

JOINT SITTING

Legislative Council and Legislative Assembly

Wednesday, 25 March 1981

ELECTORAL: SENATE VACANCY

In accordance with the Standing Orders passed by both Houses of Parliament and approved by Executive Council, the members of the Legislative Council and the Legislative Assembly met in joint sitting in the Legislative Council Chamber to fill the vacancy in the representation of Western Australia in the Senate of the Federal Parliament caused by the retirement of Senator the Hon. Allan Charles Rocher. The President of the Legislative Council (the Hon. Clive Griffiths), in accordance with the Standing Orders, took the Chair at 4.45 p.m. He was accompanied by the Speaker of the Legislative Assembly (Mr Thompson).

Election of Senator

THE PRESIDENT (the Hon. Clive Griffiths): This joint sitting has been called to choose a person to hold the place in the Senate of the Commonwealth of Australia rendered vacant by the retirement of Senator Allan Charles Rocher, notification of which has been reported to this House by His Excellency the Governor. I now call for nominations to fill the vacancy.

SIR CHARLES COURT (Nedlands—Premier) [4.47 p.m.]: I propose—

That John Raymond Martyr of 60 Cawston Road, Attadale, being a person who is eligible to be chosen pursuant to section 15 of the Constitution of the Commonwealth of Australia, as amended, be chosen to fill the vacancy in the Senate of the Federal Parliament created by the resignation of Senator Allan Charles Rocher.

I have Mr Martyr's assurance that, if chosen, he is willing to act.

MR DAVIES (Victoria Park—Leader of the Opposition in the Legislative Assembly) [4.48 p.m.]: I second the proposal, because it is in accordance with the traditions which we have espoused and which we have stood for; but I cannot say I do so with a great deal of joy or gratitude to the Liberal Party for the type of

person it is electing to represent Western Australia in the Senate.

I do not believe we can be expected to allow the opportunity to pass without making a few comments on what has developed into what I believe is a rather unsavoury and sordid dog fight. This has occurred because of a back room deal between Mr Garland and the Prime Minister.

The Hon. A. A. Lewis: It is similar to what has occurred with Mr Leeson, I think.

Mr DAVIES: I am sure the member is not proud of what was done, but he will no doubt support the motion later. I believe it was a rather unsavoury deal which was planned between Mr Garland and the Prime Minister prior to the recent Federal election. It demonstrates the extent to which the Liberal Party power ploy will go to make certain its swing to the extreme right is maintained.

Mr Sodeman: What happened to Dr Troy?

Mr DAVIES: It has been there for quite a while and it will continue to be there for a long time. I am sure the member who has just interjected would be delighted to have Dr Troy back here again; but we deal with people who are Laborites—

The PRESIDENT: Order! I ask the member to confine his remarks to the seconding of the nomination.

Mr DAVIES: Very well, Sir. We believe the people of Curtin have been sorely deceived by the action of the Government and in fact they will not have the representative they thought they would have for three years in the Parliament. He is not the person they elected.

I second the proposal with some reluctance and also with some distaste. There is not the slightest doubt that the Prime Minister and Mr Garland fell out some time ago. The Prime Minister wanted Mr Garland out and I believe he himself wanted out.

The Hon. W. R. Withers: This has nothing to do with the proposal.

Mr Bryce: Give him a fair go!

The PRESIDENT: Order!

Mr Bryce: What about the right of free speech?

Mr B. T. Burke: Give the President a go!

The PRESIDENT: Order! I make the decision as to whether or not a member is out of order.

Mr B. T. Burke: Hear, hear!

Mr DAVIES: A deal was cooked up and no doubt it gave Mr Garland the position he wanted and it gave the Prime Minister the vacancy in the Cabinet which he wanted also.

Mr B. T. Burke: It gave the State a fascist.

Mr DAVIES: It was a huge gesture of contempt to the people of Curtin.

If Mr Garland wanted to go to London he should have taken the chance that the Liberal Party would have won the last Federal election, and he should have resigned before the election. He would not have had to give a reason for his resignation—he could have had an understanding with the Prime Minister—but he chose not to follow that course and chose to go to the electorate and say he would give it good service for three years.

If he felt the Labor Party would win the election then he should not have taken any chance; perhaps that is why he went to the electorate as he did. He probably felt there was a chance the Labor Party would win. He knew he would win his seat because it was a blue ribbon seat and a massive swing to Labor would have been needed to take it from the Liberal Party.

He promised to provide three years of service, but, I believe, he did not take his seat in the new Parliament except for only one or two brief appearances early in the session. What about the Liberal Party's 1975 promise of no jobs for the boys?

The PRESIDENT: Order! I ask the honourable member to endeavour to confine his remarks so that they sound like they support the nomination.

Mr DAVIES: Indeed, we support it, but we wish to draw attention to the circumstances surrounding it. I am attempting to point out there should never have been a by-election, and if the people in the Liberal Party concerned with this matter had been honest with the electorate there would not have been a by-election. Yet the President of the Liberal Party (Mr Ian Warner) in a letter appealing for donations had the gall to say that the time set for the by-election was not of the party's choosing. Of course it was wholly and solely of the party's choosing!

We then had the fight for pre-selection which was one of the most unedifying political spectacles to hit Western Australia with the jockeying that went on and support from certain sections of the Liberal movement for certain people. It was to be a fight to the finish so far as the power brokers were concerned because they had to pander to the extremism of their supporters. Mr President, I do not think there is any need for me to tell you what went on because we all saw it. As I said, it was one of the most unedifying political spectacles we have ever seen.

The Liberal Party then came up with the name of the successful person. He was an outsider, not

one of the many capable people who could have filled the vacancy. The Liberal Party dealt a further blow of contempt to the electorate and the whole of Western Australia by saying, "We will take one of our senators and give him the nomination; in due course we will be able to replace him with someone of our own choosing—

The Hon. R. Hetherington: Another retread.

Mr DAVIES:—and someone who will be more acceptable to us than some of the people there at present." Of course, the hope was held by many people that Senator Fred Chaney would be nominated. However, he apparently had trodden on some people's toes by offering some words of criticism regarding the Noonkanbah dispute, and was considered to be a liberal—I emphasise that that "liberal" is spelt with a small "l"—and therefore unacceptable. The man who was acceptable, a man whose name I find the greatest difficulty remembering—I thank you, Mr President, for mentioning it during the formal nomination today—was Senator Allan Rocher.

It is difficult not to become cynical about the procedures adopted by the Liberal Party when selecting the candidates for nomination on this occasion. We can only say it demonstrated the forces of reaction at work.

As I said, Senator Chaney is not so enthusiastic about what the Premier quaintly calls "State rights". The Premier has a 19th century opinion in regard to those rights, and not a moderate, reasonable, middle-of-the-road political party approach.

The principles which Senator Chaney stand for are regarded by many people as virtues, but not in this State. Here the people who say things like Senator Chaney said are regarded as sinners, and that demonstrates how extreme the Liberal Party in this State has gone and will go. In New South Wales those people belonging to the extreme right are looked upon as the lunatic fringe, but in this State they are the ruling junta; in New South Wales they are called "galahs" and in Western Australia they are called "Sirs"; and in New South Wales they are expelled and in Western Australia they are encouraged.

I think it is strange that the man nominated, who has rather strange credentials, was actually chosen to stand as the candidate for Curtin. The President of the Liberal Party felt he had to support him. Indeed, he said the man had eminent qualifications for the job because he was formerly a manager of the Jennings building company, was a successful manager of his own construction unit, was President of the Master Builders Association, and was a senator for Western Australia. They

were his qualifications; no wonder I could not remember his name. However, he was the man accepted above quite acceptable candidates for the seat of Curtin.

Let us have a look at the record of this dynamic person who was such a force in the Senate. In 1978 he made two speeches, one of which was in fulsome praise of the Liberal Party and the pre-selection committee for what they had done.

The PRESIDENT: Order! With respect, I suggest to the honourable member that he is straining somewhat on the purpose for which he rose. I suggest to him that he get back to that point as quickly as possible.

Mr DAVIES: I am dealing with the rather circuitous way the Liberal Party nominated this person and I think it should be placed on record so that we know just what is happening. Apart from the speech I referred to, Mr Rocher made a further two speeches, one of which was in fulsome praise and in passionate defence of Mr Crichton-Browne.

Mr B. T. Burke: That would be right! No wonder he gets on in the Liberal Party!

Mr DAVIES: This man with a mission, sent to us by the Premier who says we must have people in the Senate to defend States' rights, is now to be taken out of the Senate because States' rights no longer have any place in the Senate; they are now in the House of Representatives. Within five months there was a change of decision.

I am not the only one critical of that move in this hotbed of radicalism. There have been letters to the newspaper from people living in Dalkeith, Mosman Park, and Nedlands, stating what they thought of the Liberal Party's selection procedures.

I believe the Premier was out of the State for most of the time, but sent a message saying he expected all Parliamentary Liberal Party members on the pre-selection team to vote for Mr Rocher.

Sir Charles Court: That is news to me.

Mr DAVIES: When we confront the Premier with such news, he always pleads ignorance. Maybe his advancing age has affected his memory.

The Hon. W. R. Withers: You were the one who said earlier that you could not remember names!

Mr DAVIES: That fact is fairly chronic in the case of Mr Rocher, no-one remembers his name.

Several members interjected.

The PRESIDENT: Order! Members should refrain from interjecting because it is apparent the Leader of the Opposition is endeavouring to wind up his speech!

Mr B. T. Burke: Take your time Ron; there is no time limit here.

Mr DAVIES: I am sorry the member interjected and queried my memory because it is obvious I did not make my point clear. The point was: The senator nominated by the Liberal Party was unknown and people had difficulty finding out who he was. I would not say the Premier is unknown, we can remember his name quite easily. However, he has some difficulty in remembering requests he made to people who were associated with the pre-selection.

We now have a vacancy in the Senate and it was necessary for the Liberal Party power brokers to again get out their adding machines to ascertain how they might come up with a suitable candidate. There were many candidates, and in fact one was a member of this Legislative Council. I offer that member my condolences because we would love to have a by-election in the area he represents at present.

I believe this is a further gesture of contempt being shown by the Liberal Party, to the people of Curtin.

The PRESIDENT: Order! I remind the honourable member that his time will expire in three minutes.

Mr DAVIES: It is a further gesture of contempt to nominate a man who was soundly rejected, by the people of Swan, at the last Federal election. Having been soundly rejected, he is now given to the people of Curtin. What kind of an organisation is that?

Mr O'Connor: You have seconded him.

Mr DAVIES: I am seconding him with some distaste and reluctance because we believe this is the thing that should be done.

Several members interjected.

The PRESIDENT: Order!

Mr DAVIES: This man has been a member of the ALP and we got rid of him early enough, but he went to the DLP. When the DLP collapsed he went to the Liberal Party. It reminds me of Billy Hughes who had belonged to two major parties, and when someone asked him "What about the Country Party?" he replied, "Good God man, you have to draw the line somewhere!" I imagine Mr Martyr has only to join the Country Party and then he has done the whole gambit.

We will not have part of that disgraceful episode which happened in Queensland and New

South Wales in 1975 when the then Premiers and members of those States—one Premier is still there—thumbed their noses and nominated persons who were not in accord with the party to which the person who resigned or died belonged.

That brought about a referendum in 1976 which clearly indicated the people supported what we have always stood for and what was recorded in *Hansard*: on every occasion a vacancy has been filled in this State, we have supported the person who has been nominated by the party to which the person who retired or died belonged.

The PRESIDENT: The honourable member's time has expired.

Mr DAVIES: That is why we second this nomination with some reluctance and distaste.

The PRESIDENT: Are there any further nominations? There being no further nominations I declare Mr John Raymond Martyr of 60 Cawston Road, Attadale, Investor, duly elected to fill the vacancy in the Senate. That concludes the joint sitting and I thank honourable members for their attendance.

The President left the Chair.

Legislative Council

Wednesday, 25 March 1981

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

ELECTORAL: SENATE VACANCY

Filling of Vacancy

The PRESIDENT (the Hon. Clive Griffiths): Members, I wish to advise that the sitting will be suspended until after the joint sitting at 4.45 p.m.

Sitting suspended during the joint sitting of both Houses to elect a Federal Senator (vide report ante) from 4.32 to 5.17 p.m.

Result of Election

The PRESIDENT: I have to report that at the Joint Sitting of the Legislative Council and the Legislative Assembly, John Raymond Martyr was duly elected to fill the vacancy as a senator of the Federal Parliament in the place of Senator Allan Charles Rocher, resigned.

QUESTIONS

Questions were taken at this stage.

DEPUTY CHAIRMEN OF COMMITTEES

Election

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.52 p.m.]: I move—

That, in accordance with Standing Order No. 35, the following members be elected to act as Deputy Chairmen of Committees for the present session—the Hon. R. J. L. Williams, the Hon. T. Knight and the Hon. R. Hetherington.

Question put and passed.

[Resolved: That motions be continued.]

COMMITTEES FOR THE SESSION

Election

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.53 p.m.]: I move—

That, in accordance with Standing Order No. 38, the following members be elected for the present session—

- Standing Orders Committee—the Hon. R. J. L. Williams, the Hon. T. Knight and the Hon. R. Hetherington;
- Library Committee—the Hon. W. R. Withers and the Hon. R. Hetherington;
- House Committee—the Hon. A. A. Lewis, the Hon. R. J. L. Williams, the Hon. Lyla Elliott and the Hon. R. T. Leeson;
- Printing Committee—the Hon. H. W. Gayfer and the Hon. F. E. McKenzie.

Question put and passed.

LAPSED BILL

Restoration to Notice Paper: Motion

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.54 p.m.]: I move—

That, in accordance with the provisions of Standing Order No. 433 the undermentioned Bill be restored to the Notice Paper at the stage which it had reached in the previous session of Parliament—

Fisheries Amendment Bill—Committee.

Question put and passed.

LAW REPORTING BILL*Second Reading*

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.55 p.m.]: I move—

That the Bill be now read a second time.

From time to time, questions have been raised about who controls the rights to publish judicial decisions of courts in Western Australia. The Western Australian Government has always asserted that the copyright in written judgments belongs to the Crown in right of the State.

Copyright is also a Commonwealth matter under the Constitution and there is, of course, a Commonwealth copyright Act. That Act does not take away the right of the State to control the reproduction of written judgments by State judges.

The right to permit more than one reproduction of written judgments rests therefore with the State and the purpose of this Bill is to give statutory backing over the control of the State's copyright.

New South Wales and Victoria have adopted differing approaches to this problem, but the underlying theme of both is to ensure that the right to grant reprinting rights of judgments remains with the State.

The legislation now before the House will give statutory backing to this assertion by regulating the reporting of judicial decisions of courts as part of a series of law reports.

Courts are defined in the Bill so as to include the Workers' Compensation Board and the Supplementary Workers' Compensation Board constituted under the Workers' Compensation Act 1912.

It is particularly opportune and necessary that this Bill should now be brought before the State Parliament.

The Premier's policy speech for the last State general election referred to the Government's intention to legislate. This intention derived from what then appeared to be a rather haphazard proliferation of law reporting proposals some of which had some degree of official support and some of which did not.

Since that time the computer has loomed up as an important factor which cannot be overlooked in the law reporting field.

Representations are being made to Governments in Australia that various kinds of exclusive or non-exclusive rights should be given to computer-linked agencies. Important considerations attend decisions in such

matters—considerations affecting costs to the profession and the public and also the right of access to public reports.

The Standing Committee of Attorneys General is presently concerned with some of these matters and it is, I believe, opportune for us to have this legislation so that they can be considered and advice obtained from appropriate sources.

It is proposed that a law reporting advisory board will be set up consisting of six members. The chairman will be a Supreme Court judge nominated by the Chief Justice. The Chief Justice will be asked also to nominate a member who shall be one of the following—

A judge from either the District Court of Western Australia, or

the Family Court of Western Australia, or

the Chairman of the Workers' Compensation Board or the supplementary board.

Three members will be legal practitioners nominated by the Council of the Law Society and the remaining member will be a legal practitioner nominated by the Attorney General.

Members of the board will be eligible for appointment for a term of up to three years.

The board will be in a position to give the Attorney General advice on any aspect of law reporting, and the exercise of his powers and duties in that respect.

The Bill will permit the Attorney General to authorise the preparation, publication, and sale of reports or summaries of reports of judicial decisions of any court in this State. The Bill will also authorise the Attorney General to negotiate with various publishers and enter into contracts with a person, firm, or corporation in the exercise of his powers under the Bill.

It is proposed that powers to be conferred on the Attorney General will be able to be delegated to the board or some other designated person or body. The power to enter into contracts will remain with the Attorney General, but all other powers may be delegated with the exception of the power of delegation itself.

I would add that it is not the intention of this legislation to interfere with the present arrangements with regard to the Western Australian reports, except to the extent of requiring the formal approval of the statutory board.

It is, of course, hoped that those persons who have given their services to the editing of the reports would continue in that role and that the

board would give them every encouragement to continue.

It is envisaged that the board would, of course, satisfy itself as to the qualifications of editors and ensure that the standards of reporting are maintained at the present level.

I would also like to take this opportunity to pay a tribute to the high standard of professional work which has been performed to date by the Law Society's council of law reporting. It is a credit to those who have been involved over the years. They have set a standard of excellence which I am sure will continue under the future arrangements envisaged in the terms of this Bill.

I commend the Bill to the House.

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

Sitting suspended from 6.01 to 7.30 p.m.

ADDRESS-IN-REPLY: THIRD DAY

Motion

Debate resumed from 24 March.

THE HON. P. G. PENDAL (South-East Metropolitan) [7.30 p.m.]: I make the observation that it is fair to say that few topics in the past seven or eight years have provoked more public interest or created more public debate than the topic of health care.

The debate has specifically related to the costs of delivering health care to the Australian public. In addition I think it is fair to say that in the period of the last seven or eight years the wheel has turned three-quarters of a circle; we have gone from a system that demanded a high level of personal responsibility on the part of people wanting to insure against sickness to a system of financial chaos which naively suggests that utopia is to be found at the bottom of the garden with health care dispensed by fairies who can do it without any cost.

Like economists there would not be two health experts who could ever agree on the details for the reforms we need to retrieve the nation's health care system from the bottom of that garden to the real world. Notwithstanding that, I want to put forward tonight very briefly the details of a proposal completed only a matter of days ago which I believe brings together all the essential ingredients for a successful health care policy. I describe those essential ingredients as discipline in costs, personal responsibility, simplification of bureaucratic procedures, and, finally—certainly not the least—compassion.

It is a proposal that within a few days will be delivered to the Ministers for Health for the State and Federal Governments and to the respective Treasurers of those Governments. It is a proposal drawn up by a group of caring and concerned citizens who claim for it no more and no less than the fact that it meets the criteria I have just outlined.

In the broad view the proposal is in three parts. Firstly, it calls for the introduction of a requirement, therefore, compulsorily, that wage-earners over a certain basic wage level must insure with the health fund of their choice. In the second instance it suggests the introduction of a Bankcard-type system to reduce administrative costs and to simplify administrative procedures. In the third instance it calls for the abolition of the Commonwealth Department of Health over a two-year period beginning on 1 July this year in an effort to end the duplication of services already adequately provided by the States.

In the first instance the proposers suggest that anyone who receives a net taxable income—I emphasise the words "net taxable income"—of \$5 000 a year or less should receive free health care, and thus the criterion of compassion is met. Wage earners with a net taxable income of more than \$5 000 a year would pay a levy to a private health fund or to Medibank Private based on a predetermined and graduated set of scales and, also, based on a minimum cover of at least 75 per cent in terms of the charges made by hospitals, doctors, opticians, and dentists.

Simply put, the proposal means that the level of a person's income would determine the level of his contribution. In that respect the criterion of personal responsibility is met. In addition to that and not mentioned as part of the proposal put to me, but something I personally favour, there could be an option open to people who might be regarded as being in the middle or higher income levels. Under that option people in those income brackets could themselves undertake to meet fully their own health care costs by signing a declaration that they do not wish to be insured and that they will accept not only the risk, but also the responsibility for all health care costs they might incur.

The proposal for a Bankcard-type system in the view of the proposers would significantly reduce administrative costs. It would provide a simpler system for patients and persons providing health care. In essence it would work in this way. Upon payment of one's insurance premium either on a quarterly, half-yearly, or annual basis—possibly, even on a two-monthly basis consistent with the way in which the State Energy Commission

conducts its accounts—each person would receive a card similar to a Bankcard, with which members would be familiar, stating the name of the fund, the name and address of the insured, his membership number, and the extent of the cover; that is, whether that person is covered for 75 per cent, 90 per cent, or 100 per cent of his costs. Needless to say, the card would carry the person's signature.

Provision is made in the proposal for family cover and for those instances where other members of the family receive a taxable income in excess of the base level of \$5 000 a year. So, when that person seeks the health services of whatever kind he needs he would simply produce the Bankcard-type identification which would be married to one simple form and the both then franked through one machine together. It would then be the responsibility of the doctor, dentist, or whoever, to post that form to the relevant health fund for processing and payment. If the cover were for 75 per cent of the costs the consumer would then make his own arrangement with the doctor, hospital, or dentist to pay the balance of the account. No other forms would be required and thus the criterion of administrative simplicity would be met.

An implicit point in the proposal I have outlined relates to the dignity or personal pride of the people who earn less than the net basic salary of \$5 000 a year and by virtue of the fact they are treated free of charge.

The Hon. G. C. MacKinnon: How would you cope with a family that varies from the norm such as one that has a repatriation veteran or a child with a chronic ailment? How would you cope with those sorts of variations?

The Hon. P. G. PENDAL: As I understand the situation the proposers of this have taken such situations into account. For example, it has been made clear to me, in regard to the point the Hon. Graham MacKinnon raised, that someone who is in receipt of repatriation payments would receive free medical care; in fact, the pensioner population of Australia would receive free care. Again I emphasise the point that a basic part of the proposal is one of compassion, and it is one that does not have any inbuilt rigidity. I think it would sufficiently overcome any problems raised by the Hon. Graham MacKinnon.

The point I wanted to make in terms of the personal dignity of people who would receive free health treatment by virtue of their low level of income is that no-one—a doctor, the administrators of hospitals, or anyone else—dispensing a health service would know that

a recipient is receiving it free of charge. The Bankcard-type system would, not in any way differentiate from people paying or people not paying for their cover.

I now will refer briefly to the third major point in the proposal, and that relates to the present system of State and Federal health authorities being involved in the dispensing of health care. I suggest that is an unnecessarily expensive and, certainly, an unnecessary duplication of services. I made that point clear last year in my maiden speech to this House, and, consistent with that, I believe there is good reason for the Commonwealth to withdraw from this field and abolish the Federal Department of Health.

It is not sufficiently known that already the State Government pays well in excess of half the hospital and health care bill for this State. A similar situation occurs in other States, and that is not only in relation to hospital agreements, but also in relation to the Department of Public Health component of the health care system. I suggest now as I have suggested before that the Commonwealth by virtue of its bureaucracy is removed and remote from the ability to properly assess the individual needs and priorities of the various States.

Constitutional propriety and, I would suggest, plain good business sense, dictate that all the functions currently duplicated by the Commonwealth ought to be abandoned and the field left entirely to the States. A perfect example of what I am talking about—that is, the Commonwealth's incapacity to handle this matter—was evidenced about 18 months ago. A hospital in the Australian Capital Territory under the direct control of the Capital Territory Health Commission—therefore, the Commonwealth Government—was refused accreditation by the Australian Council of Hospital Standards because of the hospital's administrative deficiencies.

The proposal that I have outlined in brief detail tonight undoubtedly has deficiencies that are not apparent to me. I would suggest that no health scheme, or indeed, no scheme, is perfect. However, this is a simple, and possibly a radical plan, to overhaul an industry that now looms as one of the largest industries in Australia.

My proposal has full regard for the dignity of patients, and for those dispensing health care. It allows for dignity and virtually full freedom of choice on the part of the consumer, and it has regard for the enormous demands being made at this moment on Government hospitals. It is estimated by the proposers that the possible savings in the total health care scheme would be

something in the area of \$1 000 million—that is, \$1 billion—although I hasten to add the figure is still being costed.

I believe that the programme suggested, and as it will be submitted to the respective Health Ministers within a short time, has much to commend it. Certainly I commend it to this House. I support the motion.

THE HON. W. R. WITHERS (North) [7.46 p.m.]: I have never been a supporter of secession, but I must say that I can understand why more and more Western Australians will have to look at such a move unless the Federal Government changes its view from our Federal capital.

I am becoming increasingly disturbed that some Australian citizens are facing discrimination against them because of their particular race, or because of their particular geographic location in the nation. I consider such discrimination is contrary to the intent of the Australian Constitution. I find it extremely vexing that in a rich young country such as ours, a member of the Legislature has to stand up in this House to criticise the decision-making processes in our Federal capital. It becomes even more distressing to me when it is noted that I am of the same political ideology as that professed by the Government in Canberra.

It distressed me also that recently I became a signatory to a petition put to our Prime Minister in Canberra. In a letter dated 24 March of this year, I wrote to the Prime Minister as follows—

My Dear Prime Minister,

I recently signed a petition put to you by a group of Liberal "back-benchers" in Western Australia. The petition expressed our concern with your reported suggestion that our resource rich State should consider the acceptance of less Federal funds.

I normally will not sign petitions to my Prime Minister or Premier but in this case it became necessary for the people in my province to have an objection lodged on their behalf.

You deserve to have a personal explanation with some of the specific reasons for my participation as under.

The enormous problems and costs associated with the provision of services and their administration in a State the size of Western Australia are horrific compared to the geographically smaller States of Victoria and New South Wales. These smaller states encompass the Federal Capital within which

lobbyists may effectively operate to our detriment.

Some of the inequities which exist in the North Province of Western Australia are as follows:

1. Although my home town of Kununurra is on Highway Number One (our main link for food and supplies), it still has a large unsealed section of highway between Hall's Creek and Fitzroy Crossing.
2. Some of the towns in the province have neither television nor reasonable radio reception. Of the towns which receive ABC radio, they only have one broadcast to which they can tune. Asian stations provide a better selection at night but unfortunately they do not broadcast in the English language.
3. Telex and telephone communications are limited to a Southern Landline which, when periodically out of order, isolates us from Australia. The nearby towns in the Northern Territory have to be contacted on this precarious telephonic link via Perth, Adelaide and Alice Springs. A WA/NT link is required, as recommended to the Federal Sub-committee for Defence.
4. The high cost area residents of Australia are penalised by an inequitable tax system which recognises part of the inequities without allowing for their correction. (Refer to my submission to the Federal Committee of Inquiry.)
5. After many years of effort and representation, your government recognised the inability of my constituents to participate in the Home Savings Grant Scheme and the Minister of the day readjusted the scheme so they could participate. But the portfolio was given to another Minister who reduced the qualifying level to below the cost of welfare housing in my province and immediately excluded my constituents from the benefits made available to other Australians. (This was done despite my reasoned protest).

6. The provision of services and funds to disadvantaged people (such as Aborigines) has not appeared to be equitable between this State and the Northern Territory. The bias appears to be away from Western Australia which has the greatest problem of large area and population sparsity, whilst also having the highest urban population percentage measured against total State population.
7. The high urban population (relative) is caused by the comparative lack of services and "creature comforts" in the remote areas of the State. The mineral development in the 60's and 70's did create some remote area settlements of very high standards but this progress was not matched by the Federal input.

Such development will not happen in the same way if the Federal input is decreased.

The recent State policy of charging headworks costs against settlers and companies has been forced upon us by the lack of State funds in relation to the demand for development. Unfortunately this policy is limiting individual settlers and it may induce resource development companies not to reside in existing towns or to create new towns but instead, to commute workers from the city into the remote area on a similar basis to that used on off-shore rigs.

The economics favour this latter system but it will be disastrous for the nation.

Taxation incentives will help prevent it.

Reduced Federal input will ensure it.

8. The provision of State Services (Health, Education, Welfare, Energy and Works etc.) with their capital works, headworks and personnel requirements is a fiscal nightmare.

The State Treasurer and his officers have no counterparts in the world with such a problem to equalise the living standards over such a large area in relation to its small, highly mobile population.

The State Government has accepted the responsibility of equalising power charges throughout the State without the direct and indirect Federal subsidies given to other states for energy generation. This has resulted in a higher

"average" cost to the consumer than other states.

The State Government maintains a very close liaison with Local Government which also experiences similar fiscal and administration problems with shires larger in area than the United Kingdom.

You and I, like most human beings, are very sensitive to "the hip pocket nerve" so you will appreciate a brief account on what it costs the State and me to leave my home town in Kununurra in order to attend one meeting within my province. From this account, a multiplier factor may be contemplated for the Public Service across the State.

The following includes daily salary, transport costs, meals and accommodation only.

One meeting in Port Hedland	\$786.00
One meeting in Balgo	\$645.00
One meeting in Tom Price	\$1,010.00

These costs have to be considered by a Parliamentary Salaries and Allowances Tribunal in its endeavour to strike a compromise between the costs of an MP and the State.

When one considers these charges to the taxpayer, just to have one MP to operate within his province (the costs do not include office, secretarial or parliamentary charges), then one may contemplate the horrific costs of providing services through the Public Service sector in a State such as Western Australia.

The high personal costs and the time required in travel, has prevented me from effectively representing the Southern half of my 378,000 square mile province so I will not be seeking re-endorsement for the North Province in the Legislative Council because of the costs of that representation. However, the Public Service cannot opt out of its responsibilities as I have done, nor can the Premier.

Although this is a lengthy letter (which does not cover all the inequities*) I consider it needs your personal understanding and attention. Copies have been forwarded to

those Cabinet Ministers and others who are responsible for assisting development.

With kind regards—

Sincerely,

W. R. Withers,

MEMBER FOR NORTH PROVINCE.

*Examples were listed in my 1976 publication, "How Well-intentioned Governments Can Strangle the Development of a Nation". A copy of which is in your office.

It is these unjust inequities and disparities which cause people to think of secession in exactly the same way sexual discrimination caused the establishment of the Women's Electoral Lobby. It is this sort of disparity which caused such bodies to be set up and we might see it cause a move for secession in Western Australia.

I agree with some parts of Mr Olney's speech in relation to the parliamentary system. However, that system will be in jeopardy if the Federal and State Houses of Parliament do not recognise and correct these disparities which exist and which seem to discriminate against the people who are furthest from the seat of administration.

The media, in its search for news, does not help. Last year the media seemed to be intent on telling the Western Australian people—and indeed all the Australian people—that the value added tax—or VAT as it is commonly known—was a *fait accompli*. It is not. However, the media's attitude annoyed me to the point that I had to write to the Editor of *The West Australian* to advise him of the situation. I might add, my letter was not published. The text of the letter was as follows—

Cartoonists, political pundits and some editors seem keen to infer that the Federal Government may impose a retail Value Added Tax (V.A.T.).

As a resident (and representative) of the far North in W.A., I can assure the public that no Federal Government would be so foolish.

Any retail V.A.T. tax would be applied to the freight component within the cost of the goods. This would ensure that West Australians and Northern Australians would pay higher taxes than their South Eastern countrymen.

V.A.T. cannot be contemplated at the retail level in a country the size of Australia. To implement such stupidity would cause an uprising in the West and North of our nation which would make the Boston Tea Party look like a bun fight.

Let's get it all together and place practical evidence before the Federal Government for a more equitable tax system rather than

wasting time, effort and paper on one that cannot eventuate.

A copy of my letter was forwarded to the Federal Treasurer (Mr John Howard).

Not only are Governments and the media unfair to the general public in Australia; so are some of the men and women in the street. The producers of food and fibre in this country are horrified by the moves of some Australians to gain a 35-hour working week at a time when costs are so high. Their despair is reflected in a brief paper written by a man 73 years of age. It was written only last week by a person who is working on the land. I received a copy of it in the mail this week, and I have given a copy to some members of Parliament. Nevertheless, I think it is worthy of being read out in this Chamber. It is written by a man who is not accustomed to writing, and it is written in simple but straightforward terms. I quote as follows—

In recent weeks I have put a simple question to many people, asking them how many hours there are in a week. Most say they haven't a clue and some try to work it out.

Perhaps that same simple question could be used to make people aware of what is happening around them, to them, and for them, in Australia today.

I will now try and illustrate how, by not being aware of time, we will all be affected.

Time is closing in and facts must be faced. Take a primary producer as an example. We will give some thought to the fruit and vegetable grower. We all eat their produce—so please take heed. More and more will surely go hungry and in the not too distant future.

By now you may have worked out the number of hours in a week—168. The grower works between 70 to 90 of them, leaving him 78 to 98 hours to plan and sleep or whatever else. Yes, they are long hours to work and he does it willingly, facing up to life with a big heart, taking crop losses as a matter of course.

Now, there are other members of the community who want to only work 35 hours per week, leaving a balance of 133 and still want high wages. Where is the balance in this comparison? There is none—well, at least there is a completely ridiculous imbalance.

The man who wants this short week for the higher wage is the man who will ultimately starve you and himself—BUT—he is either

too lazy or too uninformed to see it. The primary producer simply cannot afford to pay the likes of this man to work only a short week for a high wage. Instead, the farmer works longer hours, most times with his wife and kids at his side. With their home life dogged with tiredness from the endless task of providing for that overdemanding element in our community, one must realise that this situation cannot go on forever.

Wake up Australia! Your image of a proud hardworking nation is sadly slipping and unfortunately we will all be hurt in some way. Look around and see how many producers have given up, due to the big wage. Shorter working hours can only add to the already high cost of what it takes to produce for you.

Dairy farmers have given up by the thousands. Butter factories and cheese factories have closed down in big numbers. Their cows have been sent to the slaughter yards—that means full stop for them. It takes years to replace a producing dairy cow at high cost.

I sincerely hope that you people who live in Australia, enjoying a life better than in any other country. DO something about this situation before it is too late.

DON'T say—"Why doesn't the Government do something about it?" YOU are the ones that helped cause it—YOU want more money and less working hours.

DO YOU REALLY EARN WHAT YOU GET NOW?

This sort of 'wanting' will break any farm or business unless it puts the price of its product up to meet your demands and then our Government will have to take more tax to support its higher costs.

If you don't believe what you have read then take the time to inquire, investigate and find out for yourself.

A MAN WHO LOVES THE LAND—THIS LAND—AUSTRALIA.

I use this Address-in-Reply debate to express the concern of my constituents about some Government policies which disadvantage them, and also to reflect the view of those people who may never be able to afford the leisure time which is sought by the more selfish members of our society.

Before completing my contribution, I wish to confirm that I continue to object to State and Federal policies which encompass racism. I have

written an extensive submission to the Australian Law Reform Commission on this matter, and in addition I have written a critique of that commission's discussion paper No. 17 on this matter. I will not read the whole of my rather extensive submission to the Australian Law Reform Commission, but I intend to read out the point I made in a summary, as follows—

Our discriminatory and compensatory laws are unnecessary reflections of our social conscience. They create racial polarisation and community friction in a way which works against the intent of the legislation.

It is not contemplated that existing social and aid programmes should be abandoned but rather changed in name, e.g., the Department of Aboriginal Affairs would become the Department for Disadvantaged People. (Removes racism but maintains assistance to the needy).

All our discriminatory and compensatory laws should be changed to remove racism and to assist people on the basis of need.

We must also provide systems which allow the retention of cultural heritage and for Aboriginal law to be integrated in Aboriginal communities.

I think I have said enough. I support the motion.

THE HON. N. E. BAXTER (Central) [8.07 p.m.]: In addressing myself to the motion I would like first of all to agree with the previous speaker who said that the opening Speech made by the Governor was a little lengthy and perhaps could have been shortened. I do not think we have heard such a lengthy speech for many years. Upon reading through the Governor's Speech I find quite a few items could have been omitted to cut down on the time taken to deliver it. Perhaps the Government may have a look at this matter in the ensuing years and decide whether such a lengthy Speech is necessary.

I was interested in the comments of the Hon. Phil Pandal in relation to health services and costs. Over the years we have had many experts study this matter; committee after committee has been appointed, particularly during the years going back to the introduction of the Commonwealth health legislation and hospitals agreement. None of those committees has been able to produce expert advice on how health services should be provided and costs cut. I have heard successive Ministers say how they would put value back into the health dollar, but I am still waiting to see that happen. Standing Committees of the Commonwealth Parliament, committees appointed by Commonwealth

departments, and committees appointed by political parties have been unable to achieve that result. Even in my day as Minister a committee came to see me; I gave it all the information I could, but it did not produce any result.

Therefore, this is a complicated question which is not as easy to resolve as some people might think. It is all very well to say, as some people do, that a great deal of money is wasted on health services; but to date nobody has been able to put a finger on items and say "A lot of waste is occurring here." During my time as Minister some small items were isolated—drugs was one—in respect of which we were able to cut costs. I recall one hospital was able to reduce its telephone costs. However, they were minor matters in the overall expenditure.

The proposition presented by Mr Pental came from a committee he did not name, and it has possibilities; however, it seems to me to be quite complicated. Mr Pental spoke of people with an income of \$5 000 and below being free of any charge for hospital services. However, he did not say whether the figure should be \$5 000 net or \$5 000 gross.

A member: I believe he said "net".

The Hon. N. E. BAXTER: I did not hear him say that. He also referred to the use of a Bankcard. What that has to do with it, I do not know. It seems to be fashionable today to use Bankcards. I prefer to pay my bills by cheque or cash as I go along, and I see no advantage in using Bankcard to pay for hospital bills.

The Hon. H. W. Gayfer: He said a Bankcard-type card.

The Hon. N. E. BAXTER: Yes, that is the term he used. We have got more or less such a system already. One pays one's premiums to a health fund and one receives a card with one's name on it and the particulars of the group to which one belongs. We cannot say that a Bankcard-type card would simplify payment of hospital accounts as Mr Pental claims. The payment of hospital accounts depends on the attitude of the person concerned.

The Hon. H. W. Gayfer: He was talking about simplifying the accounting procedure.

The Hon. N. E. BAXTER: Yes, that is the term he used; but the matter would still have to be investigated to see if it would have that effect.

The Hon. G. C. MacKinnon: There is no doubt that Hayden complicated the issue.

The Hon. N. E. BAXTER: I do not know whether he did. When one goes back to the essence of the Scott report and the new

agreement, one finds it was not a very complicated system. I think people kidded themselves it was complicated and began to believe it, but it was a simple system of either insuring or not insuring, and the Commonwealth contributed 50 per cent of the out-of-pocket hospital costs of the patient. That is what it boiled down to.

That was the original Hayden plan which the States accepted. The Ministers treated with Mr Hayden, and the reason that they agreed to the hospitals agreement and accepted the Hayden plan was the money that would be made available to the States. As I said recently in a letter to *The West Australian*, this State alone has received over \$500 million to 30 June 1980, and that is extra money. It is estimated this year we will receive some \$152 million from the 50:50 cost-sharing agreement. That is not a sum to be sneezed at.

This is a matter which we must look at very closely, and it is one we should have studied long before this, because the argument about what will happen to the 50:50 hospital sharing agreement has been going on for 15 months. The State had the right before 31 December 1979 to take an option to renew the 50:50 hospital cost-sharing agreement with the Commonwealth; but since then the Commonwealth has been dithering about and appointing committees, and it has been arguing the matter backwards and forwards. I do not know what has occurred at ministerial meetings, but we just have not been getting anywhere.

Mention was made of building this arrangement back into the tax-reimbursement system. God help us if we go back into that system because the Federal Government will cut the tripe out of us in respect of the money we should receive, and then we will be in an even more difficult financial position than we are at the moment. We were well and truly out in front while we were receiving 50 per cent of our hospital costs.

Referring again to Mr Pental's proposition, one finds it very difficult to judge how it would work unless one can see it written down on paper and have the opportunity to study it closely. It appears to me complications could be associated with it.

Mr Pental suggested that the treatment for pensioners should be free; but that has always been the case with the health system in Western Australia over the years. Pensioners and indigent people were always treated free in our hospitals, when we had the system which disappeared under the 50:50 hospital sharing agreement. However, it

appears that some people would still have to be subsidised, in addition to the pensioners and indigent people, because the amounts they could afford to pay would not go anywhere near meeting the costs if they had to go into hospital and receive treatment.

Another aspect of the situation is hospital and health care in Western Australia. I was surprised to read the following statement in the Governor's Speech—

The cost of providing health services to Western Australians is expected to rise to more than \$539 million this financial year, including more than \$30 million on capital work.

I took the trouble to study the revenue Estimates for 1980-81, and also to study the Loan Estimates; but I am not able to reach anywhere near that expected figure. The total expenditure of the Health and Medical Services Department to 30 December 1980 was \$14 million. If that figure is doubled, one arrives at \$28 million. Even if the \$30 million loan commitment for the hospital programme is added, it is still far short of the \$539 million.

I have figures which indicate that the health estimates for 1980-81 for the medical department are \$335 377 000; for public health, \$48 482 000; and for mental health services, \$56 694 000. That is a total of \$440 533 000. If we took that figure, without deducting from it the allocation from the Federal Government under the 50:50 hospital sharing agreement, and we added the hospitals development estimate in the loan programme of \$30 968 000, plus the \$1 489 000 for community health and the \$1 652 000 for mental health, there is a total of \$474 642 000. If that is deducted from the expected \$539 million, there is a difference of \$64 358 000. If the \$152 million estimated to be received from the Federal Government is deducted, the budget commitment is reduced to a figure commensurate with that particular amount. I do not know how the expected figure of \$539 million is arrived at. It is certainly not reflected in the Estimates figures.

I am rather surprised that not only has this figure been quoted by the Premier, in the Governor's Speech, but also it has been quoted several times in the Press as a statement by the Premier.

We were on the right track in 1976, 12 months after the 50:50 hospital-sharing agreement commenced, after the Fraser Government came into power. At that time, the State Ministers were called by the Federal Minister for Health (Mr Hunt) to a meeting in Melbourne. At that

meeting, the proposal for a 2½ per cent tax with a maximum contribution of \$150 was suggested to meet the commitments of those people who were not insured with a private health fund or Medibank Private. This scheme worked very well for 12 months. The next thing we knew, it went out the window. The tax was removed after 12 months. I was always puzzled, because none of the Ministers were told it was going out the window; but, bang, it went like that. The Prime Minister (Mr Fraser) and the Federal Treasurer (Mr Howard) wiped it off in one fell swoop.

Later I contacted Mr Hunt about it, and I asked him the reason. He said that they were frightened they would lose votes. Heavens alive, how would you expect to lose votes over an issue like that? A 2½ per cent tax, on income at a maximum level which rose to \$300, could affect very few people at all. Even on an income of \$5 000, as mentioned by Mr Pandal, it would be an amount of about \$125 a year.

There were allowances in that scheme for people on low incomes, for pensioners, and for indigent people. However, that scheme went out the window. If there is anybody to blame for the high cost of hospital and health services, the blame rests with the Federal Government and the Federal Treasury.

As I said earlier, for 15 months they have been messing about with one suggestion after another, and they have not reached the stage where a hospital agreement has been signed for another five years. I do not know where they will finish. It looks as if it will take the five years before agreement is reached. It will take the whole term of the option taken up on 31 December 1979. However, the Federal Government is still committed, morally if not legally, to meet the States on a 50:50 sharing basis.

There seem to have been many complaints about the costs of hospitals and health care. After all is said and done, it does not matter what education one has, or what sport one plays. If one has good health, and there are facilities to look after the health and the care of the people when they become sick, that is all right. It is worth a few thousand dollars to save somebody's life.

In this country of ours we have one of the best health and hospital services in any part of the world. Members should consider the costs of American hospital and health services. They are sky high, and well above ours. Members should consider the mess in the United Kingdom. One is battling to be admitted to a hospital or to see a doctor.

We have had problems in our health services in Western Australia in recent times; but our services are still better than those elsewhere. In many cases, people can afford to be insured; but they go to the public hospitals instead of the private hospitals. I believe we should be diligent in doing something about making those people pay for the medical and hospital care for which they can afford to pay.

Many people are "getting out from under" when they should not be. The Government has dallied for 15 long months on this issue; and it is time action was taken. We have heard complaints about hospital and medical costs, and waste of expenditure; but let us consider the education system.

Many people laud the wonders of education. Now we are educating people from the cradle until they are 55 years old. In the Governor's Speech the following is stated—

The Government will further expand the educational provision of the four-year-old children by encouraging the formation of additional play groups . . .

We are reaching the point of education from the cradle to the grave.

The Hon. Lyla Elliott: Are you opposed to that?

The Hon. N. E. BAXTER: I am opposed to that. We are taking the children out of the cradle and educating them. The parents are so enamoured of their children, thinking they are the cleverest children in the world, that they start educating them when they leave the cradle. I may be a little old-fashioned; but I do not think we should go to that extent. Many people think it is wonderful to educate children as soon as they can walk. We are cutting back health services to provide education from the cradle. Our priorities must be right. We must realise what is most important. I would rather have good health than all the education in the world.

Whilst one is able to work, one is able to do all things. If we were to look at some of the poor, unfortunate people in Australia, and particularly in this State, who have not very good health, we would realise they have to be taken care of. I do not care how much it costs to look after those people, as long as they are brought back to good health, or as long as they are cared for in their ill-health.

I deplore this attitude of penny pinching in relation to health services, and cutting back where the services are most essential. When the Whitlam Government was in power, it offered the States \$460 million over a period of five years for

hospital development programmes. Many people cried to high heaven when this programme was introduced. They said it would produce many beds that would not be used. What has happened since then? We have the situation where, in our major hospitals today, it is darned hard to obtain a bed; and it was darned hard to obtain a bed five years ago. That money being spent in the five-year hospital development programme has done the job more cheaply than it would be done in five or 10 years from now.

The Hon. G. C. MacKinnon: What is the occupancy rate of the private hospitals now?

The Hon. N. E. BAXTER: It is not good. It was not good before the 50:50 hospitals sharing agreement allowed for the \$16 a day payment. Mr MacKinnon will recall that some of the private hospitals were on the breadline at that time. I visited one private hospital which was in financial trouble; and the company operating that hospital has now built another hospital in a suburban area. The \$16 a day paid to the private hospitals for each bed occupied could not have been such a bad remunerative proposition for those hospitals after it was introduced by the Government of the day.

Part of the reason the occupancy rate in private hospitals has gone down is that the people who can afford to insure themselves are not doing so. If the tax I mentioned earlier had been continued, this would not have happened. The private hospitals would be taking the patients who are now going into the public hospitals.

The Hon. G. C. MacKinnon: Should you not encourage people to go into them?

The Hon. N. E. BAXTER: How does one encourage them?

The Hon. G. C. MacKinnon: You encourage them through taxes.

The Hon. N. E. BAXTER: I do not think it is possible to encourage anybody who is not insured, if they do not want to cover themselves. If the tax had been applied, the amount paid would be so small that it would not matter to those people. However, they would rather have something for nothing.

The Hon. G. C. MacKinnon: It is not a matter of generosity. Insuring is a business proposition.

The Hon. N. E. BAXTER: It is not a business proposition. How does one encourage people to spend money if they do not have to? It amounts to that.

I should like to deal with another issue while I am on my feet and it concerns the activities of the

Road Traffic Authority. The Governor mentioned the RTA in some detail in his Speech.

I believe steps should be taken to deal with people who drink and drive and those who travel at excessive speeds. However, it is a rather one-sided argument. One can drive in or out of the city at any time of the day and find that people drive at speeds of 70 and 80 kilometres an hour in areas with a speed limit of 60 kilometres an hour. This happens day after day and one rarely sees a patrolman.

However, particularly in country areas, if a person has a slight defect to his car, such as a defective head or tail light, he can be stopped by an RTA patrolman and asked to get out of his car and produce his driver's licence. He can be asked by the patrolman if he has been drinking—not if he has been drinking alcohol—and although the person may not have been drinking and there is very little wrong with his car, he is subjected to this sort of treatment.

I remember discussions took place when this legislation was introduced and at that time I was the Minister responsible for introducing the Bill. It was said in regard to section 66 that a person could be apprehended by a patrolman if he had reasonable grounds to suspect a person had imbibed alcohol. Section 66 of the Road Traffic Act reads, in part, as follows—

66. (1) Where a patrolman has reasonable grounds to believe that—

- (a) a person was the driver or person in charge of a motor vehicle the presence of which occasioned, or of which the use was an immediate or proximate cause of personal injury or damage to property; or
- (b) a person has, while driving a motor vehicle, committed an offence against this Act of which the driving of a motor vehicle is an element;

I believe there are a number of decent and reasonable RTA patrolmen; but a certain element seems to delight in misconstruing what is intended by this particular provision.

The Hon. D. K. Dans: I told you this would happen when the Act was introduced and you would not agree with me.

The Hon. N. E. BAXTER: These patrolmen misconstrue what is in the Act. I shall repeat the wording of this particular provision in order that there is no misunderstanding. It reads as follows—

- (b) a person has, while driving a motor vehicle, committed an offence against this Act of which the driving of a motor vehicle is an element;

Some RTA officers interpret this provision to mean that a defective tail light is an element of the way in which a vehicle is driven. I do not see how that can be the case. The provision is designed to empower RTA patrolmen to apprehend the driver of a vehicle if the vehicle is being driven in such a way that, for example, it moves over the centre line of the roadway or weaves from side to side. On that basis the patrolman would have reasonable grounds to believe the person may have been drinking liquor.

The provision continues—

the patrolman may require that person to provide a sample of his breath for a preliminary test in accordance with the directions of the patrolman.

The person may be required, not demanded. I believe we should examine the intention behind the word "require".

A preliminary breathalyser test cannot be used as evidence against a person in a court of law, because it is used only as a gauge to see whether a person has been drinking alcohol to excess. Either an analysis test on a properly approved breathalyser machine or a blood test taken by a doctor and analysed by a pathologist may be used in a court of law.

Perhaps we erred when we inserted the word "require" in the Act; but I still believe the intention of it was that an officer may ask a person to take a preliminary breathalyser test. That person would have the right to refuse to take such a test, but must agree to go to the police station or some other office designated by the patrolman. He would then have to take a breathalyser test on proper equipment or a blood sample would be taken by a doctor. I believe when this Act was proclaimed it was not the intention to harrass people. However, this has happened particularly in country districts.

I should like to give an example of a case which occurred in a country centre in the province which Mr Gayfer and I represent. On this occasion two brothers had attended a small function at a gun club and they were driving home. The driver had had a couple of drinks and his brother had not had any alcohol at all. Whilst they were driving to their farm, they were stopped by an RTA patrol car and two officers approached them. The driver was asked to get out of the car and produce his driver's licence. He was asked also whether he had been drinking and the driver said he had had

a couple of drinks. The officers put the breathalyser on him and he did not have a blood alcohol level of 0.08.

However, the patrolmen made the driver lock the car and walk 500 or 600 yards to the farmhouse up the road where he telephoned his wife and daughter and asked them to bring out another car so that they could travel to their destination in both cars.

That is only one case which I have used as an example of some of the situations which occur in country areas. A further example which I have would be rather amusing if it was not serious. A gentleman by the name of Mr Bell was travelling home from the Narragin trots and he bought a carton of milk which he consumed on his way. He travelled through Wagin at 60 kilometres an hour in an 80 kilometres an hour speed zone.

This gentleman noticed a car was travelling behind him and, as he was moving rather slowly, he pulled over to allow the car to pass, but it did not. It lagged behind him, so Mr Bell pulled over a little further. The next thing which he saw was the blue lights flashing on the car behind him and, thinking the car may be an ambulance, he continued on his way until the siren was sounded.

Mr Bell immediately stopped his covered utility and two officers of the RTA approached him. They asked him if he had a heavy load in the back of the vehicle and he said he did not have anything in it, but they could have a look if they wanted to. They were not particularly interested in doing so, but asked him why the vehicle was wandering on the roadway. Mr Bell said he was travelling slowly and he pulled off the road to let the car behind him pass and possibly it appeared as if the car wandered when it moved into the gravel section of the roadway.

The patrolmen then asked Mr Bell if he had his licence and he produced it. They took down all the particulars and asked him if he had been drinking. Mr Bell said "Yes". He informed the officers he had been drinking between Narragin and Wagin and asked them if they would like a sample of his drink. He produced the carton of milk and the officers were not very amused.

I believe this sort of activity is getting beyond the pale in country areas. There are a number of very decent RTA officers, but occasionally an officer seems to think he belongs to the Gestapo and he makes a general nuisance of himself to the driving public. There is no reason for this, except that the officer seems to believe he will get some kudos as a result of his taking the case before the court.

We have seen an example of this sort of behaviour in the case taken against my colleague, Mr Gayfer, in the Wagin court. Mr Gayfer was stopped by an RTA patrolman one night when he was heading out of Narragin after drinking a very small amount of beer. Incidentally, a blood test which was taken registered nil, as did the police sample. However, Mr Gayfer was pulled up, because he had a faulty tail light of which he was not aware.

It appeared Mr Gayfer had been followed around Narragin earlier that evening by an RTA patrol car. The RTA officers in this instance were not satisfied when Mr Gayfer was not prepared to take a preliminary breathalyser test and they arrested him, although nothing is mentioned about arrest in section 66 of the Act. Of course, the officers could operate under the Criminal Code and arrest him for a simple offence; but what is a simple offence? Certainly not the refusal to take a preliminary breathalyser test, as long as the person concerned went to the police station or an office nominated by an RTA patrolman and took either a breathalyser analysis test on the appropriate equipment or consented to a blood test being taken by a doctor.

However, the officers did not charge Mr Gayfer with refusing to take a preliminary breathalyser test; they charged him under section 67 of the Act for failing to obey the directions of a patrol officer. This is an example of how complicated they have made this matter and how they have misconstrued the meaning of the Act.

It is interesting to note that in the transcript of evidence taken in the court, the prosecuting sergeant said Mr Gayfer was charged with refusing to take a preliminary breathalyser test. It is also interesting to note that the magistrate decided to find Mr Gayfer guilty, but because of extenuating circumstances he did not impose a penalty. These are the sorts of things with which country people have to contend these days.

It is high time we straightened this matter out and instructed the RTA as to the intentions of the two sections of the Act.

We must instruct them with regard to the use of the word "require" because it is a fairly broad word. The Government should look at these two sections and decide what it wants. It should decide whether the section gives a person the right to refuse a preliminary breathalyser test or elect to have a proper analysis or blood sample taken. If this is not done then we will be back to the situation of random testing and the excuses the RTA officers use to pull up a car. An RTA officer should have a reason to believe that the

person in charge of the car has been drinking, before he apprehends him. This action of harrassing and annoying people who are going about their lawful business gets on one's gall.

Another issue I wish to raise is that of the gradual cutback of staff in country areas in the departments of Westrail and the Police Force. We find that in country areas the staff numbers are being gradually whittled away.

Since October 1976, the number of stationmasters in country areas has been reduced from 190 to 160 in 1980. The number of junior officers in Westrail has been reduced from 153 in 1975 to a low 38 in 1980.

This practice has been occurring over the last four or five years, during the time of drought conditions in the country areas. To keep a family in the town means something to the local storekeeper, local service station, hotel, and business people. However, with the gradual withdrawal of the stationmasters there is a reduction in the number of people in country towns: they are moving to the city areas.

The same thing is happening with the Police Force. At one time two officers were stationed in country towns, but now that number has been reduced to one.

Quite often, if an RTA officer is not stationed in the area, there is quite a deal of paperwork to be done by the police officer in addition to his regular patrol duties. The reduction in staff is not as simple as it appears because often the job does not finish at 5.00 o'clock. The officer has to make a check of the town and ensure that the hotels close on time.

The Government should reconsider this cutback of staff in our Police Force in country towns as well as the cutback of staff in the railways. Some use could be made of the stationmasters because they could travel around the district and talk to farmers about whether it would be wise for the farmers to travel their goods by rail rather than in trucks.

One problem in some country areas is that where there are no facilities for farmers to bring their wool into a siding, they have to load it onto the truck themselves and this is very hard work.

Another point I wish to comment on relates to the matters raised by the Hon. Howard Olney in his speech to the Address-in-Reply debate. He referred to land rights for Aboriginal people in South Australia. I guess his comments were made because of the promise made by Mr Dunstan to the Aboriginal people in South Australia.

At the time when I was Minister for Health, Community Welfare, and Aboriginal Affairs, I was informed that Mr Dunstan had written to the Pitjantjatjara group in the central desert area of South Australia informing them he would give them freehold title to their lands. It rather staggered me because I felt the system we had with the Aboriginal Lands Trust was a good one. It had worked well because it had been set up responsibly by this State and the chairman was Mr Ken Colbung. Other members were elected by Aboriginal people throughout the whole State, one to each zone.

The Pitjantjatjara group is in the central desert area but takes in a large circle with the Pitjantjatjara people in the Northern Territory and in Western Australia also. The circle in W.A. encompasses the Giles, Jamieson, and Blackstone and Wingellina areas.

Most of the State Ministers were fairly sensitive about what Mr Dunstan had done, and met in Melbourne as the Aboriginal Lands Council. The Minister for South Australia at that time denied any knowledge of Mr Dunstan's letter, as did the Federal Minister. I thought it was common knowledge because I knew about it. However, Mr Viner said he did not know very much about it. He then suggested a further meeting which was held in early February 1977 in Alice Springs.

Of course, the meeting did not proceed very far. Representatives of the Pitjantjatjara group had been invited and held a separate meeting along with their interpreters, which we sat in on at a later time. Different Aborigines spoke, but of course we did not know what they were saying. One Aboriginal called Jimmy, who was from Wingellina spoke in a tone different from that of the other Aborigines of the Pitjantjatjara group. When I asked what Jimmy had said, I did not receive an answer. However, when I insisted, I was told "Just the same as the other fellows". Members can imagine what sort of picture was being painted.

The Labor Government in South Australia has reached an agreement with the Pitjantjatjara group there and has given it land rights. I do not have all the details the Hon. Howard Olney quoted yesterday, but the action of the Government was to confirm the promise made in the letter from Mr Dunstan.

We have had no problems in this State with land under the Aboriginal Lands Trust. There has been a great deal of stirring done by people who have moved amongst the Aboriginal people. I have seen this done at meetings in the Kimberley

where often people talked for Aboriginal people without their authority. They have had to be removed so that the Aboriginal people could explain their situation properly.

The Aboriginal people in this State through the lands trust fairly well control all their land. They have control of their stations, and some stations have been bought by the Commonwealth Government and handed over to Aboriginal groups. In some instances they have had to have a white supervisor because otherwise these stations would deteriorate rapidly. In some instances the people have eaten all their stock.

The Hon. H. W. Olney: Do they have to be white to be capable?

The Hon. N. E. BAXTER: It could be a capable Aboriginal supervisor, but a strong person is needed to supervise the station. There have been some occasions where the people have wrecked the whole show, and it has been the aim of this Government to educate these people to handle things for themselves.

I can remember the time of the "do-gooders" when they tried to make white people out of Aborigines.

The Hon. H. W. Olney: Are you talking about Christian missionaries?

The Hon. N. E. BAXTER: One has only to go to the Kimberley to ascertain what the missionaries have done for the Aborigines. They are well looked after and one can only admire what the Roman Catholic missionaries have done.

The Hon. G. C. MacKinnon: Why are you talking about the Roman Catholics? What about the Protestants?

The Hon. N. E. BAXTER: They do a good job also. I can quote a few missions such as the Balgo, Beagle Bay, and Le Grange where it can be seen that the people are well looked after. They have housing of a good standard. At the Balgo Mission the bricks for the homes are made out of clay and cement from the area. The homes have kitchens, lounge rooms, and fire places which are very similar to the ones we have made with Toodyay stone. This is the sort of thing which is being done in these areas. It is a policy we must follow gradually over many years; we cannot implement it suddenly, and try to make a white person out of a coloured person, particularly an Aboriginal, over a very short time. Most of the Aborigines up there are full bloods; they appreciate the situation. Their children are quite delightful; they have adequate schooling and are well looked after. It would be quite wrong to say to the Aboriginal people "Yes, we will give you all the freehold land you want." There is no reason that

they could not work for this land as the white people are required to do; after all, they are citizens of Australia. In fact, some of them have worked and saved and purchased their own land.

The Hon. H. W. Olney: They cannot obtain pastoral leases at the moment.

The Hon. N. E. BAXTER: We all know the reason for that! I do not intend to discuss that situation; it is one I could go on with for hours. When things settle down and certain people adopt a more sensible approach to the matter, pastoral leases once again will be made available.

The Hon. D. J. Wordsworth: As Mr Olney is well aware, a number of pastoral leases have been transferred to Aboriginal interests since the Noonkanbah dispute.

The Hon. N. E. BAXTER: The Noonkanbah dispute was only one of those periodic incidents which sometimes occur.

With those remarks, I support the motion.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.02 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 31 March.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.03 p.m.]: I move—

That the House do now adjourn.

Senate Vacancy: Method of Filling

THE HON. J. M. BERINSON (North-East Metropolitan) [9.04 p.m.]: The Joint Sitting earlier today which appointed Senator Martyr raised a number of considerations which do not relate strictly to Mr Martyr's personal position. I think it is true to say that practically no-one is now left who would bother to deny that the concept of the Senate as a States' House is dead. The Senate is as much a party-political House as the House of Representatives in Canberra or the Legislative Assembly or Legislative Council in this State. In fact, in some respects it is even more strictly political than those Houses. This arises from the virtual irrelevance of individual personalities to the winning of Senate seats.

That being so, it is only proper that if a Senate place becomes vacant for any reason—because of the death or retirement of a senator—that place should be filled by the party which previously held the position. More than that, it should be filled by the person who is preferred by that party.

It is for that reason that the Opposition supported the appointment of Mr Martyr, and I for one was grateful that the Government did not impose on us the charade of a panel, which has been adopted on some occasions in some of the other States. It is to be profoundly hoped that today's unchallenged appointment will be accepted as a model for filling all future vacancies, no matter what different circumstances may arise on future occasions.

The Hon. G. C. MacKinnon: Can you give us any circumstances in Western Australia which justify your suspicions being voiced?

The Hon. J. M. BERINSON: I am not suspicious; in fact, in a moment the Hon. Graham MacKinnon will be delighted to hear me pay tribute to the record in this State and to voice my regret that it has been in such sharp contrast to that of other States.

The Hon. G. C. MacKinnon: Go to the other States and tell them about it; do not bother us with your statements here, because they have no relevance to this State.

The Hon. J. M. BERINSON: The Commonwealth Constitution now requires that a replacement senator be from the same party as that of the senator who previously held the vacated position. So, the need for generosity is much reduced. For more than 70 years, until 1977, such a constitutional provision was not needed. The reason it was not needed was that successive Governments in all States and of all parties observed the convention to the same effect. The fact that we need that constitutional provision now is a shame; however, a disgraceful flouting of the convention by the Queensland National Party Government made the amendment unavoidable.

It is at least—as I promised Mr MacKinnon I would stress—to the credit of the Liberal-Country Parties in this State that they have always adhered to this convention without being legally obliged to do so.

I say "at least" because this acceptance by them of the democratic electoral principle in Federal Senate politics is so far removed from their abuse and corruption of the electoral system in this State.

The Hon. G. C. MacKinnon: Now we are getting to it.

The Hon. P. H. Lockyer: It is the same old whinge.

Electoral Districts and Provinces: Imbalance

The Hon. J. M. BERINSON: It is not a whinge; it is a statement of fact drawn from answers to questions by Ministers in this House only this week. What did we learn as recently as yesterday and this afternoon in respect of the present situation of the electoral rolls? We learnt that enrolments in nine Legislative Assembly electorates are now out of quota; that a further 13 seats in the Assembly are within 1 000 votes of falling out of quota; that one Legislative Council province has 17 times as many electors as another province; and, that the boundaries of the Assembly electorate of Pilbara have remained unaltered while the number of electors enrolled in that electorate has multiplied no less than 12 times.

I put it to the House that summarising these facts is not a matter of whinging, but of bringing to the attention of this House once again—and we will do it again and again, if that is necessary—the absolute corruption of the electoral system in this State which Mr Lockyer apparently is so intent on preserving.

The Hon. P. H. Lockyer: I will take you up to Meekatharra and you can—

The Hon. D. K. Dans: You will not take him to Meekatharra at all.

The Hon. P. H. Lockyer: It is a stupid argument.

The Hon. G. C. MacKinnon: It is quite dishonest.

The Hon. P. H. Lockyer: It is something you got used to in the Whitlam Government.

The Hon. J. M. BERINSON: I will tell Mr Lockyer what we got used to in the time of the Whitlam Government; Mr Lockyer raised this matter, so let him cop it. Mr Deputy President, I am sure you do not need reminding as Mr Lockyer apparently does that during the time of the Whitlam Government the allowable deviation from the quota was reduced from 20 per cent to 10 per cent and, to its great credit, that move had the support of the Federal Liberal Party. What is wrong with their State colleagues here that not only do they insist on a 20 per cent variation in quotas in all seats, and a variation of 50 per cent, if we do not mind, between metropolitan and non-metropolitan seats, and that there should be a variation of 1 700 per cent as between two

provinces, but also when somebody brings this disgusting and disgraceful set of corrupted electoral practices to the attention of the House they find themselves with nothing better to say than "Here they go, whinging again"? If this matter is not worthy of the attention of this Parliament, we might as well pack up and go home.

The Hon. G. C. MacKinnon: It is worthy of your moving a substantive motion, not of discussing it during the adjournment debate.

The Hon. J. M. BERINSON: I will not disappoint Mr MacKinnon; he may anticipate any number of formal motions to that effect. Will he support them?

The Hon. G. C. MacKinnon: Of course I will not.

The Hon. J. M. BERINSON: So, Mr MacKinnon would like me to move a motion calling for the belated reform of the electoral system in this State to give him the opportunity to vote against it! Nonetheless, I give him the assurance that I will give him the pleasure in due time and on as many occasions as he wishes of voting against such a motion.

I have summarised briefly and calmly the disgraceful set of circumstances which the Government is intent on preserving. The question now is "What is the Government going to do about it?" I asked the Minister that question earlier this week and he gave me the very honest answer that the Government was going to think about it. The Government is going to think about it this year as it thought about it last year and, in fact, as it has been thinking about it ever since its position has been preserved, even in bad times for its party, by the electoral system.

My biblical namesake, Joseph, had a certain capacity to foretell future events. Unlike him, I am lacking the divine inspiration. Nonetheless, even without that inspiration, I can give members a fair assurance of what the Government is going to do about this situation after it has done its thinking. It will do one of two things: Either it will do nothing about it, and will hang on by its fingertips like grim death to this system until the next election, when it will have no alternative but to call for a redistribution; or it will accompany a redistribution with an amendment to the Electoral Act designed to protect its seats from the changing nature of the population in this State. Those are the two alternatives I offer members opposite. They are offered without the benefit of divine inspiration, but in the sure knowledge they are bound to be correct. This is not the first occasion on which I have raised this matter.

The Hon. H. W. Olney: And not the last, either.

The Hon. J. M. BERINSON: It will certainly not be the last time. It is not the first occasion on which the only response from the other side has been to the effect that "We have heard all this before" or "You are whinging again". Not once have I heard even an attempt from the other side to support the fairness, the justice, or the morality of the present system.

The Hon. N. F. Moore: That is not true, either.

The Hon. J. M. BERINSON: I count it to the credit of those members of the Government parties who have remained silent that they have at least not gone to the extent of being outspoken in their support of a system of which they should all be thoroughly ashamed.

I have said that in relation to the appointment of the replacement senator, the Government parties have always acted correctly in the history of this State. I share Mr MacKinnon's confidence that they will continue to do so.

I will do no more at this stage than express the hope that this may inspire them at the State-level to follow their own good example elsewhere.

The Hon. W. R. Withers: Magnificent acting! Encore!

Senate Vacancy: Affiliation of Senator J. R. Martyr

THE HON. H. W. OLNEY (South Metropolitan) [9.15 p.m.]: I do not have a biblical namesake and I am not a member of Actors Equity. I feel rather inadequate to speak following my comrade and deputy leader, but I wish to raise a question which I thought the Hon. Joe Berinson would raise.

Under the Constitution amendment which was passed some few years ago relating to the filling of Senate vacancies, it is prescribed that only a person of the political party of the deceased or retired senator can be nominated to replace that deceased or retired senator.

Today we had the situation where a person was nominated who is known to have been, from time to time, a member of three different political parties and not one piece of evidence was put before us to indicate he was a member of the same political party as the retired senator, Senator Rocher. I raise the question whether in fact the procedures today were in order and whether the joint sitting should have had before it the material it needed before it could approve the nomination of Mr Martyr.

Senate Vacancy: Method of Filling

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.16 p.m.]: I very much regret that I do not have any biblical namesake and on this holy occasion cannot invoke and call down the wrath of heaven as the Hon. Joe Berinson did. I could see him grasping at the heavens and I thought at times he was grasping at a straw, but I am relieved to know he is a member of Actors Equity because that does help to explain his extraordinary conduct.

The Hon. J. M. Berinson: Does it explain the figures?

The Hon. I. G. MEDCALF: My biblical knowledge, I am afraid, is not as good as it ought to be, although I have been watching some very good TV documentaries about the archeology of the Bible; but I do not know whether they are of much help on this occasion. Certainly I recall a reference to persons on Mt. Sinai calling down the wrath of heaven. I had the impression that this wrath was being called down on members sitting opposite the Hon. Joe Berinson.

I do not propose to carry on with this theological discussion. The honourable member did demonstrate a kind of religious or theological zeal in his comments; he was quite extraordinary to see and I admire his capacity to produce such an effect. He certainly galvanised the House.

On the general subject he introduced—

The Hon. J. M. Berinson: I thought you would never reach it.

The Hon. I. G. MEDCALF: —he did mention the good history of Governments in Western Australia in selecting a senator who came from the appropriate political party on the appropriate occasion. I remind him of one singular occasion when this was not done by a then Labor Premier in this State. I remind him of an occasion in 1942 when there was a vacancy in the Senate occasioned by the death of Senator E. B. Johnston who was, I think, a Country Party representative.

The then Premier (the Hon. J. C. Willcock) nominated Mr William Wauhop, a clerk of Fremantle, and later the Chairman of the State Licensing Court. His nomination was seconded by the then Chief Secretary (the Hon. W. H. Kitson). He was nominated in opposition to the man who was nominated from the Country Party by the Leader of the Opposition and the Deputy Leader of the Opposition to replace the Country Party senator who had died. This was a disgraceful act, according to the comments made by the Hon. Joe Berinson. It would have been as

disgraceful as the episode he described as occurring in Queensland.

The Hon. J. M. Berinson: I would agree.

The Hon. I. G. MEDCALF: I have the record in front of me.

The Hon. J. M. Berinson: I am not denying or disputing that.

The Hon. I. G. MEDCALF: It is an extraordinary record to read. The only explanation given by the Hon. J. C. Willcock for this extraordinary behaviour was that Mr Latham, who was the Country Party nominee, had been the subject of so many good reports he did not want to lose him from the House!

The Hon. J. M. Berinson: Who was eventually elected?

The Hon. I. G. MEDCALF: Mr Latham. I believe there was a majority of members from the Legislative Council who felt this should be the case.

The Hon. R. G. Pike: A sensible House of Review decision.

The Hon. I. G. MEDCALF: When we examine the facts of history they do not always come out the way we think they will, in spite of the impassioned speeches which we hear.

The Hon. J. M. Berinson: How about examining the facts of the electoral laws?

The Hon. I. G. MEDCALF: The member has been informed that the matter is under consideration and he has to accept that and leave it at that. These matters cannot be dealt with overnight.

Senate Vacancy: Affiliation of Senator J. R. Martyr

The Hon. I. G. MEDCALF: I shall answer the Hon. Howard Olney's comments about the doubt he has on the political affiliation of Mr Martyr, or should I say Senator Martyr, as he is now a senator. We were reminded earlier that he was sworn in yesterday.

I have no doubt he was a member of the Labor Party, a member of the DLP, and later a member of the Liberal Party. I do not think there is any doubt that section 15 makes it apparent that the party which is referred to is the party in which the retiring senator was elected to the Senate. The Hon. Howard Olney went on to say that no formal proof whatever was given to this House as to which political affiliation Senator Martyr had. I agree that no proof was given to the House.

This is the first time we have had to make such an appointment in the light of the amendment to section 15, which happened as a result of the referendum held a couple of years ago. No formal proof was given to the House, but I would venture to say that no proof is really necessary within this House. If any member has any doubt about such a matter and wishes to challenge the appointment of Senator Martyr, the appropriate course of action is to take those proceedings in the normal way in the High Court.

The Hon. H. W. Olney: The Premier asserted that Mr Martyr had given his consent. Should he not have asserted that Mr Martyr was a member of the Liberal Party?

The Hon. I. G. MEDCALF: The proposal the Premier put referred to Mr Martyr's qualifications for office. The Premier's proposal referred to Mr J. R. Martyr as "a person who is eligible to be chosen pursuant to section 15 of the Constitution". That covered the very point.

House adjourned at 9.23 p.m.

QUESTIONS ON NOTICE

AGNEW CLOUGH LTD.

Land

14. The Hon. Lyla ELLIOTT, to the Minister representing the Minister for Resources Development:

With reference to the Wundowie Charcoal Iron Industry Sale Agreement of 1974—

- (1) (a) What was the total amount of land involved under each clause of the first and second schedules of the agreement; and
(b) where is it located?
- (2) What was the estimated value of the land under each clause at the time of the sale by the Government to Agnew Clough Ltd.?
- (3) (a) Was permission given to Agnew Clough to subdivide any of the land; and
(b) if so, which lots?
- (4) (a) Has any Government department expressed concern about subdivision or clearing of any of the land; and
(b) if so, which lots and what was the reason given for such concern?
- (5) Has Agnew Clough Ltd. sold any of the land?
- (6) If so—
 - (a) which lots;
 - (b) for what price;
 - (c) to whom; and
 - (d) was the land purchased on behalf of a foreign investor or investors?

The Hon. I. G. MEDCALF replied:

- (1) to (6) Information sought is being collated and a reply will be provided as soon as possible.

RACING

Horse: Sprint

15. The Hon. TOM McNEIL, to the Minister representing the Chief Secretary:

In light of an article appearing in the *Daily News* of Monday, 23 March 1981,

headed "Sprint Horse trials suffer another flop"—

- (1) Will the Minister advise whether it is the Government's intention to reappraise the strength of the sprint horse population and the general support for this type of racing?
- (2) Will the Minister give an assurance that he will investigate the circumstances of a 14-year-old pregnant mare being raced over 400 metres and the club veterinary officers' report that the mare's extremely high heart and respiratory rates and slow recovery indicate either inadequate or no preparation for racing?
- (3) What are the Western Australian Turf Club's costs in running the Katanning trials?
- (4) If there is no marked increase in support for the remaining trials, will the Government withdraw their ultimatum to the Western Australian Turf Club to "introduce sprint racing, or else"?

The Hon. G. E. MASTERS replied:

The Chief Secretary has advised—

- (1) No. A series of sprint horse trials are being conducted by the Western Australian Turf Club.
- (2) The Western Australian Turf Club is responsible for the conduct of trials and associated matters, including the provision of a club veterinary officer at these trials.
- (3) I am informed by the turf club, \$1 250 for each trial meeting.
- (4) There was no ultimatum given to the Western Australian Turf Club.

RAILWAYS

Wagons: Centrecon Pty. Ltd.

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

- (1) Is it true that Centrecon carrying out a wagon building contract for Westrail has, due to financial difficulties, been taken over by Transfield?
- (2) Did Westrail approve of the work being transferred to Transfield?

- (3) Is the Government aware that Centrecon and Transfield have the same business address?
 - (4) Were Centrecon directors previously employees of Transfield or otherwise associated?
 - (5) Who recommended that the wagon contract be placed with Centrecon?
 - (6) In order to establish the financial stability of the firm was the ratio of assets to liabilities at the date of the placement of the order checked before the placement of the order?
 - (7) What penalty for late delivery is applicable to each wagon—
 - (a) by Westrail to the Seltrust company; and
 - (b) by Centrecon to Westrail?
 - (8) How many wagons has Centrecon delivered to Westrail—
 - (a) complete; and
 - (b) incomplete?
 - (9) What is the final cost of each wagon now?
 - (10) How many wagons built by Centrecon are being used for haulage of copper-zinc-lead concentrate?
 - (11) When did the haulage start?
 - (12) How many tonnes have been carried by rail to date?
 - (13) What types of wagon have been used, and where were they constructed?
 - (14) Will the new wagons be owned by the company or Westrail?
- The Hon. D. J. WORDSWORTH replied:
- (1) Inquiries concerning the financial status and ownership arrangements of the company should be directed to that quarter.
 - (2) No work has been transferred to Transfield. Westrail's contract is with Centrecon.
 - (3) Yes.
 - (4) At the time of placing the order with Centrecon, Westrail was aware that some of the directors had previously been employees of Transfield.
 - (5) The Commissioner of Railways.
 - (6) No, but the usual business analysis was conducted into the company's ability to complete the contract.
 - (7) (a) Nil.
(b) \$500 per week.
 - (8) Nil.
 - (9) \$51 027.
 - (10) Nil.
 - (11) Haulage has not yet commenced.
 - (12) Not applicable.
 - (13) Not applicable.
 - (14) Neither. Westrail will secure their use under a leasing arrangement.

EDUCATION

Secondary School Gifted Child Programme

17. The Hon. MARGARET McALEER, to the Minister representing the Minister for Education:

In view of the concern felt by parents of country children who were accepted into the secondary school gifted child programme in Perth when it was thought that the Commonwealth Government would refuse to pay them the isolated children's allowance, could the Minister advise me—

- (a) what arrangements are being made for the continuity of the studies of country students already accepted in the next and following years; and
- (b) what arrangements are likely to be made for country students who may be accepted for the programme next year?

The Hon. D. J. WORDSWORTH replied:

I am advised as follows—

- (a) and (b) The Education Department has established special programmes for intellectually talented students in eight of its metropolitan secondary schools and made places available to a number of geographically isolated students. Those programmes commenced in February 1981. At the time the offers of places were made, it appeared to be the case that such students would be eligible for assistance under the Commonwealth Government's isolated students' assistance scheme.

It was brought to the Education Minister's notice that parents who applied for assistance under the scheme were given advice by the Perth office of the Commonwealth Department of Education that assistance would not be forthcoming.

The Minister intervened on behalf of those parents and students with the Commonwealth Minister for Education; and I am pleased to say that on 9 February 1981 he was informed by telex that assistance under the isolated students' assistance scheme would be granted to the students for the period of their enrolment in the special programme for intellectually talented students. The special supplement has also been paid by the Education Department.

However, the Commonwealth has reserved its position concerning the 1982 intake into those special programmes until such time as it has received advice from the Schools Commission about assistance to intellectually talented students in general.

The programme for intellectually talented students which is being so vigorously pursued by the Education Department is an important component in the Government's concern to provide appropriate educational strategies and experiences for all students within its schools. That is a continuing concern and I could not sustain circumstances which militated against geographically isolated, intellectually talented students participating in programmes for which they have a clearly-established eligibility.

As a consequence, the Minister for Education has asked the Director General to pursue this matter vigorously to ensure the granting of assistance to the 1982 and subsequent intakes to the programme.

HEALTH

Women's Refuge Centres

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

(1) Is the Minister aware—

- (a) that Western Australia and Queensland are the only States where women's refuges do not

receive 100 per cent funding from Government—Federal Government 75 per cent, State Government 25 per cent; and

- (b) that the requirement that WA refuges raise 12 per cent of total expenses is placing a heavy burden on the workers in these refuges, many of whom are forced to donate all or the major part of their wages to keep the refuges open, and it is affecting the services offered to women and children who use them?

(2) If so, will the Minister seek a change in the Government's policy on this matter to ensure that WA falls into line with the majority of Australian States in providing the full 25 per cent required by the Commonwealth?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) Yes;
(b) no.
- (2) Not at this stage, but the funding of women's refuges is reviewed as a routine part of the Budget preparation process for the next financial year.

RAILWAYS

Freight Rates

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

- (1) What is the freight haulage rate per tonne for the concentrates from Leonora to Esperance?
- (2) What is the total tonnage of all freight hauled between—
 - (a) Leonora-Kalgoorlie; and
 - (b) Kalgoorlie-Esperance?
- (3) What is the total operating cost—including capital costs—for operations between—
 - (a) Leonora-Kalgoorlie; and
 - (b) Kalgoorlie-Esperance?

The Hon. D. J. WORDSWORTH replied:

- (1) The freight rate referred to was negotiated between Westrail and the joint venturers—Seltrust and Mt. Isa

Mining—under special agreement conditions; and as a matter of normal commercial business practice it is confidential between the parties.

- (2) The total tonnage hauled over the sections of railway specified, including departmental traffic, for the year ended 30 June 1980 were—
 - (a) 179 992 tonnes;
 - (b) 1 102 887 tonnes.
- (3) (a) and (b) Westrail advises that the information is not available.

COMMUNITY WELFARE

Domestic Violence

20. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Community Welfare:

- (1) Is the Minister aware of the fact that the New South Wales Government has announced that it intends to establish a task force to study domestic violence, to make recommendations on such things as laws related to this and the need for improvement in health, welfare, legal, and police services, and ways of preventing domestic violence?
- (2) As domestic violence is also a serious problem in this State, will the Government give consideration to a similar project in Western Australia?

The Hon. G. E. MASTERS replied:

The Minister for Community Welfare advises—

- (1) Yes, he is aware that other States have established or are planning to establish welfare units to deal with domestic violence, in conjunction with the police.
- (2) The Department for Community Welfare—in consultation with the police—is examining the ways in which a service dealing primarily with domestic violence may be established. A firm proposal has not as yet been developed. However the matter is currently under consideration.

EDUCATION

Teachers: Training Colleges

21. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Education:

- (1) Will the Minister name the colleges or educational institutions which provided teachers for the Education Department for the 1981 school year?
- (2) How many teachers from each establishment subsequently registered for employment with the Education Department?
- (3) Is preference of employment given to students from any particular training college?
- (4) If not, what is the method of selection?

The Hon. D. J. WORDSWORTH replied:

I am advised as follows—

- (1) Claremont College of Advanced Education; Churchlands College of Advanced Education; Mt Lawley College of Advanced Education; WA Institute of Technology; Nedlands College of Advanced Education; Murdoch University; University of WA.
- (2) As at February 1981—

Claremont—116

Churchlands—233

Mt. Lawley—191

WAIT—48 secondary plus 100 primary and early childhood

Nedlands—246

Murdoch—15 secondary plus 21 primary

University of WA—111 secondary plus 20 primary.

Initial registrations in November would have included approximately 40 early childhood education and primary and 100 secondary who subsequently failed or withdrew for other employment.

- (3) No.
- (4) Once the nature of the vacancy has been assessed, those graduates who have the necessary qualifications are offered employment on merit according to their academic performance, teaching mark, interview, and references.

HEALTH

Nurses: Family Planning

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

Further to my questions 29 of 12 August 1980, and 165 of 3 September 1980, seeking information on the Government's intentions regarding the recommendations of the committee set up to examine the proposals in my private member's Bill of 1976 concerning family planning nurses, and the answer to the latter question which stated "The matter is presently before Cabinet and a decision is expected shortly"—

- (1) Will the Minister advise whether Cabinet has yet reached a decision on those recommendations requiring action by the Government?
- (2) If not, why not?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) The matter is before Cabinet, and a decision is expected shortly.

EDUCATION

Teachers: Unemployment

23. The Hon. F. E. MCKENZIE, to the Minister representing the Minister for Education:

- (1) How many unemployed teachers were registered for employment with the Education Department for the 1981 school year?
- (2) How many have been employed to date?
- (3) How many does the department expect to employ before the end of 1981?
- (4) What will happen to those still remaining surplus at the end of 1981?

The Hon. D. J. WORDSWORTH replied:

- (1) The Education Department receives applications for employment from new graduates and from a wide range of other applicants who may have taught previously for this department or other education authorities. For the first

group, it is assumed that they are unemployed and accurate statistics can be given. The second group covers a wider range of circumstances, including people who are currently employed by other authorities. It is not possible to give accurate statistics on this group as unemployed teachers.

- (2) As at 6 March 1981, 400 graduates have received appointments. Approximately 70 other teachers have received appointments, either as new entries or re-entries.
- (3) The department expects to employ a further 500 teachers in 1981.
- (4) Graduates who do not receive an appointment during 1981 will be contacted early in 1982 to seek information on availability. Those who indicate that they are still available are relisted for employment in 1982.

WOOD CHIPPING

Chip Logs

24. The Hon. J. M. BERINSON, to the Minister for Forests:

Following the recent increase in rates to be paid by WA Chip and Pulp Co. for chip logs, what will be the rate for logs obtained by the company from—

- (a) Forests Department of WA; and
- (b) private property owners?

The Hon. D. J. WORDSWORTH replied:

- (a) \$3.15 per cubic metre under the terms of the wood chipping industry agreement;
- (b) not covered by the agreement and subject to individual negotiations.

HEALTH

Handicapped Persons: Discrimination

25. The Hon. LYLA ELLIOTT, to the Minister representing the Premier:

- (1) Is the Premier aware of the Bill introduced by the South Australian Government to provide that State with a "Handicapped Persons Equal Opportunity Act" which makes unlawful certain discrimination on the ground of

physical impairment and seeks to promote equality of opportunity between persons with physical impairments and other members of the community?

- (2) Will he undertake to give consideration to introducing a similar Bill in this State particularly in view of the fact that 1981 is the International Year of Disabled Persons?

The Hon. I. G. MEDCALF replied:

- (1) The Premier understands there is such a Bill before the South Australian Parliament.
 (2) A copy of the Bill will be obtained and studied.

- (2) Indications at this stage are total chip production will be down approximately 20 per cent on the peak production achieved in 1980.

- (3) (a) Too early to be determined;
 (b) too early to be determined.

- (4) It is not known whether any private property owners have been required to stockpile logs.

- (5) Not known.

- (6) The company advises that no farmers have been told that they can not supply but some have been requested to defer supply at this stage.

WOOD CHIPPING

Chip Logs

26. The Hon. J. M. BERINSON, to the Minister for Forests:

- (1) What was the amount of timber taken by WA Chip and Pulp Co. in each of the past five years from—
 (a) State forest;
 (b) private property?
 (2) By how much has the quantity of chip logs required by WACP been reduced in 1981?
 (3) What quantities of this amount will come from—
 (a) State forest;
 (b) private property?
 (4) How many private property owners have been required to stockpile chip logs?
 (5) What is the total quantity of chip logs stockpiled by private property owners?
 (6) How many farmers are there who have been informed that they cannot supply chip logs to WACP, and what is the total tonnage involved?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) and (b)

Year	Chip Logs m ³		
	Crown Land	Private Property	Total
1975-76....	98 370	—	98 370
1976-77....	377 021	—	377 021
1977-78....	434 377	6 705	441 082
1978-79....	454 096	18 865	472 961
1979-80....	562 291	53 197	615 488

QUESTIONS WITHOUT NOTICE

CONSUMER AFFAIRS

Maillex International

9. The Hon. J. M. BERINSON, to the Minister for Fisheries and Wildlife:

Yesterday I asked a question of the Minister in relation to advertisements for a certain type of earring and he undertook to provide an answer. I understand that answer is available and I ask the Minister to provide the information to the House.

The Hon. G. E. MASTERS replied:

- (1) Yes. The price is actually \$10 per pair.
 (2) The bureau obtained a set of the earrings some 10 days ago. They have genuine diamonds in them but the diamonds are extremely small—in fact they are only 1/200th of a carat each—but are made to look larger by what is called an “illusion” setting. The posts or studs of the earrings are brass plated with nickel and in turn plated with a thin layer of gold.
 The bureau had the earrings examined by the Australian Jewellers Association which reported the diamonds as genuine but of poor and variable quality. However, the retail value was confirmed at approximately \$10. Consumers should be aware that they will receive only poor quality, minute diamonds for that price.

ELECTORAL

Districts: Enrolments

10. The Hon. J. M. BERINSON, to the Minister for Fisheries and Wildlife:

This question is supplementary to an answer given by the Minister yesterday in regard to current electorate enrolments. I ask the Minister whether he has the further information available?

The Hon. G. E. MASTERS replied:

At 3 March 1981, the following Legislative Assembly districts were out of quota by 20 per cent or more—

Metropolitan Area	
Canning	+3927
Gosnells	+5873
Murdoch	+7875
Perth	-4565
Whitford	+13788
Agricultural, Mining and Pastoral Area	
Kalgoorlie	-1787
Murray	+2255
Rockingham	+4436
Yilgarn-Dundas	-2201

INDUSTRIAL ACCIDENTS AND DISPUTES

1978-79

11. The Hon. H. W. OLNEY, to the Minister for Forests:

I refer to a recent report in *The West Australian* newspaper on 19 March in which he was reported as having made a comparison between time lost through industrial accidents and time lost in industrial disputes in the year 1978-79. I ask: What is the source of the statistics he quoted and can he say whether the \$33.2 million he quoted represents wages lost through lost time, workers' compensation paid, or the cost of lost production?

The Hon. D. J. WORDSWORTH replied:

Those figures were supplied to me by the officer responsible for industrial safety in the Forests Department, for a speech I made when presenting safety awards at Nannup.

I would be happy to find out the source of the details for the honourable member.

WOOD CHIPPING

Chip Logs

12. The Hon. J. M. BERINSON, to the Minister for Forests:

My question is supplementary to question 24 on notice today. My question related to the rate for logs paid by the WA Chip and Pulp Company to the Forests Department and private owners. The Minister informed the House that the rates payable to private property owners were the subject of separate negotiation. I ask: Did the Minister intend us to understand from that answer that the Government is not aware of rates being paid?

The Hon. D. J. WORDSWORTH replied:

It means that the Government is not involved in the striking of a rate privately, because other matters come into negotiations.

The Hon. J. M. Berinson: But are you aware of the rates?

The Hon. D. J. WORDSWORTH: In some instances the individual foresters in that area would be striking a rate, but the Government does not collect statistics. There is no necessity for private owners to inform the Government of the negotiations they are making, and sales by private individuals are not incorporated in the agreement.

WOOD CHIPPING

Chip Logs

13. The Hon. J. M. BERINSON, to the Minister for Forests:

My question is supplementary to my previous question. I ask the Minister whether he does not believe that it is in the interests of the best disposal of State resources that the Government should be aware of and should be giving assistance to private property owners in respect of desirable price levels?

The Hon. D. J. WORDSWORTH replied:

Unfortunately I am landed with an agreement which was evolved by the Labor Party and, indeed, condoned by the Government in Canberra of which he was a representative. I cannot write this into the agreement, so we cannot

make it a necessity for the Government to become involved in private negotiations between the company and the private landowner.

I think the Government will ultimately become more involved in private forestry and all the aspects of it, but this does not take place at the present time.

WOOD CHIPPING

Chip Logs

14. The Hon. J. M. BERINSON, to the Minister for Forests:

I am sorry I must pursue the Minister on this matter, but his replies are unsatisfactory. I ask: Is the Minister now saying that the agreement with the company precludes the Government from assisting private owners in their negotiations towards a desirable level of prices for these resources? If, as I believe, the agreement does not preclude that assistance to private owners, I ask the Minister whether the Government will now consider doing so?

The Hon. D. J. WORDSWORTH replied:

Naturally the Government does offer as much assistance as possible to the private owner. That is what the Government is for and it is part of the Forests Department's activities.

WOOD CHIPPING

Chip Logs

15. The Hon. J. M. BERINSON, to the Minister for Forests:

My question is supplementary to question 26 on notice today. That question related to the relative amounts of chip logs drawn from State forests and private property. I ask the Minister whether he can inform the House on what criteria the relative proportions from those two sources are based?

The Hon. D. J. WORDSWORTH replied;

Were I the Attorney General I might say the Hon. J. Berinson is asking for an opinion, because he asks what quantity

will come from State forests and private properties in the coming year. I cannot supply that information.

The Hon. J. M. Berinson: Well, in the last five years.

The Hon. D. J. WORDSWORTH: We receive the statistics from the company itself and we are not in a position to order the company to take logs or not take logs from private land.

The Hon. J. M. Berinson: Are you aware of the criteria which leads to those particular figures?

The Hon. D. J. WORDSWORTH: They are the province of the company; we cannot order it to take from Crown land and we cannot order it to desist from taking from private land.

ELECTORAL: SENATE VACANCY

Senator Martyr: Swearing-in

16. The Hon. J. M. BERINSON, to the Attorney General:

I refer to the fact that Senator Martyr was sworn into the Senate yesterday, while his appointment by this Parliament took place earlier this afternoon. Considering that a special joint meeting of the Houses was to be held today, does the Attorney General not agree that the dignity of the Parliament, or at least such dignity of the Parliament that survives, would have been better served by awaiting the decision of this Parliament rather than anticipating it?

The Hon. I. G. MEDCALF replied:

I cannot accept any responsibility for the action which may be taken by the Federal Government under the Federal Constitution. No doubt, it has its requirements as to the swearing-in of senators who have been duly appointed by Executive Council. Mr Martyr was appointed by Executive Council under section 15 of the Constitution. Probably it is preferable that he be sworn in as soon as possible.

ELECTORAL: SENATE VACANCY

Senator Martyr: Swearing-in

17. The Hon. J. M. BERINSON, to the Attorney General:

My question is supplementary to my previous question. Is it not a fact that the swearing-in of Senator Martyr yesterday took place on the authority of the Governor in this State, on the advice of the Executive Council?

The Hon. I. G. MEDCALF replied:

I would say it is probably not a fact that he was sworn in because of that authority. It is probable that he was sworn in on the orders of the Senate, but as far as his appointment was concerned—he was duly appointed by the Governor-in-Executive-Council on 11 March and having been appointed, his period of appointment could endure no longer than 14 days after the next session of the State Parliament.

I suppose his swearing-in took place under the rules and Standing Orders of the Federal Parliament. I cannot comment further.

ELECTORAL: SENATE VACANCY

Senator Martyr: Swearing-in

18. The Hon. J. M. BERINSON, to the Attorney General:

A further supplementary question: Since we have found ourselves in a circle, I will now ask whether the Governor, with the advice of the Executive, would have not better served the dignity of the Parliament by waiting these extra days in order to enable our decision to result in the appointment of Senator Martyr, rather than merely confirming the prior Executive act?

The Hon. W. R. Withers: You must be deaf; he has already answered it!

The Hon. I. G. MEDCALF replied:

I have some difficulty in following the line of the member's reasoning and I say that with no disrespect to his mode of

reasoning. However, the member does not appear to appreciate that under section 15 of the Constitution these matters must take place.

Although the Governor-in-Executive-Council, in a sense, has a permissive right only to appoint a senator where there is a vacancy, the Parliament of the State has the mandatory duty to confirm the appointment. I am using the word "confirm" in the popular sense because that word does not appear in the Constitution. However, in effect, that is what the Parliament has done.

The Hon. J. M. Berinson: You are not suggesting there is any time limit on the Executive Council for that appointment under section 15 of the Constitution?

The Hon. I. G. MEDCALF: The appointment can endure only for 14 days.

The Hon. J. M. Berinson: I am talking about a time limit for the appointment to be made.

The Hon. I. G. MEDCALF: No, and I understand that there are precedents for an appointment not having been made by a State Parliament for up to 12 months. However, that would be a totally unsatisfactory state of affairs because the senator would not be available to represent Western Australia during that period after the expiration of 14 days.

HEALTH

Nurses: Family Planning

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

I refer to my question 22 on today's notice paper dealing with the report of a committee which was set up to examine proposals in my private member's Bill concerning family planning nurses.

The reply was—

The matter is before Cabinet, and a decision is expected shortly.

This is exactly the same reply I received six months ago.

I ask the Minister the following—

- (1) What is the Minister's definition of the word "shortly"?
- (2) Is the Government treating this matter as a joke?
- (3) Is the Government's tardiness an indication of the fact that it has no intention of reaching a decision?

The Hon. D. J. WORDSWORTH replied:

- (1) to (3) Again I believe the member is asking me for an opinion of the meaning of the word "shortly". The matter has been before Cabinet, and Cabinet requested further information. Obviously the Minister for Health is collecting that information and the matter will be dealt with again when it is to hand.

