

Legislative Council

Tuesday, 19 August 1980

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

PRESIDENT OF THE LEGISLATIVE COUNCIL

Absence

THE PRESIDENT (the Hon. Clive Griffiths): Before we commence the business of the House this afternoon, I take the opportunity of saying, "Thank you very much" to all members of the House and members of the staff for the very kind wishes they sent to me while I was in hospital over the last few weeks. I am sure you will all be delighted to know the doctor has indicated there will be no lasting ill-effects.

QUESTIONS

Questions were taken at this stage.

PARLIAMENTARY COUNSEL

Drafting Style: Ministerial Statement

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.24 p.m.]: I seek leave of the House to make a ministerial statement on the practice and drafting style of the Parliamentary Counsel.

Leave granted.

The Hon. I. G. MEDCALF: I wish to advise members of Parliament and the public that Cabinet has approved a number of changes of style in the drafting of legislation. This has been done upon the recommendation of the Parliamentary Counsel in an effort to improve the clarity of drafting, and so that the legislation should be modern in style and consistent.

In addition to the style changes, which I shall outline shortly, the Government proposes to alter the timing of the bringing into force of some Acts. Until now, if the Parliamentary Counsel has not been instructed to provide for the commencement of an Act on proclamation, it has come into force on assent, as provided by section 7 of the Interpretation Act.

Inevitably, in a State as large as Western Australia, this means that the law is in operation in some areas before it is known of and available. This can cause practical and legal difficulties for the public.

Parliamentary Counsel will now include as a general rule in Bills that are not to commence on proclamation the following commencement clause—

This Act shall come into operation on the twenty-eighth day after the day on which it is assented to by the Governor.

The drafting style changes to be adopted by Parliamentary Counsel from now on include an improvement in the manner of presentation of regulations.

For ease of reference, the headings of every set of principal regulations will include the short title of the Act under which the regulations are made and the short title or citation of the regulations.

Another change will be to cease the repetition of the word "Act" in the short titles of amending Acts. For example, whereas until now an Act amending the Pay-roll Tax Assessment Act 1971-1977 would have been entitled the "Pay-roll Tax Assessment Act Amendment Act, 1980", the new style would be the "Pay-roll Tax Assessment Amendment Act 1980".

The style of cross references to other legislative provisions will from now on be less long-winded. Instead of such a reference being set out in full as, for example, "paragraph (c) of subsection (3) of section 9", it will in future be given in short form, as "section 9(3)(c)".

Use of the short form will make such references easier to read and more in conformity with the accustomed usage of lawyers and others who work with Statutes.

Regulations made by the Governor-in-Executive-Council are currently published in the *Government Gazette* above the signature of the head of the department or authority responsible for the administration of those regulations. However, in future, such regulations will be published over the signature of the Clerk of the Executive Council, who will sign them in the form approved by the Governor-in-Council.

This seems to be a logical change of procedure, as the clerk has direct personal knowledge of what has been approved, whereas the department head's knowledge of what takes place in the council can be only indirect.

The matter of who signs the gazettal notice of regulations is a matter of practice, not one of law. The change will make no difference to the procedure by which regulations, once approved,

are published in the *Government Gazette*. Publication will continue to be arranged by the responsible department or authority.

The changes in the practice and in the drafting style which I have outlined are consistent with those found in other Commonwealth-State legislation.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL

Introduction and First Reading

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

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General [5.30 p.m.]: I move—

That the Bill be now read a second time.

The Foreign Judgments (Reciprocal Enforcement) Act of Western Australia permits judgments of courts from other countries to be enforced in the Supreme Court of Western Australia. The Act contains a specific exception that it does not apply in respect of charges, taxes, fines, and other penalties. Its principal purpose is to facilitate the recovery of judgment debts in private litigation; for example, in cases of breach of contract.

The Standing Committee of Attorneys General, which includes the Attorney General of each State and the Commonwealth, has given consideration to a request by Papua New Guinea that the legislative scheme for the reciprocal enforcement of judgments between the Commonwealth and the States on the one hand and Papua New Guinea on the other, be extended to include enforcement of Papua New Guinea revenue judgments. In its submission that reciprocal enforcement of judgments legislation should be extended to include such revenue judgments, Papua New Guinea stated that a large percentage of persons who evade Papua New Guinea tax are Australian citizens who absconded to Australia without meeting their tax obligations. At the last meeting of the standing committee, all Attorneys General present indicated that they would be seeking their respective Governments' approval to introduce into their Parliaments legislation to allow the reciprocal enforcement of

revenue judgments from Papua New Guinea. Because of the close bond which has developed between Australia and Papua New Guinea, the Western Australian Government agreed to participate in the proposal which in effect will make, in relation to Papua New Guinea, a specific exception to the general rule against enforcement of foreign revenue judgments and allow Papua New Guinea and Western Australia to have reciprocal arrangements.

The legislation does not at present permit enforcement in the Supreme Court of Western Australia of any revenue judgments obtained in the courts of overseas countries. It is not presently intended to amend the Act to make provision for the enforcement of foreign revenue judgments in Western Australia other than those of Papua New Guinea.

The draft Bill proposes that judgments for money payable in respect of tax payable under the laws of Papua New Guinea relating to taxes on income should be enforceable in the Western Australian Supreme Court. It makes provision for two exceptions as to the type of revenue judgments which can be enforced—firstly, penalty tax, and, secondly, tax declared by the Governor not to be properly a tax on income for the purposes of this legislation. In essence then, the Bill relates only to taxes on income and does not include other revenues such as stamp duty and rates.

The standing committee has been informed that complementary legislation to enable Australian revenue judgments to be enforced in Papua New Guinea will be prepared and introduced into the Papua New Guinea Parliament in due course. Being reciprocal legislation, its eventual implementation will need to await the passage of similar legislation in the other States of Australia, the Commonwealth, and Papua New Guinea.

With those remarks, I commend the Bill to the House.

Debate adjourned, on motion by the Hon. H. W. Olney.

CONSTITUTION AMENDMENT BILL (No. 3)

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.33 p.m.]: I move—

That the Bill be now read a second time.

The object of this amendment is to provide in the Constitution a more up to date and modern form of oath and affirmation of allegiance. The present

form of oath is archaic. It refers to Queen Victoria and the colony of Western Australia. Although it is permissible to vary the name of Queen Victoria by referring to the reigning Sovereign, it is clearly desirable to bring the words into harmony with constitutional and other changes.

It is proposed to provide the same kind of oath of allegiance which is used by Governors, Administrators, and judges; that is—

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law. So help me God!

This is also the form used in the Commonwealth Constitution by members of the Commonwealth Parliament—section 42 and schedule to the Commonwealth Constitution.

It should be noted that the proposed oath includes the phrase "Her heirs and successors." This means that in the event of the succession of a new monarch to the throne, members will not have to take a further oath, as is now the case.

It is also considered desirable to bring the wording of the affirmation which is taken by members of Parliament as an alternative to taking the oath into line with that used in other legislation and that used in the courts; that is—

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, her heirs and successors, according to law.

Members may recall that a clause to alter the form of affirmation of allegiance was included in the Acts Amendment and Repeal (Disqualification for Parliament) Bill 1979 at the suggestion of the Speaker and several other members to cater for people who objected to the previous wording. That Bill lapsed at the end of the last Parliament, but as it was felt that the previous proposal—which was not connected with the main purpose of that Bill—was a useful one, the proposal has now been revived.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

ADDRESS-IN-REPLY: SIXTH DAY

Motion

Debate resumed from 13 August.

THE HON. J. M. BROWN (South-East) [5.36 p.m.]: I understand that as this is the first occasion on which I make a contribution to the debate there will be extended to me a courtesy which is usually extended to a member making his or her maiden speech in this House. While I would certainly appreciate the contributions members might make by way of interjection—I look forward to them in the future—I am very pleased to be able to canvass without interruption my own opinions and those which are held by residents in the South-East Province and perhaps by residents in Western Australia generally.

At the outset I join the Hon. John Williams in his comments about those who have been elected or re-elected to the House, his comments concerning the appointment of the Leader of the House, and his comments concerning the Ministers who have accepted further responsibility. In addition I would like to extend to the Hon. Des Dans my congratulations on his reappointment as Leader of the Australian Labor Party in this House and to the Hon. Joe Berinson who has the responsibility of deputy leadership.

I feel rather confident that during our terms here we will be able to make worth-while contributions so that the deliberations which transpire will be of benefit to the people of Western Australia.

I would be remiss if I did not mention the Hon. Claude Stubbs, my predecessor. In 1962 when there was a restricted franchise, I had the opportunity to canvass electors for enrolment. Also, on polling day, I was, I thought, of considerable assistance in his successful election. Certainly in 1974, as a candidate for another place, I felt I played a substantial part in his re-election because there was a downturn in the vote for the ALP for reasons of which everyone is well aware.

The contribution made by Mr Stubbs throughout the South-East Province will be a standing memorial to his activities. I refer to the facilities which have been established in Salmon Gums, Norseman, and Kalgoorlie in particular. I am also aware of the work he did as Minister for Local Government. If I can serve the people of the South-East Province in a similar manner I will go from this House with the knowledge that I have understood and accepted my responsibility.

My responsibility as a member for the South-East Province is to know what is occurring throughout the electorate. Of course of considerable importance at the moment is the decision, or indecision, of the State Energy Commission in regard to what may occur on 10 September. On that date the people of Kalgoorlie will be called upon to pay a higher price for their electricity than is paid anywhere else in Western Australia. This subject was well canvassed by my colleague, Mr Leeson, in his contribution to the debate, and by other members who made contributions on the subject.

I can assure members that the SEC has not changed its attitude over the years. I know this, because I was once involved in a takeover by the commission. Although the Act states that the SEC may compulsorily acquire an undertaking, it just does not do it. Indeed the format is for the supply authority—in the case to which I am referring a local authority was involved as is, on this occasion, the Town of Kalgoorlie—to make application to the commission which in turn considers taking over the supply. The Merredin local authority did not want the State Electricity Commission—as it was then known—to take over its supply, but the commission indicated that it would do so eventually. All members of the SEC attended a council meeting to discuss the proposition. I do not say that they used blackmail, but they did indicate that if the council did not hand over the supply to the SEC, the commission would not see its way clear to grant loan funds to the council in order that the operation might be carried on successfully.

I admit that in the long term the local authority made a sound decision regarding the handing over of the supply to the commission because the action was of particular benefit to the residents there.

I cannot see any difference between the situation in Merredin and the present position in Kalgoorlie. The takeover should be of particular benefit to the people who live in the area.

It is significant to note that although the takeover of a supply might be an easy matter, a great deal of disruption occurs in the community. This was the situation in Merredin and court cases ensued, but the SEC went on its merry way. It was sad to realise that the commission let the local people down. Once it had control of the undertaking it could not care what happened subsequently.

The present charge in Kalgoorlie is 10.26c a unit for domestic consumption, and 11.21c for commercial consumption. The SEC at present charges 5.42c a unit plus, of course, its fixed charge which always has been a bone of contention. It is through no fault of its own that the supply authority in Kalgoorlie had to charge the astronomical figure of 10.26c per unit. It was as a result of decisions made by others and over which it had no control. I am referring, of course, to the price of fuel oil.

Although my colleagues in another place and Mr Leeson and I made representations on this matter to the Minister, at this stage no satisfactory conclusion has been reached. Of course, the ultimate aim is to have a uniform rate for all people who live in the Kalgoorlie town supply area. I do not see why they should be treated any differently from those people who live in Esperance, Albany, or in the metropolitan area. Consequently we will continue to press for that to which we are entitled. Of course, we realise that the SEC is intending that by probably the beginning of 1982 the people of Kalgoorlie will be paying the same rate as is paid by all other people in Western Australia.

We acknowledge the SEC is endeavouring to do something; but what it has done is simply not good enough. I do not see why Kalgoorlie people should be penalised in this manner. The SEC is a supply authority; therefore, it should treat country people in the same way as it treats anyone else in Western Australia.

This leads me to mention a report in *The West Australian* which suggested that city consumers defray the losses incurred by country consumers. I believe all members would be aware that a subsidy of \$32 million was suggested. According to the SEC, the metropolitan area stretches from Gingin to Pinjarra. The SEC suggested that people who lived outside the metropolitan area were subsidised to the tune of \$32 million. I do not know how the SEC arrived at that figure. It seems to have found an area and suggested to the people living there, "You are costing us \$32 million."

Such a situation occurs frequently in our community. It is one of the sins which besets us. We should not compare country residents with metropolitan residents in this manner.

The SEC made a profit of \$1.7 million. It was estimated to have an operating loss of \$18.5 million. In addition, there is a 3 per cent Consolidated Revenue levy, which lifts the cost of the operations of the SEC.

It is suggested that metropolitan users subsidise the energy requirements of country users. However, all our resources are used for the development of the whole country. Members who represent the goldfields region are gravely concerned at the division between country and city residents. This division will be exacerbated by the differential rating for country users. It certainly will not be in the best interests of my constituents.

I am sure all members who represent country areas will do their best to ensure that the problem of the division between country and city residents is alleviated.

I have been trying to ascertain the authority of the SEC to levy a differential rating. No-one has been able to pin-point the area in which this occurs. The only way in which it could be done is for the consumers to agree that they will pay the charge to the supply authority.

Common sense must prevail. If the SEC is working towards such a system, it should be instituted now, rather than in 16 months' time. I hope a satisfactory conclusion is arrived at before 10 September and that the people who live in the Kalgoorlie-Boulder area are not discriminated against.

The proposal that the eastern goldfields federation of post-secondary education institutions be set up at Kalgoorlie is to be applauded. We had hoped that such a body would be established during 1979, but this did not occur. However, Kalgoorlie is the centre of mining education in Western Australia, if not in the Commonwealth. It would be a disaster if the activities of the Kalgoorlie School of Mines were disrupted. It provides excellent educational opportunities to those who are interested in a career in mining. During the past five years many inquiries into the activities of the School of Mines have taken place.

The Hon. G. C. MacKinnon will recall that the Partridge committee was established in 1975 and reported in 1976. One of the recommendations in the report was that the tertiary education facilities in Kalgoorlie should be transferred to WAIT. In 1977 the Western Australian Post-Secondary Education Commission was established. One of its major recommendations was that the School of Mines in Kalgoorlie should be maintained and developed in conjunction with the Kalgoorlie Technical College. As a result, in the same year the Minister for Education of the day (Mr P. V. Jones) set up a committee to

examine and determine what the federation meant in real terms. After 13 months of deliberation, it could not come to an understanding. Indeed, it failed miserably in its task. At the end of 1978 the federation was disbanded.

In 1979 a federation council was given two years to set up and develop the eastern goldfields federated and post-secondary education institutions at Kalgoorlie. In February this year the then Minister for Education (Mr P. V. Jones) offered the council some firm direction; but the situation has still remained unresolved.

I should like to point out to members that the School of Mines in Kalgoorlie, through the goodwill of the local residents whose assistance—both financial and professional—has been enduring, has been able to make its mark, whilst operating financially on a shoestring. Not only has it made its mark in the area of mining in Western Australia and the Commonwealth, but it has also received world-wide recognition.

It is the only institution in which one can obtain a degree in mining geology. One can also study for a degree in the field of the extraction of minerals and metallurgy. Such courses are not available in any other teaching institution, such as the University of Western Australia or WAIT. It would be tragic if we removed these facilities from the School of Mines, because they have proved to be very valuable over the years.

I should like to quote, in part, an article written by Dr D. W. Watts, who is the Director of the Western Australian Institute of Technology, as follows—

I recognise that for the Institute of Technology, the two remote campuses—the WA School of Mines and Muresk Agricultural College—provide particular difficulties. However, I believe that through their separation from the main campus and through their small size they provide opportunities to demonstrate what can be achieved by teaching institutions when their aspirations are in harmony with those of the community they serve. The WA Institute of Technology, through the WA School of Mines and the Federation of Colleges, has a unique opportunity in Kalgoorlie.

It is true that those institutions harmonise with the communities which they serve.

We are fortunate to have a man of the calibre of Dr I. O. Jones as the Dean of Mining and Mineral Technology and the Principal of the WA

School of Mines. Both he and his staff have worked with great dedication. The people of Kalgoorlie, especially those in the Chamber of Mines, have enabled the institution to expand.

The School of Mines at Kalgoorlie has established a training centre for year 12 students. A week's course is offered in practical and technical mining education to students from all over the State. Thus they are able to see for themselves exactly what a career in mining would involve. A total of 280 students attend the Kalgoorlie School of Mines. In-service courses are conducted annually and a total of 30 students attended last year. Some of these students were females. As a result of their visit to the Kalgoorlie School of Mines, approximately 50 per cent continued their education there.

In May this year a similar course was held and Dr Jones has advised me that, in several weeks' time, a further course will be offered.

With the expansion of mining activities in many parts of this State and in the Commonwealth, the establishment of the eastern goldfields post-secondary education facility at Kalgoorlie is an essential requirement.

Turning to another matter, I should like to refer to the activities of the RTA in this State, because they are of grave concern to me. I felt the National Country Party was on the right track when it suggested the powers of the RTA should revert to the police. It was a sad day when that proposal was opposed by the National Party. I do not know how the National Party persuaded some of the local authorities that the status quo would be in the best interests of the people of Western Australia.

As far as I am concerned the RTA has been a disaster. Its operations have proved to be very expensive. While statistics may prove that the RTA has been successful, its impact on the community has resulted in a great deal of hatred on the part of people who have had the misfortune to come into contact with it. I intend to expand fully on this matter.

Sitting suspended from 6.00 to 7.30 p.m.

The Hon. J. M. BROWN: I would like to recapitulate on the Road Traffic Authority and traffic control generally. As I said, it was a sad day for country people in particular when the National Country Party and the National Party were divided in their attitude towards the control of traffic and the retention of the Road Traffic Authority as announced by the Government in the Press on 7 August. The Leader of the National

Country Party (Mr Old) said, among other things, that the National Country Party still believed that the original concept of the Road Traffic Authority had been lost.

I have no intention of contradicting his belief that the original concept of the RTA had been lost. From the time local authorities lost the power of licensing and the revenue obtained from it, the control of traffic was lost to local authorities.

The Hon. H. W. Gayfer: Hear, hear!

The Hon. J. M. BROWN: I notice that Mr Gayfer said, "Hear, hear!"

The Hon. H. W. Gayfer: I said as much before, and it is recorded in *Hansard*.

The Hon. J. M. BROWN: The erosion of this particular responsibility to local government was the death knell of traffic control. Whilst it was written into the Act that local authorities may, if they so wished, hand over the control of traffic to the Commissioner of Police, it was written into the original Act also that the commissioner may, if he thinks fit, assume that control.

When the Merredin local authority asked the then Minister for Police (Mr Jim Craig) to take over the control of traffic, it took quite some time for that to happen. Local government endeavoured to control traffic by using its own patrolmen—sometimes a local health inspector undertook traffic duties as well. Within the confines of their limited resources, the local authorities did the job very well. However, no-one can control traffic as well as can the Police Force.

Merredin was one of the first country shires to hand over the control of traffic to the Police Force. Never had we experienced more effective or better control. However, as the Leader of the National Country Party said, the original concept of the RTA has been lost.

I would like to refer to some of the problems we have experienced along the highways and byways in my electorate. At the outset, I would like to state my belief that control comes from the top. Whilst one might be critical of a patrolman performing his duties, the responsibility lies at a much higher level. The senior inspectors, superintendents, and sergeants in charge should carry the bulk of the responsibility for effective traffic control. It is my belief that in the main the motorists have been persecuted by members of the RTA. I have witnessed even cases of persecution which have been aided and abetted by the magistrates in the courts. This is possibly the

reason that so many people feel hatred towards the RTA and road traffic patrolmen. It seems to me that once a man puts on a patrolman's uniform he becomes a different person.

I do not know whether there is a shortage of trained men to fulfil the job of inspectors, or whether we are just experiencing the results of incompetence. I believe it is the latter. On three occasions the township of Merredin has been visited by inspectors of the RTA as a result of complaints by residents through the local authority. On three occasions we have been told that something will be done. Superintendent John Smith and Inspector Pegler are two names which come to mind. These gentlemen met with local people and promised an improvement in the control of traffic.

One positive result of these meetings was the decision that patrolmen would no longer hide behind trees and act simply as revenue collectors; we were assured that the patrolmen would be out on the highways.

That undertaking was given to the people by Superintendent John Smith. Certainly it was a well-received decision.

While I do not for one moment believe that anyone should break the law by speeding or driving under the influence of liquor, the RTA patrolmen have a responsibility to treat motorists with the respect and dignity they deserve. I would like to refer to the case of James Flockhart who was apprehended one night by an RTA officer. Mr Flockhart obliged when he was asked to blow into the breathalyser bag. When there was no positive reaction, the patrolman asked him to blow into another bag. Mr Flockhart then asked what rights he had and the patrolman replied, "You have no rights." The patrolman then radioed for help because he thought he had a victim. I believe many motorists have been victims of conspiracy, and I will explain my comment a little later on.

When the result of the second breath test was negative, Mr Flockhart was sent home with a yellow sticker on his car: the patrolmen found that the car needed two new tyres.

On another occasion, a Mr Dolton was charged with speeding. When he told the officer that he could not possibly have been exceeding the speed limit, the officer said, "I am not giving you a ticket for that; I am giving you a ticket for a bald tyre." Mr Dolton explained to the patrolman that he had had a puncture and had put his spare wheel on, but the officer said, "Everybody tells

me that." I well believe that this excuse is used frequently, but surely an officer could do some checking. Mr Dolton told me he had ordered some new tyres, and certainly I know he is not a liar.

I would like to refer to the case of a young girl who was apprehended for not stopping at a "Stop" sign. She spent all day outside the courthouse waiting for her case to be heard, and members can well imagine what an experience this would be on a cold windy day. Also, it was her first experience of appearing in court. She was represented in the case by counsel, and when the case was finally about to be brought on, it was discovered that there was no white line at the particular intersection. So the prosecution then attempted to change the charge to one of entering the carriageway without due care. When it appeared that there would be an argument about the alteration of the charge, it was decided that the case would be dropped.

The proprietor of a newsagency was delivering papers in the early hours of the morning, and members can imagine how much traffic would be on the road at that time. He was issued with an infringement notice because it was thought that either he was not wearing a seatbelt or he was driving on the wrong side of the road—I just cannot recall the details of this case. However, the gentleman asked me my thoughts on the matter, and I suggested that he should defend the action. As a result he decided to defend it, and he sought legal representation.

Some discussions took place between his counsel and the RTA, and he was told that if he paid the fine he would no longer be worried while he was going about his work. Much to my sorrow, he paid the fine, and he is still delivering his papers. We all like to have our newspapers delivered, and I am sure that the people delivering them exercise the utmost care.

Recently we heard of an RTA officer who was charged with an offence, but who left the country. Such instances seem to be increasing. We heard of this case when questions were asked in another place about Constable Jones. This gentleman was charged with dealing illegally in motor vehicles under section 30 of the Motor Vehicle Dealers Act. In another place my colleague, the member for Yilgarn-Dundas, asked the following question—

(3)(b) Is there a reliable witness who is prepared to swear to this effect?

I believe that the question should have read, "There is a reliable witness prepared to swear to this effect." The reliable witness is prepared to swear that at times this patrolman carried out repairs on motor vehicles in which he was dealing in the RTA yard at Merredin. It is people like this Constable Jones who have been responsible for so much of the hatred felt not only against the RTA, but also against the Police Force generally.

I would like to point out that senior officers of the RTA have visited the district, interviewed the locals, and heard about the problems including the last case to which I have referred, and yet no notice has been taken of the complaints. Constable Jones was allowed to go on his merry way as a law enforcement officer.

I have had the opportunity to tell the sergeant in charge of the Merredin Police Station that this man was nothing more than a liar. I have heard him giving evidence under oath in our local courts, and he is nothing more than a liar.

Yet, with the full knowledge of his superiors, he continued to harass the people of the community. The unfortunate aspect of this whole matter is that the hatred he caused people to feel for the RTA also reflected on the Police Force. Indeed, country police officers have had an unenviable task in asking the public to be considerate in their attitude towards law enforcement. We are very fortunate to have the Police Force available to rectify the onslaught on the community perpetrated by officers of the RTA.

Not only was this man, Constable Jones, carrying out these patrols in Merredin and repairing motor vehicles; he was also driving around in unroadworthy motor vehicles while at the same time issuing infringement notices requiring people to repair their vehicles.

Members can well imagine how the local community felt when this man—generally with the full knowledge of the RTA—persecuted the people of the area.

Everybody in this State must be concerned at this situation. Even as recently as today, we read that the Chief Executive Officer of the Road Traffic Authority comes under the jurisdiction of the Minister; that is the only control subjected on this man. People talk about the powers of the Commissioner of Police. However, the Road Traffic Authority is responsible only to the Minister. Naturally, the Commissioner of Police is concerned at what his senior officers are doing, but he is not aware of what is taking place.

I intend to make more observations on the Road Traffic Authority in the future. Indeed, I am so concerned about this matter that I would like to move an amendment to the Address-in-Reply motion to the effect that the responsibility for traffic be vested in the Commissioner of Police. However, I do not intend to move such an amendment. Nonetheless, there is no rhyme or reason to maintain this fragmented body of people patrolling our highways without any supervision or control and bringing discredit to other law enforcement officers.

It is my view that Constable Jones, who has been such an evil element in the community with his dishonesty and his repairs to motor vehicles, has caused many people to become involved in fisticuffs with other members of the Police Force. The actions of Constable Jones dovetail in all the way down the line and affect other branches of law enforcement. This is inevitable when people in an organisation with so much responsibility become irresponsible.

Road Traffic Authority persecution is not taking place only in the Merredin area; I can also tell members of an instance at Narembeen involving a Constable Westall. This officer was in civilian clothes and had been drinking with other members of the force at the local hotel. At closing time, Constable Westall and his colleagues went outside the hotel and I am given to understand that he became rather violent and assaulted a person. Westall then went to hit another member of the community who was sitting on the bumper of a motor vehicle. He rushed over to him and took a swipe. Unfortunately for Westall, he missed and was the worse off in the encounter. As a matter of fact, he had teeth removed and stitches in his face and ultimately received medical attention to the tune of \$398.

The young lad involved appeared in the Narembeen court on a charge of assault, and the case was adjourned to Bruce Rock. He sought legal advice and, after he pleaded not guilty, the case was again adjourned, this time to Northam. The case came on in Northam, only to be again adjourned until 28 December. This young lad has spent over \$1 000 in trying to prove himself not guilty. By the way, I do not intend to lay these papers on the Table of the House unless someone so moves; I simply want to quote what happened to this boy.

He hit Constable Westall in self defence; there are no two ways about that. Westall has since been transferred from the district. After pleading not guilty on the advice of his solicitor on four

occasions, the lad was advised it would be better for all concerned if he pleaded guilty. He was told that because of the time and expense involved—he is a young married man with children, who must travel from Narembeen to Northam for these court hearings—he would be better off by changing his plea. This young lad had taken his holidays so that he could defend himself against the charge; however, he could not stand any more. In a letter from his solicitor he received the following advice—

I have explained to the Prosecuting Sergeant that if a Plea of Guilty is entered then I will inform the Court that Westall had been drinking; was off duty and out of uniform; had man-handled another person and that you and a group of people had protested against his behaviour. The Prosecuting Sergeant indicated that he would not contest these facts.

The long and the short of the case was that this young lad was prevailed upon to plead guilty. They could not have a police officer charged with striking a civilian, so it would be better for all concerned if the case was allowed to die a natural death and no publicity was given to it. He was told he had little chance of succeeding with his case, notwithstanding the fact that several reliable witnesses were available to give evidence. In fact, the whole community was behind this boy. I have read a reference given by the local Shire President of Narembeen testifying as to this lad's character.

The end result of this case was that, in December 1979, the young lad agreed to plead guilty and was placed on a \$100 bond, subject to a report by an investigating officer. As members can well appreciate, there is a great deal of concern in country areas about activities of officers of the RTA. I know of a person who telephoned the Narembeen police station from Merredin and offered to provide bail for this young lad. That gives members an indication of the strong feelings involved in cases such as this.

Such things should not be allowed to occur. If this incident had been brought to its logical conclusion—not just in an effort to close the case in order to get some people off the hook, but to provide justice—that young lad would not have been charged with assault and the superior officers of the RTA would have gained a better understanding and knowledge of exactly what they are supposed to be doing in country towns.

Another case involves a signed statutory declaration and includes the Parliamentary Commissioner for Administrative Investigations.

The reason the case was not pursued, and the lad involved eventually pleaded guilty, was that the reliable witness for the defence was the lad's grandfather, who was 80 years of age. A letter from the Parliamentary Commissioner for Administrative Investigations to the lad's parents on 12 March 1980 states as follows—

The Road Traffic Authority considers that its officers can enter private premises without a warrant for the purpose of apprehending someone, if the officer has reasonable cause to suspect that the person has committed an offence. There are some court decisions which support this view, but, so far as I know, it has not yet been tested in the Western Australian courts.

I can appreciate your reasons for not wishing to continue with this matter and, accordingly, I shall not pursue it any further. I do thank you, however, for bringing this matter to my attention.

The matter brought to his attention was that the young lad ran off the road at nine o'clock in the evening. At midnight, two Road Traffic Authority patrolmen went to the lad's house and asked his 80-year-old grandfather whether the lad was the driver of the vehicle. His grandfather told them that he was, but that he had been in bed for nearly three hours. However, the lad was woken by the police. They said he may have been hurt in the accident and suggested he should be taken to a doctor. But where did they take him? He was taken straight to the police station and was returned some two hours later, having been charged with driving under the influence of liquor.

In addition, because his parents took so much action, his family was persecuted. Of a group of 15 or more cars travelling from Nukarni to Merredin, the RTA apprehended only one motor vehicle—which happened to be driven by the brother of the lad in question—and charged him with driving under the influence of alcohol.

Members therefore will appreciate the concern felt by the local community when a family is harassed in such a manner. People are too frightened to go to the local police station or even to travel on the roads because of the distrust which has built up. When the Road Traffic Authority was born and the police lost the responsibility for traffic, it was indeed a very sad day for the people of Western Australia.

Indeed, I want to mention the Attorney General in this regard, and the way Constable Jones hounded and persecuted people through the sergeant in charge and his superiors. The people I have mentioned should be considered to be victims of a very full conspiracy, and any convictions laid against them should be waived. I feel very strongly about this.

Members can go to the police courts and sit with the magistrates—as an honorary magistrate I have had the opportunity to do this. I saw a young lad charged for making an excessive noise with his motor vehicle. Knowing the area well, I drew a diagram for the magistrate. The lad faced three charges. The first related to his vehicle being half an inch wider than it should have been; the second related to the fact that he failed to renew his driver's licence; and the third related to an allegation that he had skidded his wheels when he left a service station. He had tried to pay the three fines on the infringement notice, but, unfortunately, it was too late. Therefore, he had to appear in court. He pleaded guilty to the first two charges and not guilty to the third and he brought along a witness—a very responsible witness, as all witnesses should be.

The prosecution did its bit and the boy said that it was not he who had made the noise. The reliable witness confirmed this and indicated that it was the fellow before him. It had been expected that the young lad would act in a similar manner, but he did not; he took off in an orderly fashion.

The magistrate, Mr Fred Robbins, said to me, "I don't think he is guilty." I said that he was the paid expert.

The Hon. N. E. Baxter: A very reasonable magistrate.

The Hon. J. M. BROWN: The police think that, too. What do the public feel? Members ought to go into a police court. It is worse than Noonkanbah.

The Hon. D. K. Dans: It could not be.

The Hon. J. M. BROWN: There are so many uniformed bodies in the precincts of the court that it must influence the magistrate. The magistrates are influenced far too much by their surrounds. Mr Robbins was very good in the Children's Court. I have no quarrel with him except when he levels his fines. These magistrates do not understand country people. They drive from Northam, fine a person—or put him in gaol—and then drive back.

The magistrate said to me, "I think he is innocent." However, when he gave his decision in

court, he said to the lad, "I will give you the benefit of a very grave doubt." That is the quarrel I have.

One of the greatest problems for a person going to court is that the magistrates believe the RTA patrolmen and everything they say. I know of an instance of a man being charged for travelling along the left-hand carriageway too far to the right when the RTA said he should have been left on the left-hand side of the carriageway. It was a dual carriageway, yet that is the charge they laid against him.

Another had been travelling through Burracoppin at 60 kilometres an hour, which is the speed limit. The RTA said he did not have the light on above the number plate and then they put the bag on him.

I have sat on the bench and listened to a charge against a person of travelling under the influence of alcohol and driving in an erratic manner between the centre white line and the kerb. The RTA officers knew who they were chasing. There was no doubt what the result would be. However, there was no centre white line on the road. The son of the person charged was there to prove it. So what were these people out to do? Members should look at the salaries and the overtime that these particular officers receive. Anything a road traffic patrolman wants, he gets, irrespective of expense to the community or the State.

So this one Stephen Clifford Jones is classed as a hero in the eyes of his superiors and it is common knowledge they thought he was doing a great job. He is now out of the country. He resigned from the force. On 24 July he was charged under section 30 of the Motor Vehicle Dealers Act, and he left the State on 23 July. How on earth could anyone do this when he was under the superintendence of all his superiors? Members must understand that the Consumer Affairs Bureau, the responsible body investigating him, would be in close consultation with the police as to his wrongdoings. I wonder why he got out of the State so quickly. Are there others who have guilty consciences; are there others who are receiving rewards they should not be receiving; and are there others who are not doing their duty?

There is a very sad feeling in the hearts of everyone that we should live in such a community. Indeed, I have been warned by one of the authors of the letters I have read this evening to be careful in my activities. She was concerned for me because I have a family and said that these people

would go to any lengths. In my opinion, it is a sad day for us all as members of Parliament that so few people had the say on whether or not the RTA should continue. At some future time I will be pursuing this matter further.

Last year saw the second largest wheat harvest in Western Australia. Indeed, during the past 12 months there has been the greatest shipment of grain from Australia in our history. For this alone, a great deal of commendation should go to those people who work in isolation, sometimes under very primitive conditions, and I am referring to the work force of Co-operative Bulk Handling. These people have been responsible for the receipt and shipment of this grain. Commendation should go also to the road hauliers who have been responsible for bringing the grain in to the centres from the grain terminals; to Westrail for the way it has delivered grain along its rail system; and to the waterfront workers for the way they have handled the shipments for export.

Victoria was the second largest producer of wheat; it just managed to beat us by some 100 000 tonnes. When we look at the trade surplus for 1979-80 of \$2 680 million with respect to wheat exports, we see the figure for Australia is over \$2 000 million, and a great deal of credit must go to all those concerned—the producers, the handlers, the checkers—for carrying out their jobs so well.

Between 1965 and 1973 there were no rail freight increases whatsoever; but certainly we have had dramatic increases over the past few years. In 1974 and 1975 there were increases of 17.5 per cent. I will not suggest that in 1976 there was no increase because it was an election year. There was another 17.5 per cent increase in 1977 and a 10 per cent increase in 1978. There was no increase in 1979. In 1980 we have had a dramatic increase in rail freight charges—an increase of 20 per cent.

Probably members have not heard through the newspapers a great deal of comment on the concern in the farming communities, particularly those communities in which there is a lot of grain grown. Not for one moment have they considered that the fuel franchise levy increase of 44 per cent was a disaster to the Western Australian farming community. This applies also to the wharfage charges for wheat which have been increased by 66 per cent, from 24c to 40c per tonne. The wharfage charges for oats and barley have increased from 16.5c to 32c per tonne. However, in connection with the new freight charges for

grain the farmers did feel there had been discrimination against those who lived furthest from the centres.

The Hon. O. N. B. Oliver: Are you talking about demurrage charges?

The Hon J. M. BROWN: No, I am referring to freight charges on grain. I have just given a lengthy comment on the freight increases for grain from 1974 to 1980.

The Hon. O. N. B. Oliver: That does not include grain.

The PRESIDENT: Order!

The Hon. J. M. BROWN: Most members would understand that grain is not rated on a demurrage charge. It is handled in an arrangement between the Australian Wheat Board and Westrail. It is taken out in train-loads, not just one truckload of wheat. The capacity of the "Willy Wheatie" wagons is 80 tonnes of wheat.

My main point was the savage increases which apply to those who live furthest out. The comparisons are odious. We have to look only at the price BHP pays for iron ore and then what the farmers are expected to pay in rail freights. This has created a furore—who receives the credit for the deferment of the new rail rates increases?

It was quoted in *The Western Australian* of Thursday, 31 July, as follows—

The controversy about who should get the credit for the recent Government decision to defer its grain rail-freight increases until November 1 is unnecessary.

A news release issued by the then Acting Premier, Mr O'Connor, on July 22 spelt out the truth of the matter. The decision followed representations by a joint Liberal-NCP parliamentary subcommittee and the Minister for Transport, Mr Rushton.

That subcommittee had thoroughly researched the whole issue in consultation with Co-Operative Bulk Handling Ltd—the body most closely involved—before making its recommendations.

That quote was under the heading "Political Notes" by the Minister for Agriculture (Mr Old).

With the member for Yilgarn-Dundas I attended a meeting at Merredin. Many resolutions were made at that meeting, but the most important was that the freight rate increases were applied sectionally and the meeting requested an urgent review of this discriminatory action. Another motion moved was that a vote of

no confidence in the Minister for Transport be passed and a call for him to resign be made. Another resolution was that the railways should sack half its staff. The latter motion was moved by a research officer of the Farmers' Union.

That motion was irresponsible and it was not in line with my thinking and certainly not in line with the thinking of the 500 people assembled. The people present at the meeting were mainly concerned about the savage increases in grain freights. The presiding officer, Mr Romolo Patroni, reminded the meeting that they were talking about grain freights. As a result of this meeting the headlines in *The West Australian* the next morning—Saturday, 12 July—stated, "Dismiss rail men, say farmers". The metropolitan newspaper reported that same day that the Mobil Oil Company had said that the new structure for petrol prices with its respective service stations would not work.

The comments of the Press put a further wedge between the rural section of the community and the city section and also between worker and farmer. There was no basis for that comment in the Press. I understand that Mr Groves, the Executive Officer of the Farmers' Union, provided the story to the newspaper man, probably wanting to be a headline hunter himself or to justify his position. He certainly managed to divide the community. However, in some way I have been able to annul that. Indeed I conducted a radio broadcast in the Merredin area and had some write-ups in the local newspaper in an attempt to tell the people the facts and also—which was the most important aspect—to advise the railway men that the comments did not reflect the true spirit of the meeting.

The meeting was mainly concerned about the savage 20 per cent increase in rail freights which was applied on top of other increases. The Farmers' Union has produced a publication headed "The Great Grain Train Robbery". This publication illustrates the shortcomings of the situation. It must be very disconcerting for the people concerned because those in the closer regions who do not produce much grain have had a reduction in freight charges and those further out have suffered a dramatic increase.

The motion of the Merredin meeting which pressed for an urgent review of this discriminatory action is justified and something should be done so, if Government members wish to take the credit for deferring the freight rates, they should move to do it now. I will join them in any representation to have the rates cancelled.

Another matter of concern to me is the authority of the Minister for Local Government. One of my first duties in this place was to present a petition on the subject of transportable homes. That was unsuccessful and it goes without saying that the Minister for Local Government overruled the local authority in its town planning for transportable housing. I believe Westrail has achieved the signal honour of being the first organisation to have a transportable home erected in Merredin.

The fact that the local authority was overriden in such an abrupt manner by the Minister for Local Government does not auger well for the future of local government.

Wherever one goes in the rural areas one sees demountable or transportable buildings. There is no permanency whatsoever in country structures. One would expect a Government—irrespective of its political colour—would wish to provide something of a lasting nature for the country areas, whether it be a classroom, a medical laboratory, or a residence.

Anaconda, when it closed its operations, sold some 16-odd transportable homes which were moved to various areas of the State. Now, Western Mining Corporation—18 months later—is in a position where it must supply transportable homes to take the place of those which have disappeared. If we could have some sense of responsibility or recognition that there is some need for permanency then we could have a far better community, or a stable community. However, when the Minister for Local Government over rides the local authority without any deliberation then the result is very sad for country people.

When I have a further opportunity I will speak on other matters whether it be the removal of a fireplace or a wood stove from a State Housing Commission residence or an alteration to the Workers' Compensation Act. I will also comment on the regulations under the new Mining Act—I am looking forward to making such a contribution. I sincerely hope that the contribution I have made tonight will be of benefit not only to the South-East Province which I represent, but to the people of Western Australia and indeed the Commonwealth.

I express my sincere appreciation to you, Mr President, and the officers and staff of Parliament for the very warm welcome I have received again from the State Parliament. I know that Parliament can be a very cold place to operate in, but the warmth of the welcome I have received

has emulated the words of the Lieutenant-Governor, "I . . . trust that Providence will bless your labours". We have the staff in Parliament House to do just that.

THE HON. W. R. WITHERS (North) [8.30 p.m.]: The disturbing events in my province, which involved the mobilisation of the Police Force at great expense to the Western Australian taxpayer, have caused me as much concern as has the organised criminality which has urged some people to break the law. I refer to Aboriginal people and others. It is time that my constituents were heard in this House in relation to some of the lies which have been organised by our media representatives. The inaccuracies of the media have been passed on through television, radio, and newspapers, and the people of Australia believe those lies to be the truth.

This confused morality cannot be condoned by the people of Australia and it should be exposed, to the everlasting shame of the churchmen and those who operate with the left-wing movement. I refer particularly to those in the World Council of Churches, the Australian council, and the State council which are affiliated with the World Council of Churches.

The Hon. Peter Dowding: That is almost every Christian.

The Hon. W. R. WITHERS: Not at all. That is to denigrate a whole movement because of the immorality of a few; it is a vocal minority who are immoral. I believe it is time the law-breaking preachers were brought to task by their peers—the churches and laymen who pay their salaries. For some time we have been seeing the influence of the left-wing political activists in the World Council of Churches. I think it is known by quite a few people that they financed the Kimberley Land Council, which has become the voice of the left-wing movement rather than the voice of the Aboriginal people in the Kimberley. I understand that the World Council of Churches also finances a particular officer who contributed to some of the recent Press releases which were not agreed to by the people he supposedly represents.

The World Council of Churches has gained the image of a left-wing insurgent organisation with a morality based on law-breaking within my province. I must say that the Uniting Church is moving in the same direction and destroying the good work which was done by the Australian Inland Mission.

The Hon. D. K. Dans: What about the Catholic mission on peace and justice?

The Hon. W. R. WITHERS: Perhaps the Leader of the Opposition will tell us about that. Even fellow churchmen are concerned about what is happening within that particular organisation.

I will read some passages from the Australian evangelical newspaper *New Life* dated 3 July 1980, which reports on the conference of the World Council of Churches recently held in Amsterdam. The newspaper states—

In this conference we have a new social Gospel, and a lot of people thinking there is a new hope in the Marxist revolution as bringing about a greater state of justice in the world. In a sense the older social Gospel was the belief that in gradually reforming the world men could bring about a better one, whereas now it is much more revolutionary and left-wing.

Later on the article says—

It seems that this conference is opting for the wrong solution. It is awkward because capitalism is identified with the wicked powers and socialism with the virtuous Messiah!

I have read in *Hansard* the words of the emergency motion which was put to this House last week, and I must say the trained eloquence of lawyers speaking in the debate makes very easy reading. But those words conflict with the words and very simple truths of the Aboriginal lawmen in my province. I offer to the Parliament the words of Aboriginal elders and lawmen who spoke to me last week.

The Hon. Peter Dowding: You claim to be related to them.

The Hon. W. R. WITHERS: The honourable member has made another strange statement in this House. I have never said that at all.

I read this statement at the request of the Aboriginal elders and lawmen whom I met in Kununurra on Tuesday, 12 August, and Wednesday, 13 August—

We are unhappy with the news said in the newspapers, the "Australian" and the "West Australian" on 31 July, 1980 about the agreement between Ashton joint venture and the Glen Hill people.

We want all Australian people to know that we don't agree with what has been said about tribal punishment. We know that

women and boys were called to a meeting in Turkey Creek and they cannot make talk about law like it says in the newspapers.

The newspapers tell other stories that are not true. The newspapers say that the diamond company only met with 20 of the people who own Glen Hill. We had 32 people meet the company who represented more than 50 Miriwung people. We are together in this. No Miriwung people had argued against the signed agreement. The company has fenced the sacred sites and they will mine away from them. The company has paid compensation for working in the tribal area.

Some white people and stirrers are trying to use all of the Turkey Creek people in this Glen Hill business. Turkey Creek has four camps and only one is from Glen Hill country.

We have been told that Darryl Kickett, the new Chairman of the Kimberley Land Council, has given the stories to the newspaper and that a white adviser with Rammel Peters made these stories about punishment. But we tell you that they can't make true stories about Aboriginal law unless they are law men. Law men won't talk Aboriginal law in front of women and boys.

We want Parliament to know that John Toby asked for legal help from the Aboriginal Legal Service for the signing of the agreement but Philip Vincent told John Toby that he would not help the Glen Hill people in this way. John Toby and George Dixon had met with the elders and law men who said they could sign the agreement. Because the Aboriginal Legal Service would not help John Toby and his people, he got another solicitor.

We are tired of people not telling the truth about us and using us for politics. We don't like what is happening at Noonkanbah. We have been to Noonkanbah but we have not been shown any sacred sites. We think may be they just say sacred sites to keep Noonkanbah land for themselves.

We want Parliament to know this. Alan Griffiths, Alfie Deakin, George Dixon, Charlie Mulligan, Paddy Carlton, Tommy Barney and Ronnie Carlton.

The Hon. Peter Dowding: How many of them could read?

The Hon. W. R. WITHERS: This statement was read back to the lawmen mentioned, who agreed that they wanted this read to Parliament with their names, concerning its truth.

The following statement was made by a group of elders and lawmen from the Warringarri and Gidja tribes at Turkey Creek on Friday, 15 August. Their statement was made after I had read to them the news items previously referred to in *The Australian* and *The West Australian* of 31 July. I also read to them the statement made by the Miriwung elders—the one I have just read. The elders asked that I give their words to Parliament, as follows—

That newspaper business about tribal law is not true, we are only crooked on John Toby for going to Perth to sign papers without some others from other Turkey Creek camps.

We wanted to make sure that miners do not dig in sacred site at Debbil Debbil Spring. Putting in a pipe to get water is O.K. but not to dig down spring for diamonds.

We want a fence around it about the size of a cattle yard (approximately 50 metres by 50 metres) then mining will be O.K. outside the fence.

We want a small shed to lock up our law for Gidja and Warringarri people and land near creek for our horses.

We think this Noonkanbah business should be the same way. Fence off a sacred site and drill outside for oil. Sacred sites only need small fence. Drill outside with small hole like water bore.

Sandy Tomas
Bob Nyalcus
Willy Cann
Jack Jackowalla
Monkey Junior
Peter Rosewood
Casey Drill
Simon Drill
Ben Bandy
Hector Barrett

Elders and lawmen of
the Warringarri and
Gidja tribes.

The statements were written down and read back to each group of elders, who agreed they should be read in Parliament.

Point of Order

The Hon. Peter DOWDING: On a point of order, Mr President, I ask that under Standing Order No. 151 the honourable member table any document from which he quotes in the course of his speech.

The PRESIDENT: The honourable member will do this at the appropriate time, which is at the conclusion of the speech. The Standing Order specifically says that at the conclusion of the member's speech another member can ask for any documents quoted from to be tabled.

The Hon. W. R. WITHERS: The best copies I have available will be given to *Hansard* and the whole lot will be tabled.

The Hon. Peter DOWDING: I ask that the originals be tabled.

The PRESIDENT: Order! The only document the honourable member can ask to be tabled is the actual document the member is quoting from.

Debate Resumed

The Hon. W. R. WITHERS: I hope the words of truth of the elders which I have just quoted will be reported in the media in Australia, for the simple reason that they are the words of truth and they might cause the newspapers and other media to do an immediate about-face. What they have reported in the past has been contrived.

The Hon. Peter Dowding: You are hardly an independent party.

The Hon. W. R. WITHERS: They have been organised inaccuracies. In fact, I found one newspaper to be a perpetrator of left-wing views. It is a newspaper which appears to be unwilling to report the truth.

The Hon. Peter Dowding: Is that *The West Australian*?

The Hon. W. R. WITHERS: The newspaper to which I refer employs some excellent correspondents who take the distorted facts from left-wing people and write very professional articles. When the people of Australia read the articles they think they are reading the truth when in fact they are not.

The Hon. D. K. Dans: What paper is that?

The Hon. W. R. WITHERS: *The National Times*. I have previously referred in this House to that newspaper with respect to the Fitzroy Crossing incident. I wrote a letter to the newspaper pointing out all the inaccuracies in a

one-page article which it published. It wrote back to me saying it could not publish my letter because it was too long. Of course it was long; the article contained so many inaccuracies.

On 27 July 1980, that newspaper printed an advertisement for a group of people calling themselves the "Aboriginal Treaty Committee", which comprises some very well-known people; namely, Dr H. C. Coombes, Dr Diane Barwick, Mrs Dymphna Clark, Mrs Eva Hancock, Mr Stewart Harris, Mr Hugh Littlewood, Professor C. D. Rowley, and Mrs Judith Wright-McKinney.

The Hon. Peter DOWDING: Are they all "commos"?

The Hon. W. R. WITHERS: I do not know. That committee sought to collect donations of money from the Australian public.

The Hon. D. K. Dans: Was it a paid advertisement?

The Hon. W. R. WITHERS: Yes.

The Hon. D. K. Dans: Why didn't you pay to have your letter published?

The Hon. W. R. WITHERS: The paper is so left-wing that it might have inserted the advertisement free of charge.

The Hon. R. T. Leeson: We had to suffer a one-hour speech from you about that.

Several members interjected.

The Hon. W. R. WITHERS: That committee sought to collect donations of money from the Australian public by presenting an inaccurate and emotional story to support a left-wing movement at Noonkanbah. In order to correct the inaccuracies presented to the Australian people through *The National Times*, I wrote the following letter to the editor—

With due respect to the signatories of the "Aboriginal Treaty Committee" advertisement (27th July, 1980), I wish to make the following points known to your readers.

1. The signatories refer to the "traditional rights of Aborigines to the land at Noonkanbah derived from their original title and centuries of occupancy."

The fact is, that early European settlement acted as a magnet for migrations of Aborigines from the desert regions to the pastoral Kimberley (in the past fifty years). The present residents at

Noonkanbah are largely descended from these desert people and therefore they would be hard-pressed to substantiate any claim to "any original title or centuries of occupancy."

The Hon. Peter Dowding: That is not true. The Museum Trustees did not agree with that.

The Hon. W. R. WITHERS: I wish to make a comment on that paragraph which may interest members because I personally believe the Walmajeri people from the desert are as much a part of that land as is anybody else at Noonkanbah; but their presence has been a migration in this century. They have not been there for centuries; so the committee's claim is inaccurate. If one looks at the official tribal map used by the Department of Aboriginal Affairs, one finds the tribal boundary of the Walmajeri people has been moved north-west to the Fitzroy River. But prior to this century, one would find the Walmajeri country was in the desert area, and the river area would be mainly Bunaba country, with Njikená country to the north of that. The official tribal map used by the Australian Department of Aboriginal Affairs was copyrighted in 1974 by the Regents University of California, USA. So it is no wonder the tribal boundaries have been shifted to help a particular case.

I will now continue by reading the second paragraph of my unpublished letter to the editor, which is as follows—

2. The signatories also refer to the State Government's plans to acquire compulsorily, areas of the station giving access to the drilling sites and claim they will lose their opportunity to negotiate with the Government and the mining company. However, Noonkanbah is a pastoral lease, as the committee admits, and no pastoral leaseholder white or black, would have any opportunity to negotiate with the Government or mining company who may be given a permit to mine the lease. As for acquiring access areas, the Government has had to take this extraordinary step because the Aboriginal leaseholders have breached the terms of their lease by refusing to allow access to the drilling site.
3. The signatories contrast the situation in Western Australia with the Northern

Territories Land Rights Act and they allege there has been no reference to the principle of national interest in the Noonkanbah dispute.

What the signatories overlook is the W.A. Heritage Act which recognises, while the committee appears not to, that the whole issue raises questions of competing land usage (protection of Aboriginal sites against economic development). The Act, as stated in the State Supreme from the outset, that it considers drilling on the Noonkanbah pastoral lease to be in the national interest.

The Hon. Peter Dowding: You admit it is a sacred site, and you say it is drilling in the national interest.

The Hon. W. R. WITHERS: The honourable member is confused; he is saying it is a sacred site, but as this develops he will see that it has been contrived. Paragraph 4 says—

4. The signatories also claim "there has been no public or judicial inquiry and Parliament has not had the opportunity to debate the issue." But the community advisers have seen fit not to use the courts to arbitrate on the sacred sites matter through any final proceedings. They have only sought two interim injunctions to prevent drilling.
- Parliament has announced plans to Amend the Act which will allow further debate on the issue. Any public inquiry would be hampered by the community elders' own desire to maintain the secrecy on which their claims may be founded.
5. The signatories assert that the Noonkanbah dispute demonstrates the need for a Treaty with Aborigines to protect "their just rights". Bearing in mind what I have said above, the dispute demonstrates no such thing but rather an inability on the part of the various lobbyists and advocates, to accept laws binding all Australians equally without discrimination.

What the Treaty Committee appears to want, is a compensatory treatment based on an incomplete understanding of facts.

By all means, treat and respect Aboriginals like any other deprived

group on a needs basis. Such treatment would be warranted. However, demands for treaties on racial grounds will only create racial polarisation which will give insurmountable problems to our future generations in a multi-racial nation.

I have continuously put the case that history has treated Aborigines badly and that the bad treatment has been mainly on racial grounds. We need laws without racial discrimination which will assist people in need.

The Hon. Peter Dowding: Did you scream about it in this place?

The Hon. W. R. WITHERS: The honourable member was not here when I made my maiden speech in Parliament, which dealt with discriminatory laws. I have continued to do this right throughout my time here.

The Hon. Peter Dowding: Discrimination against whites, not against blacks.

The Hon. W. R. WITHERS: I continue to read as follows—

Until this time I have remained publicly silent on the Noonkanbah issue in the hope that the Aboriginal elders could, without interference, see for themselves the way they were being used by political activists. My silence is now broken because the activists are advancing rapidly in public appeal and fund-raising in the Eastern and Southern states whilst the early commitments of the community elders at Noonkanbah are being totally ignored by those groups.

It is signed, "W. R. Withers" and below is a note saying the writer is a Kimberley resident.

I have referred to political activists who have led the small group of Aborigines at Noonkanbah on a path of deception. One of those activists is part of a conspiracy so blatant that the people of Australia should know about it. They should know that Stephen Hawke, in conjunction with another known Marxist, Don McLeod of the Nomad group, has led Australia to believe that the Western Australian Government is wrong, when we all know it is the Marxist disciples who have been wrong and have broken the law. They have misled the Aborigines; they have misled Australia, the Ministers, the Parliament, and the people.

The Hon. D. K. Dans: Is McLeod a Marxist?

The Hon. W. R. WITHERS: Of course he is; Mr Dans knows that.

The Hon. P. H. Lockyer: A self-confessed Marxist.

The Hon. W. R. WITHERS: That is perfectly right; he was a member of the Communist Party from 1945 to 1948.

The Hon. Peter Dowding: So a 21-year-old and an elderly man have misled every newspaper in Australia?

The Hon. W. R. WITHERS: That conspiracy has led to conjoint action between Bob Hawke and his son Stephen. This in turn has led the union movement into placing a drilling ban on the Noonkanbah rig, while their followers—including left-wing churchmen and some Aborigines—have been incited to break the law.

The Hon. Peter Dowding: Left-wing Aborigines?

The Hon. W. R. WITHERS: I have received through a private source copies of certain papers. The first is a handwritten letter to a person by the name of Peter, and it is signed by Stephen Hawke. It reads as follows—

Dear Peter,

I only know you second hand, so to speak, through Tom Stephens and Mike Dillon. I'm working with the Noonkanbah community and others around Fitzroy Crossing—where things have been hectic this year and will be even more so next year. The letters enclosed are self explanatory. It is most important that this organization gets going. Would you be kind enough to distribute them where you think fit.

Many thanks,
Steve Hawke.

Attached to the papers is a paper by Ritchie Howitt, recommending a Marxist approach to development. The title is as follows—

Aluminium, Aborigines and uneven capitalist development on Cape York: towards a marxist approach

In one paragraph he says—

The concern for holism and action within the marxist tradition has encouraged radical scholars in the social sciences to re-evaluate Marx and the Marxist tradition in relation to current demands for more relevant and committed academic praxis¹.

The next paper is the damning one because it happens to be in the same handwriting as the one signed by Stephen Hawke.

The Hon. R. G. Pike: So Stephen Hawke wrote both articles?

The Hon. W. R. WITHERS: Yes. I would like this paper to be recorded in *Hansard* in the form in which it is set out. It is as follows—

CRA

AMAX

Both reckon on coming
in after the wet

If wet ends early, delaying
tactics until election, then
action depends on result

Bargaining

Flat Refusal

Call for Museum
Survey (done?)

Put camp at gate

However makes weak
claim to areas not
protected

Demand full
disclosure of
Plans, Drilling,
Roads, Time

Appeal to Chaney thru
KLC & NAC

Land Rights Court
—Need an opinion—ask P.V.
—Pending injunction Essential

Write letter to P. Cook

Lobby Unions re: CRA
Shit Building.

The Hon. Peter Dowding: What is sinister about that?

The Hon. W. R. WITHERS: The Government action has necessitated the expenditure of Treasury funds to uphold the right of those involved in a lawful Government agreement.

The Hon. Peter Dowding: Are you still quoting?

The Hon. W. R. WITHERS: No, I am not.

The Hon. Lyla Elliott: I am waiting to hear what was so sinister about that document.

The Hon. W. R. WITHERS: The union movement needs to realise that the left-wing element in its ranks is supporting that conspiracy involving Stephen and Bob Hawke. The trouble is that the unions have been called in possibly—I do not know—because of a father-son relationship. Mr Dowding seems to accept the fact that there is a conspiracy because he has not spoken or interjected against it.

The Hon. D. K. Dans: What kind of conspiracy?

The Hon. W. R. WITHERS: I would like to read a telex sent today by the Minister for Mines to Peter Cook. That telex reads—

Mr Peter Cook
Secretary
Trades and Labor Council

I am advised that the President of the ACTU Mr Hawke may have indicated to you that, as a result of a discussion which he had had with a representative of Amax in the United States, an alternative drilling location is available and that Amax, on behalf of its partners, may seek approval to transfer the drilling programme to the alternate location.

If the above information has been conveyed to you I wish to advise that no permit has been issued for a drilling programme to be undertaken at any alternate location, and it is not envisaged that any such approval would be given for the 1980 drilling season.

I would like the above information made available to employees of Richter Drilling whom I understand are meeting early this afternoon.

Peter Jones
Minister for Mines
19/8/80

The Hon. Peter Dowding: Did the Minister tell you it had been considered last year that they should fall back to Ellendale if need be, or has he forgotten about that?

The Hon. W. R. WITHERS: Mr Dowding is trying to draw a red herring across my track; but I will not be deterred, because I will now read the comment which ties Mr Hawke in to the conspiracy—

I have had telephone discussions with a principal of Amax Inc., in Greenwich, Connecticut, USA this morning relative to the above—

That is relative to the above telex. It continues—

—he confirmed that Hawke had been applying pressure on Amax in an attempt to have Amax say that they did not want to go on at N'bah, but prefer to go to an alternate location. There is no request from Amax to have an alternate location approved, and no permit has been issued for any alternate location.

The Hon. Peter Dowding: Even if there was, you would not permit it, would you?

The Hon. W. R. WITHERS: What I have shown here tonight is a conspiracy of Marxists. Unfortunately, the father of one of them has brought in the union movement and has been putting demands on a company and inciting people to break the law.

The Hon. Lyla Elliott: What about the conspiracy of the Government?

The Hon. W. R. WITHERS: On 12 and 14 March I made an offer to the National Aboriginal Conference that I would take two of its representatives to Noonkanbah at my expense so we could find out, jointly, whether there were any people lying about the whole issue. It turned out that people were lying; but unfortunately my offer was not taken up.

The Hon. Peter Dowding: You don't blame them—on your record.

The Hon. W. R. WITHERS: The so-called adviser to the Aboriginal people had established a system which did not permit a member of Parliament to talk directly with the elders and lawmen of the tribe unless they went through a left-wing adviser. It had been organised that way—

The Hon. Peter Dowding: Who told you that silly allegation that is not true?

The Hon. W. R. WITHERS: It happens to be true. I had discussions with DAA officers who were facing the same problem.

The Hon. Peter Dowding: Who told you?

The Hon. W. R. WITHERS: I refer Mr Dowding to what Stephen Hawke said—

The Hon. Peter Dowding: Who told you this? Are you just making it up?

The Hon. W. R. WITHERS: I do not know whether or not Mr Dowding keeps his ears open; but has he not read in the newspapers about the directives of Stephen Hawke "on behalf of the Noonkanbah community", that before one can enter one has to approach him and meet certain criteria?

The Hon. Peter Dowding: Where did he ever say that?

The Hon. W. R. WITHERS: That statement was sent to the media in a letter.

The Hon. Peter Dowding: Table it.

The Hon. W. R. WITHERS: I will read the letters which I wrote to the Chairman of the National Aboriginal Conference on 12 March and 14 March.

The Hon. Peter Dowding: Even Cedric Jacobs does not agree with you, and he is a Liberal.

The Hon. W. R. WITHERS: The first letter is as follows—

Dear Rev. Jacobs,

Further to my meeting with your conference yesterday and in view of the ABC news report this morning on the subject of the Noonkanbah community, I seek your advice as well as offering my service.

The ABC has reported the Premier as saying that the community has a legal obligation after consideration of the national interest and after respecting genuine sacred sites. The ABC also reports the Member for Kimberley, Mr Bridge, as saying there has been no consultation between the government and the community on this issue.

I offer my services to go to Noonkanbah with your conference representatives to speak directly with the community leaders, in order to determine the truth. As I advised some of your representatives yesterday, there are some non-Aboriginal persons who are employed as press officers or advisers in Aboriginal communities who have caused some political leaders to look upon their public statements with mistrust.

Although we had disagreement in some areas of policy yesterday, I believe that we did establish a personal trust between us.

I now seek your conference's advice as to its requirement for me to visit Noonkanbah in the company of your representatives.

I will await your advice in my Kununurra office, or, if your conference has had time to

discuss the matter since I advised you by telephone, I will wait outside the meeting room.

I can take a Toyota Landcruiser and two passengers, as well as supplying food and swags if we need to depart by road from Kununurra but it may be more efficient if we fly to Derby and charter a light aircraft to Noonkanbah. If your conference requires my services in this respect, I will pay for half the charter from my own pocket.

Sincerely,
W. R. Withers.

The next letter, on 14 March, was as follows—

The Chairman,
National Aboriginal Conference,
C/- Swagman Hotel,
KUNUNURRA. W.A. 6743

Dear Rev. Jacobs,

I understand that my offer to travel with the Conference representatives to Noonkanbah has not been accepted, and that they may be travelling to Noonkanbah separately.

If I am to go there, I am to make separate arrangements. This leaves me in a position where I must negotiate a visit to Noonkanbah which will be made through non-Aboriginal advisers who I consider to be politically biased.

The situation is not acceptable to me. My original offer still stands. If the Conference reconsiders its decision I can be contacted on Kununurra 81056.

I hope the representatives can appreciate the fact that it is extremely difficult for me to now represent Noonkanbah because of the political bias of those through whom I must negotiate for a visit.

I have deliberately stayed away from Bush Meetings and Aboriginal communities unless I have been asked for assistance (as in the case of Oombulgurri). I have done this in order to allow the communities to achieve autonomy. I will still maintain this attitude but apparently it is a bad party political decision.

It now appears my offer to the National Aboriginal Conference as the representatives of Aboriginal people has been rejected. I now seek your understanding and ask what would you do in my position?

Sincerely,
W. R. Withers,
MEMBER FOR NORTH PROVINCE.

The Hon. Peter Dowding: Are you saying Cedric Jacobs is a "commie", an activist, or a Marxist?

The Hon. W. R. WITHERS: Mr Dowding is supposed to be legally trained, yet he comes up with the most extraordinary kinds of questions.

The Hon. Peter Dowding: Well, is it true?

The Hon. W. R. WITHERS: Good heavens! I do not know. I have met Cedric Jacobs many times. I have served on committees with him. He strikes me as being a fine gentleman who is anything but a Communist.

The Hon. Peter Dowding: But he does not agree with you on this point.

The Hon. W. R. WITHERS: On what point?

The Hon. Peter Dowding: On any of the points you have raised today. He does not agree with you, does he?

The Hon. W. R. WITHERS: I do not know. All I know is that I wrote some letters to Cedric Jacobs, and he said that the conference had not agreed. Whether or not he agrees with this, I do not know. We will find out when he replies in the newspaper. I would be very surprised if he went against the wishes of the Aboriginal elders when they are saying that their words have been contrived and are wrong. I am sure Cedric Jacobs would agree, because he is a pretty astute gentleman, and a fine bloke.

After I read the text of my letter to the conference, I advised it I would send each member a copy when it was typed. There was no reply by the chairman or any member of the group.

I still wish to speak with the elders at Noonkanbah—that is, the Bunaba people, and also the Njikenas, and Walmajeri people. I feel I have to do that. When they wake up to the type of leeches who are using these people as political tools—

The Hon. Peter Dowding: It is disgusting to say that.

Government members interjected.

The Hon. W. R. WITHERS: What these people are doing to the Aboriginal people is disgusting.

The Hon. Peter Dowding: The Aborigines are doing it themselves.

Government members interjected.

The Hon. W. R. WITHERS: It is a conspiracy right across Australia. They are the innocent people being sucked into this conspiracy—

The Hon. Peter Dowding: Dickie Skinner is not a white person, is he?

The Hon. W. R. WITHERS: Mr Dowding can comment at a later stage. I hope one day there will not be any racism expressed in this House.

The Hon. Peter Dowding: There would not be any Aborigines, if you had your way.

The Hon. W. R. WITHERS: If these political activists, left-wing people, and Marxists are recognised as leeches on the Aboriginal people, I am sure the Aboriginal people will ask them to leave the community. I think that day is at hand. They are using the Aboriginal people as political tools; and the Aboriginal people are now starting to wake up, as members tonight are starting to wake up.

The way the Noonkanbah people have been manipulated is criminal. It should be known that, originally, the elders of the Noonkanbah people agreed to mining activities; but the Marxist manipulators talked them into changing their minds. I ask members: is that the way to build any community—on lies and deception? Of course it is not. These people are being used as tools.

The Aboriginal elders know also that there are no sacred sites being defiled. Neighbouring Aborigines are being asked to support these people at Noonkanbah. However, when the neighbouring people go down to have a look, they cannot believe what the left-wing activists and organisers are doing to the Aboriginal people at Noonkanbah. The only Aboriginal people who seem to be coming up in strength are from the Nomad group at Strelley, because they are in the hands of Don McLeod, who is a Marxist.

People have started to wake up to the fact that what the public have been told about Noonkanbah is not the true story. I refer again to the statement made by the Miriwung elders concerning the Aboriginal Legal Service. I consider that the Aboriginal Legal Service has become a party political tool of the activists, forcing the will of the Marxists on the Aboriginal people rather than providing a service to the Aboriginal people.

The Hon. Peter Dowding: Whose words are those?

The Hon. W. R. WITHERS: Those words are mine. I will now read an extract from the *Kimberley Echo* dated 14 August 1980—

The Hon. Peter Dowding: That is the most racist publication in the north.

The Hon. W. R. WITHERS: It might be a racist publication in Mr Dowding's opinion, but it praises Ken Colbung in the same issue. Mr Dowding should check that out.

The Hon. Peter Dowding: Is that the one which talks about shooting Aborigines?

The Hon. W. R. WITHERS: I quote—

The Western Australian Museum has identified four members of those two tribes as the Aboriginal core-group directly designated by Aboriginal lore as the principal custodians of the Smoke Creek/Argyle area.

(It should be noted that Mr Brian Wyatt, President of the Aboriginal Legal Service, acknowledged in an interview on the ABC current affairs programme "AM" on Monday, 28 July 1980, that Mr John Toby, leader of the Aboriginal community on Glen Hill Station, was the principal Aboriginal concerned. He said "No-one disputes Mr Toby's standing at all with that area of land concerned.")

Despite the statement by Mr Wyatt, we find that Mr Vincent of the Aboriginal Legal Service refused to help Mr Toby on that particular issue—

The Hon. Peter Dowding: Who told you that?

The Hon. W. R. WITHERS: —because it did not suit the left-wing attitudes of Mr Vincent.

The Hon. Peter Dowding: Who said that?

The Hon. W. R. WITHERS: I said it.

The Hon. Peter Dowding: Who said Philip Vincent would not help him?

The Hon. W. R. WITHERS: Mr Toby.

The Hon. Peter Dowding: Did you discuss it with Philip Vincent, or do you just slander him in this House?

The Hon. W. R. WITHERS: I think the fact that Philip Vincent is being asked for advice by a Marxist white adviser indicates where his political feelings lie. Because of the dangerous situation in which the ALS is no longer assisting the Aborigines when they require assistance, the members are implanting in the Aborigines what they want in their left-wing political policies.

The Hon. P. H. Lockyer interjected.

The PRESIDENT: Order!

The Hon. W. R. WITHERS: I consider the ALS should be disbanded—

The Hon. Peter Dowding: Shame!

The Hon. W. R. WITHERS: —to allow all people, under one law, to seek legal advice from the Legal Aid Commission's flying solicitor service.

The Hon. Peter Dowding: A fee of \$5 for half an hour? That is hardly equal, is it?

The Hon. W. R. WITHERS: If we have deprived people in this community, members are aware we have organisations—charitable and Government—that will assist them. I am quite sure, if we could resolve the situation with legal services and bring it back to the Legal Aid Commission flying solicitor service, instead of the biased ALS, and bring the one people under the law, with the one type of assistance, we would have less racial polarisation; and we certainly have racial polarisation now, thanks to the left-wing radicals.

Since my first speech in Parliament, I have endeavoured to get rid of racial discrimination. Members have heard me stand up in this House and move in favour of non-discrimination in legislation.

The Hon. Peter Dowding: You do not respect Aboriginal religion.

The Hon. W. R. WITHERS: Apparently the member opposite does not understand some words. He says, "You do not respect Aboriginal religion." That is absolute rubbish! If I said in this House that I did not believe in Aboriginal religion, I would be correct; however, if I said I did not believe in Christian religions, I would be correct also. I have told the Aboriginal people that. In fact, last week, when I was speaking to two tribal elders, they said that a particular member of their group was going more towards Christianity than towards the old ways and they complained about that. I then explained to these people that I was not a Christian and I did not believe in what the member of their group believed in; but I also said, "I do not believe in your law either; but I think it is right that you respect what I believe in and what the other fellow believes in, and that I respect what you believe in." They understood the simple truth of that.

Unless we can get rid of the discriminatory laws within the Federal and State Statutes in Australia, we will continue to have a breeding ground for insurgents and radicals to come in and use these bad laws as levers to disrupt the nation and also to use the simple people and the Aboriginal people as tools. I have stated previously in this House that land rights for all people are necessary; but they should be granted under the existing laws. There is no need to have racially divisive laws.

We also have ways of protecting significant sites. I must agree with the Hon. Peter Dowding in relation to one of his comments. When I read the *Hansard* report of last week's debate, I agreed with his comment that there is no phrase in the

Aboriginal language for "sacred sites". However, let us call them, "significant sites". There is no translation for that either; but they are sites of meaning to the Aboriginal people and there are not many of them.

The recording of such sites has been carried out incorrectly. We find that Museum officers are travelling around my province in Landrovers at great expense to the State. In one particular case in the Kimberley, three officers, in two Landrovers, were going around recording what they felt were significant sites. They did not have one Aboriginal with them and, if they had, that Aboriginal would need to be a law man. This group was asking people in the bush, "Can you tell me where an Aboriginal site is?"

The Hon. Peter Dowding: That is totally untrue.

The Hon. P. H. Lockyer: It is making you squirm.

The Hon. Peter Dowding: It is not making me squirm.

The Hon. W. R. WITHERS: If the member would like a sworn statement on that matter, I can make one available. A particular officer in that group approached a fisherman who was living with his wife in the bush. The officer said to him, "Do you know of significant sites in the area?" That fellow told the officer, "I will tell you, if you pay me what you are being paid." The officer then said, "You are being obstructionist."

The Hon. Peter Dowding: Name the officer.

The Hon. W. R. WITHERS: I do not have his name.

Several members interjected.

The Hon. W. R. WITHERS: I do not think there would be more than one group of three officers running around north of Kununurra in the last few weeks.

The Hon. Peter Dowding: You are tittle-tattling without the adequate information.

The Hon. P. H. Lockyer: He speaks the truth.

The PRESIDENT: Order! Would members refrain from these unruly interjections and allow the member to complete his speech?

The Hon. W. R. WITHERS: Thank you, Sir.

I have mentioned already—and I shall repeat it—that the recording of such sites is often done by Museum officers and anthropologists, without reference to tribal elders or law men. That is a disgraceful situation and it is a waste of money.

The Hon. Peter Dowding: Tell your Minister to ungag the Museum and they can deal with it.

The Hon. W. R. WITHERS: I had better leave further comments about the Museum to the Minister.

The Hon. D. K. Dans: I think you had better, too.

The Hon. W. R. WITHERS: It is a very confused situation at the moment, and I do not agree with everything the Museum is doing. In fact the situation is in a mess.

Our political fighting, plus the media's search for the spectacular story rather than the simple truth, has put us in a bad position. It has given us an emotional mess of stories which have convinced the Australian people that what they read in the newspapers is true, when in fact it is not. The stories are mainly contrived. I do not blame the journalists to any great extent, because the stories have been contrived very cleverly for their benefit. However, it has polarised our nation and it has absolutely delighted those people who wish to destroy our nation.

In closing, I wish to say that I support the motion, but I consider one piece of legislation should have been mentioned by the Lieutenant-Governor and Administrator which in fact was not.

The Hon. D. K. Dans: The only thing he did not mention in 40 minutes.

The Hon. W. R. WITHERS: It is a very important piece of legislation and it needs to be introduced during this session of Parliament. It is my intention to ask the Government to introduce an amending Bill to the Electoral Act, so as to remove racial discrimination. I have mentioned previously that most of our racial discrimination is in the Federal Statutes.

The Hon. Peter Dowding: Did you tell Alan Ridge not to execute the plan in 1977, or did you let him go ahead? That was directed towards Aborigines.

The Hon. W. R. WITHERS: There are many matters on which my colleagues and I agree and disagree. The situation mentioned by the member is history.

The Hon. Peter Dowding: It is disgusting.

The Hon. W. R. WITHERS: It is my intention to ask the Government to introduce a Bill to amend the Electoral Act to remove racial discrimination. If the Government does not wish to take such steps, I will give notice that I will introduce an amending Bill to remove racial discrimination from the Electoral Act and I will do it in compliance with Liberal Party policy.

I support the motion.

THE HON. O. N. B. OLIVER (West) [9.22 p.m.]: Firstly, I should like to welcome you back, Sir, and I hope you will continue to make a speedy recovery from your illness.

The speech made by Mr Withers took me back over 25 years to a period when I was associated with Reverend John Flynn of the Australian Inland Mission.

I did not join the debate on the Noonkanbah issue last week; but I will refer to the issue now in view of the remarks made by the previous speaker. The Reverend John Flynn made some interesting comments on Aboriginal issues. Almost 27 years ago I asked him a question in regard to Aboriginal issues and the emancipation of Aborigines into the white community of Australia. I asked him what should be done and he replied, "Leave them alone." I wonder what the Reverend John Flynn, who has now passed away, would have done last eek.

Had he seen what occurred in this Chamber and listened to the speeches made, he probably would have turned in his grave. It is a tragedy to see the way the Aboriginal community of Australia has been used. We have come to respect Aborigines, but they have been used for political advantage. I dissociate myself from that and I will not direct my remarks further to that matter during my speech tonight.

I was pleased to listen to the comments made by the Hon. John Williams. His remarks when moving the Address-in-Reply motion were very refreshing. In essence, he said that the responsibility for the laws of this country rests solely upon us as members of Parliament and elected representatives.

I listened with interest also to the Hon. H. W. Olney when he spoke to the Address-in-Reply. He said the law should be put into simple language. The contribution he made to the debate was most interesting and I was impressed by his remarks.

No-one can deny the need for a framework of laws; nor can we deny that laws need to serve a fundamental community service. Laws which serve only official purposes or express only political fanaticism over petty detail, invite disrespect and rejection. They undermine respect for law which is vital to the preservation of real standards in the community.

We have suffered an excess of this kind of law-making, by-law-making, and regulation-making and I should like to refer to a few examples.

When this session of Parliament was opened, Ministers were given the opportunity to table various papers. As you can see, Sir, there is a large pile of papers on the Table of the House. I

have had the opportunity to examine only a small portion of them and they frighten me.

I should like to refer to a situation which could occur in my electorate, and I am sure Mr Olney will agree with me. Should a dog be seen on a road, fail to be apprehended by a dog catcher, and move into a house or onto a farm, the dog catcher may examine the area into which the dog has travelled. Without entering the premises, because a dangerous situation may develop, the dog catcher may then issue an "owner onus" to the owner of the premises or property saying that the dog was on the road and the person is obliged to pay \$15.

Another example of this type of regulation-making is that, if the owner of a service station or caravan park—even a small business selling sweets or other articles which people buy at the weekend—erects a notice on the side of a road indicating the business is open, he is obliged to apply for a permit to the local authority.

The Hon. N. E. Baxter: That is a by-law.

The Hon. O. N. B. OLIVER: It is a by-law which is tabled in Parliament. If the businessman wishes to place a sign outside his premises indicating it is open, he is obliged to apply to the local authority for a sticker with a number plate on it. That must be signed by the local shire clerk or town clerk to the effect that the billboard is licensed.

May I point out to members that not only are business people required to place a plaque on a billboard, if it be a single billboard, but they are required also to place a plaque on the reverse side of the billboard. Frankly, where are we going in this law-making club to which we belong? People who require to place a billboard in front of their premises, to indicate they are open for business, must have a plastic plaque duly signed by the shire clerk on one side of the sign and a similar plaque on the other side.

Since Parliament has been sitting I have taken the opportunity to read through some by-laws and regulations which have been made and passed. Frankly, I cannot find time to read the few I have gathered, let alone all those which appear on the table. No doubt, other members also are concerned.

We may well look to the future when papers such as the one I have mentioned are tabled in this House will be subject to a regulation which will require that any increased charge of 50 per cent or more should be drawn to the attention of members, so that some action can be taken.

There is a certain movement within our community which is gathering a wave of public

opinion—which I am rather pleased to observe. I refer to the need for a large Government which is attributable to the unnecessary bureaucratic intrusion into the everyday business and private affairs of our electors. All businesses experience the irritating and burdensome task of having to comply with a multitude of Government regulations and by-laws. Business people must fill in an endless number of forms. They must obtain permission from various Government departments before they move in certain directions. They have the shadow of “Big Daddy” over their shoulders.

The expansion of Government cannot be attributed to we purely power-hungry politicians, or empire-building bureaucrats. In recent years there has been a growing tendency—exacerbated by the media—for people to expect far too much of the Government, and to look to the Government to solve all the problems both large and small. People tend to castigate the Government if it does not solve those problems.

I feel certain that many of my colleagues, including Mr Dans, will agree that no Government in Australia’s political history took on the Public Service more publicly than did the Whitlam Government. Notwithstanding that, no Government provided such a catalogue of material benefits for the Public Service.

How clearly Joe Haines, author of *Politics of Power*, and chief Press secretary to Harold Wilson, describes the power of the bureaucracy to circumvent or disregard the will of Government and the Parliament.

I will give some examples of what is happening in my electorate. I have with me the *Perth Eastern Corridor Study* which was commissioned by the Metropolitan Region Planning Authority. It is a magnificent portfolio of some 278 pages. The document was prepared after considerable public opinion had been sought.

Within the plan, bordering the Great Eastern Highway, there is an area zoned “Commercial”. It includes some eight houses, of which five are condemned. The other three are occupied.

By some incredible agreement a group of people got together and produced a joint commercial plan. The eight houses are to the left, to the right, at the rear, and at the front of other land zoned “Industrial” or “Commercial”.

The area which is to be established will include doctors, dentists, carpet wholesalers, furniture wholesalers, and so on. They have no connection whatsoever. What an incredible coincidence it was that people with a tremendous amount of trust decided to put together a plan, with no collusion whatsoever.

The plans were passed by the Shire of Swan, and an objection period was allowed. This is a normal situation, and something one would expect. However, there were two objections to the proposal. The two objectors were the Main Roads Department and the Metropolitan Region Planning Authority. The latter provided the essence for the eastern corridor plan.

The Hon. P. G. Pental: Did the authority object against its own plan? That is par for the course, unfortunately.

The Hon. O. N. B. OLIVER: It is par for the course! Let us get rid of such bureaucracy. The authority produced a 278-page document after receiving public opinion and response. Why should it object?

The Hon. N. E. Baxter: That is a \$64 question.

The Hon. O. N. B. OLIVER: It is a remarkable situation.

Some of the major effects of this “Big Government” are within the areas of small business, particularly those employing up to 20 people. Small businesses create jobs, and it is important to stop Government interference. I spoke recently to a garage proprietor who is required to have 18 State Government licences in order to run his business. Last night I spoke to a chemist who is required to have six licences in order to operate his business.

Many of my neighbours—some of them farmers—find that they are not without this great entourage of licences. They also are subjected to a great entourage of bureaucrats—people from the Department of Agriculture dealing with noxious weeds, livestock inspectors, and also that normal entourage from which metropolitan people suffer. I refer to power lines being too close to trees, meter readers, and so on.

One would imagine that the foothills study in 1975, the foothills study in 1978, and the revised foothills study in 1978, having been completed, people involved in Government would come up with a reasonable proposition. One would expect that the expertise marshalled to establish those studies would have left no loopholes. However, that is not so.

As the Minister for Conservation and the Environment would know, the people in Bassendean do not like toilets being painted red. They consider them to be an eyesore on the environment. The 1975, the 1978, and the revised 1978 foothills studies having been completed, we now find that people living in a rural environment are erecting fences two metres high. The fences are constructed of asbestos around three-acre blocks; right on the escarpment with all the visual

pollution which goes with them. I do not want to decry asbestos fences, but members can imagine the effect on the escarpment. One wonders how that can happen with all the expertise that went into the study by the Metropolitan Region Planning Authority. With the studies carried out by this great entourage of bureaucrats how could we possibly make a mistake like that? However, it has happened.

Would members believe that in my electorate, in conjunction with the alignment of the Beechboro-Gosnells Freeway, there is an SEC reticulation system of power lines. One of my electors examined the preliminary survey for the power line, and he noticed that a tower was to be erected in the centre of a new primary school. It is shown on the map as being within the precincts and on top of the new primary school in Maida Vale.

The Hon. D. K. Dans: This is a change from the Noonkanbah issue. I am listening.

The Hon. O. N. B. OLIVER: I am glad Mr Dans is listening because I mentioned his name previously. I am aware of his concern. Can Mr Dans imagine an SEC tower being erected upon a building in a new school?

The Hon. D. K. Dans: Anything is possible these days.

The Hon. O. N. B. OLIVER: This chap went along to the local authority. He found out where it was located, and discovered that an aerial photograph taken in 1962 was being used. So he then approached the State Energy Commission but he was told it was not possible an old photograph was being used; it was correctly aligned, and the towers were in the correct place. He had a great deal of difficulty to convince the officers concerned that the alignment of the reticulation and the siting of the towers was incorrect. Representatives were sent out to inspect the area and suddenly it was agreed that the tower would be in the middle of a brand new school because the SEC had been working from an old map.

Probably this is a normal error which could happen in any enterprise. What I am really saying is that bureaucracy is stifling government today; it is ponderous, slow-moving, mostly impersonal, and too often it is completely unfeeling. The public servant is tied up in red tape. It takes a lively bureaucrat indeed to step out of line and act on his own initiative. I know Mr Dans will agree with me because we have discussed this matter outside the House in a congenial situation; bureaucracy spells the death of individuality.

We must accept the fact that "Big Government" is a disaster, a total disaster, not only because it encroaches menacingly upon our personal freedom, but also because it simply does not work. Imagine the head of a department seeking a reduction in the Budget allocation for his department. What a lot of courage that man would need.

The control of this huge vested interest has become a problem of almost terrifying proportion. Only last Friday I read that the Confederation of Australian Industry has just completed a review of the effects of bureaucracy on private enterprise. This report will become available within the next few days, and I have no doubt that many members will be anxious to obtain a copy of it. It was very disappointing to read the Labor Party's national platform and its attitude to "Big Government". Mr Hayden made the platform plain in an address to the Royal Institute of Public Administration on 24 April 1980 when he said—

I do want to begin by briefly arguing the case for the welfare state. To my mind, this case is so self-evident and compelling as not to need restatement, yet the campaign against the welfare state continues without remission.

To my mind, the case for welfare and equity and the protection of these two great principles by a firmly entrenched public sector is beyond challenge.

In a prerogative sense, the label "Big Government" is a semantic oddity.

I favour the maintenance of a steady rate of growth in the real level of public expenditure to fulfil Labor's policy aspirations.

The Labor Party National Platform identifies these as being:

Conduct a National Inquiry into Aboriginal and Islander Education.

Conduct periodic independent inquiries to investigate and report into all aspects of the operation and responsibilities of the ABC.

Committee of inquiry into the Conciliation and Arbitration Act.

Participate in an inquiry into modern local government.

Restore Aboriginal and Islander Housing Panel.

Establish a Gallery of Aboriginal Australia.

Establish a Broadcasting Advisory Council.

Establish a single buying agency for overseas film and television material.

Establish an Economic Planning Advisory Council.

Appoint an Environmental Advocate.

Establish a Pharmaceutical Information Centre.

Establish regional Consumer Health Councils.

Establish a National Population Council.

Establish a National Advisory Committee on Occupational Health.

Appoint an Industrial Democracy Committee.

Establish a Technology Planning Council.

Establish an Australian Hydrocarbon Corporation.

Establish a National Fuel and Energy Commission.

Establish a Nuclear Science Authority.

Re-establish an Australian Housing Corporation.

The Hon. P. G. Pandal: That will cost a few dollars.

The Hon. D. K. Dans: Do you think Mr Hayden has a good speech writer?

The Hon. O. N. B. OLIVER: He must have, but I do not know how it is going over.

The Hon. D. K. Dans: You are doing a good job on behalf of his speech writer.

The Hon. O. N. B. OLIVER: To continue—

These are just to name a few of some 38 committed projects in the platform, and a further 19 possible committees, councils and qangos.

For the sake of all Australians and future generations, I trust government of this kind will not be inflicted on our great country.

Obviously Mr Hayden does not understand this problem. We must reverse the situation in our economy; that is, the fostering of the growth of the surplus using sector, being the Public Service, in order to foster the surplus producing sector. Alternatively it will be quite impossible to continue to expand or even to maintain the social services that have been introduced for the

underprivileged and those disadvantaged through no fault of their own.

All around us is the growing question as to whether democracy can survive. This query was put forward even by the Hon. Peter Dowding.

The Hon. Peter Dowding: Well, there's an authority for you!

The Hon. O. N. B. OLIVER: I do not believe the honourable member regards himself as an authority.

The Hon. D. K. Dans: He has become a prophet in his own time!

The Hon. O. N. B. OLIVER: This questioning of democracy is filling our bookshelves.

The Hon. D. K. Dans: Is that *Hansard* you are referring to?

The Hon. O. N. B. OLIVER: Mr Dans and I have discussed this also.

The Hon. D. K. Dans: I will have to be careful to whom I talk.

The Hon. O. N. B. OLIVER: How could we question democracy in Australia?

The Hon. Peter Dowding: You are hard-pressed to. Under section 54B you get arrested for doing so.

The Hon. O. N. B. OLIVER: That interjection does not need comment. How could anyone possibly question democracy in a country such as Australia with its great prosperity and greater political awareness than it has ever had before?

The Hon. D. K. Dans: How great is that?

The Hon. O. N. B. OLIVER: I would like to point out to Mr Dans the wonderful time I had reading Stephen Haslin's *Death of British Democracy*. Mr Haslin was a good, strong supporter of the Labour Government in the United Kingdom.

Members will remember that the Hon. Peter Dowding referred to the book entitled *The Dilemma of Democracy* which formed the basis of the Sir Robert Menzies oration. This lecture was delivered by Lord Hailsham, and I read it during the parliamentary recess.

Lord Hailsham had this to say on page 9—

Our troubles derive from the fact that we are halting between two inconsistent opinions about the nature of democracy, indeed about the nature and function of government, and between the two we are unable to make up our minds. Both opinions claim to be democratic. Both assert they are libertarian. Both claim to rest upon the interest of the people. Yet each is wholly inconsistent with the other.

The two theories are the theory of centralized democracy, known to me as elective dictatorship—

The Hon. Peter Dowding: That is what we have here.

The Hon. O. N. B. OLIVER: To continue—

—and the theory of limited government,—

The Hon. P. G. Pendal: That is what we had from 1972 to 1975.

The Hon. G. E. Masters: The public soon fixed that up!

The Hon. O. N. B. OLIVER: It is very interesting that Mr Pendal should interject there—I am very pleased that he did. He would probably agree with Lord Hailsham. To continue—

The two theories are the theory of centralized democracy, known to me as elective dictatorship, and the theory of limited government, in my language the doctrine of freedom under law.

The Hon. Peter Dowding: That is what we haven't got.

The Hon. O. N. B. OLIVER: I am very pleased the honourable member is joining us and that he has taken the philosophy we have. To continue—

...one will assert the right of a bare majority in a single chamber assembly, possibly elected on a first past the post basis, to assert its will over a whole people whatever that will may be.

Lord Hailsham then goes on to say—

It will end in a rigid economic plan, and, I believe, in a siege economy, a curbed and subservient judiciary, and a regulated press. It will impose uniformity on the whole nation in the interest of what it claims to be social justice. It will insist on equality. It will distrust all forms of eccentricity and distinction. It will crush local autonomy. It will dictate the structure, form, and content of education. It may tolerate, but will certainly do its best either to corrupt or destroy, religion. It will depend greatly on caucuses or cadres to exert its will.

The Hon. P. G. Pendal: It sounds like the ALP.

The Hon. O. N. B. OLIVER: It sounds very like the ALP policy. To continue—

This is already happening in some unions and local authorities. It will worship material values, but not succeed in producing material plenty. When its policies fail, it will rely strongly on class divisiveness or scapegoats to distract attention from its failures.

So much for the Government that Mr Dowding espouses.

The Hon. Peter Dowding: Can I ask you a question about it? Would you say that relying on scapegoats is exactly what Mr Withers did for the whole of his speech?

The Hon. A. A. Lewis: No.

Several members interjected.

The Hon. O. N. B. OLIVER: I imagine that when Mr Dowding has been here as long as Mr Withers, he will understand and appreciate the problems of Aborigines in our community.

I go on to quote from page 13 of Lord Hailsham's document when, on the subject of alternative Government, he has this to say—

The theory of limited government offers precisely what the dominant theory denies. In place of uniformity it offers diversity. In place of equality it offers justice. In place of the common good, it protects the rights of minorities and the individual.

The Hon. Peter Dowding: This Government does not do that. Surely you do not say it does.

The Hon. O. N. B. OLIVER: This is the Government aspired to by Mr Dowding; this is the one he recommended. I just read from page 13 of *The Dilemma of Democracy*. This is the view with which Mr Dowding aligns himself.

The Hon. Peter Dowding: Don't you align yourself with it?

The Hon. O. N. B. OLIVER: I do.

The Hon. Peter Dowding: Why do you not get your Government to do something about it?

The Hon. O. N. B. OLIVER: Lord Hailsham's quote continues—

As an alternative to regulation it propounds the rule of law. It does not seek to overthrow governments or institutions, or abolish universal franchise or popular rule. But it prescribes limits beyond which governments and Parliaments must not go, and it suggests means by which they can be compelled to observe those limits. In place of concentrating, it diffuses power. It confers rights of self-government on previously ignored communities. It offers protection against the oppressiveness of unions and corporations.

The Hon. Peter Dowding: Not too much protection of minorities goes on under the Court Government.

The Hon. O. N. B. OLIVER: Mr Dowding quoted from Lord Hailsham, and I support his beliefs, too.

That is, in essence, the reason for his failure to produce a third edition of his case for conservatism.

In conclusion, I quote as follows from C. Northcott-Parkinson's famous doctrine "Work Expands so as to Fill the Time Available for its Completion"—

If countries were lightened of their tax burdens, relieved of excessive bureaucracy, and cured of administrative constipation, we would see a sudden outburst of real activity and enterprise.

THE HON. V. J. FERRY (South-West) [10.04 p.m.]: I have pleasure in supporting the Address-in-Reply motion.

I take this opportunity to express my real pleasure at the work done over the last 4½ years by the Governor of Western Australia (Sir Wallace Kyle) and the manner in which his good wife, Lady Kyle, carried out her public duties.

Sir Wallace and Lady Kyle were absolutely exemplary in the conduct of their duties. Western Australia was very much enriched by their presence for those several years. I feel I speak for the vast majority of Western Australians throughout the State when I say that the people of this State are genuinely sorry that the Governor and his wife are retiring from their official duties.

The office of Governor is never an easy one. Sir Wallace Kyle came to Western Australia at a time when, perhaps, the office of Governor was under more question than at any time in the past. By their exemplary conduct and obvious zeal for serving Western Australia and meeting the citizens throughout the State, Sir Wallace and Lady Kyle have cemented the office of Governor in the community as it has not been cemented for a long time.

I had the pleasure of being in the company of His Excellency and Lady Kyle on a number of occasions in different situations. It has been a real delight to see the keen interest they took in everything happening around them. Whether it was their official duties, some country agricultural show, a debutante ball, or the opening of a conference, Sir Wallace and Lady Kyle were always keenly interested in the proceedings.

We know that Sir Wallace, being a son of Western Australia—in fact, his birthplace was Kalgoorlie—has a very deep feeling for Western Australia and Western Australians. He served with great distinction with the Royal Air Force and I am sure we are proud of his achievements there.

I wish Sir Wallace and Lady Kyle a very long and happy life. They have richly deserved retirement, although I am personally disappointed they are leaving their official duties in Western Australia. I look forward to the time when they return to Western Australia as visitors and our guests. I have no hesitation in suggesting they will be exceedingly welcome amongst us again.

I congratulate new members of the Chamber upon their election to this House; I want to say how pleased I am at their contributions so far. In the main, I believe the House will be the richer for their attendance here. I hope their public life will bring them satisfaction and rewards—not necessarily monetary, but for doing a job well over the years ahead.

I have not taken out the statistics myself, but I am informed the average age of members of this Chamber is about 49 years; it is quite an achievement to have such a relatively young Legislative Council, and I am sure it is for the good of the State.

One of the areas to which we must give a great deal of attention in the immediate future is the upgrading of the south-west rail service. I say that in this context: The south-west of this State is about to undergo a major increase in the tonnage the rail system will be expected to carry. I refer particularly to bulk commodities such as coal, bauxite, and the like.

It is my view that before any services within Western Australia are considered for electrification, the south-west could well qualify as the first area for consideration. Over a number of years, we have heard the proposal that the metropolitan suburban rail service should be electrified. In the fullness of time, I have no doubt that will occur. However, I cannot see justification for the metropolitan rail service to be electrified for a number of years.

In my view, the priority must be given to the south-west network. I believe Westrail is looking at this proposal. I know moves have been made to have Commonwealth funds attracted to the State for the electrification of the rail service from the goldfields to the metropolitan area. One could have little argument with that proposal; but there is argument, I believe, for the proposition that freight on that line can be catered for quite adequately by heavy diesel locomotives carrying heavy bulk products.

The south-west offers a different proposition because not only does it cater for bulk materials which will increase in the future, but also it caters for a passenger service as well. One must bear in mind that the population of the south-west is

continuing to increase, and there is a growing patronage of the *Australind* passenger service from Perth to Bunbury, and the return journey.

Here is a golden opportunity to investigate the proposal for electrification of the south-west system. It would be to the advantage of the State if an improved and faster service were offered, particularly for passenger travel. One of the great inhibitions about travelling is the amount of time it takes one to move from one point to another. Obviously, the fastest and most comfortable trains in the world—for passengers, at least—are those operated by electric power.

The Hon. R. T. Leeson: You should be pushing for a standard gauge line, rather than that.

The Hon. V. J. FERRY: I am glad the honourable member mentioned that.

The Hon. A. A. Lewis: He messed up the power house in Kalgoorlie, so I suppose he can talk about the standard gauge.

The Hon. V. J. FERRY: Standard gauge rail tracks should also be included in the study of the south-west system, to link up with the east-west standard gauge lines. That makes sense. I believe that is a priority for Westrail to consider. I hope the Government will pursue this proposal, and encourage Westrail to carry on the studies in this regard.

The Hon. R. T. Leeson: Do you want me to give you some more ideas about the south-west while I am at it?

The Hon. V. J. FERRY: Members who have been in this House a few years have heard me touch on this subject before. During the 1960s there was a loud cry from the metropolitan area, from the south-west, and from the southern regions of this State that everything was happening in the north-west. That was not quite right; but there was a great deal happening in the north-west, and there still is. Long may it be so. Of course, the people in the southern regions felt that they were being disadvantaged by so much development in the north-west part of this State. When one jots down a few recent developments in the south-west, one realises that obviously that sort of cry cannot be levelled accurately at the community.

We can refer to the Wagerup alumina project, which is now under way. The work is well advanced in the Wagerup area. The second alumina project is the Worsley project in the Boddington-Collie region, and that will commence shortly. We have the Bunbury Foods Pty. Ltd. oil seed project at Bunbury, which was established some 12 months ago.

The apple industry has benefited by an apple juice factory at Capel which was established by the Bulmer company. This is a proficient and substantial British firm which has come to Western Australia. It has a plant in Tasmania and another one on the eastern seaboard. The plant at Capel has concluded a very successful season of treating surplus apples for juicing. This is a major factor in helping the apple industry in the south-west.

The Wesply chipboard factory at Dardanup has been established for a few years. It is a tremendous success. It uses softwoods from the south-west region. It is an extremely attractive industry, well run, and going from strength to strength. There is a move to establish a resin factory in the Bunbury area; and that will provide material to be used in the Wesply chipboard operation. That factory is under negotiation at present, and some local residents are concerned about where that industry will be sited. Nevertheless, it shows that the south-west is developing very rapidly as an industrial area, and it will attract more industries as time goes on.

I do not want members to have the wrong idea when I say that the area is attracting more industries. When one considers the industries in the south-west—at Collie and places such as Bunbury and its environs—one realises there always has been a great degree of industry. The great strength of the Bunbury area has been its diversity of industry. One of the great features of Bunbury over the years has been its great diversity of relatively small industries.

If one were to draw a graph of the economic climate in Western Australia over any number of years, one would find that the graph was reasonably stable year after year as far as Bunbury's industry was concerned. Bunbury has never suffered any great fluctuations of economic fortune because of its great strength and diversity of industry, backed up by the very rich region which it serves.

The stage is set for the south-west region to go from strength to strength. Therefore it is timely for me to mention the railway system and the service industries. Of course, little development could have happened in those areas without the establishment of the inland harbour at Bunbury. We all know that the land-backed wharf has been completed. More and more use will be made of the harbour as the years progress. As industry develops, other berths will be established, I am quite sure.

The south-west area is particularly fortunate in that it has a very attractive climate. Recently I

attended a tourist conference in Bunbury. A large number of people from the south-west attended the conference, to discuss items affecting tourism in the region.

Concern has been expressed in a number of places, and this State has been caught up in the suggestion of a fuel and energy shortage. The tourist industry is very conscious of this, because it affects the number of people coming into the area by air, or in motorcars, or those who use other means of transport to traverse the continent, and certainly to move within Western Australia. I take the view that the south-west will prosper from the present energy situation in which people are restricting their activities because of the shortages and the cost of fuel. I give my reasons for this.

The tourist industry of the south-west draws a very high percentage of its clientele from the metropolitan region. Because of the increasing fuel prices, people will not be going as far afield as they once did. As is happening now, they will visit the south-west in their cars and spend more time in that region than they would otherwise have done.

I believe I have been correctly informed that once again there are a number of people coming from the Eastern States to Western Australia in their motorcars. It seems people have got over the shock of paying more for their fuel.

In Australia today the price of fuel is still very cheap by world standards. We in Western Australia pay a certain price for our petrol, but people in the United Kingdom and on the Continent pay a price of something like \$2.70 per gallon, our money. That is more than double what we are paying today. So whereas petrol is relatively expensive compared with what we have been accustomed to paying, it is not nearly as expensive as it is for the people overseas.

The Hon. D. K. Dans: There is a different set of circumstances; they have an efficient public transport system.

The Hon. V. J. FERRY: But the price remains much higher than here.

The Hon. D. K. Dans: The price of fuel in Australia has a terrible multiplying effect because we rely so heavily on cars.

The Hon. V. J. FERRY: It has a multiplying effect in Europe, also. It was only a short while ago that I happened to be in that area and there were any number of vehicles on the roads—both heavy and light vehicles, but an increasing number of light vehicles. So, whereas people are paying high prices for their fuel and are restricting their travel to some extent and turning

to smaller cars—and there are plenty of them—the people seem to be using the roads just as much, if not more in some cases.

I use the same proposition for the south-west. The tourist industry especially will benefit from the pricing structure that we have in Australia today. While the price of petrol may increase, people will continue to visit the south-west region.

I heard a comment in Busselton last week that the number of people visiting the caves in that area during June was double that for the same time last year—and this in the worst time of the year.

I shall conclude by offering some criticism of a policy of the Farmers' Union of Western Australia. Over a number of years now I have had a list of office bearers of the various union branches in the province I represent, and recently I desired to update the names of those office bearers. I happened to be passing the union office in Adelaide Terrace a couple of months ago and thought it would be appropriate to call in and get the information I required. I was met with great courtesy and I had no trouble ascertaining the names of the branches in my province; but when I requested the names of the secretaries of the respective branches, I seemed to create some sort of panic. The staff informed me that it was not usual to give such information; it was not in accordance with the Farmers' Union policy for names to be supplied.

I was referred to the general secretary of the union (Mr Gargett) who very kindly explained that it definitely was not the policy of the union to give the names of office bearers to anyone at all. I felt that was rather strange, especially for an organisation which corresponds with and contacts not only members of Parliament but also many other people in the community asking for assistance in all sorts of matters for people who are farmers in the State.

During my 16 years as a member of Parliament I have been happy to assist a lot of Farmers' Union members and their families—mostly on the basis of friendship. It did seem very odd that I should be denied the simple updating of the secretaries of the respective branches in my province.

At the time, I had no option other than to accept the situation. However, I wrote to the President of the Farmers' Union (Mr Boetcher) who wrote back and listed three reasons for the policy I have outlined. Those reasons are—

1. The right of each member or branch to privacy, unless they choose otherwise;

2. People do not join organisations such as ours to provide an index for the general use of established or aspiring politicians or, in fact, anybody;
3. The right of each member or branch to be protected from bombardment of material from fringe groups. There have been instances of extreme left wing bodies, extreme right wing bodies, churches and charitable organisations endeavouring to gain access to our listing of members.

Mr President, what extraordinary reasons for a farmers' organisation to give as justification for not providing names of secretaries of branches!

The Hon. H. W. Gayfer: If you were a member you might have received a copy.

The Hon. V. J. FERRY: It is very likely that that would be the case; but when one has liaised so closely with the various branches in the South-West Province, it is very difficult to accept the reasons given. I have had a good relationship with the branches in my province. In fact, shortly after I received Mr Boetcher's letter and following the usual inquiries one makes, I compiled from local knowledge a list of the names I required.

The Hon. D. K. Dans: If you have your list, what are you complaining about?

The Hon. V. J. FERRY: I feel it is rather odd that an organisation such as this should deny anyone this sort of information. Just by way of contrast, I requested the same sort of information from the Pastoralists and Graziers' Association, and I was very quickly given a list without any hesitation whatsoever. I was very grateful for that co-operation. Obviously that is a farmers and graziers' association which takes the opposite view.

I wonder why the Farmers' Union has this policy. Of course, it is its right to have a policy, and I do not criticise the union for that. However, I have the right to criticise that policy. I do not think the union does justice to country members if it thinks they are inept and gullible enough to be persuaded by all sorts of people who might write to them from time to time.

I refer again to Mr Boetcher's comment that these office bearers have the right to privacy unless they choose otherwise. Plenty of Farmers' Union branches write to members of Parliament, and I am sure we respond to their letters, so why all this need for privacy? Their names should be readily available. If the union wishes to be a secret society it should not even have its name in the telephone directory.

It is odd that within a day or two of receiving Mr Boetcher's letter, I received a letter from the executive officer of the union requesting my help to further a view of the union in respect of a matter affecting the Federal jurisdiction of agriculture! It seems to me the union has a policy of "Don't call me, I'll call you." That seems rather strange.

The Hon. W. M. Piesse: There are a lot of organisations which have that regulation. They say that if you want to write to them you can write to the president or the secretary. The CWA has such a policy.

The Hon. V. J. FERRY: I do not mind, as long as I know to whom to write. I do not really want to know the name; but I would like to know the address, because if I write a letter I want it to arrive at its destination. I do not mind what sort of policy they have, as long as they have this line of communication. If it is good enough for them to write to me and to other members, it is good enough for us to reply.

One of the greatest problems in the community today is lack of communication and it is as simple as that. This is a crazy policy. It does not do justice to the members of the Farmers' Union. They are level-headed men and women and I am sure they are able to discern the crank letters from the genuine letters. They are good at sorting the wheat from the chaff.

I support the motion.

THE HON. A. A. LEWIS (Lower Central) [10.31 p.m.]: During the course of this debate we have heard that members do not intend to follow traditional lines. However, I intend to be the member who does follow some sort of traditional line.

The Hon. Peter Dowding: The rock of Gibraltar.

The Hon. A. A. LEWIS: Somebody has to stick to old traditions and hold them high in this place, as the member will probably learn after a few years. He could well afford to look at some of the traditions of the House.

Firstly, I should like to congratulate the Leader of the House and the Ministers on their appointments. I should like to congratulate also the Hon. Norman Moore on his appointment as Parliamentary Secretary of the Cabinet.

I congratulate the Leader of the Opposition on retaining his post and I am sure you will agree, Sir, that we will miss him sadly when the House Committee meets. We have had some very enjoyable and fruitful times.

I offer my congratulations also to the Deputy Leader of the Opposition; but, if I were he, I would not count on the position being permanent. I see that the past two Deputy Leaders of the Opposition no longer occupy the position they held previously. I just wondered whether the Hon. J. Berinson realised that.

I am sure my friends, the Hon. Margaret McAleer and the Hon. Fred McKenzie, will perform first-class jobs as Whips.

I should like to pass now to the new members and the way in which they have presented their maiden speeches. Without exaggerating, I can say the new members are a first-class group of speakers. They have introduced subjects which I believe should be dealt with in this House. Some very interesting, new material has been brought to this place and I hope this continues over the next three years and that we have a high standard of debate, as has been indicated after listening to the speeches made by new members.

The Hon. P. H. Wells: Or for six years.

The Hon. A. A. LEWIS: The member was elected for six years, but he probably does not realise that some members of this House face an election in three years' time.

I congratulate the Hon. H. W. Olney on being made a Queen's Counsel. It must be wonderful to get to the top of one's profession. However, it may not be of much use to him in this place.

I shall leave my remarks in relation to the Hon. Graham MacKinnon until a later stage, because I want to make a special point of making some comments about him. I believe he has done a magnificent job in this Chamber.

Members would be shocked if I did not start an Address-in-Reply speech by referring to the Dumbleyung police station.

The Hon. D. K. Dans: I am waiting for it.

The Hon. G. E. Masters: You want an extension already, do you?

The Hon. O. N. B. Oliver: Is that a new police station down there?

The Hon. A. A. LEWIS: When members are finished, I will continue, Sir.

I thank the Government for having completed the construction of the Dumbleyung police station. However, I censure the Minister for Police and Traffic for giving me such short notice of the date of the opening, as a result of which I could not attend.

The Hon. D. K. Dans: Shame!

The Hon. A. A. LEWIS: I shall deal with the openings of various buildings at a later date. I

think you will agree, Sir, that I, and other members, have discussed this matter at great length. However, I believe the Minister could have extended the courtesy of giving me a couple of weeks' notice of the opening of the police station.

The Hon. H. W. Gayfer: An invitation was sent to you, wasn't it?

The Hon. A. A. LEWIS: I did not say I had not been invited. I said that the period of time I was given from when I received the invitation until the opening, was too limited and I had committed myself already to attend another function.

The Hon. D. K. Dans: I would be suspicious if they did not invite you.

The Hon. A. A. LEWIS: They may have felt that I would criticise the lawns or gardens; but I can assure members that the lawns are coming on quite well.

I am pleased to say the Donnybrook Hospital is under construction.

The Hon. D. K. Dans: Do you want to put in an application for the opening of the hospital right now?

The Hon. A. A. LEWIS: Construction is proceeding smoothly and I hope I will receive an invitation to the opening in plenty of time, so that I may attend.

I fought four Ministers to get the Donnybrook courthouse and police station constructed; and the hospital is coming on nicely. If all goes well, it will be opened in October.

It is intended that renovations be carried out on the Boyup Brook Hospital and tenders will be called in the next few weeks. I have seen the plans and I have discussed them with the matron and doctor. As a result, I am convinced Boyup Brook will be served adequately by the hospital for a number of years. It is certainly not before time.

I should like to bring to the notice of the Government a few other small items. The Minister for Lands will remember that we have been trying to give the railway barracks at Katanning to the primary school so that it will have a decent oval. It is time the Government did something about it. When one bears in mind the condition of the barracks, one can see it would be cheaper to accommodate the railway staff in hotel rooms, rather than pay for the upkeep of the barracks.

The Hon. O. N. B. Oliver: Is this going to be the new hardy annual?

The Hon. A. A. LEWIS: The member cannot find anything to talk about in his electorate, so I

do not think I should bother to answer that interjection.

The Hon. D. K. Dans: I don't think that is very fair.

The Hon. A. A. LEWIS: The member has not found anything in his electorate to discuss yet.

There is a need for a decent playing ground at the Katanning Primary School. If the barracks were removed, with the help of the shire a very good playing ground could be provided for the school. I have heard members refer to other places, such as Grass Patch, which have problems with playing fields.

The Hon. H. W. Olney: White Gum Valley.

The Hon. A. A. LEWIS: Therefore, I felt it was appropriate to mention this matter tonight.

Whilst I am discussing the situation at Katanning, I should like to refer to the need for approximately four classrooms and a gymnasium at the high school.

I shall turn now to Northcliffe and I am sure Mrs Piesse will agree with me when I say that the pre-primary problems there need to be rectified, because they have existed for far too long.

Whilst I am figuratively travelling around my electorate, I should like to mention the Walpole Country Club. If members travel to Walpole I should like them to call into the Walpole Country Club and see what real voluntary effort can do. The Government has provided some help, but the register of hours worked within the community is something to behold. Approximately 5 000 hours of voluntary work have been given to the country club.

The Hon. D. K. Dans: Is it a licensed club?

The Hon. A. A. LEWIS: It is a licensed club.

The Hon. D. K. Dans: No doubt they were urged on by the price of beer at the local pub there.

The Hon. A. A. LEWIS: Far be it from me to comment on the remark made by the Leader of the Opposition. Mr Dougan likes to be—

The Hon. D. K. Dans: He has a nickname, doesn't he?

The Hon. A. A. LEWIS: He does have a nickname. He does not mind being called "Dugite". He has always given himself the name of "Dugite Dougan" and I am sure he would not be concerned if he knew I called him that also.

I will not comment on people's prices because they may be paying the cost of labour for their area. If members saw the golf club and the bowling club there and the magnificent site, I am

sure they would agree with me that it is well worth visiting.

The need for industrial land in country towns is growing and the supply of industrial land has not been kept up. I have discussed this matter in a rational way with the Minister for Lands and I hope we can come up with some answers soon. We are waiting for a smartening up of the system and I feel sure in a few weeks' time the Minister will give me the answers.

The blocks at Lake Jasper is another matter which falls under the administration of the Minister for Lands and the Minister for Conservation and the Environment. I have not spoken much about this recently but I have been talking to successive Ministers for Lands, Premiers, and Ministers for Conservation and the Environment for over 4½ years. It is time the members of the bureaucracy woke up to themselves and realised the magnificent potential of this piece of land. The conservationists can say this and that, but they still have not come up with any valid reason for not releasing pieces of land which were surrendered some eight to 10 years ago.

Some of the blocks of land have been surrendered but they have not been thrown open again. They are interspersed with other blocks of land and the community is being ruined as a result of the land not being opened up.

The Hon. V. J. Ferry: You did not mention the Public Works Department.

The Hon. A. A. LEWIS: That department gets into the act, too. It is bureaucracy again, but I am sure the Minister will do something about the matter very soon.

The Hon. O. N. B. Oliver: I did not think you thought of bureaucracy in that way.

The Hon. A. A. LEWIS: I did not think the honourable member thought.

The Hon. Peter Dowding: Does rational talk do any good?

The Hon. A. A. LEWIS: The honourable member would not know because we have not heard any from him yet.

I wish to speak on a subject which concerns a friend of mine who has since departed this House—the Hon. Roy Claughton—and his involvement with His Majesty's Theatre.

I spoke with Mr Claughton a few days before the theatre was opened, and asked if he would be attending the opening. He said that he would not because he had not received an invitation.

Last Wednesday I asked a question of the Minister representing the Minister for Cultural Affairs as follows—

- (1) How many Ministers of Cultural Affairs have there been since the WA Arts Council has been in operation?
- (2) Who were they?
- (3) Which of them were asked to the opening of His Majesty's Theatre?

The answer was—

- (1) Three.
- (2) The Hon. J. T. Tonkin, the Hon. G. C. MacKinnon, the Hon. P. V. Jones and the Hon. W. L. Grayden.
- (3) The Hon. J. T. Tonkin—as ex-Premier, not as Minister for Cultural Affairs—the Hon. P. V. Jones and the Hon. W. L. Grayden.

I asked a further question as follows—

- (1) How many members comprise the Perth City Council?
- (2) How many of these were asked to the opening of His Majesty's Theatre?

The answer was—

- (1) The Lord Mayor and 27 councillors.
- (2) Twenty-eight, of whom three are members of the Perth Theatre Trust. Certain councillors are also members of various arts and cultural organisations in Perth and were, therefore, invited in a dual capacity.

I followed that question with another as follows—

Further to the reply to part (2) of question 67 on 13 August 1980, who are the "certain Councillors", and what organisations do they represent?

The answer was—

Hon. F. C. Chaney, the Lord Mayor of Perth
 Cr J. D. Burston, Perth Theatre Trust
 Cr E. Silbert, Perth Theatre Trust
 Cr J. Watters, Perth Theatre Trust
 Cr B. Beacroft, Festival of Perth Committee
 Cr K. J. Frame, President, Hole in the Wall Theatre

The answer tended to be misleading. So, the number was 28, of whom three were members of the Perth Theatre Trust. That leaves 25 and we take the Lord Mayor out because obviously he would be asked, as he is the Lord Mayor of the city. That leaves 24. Then we are told that certain councillors are also members of various arts and cultural organisations in Perth and were therefore invited in a dual capacity. We then find that involves two out of 24. I believe the answer borders on an attempt to mislead the House.

The Hon. Graham MacKinnon, the man who commenced negotiations for the major works and the purchase and renovation of His Majesty's Theatre, was not asked to the opening.

There has been talk in this House about the little deferences due to members, in this place and the other place, who agreed to the money being made available for His Majesty's Theatre. It was not the Perth City Council. That council had all its members asked to the opening. I think it is an insult to the members of Parliament that so many of these openings are held and the Government does not recognise that members have played a part. Such members were the Hon. Roy Cloughton and myself. I claim for myself in the Tonkin era, having suggested at that stage that I had private money to buy and renovate the theatre.

The Hon. H. W. Gayfer: Who said to the people some 12 months ago, "Do not pull it down"?

The Hon. A. A. LEWIS: The grain growers. They did not receive an invitation, either. I agree they should have received an invitation, and that makes the case even worse. I ask: How many members of Parliament were invited? The member for Perth, Mr President, and Mr Speaker, of course.

If members recall Mr MacKinnon's career in this place and the jobs he has undertaken they will be horrified also that a man who has done so much work in this State has only received a CMG.

Everybody else involved in the 150th Anniversary Celebrations appeared to get CMGs and what have you, and I must admit I was a little surprised that the man who went out and sold our anniversary, and led the State throughout the celebrations, did not get something a little better. It was rather disappointing to me personally. I do not intend to criticise the Government but I feel that Mr MacKinnon should have got something a little better than a CMG.

I will refer to Mr MacKinnon's ministerial duties, and mention three matters which come to my mind very quickly. He was able to handle them with great skill. The first was the fluoridation of our water supplies. Members who were in this place at that time will recall what was involved. Mr MacKinnon was involved in the changeover of kindergartens when they came under the control of the pre-primary section of the education system. That move was carried out in a magnificent manner by Mr MacKinnon.

Recently, he had to deal with clearing conditions in country water supply catchment areas. As Mrs Piesse and I well know, that could have become a highly explosive issue. Because of Mr MacKinnon's tact, and his dedication to duty, the situation was calmed. He attended some meetings which I believe no person should have been asked to front. Some of those meetings were quite horrifying in their intensity and people were shouting and yelling before they listened to what was said. I congratulate Mr MacKinnon for the job he did in explaining the situation to the farmers involved. I think Mrs Piesse and I have within our province about 80 per cent of the area affected.

I will now talk about a problem I see arising in the future with regard to meat exports. I believe we will have great trouble in this State in trying to provide the stock necessary for export. The live sheep trade is growing all the time, and our internal demand is growing. Unfortunately, because of drought, and for other reasons, we are not breeding as many sheep as we should be.

It is my opinion we will lose a considerable part of our market because we will not have the sheep available. I believe the solution is the conservation of fodder. Unfortunately, grain prices have been high, to say the least, so the feeding of stock with grain is a problem. The farmers of this State may have to revert to silage and haymaking. I want to say I have divorced myself from my machinery business and I have nothing further to do with it. I am not trying to sell silage and haymaking gear!

There is a need in the future for silage and haymaking, and I believe that need will be with us for many years if we are to keep up the number of stock required for export from this State.

Several other matters have worried me, and the first concerns bushfire control. I realise that Westrail does not start as many fires now as it did in years gone by. I realise also that Westrail is having a fairly difficult job in engaging staff. But, I do believe Westrail has a duty to the community in regard to bushfire control.

I wrote to the Minister for Transport, and in reply to my letter he said—

I refer to your letter of 16th July, in regard to bush fire control by Westrail.

The information available to me indicates that the incidence of railway motive power and rollingstock initiating fires is low and with a number of old diesel electric locomotives currently being phased out the current position will improve.

Westrail therefore sees itself being in no different situation to the Country Shires and

road authorities and accordingly plans to progressively implement a new policy in regard to fire control measures.

It worries me that the Minister believes that the incidence is low, and may get lower. The Minister compared his department with country shires and road authorities. I do not believe country shires and road authorities cause as many fires as does Westrail. The Government should look at the situation again, and provide some help to the volunteer bushfire brigades which are active throughout the State. Westrail should attempt to burn off alongside the lines because in the final analysis it is the department's liability. If a fire gets away from Westrail, when we are having a bad day—a cyclone "Alby" day—and it can be proved that that happened, the cost to the Government would far outweigh the cost of a few men burning breaks along the railway line.

While talking about bushfires, I want to say I was horrified to read a judgment in Mr Lockyer's area with regard to a bushfire which jumped from one property to another. The owner of the second property sued the owner of the first property and sent him broke. The owner of the second property claimed for 5 000 sheep that died from starvation as a result of the bushfire. I can wear a lot of "bumf" under our present system. I do not know whether I am *sub judice*; I do not know whether an appeal is planned, but I do not know why, with a clean burn, 5 000 sheep could not be moved to other pastures, or be sold. They should not be left to starve. That situation astounds me. It makes me wonder whether the judge was given a proper description of pastoral fires.

Throughout this State we have a system of voluntary fire fighting units. However, we have these legal arguments with regard to who actually started a fire. The farming community can be up for millions of dollars.

Let us have the situation where help is voluntary. It has worked very well up to date. If we are to bring in the courts, we will only get into further trouble.

I am stepping right out of my electorate. I have just incorporated Maylands. I do not know which members represent Maylands in this place, so I can say it quietly. I hope they read what I have to say. I am extremely worried because a dear old friend of mine came to me the other day and said, "The Maylands Town Hall used to be a most magnificent place for dancing and it is now a rubbish tip. It is so badly looked after that it doesn't matter."

I know it is a problem for the City of Stirling but I hope somebody who lives in that area picks

it up, because we in this State have contributed a certain amount to recreation in the City of Stirling. I think we are paying for two or three recreation officers out there, and I hope one of them can ensure that the Maylands Town Hall is made tidy so that the dear old thing can go dancing again. It is one of the few times I move out of my electorate but it is a matter which came to me the other day, and I thought if I mentioned it here the appropriate members could take it up.

I would like to canvass many other questions tonight; firstly, the terrific expense of the headquarters of the Youth, Community, Recreation, and National Fitness Council at Perry Lakes. We set up a community recreation scheme and the Community Recreation Council in order that they might get out to the people, not to build little empires such as that at Perry Lakes. I believe we should start to get help to the people out in the bush and in the suburbs, and not put all the money into the Community Recreation Council at Perry Lakes.

Next, I would like to speak about the effect of the unions in the community. They were discussed a certain amount on Thursday night and earlier tonight. I have nothing against unions; I have been a member of a union for a great deal of my life, and it is a very effective union. It is not the Farmers' Union. I have a great deal of regard for most union leaders. I have here an item which appeared in *The West Australian*. I do not know the date of it but it was before Easter. Articles like this make my blood boil. It bears the headline, "Boycott call by TLC", and it reads—

The Trades and Labor Council is to call on the public to boycott major retailers who open for Saturday trading on Easter weekend.

It then goes on to say that Mr Peter Cook said it would highlight the injustice of employers calling on some workers to work in the middle of the Easter holiday period.

It seems to me we have awards which are not ungenerous. I do not say they are generous in all cases but they are not ungenerous. The community comprises people other than the TLC and the unions. There are people called consumers whom we all represent, and I believe unions should be looking at service to the community rather than pulling a stunt or making a political point by trying to close shops or have people boycott shops on Easter Saturday.

The Hon. H. W. Olney: They have always had Easter Saturday off.

The Hon. A. A. LEWIS: Why did the TLC want to boycott it?

The Hon. H. W. Olney: Because those people had always had Easter Saturday off.

The Hon. A. A. LEWIS: They may have had it off but it is not in their award.

The Hon. H. W. Olney: It is. They have had to work overtime on that day. I have advised the union, so I know.

The Hon. A. A. LEWIS: Then we ought to point the blame at Mr Olney, because he has advised the union and tried to deprive the public of the opportunity to shop on Easter Saturday. It is absolutely ridiculous. His legal advice is probably sound.

The Hon. H. W. Olney: And expensive.

The Hon. A. A. LEWIS: I agree. But I wonder whether, when the TLC got that legal advice, it thought of all the individuals it was affecting. I do not think it did, and perhaps more consultations should take place on the matter.

The Hon. F. E. McKenzie: It is only in recent years that the shops have been open.

The Hon. A. A. LEWIS: That is not so. The Hon. Fred McKenzie is only a little older than I, and I can remember the shops being open on Easter Saturday morning.

The Hon. H. W. Olney: Not until this year.

The Hon. A. A. LEWIS: The honourable member cannot really say that five or six years ago the shops were not open on Easter Saturday morning. Even I opened on Easter Saturday morning five or six years ago. The TLC was talking about boycotting stores—

The Hon. F. E. McKenzie: Major retailers.

The Hon. A. A. LEWIS: Any store which employed staff; let us get down to the nub of it.

The Hon. D. K. Dans: I can remember when the banks opened on Saturday mornings.

The Hon. A. A. LEWIS: So can I.

In all the debate which has taken place on the Address-in-Reply, I have not yet heard the Deputy Leader of the Opposition; but I heard him speaking about his attitude towards supply. I wonder whether the Labor Party will carry out what it appears to be trying to carry out. It will not be in power for many years, so it will not be able to do anything; but does it have a fixation about supply? It seems to be very close to Mr Berinson's heart, for some reason.

We read in *The Sunday Times* of 10 August, "Governor General's powers to go with Labor". I wonder whether we are to think that the Governor will go if the Labor Party takes over in this State. I wonder whether it is an over-reaction by the Labor Party. I tend to think it is.

I would like to mention two small items. First of all, I asked a question in this House in October last year and was assured in the answer to it that Wilson Park school was to be started in the last financial year. I then received an answer saying that there were insufficient funds last year and tenders would be called in approximately April 1981. That tends to make me a little upset.

I can assure the Minister that more questions will be asked about that subject. You will remember, Mr President, that it took a great deal of work to get the Education Department to agree to this project during the last financial year. In my opinion the Wilson Park school has been neglected very badly by the Education Department.

I believe members of the Opposition would do well to read the leader in *The Sunday Times* of 10 August. Funnily enough, although the Noonkanbah issue has been debated at length in this Chamber, no Opposition member quoted from this leader. It is headed, "The task for WA unionists", and it reads—

In the present Noonkanbah confrontation—with Government, police, unionists, Aborigines, and truck drivers all in the act—the president of the ACTU, Mr Hawke, has come up with a statement: "We will wait and see what the people of WA expect of us."

Mr Hawke, as a Western Australian, should know that the people of WA expect drilling to be carried out on Noonkanbah station, which has the same rights and responsibilities as every other pastoral lease cattle station.

Mr Hawke should also know that most Western Australians realise the whole affair has nothing to do with drilling at Noonkanbah, or land rights, or racism. It is purely a left versus right skirmish in an ideological war.

With this knowledge it is patently absurd for the Noonkanbah drilling proposal to be touted as a worthy reason for industrial activity.

Surely even the most anti-Government of those involved in the present test of strength cannot believe drilling will not eventually go ahead.

The only real doubt must be when.

The Hon. O. N. B. Oliver: Have you read today's edition of the *Tasmanian Mercury*?

The Hon. H. W. Olney: Who owns the paper from which you quoted?

The Hon. A. A. LEWIS: I am afraid I have been too busy listening to Mr Oliver's interjections to have read the *Tasmanian* papers, and I do not know who owns *The Sunday Times*.

The leader I have just read out puts the case in a nutshell, and it shows up the part played by the unions. The unions are making a big fuss over nothing, and Mr Hawke, father or son—

The Hon. O. N. B. Oliver: Which Mr Hawke are you referring to?

The Hon. A. A. LEWIS: Does Mr Oliver have to repeat all the words I say? I was saying Mr Hawke, father or son, is making no attempt to cure the problem.

The Hon. D. K. Dans: That is not quite correct. You have not read tomorrow's copy of *The West Australian*.

The Hon. A. A. LEWIS: I have read today's issue of *The West Australian*.

The Hon. D. K. Dans: We have in the Chamber now a copy of tomorrow's paper.

The PRESIDENT: Members can see that the Hon. Mr Lewis is winding up his speech. Will you please cease interjecting.

The Hon. D. K. Dans: I thought he was run by clockwork!

The Hon. A. A. LEWIS: I know that you are hopeful, Sir, and although I did have a few other things to say, I will conclude my remarks by supporting the motion.

Debate adjourned, on motion by the Hon. T. Knight.

Tabling of Documents

The Hon. W. R. WITHERS: I seek leave of the House to table the documents to which I referred earlier this evening.

Leave granted.

The documents were tabled (see paper No. 188).

House adjourned at 11.15 p.m.

QUESTIONS ON NOTICE

FUEL AND ENERGY: ELECTRICITY

Charges: Pensioners

70. The Hon. LYLA ELLIOTT, to the Minister representing the Treasurer:

In view of the fact that—

- (a) Western Australia has the highest electricity charges in Australia; and
- (b) pension payments are uniform throughout Australia;

will the Government review the concession allowed to pensioners with a view to easing the burden of the latest heavy increases?

The Hon. I. G. MEDCALF replied:

The Government gave very careful consideration to the amount of the pensioner rebate at the time electricity and gas charges were reviewed and increased from 1 May 1980. The level of several forms of assistance to pensioners and low income earners is constantly reviewed by the State Energy Commission and the Government.

RAILWAYS: WESTRAIL

Chief Mechanical Engineer

75. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

Referring to a report in *The West Australian* newspaper on 28 May 1980 advising that an engineer from British Rail had been appointed Chief Mechanical Engineer with Westrail, will the Minister advise—

- (1) (a) When the last appointment from overseas applicants was made for that position in Westrail; and
- (b) who was the appointee?
- (2) Why it was considered necessary to appoint an overseas engineer to the position when there were six applicants from other States of Australia, and 11 from Western Australia?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) and (b) No appointment from overseas has been made in the past 40 years. Records prior to that are not readily available.
- (2) The overseas applicant was outstanding and considered to be the best man for the job. However, he subsequently withdrew and another selection was made from the same list of applicants. The new appointee is an officer from within Westrail.

ELECTORAL

Immigrants: Voting Eligibility

76. The Hon. H. W. OLNEY, to the Minister representing the Chief Secretary:

- (1) Does the Minister agree that the provisions of the Electoral Act which allow immigrants from Britain the right to vote without first obtaining Australian citizenship, are discriminatory against non-British immigrants?
- (2) What is the philosophy behind this distinction between British and non-British people?
- (3) Will the Government consider amending the law to make permanent residence in Australia the sole criterion for eligibility for voting?

The Hon. G. E. MASTERS replied:

- (1) No. Not only are immigrants from Britain eligible for enrolment, but also other persons who have the status of a British subject. The Commonwealth Citizenship Act gives that status to citizens of approximately forty countries including Australia.
- (2) It is considered that the right to vote for the election of Parliament should extend to those people who are either citizens of this nation or who have a common bond with the Sovereign of this nation.

- (3) The Government has no plans to change the present position. Whilst it may be considered by some to be appropriate to confine the right to vote to Australian citizens, the Government would not support an extension of voting rights to residents who have no connection or association with this nation other than residence, which may be of a relatively short duration. A test of domicile would be extremely difficult to administer.

BOATS

Marinas

77. The Hon. D. K. DANS, to the Minister representing the Minister for Transport:

- (1) Has the Government any plans to build marinas for the use of the boating public?
- (2) If "Yes" to (1), where are the marinas to be built and when?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) Answered by (1).

RAILWAYS

Wagin Bypass

78. The Hon. W. M. PIESSÉ, to the Minister representing the Minister for Transport:

- (1) Are the plans for the bypass railway line at Wagin finalised?
- (2) If so, would the Minister table the plans in this Chamber?
- (3) If "No" to (1), would the Minister table the plans in this Chamber when they are finalised?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Yes. Two copies of the plan were tabled in the Chamber on the last day of sitting.
- (3) Answered by (2).

HEALTH: DEAF CHILDREN

North-west Travel Arrangements

79. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

With reference to the Medical Department scheme for travel from

north-west centres to Perth for specialist medical treatment—

(1) Is the Minister aware—

- (a) that deaf children travel to Perth at six monthly intervals for audio testing;
- (b) prior to the administration of these tests it is necessary for the child to have nearly 16 hours of complete silence;
- (c) at present the Medical Department will not allow such children to travel from towns such as Karratha by 'plane, but they travel by bus;
- (d) the bus trip from Karratha to Perth is 24 hours each way, a total of 48 hours;
- (e) that as a result, deaf children travelling to Perth for assessment are required to spend in any one week one full period of 24 hours travelling from Karratha to Perth, a further period of 16 hours thereafter with near complete silence, then have the test administered, then 24 hours' travel back to Karratha, and as the trip is exhausting, usually a further day recovering from it;
- (f) that as a result a child misses a full week of school;
- (g) if the child travelled by 'plane that child would lose only one day's school.

(2) In the circumstances, will the Minister reconsider the position of the children with a view to approving transport by air having regard to the particular problem of a period of near complete silence required prior to the administration of these tests?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) Some deaf children do, depending on their age, the nature of their complaint, and the treatment necessary. Most of the children coming to Perth at regular six monthly intervals would be pre-school.

- (b) Sixteen hours complete silence is not a pre-requisite for these tests. If a child has made a journey, the audiologists prefer that the child not be fatigued and therefore a rest period after the journey and before testing may be desirable.
- (c) The policy of the Department of Health and Medical Services is that bus travel from Karratha is provided unless the urgency or nature of the condition warrants air travel which is obviously more expensive.
- (d) Bus trip Karratha-Perth is 20 hours.
- (e) The length of the trip and the time away from school, if the child was at school, would depend on bus timetables and appointment times in Perth. Theoretically it could be fitted into three days or could be expanded to a week as Mr Dowding has shown or even longer.
- (f) Answered by (e) above.
- (g) Unless two plane trips and testing in one day is also regarded as exhausting and requiring a day's recovery, then the child would miss two days' school.

- (2) The policy of the Department of Health and Medical Services is flexible. The department is not prepared to issue a blanket statement that all such cases will be given air travel, but will consider sympathetically all requests and take all factors into consideration before making a decision.

PRISONS: PRISONERS

Access to Regulations

80. The Hon. H. W. OLNEY, to the Minister representing the Chief Secretary:

- (1) Will the Minister make available to Members, a copy of the Prisons Departmental admission checklist referred to in an answer to question 28 on 12 August 1980?

- (2) Is there an institutional library at the East Perth lockup where copies of the Prisons Act and Prison Regulations can be obtained?
- (3) Will he make inquiries to ascertain whether on the occasion of Mr W. S. Latter being taken into custody on a Bench Warrant over the weekend of 26 to 28 July 1980 a copy of the Prison Regulations was made available to him when requested?

The Hon. G. E. MASTERS replied:

- (1) I do not consider it necessary or desirable to make available to all members a copy of the Department of Corrections prisoner admission checklist. The forms, whilst not secret, are part of the internal administrative procedures of the department. If the honourable member has a specific reason for seeing the forms he may care to contact me.
- (2) No.
- (3) Inquiries made indicate that the officer receiving the request from Mr Latter was unable to procure a copy of the regulations at the time.

TRANSPORT

Wanneroo Hospital

81. The Hon. TOM McNEIL, to the Minister representing the Minister for Transport:

- (1) What form of public transport services are available to meet the requirements of the Wanneroo Hospital which opened last Friday?
- (2) If no services are in operation, when is it anticipated that a service will be provided?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) This is being considered.

WORKERS' COMPENSATION

Dunn Report

82. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Does the announcement in the Lieutenant-Governor's Speech that the Government will introduce a Bill to

amend the Workers' Compensation Act, mean that the Government has rejected the first recommendation of the Dunn Report, namely that the Workers' Compensation Act be completely redrafted?

- (2) What other recommendations of the Report has the Government rejected?

The Hon. G. E. MASTERS replied:

- (1) and (2) No. The Government has notified its intention to introduce a Bill on workers' compensation during the current session of Parliament. The final format will be decided when Cabinet has determined the extent of the changes to be made.

HOUSING

Roebourne

83. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

- (1) Is it a fact that the State Housing Commission was requested by the Sisters of Mercy to provide a State Housing Commission house in Roebourne in order to establish a shelter for homeless girls?
- (2) (a) Did the State Housing Commission reject the request;
(b) if so, upon what basis?
- (3) Is it a fact that the State Housing Commission was advised that no housing accommodation was available and that there was an urgent need for the establishment of such hostel?
- (4) (a) Will the Minister instruct the State Housing Commission to endeavour to make provision for this request in the future;
(b) if not, why not?

The Hon. G. E. MASTERS replied:

- (1) to (3) The Sisters of Mercy have not made a direct or formal approach to the State Housing Commission for the provision of a house in Roebourne for use as a shelter for homeless girls.

It is known that discussions on this subject at officer level between the State Housing Commission and the Department for Community Welfare took place some time in February 1980. At that time the officer indicated his concern for the housing of homeless families in Roebourne and the availability of a house was unlikely.

- (4) (a) and (b) If the Sisters of Mercy place a proposal before the State Housing Commission it will certainly be given sympathetic consideration.

Since July 1979 the Sisters of Mercy have been given the use of two Government-owned houses rent free for an initial two-year period. One of these houses is used as a rehabilitation and training centre for Aboriginal families and to date two of these families have transferred into State Housing Commission rental accommodation.

WORKERS' COMPENSATION

Dunn Report

84. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Has the Government ever publicly invited comments and submissions on the Dunn Report on the Workers' Compensation Act?
- (2) If so, when and how was such invitation made?

The Hon. G. E. MASTERS replied:

- (1) and (2) The Dunn report has been available for some time for public comment and in an article in the *Daily News* of 10 May 1979 and *The West Australian* of 11 May 1979, the Minister made particular mention of this. In fact, he has received several submissions in respect of it.

HEALTH

Psychologist: North-west

85. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

- (1) Is it a fact that the Department for Community Welfare has no psychologist based in the Pilbara or the Kimberley?

- (2) Does the Minister accept that the placement of a permanent psychologist is important for the future welfare of the communities in those areas?
- (3) Is it the intention of the department to establish the post of a psychologist in either area, and if so, when is it proposed that the service commence?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) A psychologist services the Kimberley and is based in Derby.
(b) There is no psychologist in the Pilbara; however, a metropolitan psychologist services this region approximately once a month.
- (2) Yes.
- (3) Yes. When finances permit, a psychologist item will be established to permanently service the Pilbara.

POLICE ACT

Section 54B: Refusal of Permit

86. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

- (1) What did the Minister mean in his address to a conference of Liberal Party women on 19 May 1980 when he said that if the Commissioner of Police refused a permit under section 54B of the Police Act "on wrong grounds", the decision would be open to challenge?
- (2) To what was he referring on the same occasion when he said that free speech is guaranteed by our Constitution?

The Hon. G. E. MASTERS replied:

- (1) There are only four grounds on which the Commissioner of Police or his delegate can refuse a permit under section 54B of the Police Act.

These are—

That a meeting or procession may occasion serious public disorder or damage to property; create a public nuisance; give rise to an obstruction too great or prolonged; or place any person's safety in jeopardy.

If the commissioner were to stray outside those grounds in considering an application for a permit for a public meeting or procession, I have little doubt he could be challenged in the courts.

- (2) The Minister does not recall saying that, but did say on a number of occasions that section 54B is not concerned with curtailing freedom of speech which is guaranteed under the law, but with the maintenance of public order.

TENDER BOARD OF WESTERN AUSTRALIA

Funerals: Roebourne

87. The Hon. PETER DOWDJNG, to the Minister representing the Minister for Works:

- (1) Is the Minister aware that by tender No. 788A the State Tender Board of Western Australia called tenders for the removal of bodies to morgues in country areas during the period 1 February 1980 to 1 January 1981?
- (2) Is it a fact that a tender for \$300 was submitted by Mr Tony Ness of Port Hedland for the transport of bodies to morgues and for funerals in the Roebourne area?
- (3) Is it a fact that the tender from Mr Keith Whinnen for \$328 was submitted for the same works and accepted by the State Tender Board?
- (4) Is the Government now paying Mr Keith Whinnen \$28 per funeral more than the tender submitted by Mr Ness?
- (5) What are the reasons for the lowest tender not being accepted?

The Hon. G. E. MASTERS replied:

- (1) Tender 788A 1979 concerns the removal of bodies to morgues in country areas.
It would appear that the question is addressed to tender 720A 1979 which is for the conduct of funerals of deceased indigent persons in country areas, period 1 January 1980 to 31 December 1980.
- (2) A tender was received from Mr Ness for the conduct of funerals for \$300. A separate tender was received for removal of bodies to the morgue.
- (3) Yes.
- (4) Yes.

- (5) On the recommendation of the Department for Community Welfare, the offer of Keith Whinnen Funerals was accepted.

For some years the department has been concerned regarding the high cost of funerals in the following north-west towns—

Marble Bar
Newman
Port Hedland
Wittenoom
Roebourne.

The tender for 1978 for each of these towns was \$422 per adult burial. In 1979 the tender for each town except Roebourne was \$475.

In 1979 for the first time, two tenders were received for the Town of Roebourne. The tenders received were Whinnen Funerals \$308, Ness \$422 and consequently Whinnen was awarded the contract.

For 1980 two tenders were again received for Roebourne. Whinnen tendered \$328 and Ness \$300. Ness's tender for Roebourne of \$300 compared with tenders of \$475 for the other north-west towns where he was the only tenderer.

In the interest of maintaining competition in the Roebourne area, it was decided to accept the tender of Whinnen for Roebourne. It was apparent that Whinnen Funeral Service would be unable to continue without the business from this contract with the result that a single tender only would be received in future years with the likelihood of a higher bid being submitted in line with the experience in other towns.

COURT: SUPREME

Appeals to Privy Council

88. The Hon. H. W. OLNEY, to the Attorney General:

What benefits accrue to the people of Western Australia by retaining the right of appeal from the State Supreme Court to the judicial committee of the Privy Council?

The Hon. I. G. MEDCALF replied:

It gives prospective appellants a choice of courts and retains a link with the legal system from which ours derives.

RAILWAY STATION

Perth City

89. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

- (1) Can the Minister advise whether there is in existence a model or plan which shows the City Railway Station being located at a point east of the Barrack Street Bridge?
- (2) If he is not aware of any such model or plan, will he have inquiries instituted so that a rumour currently circulating that one is in existence can be laid to rest?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) A preliminary drawing does exist, but the honourable member is informed that this is only one of the long-term options being considered by the central area technical advisory committee and at this stage of the study it would be wrong to presume that city railway station would be relocated.

GAMBLING

Illegal: Control

90. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

- (1) Is the Minister satisfied that the Police Force is taking all necessary steps to enforce the laws controlling illegal gambling?
- (2) Can the same be said of the laws relating to prostitution?

The Hon. G. E. MASTERS replied:

- (1) I am satisfied that within the overall limits of manpower and resources the Police Force is taking all necessary steps to enforce the laws controlling illegal gambling.
- (2) Yes.

ARREST

Legislation

91. The Hon. H. W. OLNEY, to the Attorney General:

In conducting the review of the provisions of the Criminal Code dealing with the general powers of arrest, mentioned in his answer to question 23 on 12 August 1980, will the Attorney General make reference to a paper given on the subject at a Criminal Practice Seminar at the University of Western Australia on 15 May 1980?

The Hon. I. G. MEDCALF replied:

The paper prepared by Mr Paul Nichols on the subject of arrest, search, seizure, and bail will most certainly be referred to.

the "certain councillors", and what organisations do they represent?

The Hon. D. J. WORDSWORTH replied:

Of the 28 councillors, the following were invited in other capacities—

Hon. F. C. Chaney, Lord Mayor of Perth.

Cr J. D. Burston, Perth Theatre Trust.

Cr E. Silbert, Perth Theatre Trust.

Cr J. Watters, Perth Theatre Trust.

Cr B. Beecroft, Festival of Perth Committee.

Cr K. J. Frame, President, Hole in the Wall Theatre.

HMAS "STIRLING"

Foreign Warships

92. The Hon. H. W. OLNEY, to the Attorney General:

(1) Is the State Government actively encouraging the Federal Government to arrange for the home porting of foreign warships in Cockburn Sound?

(2) If so, why?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) While recognising Commonwealth responsibility in defence matters, the Government reserves the right to express a viewpoint. Our long coastline faces the world's most vulnerable ocean, which is one of the richest in terms of strategic trade, and unless adequately defended places at risk significant national resources within our territory.

Our defence requires not only an effective Australian presence on the west coast, but a major friendly international presence as well.

LOCAL GOVERNMENT

Perth City Council

93. The Hon. A. A. LEWIS, to the Minister representing the Minister for Cultural Affairs:

Further to the reply to part (2) of question 67 on 13 August 1980, who are

LAND

Broome

94. The Hon. H. W. OLNEY, to the Minister for Lands:

(1) Did the gross return from the last sale of residential land in Broome exceed the total cost of subdividing and providing services to the land?

(2) If so, by what amount?

(3) What was—

(a) the highest; and

(b) the lowest;

price paid for residential land in Broome at the last Government land sale?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) Total price realised from auction amounted to \$264 300. Cost of additional services paid to service authorities from Treasurer's advance amounted to \$45 216 as most services were already in existence.

(3) (a) Single residential	\$12 000
Duplex	\$14 300
(b) Single residential	\$8 000
Duplex	\$11 000

TOTALISATOR AGENCY BOARD

Belmont Agency

95. The Hon. F. E. McKENZIE, to the Minister representing the Chief Secretary:

- (1) On what date was the application to operate a TAB agency on the premises of the Sandringham Hotel, Belmont, received by the TAB?
- (2) When was the application approved?
- (3) In whose name was the application?
- (4) Who will be the agent?
- (5) Will the commission paid be the same as that paid to other agents?

The Hon. G. E. MASTERS replied:

- (1) 4 June 1980.
- (2) 21 July 1980.
- (3) North Reef Properties Pty. Ltd.
- (4) North Reef Properties Pty. Ltd.
- (5) Individual TAB contracts will not be disclosed in general as the terms are private to the TAB and its operator. As previously stated, the Government has supported the independent status of the TAB whose commercial success has greatly assisted the whole racing industry.

HEALTH: DRUGS

Misuse: Legislation

96. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

- (1) Will the Minister reconsider the answer he gave on 12 August 1980 to the second part of my question 39 relating to the misuse of drugs?
- (2) In particular, will he say why the misuse of alcohol and tobacco cannot be dealt with in the same legislation and upon the same principles as the misuse of other drugs?
- (3) Does the Government contemplate introducing any new legislation dealing with the misuse of alcohol and tobacco?

The Hon. G. E. MASTERS replied:

- (1) No.

- (2) There is a relationship, in a broad way, between the use of all drugs. It could be argued, for example, that the medical prescription of drugs should be brought within the new legislation. However, the society in which we live has for a long period given legal sanction to the controlled use of tobacco and alcohol. It has always refused approval of law to the use of drugs of addiction for non-medical purposes. This and other questions indicate the Opposition is seeking to set the stage for opposing the proposed misuse of drugs act, perhaps in line with its policies favouring the legalisation of the use of marihuana. The Government will not countenance such proposals.
- (3) Not at this time. The misuse of alcohol is extensively controlled by the Liquor Act, the Road Traffic Act, and the Police Act. Control of the use of tobacco is primarily a matter for the Minister for Health.

RECREATION

Football: Clearances

97. The Hon. TOM McNEIL, to the Minister representing the Minister for Recreation:

In light of the statement in *The West Australian* newspaper on 14 August, in which the Western Australian Football League states that interstate clearance applications will only be considered if a player is 24 years of age and has played 110 league games, will the Minister advise if this will apply to—

- (1) (a) players who are signed contract players with league clubs in this State;
- (b) senior footballers playing in country leagues;
- (c) junior footballers playing in country leagues;
- (d) junior footballers playing with metropolitan clubs?
- (2) If the answer to all questions is "Yes", does the Minister consider this type of restriction a constraint on the freedom of an individual to play with a club of his choice, in the State of his choice?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) Modifications to clearance regulations have not been finalised and will be the subject of discussion between the Western Australian and Victorian Football Leagues in the near future.

I am advised that the discussions will be aimed at encouraging players to remain in Western Australia to help the standard of football, but still offer those who wish to play football in Victoria that opportunity at a young age without clearance problems.

HEALTH

Nursing Homes

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

Further to the answer to question 57 on 13 August 1980—

- (1) Will the Minister please explain what is meant by the reply to part (3)?
 (2) In respect of the reply to part 4(a)—
 (a) how often are inspections carried out by the Department;
 (b) by whom; and
 (c) is advance notice given to the home concerned?

The Hon. D. J. WORDSWORTH replied:

- (1) State Government subsidies paid to nursing homes mentioned in the original question under (1) (b) amounted to \$5 864 352. No Commonwealth subsidy figures for this period are currently available.

It may be of interest to note that net State Government expenditure in relation to nursing homes operated directly by the Government amounted to a further \$9 146 061, as referred to under (1)(a) of the original question.

- (2) (a) At least once a year, but may be more often if the circumstance warrants;
 (b) by the nursing officer of the department. Advice may be sought by this person from other departmental officers where specialist knowledge is required relating to matters of concern or interest;
 (c) No.

HEALTH

Asbestosis and Mesothelioma

99. The Hon. H. W. OLNEY, to the Minister representing the Minister for Health:

- (1) When was the first case of—
 (a) that form of pneumoconiosis known as asbestosis; and
 (b) mesothelioma;
 diagnosed in Western Australia?
 (2) How many reported cases of—
 (a) asbestosis; and
 (b) mesothelioma;
 have been reported since then?
 (3) Has there been any reported case of mesothelioma in Western Australia involving a person who has had no previous contact with blue asbestos?
 (4) In respect of both—
 (a) asbestosis; and
 (b) mesothelioma;
 what is the—
 (i) shortest;
 (ii) longest;
 (iii) average;
 period between the patient's first contact with blue asbestos and the diagnosis of the disease?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) 1958.
 (b) 1960.
 (2) (a) 195.
 (b) 64.
 (3) Not known with certainty because precise contacts with asbestos are rarely completely known. Five probable cases are recorded.
 (4) (a) Asbestosis—
 (i) 2 years.
 (ii) 16 years.
 (iii) 9 years.
 (b) Mesothelioma—
 (i) 13 years.
 (ii) 31 years.
 (iii) 20 years—median.

STATE FINANCE

Income Tax: State

100. The Hon. LYLA ELLIOTT, to the Minister representing the Treasurer:

Further to the answer to question 71 on 13 August 1980, is the Government considering the introduction of a State income tax or surcharge in the present financial year?

The Hon. I. G. MEDCALF replied:

I cannot add anything to the reply I gave to question 70 on Wednesday, 13 August; namely, that the Government has no present intention of introducing a State income tax or surcharge.

INSURANCE BROKERS

Failure

101. The Hon. H. W. OLNEY, to the Minister representing the Minister for Consumer Affairs:

- (1) Have any official inquiries been made into the recent failure of a number of insurance broking firms?
- (2) If so—
 - (a) by whom have such inquiries been made; and
 - (b) what have they revealed?
- (3) Does the Government propose any legislative action in the present Parliament to regulate insurance broking?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) (a) By a working party appointed by the Minister for Consumer Affairs.
- (b) The report of the working party has been completed and received and is presently being examined.
- (3) No decision can be taken on this question until study of the report is complete.

HMAS "STIRLING"

Nuclear Vessels: Radiation

102. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

Further to the answer to question 64 on 13 August 1980, will the Minister advise the

names and occupations of the Western Australian Visits Committee for Nuclear Powered Warships?

The Hon. G. E. MASTERS replied:

Mr C. F. Porter (Chairman): Director of Department of Conservation and Environment.

Mr D. Hill: Chief Operations Officer, State Civil Emergency Service.

Dr F. Heyworth: Director of Occupational Health, Department of Health and Medical Services.

Mr B. E. King: Physicist-in-Charge, State X-ray Laboratories.

Capt B. Noble: General Manager, Fremantle Port Authority.

Commander R. H. Percy: Naval Officer Commanding Western Australia.

Mr F. Statham: Director, Department of Housing and Construction.

WORKERS' COMPENSATION ACT

Amendment: Junior Workers and Apprentices

103. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

In view of the Minister's answer to question 37 on 12 August 1980 in which he indicated the Government's desire to avoid anomalies in the application of clause 2 of the first schedule to the Workers' Compensation Act, will he also direct his attention to the position of workers whose work is not covered by an industrial award or agreement and in respect of which there is no award or agreement that can fairly be applied?

The Hon. G. E. MASTERS replied:

Yes.

104. *This question was postponed.*

HOUSING

One-bedroomed Accommodation

105. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

- (1) Is it a fact that in Broome there is no one-bedroomed State Housing Commission accommodation provided?

- (2) (a) Is there any one-bedroomed State Housing Commission accommodation provided in any town in the north of Western Australia;
 (b) if so, in what town, what type of accommodation, and in what numbers?
- (3) (a) Is it the policy of the Government or the State Housing Commission to create one-bedroomed accommodation in the North;
 (b) if so, when and where, and in what numbers?

The Hon. G. E. MASTERS replied:

It is assumed the honourable member's question relates to pensioner accommodation. The following information is provided—

(1) No.

(2) (a) Yes.

	TOTAL
(b) Carnarvon — 11 bedsitting room units	29
Carnarvon — 18 one bedroomed units	
Broome — 5 one bedroomed units	5
Derby — 2 one bedroomed duplex units	2
Kununurra — 3 bed- sitting room units	3
Halls Creek — 2 one bedroomed duplex units	2
Roebourne — 5 bed- sitting room units	5

In addition to the above there are eight units of one-bedroomed accommodation under construction in Carnarvon, and five in Broome.

(3) (a) Yes.

(b) Answered by 2(b).

EDUCATION: HIGH SCHOOL

Broome

106. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

- (1) When was the existing toilet block at the Broome district high school built?

(2) What was the then enrolment at the school?

(3) What is the present enrolment?

(4) Do the—

(a) Education Department; and

(b) Local Health Authority;

regard the facilities as adequate?

The Hon. D. J. WORDSWORTH replied:

(1) The first section was built in 1959 and was added to in 1966 for anticipated growth.

(2) 1959: 73 primary and 8 secondary students.

1966: 116 primary and 21 secondary students.

(3) 45 pre-primary on a separate site, 207 primary and 44 secondary students on the main site.

(4) (a) and (b) The toilets are regarded as in need of replacement. This work is included in planning to relocate a section of the school on the new site, with toilets included, and to build new toilets at the main site.

SMALL CLAIMS TRIBUNAL

North-west

107. The Hon. PETER DOWDING, to the Minister representing the Minister for Consumer Affairs:

(1) (a) Did a magistrate or referee in the Small Claims Tribunal visit the north of Western Australia in or about February 1980;

(b) if so, upon what date?

(2) (a) Has such a person visited the north of Western Australia on behalf of the Small Claims Tribunal before or since;

(b) if so, upon what date or dates?

(3) (a) Is it proposed that such a person should visit the north on behalf of the Small Claims Tribunal;

(b) if so, when?

The Hon. G. E. MASTERS replied:

(1) (a) Yes.

(b) 15 February, 1980.

(2) (a) Yes.

(b) 7 and 8 May, 1980.

(3) (a) Yes.

(b) 17, 18, and 19 September, 1980.

EDUCATION: SCHOOL

Koolan Island

108. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

- (1) What is the present enrolment of the school at Koolan Island?
- (2) Has the school population increased over the last three years?
- (3) Has the Minister or his department had any request for the establishment of a resource centre at this school?
- (4) If so, what was the response to such request?

The Hon. D. J. WORDSWORTH replied:

- (1) 99 primary and 6 secondary students.
- (2) Yes.
- (3) Yes.
- (4) The request is recent and is being evaluated in relation to available spaces and future enrolments.

ABORIGINES

Oombulgurri: Sacred Sites

109. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

- (1) Is the Minister aware, or will the Minister ascertain if—
 - (a) the Oombulgurri community has on a number of occasions in and since 1978 requested the Western Australian Museum to make a survey of sacred sites to register all sacred sites on Oombulgurri with a view to protecting those sites from mining or other damage;
 - (b) the Museum has instituted and/or completed such a survey or part thereof?
- (2) In relation to his report tabled pursuant to regulation 8 of the Aboriginal Affairs Planning Authority, if—
 - (a) the Minister is not aware of these requests; or
 - (b) a survey has not been completed; why did the Minister authorise the entry of another mining company against the wishes of the community?

- (3) Is he prepared to withhold entry permits under regulation 8 of the Aboriginal Affairs Planning Authority regulations until sacred sites have been mapped and/or protected at Oombulgurri?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) and (b) Although the matter raised relates to an area within the province of the Minister for Cultural Affairs I understand that the Oombulgurri community has approached the Western Australian Museum for a survey of sacred sites to be undertaken and this is under consideration by that authority.
- (2) and (3) The tabled report sets out the reasons for the issue of the permit. I consider that the company should have the opportunity to evaluate its mineral prospects on the same basis that a previous company has had. Particularly as the latter company is now scaling down its operations I consider it reasonable for the permit to be issued. The conditions which have been written into the permit ensure that sacred sites are protected and the company is required to consult with the Museum prior to the commencement of exploration and development activities.

STATE EMERGENCY SERVICE

Funds

110. The Hon. PETER DOWDING, to the Minister representing the Deputy Premier:

- (1) What funds did the State Emergency Service request for its 1978-1979 budget?
- (2) What funds was the SES given for its 1978-1979 activity?
- (3) What areas, if any, were specifically disallowed in refusing funding for the SES?
- (4) What was the total Government contribution towards the cost of assistance arising out of cyclone "Alby"?

The Hon. I. G. MEDCALF replied:

(1) to (3) It is not customary to disclose the funds requested by departments as distinct from the proposed vote submitted to Parliament for approval. Each year funds requested by departments and other bodies funded from Consolidated Revenue exceed funds available by many millions of dollars and many proposals submitted to Government cannot be approved for this reason. In 1978-79 the total of expenditure requests exceeded the amount which could be provided by \$62 million and substantial reductions had to be imposed on all departments' requests. Expenditure by the State Emergency Service in 1978-79 was \$378 194, exclusive of overtime and other salary allowances which are not segregated in the accounts for the Deputy Premier's office.

(4) Assistance in relation to natural disasters, such as cyclone "Alby," is provided under the Commonwealth-State natural disaster agreement which currently provides for the sharing of the cost of disasters on the basis of the State meeting the first \$3 million of the total expenditures on agreed measures plus 25 per cent of additional expenditure. The Commonwealth provides the remaining 75 per cent. Prior to 1 July 1978, the State was required to meet only the first \$1.5 million and the Commonwealth provided the balance.

Details of financial assistance for cyclone "Alby" under the Commonwealth-State agreement are—

	1977-78 \$	1978-79 \$	1979-80 \$	TOTAL \$
Grants for relief of personal hardship	287 332	1 665	—	288 997
Restoration of public assets	2 251 681	1 103 334	132 736	3 487 751
Concessional loans	11 558	1 577 835	57 748	1 647 141
Other assistance measures	4 485	46 416	—	50 901
	<u>2 555 056</u>	<u>2 729 250</u>	<u>190 484</u>	<u>5 474 790</u>

111. *This question was postponed.*

HOUSING

Derby

112. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

- (1) Is it true that in the early part of this year a Mr Kel McKenzie applied for a three bedroomed State Housing Commission home in Derby?
- (2) Did Mr McKenzie in his application claim to have two dependants, a boy and a girl?
- (3) Is it a fact that Mr McKenzie was granted a three bedroomed home within six days of his application being made, whereas other applicants in Derby for three bedroomed homes have had to wait substantially longer than six days?
- (4) Is the Minister aware that information as to Mr McKenzie's financial position was supplied by his son?
- (5) Do records of the State Housing Commission show that Mr McKenzie had been a joint owner of a State Housing Commission purchase home for which the sale price was some \$22 000 greater than the purchase price, and that settlement thereof was effected in early 1980?
- (6) Is it a fact that at the time he was granted his State Housing Commission home there were on the State Housing Commission waiting list, applicants with a dependant child or children seeking one, two, three or four bedroomed accommodation?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) to (6) Mr McKenzie was allocated a house on 10 January 1980 after meeting the commission's criteria to make him an eligible applicant. As the member would be aware, the State Government has committed some \$20 million for commission housing in the North-west and Kimberley in the last two years. As a result of this programme 35 houses

became available in Derby in December 1979 and this action by the Government cleared the waiting list for eligible applicants for Commonwealth-State rental houses.

It is not commission policy to make public, facts relating to individual tenancies, although in this instance the honourable member has been advised of the circumstances by letter from the general manager dated 20 June 1980.

QUESTIONS WITHOUT NOTICE

RAILWAYS

Freight Rates: Wheat

30. The Hon. H. W. GAYFER, to the Minister representing the Minister for Transport:

Would the Minister please advise the House whether the answers to question 15 asked by the Hon. F. E. McKenzie on 6 August concerning rail freights are correct?

The Hon. D. J. WORDSWORTH replied:

I thank Mr Gayfer for notice of the question, which notice seems to be rather rare nowadays. The answer supplied to me by the Minister for Transport is as follows—

Yes. Westrail advises they are the published rates. However, Westrail also advises that Queensland wheat for export is subject to a special commercial agreement.

MICROFILM CAMERAS

Certification

31. The Hon. PETER DOWDING, to the Attorney General:

- (1) Is it a fact that in the State of Western Australia there has been no certification of approved microfilm cameras under section 73D of the Evidence Act?
- (2) Is the Minister aware that certifications of such cameras have been made both in Victoria and in Queensland?

- (3) What is causing the holdup of such certifications, and when can they be expected?

The Hon. I. G. MEDCALF replied:

- (1) to (3) The Honourable member was good enough to let me know that he proposed to ask a question in relation to this matter a few days ago; however, I was not supplied with the exact details of the question.

It is a fact that there has been no certification of this equipment in Western Australia, and the matter has been referred to the Law Reform Commission. In a recent working paper, the Law Reform Commission indicated it is giving consideration to the matter.

ELECTORAL

Immigrants: Voting Eligibility

32. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

This question is supplementary to the Minister's answer to question 76, concerning voting rights. In view of the acknowledgment in his answer that there is a serious view that the distinction between British and non-British subjects might no longer be appropriate, will the Minister seek the consideration of the Government to limiting the voting to Australian citizens, irrespective of whether they are also British subjects?

The Hon. G. E. MASTERS replied:

I will pass on the question to the appropriate Minister.

MICROFILM CAMERAS

Certification

33. The Hon. PETER DOWDING, to the Attorney General:

Will the Attorney General make available to me and other interested parties, copies of the working paper of the Law Reform Commission in respect of the certification of microfilm cameras under section 73D of the Evidence Act?

The Hon. I. G. MEDCALF replied:

Working papers of the Law Reform Commission are normally made available to anyone who requires them. I will most certainly see that the honourable member receives a copy.

LAND

Hampton Areas Pty. Ltd.

34. The Hon. R. T. LEESON, to the Minister for Lands:

The Minister said earlier that he did not appear to have an answer to question 111. Will he obtain an answer to the question, and will it be answered in this place?

The PRESIDENT: The Minister indicated that he was seeking a postponement of the question.

The Hon. D. J. WORDSWORTH replied:

That is correct, Mr President. I said the answer was not in the folio, and I sought leave for it to be deferred.

