not intended that this would be done on every paper tabled in the Chamber; but certainly if it felt a certain member had a form of grievance he could then speak to such paper.

That briefly is what this timetabling is all about. We think that this is, perhaps, forward looking and that it will bring us up to date in this Chamber while at the same time allow any member adequate time to debate any issue that may come before the Chamber.

The Hon. D. K. DANS: I do not want to keep hopping up and down so I merely say now I am opposed to any change being made to the Standing Orders.

I might say here and now that the reasons put forward by Mr Williams, to me, at least, are a little offensive. He made certain remarks about one's vocabulary being limited, and if one could not use the English language correctly then one might need more than one hour to express one's self. He also made a number of other observations such as the streamlining of procedures in this Chamber to make things work more smoothly.

The important factor is that no-one has yet put up a concrete proposition—not even one—as to the reasons for wanting to apply this restriction. Mr Williams mentioned that we should bring our Standing Orders in line with those of the Assembly which has had this restriction for some time.

Let me repeat now the point I have made previously, that on only one or two occasions—there may be three—in the time I have been here have people taken what could be termed an excessive amount of time on any one speech.

There has been some speculation as to why this matter was brought forward, but I can recollect on a couple of occasions that members have taken up to one or two hours to explain something, and on those one or two occasions I was quite prepared to listen to them. If however one cares to look at *Hansard* one will find that for the most part members have not taken even 30 minutes.

If we bring in a restriction of 45 minutes with a further extension of a possible 15 minutes, we will reach the situation that exists in another place, where members feel it is necessary for them to speak for the 45 minutes for which they are permitted.

The Hon. J. Heitman: That is only supposition.

The Hon. D. K. DANS: I am glad of that interjection, because I feel the entire recommendation is based on supposition.

The Hon. J. Heitman: It is based on fact.

The Hon. D. K. DANS: Let us have the facts brought forward. All that has been done is to quote case A, B, and C. Once we make a restriction we create a demand to speak for a greater length of time. If members care to do the necessary research they will find that what I say is correct and, despite the argument that might be put forward in relation to the other Chamber, there must be some difference between this Chamber and the other Chamber in respect of debates.

When a man is not under threat of having to make a speech in a set time he will make a very good contribution, because he will not be constantly having to look at his watch and quite often he will finish his speech in 30 minutes. If he is under pressure he will take more than 45 minutes. We should be very careful about this aspect unless someone is prepared to give us the reasons why it is necessary to change Standing Orders. If a valid example can be given as to why this should be done I may change my tune.

As it happens I am in the happy position, as Leader of the Opposition, of having no time limit imposed on me. However I cannot recollect any occasion on which I have spoken for more than half an hour or 45 minutes.

The Hon. G. C. MacKinnon: It just seems like that!

The Hon. D. K. DANS: If we are going to adopt this recommendation we might just as well adopt *in toto* the Standing Orders of the Legislative Assembly. I hope other speakers who support the proposition will put forward valid arguments, because Mr Williams has not put forward one single valid proposition from the point of view of debating. There is not one aspect of what he has said to which one could agree.

There is no reason for the change and I am opposed to it. Since this new Standing Order is proposed, will anyone get to his feet and say that certain members have taken one or two hours while on their feet. In order to expedite the business of this Chamber during last session a number of members were very conscious of this aspect. It is not much good waffling on about nothing because for the most part after all is said and done the great majority of legislation brought to this Chamber has no great political content and if Mr Williams or anyone else would like to check *Hansard* for the first part of the session he will find there were no undue delays.

What is the reason for the recommendation? Is it because the committee felt Mr Claughton spoke for a long time on one Bill? Is it because Mr McNeill (the Minister for Justice) spoke at great length on legislation dealing with the Dairy Industry Authority; a Bill on which it was necessary for him to speak for a long time? Or can the reason for the recommendation be the fact that Mr Wordsworth gave certain lengthy explanations of the industry assistance commission's report? This just happened to interest me and everybody else in this Chamber.

Let us echo what Mr Medcalf said in his remarks that everything a member says does not interest every member. There are, however, a number of things that do interest all of us.

If this is a House of Review let it continue to be a House of Review; let its members listen and let them be given a little flexibility; let individual members be free from the question of a time limit, because if a time limit is applied members will speak for longer than the 45 minutes allowed, if only to show their electors how good they are! I say again there is no reason for the change because there are no continuing examples of people making long dreary speeches in this Chamber.

The Hon. CLIVE GRIFFITHS: As one of the members of the Standing Orders Committee who submitted these recommendations may I say that that Committee put forward the recommendation as a result of requests made by members over a period of time.

The recommendation we are discussing has been put forward to the Standing Orders Committee on several occasions to my certain knowledge. On previous occasions the Standing Orders Committee itself was unable to obtain a sufficient majority of its members to bring about a situation which would enable a recommendation to be brought before Parliament. To be specific, however, the recommendation is the result of numerous approaches made by members of the House indicating that this amendment be made to the Standing Orders.

The Hon. N. E. Baxter: How many do you call numerous?

The Hon. CLIVE GRIFFITHS: Several members made such approaches on a number of occasions. It was not a unanimous vote, but the Standing Orders Committee did not merely scratch its head and wonder what it could come up with as a proposition. The recommendation before us is a direct result of representations having been made by members of this Chamber.

The other point Mr Dans may have missed is that this will apply only to Bills, with the proviso that the mover of the second reading and the first speaker from the Opposition have unlimited time; this proposal does not relate to Address-in-Reply debates and motions.

The Hon. D. K. Dans: I am well aware of that.

The Hon. CLIVE GRIFFITHS: The second part of the recommendation, which relates to a motion that the Council shall take note of a tabled paper is dependent upon the Committee agreeing to a subsequent recommendation for an addition to Standing Order 151. So, the reference to "motion" in this recommendation relates to the motion which will be referred to as section (c) of Standing Order 151.

I make the point that the specific reason for the recommendation is that members of the Standing Orders Committee were approached by members of the Legislative Council over a period to implement a time limit on speeches during debates on Bills. That makes it an entirely different kettle of fish than if it applied to all speeches made in this Chamber.

It is interesting to note that most other Parliaments impose similar restrictions, although not necessarily of the same time. In fact, some are even less, as is the case in the Federal Parliament.

The Hon. A. A. LEWIS: I oppose this recommendation because I can see no sense in making rules when there is no good reason to make rules. In the short time I have been in this place, there have been only two speeches which went on for an undue length of time. Members may have to put up with that sort of thing. I believe no reason has been advanced to support the imposition of a time limit on speeches.

The other point which concerns me is that from my reading of the recommendation, unspecified time will be granted to the mover of the second reading and to the Leader of the Opposition, or a member deputed by him; in addition, the Leader of the Government or a member deputed by him is allowed unspecified time.

In other words, three members would be allowed unlimited time to speak on a Bill. One wonders whether three speeches, each of three or four hours' duration might be enough for this Chamber.

The Hon. J. Heitman: I thought you liked long speeches.

The Hon. A. A. LEWIS: I have not been here as long as Mr Heitman or Mr Griffiths, but I usually base any decision on the evidence put forward, and to this point, no such evidence has been advanced to support this recommendation.

It is not as though the Legislative Council can be compared with the other place, which has many more members. Mr Griffiths mentioned the grievance debate in the Assembly; however, members of this Chamber are at liberty to speak on the adjournment, and in that way can avail themselves of the same amount of time available to members of the Assembly during their grievance debate.

The Hon. J. Heitman: When?

The Hon. A. A. LEWIS: If a member can catch the President's eye, he can make a speech on the adjournment on any day.

The Hon. Clive Griffiths: Provision has been made for unspecified time to be granted to three speakers in cases where the mover of the second reading is not the Leader of the Government or the Leader of the Opposition.

The Hon. A. A. LEWIS: That is right, but the Minister for Health or the Minister for Education can move the second reading, and the Leader of the Government, or a member deputed by him, still will be allowed unlimited time.

The Hon. Clive Griffiths: That is not the situation.

The Hon. A. A. LEWIS: That is the situation as I read the recommendation. Is that what members of the Standing Orders Committee want? I see members shaking their heads. I do not believe this recommendation has been written in the way intended by members of the Standing Orders Committee.

The Hon. R. J. L. Williams: I agree with you.

The Hon. A. A. LEWIS: I suggest that members of the Standing Orders Committee, three of whom are trying to instruct me over my left shoulder should tell us why we should accept this recommendation.

The Hon. Clive Griffiths: I told you.

The Hon. A. A. LEWIS: Mr Griffiths has not told us a dashed thing. He waffled on for a while, but gave no reasons to support

the recommendation. Mr Williams has also had a go. I realise they know far more about the Standing Orders than do I, but they have not explained why we should impose time limits on speeches. In addition, I am not so sure I am at all keen on this business of taking note of tabled papers; that has not been explained.

The Hon. J. Heitman: You should use your brains.

The Hon. A. A. LEWIS: It is all very well for Mr Heitman to talk about brains. Mr Williams referred to some members who cannot put words together, and whose vocabulary is very limited. Some of us may be a little lacking in that respect, but we still have some brains, and those brains have not been tickled at all by the comments of members of the Standing Orders Committee in support of their recommendations.

The Hon. D. W. COOLEY: I too must oppose this recommendation; insufficient evidence has been advanced in support of such a change. All we have heard is that such a restriction applies in another place, and that Mr Griffiths was approached by "some" members who desired such a change. However, he did not indicate how many members approached him. I think he said "several" approached him; but that may be only three or four members. Certainly, it did not appear to be an overwhelming number.

I believe it is a little unfair of the Committee to make such a recommendation at a time when we on this side of the Chamber are represented by only nine members, while 20 members sit opposite. If members opposite wished to use their full debating time, it would place us at a very distinct disadvantage. It is not good enough to say that a time limit should be imposed merely because such a limit exists in the Legislative Assembly. After all, this purports to be a House of Review and members of this Chamber represent much larger areas than do members of the Assembly; in fact, in some instances, five Assembly electorates lie within one Legislative Council province.

On that basis alone, there should be a great many more topics to discuss relating to the various provinces than there would be in the Assembly. We heard only last night about Mr Masters working a 74-hour week in his province.

The Hon. G. E. Masters: For that particular week.

The Hon. D. W. COOLEY: Surely Mr Masters, working such long hours, would wish to use more than 45 minutes to debate some contentious matter.

The Hon. Clive Griffiths: Do you believe members should be allocated time according to the population in their electorates?

The Hon. D. W. COOLEY: I do not believe that is a logical argument. Members of the Committee have heard many speeches in this Chamber, and I do not know why they wish to impose a time limit.

The Hon. Clive Griffiths: I told you that members had asked us to put forward such a recommendation.

The Hon. D. W. COOLEY: Mr Griffiths could not have been listening when I said he did not put forward any evidence in support of the actual number of members who approached him.

The Hon. Clive Griffiths: Numerous!

The Hon. D. W. COOLEY: First it was "numerous" and then it was "several". That could mean only three or four members, in which case the Committee has insufficient grounds on which to put forward such a recommendation.

The Hon. Clive Griffiths: The overriding point is that members have the right either to accept or reject the recommendation.

The Hon. D. W. COOLEY: Yes, I do not doubt that, at this stage, it is only a recommendation. As a relatively new member, I have seen it as a great advantage to be able to prepare a speech knowing there will not be any time limit imposed.

It has been said that there have been two overly long speeches in this Chamber. I realise without being told that the statement referred to speeches by Mr Claughton and myself. We heard a long speech by Mr Wordsworth recently, but nobody would claim it was not an illuminating and interesting speech.

While I do not always agree with what members opposite have to say, I often derive a great deal of pleasure from listening to them putting their points of view. It has been a long-standing practice in this place that members are allowed unrestricted time during debates, and I believe that practice should continue.

The Hon. R. F. CLAUGHTON: I should like to refer first to that part of the recommendation which will amend Standing Order 151, and ask the members of the Standing Orders Committee why they believe it is necessary to add to the existing Standing Order. In my view, the situation is already catered for; it states that on any paper being tabled, it shall be in order to move that it be read and, if necessary, a day appointed for its consideration. So, provision is allowed for debating the paper.

The PRESIDENT: Order! The Committee is dealing with the recommendation relating to new Standing Order 89.

The Hon. R. F. CLAUGHTON: The change proposed under this recommendation is that the Council shall take note of a tabled paper; what I am suggesting is that it is already provided for under Standing Order 151.

The PRESIDENT: When we come to Standing Order 151, the honourable member can debate the matter.

The Hon. R. F. CLAUGHTON: Yes, but it must be considered in relation to this recommendation. It refers to a tabled paper.

The PRESIDENT: The honourable member must keep to the recommendation on new Standing Order 89A. Whether this recommendation be agreed to or opposed, the debate on the recommendation to Standing Order 151 will still follow.

The Hon. R. F. CLAUGHTON: I am not disagreeing with that. In talking about tabled papers we have to accept that Standing Order 151 makes reference to it. It contains a provision to enable debate to take place.

The PRESIDENT: That Standing Order does not provide for a time limit, but the one we are dealing with provides for a time limit. When we deal with the recommendation relating to Standing Order 151 we will be dealing with a different subject altogether.

The Hon. R. F. CLAUGHTON: I thank you, Mr President, for making that point clear. I did not appreciate it previously. Regarding the other part of the recommendation my views are similar to those expressed by other speakers. Having been a member of this Chamber since 1968 I see no necessity to place a time limit on debates in this Chamber.

There is a standing joke that this Chamber sits much shorter hours in comparison with the sittings of the Assembly. I regard that point of view as somewhat unfair, because in this Chamber we have fewer members, and therefore we must sit for shorter hours.

The Hon. V. J. Ferry: In this Chamber we do not have private members' days.

The Hon. R. F. CLAUGHTON: There is nothing to prevent a member in this Chamber from moving a motion; and on many occasions that has been done. Provision is made in the Standing Orders to enable members to do that, irrespective of the day when this Chamber is sitting.

The Hon. V. J. Ferry: Members in the Assembly can also move motions.

The Hon. R. F. CLAUGHTON: Yes, but those motions are dealt with on private members' day. In this Chamber a much more flexible system is available to members.

The Hon. R. J. L. Williams: If you have read the explanation you will know that this is aimed at two specific papers only.

The Hon. R. F. CLAUGHTON: It mentions that the papers be noted.

The Hon. R. J. L. Williams: The fact is that the Appropriation Bill very often is transmitted to this Chamber on the last night of the session. We have little time to debate it, and we have to pass it. If the papers are tabled we will have more time to debate the Bill.

The Hon. R. F. CLAUGHTON: It is an excellent move to provide better opportunity to members to debate such papers which often are transmitted to this Chamber in the dying hours of a session, and we have to discuss the Bill late at night. Often members become irritated when a member gets to his feet to talk on a matter which he regards as important.

The Hon. J. Heitman: I missed that point.

The Hon. R. F. CLAUGHTON: On occasions the honourable member himself has got to his feet to deal with matters which he regards as important. I am not quarrelling with his right to do that; I would like him to continue to have that right.

The PRESIDENT: Order! Could we get back to the recommendation on new Standing Order 89A?

The Hon. R. F. CLAUGHTON: We are dealing with the tabling of papers, and one example is the Budget papers. That is the reason the Standing Orders Committee has made this recommendation. I consider this to be an excellent move for opportunity to be made available to members to debate the matter when the papers are actually tabled. We should not provide for a time limit of 30 minutes. Surely it is preferable to carry on with the present practice of having unlimited time.

I realise that in the last few weeks of a session this Chamber sits for fewer hours than does the Assembly, so at that stage there is ample opportunity for this Chamber to sit longer.

The Hon. J. Heitman: To consider the Estimates?

The Hon. R. F. CLAUGHTON: That is right. Even with unlimited time for debate there would be still sufficient time at that stage for members to take part in the debate. The fact is that this Chamber does sit for shorter periods than does the Assembly; however, there have only been a few occasions when the debate in this Chamber was longer than normal. In my recollection certain members have made long speeches in the debate on Bills which they considered to be of importance. I refer to the dairying legislation when the present Minister for Justice raised strong objections in his contribution, and he was successful in persuading the House to make considerable changes. In the debate on the fuel and energy legislation members of my party raised considerable objections, and long speeches were made.

If we set those two pieces of legislation aside, we can say that the majority of the legislation which is dealt with in this Chamber goes through with a reasonable amount of debate; and very often with the debate lasting only a few minutes if the Bill is not contentious.

We on this side have adopted the practice, where a Bill does not contain provisions which we regard as objectionable,

of not entering into a long historical discussion on the legislation simply for the sake of speaking. I think that practice has been the means of speeding up the processes of this Chamber. It is only when we genuinely feel there are grounds for objection that we spend time in debating a measure.

I reiterate that the experience of this Chamber up to date has not produced any justification for imposing time limits on debates. The sitting hours of this Chamber are far from being unreasonable. In order to retain the character of this Chamber as a place where we can devote more time to particular matters, we should continue the existing practice. Surely it is important that we retain this sort of distinction, as compared with the Assembly, because this Chamber has a function and role that is quite different from the function and role of the Assembly.

The Hon. G. E. MASTERS: I was firmly opposed to this recommendation, but the last speaker has almost changed my mind. As a fairly new member, I have been impressed with the brevity of debates in this place. As the Leader of the Opposition has said, I am quite sure that if we go through *Hansard* we will find that it is very unlikely the average time taken by members to deliver their speeches has exceeded 30 minutes. I know that most members are able to say what they have to say in a shorter period than that.

In the early stages as a member of Parliament there did appear to me to be a few long speeches made in this Chamber, and I feared that long speeches could become the accepted standard. One long speech was made by Mr Claughton, and another was made by Mr Wordsworth. The contribution of Mr Wordsworth was extremely interesting, but from my point of view I did not think the contribution of Mr Claughton was in the least interesting. The Minister for Education made a point earlier in the debate when he said that the maximum could become the minimum.

The Hon. G. C. MacKinnon: You missed the long speech which Mr Cooley made.

The Hon. G. E. MASTERS: It lasted only 2½ hours.

The Hon. G. C. MacKinnon: That was the record until Mr Claughton broke it.

The Hon. G. E. MASTERS: I was being nice to the Minister for Education when I said he made a point which impressed me. The Minister said the maximum could become the minimum. I think possibly that could occur, not necessarily now but in the future.

No doubt all of us in this Chamber have spoken to members in another place when a sitting was suspended for the evening meal. We have often heard a member from another place ask a fellow member who was speaking, "How much longer have you got to go?" He has spoken for 20 minutes, and has another 20 minutes to go. The members in the Assembly seem to regard the maximum as being the minimum, and use all the time available to them.

In this respect the Legislative Council has a very good record. Yesterday I mentioned a question which Mr Cooley asked the other day in which he indicated that the Legislative Council, because of its shorter periods of sitting as compared with the Legislative Assembly, did not do its job properly and its existence was not justified.

After this debate I am sure he will realise that the members of this Chamber are brief and concise in what they have to say; that they do their job properly and fully justify their existence.

The Hon. D. J. WORDSWORTH: Mr Claughton has reminded me that I was one of those members who proposed that we should appoint a committee to deal with the question of introducing time limits on speeches. I do apologise for supporting that proposal, particularly as I now intend to oppose the recommendation before us.

The Hon. G. C. MacKinnon: Are you planning another speech?

The Hon. D. J. WORDSWORTH: There have been times in the past when the members of this Chamber urged that time limits be imposed. Without bringing up the long speeches that have been made, perhaps we should leave the matter to rest there.

There are advantages in the procedures adopted in this Chamber, and one is that we do not have to apply the guillotine to legislation. We have fewer members in this Chamber as compared with the Assembly, and therefore we should give members here a chance to say what they wish to say without imposing a time limit.

There is a difference between the debates that take place in this Chamber and those that take place in the Assembly. In the Assembly it seems that controversial Bills are debated to the bitter end, and often members are required to complete the debate in one day.

Whilst it might not be the practice in the present Parliament, it was the practice in the previous Parliament for the debates in this Chamber on particular measures to be adjourned almost daily; and thus a long time was taken to get the legislation through. At that time the general public had the opportunity to comment on the legislation, and the members tended to make more thoughtful and better prepared speeches. Members in this place have a different purpose from those in the other place. Perhaps, after a member has been speaking for 45 minutes there should be no responsibilty to have a quorum in the Chamber.

The Hon. G. C. MacKinnon: That is a sensible idea.

The Hon. D. K. Dans: That should apply sometimes after a member has been speaking for five minutes.

The Hon. D. J. WORDSWORTH: My comment is that it is hard to speak for 45 minutes. It is quite a strain to make a speech last for that length of time and there is little chance of abuse of this privilege.

The Hon. N. McNEILL: On the last occasion when this matter was debated I indicated that additional time would enable members to clarify their thinking and crystalize their thoughts. Perhaps I am one of those who may have benefited from the time which has been allowed for speeches. Previously, I was somewhat undecided as to what I favoured. In fact, on one occasion I indicated that while I was not in favour of a time limit I regretted the necessity for it.

The Hon. David Wordsworth referred to the adjournment of debates and there is some significance in that comment. The adjournment of a debate means, in fact, that there is an opportunity available for that course of action to be taken. Apparently there is not the same necessity as there sometimes is in another place for legislation to be passed through this Chamber quickly. I think that highlights our position in the Legislative Council; we are not under pressure. We handle the same number of Bills as does the other place, but we do not do the same amount of business because we do not have a private members' day, or grievance debates. As Mr Claughton said, grievance debates can take place on any day, and private members' business can be dealt with at any time.

My feeling now is that I do not favour a time limit being imposed. I believe we should acknowledge the work done by the Standing Orders Committee and for its recommendations even though they were not necessarily a unanimous view. At least, we have been given an opportunity to examine the recommendations. The action which prompted the Standing Orders Committee to put forward the suggestion to place a time limit on debates was not necessarily one which held up the business of the Chamber, but rather an inconvenience to members.

With those brief comments I indicate I do not favour time limits being imposed in this Chamber.

The Hon. J. HEITMAN: We have heard quite a lot of discussion with regard to proposed new Standing Order 89A. I would remind members that the Standing Orders Committee has an opportunity once a year to examine Standing Orders and recommend changes. It is the prerogative of members to debate the recommendations of the Standing Orders Committee.

I know that were I to talk in this place about every hospital, police station, and school in my electorate I could speak for several hours on each subject.

The PRESIDENT: Certainly not on this recommendation!

The Hon. J. HEITMAN: However, if I were to speak for several hours on each subject that would not be of interest to any member other than myself. Mr Claughton spoke for three hours, or more, on the Fuel, Energy and Power Resources Bill. If he had allowed four or five other members to handle part of his speech perhaps it would have been worth listening to. However, when a member mumbles and jumbles for three-quarters-of-an-hour, and one cannot hear what he is saying, the speech is not worth listening to. A member is able to walk out of the Chamber, but it is disappointing to come back after some time and find the same speaker still on his feet.

A member can speak for a period of 10 hours and still not convince anyone that he has been talking intelligently. When Mr Claughton was speaking I could not hear what he was saying because he was facing the Chair, but we had to listen for a period of three hours or more. It would have been far more refreshing to listen to other members of his party. That is why I agree with the imposition of time limits. I think that everything which needs to be said with regard to a Bill can be said within an hour, which is the time we recommend.

I do not agree with Mr Dans that each member will endeavour to make his speech last for three-quarters-of-an-hour if a time limit is imposed. The imposition of a time limit will not mean anything except that a member will not be able to speak for longer than an hour, and he will need the consent of the Chamber to speak for the last 15 minutes. We made the recommendation in the hope that members would agree to it, and not be subjected to long tedious speeches which we hear from time to time. I think we should agree to the motion.

The Hon. W. R. WITHERS: I could make absolutely sure that every member voted for this measure if I were to speak for the next seven hours. However, I would not like to do that. In fact, I will complete my contribution to the discussion by saying I will not vote for the recommendation.

I think common sense prevails. Since I have been here most members have shown restraint and have usually spoken to the subject matter of a particular debate in a rational and sensible way. I do not think the imposition of time limits is necessary.

The Hon. I. G. MEDCALF: On occasions I have advocated there should be time limits on speeches. Those occasions have been when, in my view, the speeches in this Chamber have been unnecessarily lengthy and the privileges of this Chamber

have been abused. I am not saying that has been done consciously, on all occasions, because the standard of some speeches has indicated that the speaker was unconscious at the time!

We should not have time limits, as a general rule, and I am not at all happy about the present proposal unless it were possible to extend the time more than once. There are occasions when it is necessary to extend a speech, especially when a member has to answer many interjections in order to clarify a point.

Whilst I appreciate the attitude of the Committee, and appreciate what it has done—I am sure the proposal was based on a very worthy motive—I cannot support the proposal without amendment.

Question put and negatived; the recommendation disagreed to.

Sitting suspended from 6.11 to 7.30 p.m.

Standing Order 97: Objecting to ruling of President—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committee is—

(a) Delete the words "and in writing" in line 4; and

(b) Delete all words in the Standing Order after the word "Council" in line 6.

The reason for this amendment is that the altered procedure would conform with current parliamentary practice. With these words deleted Standing Order 97 would read—

> If any objection be taken to the ruling or decision of the President, such objection shall be taken at once, and Motion made, which, if seconded, shall be proposed to the Council.

There would be no need to put the objection in writing, which is a time-waster, and the matter could be debated straight away. We feel the amendment is worthwhile and will assist the President as well as all members. I move—

> That the recommendation be agreed to.

The Hon. N. McNEILL: I would like to indicate my support for the recommendation of the Committee. I have been trying to cast my memory back over the almost 12 years I have been in this place. As far as I can recall, whenever an objection has been made and submitted in writing, it has been determined at that time. Certainly, on several occasions when, as Leader of the House, I have felt disposed to seek the approval of the House to have a matter debated forthwith, such approval has been forthcoming. In all practical situations the latter part of the Standing Order has been utilised to ensure that the matter objected to is decided at that time. Also, I believe it is sufficient for such an objection to be made by voice without the necessity of submitting it in writing.

The PRESIDENT: If I could interrupt, the normal practice is that the question is adjourned until the next day unless a member moves that the objection shall be dealt with straightaway. It is then up to the Chamber to decide. This amendment would mean that an objection need not be in writing and the debate on the objection would be taken straightaway.

The Hon. N. McNEILL: That is a far more reasonable approach, and I indicate my support for it.

Question put and passed; the recommendation agreed to.

Standing Order 98: Motions not open to debate—

The Hon. J. HEITMAN: The next amendment recommended by the Standing Orders Committee is as follows—

> To delete the passage "275—That this Bill do now pass" in lines 24 and 25 on page 29.

This Standing Order covers any motions not open to debate, and, of course, this motion "that the Bill do now pass" is one of these. Once the third reading has been agreed to, there is really no need to say, "That this Bill do now pass". I move—

> That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

Standing Order 114: Routine of business—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committee is an amendment as follows—

> To delete paragraphs (f) and (g) and substitute the following—
>
> (f) Questions on notice;
>
> (g) Asking questions without notice;

The reason given is as follows—

> This practice applies in the Assembly and provides members with an opportunity to ask a question without notice relating to the answer given to question on notice at same sitting.

I move—

> That the recommendation be agreed to.

Really all this does is to rearrange the order of these two matters of business, and if a member is not satisfied with the answer given to a question on notice, he could ask a further question without notice and the matter could be dealt with at the one sitting.

The Hon. G. W. BERRY: Does that mean that other members can ask questions without notice about the same subject, and, if so, is there any limit to the number of questions that may be asked?

The Hon. R. J. L. WILLIAMS: Is it not set out in May's *Parliamentary Practice* that the number of supplementary

questions is at the discretion of the Chair? This is not set out in a Standing Order, but it is common practice and I believe this common practice would be adopted here.

The PRESIDENT: I understand that is the Westminster practice, and it is also the practice in the Legislative Assembly. If this recommendation is agreed to, the number of questions would be at the discretion of the presiding officer of this Chamber. The question would have to follow a question answered by a Minister at the time and not on a new subject.

The Hon. D. J. WORDSWORTH: I would like to raise one question. At the present time we have questions without notice and then questions on notice. If we agree to this amendment, we would be able to seek clarification or further information from a Minister, but the Minister could say that he will not answer the question and ask the member to place it on the notice paper. The member would not then be in a position to give notice of that question that day. At least with our present system a member can give notice of that question.

The PRESIDENT: The present system allows a member to ask a question without notice before questions on notice are answered. Obviously a question without notice does not require notice. However, if the recommendation is agreed to, a member can question a Minister about an answer he has received to a question on notice. In other words, this recommendation would reverse the order in which questions are asked. We felt that members would be advantaged in situations where they believe they have been given unsatisfactory answers. Of course, if a Minister cannot answer a question he can request that it be placed on the notice paper.

The Hon. D. J. WORDSWORTH: But he cannot have it put on the notice paper for the next day's sitting.

The PRESIDENT: Yes, he can do this within an hour of the commencement of the sitting.

The Hon. D. J. WORDSWORTH: As long as the question has already been asked.

The PRESIDENT: No, this is with the amendment of the Standing Order.

The Hon. R. F. CLAUGHTON: I would like to refer Mr Wordsworth to the chapter headed, "Routine of business" on page 34. Notice of questions is actually taken before questions without notice under our present Standing Orders. I assume the present practice would continue; when the Minister says he does not have the information and requests the question to be placed on the notice paper, this is undertaken by the Clerk.

The Hon. CLIVE GRIFFITHS: I had some thoughts about this matter when we were considering this recommendation. Some members have looked at this from the point of view that any question without notice would necessarily emanate from an answer given by a Minister to a question on notice, and that is not the situation at all. Therefore, I think Mr Wordsworth's point is a valid one.

The current situation is that when a Minister is unable to answer a question without notice, he can request that it be placed on the notice paper. The next item of business is questions on notice and the question can then be included on the notice paper. If we reverse the order, as is suggested here, and a question without notice is asked on a subject not associated with a question on notice, then the provision for questions on notice to be submitted within one hour from the commencement of the sitting does not apply because the question asked is about an entirely new subject and not the subject of a question on the notice paper. In that regard I agree with Mr Wordsworth. This point occurred to me when we considered the recommendation but it is up to members to decide whether they want this order of business reversed or whether they wish to leave matters as they are.

It seems to me that unless it follows automatically that the question without notice is placed on the notice paper when the Minister says he wants that course followed, irrespective of whether or not it relates to a question on notice, we would be doing the wrong thing.

The PRESIDENT: I take the point; but if a Minister does not want to answer a question without notice at the moment, he asks that it be placed on the notice paper and it goes on the notice paper for the next day. So there is no advantage there. The way to get over it would be to amend Standing Order 155 to allow the question without notice to be put on the notice paper.

The Hon. J. HEITMAN: I think the real point has been missed. Standing Order 114 lays down the routine of business, and items (a) to (f) deal with giving notices and asking questions without notice. Item (g) refers to questions on notice. If items (g) and (f) are changed around, (f) would relate to questions on notice, and they would be taken at that stage. If a member is not satisfied with the answer to a question he should be able immediately to ask a question without notice. The Minister then may either answer the question or ask that it be placed on the notice paper.

The PRESIDENT: The Standing Orders Committee thought members would be better off by the changing around of items (g) and (f) because at the moment when questions without notice have passed we then come to item (g), which is questions on notice. The presiding officer cannot allow a member to go back to item (f), which is questions without notice, at that stage. So members will be better off.

The Hon. D. J. WORDSWORTH: We are not arguing about that point, Sir; we agree with it entirely. Our point is that there should be provision where the Minister asks for a question without notice to be placed on the notice paper, for that question to be placed on the notice paper within one hour and not delayed for a further 24 hours.

The PRESIDENT: That is happening today, because you give notice today of the question that will be answered tomorrow.

The Hon. Clive Griffiths: But we have gone past that stage.

The PRESIDENT: No, have a look at Standing Order 114.

The Hon. CLIVE GRIFFITHS: We are becoming confused about the reason for asking a question without notice. By swapping the items as proposed in the recommendation, if a member does not receive a satisfactory answer to a question on notice he may ask a question without notice immediately. If the Minister cannot answer it he can ask for it to be placed on the notice paper. Because it relates to a question on notice for that day it can go on the notice paper for the next day, because it is within one hour. But if the question without notice is about a subject not associated with a question on the notice paper, I think we ought to ascertain whether that question can automatically be placed on the notice paper.

The PRESIDENT: That is happening now.

The Hon. CLIVE GRIFFITHS: But now it is the other way around.

The Hon. N. E. BAXTER: I do not like the principle of this amendment. The usual practice with questions without notice is that the member gives the Minister prior notice so that he can obtain the answer. Much has been made of the fact that if a question on notice is answered a member will have an opportunity to ask a question without notice pertaining to the first question. However, other questions without notice could be asked; they are not confined to matters which are the subject of questions on notice.

The PRESIDENT: What is wrong with that?

The Hon. N. E. BAXTER: I do not think it is fair for a Minister to have to answer a question on a fairly involved matter. Mr Claughton asked a question on notice this afternoon regarding air pollution monitoring, and it could be too difficult for me to answer a follow-up question dealing with technical matters which could be involved. The only possible way the Minister can supply such an answer is by consulting his officers.

The PRESIDENT: I would ask that it be put on the notice paper.

The Hon. N. E. BAXTER: That is all very well, Sir, but you know as well as I do that this can be used for "Dorothy Dix" questions. There is no two ways about it, that will definitely happen. On that basis I will not support it.

The Hon. H. W. GAYFER: I have worked under both systems and I can assure members that I wholeheartedly support the suggested amendment. I am not at all worried about Ministers being asked curly questions in respect of portfolios they do not control, because it is an unwritten law in the Assembly that it is not cricket to ask a Minister a question without notice in respect of a portfolio that is not his own. If such a question did happen to slip through the Minister would always say that he had to consult with the Minister concerned and that the question should be placed on the notice paper. As far as the one-hour limit is concerned, in this Chamber we normally have a small notice paper compared with that of the Assembly; and if the system can work in the Assembly, surely to goodness it can work here. I support the recommendation because I believe it will improve the situation in this Chamber no end.

I recall a question asked by Mr Grayden in the other place. It was question No. 14 on the notice paper and referred to cocks crowing in backyards alongside flats in South Perth. He asked how many roosters were allowed to be kept, in what size area, and so on. The Minister supplied an answer. Mr Cornell then jumped up a few minutes later and asked a question without notice. He asked, "With reference to question No. 14 asked by the member for South Perth, would it not be fair comment to say to the Minister for Agriculture that if all the roosters in the South Perth area were caponised they would then be bereft of all desire and would have nothing left to crow about?"

That is an example of a question without notice; that sort of thing can and does happen.

The PRESIDENT: I inform members that on the 11th August the Hon. Lyla Elliott asked a question without notice of the Minister for Health. The Minister replied that, seeing he did not receive notice of the question until midday, and as it involved a fair amount of research, it should be placed on the notice paper. That question was on the notice paper and was answered on the next day of sitting.

The Hon. N. McNEILL: The purpose of this recommendation is to provide the situation to which my ministerial colleague objects; that is, to enable members further to pursue with the Minister a question which in their opinion has not been fully or sufficiently answered. I accept the proposition that Ministers are fair game in this respect. Quite frankly I do not see any reason that this position should not be taken advantage of. It is true this will apply not only to the present Ministers in

this Chamber, but to other Ministers in other Governments in the future. I believe questions without notice add to the spice of Parliament.

I know perfectly well that I may well be the Minister who will suffer most if this recommendation is agreed to. Nevertheless, I agree that if a Minister is not in a position to answer adequately a supplementary question to a question already asked, he may ask that it be placed on the notice paper. I draw the attention of the Committee to another point: if a member wishes to ask a genuine question without notice, and has given the Minister concerned some prior indication of his intention, and then for some good reason is not able to be present in the Chamber to put the question without notice, he is still in a position to place the question on the notice paper for the following day. We must keep that in mind also.

In respect of the time in which a member may ask questions, if he fails to get a question without notice directed to the Minister in the time available to ask questions without notice then, of course, he will lose another day. But the question will go on the notice paper in any event. In that respect I do not see that the situation is in any way altered.

All in all, I think it will add to the interest of the Parliament, and I am sure the whole purpose is to enable follow-up questions to be asked without notice when members so wish. Perhaps it may be a burden for Ministers on occasions, but it is a practice employed in the Assembly and it is certainly applied with great gusto in the Federal Parliament. I really fail to see why it cannot be applied in this place.

The Hon. G. W. BERRY: One point on which I am not too clear is that when a member asks a question without notice for elaboration of a question on notice is it proper for other members to ask a question on the same subject to the Minister concerned?

The PRESIDENT: Yes. There will be nothing in the amendment that I can see which would prevent such a state of affairs.

Question put and passed; the recommendation agreed to.

Standing Order 151: Motion as to papers—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committee is amended as follows—

> To add a new subparagraph (c) as follows—
>
> (c) In the case of the annual Estimates of Expenditure for the Consolidated Revenue Fund that it be taken note of by the Council,

I move—

> That the amended recommendation be agreed to.

The reason for this proposed alteration is that an examination of the minutes of the meeting of the Standing Orders Committee held on the 29th January, 1975, revealed that the intention of the committee was that this amendment should apply only to the annual Estimates of the Consolidated Revenue Fund. In order for this proposed amendment to comply with the intention of the committee it should read as I have just read it.

The idea behind this recommendation is that discussion on the Consolidated Revenue Fund comes up more or less on the last night of sitting and yet the Estimates are distributed in the Chamber long before the last night. This Chamber has never had the opportunity to discuss the Estimates in any shape or form until then and, as most of us know, we generally sit fairly late on the last night. Although discussion is permitted at this late hour, with one or two exceptions most members have not attempted to speak at such a late hour. The committee felt that it was a pity that we do not have the opportunity to discuss the Estimates before the last night so that a good discussion may come out of it.

The Hon. R. F. CLAUGHTON: I certainly agree with this recommendation. I have made myself unpopular late at night by insisting on my right to speak to the appropriations because I feel it is part of our role as members to preserve the privileges of the Chamber. Despite the fact that I got some complaints about having done so, I felt it was my obligation to do so.

I think this is an excellent move and that it should be made explicit in the Standing Orders. I believe the Standing Orders, as they stand at present, would permit them to be discussed now and would also allow any tabled paper to be discussed simply on the motion "That consideration of the paper be made an order of the day for the next sitting of the Chamber". That is provided for under subparagraph (a). However, this automatic process is the sort of thing we are looking for, and I support it.

The Hon. CLIVE GRIFFITHS: I agree entirely with the proposition that has been put forward, but I should like to take the opportunity to cast members' minds back to a previous amendment which we considered earlier tonight, which was the proposal to introduce a new Standing Order 89A. The Committee rejected that proposal but included amongst its provisions was the suggestion that a 30-minute time limit be imposed in respect of this Standing Order.

The minutes to which the honourable Mr Heitman referred earlier—those of the 29th January—suggested that there ought to be a 30-minute time limit. Therefore, I am bringing to the attention of members that it was the original intention of the Standing Orders Committee for this time

limit of 30-minutes to be applied. As the matter stands now, there will be no time limit. I am not saying there necessarily ought to be one but it was the desire of the Standing Orders Committee that there be a 30-minute limit in respect of this Standing Order and I would be interested in other members' comments on the matter.

The PRESIDENT: If I may say so from the Chair, I think the point is well taken. In the light of the Committee not agreeing to the proposed new Standing Order 89A, I think the Standing Orders Committee should have a look at the point raised by the Honourable Clive Griffiths because it was our intention to recommend an opportunity to discuss the Estimates with a limitation of time.

The Hon. N. McNEILL: I realise that we are not really debating the recommendation in respect of Standing Order 151 as the Standing Orders Committee originally saw it, but the amended recommendation which Mr Heitman has moved is far more acceptable from my point of view. I believe it would certainly assist the Chamber and the members of the Chamber. I believe members already have a right to debate the Estimates if a paper is tabled or, more appropriately, during the appropriations or during the debate on any money Bill. Once again, what we are really doing is trying to assist the convenience of the Chamber and the members of the Chamber by enabling them to debate those matters earlier in the session at a time which is more equivalent to the time during which the Legislative Assembly may be debating the Estimates and the Budget.

During most Parliaments and most Governments the Appropriation Bills hang around for a long time in another place, are dealt with as it suits the convenience of that other place, and are not concluded usually until the last 24 hours of any particular sitting. They are then passed to us to debate, no matter what hour of the day or night it may be. In those circumstances members feel that considerable restraint is placed upon them in giving their proper attention to the examination of the financial measures which have been presented to the Parliament. I think it is fair enough that members of this Chamber should have an adequate opportunity for debate. Last year the last night of the session was very late and the sitting long and the situation was a little more aggravated than on other occasions. I had some discussions in the hope that that situation would not be repeated this year but one cannot guarantee or give an absolute assurance that it will not recur.

Nevertheless, I think the amended recommendation is completely acceptable. I think there should be that right. In this case it has been limited to a consideration of the Estimates.

I was trying to recall whether the Estimates have ever been tabled in this Chamber and I do not think they ever have been. In fact they are not a tabled paper. We table all sorts of other reports of which there are literally hundreds and hundreds.

The Hon. R. F. Claughton: They are simply distributed to members.

The Hon. N. McNEILL: The Estimates are available for members and are present in the Chamber but the formality of tabling has not been observed, as far as I can recall, although I may be wrong.

The PRESIDENT: The Estimates are not laid on the Table of the Chamber but there is no reason why they should not be laid on the table.

The Hon. N. McNEILL: If this recommendation were adopted it would follow and would be understood that in future the Estimates would be tabled in this Chamber. That is an absolute prerequisite because unless they are tabled the Standing Order will not apply. I favour the recommendation.

The Hon. A. A. LEWIS: I favour the recommendation. I am horrified to hear some suggestion that there may again be a control of time because some members may wish to discuss more than one part of the Estimates. I think a limit of 30 minutes, as was suggested in proposed new Standing Order 89A, would be far too little time if we are to give full consideration to the Estimates.

The PRESIDENT: The matter is not before the Chair.

The Hon. A. A. LEWIS: I realise that, but it was brought in by somebody else and I thought we had better clear it up here and now.

The PRESIDENT: We cannot do that here and now.

The Hon. A. A. LEWIS: Let us clear up this one, Sir. Either Chamber should be able to discuss the annual Estimates for any length of time it wishes. I was wondering whether we should write into this proposed new subparagraph some time limit in which the Estimates should be tabled in comparison with when they are tabled in the Assembly. It may be that I am devious but I can foresee times when those papers will not be tabled until very late in the session. Despite all the goodwill that is going around the Chamber tonight I can foresee occasions in the future when papers will be held back for some reason or other.

I believe this Committee should give consideration to a time limit for tabling the Estimates in this Chamber after they have been tabled in the Assembly. That is only a suggestion, but I know that if I were the Leader of the Government and in a bit of a hurry those Estimates would not be tabled because they do not have to be tabled. We have had an assurance from the Leader of the House that in the future it will be a prerequisite for them to be tabled,

but nobody has said when they have to be tabled. To prevent any confusion I think we should write in an arbitrary time—for example, seven days—within which they should be tabled.

The Hon. N. McNEILL: I must reply to what I thought was a most unsubtle approach from Mr Lewis.

The Hon. D. K. Dans: It was very direct.

The Hon. A. A. Lewis: Honest.

The Hon. N. McNEILL: If "unsubtle" is an inappropriate word, then he was very direct. The problem which he anticipates is not really of any substance because all that Mr Lewis or any other member needs to do is to direct attention to the fact that the Estimates have not been tabled by asking a question. I am sure he knows the importance and significance of asking questions of the Minister, particularly on a matter of that nature. He also knows that in all practical terms, a Minister is not in a position, despite the numbers he thinks he might have, to withstand any persistent questioning on that point if in fact there was any deliberate delay in the tabling for the ulterior motives the honourable member has in mind.

I would like to draw to the attention of members the fact that at the time at which the Legislative Assembly may be debating the Estimates, the Legislative Council frequently starts to run out of business because there is no flow of Bills from the Legislative Assembly. In those circumstances the sittings of this Chamber are somewhat reduced. Therefore I hope members realise that if in fact the papers are tabled at almost the same time, or a short period after their introduction into the Legislative Assembly this will in fact keep the Council sitting for longer periods and consequently members will not have the benefit of those reduced sitting hours during the period the Assembly is devoting its attention to the Estimates debate.

The PRESIDENT: Will the Minister anticipate that the Estimates will be laid on the Table of this Chamber when the Budget is brought down, because that is when we get them?

The Hon. N. McNEILL: That is right. Without giving much thought to the matter, I would say that that would be the appropriate time. I can see no reason for their not being tabled here at the same time they are introduced into the Assembly. They become public documents in any case and therefore I see no reason for their not being tabled here straightaway. No purpose would be served in unnecessarily delaying their tabling here.

The PRESIDENT: The Clerk tells me that the Budget papers are delivered here on precisely the same day the Budget is brought down. Previously we had no authority to move on them. It will be the Minister's task to lay the papers on the table and move the appropriate motion that they be considered.

The Hon. N. E. BAXTER: If the Estimates are laid on the table what will be the motion before the Chair which we will be debating?

The PRESIDENT: That the Council take note of the paper, and it will be up to the Leader of the Chamber or some other Minister to move that motion which will open the way for the debate.

The Hon. N. McNEILL: If the Leader of the House moved such a motion then of course there would be the opportunity for the adjournment of the debate to be moved. In fact it is the debate on that motion would be exactly the same as the procedure for debates on other busisness on the notice paper. I could not foresee any difference between that motion and any other business before us.

The PRESIDENT: The Clerk tells me that the motion would be that the Council take notice of paper No. so-and-so being the annual Estimates.

Question put and passed; the recommendation agreed to.

Standing Order 153: Not to involve argument—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committee is—

To delete the Standing Order and substitute the following:—

Rules for Questions

153. The following rules shall apply to questions:—

Questions shall not contain—

(a) statements of fact or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;

(b) arguments;

(c) inferences;

(d) imputations;

(e) unnecessary epithets;

(f) ironical expressions; or

(g) hypothetical matter.

Questions shall not ask—

(a) for an expression of opinion; or

(b) for legal opinion.

Questions dealing with matters within the jurisdiction of the President should be addressed to the President by private notice; no written or public question addressed to the President is admissible.

Questions shall not refer to—

(a) debates of the current session; or

(b) proceedings in Committee not reported to the Council.

Questions shall not anticipate discussion upon an Order of the Day or other matter which appears on the Notice Paper.

The President may direct that the language of a question be changed if it seems to him unbecoming or not in conformity with the Standing Orders.

This conforms with current parliamentary practice and is a guide to members as to question procedure. I move—

That the recommendation be agreed to.

The Hon. N. McNEILL: I wish to emphasise the portion of the recommended Standing Order dealing with questions which shall not relate to the debates of the current session. The Standing Order then says that questions shall not refer to proceedings in Committee not reported to the Council and that questions shall not anticipate discussion upon an order of the day or other matter which appears on the notice paper.

I just ask members to fully realise the implications of that particular proposal. I have no objection to it and certainly as a Minister I would have even less objection to it. However, I do want the Committee to be fully aware of what that will mean.

Question put and passed; the recommendation agreed to.

New Standing Order 176A.

The Hon. J. HEITMAN: The next recommendation of the Standing Orders Committee reads as follows—

To insert a new Standing Order to stand as 176A as follows:—

176A. If a motion originating in the Assembly, and requiring the concurrence of the Council, for any reason fails to pass in the Council, the Assembly shall be acquainted accordingly.

We feel that the Assembly should be notified of the outcome of a motion or Bill originating in that Chamber. I move—

That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

New Standing Order 243A.

The Hon. J. HEITMAN: The next recommendation of the Standing Orders Committee reads as follows—

To insert a new Standing Order to stand as 243A as follows:—

Inter-related Bills to be considered concurrently.

243A. Inter-related Bills may, by leave, be discussed concurrently at the second reading stage.

This also is to facilitate the work of the Council. I move—

That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

Standing Order 247: Fixing day for Second Reading—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committe is as follows—

To add the following proviso:—

Provided that in respect to Bills originating in the Assembly the second reading may be moved following its receipt by Message and first reading.

This also is designed to facilitate the work of the Council I move—

That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

Standing Order 253: Preamble postponed without question put, Clauses read and put—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committe reads—

To insert after the word "Committee," in line 1, the following:—

", unless it is agreed that the Bill shall be taken as a whole, when the question shall be put by the Chairman "That the Bill stand as printed",

This also is designed to facilitate the work of the Council by making it much easier for a Bill to be taken as a whole in Committee if there is no opposition to it. I move—

That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

Standing Order 269: Day fixed for Third Reading—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committee reads—

> To add the following proviso:—
>
> "Provided that where a Bill passes through the Committee stage without opposition and has not been amended the third reading may immediately be moved.".

Again this amendment is designed to facilitate the work of the Council. I move—

> That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

Standing Order 275: After Third Reading, Bill deemed to have passed—

The Hon. J. HEITMAN: The recommendation of the Standing Orders Committee reads as follows—

> To delete all words in the Standing Order and substitute the following:—
>
> "After the third reading, no further question shall be put, and the Bill shall be deemed to have passed the Council.".

This recommendation is made for a reason similar to that concerning the recommendation involving Standing Order 98, and again will facilitate the work of the Council. I move—

> That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

New Standing Order 278A.

The Hon. J. HEITMAN: The next recommendation of the Standing Orders Committee reads as follows—

> To insert a new Standing Order to stand as 278A as follows—
>
> 278A. If a Bill originating in the Assembly, for any reason fails to pass the Council, the Assembly shall be acquainted accordingly.

The reason for this recommendation is similar to the reason for the recommendation involving Standing Order 176A. I move—

> That the recommendation be agreed to.

Question put and passed; the recommendation agreed to.

The PRESIDENT: I have to report that the Committee has considered the report of the Standing Orders Committee and has agreed to the recommendations for amendments to Standing Orders 3, 15, 80, 86, 97, 98, 114, 151, 153, 247, 253, 269, 275, and to new Standing Orders 176A, 243A, 278A and has not agreed to new Standing Order 89A.

[The President resumed the Chair.]

Report

THE HON. J. HEITMAN (Upper West) [8.29 p.m.]: I move—

> That the report be adopted.

Question put and passed; the report adopted.

BILLS (7): RECEIPT AND FIRST READING

1. Firearms Act Amendment Bill.
   Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.
2. Stock Diseases (Regulations) Act Amendment Bill.
3. Cattle Industry Compensation Act Amendment Bill.
   Bills received from the Assembly; and, on motions by the Hon. N. McNeill (Minister for Justice), read a first time.
4. Industrial and Commercial Employees' Housing Act Amendment Bill.
   Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.
5. Alsatian Dog Act Repeal Bill.
   Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney-General), read a first time.
6. Veterinary Preparations and Animal Feeding Stuffs Bill.
7. Country Towns Sewerage Act Amendmend Bill.
   Bills received from the Assembly; and, on motions by the Hon. N. McNeill (Minister for Justice), read a first time.

HOSPITALS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th August.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.35 p.m.]: The Opposition is opposed to this Bill which seeks to amend the Hospitals Act by eliminating the Teaching Hospitals Advisory Council. Increasingly we find the community is being left out of the decision making of the Government, and here is an example of how the Minister could be well advised by people other than those in his own department and those who are influenced by his own department.

In his second reading speech the Minister enumerated the bodies which are now in a position to advise him but they do not really cover the original function of the Teaching Hospitals Advisory Council, which was, in short, to co-ordinate the teaching facilities and resources in the five teaching hospitals.

When the Hospitals Act Amendment Bill of 1972 was given its second reading in the Legislative Assembly, having been

introduced by the Tonkin Labor Government, there was no opposition from the then Opposition to the establishment of the council. The member for Subiaco, who was the main speaker for the Opposition, had some objections to other parts of the Bill but he had no objection to the establishment of the council. In fact, he praised it and said it was the first step towards the introduction of a hospitals commission.

In moving the second reading of the Hospitals Act Amendment Bill, 1972, the then Minister for Health had something to say about the reason for setting up the council. Beginning on page 1062 in *Hansard* for 1972 he said—

> The main purposes of this Bill are to update the Act and also to provide for the appointment of a teaching hospitals advisory council to advise in matters relating to the provision, co-ordination, and utilisation of clinical and teaching facilities, services, and resources; to ensure co-ordination of hospital, medical, and teaching resources; to avoid unnecessary and costly duplication of hospital facilities; and to advise on any other matter affecting teaching hospitals.

In moving the second reading of the Bill now before the House, the Minister said he felt there were now enough people to advise the Minister, but we find the list includes the State Health Services Executive, composed of the most senior officers of the Medical and Public Health Departments; the Hospitals Development Programme Committee, the Community Health Committee, and the Health Services Planning and Research Committee. Most of those bodies are concerned with administration, works, and other developments in a physical sense, whereas the Teaching Hospitals Advisory Council was set up with the idea of co-ordinating services rather than suggesting an increase in them, although that would also have been part of its function.

I draw the attention of the House to the composition of the Teaching Hospitals Advisory Council. Heaven knows, it is not a very community oriented committee but it does comprise some people who are not members of Government departments. The Act states—

> The Advisory Council shall consist of—
>
> (a) two persons nominated by the Minister to represent the interests of the Department;
>
> (b) two persons not being employed in the Department, nominated by the Minister;

This would give the Minister plenty of leeway to include people from the areas where he thought advice would be fruitful. To continue—

> (c) two persons nominated by the Senate of the University of Western Australia;

They would be connected with the Faculty of Medicine and would advise in regard to the placing of medical students and graduates for their clinical experience. Other members of the council were to be—

> (d) one person nominated to represent the interests of that hospital by the managing body of each teaching hospital;

In his second reading speech the Minister told us a very good co-ordinating committee has been set up by the Royal Perth and Sir Charles Gairdner Hospitals, but there are three other teaching hospitals which apparently have not been consulted or included in any of the co-ordinating committees; namely, the Fremantle Hospital, Princess Margaret Hospital, and King Edward Memorial Hospital. The advisory council also included one person nominated by the AMA.

I am concerned about the two people who were to be appointed by the Minister, who could use his discretion in regard to the kind of expertise he felt would be in demand at that particular time. The two persons nominated by the Senate of the University of Western Australia would know where it was necessary to have the educational institutions involved.

I cannot understand why the Minister has been advised to abolish the advisory council. If it is not working very well it seems to me that would not be the fault of the council but because of the way in which it was used. We know that when a body is set up it does not automatically produce beneficial results; it has to be used in such a way that it will function in a satisfactory manner. If the Minister finds the advisory council is like a bit of dead wood on his hands, perhaps he should look to whether his departments are using these people in a beneficial way for his department, the teaching facilities, and the general health situation in this State.

The Hon. N. E. Baxter: Do you know what a really good committee is? It is a committee of three with two missing.

The Hon. GRACE VAUGHAN: It seems to me wherever we can include the people of the community in the decision making of government, we should be falling over ourselves in our efforts to do so. Surely we understand that we are not elected to this House and this Parliament in order to be elitists making decisions on behalf of the people. We should be fed information from the people who send us here in order that we can reflect the needs of the community and fulfil the demands being made upon us by the community.

I realise that, as so often happens in this House, we in Opposition can present a good argument but because we do not have the numbers we are not likely to be able to bring about any alteration of the Government's decisions. But I make a plea to members to consider having a community oriented committee to advise the

Minister when he is being bombarded constantly by his departments. I am not decrying officers of his departments but if they are left without the input from the community which can be so valuable in enabling them to see what is needed in the great big world beyond the Government and the Public Service, they are being denied a great benefit.

THE HON. N. E. BAXTER (Central—Minister for Health) [8.45 p.m.]: I was interested to hear the remarks made by the Hon. Grace Vaughan particularly as it is apparent she knows very little about the matter.

When this amendment was placed in the Hospitals Act the Minister for Health at the time (Mr Davies) made the statement that if the Teaching Hospitals Advisory Council did not work he would be in favour of deleting the provision from the legislation. That will be found in *Hansard*.

Let us consider just how much part the community plays on this particular committee. There are 12 members of this council two of whom are persons nominated by the Minister to represent the interests of the department; so naturally the Minister would nominate two departmental officers with experience in teaching hospitals and in specialised equipment and services that go with such teaching hospitals. Two other members of the council are persons not being employed in the department nominated by the Minister; and two persons nominated by the Senate of the University of Western Australia.

These are people who are well and truly involved in teaching hospitals. The council further comprises one person nominated to represent the interests of that hospital by the managing body of each teaching hospital; and one person nominated by the Western Australian branch of the Australian Medical Association.

I am not decrying any of these people or the work they have done, because they are a good body of people. The point is, however, when I took over as Minister for Health I found the position in regard to the planning for the teaching hospitals in the metropolitan area had not improved in any way as a result of the appointment of the Teaching Hospitals Advisory Council. In other words all the teaching hospitals were going on with plans connected with empire building which included huge numbers of beds and all the facilities imaginable.

The Teaching Hospitals Advisory Council decided to appoint a special committee to inquire into the teaching hospitals, but this did not get very far. The same thing applied in regard to co-ordination of super speciality equipment and the decision whether it should go into hospital A, B, C, D, or E. Having considered the position and having discussed it with the people concerned on the Teaching Hospitals advisory Council—and particularly with the chairman and several others—we decided it would be much better to have a co-ordinating committee—a hospital development and planning committee, particularly in relation to the change that had taken place in the financial set-up since the Teaching Hospitals Advisory Council had been appointed. In saying this I refer to the financial changes in the Commonwealth of paying in funds on programmes submitted. To try to submit a programme from a body such as this was found to be impossible. This meant I had to set up a committee which could look at the development and planning of teaching hospitals in Western Australia, following on the report of the special committee report of the Teaching Hospitals Advisory Council.

I found it necessary to appoint a small committee which could work very closely on this particular subject of the growth of the teaching hospitals in Western Australia and then called in the experts; people who really knew about the planning and development of hospitals—and I refer now to the firm Llewelyn-Davies Kinhill Pty. Ltd., hospital consultants. These people in conjunction with the small committee appointed by me were able to bring the planning and development of our teaching hospitals on to a specific basis of planning which could follow through for the next 15 years.

If I had had to wait for the opinions of the people on the Teaching Hospitals Advisory Council—a body of 12 people occupied on the boards of hospitals and in other walks of life—I would still be waiting for the basic plan of the teaching hospitals of Western Australia. This was one of the reasons I decided that when we got the basic plan there would be little for the Teaching Hospitals Advisory Council to do in the way of advising for the teaching hospitals of Western Australia.

In addition I set up a co-ordinating committee comprising one representative from the Royal Perth Hospital one from the Sir Charles Gairdner Hospital and two of my departmental officers to look at and examine the future incorporation in the various hospitals of the super specialist equipment and the super specialist departments; because it was very obvious that unless some grip or control was taken on these particular issues that each teaching hospital would want a neurology department, each would want a nuclear medicine department, and so on right down the line.

Accordingly, a co-ordinating committee was set up. The two members from the major hospitals were able to look at the whole position and, after all, these were the hospitals which would be competing for most of the super specialist equipment; they were the two major teaching hospitals in Western Australia.

I can assure the House that the work done by these people was really marvellous. They got down to their task and recommended which hospital should have A speciality and which should have B speciality; where a department should be set up in one hospital and where we should set up a super specialist line in another hospital. This has come about in the last two years. I do not think anyone can deny that because of the setting up of the planning development authority and the co-ordinating committee we have made greater strides in the last two years than have been made in the past 10 years, particularly as it relates to getting a basic plan and getting things on the right track so far as the teaching hospitals in Western Australia are concerned.

I have no doubt that after discussing the matter with the people concerned that this is the right thing to do. Accordingly I feel the Bill should be supported and I trust members will give it the support it needs.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 6A repealed—

The Hon. GRACE VAUGHAN: I use this opportunity to voice our objection to the removal of this council which means there is now no community oriented advisory council. I accept what the Minister has said about the help he has received from other sources. My point which was not covered by him is that it is to beg the question simply to say that it is inconvenient or difficult to have to wait for advice from people in the community who have other jobs to do. We should retain community oriented committees so that the Government departments and the Minister may receive information from the community which would mean that the members of the community are in fact part of the decision making process. Though it is not a totally community oriented committee it does represent people outside the Public Service, outside the Government, and outside of Parliament; people who could bring in a fresh breath of air from outside of Government thinking. This would help do away with some of the stuffiness of our bureaucratic institutions. Rather than have people from the community giving the advice he may need the Minister would prefer to have a firm of hospital consultants to tell him what to do. I do not say the Minister is not getting the necessary advice; I am sure he is; I merely say that we ought to have an input from a greater diversity of people.

The Hon. N. E. BAXTER: I am afraid the Hon. Grace Vaughan does not understand what teaching hospitals comprise. These are complex machines particularly in today's climate. The honourable member talks about bringing in a fresh breeze from the community outside but they would not know what was involved in modern teaching hospitals. They would not know how a modern teaching hospital operates, what it is made up of; what its infrastructure might be or the service it is expected to give. It is necessary to consider the question of population and the areas in which these hospitals serve the public. For this reason the committee I set up recommended the metropolitan area be divided into three sectors to serve the people of Western Australia, not merely in relation to the number of beds in the teaching hospitals, but with a view to making one of these teaching hospitals the focal point of all speciality services for each sector in the metropolitan area. For instance the Royal Perth Hospital is the major teaching hospital for the east sector. The Sir Charles Gairdner Hospital will be the major teaching hospital and focal centre in the northern sector, and Fremantle Hospital and the new Lakes Hospital, when it is constructed, will be a combined teaching complex to service the southern sector.

When a hospital system is being planned, it must be decided how many beds are to be provided. When I took over this portfolio, both the RPH and the Sir Charles Gairdner Hospital had plans for providing up to 1 400 beds each. In fact all the teaching hospitals had grandiose plans for the future, and it was necessary to modify and review and, where necessary, cut back these plans until they were placed on a sensible footing.

The Hon. Grace Vaughan talks about the fresh breeze of community interest, but that would not work in this situation. It would not be possible for a virtual layman, with no experience in the teaching hospitals to make any worth-while contribution in this area. It would be unlikely that such a person could devote the huge amount of time necessary in the planning and reviewing of our teaching hospital structure.

Many months of hard work have been put into planning. When census figures are released showing population figures, or the population of a certain area not equalling predictions, the plans must be modified accordingly. Last year, figures indicated there was a huge discrepancy in the prognosis of population growth in the metropolitan area, and this had to be taken into account. In fact, the Teaching Hospitals Advisory Committee itself realised its own limitations in this area. It is quite ludicrous to suggest that uninformed people from the community could bring any "fresh breeze" to this area.

The Hon. GRACE VAUGHAN: The Minister keeps getting away from the point I am trying to emphasise; namely, that with a diversity of opinion, he is likely to be better advised. It is ridiculous to suggest that the matter is too complicated for the representatives I have suggested. Nobody is saying they should have everything to do with planning, and everything else the department itself should be doing; it would be an advisory committee, not a planning and development committee. The Minister suggests they would not have the knowledge to make a useful contribution, but that is absolute nonsense; of course this sort of material could be produced by the departmental officers.

It is interesting to note that section 6A of the principal Act was introduced in 1972 in order to make the legislation more effective. Section 18 contained the proviso which permitted the Minister, after consultation with a hospital board to give it directions as to the exercise of its functions. The relevant section states—

> A hospital board shall give effect to any directions given to it under this section.

However, although section 6A is to be repealed, the section to which I have just referred is to remain, and the Minister, after appropriate consultation, still will be able to give directions to a hospital board. I believe it is advisable to have an outside influence in this area in order to modify a possible tendency to go in the wrong direction.

The Hon. N. E. Baxter: In which way? You are talking through your hat. You do not know what you are talking about.

The Hon. GRACE VAUGHAN: I am not wearing a hat and I do know what I am talking about. The Minister shows that he does not understand the subject; he is happy to have only the opinion of the Department of Health, which tells him what to do. It seems to me that the Minister has been brainwashed by his departmental officers. I am not decrying the department; they are bound to do things which seem to be the most appropriate. If they are not going to be influenced by people outside, the Minister certainly is assisting them by getting rid of this council.

The Hon. N. E. BAXTER: One would expect the Hon. Grace Vaughan to adopt this view; namely, that everything should be done on a socialistic basis by bringing everybody in from outside, and planning in isolation. We have seen examples of this type of thing. However, hospitals cannot be planned in isolation.

I instance the furore which went on over the proposed Wanneroo hospital. People were talking of five beds per 1 000 people, making a total of 450 beds for the 90 000 predicted population of Wanneroo Shire. That sounds all very well in theory, but this is the view of an outsider—the community view. The ratio of five beds per 1 000 population is recognised as a principle, but it cannot be taken to apply in isolation; it must be considered in conjunction with the other hospitals in the area. However, the "community interest" said, "Let us set on a figure, and expand it". This is where community involvement falls down.

The Teaching Hospitals Advisory Committee agreed that it should be disbanded, and the appropriate section deleted from the Act. Indeed, even the previous Minister for Health (Mr Davies) said that if the Committee did not work to capacity, he would take action to disband it.

The Hon. GRACE VAUGHAN: The Minister is full of contradictions. Firstly he tells me that because of my socialistic principles, I want to bring everybody into consultation; and, secondly, he tells me that I am trying to plan in isolation. I wish he would make up his mind. One could bandy about words all night relating to political philosophies. One could even suggest that this type of amendment is bound to bring about a facist type of situation, because what we are doing is to protect the elite. We do not want the situation cluttered up by anybody else; we have an elite in the Public Health Department, and they know what to do.

The Hon. N. McNeill: You give yourself away every time you revert to the word "elite".

The Hon. G. E. Masters: She loves that word!

The Hon. GRACE VAUGHAN: I do; it is a very good word, and very applicable to this Chamber, where an elite representing only one-third of the people tell the remainder what to do. Obviously, I might as well bash my head against a brick wall as get the Minister to accept my point of view.

The Hon. I. G. Pratt: Have you not done that already? Something must have caused it.

The Hon. GRACE VAUGHAN: I realise that Mr Pratt likes to talk to people as though they were school boys standing in front of him who cannot answer back.

The Hon. N. McNeill: Obviously it has been a long time since you went to school!

The Hon. GRACE VAUGHAN: The Minister prefers the department to make all the decisions, and chooses to get rid of anybody likely to disagree with the department, and disturb the peace. The intrusion of mere people from outside is not to the Minister's liking. One would think I was defending the inclusion on the committee of every medical student in every teaching hospital. However, what I am putting forward is what might be described as another "in" type of committee in that, principally, its representatives would be drawn either from the teaching staff of the university or from the AMA. I am not defending any wildly radical type

of advisory committee; I simply say that a point of view other than of the department should be considered.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADJOURNMENT OF THE HOUSE

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.13 p.m.]: I move—

That the House do now adjourn.

Prosecution of Mr W. A. Wilson: Court Attendance of Yupupu

THE HON. J. C. TOZER (North) [9.13 p.m.]: I rise with a great deal of diffidence tonight, firstly, because I do not wish to delay members and, secondly, because I am going to speak on a subject to which I would rather not refer. However, I believe it is important that before members go home tonight, they be informed, in some small measure, about an issue which has attracted a lot of headlines and newspaper space in recent times. I refer to the legal situation involving William Alex Wilson in the north. I believe it is terribly important that some of the ill-informed comment which we have read, and some of the emotive side issues which have been raised should be put in their proper perspective.

On the 9th January, the newspaper first told us about the incident at Billiluna Station, and with great sadness I opened a file in my office which I called, "The Billiluna Affair". It was abundantly clear to me that this was going to be a tragic story.

A fortnight earlier, I had been to Halls Creek where, during the course of a shire council meeting, one of the councillors was called from the meeting by a police sergeant, because he owned an aeroplane. He happened to be Les Verdon, the manager of Billiluna Station. He was called by the police sergeant to transport police officers to Balgo Mission, because of some trouble there. Because there had been heavy rain, the police could not go by road, so one party went by air and the other party set off in a four-wheel drive vehicle. It was a very disturbing situation, involving an unruly visiting party from the Northern Territory, at Balgo that day.

I and everyone in the Kimberley were disturbed when the incident occurred at Billiluna Station on the 6th January. It was not only the fact that the incident was serious—everyone was extremely sorry that the young man should be injured—but the major implications manifested by this incident were far wider. There have been other incidents, and together they indicate a terrible and unfortunate trend in the Kimberley; they are of great concern to those who have a real interest in the area.

I do not intend to go into the details of the legal aspects of the occurrences. They have been featured in the newspapers. All I want to do is to fill in a few gaps which I think will be of interest to members. In doing so I feel that I am speaking for the people of the East Kimberley, because in general they are extremely concerned about the comments which have been made and which have cast a reflection on them.

It will be recalled that the magistrate who heard the case in Halls Creek reached the conclusion, on the evidence placed before him, that Mr Wilson had no case to answer. That decision left matters in the air a little. However, the subsequent outbursts which appeared in the newspapers created a very unfortunate situation. The magistrate was crucified for arriving at his decision, and the police at Halls Creek were criticised severely, by implication, if not in actual words. These were dedicated people who were doing a hard job under trying conditions, and the outbursts had a shattering effect on their morale. Everyone in Halls Creek was disturbed by this ill-informed criticism which came from Perth, over 2 000 miles away.

I would like to read a short letter which appeared in the *Daily News* of the 14th April, signed by Mr P. J. Stingemore, Assistant General Secretary of the WA Police Union. It states—

> Our members at Halls Creek are extremely concerned and wish to refute any allegation that they acted with any impropriety concerning the Halls Creek Billiluna case.
>
> The allegations that Aborigines were charged, convicted and sentenced is incorrect. They were, in fact, charged and convicted and were to be returned to their tribes to be tried under tribal law by their elders in the Northern Territory.
>
> The allegation that they could not speak English is not correct; they all can, in fact, speak English and have been educated at schools. They were at all times represented by an Aboriginal legal aid officer from Kununurra. They did have the services of an interpreter.
>
> While in custody, waiting to be transferred to their tribe, three of them broke out of the Halls Creek lockup, causing hundreds of dollars of damage, and stole a vehicle.
>
> The remaining Aborigines were conveyed to the Northern Territory and they subsequently also stole a vehicle in the Northern Territory.

These are the facts of the case, not as implied in the article in the *Daily News* on April 1 which reports allegations by Miss Lyla Elliott, MLC, in Legislative Council.

Probably as a result of public pressure brought on him, the Attorney-General arrived at a decision. I do not know whether his professional judgment induced him to make that decision, but he was concerned that justice should appear to be done and, in fact, he made the necessary legal arrangements to ensure that Mr Wilson was brought to trial.

Members will probably be interested in a telegram that was sent to the Premier prior to the announcement, but following the newspaper comment. This telegram was sent by 70 station properties, including several missions and the hospital at Fitzroy Crossing. Almost all the cattle stations are in the Kimberley area, although a few are in the Northern Territory. However, the people from the Northern Territory have a close affinity with the Kimberley region, because they trade in Halls Creek, Kununurra, and Wyndham. These people feel as strongly about this matter as do the station people in the Kimberley area.

The telegram is as follows—

> We the management and staff of the undersigned stations view with very grave concern reported statements that further legal action is being contemplated against Mr Bill Wilson of Billiluna Station. Any such proceedings could only be constructed as further encouragement to roving bands of hooligans to attack an isolated homestead or family at will.
>
> We formally request the Government to state whether there is a significant number of citizens of this country who are not subject to its common law.

The Premier, faced with a telegram from this large group of people in the Kimberley, was very careful in his response. In part the reply is as follows—

> We share the concern expressed by the signatories. The Government will not tolerate intimidation or attack on any citizens.
>
> Regarding Bill Wilson the police have requested the Attorney-General to issue an ex officio indictment and he is assessing the particular facts to see whether there is a *prima facie* case.

Further on the telegram states —

> If he decides to issue the indictment this is not a judicial proceeding and no person indicted would be guilty unless so proven by a court.
>
> Regardless of personal feeling it is not possible to interfere with the process of the law and courts.
>
> Charles Court, Premier and Alan Ridge, Member for Kimberley.

The station people sent another telegram to the Premier as follows—

> Thanks reply to our telegram but notice significant omission of reply to our formal question. Can we expect reply and when.

In his reply to that telegram the Premier stated quite firmly—

> The Government is determined that no group of citizens will be exempt from the obligations of the laws of the land. I endeavoured to convey this to you in my previous telegram. The specific answer to your question is therefore no.

Despite what others say, the station people are the ones who know and understand the Aboriginal people. For the most part there is real and intimate affinity between those people. In many instances lifelong associations and friendships exist between them. The telegrams from the station people reflect a real concern for a trend they see arising in the Kimberley region, which they seem to be unable to influence. They regard themselves as the people who should be best informed on the matter, and they consider that the introduction of sociologists and social scientists is having an unfortunate effect in that part of the State.

Not only did the cattle station people sign the telegrams, but also the Pallotine Missions including the one at Balgo. These people have devoted their lives to the welfare of and friendship for the Aboriginal people. They are not the oppressors of the Aborigines.

A telegram was also sent by the staff of the Fitzroy Crossing Hospital. This hospital is staffed by the Australian Inland Mission sisters; these people have devoted their whole lives to helping the Aboriginal people. They subscribed to that telegram because of their genuine concern for those people and for what was happening in the Kimberley.

The court case was heard in Wyndham. We know what happened. A jury was empanelled, but then David Ross decided he would not appear. I was not present personally so I am not prepared to make a comment as to whether or not that influenced the situation. We are all aware that the jury found Mr Wilson not guilty.

An immediate emotion-packed outcry came from every corner of the State, including this Chamber. As I said before, the comments were largely ill-informed, and the views expressed were not based on any understanding of the situation.

The sort of comment we saw was typified by one which appeared in the *Sunday Independent* under the heading of, "Something fishy in Wyndham". There was a clear implication that bias was associated with this court case.

Not once did I see in any newspaper comment a reference to the finding of "the jury" which decided the case. All the references have been to "the all white jury". We can readily see the implication that unfair bias had been shown by the jury.

In the intervening period Davis Ross has become known as Yupupu Jambijimba, or if we read the article in the *Daily News* tonight he has become Tjakamara. In this article by George Williams, Yupupu is referred to as "a stone age man", and he is described as "a Papunya tribesman". This young semi-educated lad, David Ross, has for the purposes of the emotional reports developed a different character altogether.

The Hon. W. R. Withers: They are rather racist comments in the newspaper article.

The Hon. J. C. TOZER: Perhaps so. When I said I was speaking on behalf of the people of the Kimberley, I want to explain that they believe their integrity was being impugned by the emotive comments that have been made. In fact, their integrity has been challenged. Furthermore, the integrity of the court, the judge, the Crown counsel, the court officers, and in particular, the jurors in the case—who are my constituents—has been challenged. These people resent the fact that in all good faith they have done their duty to the community as jurors in an honest and fair manner, yet they were subjected to uninformed and unfair criticism, which, by inference, accused them of bias.

Colour does not come into the matter. Everyone in the courthouse—not only the members of the jury, but the 80 people who were called from Kununurra and Wyndham for the empanelling process—sat through the case in the tiny corrugated iron courthouse. Everyone of those in attendance considered that it could not have been possible for the jury to reach any other decision than the one it handed down in the case.

Everyone in Perth, by means of newspapers, is implying that the decision was biased and incorrect. I must emphasise tonight that the people in the Kimberley have a real concern for the Aboriginal component of their community. That includes the people who were on the jury.

An organisation formed at Kununurra which is known as the Committee of Kimberley Concern for Human Ecology has spread throughout the Kimberley. That committee sees its principal function as being "a regional co-ordinating committee to be concerned with all disadvantaged people in the Kimberley". Some of the people involved in that committee actually sat on the jury. But comment in the newspapers, and in this Chamber, brands them, by implication, as biased and anti-black.

I have spoken of the problems which are ahead of us, and I wish that ill-informed people in the south would not make the problem any harder. Conflict and bitterness will inevitably develop between black and white people in our region, and I can only ask people living in the south, and the newspapers, to consider the implications of ill-informed and unfair comment. The type of commentary we have had on this question challenges the integrity of the way those people who live in my region go about their normal business.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [9.31 p.m.]: Unfortunately, I have been caught at a disadvantage tonight. I was not expecting a contribution from Mr John Tozer and, therefore, I do not have my file on the case with which he has been dealing. However, I do not intend to allow his comment to pass without some contribution from myself.

In my opinion Mr Tozer has been unscrupulous in the manner he has twisted my remarks. He has accused me of being emotive and ill-informed in an outburst against the people of the north. I challenge him to show where I have ever spoken about the people in the north on this issue other than to ask questions of the Minister for Justice earlier in the session, and more recently of the Attorney-General.

I was concerned to see that justice was obtained for all parties, and not for just one side. If Mr Tozer's comments apply to me, for asking questions regarding this case, his comments must also apply to the Aboriginal Legal Service and the Police Department. Both of those authorities requested an *ex officio* indictment to be issued against William Wilson.

There is an old saying that justice must not only be done, but must also be seen to be done. Earlier this year, when Mr Wilson was before a magistrate, the person who had been shot—Yupupu, or David Ross—was in the court with his interpreter. He was prepared to give evidence but he was not called. That was a travesty of justice.

The Hon. I. G. Medcalf: There was a very good reason for that.

The Hon. LYLA ELLIOTT: I know that Crown Law gave good reasons for not calling him as a witness, but the Aboriginal Legal Service felt that justice had not been done because the charge was dismissed.

The Hon. I. G. Medcalf: He might have incriminated himself had he been called to give evidence.

The Hon. LYLA ELLIOTT: We know that was the reason given.

The Hon. I. G. Medcalf: You do not not know that; I am telling you that is the reason.

The Hon. LYLA ELLIOTT: That did not satisfy the Aboriginal Legal Service.

The Hon. I. G. Medcalf: That is the reason.

The Hon. LYLA ELLIOTT: Well, why did they seek an *ex officio* indictment? The other side of the story was never told.

The Hon. J. C. Tozer: The reason was quite clear.

The Hon. LYLA ELLIOTT: Mr Tozer had his say and I did not interrupt. I ask him to now let me have my say.

The Hon. I. G. Medcalf: Well, who is to answer the question you put?

The Hon. LYLA ELLIOTT: The Attorney-General must have been convinced there was good reason to have the matter taken up because he agreed to an *ex officio* indictment. The case was duly heard early in August in Wyndham, not in Perth.

The Hon. J. Heitman: That is where it happened.

The Hon. LYLA ELLIOTT: What happened then? Did we hear both sides of the story; did we hear what happened at Billiluna Station, as far as the Aborigines were concerned? No, we did not. We still have not heard the other side of the story. I wonder why the Aboriginal boys did not appear in court.

The Hon. I. G. Medcalf: They did not see what was going on. Witnesses are not called unless they witness something.

The Hon. LYLA ELLIOTT: We heard a lot of emotive argument from Mr Tozer, but if we are concerned with justice surely we should hear both sides of the story. That is the point which concerned me from the start. My concern has nothing to do with whether they were Aboriginal boys or white boys. The point is that when a matter comes before a court surely it is just that both sides of the story should be heard. The other side of the story has never been told. Paul Bruno, who had been in the Roebourne prison, was released on Wednesday, the 11th August, the same day that the verdict was brought down with regard to Wilson.

The Hon. W. R. Withers: You have been referring to boys. Were they boys or men?

The Hon. LYLA ELLIOTT: My understanding is they were teenagers.

The Hon. W. R. Withers: They were 18 years, or more.

The Hon. LYLA ELLIOTT: I understand Yupupu was 17 years of age, but that is a rather insignificant point.

The Hon. W. R. Withers: It is emotive.

The Hon. LYLA ELLIOTT: I will call them Aboriginal people, if that will make the member opposite happy. I am saying we have never heard the other side of the story.

That point is well made by George Williams, a journalist, in an article in tonight's issue of the *Daily News*. The report begins—

> On January 6 this year a young tribal Aboriginal named Yupupu, who also uses the names David or Lennie Ross, met the white people who live at Billiluna Station 257 kilometres south of Halls Creek.
>
> He is now a cripple. A bullet is still in his back.
>
> He has been in hospital 70 days and gaol 61 days because of incidents surrounding the shooting.
>
> The man who shot him went free after acquittal by a jury.
>
> The reasons for that bullet and that justice vary, depending on who tells the story.
>
> The Billiluna whites say Yupupu was among eight wild, rampaging, violent Aborigines who attacked them in their own home.
>
> Yupupu says he was shot at repeatedly and eventually hit and left lying for hours by white people. His lawyers say he has been the victim of a legal system loaded against him.
>
> The facts are: Eight Aborigines in a stolen car clashed with two white men who were armed.
>
> All eight Aborigines went to gaol. The white men went free.

Neither Mr Tozer, nor anybody else from the north will want to challenge the facts in that statement.

The Hon. J. C. Tozer: Whose property were they on?

The Hon. LYLA ELLIOTT: It was the property of the Aborigines in the early days, anyway.

The Hon. W. R. Withers: Whose property was it before that?

The Hon. LYLA ELLIOTT: I do not want to go into that aspect. The point is that the Aborigines' side of the story was never told. I do not accept that it was impossible to get Yupupu into that court so that evidence could be given by him. Do not tell me that common sense by those responsible could not have got him to the court. He had already had a bad time in prison, but he was expected to turn up, unescorted in court in what to him was a hostile environment, the same as any sophisticated white person who was used to all the legal trappings of the system.

The Hon. W. R. Withers: You do not think he had any previous experience with courts?

The Hon. LYLA ELLIOTT: Would it not have been common sense to have someone accompany him to the court? It was ridiculous.

The Hon. W. R. Withers: You claim he had no experience with our courts?

The Hon. LYLA ELLIOTT: The only experience he had was enough to make him not want to turn up.

The Hon. I. G. Medcalf: You would have got him there?

The Hon. LYLA ELLIOTT: I have already stated how.

The Hon. I. G. Medcalf: Tell me how you would have got him there.

The Hon. LYLA ELLIOTT: I have already told the honourable member. Surely people were available who were known to him and trusted by him. I understand the interpreter was well known to him.

The Hon. I. G. Medcalf: There was one in Wyndham.

The Hon. LYLA ELLIOTT: Surely so much money was spent on the trial that a little extra could have been spent to send Ken Hansen to Alice Springs.

The Hon. I. G. Medcalf: We had Ken Hansen go to meet the plane.

The Hon. LYLA ELLIOTT: No arrangement was made for him to accompany Yupupu to the trial. It was quite absurd to expect Yupupu to attend by himself.

The Hon. I. G. Medcalf: Yupupu was interviewed by friends at Alice Springs.

The Hon. LYLA ELLIOTT: I have concluded my remarks on that aspect. Paul Bruno, who was the most articulate of the eight Aborigines involved in the incident, was quite capable of giving evidence. He was in the Roebourne prison during the trial and was released on Wednesday, the 11th August, the same day the verdict was brought down by the jury. Paul Bruno told the prison officer at Roebourne that he wanted to give evidence. Why was he not called?

The Hon. I. G. Medcalf: Did he witness the shooting?

The Hon. LYLA ELLIOTT: He was involved in the incident.

The Hon. I. G. Medcalf Did he witness the shooting?

The Hon. LYLA ELLIOTT: I am not sure of that.

The Hon. I. G. Medcalf: We are. We were told he did not see the shooting.

The Hon. LYLA ELLIOTT: I thought the Attorney-General was not aware that he had wanted to give evidence.

The Hon. I. G. Medcalf: We were informed that he did not witness the shooting by Wilson. That was the charge.

The Hon. LYLA ELLIOTT: What about Verdon; was he not on the other side of the property? He did not witness the shooting.

The Hon. I. G. Medcalf: Verdon was a witness of what was going on and of Wilson getting the gun, and the facts of the incident relating to Wilson.

The Hon. LYLA ELLIOTT: Was not Paul Bruno a witness of the incident which took place on the station? The story related to me was quite different from what has been reported.

The Hon. J. Heitman: Perhaps the honourable member should have gone up and made her own inquiries so that she was as well informed as the Minister.

The Hon. LYLA ELLIOTT: I think Mr Tozer said that no other decision could possibly be reached. Was that not right?

The Hon. J. C. Tozer: I have said what was the opinion of the people who heard the evidence.

The Hon. LYLA ELLIOTT: The point I want to make is that I am sure the jury did not have an opportunity to hear the other side of the story. I am not saying the decision would have been different.

I do not take kindly to Mr Tozer implying that I am critical of the jury, of the judge, or the other people from the north-west who were involved. All I have been trying to do is to ensure that justice was done to all parties and that both sides of the story were told.

It is not necessarily a question of black people versus white people. I just wonder whether that point worries Mr Tozer. For example, I wonder how sympathetic Mr Tozer would have been towards the black man who attacked a white man in the back yard of a property owned by the black man's mother-in-law in Roebourne. The black man attacked the white man and, unfortunately, the white man died as a result of that attack. I wonder what Mr Tozer's attitude would have been had the black man been trespassing on the property of the white man.

The Hon. J. C. Tozer: I believe the matter should be left to the law court.

The Hon. LYLA ELLIOTT: That is an interesting comment. I believe in leaving such matters to the law court, but I believe that both sides of the story should be put so that not only is justice done, but justice is seen to be done.

On the question of Aborigines generally, I have been making speeches and pleas for more attention to be given to their problems since I entered this Chamber. What we saw at Billiluna is symptomatic of deeper ills.

The Hon. W. R. Withers: You forget to say that I also have done the same.

The Hon. LYLA ELLIOTT: The mortality rate of Aboriginal infants is among the highest in the world. What an indictment of a so-called affluent country! Many of these people are still trying to bridge the gap between the tribal existence of their forefathers and the present modern society in which we live. They are finding it a tremendous battle to do so, and they are not getting the help they have the right to expect. They are certainly

receiving some assistance, but obviously Mr Fraser thinks they are getting too much.

The Hon. W. R. Withers: That is incorrect—Mr Fraser thinks they are not getting enough.

The Hon. LYLA ELLIOTT: The Aboriginal people suffer from ill-health, unemployment through lack of skills, lack of education, and a lack of suitable housing. Once again I ask members to visit Sister Bernardine's centre, St. Norbert's in East Perth.

The Hon. W. R. Withers: I asked you to go north.

The Hon. LYLA ELLIOTT: I would like members to see there the people that she is attempting to salvage.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [9.48 p.m.]: I do not wish to deal with any of the matters raised tonight, except to say in relation to this Billiluna incident that a great number of unpleasant and incorrect aspersions have been cast on the Crown. I have in mind a statement which was made by a solicitor from Alice Springs the other day when he referred to this case as a mockery. I commented on his remarks and said they were extravagant and immoderate. I believe that is the least I could have said. This person was not present during the case, and at the time he made the statement he certainly could not have been in possession of the full facts. It is quite inappropriate to describe this case as a mockery.

Right from the beginning the case was handled most carefully by the Crown and when I say "the case", I mean the entire matter. The Crown has been in a difficult position in endeavouring to enforce the laws as between the various citizens of the country without taking any note of race, creed, or colour. This is always a difficult situation, but I believe generally speaking the Crown has been absolutely impartial. I believe also that the Crown Law officers would be justified in feeling their competence had been impugned by some of the comments made. I have looked into this matter most carefully, and I have no hesitation in rejecting any such suggestion.

I would like to comment on one or two items which appear to require specific comment because they reflect upon the competence of the people involved, or upon their professional honesty, and they do tend to suggest there was some bias on the part of those who conducted the prosecution.

Mr President, I hope you will excuse me tonight because I have a hoarse voice, and I have to shout a little. If I shouted earlier this evening it was not out of any desire to frighten Miss Elliott, but because I could not make myself heard in any other way. I hope she can hear me now.

In regard to the suggestion that Yupupu should have been called as a witness in the first preliminary hearing against Wilson, I would like to say that the specific reason for not calling Yupupu was gone into most carefully by the Crown.

Yupupu was not called for the simple reason that he was likely to be charged—in fact he may have been charged at the time—and anything he said at that stage may have incriminated him or may have prevented the bringing of proper proceedings against him. Therefore, the Crown was in a very difficult situation and it decided, for good professional reasons, not to call Yupupu, and for no other reasons than that.

The other suggestion of a professional kind is that other witnesses should have been called. I first came into this matter when the papers were handed to me somewhere about the end of April. I think from memory about two or three weeks before that a request had come in from the Police Department for an *ex officio* indictment to be brought against Wilson. Whether or not the Police Department had requested it, the Crown Law Department would have made a representation about the bringing in of an *ex officio* indictment. The Crown Law Department automatically reviews all committal proceedings and it then decides whether or not a magistrate has done the right thing. The proceedings are examined automatically, and irrespective of the request by the Police Department, it is very likely that the Crown would have recommended the bringing of an *ex officio* indictment against Wilson.

When these papers came to me, I examined them very carefully because I was not unaware of the various factors about which honourable members have been talking. I was not unaware of the situation of prejudice which exists in certain minds in relation to questions of colour. For this reason I looked through the depositions personally and I came to the conclusion that it was desirable to try to obtain statements from any other person who could throw light on the incident which occurred behind the house when Wilson shot Yupupu with a .22 rifle. At that stage all we had was the statement made by Wilson, certain confessional material of some value, and a couple of conflicting statements by Yupupu of some value. We also had medical evidence of the location of the wound on Yupupu's body which would indicate his position at the time he was shot and the evidence of where he was found on the ground. There may have been other things which might have been witnessed by other people.

I therefore caused the Crown some delay in reaching a decision on the *ex officio* indictment because I asked the Crown prosecutor to request the police to interview all the other witnesses. The police interviewed everyone they could find. The witnesses were not all easily located, but the police obtained all the evidence they

could and it appeared quite apparent that only two people could contribute any direct evidence about this shooting incident behind the house. The others were in front of the house where Mr Verdon was with his shotgun.

There were only the two people behind the house—Yupupu who came along with a tyre lever and Wilson standing near the back verandah. There was nobody else that we could find who could give any direct evidence of any sort which would assist us to clarify the issues as between Wilson and Yupupu. I can say now, Sir, and I daresay you will accept my word, that had we thought there was one other person, whoever he may be, who could help us in this, we would have had his evidence if we could have obtained it, whether he was in Roebourne gaol, Alice Springs, or anywhere else.

The Hon. Lyla Elliott: But surely the events leading up to something like that are relevant to the case? Surely you must get evidence on what preceded the event.

The Hon. I. G. MEDCALF: We must bear in mind that the charge against Wilson was inflicting grievous bodily harm on Yupupu. There is a limit to which one goes in bringing in evidence of other matters which are not related to the particular facts, the subject of the complaint.

The Hon. Lyla Elliott: What if a burglar breaks into a house and he is shot by the owner of that house? Would not the fact that he broke into the house be relevant to the case?

The Hon. I. G. MEDCALF: Yes, indeed.

The Hon. Lyla Elliott: Would not this be a simple case that the happening between the Aboriginal boys and Verdon and Wilson, in fact whatever happened on the property prior to the incident, would be relevant?

The Hon. I. G. MEDCALF: In answer to that interjection, Mr President, how far it is relevant is a matter for professional judgment. This was looked at very carefully by the Crown prosecutor and other officers in the Crown Law Department, and their conclusion—which they reached quite independently and I might say without the slightest trace of racial bias and refusing to be pressurised either by the Aboriginal Legal Service or any group of station owners or by anyone else —was given to me and I accepted it.

As for not getting any other evidence, in our view there was no other relevant evidence. If it should transpire that we were wrong—and I will be very surprised if we were—then I would be interested to know where we went wrong, and I would be interested to know about this other evidence of Paul Bruno and what Paul Bruno would have been prepared to swear to on oath.

Therefore, the decision I had to make was a difficult one and I made it completely independently and based on the advice of these officers. I reject absolutely and categorically any suggestion that there was any bias or any prejudice, or that this case was conducted in any way other than on the highest plane of professional competence. I would like that most clearly understood.

I have complete confidence in the prosecutor who handled the trial, and I have complete confidence in the fact that he did the best he could and he made the right judgment at the time in Wyndham. You will recall, Sir, that the Crown endeavoured to have this case heard in Perth, but the defence applied to the District Court to have it transferred to Wyndham. The Crown objected to this but it was overruled. There was nothing further that could be done about it—that decision was not appealable. I may say the reason it took so long to finally come to a conclusion to issue the indictment against Wilson was simply that the Crown was endeavouring to obtain a reliable statement of evidence from Yupupu, and we had hoped that at Yupupu's trial he would make a statement on oath. In the view of the Crown, Yupupu had committed an offence for which he should be tried.

We hoped to get a statement from Yupupu which we could use in Wilson's case, but you will recall, Sir, that when the Yupupu case was brought to trial it was held that he was unable to understand the nature of the charge due to language difficulties. The Crown then raised several points of law hoping that the trial would still proceed because it believed it should. However, the Crown was ruled out of order by the court, and no further appeal was possible.

We never obtained a statement from Yupupu as a result of that trial. So just to ensure that we did obtain Yupupu's statement, at my express request, the Crown prosecutor, with the collaboration of the Aboriginal Legal Service, obtained a statement from Yupupu. It differs from some of the previous statements, and it was not a statement that one could regard as being a good statement of evidence to put before a court.

We realised, as a result of this and because of the reason for Yupupu's discharge at his trial, that his evidence was likely to be suspect in any court, whether that court be at Wyndham or Perth. His evidence in our view was not likely to carry much weight. That was an independent, professional judgment based upon how we believed any jury would interpret what Yupupu had to say after he had been discharged on the ground that he did not understand the translation of the charge into his language.

I will not delay the House further. There is a lot more I could say, but I do not

propose to say it. I merely say quite clearly that my conscience is absolutely clear on this issue. We tried to do our best in this case. The Crown Law Department did its best. I have complete confidence in the advice I have been given and in the attitude displayed by the officers of the department who participated in the case; I have confidence in their professional competence and I reject wholeheartedly and absolutely the criticisms which have been levelled.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [10.01 p.m.]: I am not acquainted with the case in the same detail as the Attorney-General and the Hon. Lyla Elliott. However, I should like to point out to the House how important it is that we have people such as the Hon. Lyla Elliott who are able to unearth what appear to be injustices, and to have them investigated.

While I accept that the Attorney-General was sincere in his remarks and that he has done all in his power, as he sees it, to see that justice is done, I wish to take issue with his statement that no racial prejudice was involved. Nobody can say there has been no racial bias. No-one who is brought up in a society such as ours, where an affluent, dominant and privileged society is able to reap for itself the benefits of the land, while the indigenous Aboriginal people of this country are denied those benefits can avoid being brought up with some form of racial bias.

I believe we have seen it here tonight, with the sort of interjections which were made while the Hon. Lyla Elliott was attempting to put her case.

As for these allegations of emotionalism, there is nothing wrong with a good bit of emotion. However, the mealy-mouthed sentimentality to which we have had to listen tonight is something different.

The Hon. I. G. Pratt: What a shameful thing to say!

The Hon. GRACE VAUGHAN: Just listen to Mr Pratt! We certainly heard plenty of this mealy-mouthed nonsense, when members said, "We have done all in our power to help the Aborigines." How noble they are!

The Hon. J. Heitman: That is only your idiotic thinking.

The Hon. GRACE VAUGHAN: We have had to listen to all these denials; it was a sure indication of guilt.

The Hon. J. Heitman: Who denied anything? Be specific.

The Hon. GRACE VAUGHAN: This House and this State should be grateful for the Lyla Elliotts who come into the House.

The Hon. N. McNeill: What you have just said has undone all she did.

The Hon. GRACE VAUGHAN: I think it is well to understand that, and be grateful to the Hon. Lyla Elliott.

As for the people in the north, I do not think they would be grateful for the way Mr Tozer has described them tonight as being absolutely without the ability to make mistakes. I know that the members of the Committee on Human Ecology would not like to be dumped together with a whole lot of patronising, self-satisfied, smug people saying that they have done everything in their power to help the Aborigines. Anybody with half a thought for the Aboriginal problem knows that it is a very complicated one, and will not be solved by simplistic statements of intent, and grouping together everybody in the north and saying, "We are all just the nicest people!"

The Hon. N. McNeill: What a shocking display that was!

The Hon. J. Heitman: I'll say—it is the worst I have ever heard.

Question put and passed.

House adjourned at 10.05 p.m.

Legislative Assembly

Wednesday, the 18th August, 1976

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

QUESTIONS (44): ON NOTICE

1. *This question was postponed.*

2. ROLEYSTONE SCHOOL

Toilets

Mr TAYLOR, to the Minister for Water Supplies:

Could he advise when the toilet facilities proposed for completion in September at the Roleystone Primary School will be available for use by the pupils?

Mr O'NEIL replied:

8th October, 1976.

3. RAILWAY STATION

Armadale: Bus Access

Mr TAYLOR, to the Minister for Transport:

(1) Is he aware of the construction of a car park at Armadale railway station which has blocked the access road to the station?

(2) Is he aware that buses cannot now stop to allow passengers to alight next to the railway station?

(3) What immediate action does the Government propose to make the station more easily accessible to patrons arriving by bus?