

Legislative Assembly

Thursday, 26 November 1981

The SPEAKER (Mr Thompson) took the Chair at 10.45 a.m., and read prayers.

EDUCATION ACT: DISALLOWANCE OF REGULATIONS

Notice of Motion: Point of Order

Mr PEARCE: With regard to the notice of motion I gave for the disallowance of certain Education Act regulations, as I understand the situation the Government intends the Parliament to finish by the end of today's sitting—

Mr O'Connor: Not necessarily.

Mr PEARCE: My understanding was that the Deputy Premier would be happy if the House rose today. I felt obliged to take the opportunity to raise this matter at this stage, rather than leave it for a hypothetical next week; I certainly hope there will be a sitting next week.

Mr Speaker, after I had given notice that I intended to move for the disallowance of the regulations, you ruled that because the Teachers' Union had taken court action to question the legality of those regulations, the matter should be dropped to the bottom of the notice paper and left there until the action was determined.

However, as I understand the situation, I will not get the opportunity to move this motion next session because I would not be able to move the motion within the requisite time after the tabling of the regulations.

As your landmark decision on *sub judice* earlier this week included advice from the Crown Law Solicitor to the effect that it always would be in order for us to discuss a proposition to change the law which is the basis of a court action, and since my motion for disallowance of regulations in effect would change the law, I ask that you again give consideration to this matter and give a further ruling later in today's sitting.

The SPEAKER: I will give consideration to the point of order taken by the member for Gosnells and make a statement on the matter later in today's sitting.

LEGISLATIVE ASSEMBLY: CHAMBER

Photographs: Statement by Speaker

THE SPEAKER (Mr Thompson): I wish to advise I have received a request from Channel

Nine that some film be taken in the Chamber. The objective is to produce a half dozen two-minute segments showing Parliament at work which Channel Nine proposes to screen next year to coincide with the 150th anniversary of the Legislative Council.

I have discussed the matter with the Deputy Premier, representing the Premier, and with the Leader of the Opposition, and have decided to allow the camera crews to take the film for two half-hour periods today. Therefore, camera crews will be in the Chamber from 2.15 p.m. to 2.45 p.m. and from 5.45 p.m. to 6.15 p.m. today. One camera will be placed in the public gallery; one will be positioned outside the Chamber, but in such a manner that the crew can film through a space created by the removal of a panel; and, a third camera will be a roving camera operated by a crew on the floor of the House.

I have advised the party Whips of the situation and I hope that members will bear in mind that film will be taken during those two half-hour periods today.

Point of Order

Sir CHARLES COURT: Mr Speaker, I take it you have received an assurance from the television station that that not only is the purpose of the film, but also is the use to which it will be put. You will recall that we had a recent experience where a film was used for entirely different purposes than we were advised.

The SPEAKER: The President of the Legislative Council and I have discussed the matter with representatives of Channel Nine, who have indicated they will show us the material before the segments are produced. We will have the right to edit them, so we do have that protection. None of the material will be used unless the film taken in the Legislative Assembly is approved by me or the film taken in the Legislative Council is approved by the President.

It is the intention of the station to make the films available to the Parliament when it has finished with them. They are in the nature of educational films. The intention is to demonstrate to the public the Parliament at work. I believe that is a very healthy proposition.

Mr Tonkin: As long as it is education and not indoctrination.

EDUCATION

Four-year-olds: Petition

MR GREWAR (Roe) [10.53 a.m.]: I have a petition from 24 residents of Western Australia

addressed to the Speaker and members of the Legislative Assembly expressing concern at cuts in pre-school education. I certify that the petition conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 138.)

EDUCATION

Four-year-olds: Petition

MR RUSHTON (Dale—Minister for Transport) [10.54 a.m.]: I have a similar petition from 24 citizens of Western Australia. I certify that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 139.)

EDUCATION: HIGH SCHOOLS AND PRIMARY SCHOOLS

Funding: Petition

MR COWAN (Merredin) [10.55 a.m.]: I have a petition requesting the Government of Western Australia to provide sufficient funds to Government schools as is required to maintain standards of education for all children on an equal basis. It bears nine signatures and I certify it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 140.)

EDUCATION

Four-year-olds: Petition

MR BRIDGE (Kimberley) [10.56 a.m.]: I have a petition to present as follows—

To the Honorable the Speaker and Honourable Members of the Legislative Assembly of the Parliament of Western Australia and in the Parliament assembled.

The Petition of the undersigned Citizens of Western Australia respectfully sheweth a grave concern that Government funding for the education of four year old children in the community based preschool centres, may be cut and we would respectfully draw the attention of Honourable members to this.

Your Petitioners therefore humbly pray you will give this matter your earnest

consideration and your Petitioners in duty bound will ever pray.

The petition bears the signatures of 188 citizens of Western Australia and it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 141.)

DIAMOND (ASHTON JOINT VENTURE) AGREEMENT BILL

In Committee

Resumed from 25 November. The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr P. V. Jones (Minister for Resources Development) in charge of the Bill.

Clause 2: Interpretation—

Progress was reported after the clause had been partly considered.

Mr BERTRAM: One of the expressions listed for interpretation is "the Joint Venturers". The clause states that this has the same meaning as that expression has in and for the purposes of the agreement. When one turns to the agreement one finds there are something like five joint venturers and I think it is worthy of observation that not one of those joint venture companies was formed and registered in the State of Western Australia—they are all foreign companies. A number of them are proprietary limited companies, and as such the public cannot gain knowledge of the state of those companies' accounts.

Mr Tonkin: Now you know why the people of Australia would not wear this Government during the war.

The DEPUTY CHAIRMAN (Mr Blaikie): Order!

Mr Tonkin: I hope it's the same for all interjections.

Mr BERTRAM: This agreement—

Mr Tonkin: The Minister for Health wouldn't let up on our speaker yesterday.

Mr O'Connor: Just be silent.

Mr BERTRAM:—is between the State of Western Australia and the joint venturers—apparently a collective body. I do not know the precise name under which the venturers operate, but the collectivisation of companies is commonly known as the Ashton Joint Venture which is not a limited company. I imagine the name as a business name is registered in accordance with the Business Names Act—that is my assumption. I have reason to believe the

registration at the business names registration office indicates that the sole proprietor of the business venture is a company called CRA, or something like that, yet according to the record before us the Ashton Joint Venture as a business enterprise has five proprietors, the ones listed in schedule 2 of this Bill.

Businesses registered under the Business Names Act and not registered under the Companies Act are not obliged to file their annual accounts for public scrutiny. In other words, even though the people of Western Australia are shareholders in the very real sense of the word because they will share a profit in the venture, they will not be able to peruse the accounts of the enterprise in question—the accounts will remain secret from the public. The public are shareholders in that enterprise not only because they will share the profit, but also because they contributed the main capital item, the diamonds in the ground.

The main shortcoming in this legislation is that the Ashton Joint Venture is not obliged under the agreement to produce its annual accounts to this Parliament for the benefit of our people.

The DEPUTY CHAIRMAN (Mr Blaikie): I have been following the member's progress with intense interest. In order to assist him I suggest he relate his remarks to clause 2 which deals with interpretations. I believe the comments he made in the latter part of his speech are more appropriately related to clause 3.

Mr Watt: You've got him stumped.

Mr BERTRAM: I can wind up by underlining what I have said. The State of Western Australia is not entering into a contract with a limited company registered under the Companies Act; it is entering into a contract with a group of venturers not registered under the Companies Act. I have reason to believe that the registration of the name does not accord or reconcile with the names of the joint venturers—about five of them, as listed in schedule 2.

Another comment which is appropriate to this point is that in a sense the Government is entering into a contract which, because of the structure of this Parliament—the manner in which it operates—causes the Opposition to be nothing more than an auditor of the transaction. One must furthermore keep in mind the implications of this agreement to the State coupled with the extraordinary limited time in which the Opposition has had to consider the matter.

It is most unsatisfactory that the Minister did not table or make readily available—in fact, volunteer to this Parliament—the memorandums

of association of the companies involved in the agreement. As we know, the memorandums of association of those companies indicate the nature of their respective relationships with the public. Therefore it is imperative for us as a Parliament to know whether each of those companies has the capacity to enter into this contract.

Yesterday evening I asked a question without notice of the Minister for Resources Development. It was disallowed, but I asked whether he was prepared to produce the memorandums of association. Very quickly the Premier called out to him, "No"; the Premier has a vivid recollection of another occasion when a memorandum of association was tabled in this place, and vividly recalls the devastating effect of that tabling. The Speaker ruled that the question was not within the Minister's responsibility, but the Minister is handling this matter. The first thing he should have done was to satisfy himself and the Parliament as to whom we are dealing with in this venture, and the competence of those people or companies involved in the contract. I thought he would have had—indeed, he would have—in his possession the memorandums of association of the companies involved. If he does not, he should have. The Premier always seeks to frustrate the Opposition when it tries to obtain information from the Corporate Affairs Office.

If I or other members of the Parliament want to obtain information about the five joint venturers we must conduct a search through the Corporate Affairs Office in Victoria or New South Wales. To carry out such a search individually the cost is \$10, and probably it would take more than a week depending on postage arrangements between the States to receive the information. Presumably if all members had to go through that process the total cost would be \$4 000, and in any case we would not have the information in time to study it properly for the purposes of this debate. Clearly it is a case of an improper denial by this Government to the people of Western Australia of the appropriate information. The Minister for Resources Development appears to be withholding or suppressing information from this Parliament, and in particular the memorandums of association of the companies involved in this agreement. Those memorandums are not readily accessible to us because the companies are registered 4 000 kilometres away.

It may well be that each company was formed for the sole purpose of participating in the venture, therefore it is puzzling to me that they should not have been registered in Western Australia where I thought they would have been

registered. For us to search their records on the other side of Australia clearly is most inconvenient.

I protest on behalf of the people of Western Australia that the basic information to which I have referred and which would enable the Opposition to assess better the affairs of these companies on behalf of the public has not been made available to the Parliament. More importantly, the information is being suppressed.

Mr BRYCE: This is the appropriate time of the Committee's deliberations to pose a fundamental question to the Minister and put a point of view to the Committee as the question is posed. I refer to the definition of the term "the Joint Venturers" and pose the question which is a fairly fundamental one in the long-term view: Will the Government confirm that the Malaysian Government effectively has a 15 per cent to 20 per cent interest in Western Australia's diamond mining venture? The Minister probably is in a good position, and certainly is in a better position than anybody else in this Committee, to confirm whether the Malaysian Government has this interest. If it does, this discussion relates to who comprises the joint venturers and who owns the diamonds and will benefit in the long term by way of the development of the diamond mine. A question of principle is at stake.

I have no hesitation in saying that future generations of Western Australians will look at us in a very strange way when they discover that this venture has been put together—if what I have put is confirmed, and I believe it will be—so that the taxpayers of Malaysia through the Malaysian Government have a 15 per cent or 20 per cent equity in the long term—a 42 year equity—development of and profits to be made from this diamond mine, whereas the Government of Western Australia does not.

Mr Bertram: The people will not.

Mr BRYCE: Presumably ideological reasons are the cause for the people of Western Australia's not having a direct equity in this diamond mine.

Mr Bertram: Precisely.

Mr BRYCE: This Government presumably frowns upon the principle of having an interest in this venture. It is not a question of total ownership, but just an interest. I doubt whether any serious question was raised as to whether—

Mr Stephens: It will with the joint venture with Westrail.

Mr BRYCE: —the Government would take up an equity in this venture, an equity which would

be justified in a project like the one we are considering.

My colleague, the member for Kalgoorlie, revealed to the Chamber yesterday that in regard to the diamond mining industry in the rest of the world most Governments of countries in which diamond mines exist have very large equities in those mines.

I will not suggest for one moment, or succumb to the temptation of having to explain my position, to the michievous people who suggest that we want to nationalise the diamond mine. I feel the Minister for Police and Traffic will suggest that to the Committee so I will pre-empt that and state to the Committee that subsequent generations of the family of the Minister for Police and Traffic and members of this Committee will look askance at him and his colleagues and query why it was that this Government gave a 15 per cent to 20 per cent interest in the venture to the Government of Malaysia while the Government of Western Australia decided it was not in the best interest of all Western Australians in the long term for the community to have a direct interest.

I draw the attention of the member to the fact that in South Africa only one mine is totally Government owned, most are substantially owned by the De Beers group. In all other countries mentioned last night by the member for Kalgoorlie the Governments have an equity. In Guinea there is a 55 per cent Government equity. When we consider our position we realise it will produce a most remarkable result in years to come. We all sit here in the fond hope that this venture will be remarkably successful and we sit here in the knowledge that the Argyle and Ellendale deposits are major deposits of diamonds on a worldwide basis. However, we sit here in the knowledge that, by virtue of equity, returns will go to the Government of Malaysia and not to the Government of Western Australia. The returns received by the Mining Corporation of Malaysia presumably will build hospitals and provide other welfare services.

In the long term the return from profits on the venture will not be available to the sons and daughters of the people who sit in this Chamber, their relatives, friends, and the people who live in this State. Since this clause refers to the companies in the agreement, will the Minister indicate to the Committee or confirm that the National Mining Company of Malaysia NL will receive return from this venture in the vicinity 15 to 20 per cent of the profit?

Mr TONKIN: When we realise the facts which have been stated we can understand why the people of Australia have refused to trust the Liberal Party with government during the two World Wars. Indeed, that party got rid of Menzies when he was Prime Minister in 1941. If this is the kind of thing a Liberal Party will do—sell us out to overseas interests—it is no wonder the people of Australia have realised that the Liberal Party is not to be trusted with government during the time of war, and that is a matter of historical fact.

Schools and other welfare benefits will flow to the people of Malaysia and not to the people of Western Australia because of the rigid and blind ideological stance of this Government. This Government believes in private enterprise and therefore believes that the people should not receive the benefit unless they happen to be in a position to be able to buy shares. We are being ill-treated because of the ideological rigidity of this Government.

Mr P. V. JONES: In response to the member for Mt Hawthorn, I remind him that the State has entered into an agreement with five companies, and not an amalgamation of some unregistered groups or some business firms. The Government has entered into an agreement with five separate business companies with guarantees against liabilities referred to in the agreement.

I refer the member to clauses 29, 37, 43, and 52 of the agreement and to the fact that the State has given itself the power to inspect certain books of records and anything else in relation to the financial activities of the companies involved.

The second reading speech gave a broad company structure of shareholding within the joint venture. I made that information and the list of assets of the Ashton mining group available to the member for Yilgarn-Dundas. If the Opposition wishes, that information can be tabled. It gave a break down of all the shareholding participants in the Ashton group.

I would like to make the point that Ashton joint venture as a group and Ashton Mining as a company have been accorded the status of "naturalising" under the terms of the requirements of the foreign investment review board and in accordance with that naturalising status it has a majority of Australians on the board and some 13 000 shareholders within Australia.

I have not denied the involvement of the Malaysian Government, and the exact percentage I could not say, but it is in the information I have made available. The question was raised as to why

we do not have an equity and I would have thought, because it was acknowledged by way of interjection from the Leader of the Opposition on discussion of royalties, that so far as possible we have the best of both worlds and that we are achieving not only some base situation, but also, in due course, an income; so we have an equity position, without having to put up the capital in the front end involvement as the joint venturers must. They certainly run some risks in that regard.

It was said that schools and hospitals and so on would be built in Malaysia, and that may be so; however, schools, hospitals, and other buildings will be built in this State because the arrangement will allow us to share in the profitability arrangement which will result downstream.

Mr BRYCE: This case is really the clearest of double standards and hypocrisy on the part of the Government in relation to its approach to investment in this community—Government equity and Government investment is acceptable as long as it is a foreign Government. That is what the Minister has just said. He even went so far as to say that the Malaysian Government is being naturalised and, therefore, it is a decent citizen to be accepted for investment purposes. I have no objection to capital coming in from an overseas Government or private source if it is for a worthwhile purpose in this community. However, I object to the double standards in this matter; of course, we have seen them before with BP's interest in the North-West Shelf gas project. BP is more than 50 per cent owned by the British taxpayers, thanks to Winston Churchill, as first Lord of the Admiralty in about 1913. A direct return could go to the taxpayers of Britain as a result of their interest in that project.

Any talk about equity on behalf of the community in this State is allegedly the dead hand of socialism, yet the Minister knows that so far as the rest of the world's diamond industry is concerned there are examples of Governments receiving a return from the development of the diamond resource by way of not only royalties and taxation returns, but also an equity in the industry.

Mr Hodge: Are they all socialised Governments?

Mr BRYCE: Far from it. I often find it amusing to hear the argument put forward by members opposite that because something like this occurs and there is Government involvement, foreign investors will be frightened off. If the potential return is available, a foreign investment company, whether it is owned by private

individuals massing together or by a Government, will invest in this country to exploit our resources.

The example I am about to give could be humorous, if it were not so serious. I read about the development of a diamond venture in Guinea where the Government has a 55 per cent equity in the venture on the basis, fundamentally, of its infrastructure commitment to enable the project to get off the ground. A multi-national company has taken up the 45 per cent interest on the other side of the ledger and that company is an Australian company called Bridge Oil. So, we have the situation where an Australian company has gone all the way to Guinea to invest in a diamond project, in partnership with a Government that wanes between a Marxist and free enterprise policy—without actually changing its membership it just changes its policies. The company is attracted to that investment, not for ideological reasons, but for the plain and simple reason that it is interested in a very sound return on its investment; so it works in partnership.

I conclude my comments on this matter reminding the Minister that the natural long-term advantage to the community is obtained not only by the Government's receiving the return from royalties and taxation—which is natural throughout the world—but also by its having some, however small, equity in the venture so that the Government understands what is going on within the industry. That is a critical advantage for any Government to have, and as the Minister sought to misrepresent our position it is necessary to emphasise that to him. Schools and hospitals may well be built in this community as a result of the returns on the royalties on the diamonds; we certainly concede that point.

Mr P. V. Jones: I was not misrepresenting; I was just stating the facts.

Mr BRYCE: Subsequent generations of Western Australians will look at this arrangement and ask: Why was it beyond the wit of the decision makers—as late in the day as 1981, after we have had the benefit of examples throughout the rest of the world in regard to this form of equity—to write the name of the people of Western Australia into the list of joint venturers?

Mr BERTRAM: It is a clear and unmitigated scandal that the people of Malaysia should be official participating partners in this enterprise, and the people of Western Australia, through this Government, are merely unofficial shareholders. That is about all they are, because people who are participants in a business enterprise are either partners or shareholders.

I would like to ask the Minister for Resources Development whether he has in his possession the memorandum of association of each of the joint venture companies?

Mr P. V. Jones: Not here, no, and I am not going to get it either.

Mr BERTRAM: The next question is: Has the Minister perused the memorandum of association of any of these companies?

Mr P. V. Jones: They are not available if you want them. They are not going to be paraded here by me.

Mr BERTRAM: I think we could say that the answer to the question was "No". The probabilities are that not one person in this Assembly thus far has studied the memorandum of association of any of the joint venture companies, and that is criminal neglect because that should be the starting point.

Highfalutin contracts, with high-sounding names—and indeed, treaties, for that matter—are only as good as the participants at the end of the contract. History has shown us often enough how much notice we can take of treaties—glamorous and extraordinary as they are, they are only as good as the people signing them, and the capacity of those people. We have not the faintest notion, we have not a skerrick, not a scintilla of evidence before us, to satisfy ourselves that any of these companies have the capacity to enter into the contract at all. Therefore, it may be that the State of Western Australia, on behalf of the people of Western Australia, may not be able to enforce its rights.

I would like to just brush aside and treat with contempt the proposition that the State of WA, under this contract, will have the best of both worlds. That is just rubbish. If we so badly mutilated our opponents, the joint venturers, in this deal, surely they ought to give the game away. We were told the same things when new federalism was introduced, but who got the best of the deal? These joint venturers did not come down in the last shower. They are wheelers and dealers of world class, and they probably deserve to be. I do not have anything faintly resembling confidence in the Government's ability to match their wheeling and dealing skill, and without any reservation at all, I make that statement for the record. I would say we most certainly did not get the best of both worlds; on the probability the reverse is almost certainly the case.

The Minister tells the Committee that this contract is with five business companies; I think that was his wording. When the accounts are produced, what will be the name on the top of the

document? Ultimately a trading account and a profit and loss account will have to be produced, but in whose names will they be drawn up? Apparently the Minister is either suffering from a lack of concentration, or he prefers not to answer. He does not know in whose name the accounts will be drawn up?

Mr P. V. Jones: Have you read the agreement about the keeping of accounts and records?

Mr BERTRAM: Yes. Has the Minister?

Mr P. V. Jones: My word I have.

Mr BERTRAM: Will the Minister then answer a question? Ultimately the accounts for this venture will be prepared, and appearing at the top of that document—as is customary—will be a name. Will that name be the “Ashton Joint Venture”?

Mr P. V. Jones: I have already answered that the Bill provides it is an agreement between the State and the companies listed; not with the Ashton Joint Venture *per se*. Other clauses marry back to that. I have indicated some of those to you regarding the liability of financial aspects, the capacity of the State to demand and examine books and records, and so on. The keeping of the accounts is married to all of that. There is a joint venture account, and that is referred to in the agreement. However, in terms of the liability and accountability of the State, if you have read the agreement, you will be aware of the answer to the question you are asking.

Mr BERTRAM: That really confirms that accounts will be prepared sooner or later—some probably already exist—which will be headed “Ashton Joint Venture” or something in that form. I have reason to believe there is a business name already registered as such, and that the participants or the proprietors—call them what one likes—registered under that name, or not the five business names referred to in the agreement. That seems to me to call for an explanation because it is incorrect.

Sir Charles Court: It does not affect the agreement.

Mr BERTRAM: The Minister seems to say that the joint venture accounts will not be registered or filed in any Government office. As I understand the position, there is no obligation for them to be registered publicly anywhere. Therefore, I repeat: There should be some requirement in the agreement for the joint venturers’ accounts to be produced and they should be produced to and tabled in this Parliament. As I have said, it appears to me that the State of WA is an unofficial partner in the joint venture.

Sir Charles Court: Have you not read the part where the Government has complete access to these things?

Mr BERTRAM: The people of Malaysia—which is perhaps a socialist country also—are official shareholders in this venture, but the people of Western Australia are unofficial shareholders only. From that point of view, in the interests of the people of WA, it is imperative that these accounts of the joint venture should not be kept secret. They should not be hushed up and suppressed—they should be made public. The ideal way to do that with such an enterprise is to table the accounts in the Parliament. The people of the State and their representatives would be able to peruse those accounts and either approve of them or query them.

A number of the joint venturers are proprietary companies, and therefore, if I recall the provisions of the Companies Act correctly, a search of their records in Sydney or Melbourne—or wherever they may be registered—would not advance the people of WA one scrap because these proprietary companies are under no obligation to file their accounts in the Corporate Affairs Office. This is a thoroughly unsatisfactory situation.

If we are to participate in profits, it is a fundamental right that we should be able to satisfy ourselves of the correct profit. For the people of WA I have an extraordinary concern about the way in which the profit will be calculated. I am thinking of the case of the R & I Bank when the 3 per cent tax was fixed a few years ago—the people were not aware of this; it was just another tax from this Government. My recollection is that in levying that tax the Government said a formula would be laid down. I submit that such a principle should be followed in this case.

The DEPUTY CHAIRMAN (Mr Blaikie): The member’s time has expired.

Mr JAMIESON: I would like to take the opportunity to criticise the Government for not involving itself more directly in this venture. There is a general tendency throughout the world for direct Government participation in any resource development. This is particularly noticeable with right-wing government, and I could refer to the example of the development of synthetic oil in South Africa. Indeed, the Government often refers us to the example of Brazil—hardly a socialist country—which always seeks a substantial equity in companies associated with the bauxite industry or iron ore production. So it appears to me that the Government of the State has offended against the norm in such a

development by not involving itself directly in the consortium.

As my colleague just mentioned, we are particularly worried about the profitability-based royalty. If one is part and parcel of a scheme, one has an opportunity to determine how the profitability is going. If we have to rely on the figures supplied to us, we will not be sure that we get exactly what we should be getting. I imagine that if the Malaysian Government were drawing up such a contract in its own country, it would ensure that it was involved in such a venture. The Premier and the Minister have been dealing with people who participate frequently in ventures worldwide—large international class operators. By manipulating their requirements for additional plant and so on in years to come, the accounts may show that the profitability is not as much as it should be. A member of the consortium is entitled to know. It is entitled to have greater access to information.

We should be indicating clearly to the Government that this is the direction the rest of the world is taking. Governments are taking part in resources development so that they understand the profitability structures and, if necessary, share the losses. However, it does not appear that this venture is thinking along the line of losses, having regard for the expected price and the capacity of the mining venture under the consortium proposals.

I ask the Government if it knows enough to go against the procedures followed in other countries which have obviously made a study of resource development to a far greater extent than the State of Western Australia. The State is saying, "We are prepared to go it alone. We know more than these people. Therefore we will adopt our own direction". That is a dangerous attitude.

It is far better to go along with the experience gained by other countries over a period of years. They have found it necessary to take action to make sure that they were represented properly in consortiums to develop the natural resources in their countries.

I hope the Government takes an interest in joining this consortium. If other agreements are to be written, as there must be, with vast natural resources involved, it is up to the Government to ensure that the citizens of Western Australia obtain their just desserts by being represented directly in any consortium so they know exactly what is going on.

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Money Lenders Act 1912 not to apply—

Mr BERTRAM: I notice that this clause eliminates or renders inapplicable the provisions of the Money Lenders Act of 1912 in respect of the agreement. That is a most important provision. At the very least, the Minister should inform the Committee why that should be necessary, and why the proposition should be supported.

Under the provisions of the Money Lenders Act one can already lend money lawfully at a rate of something approaching 30 per cent in Western Australia. The Treasurer intimated earlier, before we began this debate, that we are doing very well at that rate because in Victoria the ceiling is 48 per cent!

Sir Charles Court: Some States have none at all.

Mr BERTRAM: At the same time, he intimated that there was a chance that before we were very much older no ceilings at all may be applied.

Sir Charles Court: Few States, if any, have ceilings, except Victoria and us. It became a farce.

Mr BERTRAM: It is surprising, when one considers the interest rates prevailing and permitted under the law, that we need even greater rates.

The people of Western Australia are entitled to know why that should be necessary. How many millions of dollars will be involved, and what rates of interest will apply? If this Committee is to resemble a Committee even faintly, we need to know the reason for this provision to render inapplicable the Money Lenders Act, and the dimensions of the money involved. I imagine great sums would be involved.

I read a Press report recently of a visit by a former President of the United States of America and Dr Henry Kissinger. I imagine they were here for the purpose of having a look at this project. They did not talk very much about it, I noticed. I did not read very much in the Press. However, I cannot imagine any purpose for which they would be here, other than to make money for one bank or another.

It is important that we know the amount of money which will be involved in the loan, and where the money will come from, because it may very well have an extraordinary and adverse impact on interest rates generally in Western Australia. For all those reasons, the Opposition, on behalf of the people of Western Australia,

would like the Minister to answer in detail the various questions I have put.

Mr P. V. JONES: As the member for Mt. Hawthorn is probably aware, the clause provides a qualified exemption.

I do not recall the member using the same words when we considered the State Energy Commission Amendment Bill last week, because this provision was also contained in that Bill. In fact, the clause represents an acceptance or a recognition of the present money market and the manner in which project finance is obtained. We recognise that a proportion of the project finance is likely to come from overseas, from the various lending institutions which will require certain information regarding the joint venturers' capacity to comply. That information will be obtained, in some instances, from solicitors in this State. They will be interested in the capacity to comply with the laws of Western Australia; and that will be recorded in various bank security documents.

I am advised that one of the stumbling blocks in the past was the various requirements of the Money Lenders Act. The member is aware of the variations between that Act and similar Acts in the other States in relation to the limits. Section 3(f) of the Money Lenders Act provides an alternative course, which usually involves protracted documentation and examination. It is a lot more simple to do it the way we envisage, rather than use the old system.

It is likely that *in time* the question of retaining the Money Lenders Act in its present form will have to be addressed. We are avoiding the problems of a fairly legalistic and technical nature and recognising the likely sources of project finance. Certainly some of that finance will be from offshore.

Mr BERTRAM: This is very interesting, but it does not provide us with the sort of precision on figures and information to which the Committee is entitled. At this stage, we are not sitting as the House, but we are receiving generalisation, vague comments, and all the rest of it. As a Committee, we should be receiving detailed information, rather than be involved in a time-wasting nonsense and charade.

I asked the Minister to tell me the rates of interest involved, because they are extraordinarily important. As I see it, the profits that the people of Western Australia will share will be influenced tremendously by the debits that occur in the trading and profit and loss accounts of the joint venturers.

Mr P. V. Jones: That is right.

Mr BERTRAM: Members can imagine the sort of money involved, and the interest rates around 30 per cent or 40 per cent that will be charged. How much profit will be left for the people of Western Australia when all that is accounted for through the books? This is the information we want.

If the Committee is to be effective, it has to move away from all this verbiage and generality and get down to precision. At the end of a discussion of this sort, we should have a pretty fair idea of the sorts of profits which will emerge. Judging by the way the Committee is functioning up to this moment, all we will have will be a distinct and prodigious blur. We will not be able to work out anything.

I have pointed out already that the public of Western Australia will not have the access to which it is entitled to the accounts of the venturers. This is an opportunity for the Opposition, on the part of the public, to find out some of the details.

What will be the ceiling rate for interest? What are the dimensions of the money likely to be involved? These figures are all known. The venturers are not going blind into the project. They know the figures.

Mr P. V. Jones: You know them, do you? What percentage rate of interest will the venturers be paying?

Mr BERTRAM: What they are paying?

Mr P. V. Jones: Yes.

Mr BERTRAM: I do not know. I am asking the Minister. I thought I made it abundantly clear that these are matters we want to know. The interest rate is likely to be well in excess of that set under the Money Lenders Act; and that is a prodigious rate of interest. The implications of that are disturbing because, ordinarily, interest of that type would be a debit against profit. Since the people of Western Australia will participate in the profit only—however that profit is calculated because it has been kept a secret—one is entitled to know the extent of a bona fide profit debit.

If the venturers were to hive off the profit and treat it as an "expense" for other of their business interests, that would be a wonderful bit of business manipulation. It might not be very wholesome; but then we know that business is not very wholesome these days.

Our job is to work out what the people of Western Australia will receive from this 25 per cent, or whatever the percentage of the profit is. At the moment, we have not the faintest idea.

I have the gravest doubts whether the Minister knows what the profit will be. If that is the case, he should admit it. On the one hand, the people of Western Australia are completely in the dark with the probability, and the Minister does not know either. On the other hand, the business people who are in the joint venture would be very poor old business people if they did not already have before them something resembling our Budget, which is the Government equivalent. They would have, as something to aim at, the anticipated financial position.

The venturers have that information; and it is a measure of the imbalance of expertise that that information is possessed by the venturers, on the one hand, and we have a very real absence of it, on the Government hand.

Almost certainly the joint venturers are very well aware of the dimensions of the borrowing on which they will have to embark. They would be aware also of the interest which will be charged and, indeed, they probably have mortgage documents drawn up already. They know the full story and the Government does not.

The Government told us we have the best of both worlds and it has given the joint venturers a hiding in the negotiations leading up to the agreement and in the agreement itself. That is highly improbable. It is more likely the people of Western Australia, through the activities of this Government, are getting a very raw deal in respect of this agreement.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Registration and validity of certain mineral claims—

Mr BRYCE: I seek the guidance of the Chair on a question of procedure with regard to clauses 7 to 13 inclusive. Because these particular clauses deal with the validation of the claims by CRA and the retrospective nature of the Government's legislative action, could I seek the co-operation of the Chair, depending upon the feelings of the Committee, to proceed on the basis of a broad debate incorporating clauses 7 to 13 inclusive?

The DEPUTY CHAIRMAN (Mr Blaikie): On this occasion—this is not to be taken as a precedent for any other subjects which may be raised in future Committee debates on other Bills—for the reasons outlined by the Deputy Leader of the Opposition, and in order to expedite the consideration and passage of the legislation through the Chamber, I would be prepared to suggest debate on clauses 7 to 13 inclusive be of a general nature, bearing in mind it is understood that this practice apply to this Bill only.

Mr BRYCE: Briefly I will indicate our position with regard to these clauses. Bearing in mind that the Leader of the Opposition dealt with this issue yesterday and expressed the viewpoint of the Parliamentary Labor Party, I wish to indicate we shall certainly oppose these clauses and we will divide on clauses 7 to 13. They all have a bearing directly on the question of principle whereby the Government has made a decision to pre-empt a finding of the courts.

Agreements which are brought to this place are usually in the form of one page of legislative introduction and definition of terms and then there are many pages containing the second schedule. In this case, because the Government has decided it will pre-empt the deliberations and finding of a court, we have these previous provisions to the agreement itself. Clauses 7 to 13 are necessary to justify what the Government seeks to do. Yesterday the Leader of the Opposition indicated that, so far as the principle of using legislative action to come down on top of consideration of a question like this by the courts is concerned, the Opposition does not approve of it and believes it constitutes a very bad precedent.

Not only is it unjust and unfair for a Government to take this legislative action while something is before the courts, without hearing the legal argument involved; but also it constitutes a very bad precedent so far as the rest of the community is concerned. This Parliament is not just involved with the mining sector and we have seen what happens in the process of Government where very important precedents are established. This is not the original precedent in this form, because similar actions have been taken, although they are few and far between and over a long period of time. This is not the rule; it is the exception. Regarding this action the Government seeks to take we are very concerned about the implications for other sections of the community, and we are concerned also about the implications spelt out in some detail yesterday by the Leader of the Opposition.

My colleague, the shadow Minister for Mines—the member for Yilgarn-Dundas—intends to elaborate on the matter. I thought I would make our basic position very clear to the Committee.

Mr GRILL: The Leader of the Opposition and his deputy have made our position crystal clear with respect to this retrospective legislation. The Opposition will not countenance legislation which confiscates the rights of a person to have his legitimate claim decided upon by a court. These particular provisions retrospectively will deprive a Western Australian company of its right to

dispute its claim over Western Australian land under the Western Australian Mining Act 1904 in a court of this State.

If this sort of legislation were even suggested by members on this side of the Chamber, I am sure that to a man the coalition Government would sanctimoniously scream for our blood.

Mr Stephens: Quite rightly so.

Mr GRILL: They would take us to the cleaners if we introduced legislation which even approached this Bill. However, we shall be very surprised today if even one member opposite crosses the floor.

At the kernel of our Mining Act is the necessity for a person or company to obtain a valid miner's right before taking possession of a tenement under the Act. If a person or company endeavours to take possession of a mining tenement without a valid miner's right, that taking of possession is of no cause or effect. It has no validity whatsoever under our law.

It has been alleged—those allegations have been supported by probably some of the most eminent counsel in this State—that there are doubts about the validity of the miner's right held by the joint venturers or their representatives, CRA, at the time of their taking of possession of these tenements. The Supreme Court has said that any tenements taken possession of in this State must be taken possession of by virtue of a valid miner's right.

Serious questions have been asked as to the validity of the miner's right used on this occasion and the legislation before us endeavours now to validate that proposition. In so doing, we are cutting out the very kernel of our mining law—it is being negated. Adequate evidence has been available in the past that the Mines Department itself has guarded very jealously this principle of the law. The Mines Department, the wardens who by and large administer the provisions of the Mining Act, the mining registrar, and the Minister himself have made it clear on many occasions that, if land is taken possession of without a valid miner's right, there has been no valid taking of possession.

Afro-West Mining & Exploration Pty. Ltd., which is associated very closely with the dispute from which this legislation arises, received from the Registrar of the Mines Department a letter dated 7 March 1980.

Mr Coyne: Who was it from?

Mr GRILL: It was signed by a Mr Phillips. I do not know who the principal registrar was at that time, but the signature is "Phillips". The

letter indicates Afro-West was to lose a tenement for which it had applied on the ground that, at that time, the company did not hold a miner's right. The letter reads, in part, as follows—

Because the applicants were not in possession of current Miner's Rights at the time of marking off the above application cannot succeed.

Mr Coyne: To whom is it referring?

Mr GRILL: They were applications made by people of the name of G. E. and C. F. Rennie and S. K. Scott. The letter goes on to say—

It should be noted however, that if the ground has been marked off by another party prior to the applicants repegging the ground then that application will have priority in time.

That is really the situation which applies in respect of this legislation.

If CRA did not mark off these tenements or, if at the time it did, it did not have a valid miner's right, people who have pegged subsequently have a right to apply for a tenement.

Mr Coyne: The Mines Department itself has already ruled on that.

Mr GRILL: The situation is crystal clear and it is being negated by this legislation. The sad part about all this is—and it has been made quite clear by some of the debate which has taken place here this morning—that that right of access to the courts of this State of which Afro-West has been deprived, in effect results in the situation that these tenements are being granted to a consortium of companies which, to a large degree—and the Minister has not disputed the figure of 15 per cent to 20 per cent—are owned and controlled by a foreign Government; namely the Malaysian Government.

That is the situation. A Western Australian-owned and set-up company controlled by Western Australians has shown bona fide interest in the area for some years, has been proceeding for tenements in this area, and employs Western Australian prospectors and geologists.

A Government member: That is irrelevant.

Mr GRILL: It uses Western Australian capital. It is being deprived of its right to go to a court to seek its legitimate rights because of a Western Australian company which is acting in part on behalf of a foreign Government; namely, the Malaysian Government. It is a contradiction and negation of a large part of the duty we have to the citizens of this State.

I do not think much more needs to be said about these provisions, but we will look at their

operation. Clause 7 of the Bill validates all the applications of Afro-West for mining tenements, whether or not they were valid and whether or not they were disputed. It validates every one of them, whether they were validly pegged or invalidly pegged, whether there was a valid miner's right held at the time or whether there was not, whether they abided by the terms and conditions of the Mining Act or whether they did not, and whether they abided by the terms and conditions of the regulations or whether they did not. It simply says that they are valid whether they were valid or not.

Then it goes on to vest those applications in the company as valid mining tenements whether they are valid or not. They are deemed to be valid by the clause.

Clause 8 grants possession of those tenements to the consortium and also possession of any diamonds taken from them from the date they pegged the tenements.

Clause 9 goes on to extinguish all rights of other people in the area, whether or not those rights are validly held. Clause 9 simply extinguishes them holus-bolus.

Clause 10 has a similar effect and negates the marking off of any other tenements in this area by any other company—not just Afro-West—and makes them invalid, whether or not at the time they were marked off they were valid.

Clauses 11 to 13 entrench that situation. That is a remarkable set of clauses of a Bill. As a person having substantial interests in mining companies in this State, I would dearly love to have a company behind me which was prepared to validate my actions or those of my company, whether or not they were valid, simply on the basis that by one means or another the company gained a favour of the Government. That is simply the situation. They are being validated on the basis that this group of companies, for one reason or another—and I would not like to dig into that—has the favour of this Government.

We oppose every one of these clauses and will be moving shortly to have each one deleted in turn.

Mr BERTRAM: There are huge areas of activity in respect of which there is no law and there are many forms of improper activity in respect of which the law affords no effective remedy.

A member: The law of the jungle!

Mr BERTRAM: There are forms of corruption in respect of which the law has no remedy for correction. One of the lowest forms of improper

conduct or theft, is theft by way of Statute. What we have here in this provision is an exercise in statutory stealing or theft. That is what it is.

By this measure, this Parliament—more accurately, the Court Government—is stealing from people certain lawful rights which they have and which could be worth millions of dollars. It is stealing that money from them by this proposed Act of Parliament. By any measure, that is an extraordinary example of the raw and brutal use of unlimited power which this Government has.

I never cease to be amazed when even members of Parliament refer to a political party as having power merely because it has a majority in this Assembly. That is abject nonsense and is inexcusable for people who are members of this Assembly. It is excusable, perhaps, in respect of people outside who do not know what goes on here—mercifully, they do not know very often—but for members of this Parliament to say a political party which has a majority in this Chamber alone, has power, is nonsense. Because of the way this Parliament is structured and operates, a party has power only if it has a majority in both the upper House and the lower House at the one time. I had hoped members would lay off this stupid talk, about the Labor Party in this place ever having had power, or about its being about to get it, because it has never had power and is not likely to get it!

Mr Wilson: Spot on!

Mr GRILL: This is not irrelevant because this Bill, Act, or monstrosity can come about only when there is absolute power and this power is brutally used. If Labor were in office—note the great distinction between office and power as it has never been in power in this State—and brought in this measure, there would be an excellent chance that it would not be carried into law because there would be an extraordinary probability that members in the other place would reject it.

We get this mention of the use of absolute power. This sort of retrospectivity cannot be wrangled unless a party has power, which is tragic. This measure would have been rejected by Parliament if a Labor Government had introduced it, because the ALP does not have power in both Houses.

In this case we all know the end result in the upper House. The upper House is a duplication of this Chamber and not a separate one at all. The Liberal Party has already discussed this Bill in its party room and has decided what it will do about it. It is not an objective situation up there. It is the same Chamber as this one, but is simply

extended a few feet up the other end of this building.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I suggest to the member for Mt. Hawthorn that the Committee has been extremely fortunate in getting the co-operation of members to discuss clauses 7 to 13 as a most objective discussion, but I suggest if the member wishes to reflect on the votes of another Chamber, he could well infringe on Standing Orders; so I ask him to co-operate with the Committee and confine his remarks to clauses 7 to 13.

Government members: Hear, hear!

Mr BERTRAM: I will certainly do that. At no time, by implication or otherwise, was I seeking to reflect upon the other Chamber—I was simply describing it.

The Minister for Education said that the Mining Act and the laws which are involved in the present litigation referred to in this Bill, had to be influenced by justice, which shows how much he knows about the law—very little! About 40 years ago when a counsel had the temerity to get up and talk about justice in the imposition of a penalty in a particular case the then Chief Justice removed his spectacles, put down his pen, and said, "Mr. Bloggs I want to remind you that this is a court of law. It is not a court of justice". That is an example.

Because they are courts of law and not courts of justice, when they are called courts of justice it is a clear indication of ignorance and is a maldescription of them. Litigants, whether they be the present plaintiffs or another plaintiff, can go to court even if its hands are not totally clean, or if perhaps it has not behaved according to the terms of fair play or whatever. I do not know about this case. They can go to court because the courts are courts of law, not because they are courts of justice. Technical points of law could be discussed.

A judge once said to a learned QC—a barrister who was regarded for many years as the leading barrister in this State—"That is another technicality". Responding, he said, "Yes, and this is the forum for them". This is very true.

The plaintiffs in this case not only will have to face legal technicalities, but also they will need some very vivid justification for their claims.

Opposition members: Hear, hear!

Mr BERTRAM: Here they should have been given the right. It should not have been stolen from them.

Opposition members: Hear, hear!

Mr BERTRAM: That is what is happening. They should have been given the right to have their cases litigated—win, lose, or draw.

According to the ordinary processes of the law there are many people who win cases in the law courts who should not, and there are many people who lose cases that they should not lose. That is the way it is. If the courts are about 60 per cent efficient—that is about the ordinary rate of human efficiency at its best—I suppose one could hardly complain about that. The company concerned should have been permitted to let the case run its course, and that is what ordinarily happens. I am not aware of any information given by this Government or anyone else as to why that should not have been allowed.

Furthermore it is not unusual for litigants, whose cases are pending or part heard to negotiate a settlement—right up to the instant before judgment. Very often people reach a settlement out of court if they want to. There is nothing new about that situation; it happens every day of the week. The Government is saying to the plaintiffs in this case that it will take from them the right to negotiate with the joint venturers with a view to working out a settlement.

Having regard for the legal niceties involved, as the Deputy Leader of the Opposition pointed out with regard to the question of priority, if Parliament can be recalled for a special celebration on 8 February—heaven knows members of Parliament have enough celebrations to attend as it is—why could not we deal with this Bill on or about 8 February in order that we know the outcome of the case before passing this legislation? Let us assume that the plaintiffs will win this case. The Government by taking the action it has chosen would be stealing the company's rights from it. However, the Government has decided not to wait, and will go ahead to steal the company's rights from it before the public is dead sure that it does have the rights. The Government is legislating now because it will not take the risk of the joint venturers losing. That is the reason it is taking away the company's right and capacity to negotiate. The Government will kill off the case and will not compensate the company one cent; nor will amends be made for the costs which have been thrown away. This is a shabby deal and there is absolutely no need for it.

When it comes to retrospectivity we are faced with a problem because there is a real tendency for retrospectivity to be granted in favour of a friend or in favour of persuaders. When one thinks about this for a moment one should remember that in the State of Western Australia there is no provision at all worthy of mention in

respect of members' interests. Before this Bill was brought before this Chamber, a measure should have been introduced requiring members to declare their pecuniary interests and this has not been done. It is a scandal to say the least. If ever there were a need for a measure to be introduced in respect of members' interests it is in relation to this Bill. It is disgusting that it does not exist. We all know that the Opposition has tried hard to protect the people on that score.

Mr COWAN: When we spoke about this measure during the second reading speech we indicated there were two reasons that we oppose the Bill.

Clauses 7 to 13 inclusive relate to the first reason we put forward. We referred to the validation of those mining tenements under dispute. I do not profess to be as knowledgeable on mining matters as the member for Yilgarn-Dundas who has put his case quite clearly to the Chamber.

The member for Mt. Hawthorn stated the case from a lawyer's point of view. The overriding effect which relates to these clauses is simply that the judicial arm of the Government in Western Australia is being denied by this Parliament the right to function. This Parliament, of course, is doing that under the domination of the Executive.

I am sure the member for Yilgarn-Dundas is perfectly correct when he said that if the Opposition were to introduce legislation of this nature the members on this side of the Chamber would be very very strongly opposed to it. I admit that I, too, would continue with my opposition to this form of legislation in such a case. We should really ask why these seven clauses were included in the Bill. There could be several reasons and some of them cause very serious doubts in people's minds about the integrity of this Government.

Mr Bertram: That has been tried.

Mr COWAN: It is quite possible that because the joint venturers have spent substantial sums of money, somehow or other the Government might find itself responsible for the return of that expenditure by way of compensation. Let us face it, the Minister has the final determination as to the title of the mining tenements, but these clauses will prevent litigation to resolve the dispute between Afro-West Mining & Exploration Pty. Ltd. and the joint venturers. If the action were taken in the Supreme Court, the ruling could be returned only to the warden. The warden then makes a recommendation to the Minister, and the Minister has the final right to make a determination. Had the Minister wanted

to, he could have waited for the finalisation of the action in the Supreme Court. Even if the warden followed the decision of the Supreme Court and made an unacceptable recommendation to the Minister, the Minister could overturn it. The Minister does not have even to state his reasons, and yet the Minister is not prepared to make such a decision. By the same token, one of the Minister's main arguments is that the joint venturers should have title to these mining tenements.

Mr Coyne: The dispute is really between the Mines Department and Afro-West.

Mr COWAN: I do not really believe that that is an argument for having clauses like these in legislation. The Minister is responsible for the department surely.

Mr Tonkin: I am not sure about that!

Mr COWAN: He is supposed to be.

Mr Tonkin: Oh yes, that is different.

Mr COWAN: I am not certain that the member for Murchison-Eyre is correct when he says that the dispute is between the Mines Department and Afro-West. However, I am certain that it should not be a matter to be decided by me or by any other member in this place. It should be for the Supreme Court of WA to make a decision. These clauses will prevent that happening.

There is no way that I could support any legislation which makes provision for the judiciary, set up by our Constitution, to be ignored.

Mr Bertram: "Dismissed" would be a better word.

Mr COWAN: That may be so. I have had occasion, as no doubt other members have done, to take cases to the courts of WA. That is our right, and yet a particular company is being denied that right. I must admit I was unsuccessful when I tried taking a case to the courts.

Mr Bertram: According to the court, anyway.

Several members interjected.

Mr COWAN: That is a matter of opinion. I accepted the decision of the courts, and yet in this case the courts will not be able to make a decision. This is reprehensible legislation, and any member who supports it does not deserve to be in this place.

Mr STEPHENS: Likewise, I strongly oppose the clauses we are discussing currently. I wonder whether, by way of interjection, the Minister would be prepared to tell me how he came into

possession of a letter addressed, "Attention Mr Nelson" which he tabled yesterday.

Mr P. V. Jones: It was sent to me.

Mr STEPHENS: By whom?

Mr P. V. Jones: By the recipient.

Mr Bertram: It was stolen.

Mr STEPHENS: It was sent by the recipient? The Minister is really making use of a misappropriated letter.

Mr P. V. Jones: That is where I got it.

Mr STEPHENS: When the Minister says, "by the recipient" I suppose he meant the Ashton Joint Venture.

Mr Bertram: The addressee.

Mr P. V. Jones: That is correct—not Mr Nelson.

Mr STEPHENS: No, the Ashton Joint Venture.

Mr P. V. Jones: That is right.

Mr STEPHENS: In my opinion—and I will explain my reasons for so thinking later—we are dealing with a company which has misappropriated a letter; and yet this Parliament will now make a judgment in favour of that company. We know from the utterances of the Premier in relation to the MWB, that the Premier would not deal in stolen documents.

Mr Bertram: Not much!

Mr STEPHENS: I am not saying that this letter was stolen.

Mr Clarko: If you write me a letter and I refer that letter to someone else, that does not mean it is stolen.

Several members interjected.

Mr STEPHENS: The letter was addressed to, "The Secretary, Ashton Joint Venturers, P.O. Box 121, West Perth, WA". That does not happen to be the postal address or the local office address of the Ashton Joint Venture, so quite clearly Australia Post saw fit to send it to the addressee and not to the box number. When the letter was received by the Ashton Joint Venture, it was noted, "Attention Mr Nelson". Whoever opened the letter obviously realised from its contents that it was not for his company, and so the envelope was resealed and endorsed that the letter had been delivered incorrectly.

Sitting suspended from 12.45 to 2.15 p.m.

Mr STEPHENS: Before the luncheon adjournment I was referring to a letter tabled yesterday by the Minister.

Mr Pearce: Did he explain where he got it from?

Mr STEPHENS: I was pointing out that although the letter went to the Ashton Joint Venturers it was addressed to P.O. Box 121, West Perth, which is not the address of the Ashton Joint Venturers but of Afro-West Mining & Exploration Pty. Ltd. However, the post office sent the letter to the Ashton Joint Venturers.

The envelope and the letter were duly returned to the National Party office. The envelope obviously had been opened and then stapled together. Great effort had gone into marking out "P.O. Box 121". There was an arrow pointing to the bottom left-hand corner of the envelope with the message that it be returned to the National Party office.

From the information given to me this morning it is quite obvious the Minister received from the Ashton Joint Venturers the copy he tabled. It is obvious the Ashton Joint Venturers photostated the letter which they knew was not addressed to them, and then returned it to the National Party. That is very petty. It is also despicable and an action which amounts to misappropriation.

Mr Bryce: Bring in the CIB.

Mr Brian Burke: Why does not the Minister tell us the whole story when he quotes selectively?

The CHAIRMAN: Order!

Mr STEPHENS: In describing "misappropriate" the *Shorter Oxford English Dictionary* says, "to appropriate for wrong use, chiefly to apply dishonestly to one's own use". That is what the Ashton Joint Venturers have been found guilty of doing. In his own words the Premier has claimed that dealing with stolen or misappropriated documents is despicable, yet yesterday we had one of his own Ministers table such a document.

We are being asked to validate an agreement, to ignore the processes of law, and to give a company title to certain tenements which are in dispute. I do not know on what grounds the Government has decided the Ashton Joint Venturers are the lawful owners of these tenements; but if the joint venturers are prepared to act in the manner I have outlined we cannot help but question their integrity. On that score alone we should oppose this clause.

As I said, the Minister tabled a letter that I had written to Dr Warren Atkinson of CRA. If my memory serves me correctly, the Minister quoted the date "28 October" which is incorrect as my letter was written on 27 October. That may seem a small matter, but I have a letter from CRA in response to my letter which reads—

Dear Mr Stephens,

Thank you for your letter of 28th October, 1981 concerning correspondence sent to you by Mr R. L. Nelson.

I made no reference to Mr Nelson. For the clarification of the Chamber I will read my letter as follows—

Dear Sir,

The West Australian Government has indicated that it will introduce legislation to ratify a formal agreement with the Ashton Joint Venture involving the Argyle diamond prospect.

There is currently a dispute between the above and Afro-West Mining & Exploration Pty. Ltd. as to the ownership of the mineral claims.

In order that I may be in a position to make a balanced judgement on the issue, it would be appreciated if you could outline the C.R.A. claim for ownership.

So in the first paragraph of the letter sent to me there are two errors: the date and the reference to Mr Nelson. It is also possible that the Ashton Joint Venturers could be in error when making their claims for these tenements. This is all the more reason we should have this matter settled by that body constitutionally appointed by us to handle these matters: the Supreme Court. Those two points alone should be borne in mind.

It is interesting to read the editorial of *The New Liberal*. The writer of that editorial has grave doubts on this issue. In today's *The West Australian* the President of the Young Liberal Movement indicated the editorial was not the opinion of that body, but of the editor alone.

The CHAIRMAN: Order! I have listened to the member with interest for the past seven minutes and it seems to me his remarks have not been directed specifically to clause 7. I invite him to continue and ask him to ensure he directs his remarks essentially to the clause.

Mr STEPHENS: Perhaps you were not here this morning, but we were dealing with clauses 7 to 13 *en bloc*.

The CHAIRMAN: It is my understanding that it was suggested to the Chair at the time that it would save the time of the Committee if a number of clauses were debated in a general way. What it amounted to was that the Deputy Chairman at the time was allowing debate on clause 7 to range a little wider so as to encompass subsequent clauses. I would be happy to have the member do that; but the remarks he has made so far do not seem to be relevant to clause 7 specifically. I ask

that he relate his remarks to the clause or within the ambit of the previous declaration from the Chair.

Point of Order

Mr TONKIN: Surely the essence of a debate is that a member must be able to reply to matters raised. If it were not an appropriate matter to be raised surely you should have stopped the Minister from raising it. But a member has a right to reply to any matter raised in the debate.

The CHAIRMAN: Order! I do not accept the comments made by the member for Morley. It is true that on many occasions we do allow some movement from the central clause under discussion—I am sure the member for Morley has done this. This is accepted. At the same time I am sure that while we do allow answers, even if they move away from the main stream of the clause, it is appropriate for the Chairman to remind the member that while he may do so in passing, if he does so to the whole matter, it is not relevant. I ask the member for Stirling to make his remarks relevant to the clause.

Committee Resumed

Mr STEPHENS: The reference I made to the letters indicated the position of one of the companies in getting favoured treatment under this clause, so I think my remarks were relevant.

The remarks I make about CRA spending \$40 million will also be relevant, as I am sure you will agree. It is mentioned in the newspaper article that CRA has spent \$40 million on exploratory drilling. We have to ask ourselves the question: Why would a company with many years of experience in the mining field proceed to spend \$40 million developing a tenement which was under dispute? There has to be a reason. One possible reason is that the present or previous Minister gave CRA a guarantee it would get the mining tenement. Hence the reason for this legislation being forced through the Parliament now. If CRA had been given a guarantee the Government would be placed in the situation of possibly being served with a claim for compensation from CRA for not less than \$40 million. While some members of the public have some rather not so kind reasons for the Government's taking this action, I believe the Government could be doing this to save itself a \$40 million compensation claim.

Mr Brian Burke: The Minister is very quiet.

Mr STEPHENS: Certainly no member of the National Party can agree to this clause, when the matter is to come before the courts where it properly should be heard. We oppose the clause.

Mr SKIDMORE: I was one of three members who opposed the second reading of this Bill. Further, I oppose this clause. I will not enunciate all my reasons for doing so, but I do support the remarks made by members of the Opposition and the National Party objecting to the reprehensible conduct of the Government in its desire to retain power by taking away the civic and basic rights of people to take a claim to the proper courts of law in this country.

As I said in my second reading speech, it is time credibility was given back to government. Any Government member who does not have the guts to cross the floor and vote against this clause should go home and destroy all the mirrors in his house, because I am sure he will be unable to look himself in the face.

Mr P. V. JONES: We have heard a considerable amount of argument about the rights of certain parties, but we have heard nothing about the rights of the joint venturers. There has been no suggestion that the joint venturers might have some rights.

It was clearly known and understood by all the parties associated with exploration in the Kimberley—certainly by the general public—over many years that there was a diamond prospect in the area and that there were certain companies involved in proving-up that prospect. It was well known which companies were involved. Some of the history of that particular development and of the work that had gone into it I included in the second reading speech. I did not put it all in, so if any member would like the information I will make copies of the details available.

The point I make is that the names of the companies involved are not new information. In regard to the question of the actual land tenure, I tabled purely as a matter of record a document giving some dates on which certain peggings occurred and when certain claims were applied for. I will indicate the dates again so that they are clearly on the record, and I will set out the present aspects of the land situation.

All mineral claims applied for, except two not disputed—which are 86830 and 86831—and four in dispute—which are 86877, 86878, 85854, and 85855—have been approved under the normal provisions of the Mining Act. In the blue area of the map tabled, 118 mineral claims have been approved already in the normal processes of the Mining Act—they are not under dispute. However, four mineral claims over which there is some litigation are being considered in the context of the Bill. The maps tabled identify those areas, but there is one important point to make. Of those

outstanding applications certain ones have not been included deliberately. They have not been included because the dates of pegging were within three months of the original pegging in accordance with the practice with which the member for Yilgarn-Dundas would be aware. They have not been included and will go through the processes embodied in the Mining Act. The normal process will prevail in the same way as it prevailed for the previous 118 applications granted. The application made by one company, Gemex Exploration and Mining, was rejected as no ground was available after excising certain areas in relation to the granting of the mineral claims which went normally through the process.

If we are to talk, as suggestions have been made, about the granting and the appropriation—all those kinds of words used—we should be quite clear about what is involved. The member for Yilgarn-Dundas has made remarks, publicity has been given to the matter, and letters have been written in relation to a valid—or otherwise, as suggested—miner's right. I make it plain that the advice of the Government is quite clear and definite, and I refer to the dates mentioned in the papers I tabled last evening. The advice to which I refer is not only advice from within the Government, but also advice from outside—from counsel. No question can be raised or problem put forward in relation to this matter just as there was no problem or dispute over who was first in time. The member for Yilgarn-Dundas would be well aware of the importance placed by the mining industry on who was first in time in pegging.

Again so that it is clearly understood, perhaps by those members who are not aware of the real situation, I inform the Committee that on 10 October 1978 CRA was issued with a miner's right, number 176930, expressed to expire on 20 October 1979.

Mr Cowan: What was the date of issue?

Mr P. V. JONES: That miner's right was a renewal of miner's right 11694 which expired on 20 October 1978. The present miner's right was issued in complete conformity with the normal practices associated with the way miners' rights have been issued for a very long time.

Mr Barnett: I am sorry; what was the date of issue?

Mr P. V. JONES: Do you mean the date on which it was written out? It was written out on 10 October.

Mr Cowan: When was it issued under the Mining Act?

Mr P. V. JONES: I have just answered that question.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Nanovich): Order! Order!

Mr P. V. JONES: Notwithstanding any of that information, the member for Yilgarn-Dundas is well aware of the practices of the Mines Department in the issuing of these things because he perhaps more than most others in this Chamber is well aware of what is involved in utilising and administering the Mining Act as it presently exists and the way it is administered in the interests of the industry. He knows all about the ways in which a miner's right is issued; in fact, the way it is issued end-on-end. Together with this situation the Government still took advice on both matters—the question of first in time and all the aspects related to that, and the question of the miner's right. The advice was very clear; no problem whatsoever existed. The rights and entitlements of the joint venturers were not in question.

Several members interjected.

Mr P. V. JONES: It has been asked: Why was there a great amount of funding spent on exploration? The sum of approximately \$40 million was mentioned, and certainly it is true that an amount approximate to that was spent on basic exploration. Approximately \$63 million will be expended by 31 December this year on all activities related to this development, and that includes not only the basic exploration, but also the initial establishment of plant, processing facilities, crushing facilities and all the other infrastructure items required. This information is not new; it has been well known for some time by the general public and the community in the Kimberley. The member for Kimberley would be well aware of the situation because he was involved with it for a long period. No dispute existed. The member for Stirling said, "Why was this money expended when there was a dispute?", but there was no dispute—

Several members interjected.

Mr P. V. JONES:—until litigation was commenced. It was not until after a whole range of things had occurred—well-known things such as a whole series of Warden's Court procedures and mineral claims have been granted—that litigation was introduced in the way referred to last night. The Warden's Court was told by counsel that the litigants might have wished to go to the Supreme Court. The warden deferred the hearing to allow one party or both, if they desired, to make a decision on whether to go to the

Supreme Court, and that decision was made on 9 September. From then on we had a legal dispute, and that has been quite clear.

What we need to understand is the basis of the situation. I make it quite clear that the Government in its negotiations for an agreement with the joint venturers—negotiations which continued since early this year—made sure that the public and the companies involved were well aware of the basic procedures and that they were followed. It was well known that the bulk of the claims involved in this agreement—118 out of 122—had been awarded through the normal process, but we then had this vexatious litigation right at the end of the process designed—

Several members interjected.

Mr P. V. JONES—to bring about a situation whereby the project could be held to ransom.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Nanovich): Order! Order!

Mr P. V. JONES: The last point I make which really relates to where this matter started is that no reference has been made in this Chamber to the rights of the joint venturers, to the normal procedures followed, and the results that have flowed. I do not want to dwell on claims made in this Chamber and the letters circulated to members.

Mr Cowan: Should we check the table?

Mr P. V. JONES: I am talking about letters circulated to members, to claims in the Press, and to the dates mentioned in regard to the validity of the process. It is clear that in this situation an attempt has been made to hold the project to ransom in a way this Government is not prepared to allow in any way whatsoever.

Mr BRIAN BURKE: It beggars belief to hear the Minister label one of the litigants in the action about which we are talking as a vexatious litigant. What right has the Minister to label the litigant in that way?

Mr Old: He didn't say "litigant".

Mr BRIAN BURKE: He described the litigation as vexatious.

Mr Old: That's better.

Mr BRIAN BURKE: If a litigant is responsible for vexatious litigation, surely he is a vexatious litigant.

Mr Old: That's semantics.

Mr BRIAN BURKE: The thrust of what the Minister said was that the litigant was vexatious. I say again: What right does the Minister have to label a litigant—or litigation—as vexatious?

Those of us who sit reasonably close to the Premier heard him by way of an aside say, "A Government has to govern".

Sir Charles Court: That's right; get on with the job.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Nanovich): Order!

Mr BRIAN BURKE: I agree a Government has to govern, but it does not have to assault the legal rights people have to seek justice before the courts, and that is what is being done. We then have heaped upon that sort of excess the Minister's own judgment when he labelled someone a vexatious litigant. That is more than this Chamber should have to put up with. As far as that is concerned, the Minister does not realise what is involved in labelling someone a vexatious litigant.

Sir Charles Court: He didn't label anyone a vexatious litigant.

Mr Tonkin: Can you tell me that someone who carries out a litigation which is called vexatious is not being called a vexatious litigant?

Sir Charles Court: You can have vexatious litigation which has nothing to do with the action of the litigant to which the Leader of the Opposition is referring.

Mr BRIAN BURKE: It is interesting to see the Premier try to extricate his Minister from the situation and the Minister to sit quiet. However we look at the situation we must accept that the Minister has been responsible for levelling a very serious charge against one of the litigants in the case, and he has done so without producing one scintilla of evidence. It is bad enough to confiscate from this company the right to pursue the legal course it set about, but to insult it and to blackguard it in the way the Minister just has is more than his colleagues should tolerate.

Government members interjected.

Mr BRIAN BURKE: Although we may argue that in the public interest retrospective legislation must be brought in, or argue about the meaning of the public interest and the right people have to take matters to court, there is no justification for the Minister's using the word "vexatious" as he applied it to this action without his producing some substantial evidence to support his claim. It shows from the Minister's words—by a slip of the tongue if one likes—exactly what is behind this whole matter. It is not an impartial Minister looking at two components; it is a Minister with an axe to grind. While the Minister is prepared to label one of the litigants in that way, we can be

sure he is not dispassionate about what he is considering.

As far as we on this side of the Committee are concerned, the Minister's terminology is further evidence of the serious disquiet everyone has reason to feel about what is happening.

The Minister did not deal in any way with the problems that will be faced by the extension of this matter until March next year when the case is listed for hearing. The Minister spoke about the reasons he believed that the matter should be decided now, in favour of CRA, but he could apply that sort of logic to any case before the courts. If it is up to the Minister to look at the evidence as the Government sees fit and to make a decision which is rightly the decision of the courts, we might as well abolish the courts and simply install the Ministers in that place as the people who will make a judgment on issues which are now decided by the courts.

That is what the Minister is doing, he has attempted to denigrate the case of one of the litigants, and that cannot be justified.

As far as the Opposition is concerned, the Minister has given the game away by referring to vexatious litigation.

Mr Sodeman: You are a hypocrite.

Several members interjected.

Mr BRIAN BURKE: It is not the basis and not the place for this Chamber to make a decision on how the Minister views the relative merits of either case; that is not at issue.

Mr Sodeman: That is what you were doing the other night.

Several members interjected.

Mr BRIAN BURKE: It is not an issue as to whether the Minister thinks the merits of one case are strong and the merits of the other case are weak. If the Minister wants to justify retrospectivity he may do so on the basis put, but not in a comparison of that case with the case of other litigants.

Mr GRILL: It is not well known, and it has not been canvassed before in this debate, that this is the second occasion upon which this Government has endeavoured to extinguish the right of Afro-West in respect of the disputed tenements.

The first occasion was on 26 March 1981. This was done rather covertly when the Government amended the Mining Act. That amendment had two purposes: The first was to validate a long-standing past practice in respect of temporary reserves, and the second purpose, as disclosed by the Government, was merely to ensure that

miners' rights issued under the 1904 Act would subsist with the Mining Act 1978.

The real purpose of that amendment was to ensure that the window created in the issue of the miners' right in respect of Afro-West was closed. That was the real purpose of that legislation when the Minister said in his second reading speech—

It was the intention that miners' rights issued under the 1904 Act would continue to be valid after the 1978 Act is proclaimed, and therefore clause 3 of the amending Bill has been inserted to provide that a miner's right issued under section 22 of the Mining Act 1904 and in force immediately before the repeal of that Act by the Mining Act 1978 shall, notwithstanding such repeal, continue in force and have effect in all respects as if it were issued under section 20 of the Mining Act 1978.

What the Minister was stating was true, but he was covering up the facts and the reality as well as the real purpose for passing that legislation; that was, to close the window in respect of miners' rights issued to Afro-West. This is the second occasion on which this Government has tried to extinguish the miners' rights issued to Afro-West.

Mr P. V. Jones: To Afro-West representatives.

Mr GRILL: That is correct. I have it on very good authority, from within the Minister's department, that that was the intention of that legislation. I am not prepared to name the officers who gave me that information, but I believe it to be correct.

Mr P. V. Jones: I am trying to correct you—it validated a miner's rights.

Sir Charles Court: Will you tell us why the Tonkin Government brought in the Bill to stop Hancock's litigation in 1972?

Several members interjected.

Mr GRILL: If the Government wishes to justify what it is doing now by what happened in the past, the Premier can get to his feet and say so.

Several members interjected.

Mr GRILL: The Minister spoke of the rights of the Ashton Joint Venturers and we do not deny those rights, but Afro-West has rights also and there should be equality before the law and that is why we assert the rights on behalf of Afro-West and its group.

It is unprecedented for any Government to intercede in actions between private companies and to extinguish the right of one company to take action before the courts in this State.

As the Minister well knows, miners' rights under the 1904 Act were issued from year to year and if they were renewed prior to their expiry date, the difference in the time between the time of renewal and expiry opened up a window in the validity of the particular miner's right and for that period of time miners' rights were not valid. It is on that basis and on the basis of that window opened up that Afro-West has brought its action in court.

Notwithstanding the advice received from the Crown Law Department and outside the Mines Department, and notwithstanding the existing 1981 Act which covertly remedied the situation, it still has the right to argue that window in the miner's right is open, has been open, and will be open. On that basis, it has a case before the court and it is for the parties to the dispute to argue their case before the court. If Afro-West are right, the matter will then go back to the Warden's Court for decision.

Mr P. V. Jones: Do you acknowledge the principle of finder's keepers in this regard?

Mr GRILL: Yes I do, as long as the Act and regulations are complied with.

Mr P. V. Jones: If you acknowledge finder's keepers and it has been clearly established that the joint venturers discovered the reserve, then you will be acknowledging that Afro-West was aware of the right when it pegged.

Mr GRILL: I do not concede that the joint venturers discovered the reserve.

Mr P. V. Jones: Why don't you?

Mr GRILL: I do not have the facts before me and I am not here to judge, and that is the point I have made all the way along.

Mr Bryce: You are not God.

Mr GRILL: I do not claim to be God, either. The joint venturers do have rights and they have always been able to exercise those rights and no one has denied them their rights. A small Western Australian mining company has been denied its rights, including its right to exercise its ability to go to court and for those reasons we oppose this clause.

Mr COWAN: The Minister spoke about members in this place ignoring the rights of the joint venturers while we have been dealing with a clause which gives complete and total rights to the joint venturers. Surely if we are to argue about that particular stand, we can take for granted that the rights of the joint venturers have been taken into account. As the Liberal Party and Country Party members do not intend to oppose this legislation, that will mean that the case will not go before a court.

Perhaps the Minister would be kind enough to give me some information. As he will prevent this case from going before the court, perhaps we can discuss some of the matters upon which the decision has been based to validate the mining tenements and the reasons that the tenements are under dispute.

If we consider the matter of the miner's right and section 22 of the Mining Act which deals with miners' rights we will note it states that miners' rights take effect for 12 months after the date of issue. Can the Minister tell us the date of issue stamped on the miner's right?

Mr P. V. Jones: The miner's right in question was issued on 10 October.

Mr COWAN: Let us consider section 22 of the Act. It says that every miner's right shall be signed by the person who issues the same and it must state the place and date of issue. It must also state the name, in full, of the person to whom it is issued and it states that it shall be in force for one year from the date of issue.

Mr P. V. Jones: What you have not said is in the body of the right issued, the expiry date is shown as 12 months after the expiry of the previous miner's right.

Mr COWAN: We are talking about the Act. I have just stated what is in the Act which clearly provides that the miner's right shall have effect for one year after the date of issue.

I do not know anything about the law, but I understand that several points will be argued or would have been argued in the Supreme Court. One was the matter of the validity of a miner's right. If we pass this clause, the matter will not go before the Supreme Court so I believe this is an appropriate time for Parliament to get to the bottom of the issue.

The Minister has said the date of the issue of the miner's right was 10 October and the Act clearly states it takes effect for one year. Therefore it expired on 9 October the following year. Section 38 and section 39 of the 1904 Act provide for a miner's right to be reissued within 30 days—on either side of that date—of the expiry date. I would think that the date of issue that should have been stamped on the renewed miner's right should have been the date on which the miner's right expired.

Mr Bertram: When was it renewed?

Mr COWAN: It was renewed on 10 October but it expired on 19 October, so they made use of that section of the Act which allowed them to have a miner's right renewed before the expiry date. Perhaps that is what the member for

Murchison-Eyre was referring to when he interjected and said that the dispute was with the Mines Department. Perhaps some officer in the department—the registrar, or whoever issues rights—stamped the wrong date of issue on the miner's right.

Mr Sibson interjected.

The DEPUTY CHAIRMAN (Mr Nanovich): Order! If the member for Bunbury wants to interject, could he please raise his voice so that he can be heard by members and by *Hansard*.

Mr COWAN: I am confident that there is no member of this Committee who is as competent as the court to decide this matter. I have raised issues which are public; I understand other arguments in law relating to the matter have not been made public. The Minister has not given me a satisfactory answer, and I believe the answer should be determined in a court of law. That is why I intend to oppose the clause.

The Minister asked the member for Yilgarn-Dundas whether he believed in the concept of "finders keepers". I certainly do. I accept that the warden may make only recommendations to the Minister. If the Minister is satisfied that CRA was the finder, he has ample grounds for finding in favour of the joint venturers, regardless of the ruling of the Supreme Court or the recommendation of the Wardens Court.

I cannot see any reason to push this Bill through in this manner, while litigation is before the courts. Even if the courts ruled against the joint venturers, if the Minister is satisfied the joint venturers are the finders he is empowered to make that determination. However, instead of that we find ourselves considering an agreement with this rather repugnant clause.

Mr BERTRAM: The Minister, thoroughly possessed as he is of counsel's opinion, believes that the outcome of litigation currently pending is predictable and known. In litigation, there are generally two litigants, and one loses and the other wins. It follows ordinarily that each of them has obtained an opinion that he has an excellent chance of winning. That is why such people so often find themselves in court. They do not go to court because they have been told by their expert advisers that they will not win; they go because they are told they will win. I have heard Queen's Counsel advising senior practitioners that they will romp in and I have been present in court the next day to see them being given the rounds of the kitchen and being thoroughly thrashed and their cases thrown out of court. That puts into some perspective these much-vaunted counsels' opinions. They might be bona fide and well

prepared, but it does not mean they have made an accurate forecast of the result of the case. It could be said that they forecast accurately the results of cases roughly 50 per cent of the time.

The Minister also mentioned the public is well aware of the fact that certain joint venturers have been involved in exploration and mining of the area; I deny that proposition. What I have noticed as a member of Parliament is the extraordinary hush-hush atmosphere which surrounds this diamond mining venture. I am not sure whether I even know at this moment who are the participants in the venture, so I do not accept the proposition that the rank and file public have the slightest idea. Mac West once said that she knew who was who and what was what, and that was that. The same does not apply to the public in respect of this matter.

Mr Clarko: She also said, "Come up and see me sometime"; why don't you do that?

Mr BERTRAM: The Minister also said this legislation had been presented in the public interest. Of course, it has nothing to do with the public interest; it is to do with the two disputing parties; namely, Afro-West and the joint venturers. The public do not care two hoots who is right on this issue. The fact of the matter is that diamonds are there, they will be extracted, and somebody will benefit from that situation. The ordinary person in the street whom I represent does not care whether the joint venturers receive 100 per cent of the action or, as a result of Afro-West's intervention, receive only 60 per cent or a lesser percentage. The public's concern is that the diamonds shall be mined and that the public receive their rightful share of profits derived from those activities. As has been pointed out already, this matter should have been allowed to run its course through the courts.

The joint venturers have spent millions of dollars on the project. Is it suggested they have downed tools pending litigation? That is nonsense. They want to get those diamonds, and in a hurry; they are up there now, manfully hopping into the work. The need for such obscene haste must be questioned and the need for retrospectivity must be debated. Nothing else about the Bill needs to be rushed through at this time.

If the Minister were genuinely satisfied with his counsels' opinion, and was not in the slightest concerned about the outcome of the court case, he would not be snuffing out the rights of Afro-West in this manner. What would be the point? The fact is that the Government is by no means sure that Afro-West will not win the case, and it is taking the ball away from the court. It is killing

off Afro-West's legal rights now because it does not want to be faced with taking that step next year with the probability that Afro-West was no longer the plaintiff, but the rightful owner of the rights under dispute.

I suggest the Government has friends in the joint venturers' camp. When one has a look at some of the signatures and addresses to be found on the contract, one is entitled to suspect that a few friends, very close to the Government, are involved in this deal. The public of Western Australia would be well advised to examine the matter. The Government is playing favourites and is prepared to go to any lengths statutorily to snuff out the legal rights of people.

Mr Watt: There is an old saying that people who throw mud generally lose ground.

Mr BERTRAM: The member for Albany can read my speech in *Hansard* and see whether there is any mud; he will see what I have said happens to be fact.

Mr Shalders: It is not mud; it is slime.

Mr BERTRAM: Millions of dollars are involved. If members read the book written by that royalist, the Shah of Iran, they will see what he has to say about corruption, and that he believes it operates on the grandest scale. According to him, the status of corruption and favouritism increases according to the stakes involved. I did not need the Shah to tell me that; most people would be fully aware of it, even if the member for Albany is not.

Clause put and a division taken with the following result—

Ayes 22

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

(Teller)

Noes 20

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr McIver
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Skidmore
Mr Terry Burke	Mr Stephens
Mr Cowan	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman

(Teller)

Pairs

Ayes
Mr Tubby
Mr Young
Mr Rushton
Mr Grewar
Mr Sodeman

Noes
Mr T. H. Jones
Mr Carr
Mr A. D. Taylor
Mr Pearce
Mr Harman

Clause thus passed.

Clause 8: Protection of certain rights and interests of Company—

Mr GRILL: By and large, the debate on this clause has been extinguished. Our opposition is clear. This provision is opposed by the Opposition.

Clause put and a division taken with the following result—

Ayes 22

Mr Blaikie
Mr Clarko
Sir Charles Court
Mr Coyne
Mrs Craig
Mr Crane
Dr Dadour
Mr Grayden
Mr Hassell
Mr Herzfeld
Mr P. V. Jones

Mr Laurance
Mr MacKinnon
Mr Mensaros
Mr O'Connor
Mr Old
Mr Sibson
Mr Spriggs
Mr Trethowan
Mr Watt
Mr Williams
Mr Shalders

(Teller)

Noes 20

Mr Barnett
Mr Bertram
Mr Bridge
Mr Bryce
Mr Brian Burke
Mr Terry Burke
Mr Cowan
Mr Davies
Mr Evans
Mr Grill

Mr Hodge
Mr Jamieson
Mr McIver
Mr Parker
Mr Skidmore
Mr Stephens
Mr I. F. Taylor
Mr Tonkin
Mr Wilson
Mr Bateman

(Teller)

Pairs

Ayes
Mr Tubby
Mr Young
Mr Rushton
Mr Grewar
Mr Sodeman

Noes
Mr T. H. Jones
Mr Carr
Mr A. D. Taylor
Mr Pearce
Mr Harman

Clause thus passed.

Clause 9: Termination of other rights and interests—

Mr BRYCE: The Opposition is as opposed to this clause as we were to clauses 7 and 8. We register our opposition.

Clause put and a division taken with the following result—

Ayes 22

Mr Blaikie
Mr Clarko
Sir Charles Court
Mr Coyne
Mrs Craig
Mr Crane
Dr Dadour
Mr Grayden
Mr Hassell
Mr Herzfeld
Mr P. V. Jones

Mr Laurance
Mr MacKinnon
Mr Mensaros
Mr O'Connor
Mr Old
Mr Sibson
Mr Spriggs
Mr Trethowan
Mr Watt
Mr Williams
Mr Shalders

(Teller)

Noes 20

Mr Barnett
Mr Bertram
Mr Bridge
Mr Bryce
Mr Brian Burke
Mr Terry Burke
Mr Cowan
Mr Davies
Mr Evans
Mr Grill

Mr Hodge
Mr Jamieson
Mr McIver
Mr Parker
Mr Skidmore
Mr Stephens
Mr I. F. Taylor
Mr Tonkin
Mr Wilson
Mr Bateman

(Teller)

Pairs

Ayes
Mr Tubby
Mr Young
Mr Rushton
Mr Grewar
Mr Sodeman

Noes
Mr T. H. Jones
Mr Carr
Mr A. D. Taylor
Mr Pearce
Mr Harman

Clause thus passed.

Clause 10: Effect of marking out of certain land—

Mr GRILL: The Opposition views clauses 7 to 13 with gravity, and opposes this clause.

Clause put and a division taken with the following result—

Ayes 22

Mr Blaikie
Mr Clarko
Sir Charles Court
Mr Coyne
Mrs Craig
Mr Crane
Dr Dadour
Mr Grayden
Mr Hassell
Mr Herzfeld
Mr P. V. Jones

Mr Laurance
Mr MacKinnon
Mr Mensaros
Mr O'Connor
Mr Old
Mr Sibson
Mr Spriggs
Mr Trethowan
Mr Watt
Mr Williams
Mr Shalders

(Teller)

Noes 20

Mr Barnett
Mr Bertram
Mr Bridge
Mr Bryce
Mr Brian Burke
Mr Terry Burke
Mr Cowan
Mr Davies
Mr Evans
Mr Grill

Mr Hodge
Mr Jamieson
Mr McIver
Mr Parker
Mr Skidmore
Mr Stephens
Mr I. F. Taylor
Mr Tonkin
Mr Wilson
Mr Bateman

(Teller)

Ayes	Noes
Mr Tubby	Mr T. H. Jones
Mr Young	Mr Carr
Mr Rushton	Mr A. D. Taylor
Mr Grewar	Mr Pearce
Mr Sodeman	Mr Harman

Clause thus passed.

Clause 11: Saving of applications—

Mr BRYCE: In the interests of democracy, and in the fond hope that a Government member may wander into the Chamber and sit on the wrong side, I indicate we intend to divide also on this clause. We express our opposition to it. Thank you.

Clause put and a division taken with the following result—

Ayes 22	Noes 20
Mr Blaikie	Mr Hodge
Mr Clarko	Mr Jamieson
Sir Charles Court	Mr McIver
Mr Coyne	Mr Parker
Mrs Craig	Mr Skidmore
Mr Crane	Mr Stephens
Dr Dadour	Mr I. F. Taylor
Mr Grayden	Mr Tonkin
Mr Hassell	Mr Wilson
Mr Herzfeld	Mr Bateman
Mr P. V. Jones	

(Teller)

Ayes	Noes
Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr Carr
Mr Bridge	Mr A. D. Taylor
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Harman
Mr Terry Burke	
Mr Cowan	
Mr Davies	
Mr Evans	
Mr Grill	

Pairs

Ayes	Noes
Mr Tubby	Mr T. H. Jones
Mr Young	Mr Carr
Mr Rushton	Mr A. D. Taylor
Mr Grewar	Mr Pearce
Mr Sodeman	Mr Harman

Clause thus passed.

Clause 12: Validity of mining lease under Agreement—

Mr GRILL: As indicated earlier, the Opposition opposes this clause, along with the other clauses enumerated.

We sound a note of warning to the Government. If it feels it can pass retrospective legislation with impunity, that option will be open to the Opposition in due course. The Government may find it is at the receiving end of the stick when it comes to handing out such legislation in two or three years' time. Then we will see how the

Government squeals—and it will squeal! I bet it will squeal!

Mr Coyne: You won't be here to hear it.

Opposition members interjected.

The DEPUTY CHAIRMAN (Mr Nanovich): Order!

Opposition members interjected.

The DEPUTY CHAIRMAN (Mr Nanovich): Order! I have been calling order for a little time. Members are continuing their flight into interjections. I ask the members to come to order!

Mr GRILL: We oppose this clause thoroughly.

Clause put and a division taken with the following result—

Ayes 22	Noes 20
Mr Blaikie	Mr Hodge
Mr Clarko	Mr Jamieson
Sir Charles Court	Mr McIver
Mr Coyne	Mr Parker
Mrs Craig	Mr Skidmore
Mr Crane	Mr Stephens
Dr Dadour	Mr I. F. Taylor
Mr Grayden	Mr Tonkin
Mr Hassell	Mr Wilson
Mr Herzfeld	Mr Bateman
Mr P. V. Jones	

(Teller)

Ayes	Noes
Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr Carr
Mr Bridge	Mr A. D. Taylor
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Harman
Mr Terry Burke	
Mr Cowan	
Mr Davies	
Mr Evans	
Mr Grill	

Pairs

Ayes	Noes
Mr Tubby	Mr T. H. Jones
Mr Young	Mr Carr
Mr Rushton	Mr A. D. Taylor
Mr Grewar	Mr Pearce
Mr Sodeman	Mr Harman

Clause thus passed.

Clause 13: Continuation of mining tenements—

Mr BRYCE: We oppose this clause.

Clause put and a division taken with the following result—

Ayes 22

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

Noes 20

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr McIver
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Skidmore
Mr Terry Burke	Mr Stephens
Mr Cowan	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman

Pairs

Ayes	Noes
Mr Tubby	Mr T. H. Jones
Mr Young	Mr Carr
Mr Rushon	Mr A. D. Taylor
Mr Grewar	Mr Pearce
Mr Sodeman	Mr Harman

Clause thus passed.

Clauses 14 to 29 put and passed.

Schedules 1 and 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR P. V. JONES (Narrogin—Minister for Resources Development) [3.35 p.m.]: I move—

That the Bill be now read a third time.

MR STEPHENS (Stirling) [3.36 p.m.]: I am very pleased it is recorded in *Hansard* that I was not a party to this Bill and that the National Party believes in democracy in this State. That has been recorded for posterity.

My principal reason for speaking in the third reading is to put the record straight with regard to one of the letters the Minister tabled yesterday. I have spoken previously in the Committee stage about the Ashton Joint Venturers misappropriating the letter which came into their hands by virtually a misadventure. The Minister implied that, in my second reading speech, I was not being strictly honest, because I stated I was seeking information on which to make a balanced

judgment, when in fact a decision had already been made that was quite erroneous.

I admit an error was made in the office by our secretary. I do not reflect on her ability in any way. She is exceedingly capable and gets through a great deal of work. We are only a small party with limited means and we have only the one secretary to handle all the work. Any member associated with working in a political organisation would realise the amount of work she must perform. Therefore, it is understandable that perhaps mistakes occur occasionally.

I should like to point out also we are conducting our affairs without a debt of \$300 000 over our heads. In fact we do not have any debts at all.

I shall return now to the letter which went inadvertently to Ashton Joint Venturers. It referred to the fact that the State Council of the National Party had taken a decision to advise its members to oppose the intended legislation. That letter was sent on 28 October. My own letter, requesting information so that I could make my judgment, was sent on 27 October. I certainly acted in good faith and in accordance with the minutes of the State Council of the National Party.

In two sections of the minutes of the State Council of the National Party reference is made to the Ashton Joint Venture. I shall read from page 3 of the minutes of the meeting held on 26 October.

Mr Sibson: Are you making an apology?

Mr STEPHENS: No, I am not. I am recording in *Hansard* a matter which will set the record straight. On page 3 of the minutes of the meeting of the State Council of the National Party reference is made to the Ashton Joint Venture as follows—

Mr Stephens mentioned that he had received a letter from the Afro West Mining & Exploration Co. Pty. Ltd concerning the Argyle Diamond venture and he would table this letter after lunch.

On page 5, which is the final page of the minutes of the meeting, reference is again made to the diamond matter as follows—

Mr Matt Stephens tabled the letter he had received from Afro-West Mining and Exploration Pty. Ltd.

A motion was moved by Mr. M. Anderson to the effect that:

"Mr Nelson be informed that it is party policy not to support the government in this matter".

Mr Coyne: Or in any other matter.

Mr Tonkin: We support you in most things.

Mr STEPHENS: The interjection by the member for Murchison-Eyre indicates he is not in the House very often and, if he is, he must be asleep, because reference to *Hansard* will indicate that, on many occasions, we support legislation introduced by the Government.

Mr Coyne: Only when it suits your convenience.

Mr STEPHENS: We have enumerated our policy from the beginning to the effect that we will make our judgments in the interests of the people we represent, in particular, and in the interests of the State in general. They are the judgments we have made and we are proud to stand by them and to go to the people on them. We have not sold out for political advantage or for the gems of office.

Mr Bertram: Or diamonds, either.

Mr STEPHENS: That is quite so.

Mr Coyne: We cannot depend on you.

Mr STEPHENS: The member who has just interjected can depend on us to make judgments in the interests of the people. If they are contrary to the interests of the Government, let that be on its head. We are quite prepared to face the people on the judgments we make.

Several members interjected.

Mr Tonkin: Why don't you say something honest? It does not mean to say he is wrong.

The SPEAKER: Order!

Mr STEPHENS: I shall return to the matter on page 5 of the minutes of the meeting of the State Council of the National Party on 26 October. To continue—

The motion lapsed as there was no seconder. Discussion ensued and the President was requested to write to C.R.A. Exploration Pty. Ltd. requesting a submission in support of its claim.

The last item on that page is "Next Meeting" which indicates the end of the meeting. There is no other reference to that particular matter. That indicates that, firstly, a decision had not been made by the party, and, secondly, an error was made by our secretary in sending off the letter in that way.

I should like to make a further point that in our constitution, the State Council of the National Party cannot direct members of the parliamentary party in any way whatsoever.

Mr Coyne: Not much!

Mr STEPHENS: It can merely make requests.

Mr Cowan: Do you have a copy of the constitution?

Mr STEPHENS: I do not have a copy of the constitution with me, but I am perfectly happy to make it available to the member for Murchison-Eyre who has just interjected.

Certainly none of our members is threatened with loss of parliamentary pre-selection if he does not toe the party line. I wonder whether the member for Murchison-Eyre could say the same about his party.

Mr I. F. Taylor: It won't make any difference so far as he is concerned.

Mr STEPHENS: I had an opportunity in this third reading to explain that matter and put the record straight and to correct the slight that the Minister tried to infer by tabling the—

Mr Coyne: You dobed yourself in.

Mr STEPHENS: I did not dob myself in. It has backfired on the Minister inasmuch as it has given us the opportunity to show that the Ashton Joint Venturers have misappropriated mail. I oppose the third reading.

MR BERTRAM (Mt. Hawthorn) [3.46 p.m.]: In the course of the member's speech he made reference to documents at length and I ask him to table those.

Sir Charles Court: Fair go!

Tabling of Documents: Speaker's Ruling

The SPEAKER: I do not think the member quoted from documents, but merely made reference to them. There is no provision for anything other than documents from which private members may have quoted to be laid on the Table of the House. There is no opportunity for a member to table papers in the same way as a Minister can table papers.

Debate Resumed

MR TONKIN (Morley) [3.47 p.m.]: I am appalled at the narrow-minded bigotry of the member for Murchison-Eyre who has modelled himself on the Premier in this matter in that he cannot accept that someone's judgment may be different, and yet that person still may have some integrity. In the exchange that occurred while the member for Stirling was speaking, references were made which indicated that people such as the member for Murchison-Eyre—and we know, of course, the Premier—are unable to conceive of the possibility that someone may disagree with them and can do so for honest reasons and still maintain some integrity. I wanted to make that comment because it is appalling that people can

be so narrow-minded as not to see that people can have honest differences of opinion without any malice whatsoever being involved.

Question put and a division taken with the following result—

Ayes 42

Mr Barnett	Mr Jamieson
Mr Bertram	Mr P. V. Jones
Mr Blaikie	Mr Laurance
Mr Bridge	Mr MacKinnon
Mr Bryce	Mr Mensaros
Mr Brian Burke	Mr Nanovich
Mr Terry Burke	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr Parker
Mr Coyne	Mr Pearce
Mrs Craig	Mr Sibson
Mr Crane	Mr Sodeman
Dr Dadour	Mr Spriggs
Mr Davies	Mr I. F. Taylor
Mr Evans	Mr Tonkin
Mr Grayden	Mr Trethowan
Mr Grewar	Mr Watt
Mr Grill	Mr Williams
Mr Hassell	Mr Wilson
Mr Herzfeld	Mr Bateman

Mr Shalders

(Teller)

(Teller)

Noes 3

Mr Cowan	Mr Skidmore
Mr Stephens	

(Teller)

Question thus passed.

Bill read a third time and transmitted to the Council.

ACTS AMENDMENT (LOTTO) BILL

Returned

Bill returned from the Council without amendment.

POLICE AMENDMENT BILL

Second Reading

Debate resumed from 18 November.

MR I. F. TAYLOR (Kalgoorlie) [3.53 p.m.]: I have a certain interest in this Bill in that this time last week I actually appeared as a witness for the defence in a case relating to the unlawful possession of gold in Kalgoorlie. From that point of view, I do take an interest in the penalty that is involved in the stealing of gold in so far as this legislation is concerned.

The legislation proposed by the Government is remarkable for a number of reasons, but particularly for the reason that in the second reading speech the Minister said, "It is proposed that the penalties relating to the unlawful possession of gold, pearls, and uncut diamonds will be increased to reflect present-day values". It is quite remarkable when we consider that those

present-day values indicated by the Government reflect an increase of 2 000 per cent in the fines being imposed or suggested to be imposed under the Police Act in so far as the stealing of gold, pearls, and uncut diamonds is concerned; in fact, the increase is from \$500 to \$10 000.

The second, and perhaps more remarkable, situation in so far as this legislation is concerned, is that present-day values are such that the Government would need to increase the penalty from six months' goal to two years' gaol.

I do not think that even the Government could claim that inflation or present-day values have led to the increase in the penalty from six months to two years. The Opposition believes the penalty is extreme and that the Government has had in mind penalties which should relate to offences for the possession of uncut diamonds and not for gold and pearls.

We realise there is a problem with uncut diamonds which, by their very nature, are small and easily concealed. They are valuable, in terms of their size, which is not necessarily the case with gold or pearls.

The Government has not given any consideration to the increase in the penalties from \$500 to \$10 000 and from six months to two years imprisonment. These penalties could apply to uncut diamonds, but should not apply to gold and pearls.

In 1975 the fine for the unlawful possession of gold and pearls was increased from \$100 to \$500 and now we have a twentyfold increase from \$500 to \$10 000. That increase is unrealistic and nonsensical.

Perhaps the Government could give an indication of its position in relation to the possession of uncut diamonds. For many years the legislation in respect of gold and pearls has presumed that people are guilty unless they are able to prove their innocence. Is it to be the case when this legislation is passed that people in this State who are currently in possession of uncut diamonds are also presumed to be guilty unless they can prove their innocence?

In his second reading speech the Minister said that an occupier of premises where uncut diamonds are found shall be deemed in possession of uncut diamonds and in the absence of proof to the contrary any person found in the premises where uncut diamonds are seized, may be convicted—unless he can give a satisfactory account of his presence there.

Perhaps there is a need for the Government to advertise throughout the community that people who are currently in possession of uncut diamonds

that were gained lawfully may find it necessary to fill out a statutory declaration before a justice of the peace to state that they were in their possession before this legislation was passed; therefore, they should not be presumed to be guilty and have to prove their innocence before any court.

Legislation with respect to the unlawful possession of gold and pearls has operated for many years and the unlawful possession of uncut diamonds is to be included. While to some degree the Opposition supports this amending legislation, it does believe the penalties imposed by the Government are harsh and unrealistic. Therefore while supporting the Bill to some degree, we cannot support the penalties which are to be imposed.

MR P. V. JONES (Narrogin—Minister for Resources Development) [4.00 p.m.]: I thank the member for Kalgoorlie for his support of the Bill and I acknowledge his concern about the penalties. The original penalties in the Police Act date back to 1907 when the present sections 76A to 76E were incorporated. These provisions prescribed a penalty of £50 or six months' imprisonment for the unlawful possession of gold. Members should bear in mind that, just as with the new penalties, these are maximums; they are not mandatory or minimum penalties. They are penalties not exceeding the particular amount of money or the stated term of imprisonment.

As a matter of interest, I indicate that in 1907 the pearl industry development in this State was such that the word "pearl" was added to the section. We now intend to add the word "diamond".

The penalties were further amended in 1975 when the fine was increased to \$500 although the imprisonment penalty remained at six months.

With this Bill we are now recognising the development of the diamond industry. The Bill is complementary to the security provisions in the measure which the House has just passed. I remind the House that these penalties should be regarded not only as maximum penalties, but also as deterrents.

It is quite true that the percentage increase in the monetary value of the penalty has probably been greater than the percentage increase in the price of gold over the same period. I do not know as I have not worked out the equation. However, I know that the penalties now before the House are those recommended by the Police Force. The Government has accepted the recommendation because it considers that the penalties are appropriate as a maximum penalty, not only as a

punishment, but also to signify the severity with which the community regards persons convicted of the offences to which they relate. Notwithstanding that, I would like to thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr P. V. Jones (Minister for Resources Development) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 76A amended—

MR J. F. TAYLOR: The Opposition already has indicated its opposition to the increase in the penalties—an increase of 2 000 per cent, from \$500 to \$10 000, in the fine, and an increase in the term of imprisonment from six months to two years—even though, as the Minister indicated, we are speaking in terms of maximums. We believe the proposed penalties are harsh and unrealistic. Therefore, I move an amendment—

Page 2, line 8—Delete the amount "\$10 000" with a view to substituting the amount "\$1 000".

MR P. V. JONES: Without wishing to delay the Committee stage, I would like to say that the member's amendment amounts to a doubling of the fine. I suggest, with respect, that that hardly recognises the situation in regard to gold or pearls, and, certainly, it does not recognise the situation relating to diamonds. Therefore, the Government must oppose the amendment.

Amendment put and a division taken with the following result—

Ayes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr McIver
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Skidmore
Mr Terry Burke	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman
Mr Harman	

(Teller)

Noes 23

Mr Blaikie
Sir Charles Court
Mr Coyne
Mrs Craig
Mr Crane
Dr Dadour
Mr Grayden
Mr Hassell
Mr Herzfeld
Mr P. V. Jones
Mr Laurance
Mr MacKinnon

Mr Mensaros
Mr Nanovich
Mr O'Connor
Mr Old
Mr Sibson
Mr Sodeman
Mr Spriggs
Mr Trethowan
Mr Watt
Mr Williams
Mr Shalders

(Teller)

Pairs

Ayes
Mr T. H. Jones
Mr Carr
Mr A. D. Taylor
Mr Parker

Noes
Mr Tubby
Mr Young
Mr Rushton
Mr Grewar

Amendment thus negatived.

Mr I. F. TAYLOR: As indicated earlier, the Opposition believes also that the increase in the imprisonment penalty from six months to two years—even though, as the Minister said, we are talking about a maximum—is draconian and something we cannot support. It seems that the penalty of six months' imprisonment has operated reasonably successfully for some time. If it is found in years to come that the penalty is insufficient in relation to diamonds, the Government could amend the Act at that stage. We certainly do not believe that the penalty should be increased now. I move an amendment—

Page 2, lines 9 to 11—Delete paragraph (c).

Mr P. V. JONES: I appreciate the argument put forward by the Opposition about this increase, but I repeat that the increase acknowledges the coming into being of a diamond industry, bearing in mind we are again talking of maximum penalties and not mandatory ones. I oppose the amendment.

Amendment put and a division taken with the following result—

Ayes 19

Mr Barnett
Mr Bertram
Mr Bridge
Mr Bryce
Mr Brian Burke
Mr Terry Burke
Mr Davies
Mr Evans
Mr Grill
Mr Harman

Mr Hodge
Mr Jamieson
Mr McIver
Mr Pearce
Mr Skidmore
Mr I. F. Taylor
Mr Tonkin
Mr Wilson
Mr Bateman

(Teller)

Noes 23

Mr Blaikie
Sir Charles Court
Mr Coyne
Mrs Craig
Mr Crane
Dr Dadour
Mr Grayden
Mr Hassell
Mr Herzfeld
Mr P. V. Jones
Mr Laurance
Mr MacKinnon

Mr Mensaros
Mr Nanovich
Mr O'Connor
Mr Old
Mr Sibson
Mr Sodeman
Mr Spriggs
Mr Trethowan
Mr Watt
Mr Williams
Mr Shalders

(Teller)

Pairs

Ayes
Mr T. H. Jones
Mr Carr
Mr A. D. Taylor
Mr Parker

Noes
Mr Tubby
Mr Young
Mr Rushton
Mr Grewar

Amendment thus negatived.

Clause put and passed.

Clauses 3 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr P. V. Jones (Minister for Resources Development), and transmitted to the Council.

CONSUMER AFFAIRS AMENDMENT BILL

Second Reading

Debate resumed from 18 November.

MR TONKIN (Morley) [4.15 p.m.]: We oppose this Bill.

The Consumer Affairs Council has fulfilled a purpose, and although some of us are critical that the council has not been as critical of the Government as it should have been, we believe that the council performs a useful function.

We know that this Government is not really in favour of consumer protection. We remember that during the 12 years of the Brand Government, in spite of a great deal of pressure for consumer protection to be introduced in this State, the Government refused to introduce it. It was not until we had a Labor Government in this State that consumer protection was introduced in Western Australia. My colleague, the member for Victoria Park, was the inaugural Minister for Consumer Protection, although the name of the portfolio has now been changed to Consumer Affairs. I believe there is a difference between consumer affairs and consumer protection.

This Government has really not advanced consumer protection. With respect to the Small Claims Tribunals it has shown some progress; but the consumer protection that is available in New South Wales, Victoria, and South Australia is superior to that found here. We pledge that when we are the Government we will upgrade consumer protection in this State. The people of Western Australia will not be surprised that, as they had to await the advent of a Labor Government in 1971 before we had consumer protection in this State, they will have to await the advent of another Labor Government before we will move forward once again in consumer protection.

Unquestionably the Consumer Affairs Council is a good device. Governments do need advice from outside committees. We believe that a bureau which consists of civil servants can do with advice tendered to it by a body which includes representatives of the public. For those reasons, the council is a very useful organisation. We certainly would expect to reintroduce the council when we became the Government.

It is a sad day for this State when we see the consumer protection introduced by the Tonkin Government being whittled away bit by bit by this Government. That is why we have no hesitation in opposing this legislation. We are committed irrevocably to the concept of consumer protection.

A person who goes into a shop to buy something is required by laws which have stood for many centuries to tender first class money. He is not permitted to tender money that is fraudulent in any way. We believe that for the same reason the shopkeeper should be required to give, in return, something that is first class. If it is shown not to be first class and not to be capable of performing the task for which it has been sold, the customer should have proper redress. Our society is moving very quickly so it is necessary to look continually at developments so that consumer legislation can keep abreast of these developments. That is why we need the Consumer Affairs Council.

We cannot leave it to the Government which is composed of politicians with a particular bias which we all have. We cannot leave it to the bureaucrats, who have the strengths and weaknesses of that calling. We need a council which can give advice so that the Government, through legislation, can keep abreast of the many developments in merchandising, marketing, advertising, and so forth.

For all those reasons we oppose the Bill.

MR DAVIES (Victoria Park) [4.20 p.m.]: I also would like to oppose the measure proposed in

this Bill, and for much the same reasons as those of the previous speaker.

When we were debating the Estimates some time ago, I said that the Consumer Affairs Council was to be abandoned. The Minister for Consumer Affairs took me to task and said, "No, it's not decided yet". I think that was on 12 November. He said he was having another look at it following a review of submissions that had been made to him by members of the council. He said that the important consideration was that the council would meet without the payment of fees.

The expense of the Consumer Affairs Council is minor when compared with some of the other hundreds of committees which the Government maintains. The cost of the council runs to about \$6000 a year. However, despite the fact that it was a very small sum in the total Budget, members of the council felt that they were obliged to offer their services free of charge in order that the council might continue to operate.

Although I claimed that the council would be abandoned, the Minister said that that was not quite right. He implored me to be careful with my words, because the matter was still under consideration.

This Bill was introduced some five or six days later. I am left with the feeling that the decision had already been taken when we were debating the Estimates, because it is hardly likely that the Government would have taken the decision and had the Bill printed and introduced in this House in a matter of five days, including a weekend.

I only can echo what has been said in regard to the work of the Bureau of Consumer Affairs and the Consumer Affairs Council. I do not denigrate the work done by the commissioner or his deputy.

As I have said before, Mr Ed Russell was the first person appointed to the bureau. In fact, I was the entire department for several weeks, and he was my sole staff member for several months until we got the bureau going. Mr Ed Russell did a remarkably good job. Starting from scratch, he quickly grasped what we were trying to do; and we had the legislation practically written before we handed over to the Hon. Don Taylor, who was the Minister for Labour, and who then took over the responsibility for the department.

Although the Bureau of Consumer Affairs has grown, it has not grown to the extent necessary to enable it to cope quickly with all the complaints made to it. The complaints I receive about the department are that it is not able to meet deadlines as quickly as might be desirable. However, within the limitations imposed on the

staff, the department as a whole does a pretty good job, and I am thankful that it exists.

We need an overview of legislation, and an overview of the matters relating to consumers which come before each and every one of us from time to time. Those matters need some attention by a validating body. We know of the Government's reluctance to change the law or to move very quickly when reforms are necessary. We bear in mind the recent criticism by the Law Reform Commission of the lack of action by the Government in regard to many of the reports advanced by the commission from time to time.

Similarly, in consumer matters, we had the Consumer Affairs Council which was able to investigate all kinds of matters which needed investigation. They were matters which it was not possible for any of us to investigate, and they did not fit neatly into the ambit of any other committee.

When I suggested that the Consumer Affairs Council was doing a good job in this respect, the Minister for Consumer Affairs asked me what it had done in the last 12 months. I was able to refer him to the last report of the council which had been tabled in this House recently. Listed in that report are several very important matters, not the least of which is the vexatious question of tenancy bonds which gives us a great deal of worry. Many other matters were listed in that report.

The council was able to meet and consider issues which needed further attention, give them that attention, and make recommendations to the commissioner. In this regard, it did a remarkably good job. The members of the council were from all political parties and all sections of the community. They were dedicated to the cause of consumerism.

Mr Ron Harmer, the Chairman of the Consumer Affairs Council, is a well-respected member of the legal fraternity. He gave a lot of his time to this kind of work, and other similarly oriented kinds of work.

It must be a matter of regret to the members of the council to learn that they are being literally smacked across the face by the Government and told to disband, because they have applied themselves diligently and to good purpose. Their annual reports show just what they have been doing.

The members of the council have offered to continue to meet without cost to the Government, and yet the Government says that they are no longer wanted. They are an integral and vital part of the consumer affairs system in this State. I wonder why the Government does not want them.

It has given no reason. It has not been able to say that they have been inept, lacking in application, or lacking in expertise. It has said that, apparently, it no longer sees a need for this kind of organisation.

What will fill the space left by the Consumer Affairs Council? Who will look at the various matters in which the council has been interested? Who within the bureau will have the time to consider tenancy bonds and other matters which I detailed in my earlier speech and which, because of the time, I will not detail again? Who will look at the problems to decide whether they need attention? If action needs to be taken to alter the law so that the public has a fair go—which is what consumer affairs are about—who will look after that?

There is no doubt that many of the complaints made by people to the Bureau of Consumer Affairs are unjustified. The consumer has a responsibility at all times to ensure that the service he receives is what he is paying for. Occasionally, through smart aleck tricks, the consumer is put at a disadvantage. It has been gratifying to have the Bureau of Consumer Affairs available to handle the complaints. It has been gratifying to have the Consumer Affairs Council overseeing the matters which need attention continually, and making recommendations to the commissioner and to the Government for the protection of the consumers of this State.

The Bureau of Consumer Affairs has been a success. It has not been able to act as expeditiously as possible on the complaints laid before it. However, the staff have always been very reasonable and most helpful when I have approached them in regard to a particular matter. Sometimes politicians have been able to obtain priority, for particular cases where warranted by making representations.

The bureau has not had as many staff as it might have had, and it is not likely that it will receive additional staff while the present budgetary constrictions remain. If the bureau does not have sufficient staff to carry out its every-day work expeditiously, who will do the research work that has been done by the council till now?

If the Minister is able to satisfy me that a satisfactory alternative will be provided to handle that specific area of work, I will be quite happy to see the Consumer Affairs Council abandoned. While the council continues to show the interest and expertise that it has shown, while it says it is prepared to continue to act in this role free of

charge to the Government, I cannot understand the Government's deciding it needs to be disbanded. There seems to be no justification for that action.

I would like the Minister to explain why he has rejected the council's offer to act without payment. I would like him to explain who will do the work the council is doing if the Bureau of Consumer Affairs is already short of staff. Who is to do the job the council is doing now? If he can satisfactorily answer those questions I will support the Bill.

MR I. F. TAYLOR (Kalgoorlie) [4.31 p.m.]: I believe this is reprehensible legislation. When I first started work for the Government many years ago my first job was with the Department of Labour and Industry and the Bureau of Consumer Affairs. At that time the bureau worked magnificently under the Tonkin Government with the leadership of people like the member for Victoria Park and the member for Cockburn. The bureau was led by a man who was probably one of the finest public servants this State has had, and I refer to the late Jim McConnell who later went on to work with the trade practices office. At that time the bureau had a lot of work to do.

Nothing in this State had been done in the area of consumer affairs until the Tonkin Government saw a need for such a bureau. The council attached to the bureau had a research officer who had a small research staff. They did a great deal of work such as consumer education and submitted many research papers. I am proud to say I had some part in writing those papers.

At that stage both the bureau and the council fulfilled a very vital role for the community; they did a vital and good job. The situation has been reached where the council has been run down. The Government has done this deliberately, and this applies to its treatment of the bureau as well. The Government has done this in order to look after its friends.

The bureau and the Minister can refer matters to the council for consideration. However, no matter how dedicated the council is, it can do nothing if no work is referred to it. It is probably a policy of this Government to make sure there is little work referred to the council so this can be used as an excuse to get rid of it. As an excuse to get rid of the council the Government has used the fact that it has very little to do and that it costs \$6 000 to run. That is a miserable amount and is no reason to do away with the council.

The following is what the Tasmanian Consumer Affairs Council had to say about its role—

In its present structure the Council is able to maintain a flexibility of operation, and is able to provide representative opinion and advice on consumer matters, as well as make informed recommendations to the Minister. The inherent danger of a restructuring of the Council's organisation is that the Council's independent status may be impaired and its role reduced to that of an adviser only to the Minister.

It thought that it might be reduced to the role of an adviser to the Minister. Our Consumer Affairs Council has a greater problem: It will have no role at all. This legislation is designed to get rid of the council.

We will be left with a Bureau of Consumer Affairs made up of public servants who, by the nature of their employment, must do the bidding of the Minister and the Government, and the Minister and the Government are wanting to look after their friends. It is frightening to think that we could end up with a tame-cat bureau which is too afraid to step out of line or to take on any of the Government's big business friends for fear of incurring the wrath of the Minister or the Government.

It is necessary that the council continue in its present role, because it does have a role to play. The saving of \$6 000 is no justification for the Government's doing away with the council. To say that the council should be done away with because it no longer has a role to play is an inadequate reason to give in asking us to approve of this Bill.

Members of the council are very dedicated and have indicated that, for the good of the community, they are prepared to work for nothing. They have our respect because they are impartial and have no fear if they incur the wrath of the Government as a result of independent decisions they make.

For those reasons I strongly support the retention of the council. The Government has adopted a deliberate policy of running down the Bureau of Consumer Affairs as an excuse to get rid of the council. It has done this to look after its friends.

MR O'CONNOR (Mt. Lawley—Minister for Consumer Affairs) [4.36 p.m.]: Members opposite should know it has not been the intention of the Government to run down the Bureau of Consumer Affairs. They should recollect that this year we introduced legislation to strengthen it. I

do not wish to be critical of any member of the Consumer Affairs Council. Generally speaking, they are all very good members who have worked diligently.

Mr I. F. Taylor: Why are you sacking them?

Mr O'CONNOR: Just wait a minute. I listened to the member in silence and he should give me the opportunity to reply to his comments in silence.

Mr I. F. Taylor: Live in hope.

Mr O'CONNOR: I do not really care if the member does not want to hear what I have to say.

The members of the council, including Mr Harman, have done a very good job and a number of them will be considered for other organisations if the opportunity arises.

Members will no doubt agree that since the bureau was first established in 1971 there have been a considerable number of changes in this State. The bureau is now covering most of the areas in which the council is applying itself at the moment. The bureau sends its staff to appear before the council to advise it, and to let it know what is happening.

Members opposite have mentioned the figure of \$6 000. It is fallacious to suggest that it costs just that amount to run the council.

Mr I. F. Taylor: You gave us that figure.

Mr O'CONNOR: Members opposite should get things right. That is the amount paid in fees to members of the council; but there are other costs involved. If members opposite had done a little research and considered areas that were, in fact, mentioned by the member for Kalgoorlie, such as research—

Mr I. F. Taylor: Those people will retain their jobs.

Mr O'CONNOR: There are people who have to spend time arranging meetings for the council and attending those meetings. There is a duplication of work.

Departmental officers have indicated to me that it costs about \$30 000 to run the council. Members opposite say they are concerned about consumers, but I doubt that they are, because we hear them say that we should get rid of some of our boards in order to cut down costs to the community. However, here we have a situation where there is a duplication of work and Opposition members are crying out for us to retain the council. The Government is trying to make sure that consumers are protected in all ways, and that includes cutting down on costs and charges to the community which are above what they should be. There are many boards we ought

to look at and are looking at with the thought of disbanding them if necessary if the community is not getting value from them or work is being duplicated. We will reduce them if necessary to keep down costs to the public.

Members opposite have said that the Government does not care about consumers and that it has not done anything to help them in this area. They should be able to recollect that this year the Government introduced amendments to the Act so that insurance and other fields can be investigated by the Bureau of Consumer Affairs. Members opposite are short-minded indeed if they cannot recall those amendments. We have extended the powers of the bureau to look into things it previously could not investigate.

Members of the Consumer Affairs Council have done a good job; but as a responsible Government we must try to contain costs as far as is possible. We must cut off the fat, if there is any, from the operations of Government so that in the long term the public does not have to pay for all the charges that are now present.

I believe the Bureau of Consumer Affairs adequately can carry out the job of the Consumer Affairs Council. Over a three-year period we would have a saving of nearly \$100 000. If we could do this in a number of areas we could save money that the Government needs in order to help consumers.

Mr Davies: How do you arrive at \$100 000?

Mr O'CONNOR: Surely the member heard what I said previously.

Mr Davies: You mentioned \$6 000 for the running of the council. What other savings are involved?

Mr O'CONNOR: I said it costs \$30 000 in a full year to run the council.

Mr Davies: Can you justify that?

Mr O'CONNOR: I asked the bureau for the information and Mr Colcutt, the head of the Department of Labour and Industry, indicated that it costs \$30 000 to run the council. This amounts to almost \$100 000 over three years.

Mr Davies: That is a stab in the dark. Have you asked the bureau to justify that figure? I think it would be hard pressed to do so. There will not be a saving, because some staff will continue to be employed.

Mr O'CONNOR: Is the member for Victoria Park saying that the Bureau of Consumer Affairs is supplying me with false information?

Mr Davies: I would ask it to justify that figure.

Mr O'CONNOR: It mentioned that staff were required to run the operations of the council.

All in all, while I appreciate the job done by members of the Consumer Affairs Council, I think we are working in the best interests of the consumers in the long term by disbanding it.

Question put and a division taken with the following result—

Ayes 24

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

(Teller)

Noes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr McIver
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Skidmore
Mr Terry Burke	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman
Mr Harman	

(Teller)

Pairs

<i>Ayes</i>	<i>Noes</i>
Mr Tubby	Mr T. H. Jones
Mr Young	Mr Carr
Mr Rushton	Mr A. D. Taylor
Mr Grayden	Mr Parker

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Sibson) in the Chair; Mr O'Connor (Minister for Consumer Affairs) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Mr DAVIES: I was disappointed by the Minister's reply. He did not tell us who is to carry out the work of the Consumer Affairs Council. He gave us some figures which seemed preposterous. The council has 11 or 12 members, and their fees amount to approximately \$6 000 a year, and the Minister suggested that a further expense of \$24 000 is incurred, which seems preposterous to me.

Mr O'Connor: They met only once a month or something of that nature and other people did all the work.

Mr DAVIES: Does this mean the two staff officers of the council no longer will be required?

Mr O'Connor: That money will not be used in that area, but perhaps in safety areas where it is badly needed.

Mr DAVIES: The Minister has come to us with a completely airy-fairy plan, which is a matter of disappointment. No justification is available for our doing away with the council; the Minister has failed to prove his case in view of the fact that the council spent only \$6 000 a year. The only saving to be effected is that \$6 000 a year, although the Minister suggests that \$30 000 each year will be saved and that in three years that saving will amount to \$100 000. The suggestion would be \$90 000 if he wants to be accurate. His inaccuracy indicates how loosely this Government deals with figures. Last week I asked the Minister for Education why there was a 21 per cent increase in the allocation for children attending private schools, and he suggested it was because of the large increase in the number of children attending private schools. I asked a further question in regard to the extent of the increase, and determined that the increase had been something less than 500 children in one year. Certainly that increase does not justify a 21 per cent increase in funding. I refer to those figures merely to indicate that the Government does not do its homework. If one is prepared to accept the information it dishes up in this Chamber, and one is not willing to question that information, one is allowing the Government to get away with murder, which it will continue to do if it is allowed.

I do not accept that the council has cost \$30 000 a year, and certainly I do not accept that its disbandment will save \$100 000 in three years. It is simply a matter of arithmetic.

If the Government is so anxious to do away with Government boards and the like, why is the disbandment of the Consumer Affairs Council the only action to be taken by the Government when it has approximately 200 boards and the like under its jurisdiction? We have been told by the Government that it intends to save \$20 million by putting into effect the recommendations of the Cabinet review committee, or whatever it is called. The Premier said when he brought down the Budget that additional funding cuts would be imposed to save \$20 million, but each time I have asked the Premier about those cuts he has not come forth with the appropriate information. He promised to provide the information before the end of this session, but all we have had from him is a load of codswallop.

The only positive step taken by the Government to save part of that \$20 million is the disbandment of the Consumer Affairs Council which will save only \$6 000.

Mr O'Connor: That is utter stupidity.

Mr DAVIES: When will we receive the details?

Mr O'Connor: We have things already in operation, and you have complained about them.

Mr DAVIES: The Premier told us that the savings would be made, but he has not been able to tell us where the savings will be made. On at least two separate occasions I have asked him to inform the Chamber how the work of the Cabinet committee would be implemented. If the Minister is able to tell us how the savings will be effected, I would be delighted. He was the leader of that committee established to slash expenditure, lop off a few heads, and disband a few committees. If I have missed any savings effected, I would be delighted to be informed about them. If the Chamber as a whole has not been informed of those savings I am sure it would be delighted to hear about the Government's proposals. In the six or seven weeks since the Budget was brought to this place we have not heard anything from the Government about the savings.

If the Government is able to say how it will save the money or how any saving is justified by disbanding the Consumer Affairs Council, I would be happy to support this Bill. The saving at best would be \$6 000 a year because the council members have said they are willing to work without payment. If I were the Minister for Consumer Affairs and received a memo to the effect that \$30 000 would be saved in this way, I would say to the department, "Listen, mate, you had better justify this because it doesn't look good to me".

How is that \$24 000 expended each year? Is it spent on afternoon teas and biscuits? How will the saving be effected? Certainly the council must incur incidental expenses, but they could not have amounted to \$24 000 each year.

I reiterate that the Minister has not explained who will take up the work the council was doing. It was considering travel insurance. Do we not receive a great deal of complaints about travel insurance? It was considering funeral costs. Are not funeral costs a matter of concern to the community? It was considering some kind of standard contract. Has there not been a demand for a standard contract? It was considering tenancy bonds. Have not we all been concerned in our electorates with tenancy bonds? Those four matters were mentioned in the last report of the council. The Minister has not justified the saving.

The Government has been criticised by the Law Reform Commission for not taking action in line with the commission's reports, and in view of the Government's reluctance to act in that direction it is obvious it is reluctant to act in regard to consumer affairs matters.

I am completely unconvinced and disappointed by the original speech made by the Minister in introducing this measure, and by his reply today. He has failed to convince me in any way that the action being taken by the Government is appropriate. Since 13 October the Premier has failed to tell us the areas in which cost savings will be effected to save the Government \$20 million.

Clause put and passed.

Clauses 3 to 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Consumer Affairs) [4.59 p.m.]: I move—

That the Bill be now read a third time.

Question put and a division taken, with the following result—

Ayes 22

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

(Teller)

Noes 16

Mr Barnett	Mr Harman
Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr Bryce	Mr McIver
Mr Brian Burke	Mr Pearce
Mr Terry Burke	Mr I. F. Taylor
Mr Evans	Mr Tonkin
Mr Grill	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Tubby	Mr T. H. Jones
Mr Young	Mr Carr
Mr Rushton	Mr A. D. Taylor
Mr Grayden	Mr Parker
Mr Sodeman	Mr Wilson
Mr Crane	Mr Davies

Question thus passed.

Bill read a third time and transmitted to the Council.

WESTERN AUSTRALIAN MARINE (SEA DUMPING) BILL

Second Reading

Debate resumed from 19 November.

MR BARNETT (Rockingham) [5.03 p.m.]: This Bill was introduced by the Minister for Transport on behalf of the Government. I suppose this Bill does bear some relationship to transport, but it really concerns the environmental field and from that aspect I have taken a close interest in it.

In his introductory speech, the Minister said this Bill was as a result of an international convention held in London in 1972. Australia was one of the signatory countries to this convention. It is of concern to me that it was only in March of this year that the Australian Government introduced legislation to bring Australia into conformity with other signatories to the international convention. While there can be no reflection placed upon this State for that, it is very poor on the part of the Australian Government that it took such a long time to bring Australia into conformity with other countries on such a serious matter.

It was at the Premiers' Conference in 1979 that an agreement was made between the Australian Government and all Premiers that State legislation would be introduced to cover the three-mile territorial sea limit. My immediate reaction was that this was a good idea because there is no doubt that we, as a State, more effectively can control our three-mile territorial limit area than can the Australian Government which is based so many thousands of kilometres from us.

Some matters ought to be considered if we are to accept this responsibility because unquestionably additional costs will be involved in our implementation of this concept of the legislation.

I have been unable to find out whether this State will gain some benefit from the Australian Government because we have agreed to take over this responsibility. I draw members' attention to the fact that when the Australian Government introduced this legislation it covered the whole of the territorial sea limit which is three miles out to sea and also 200 kilometres from the shore. The Commonwealth legislation provided for States to implement this legislation, but allowed for the fact that if the States did not wish to introduce

their own legislation, the Federal Government would cover the three-mile territorial sea.

We will have to provide funds for the implementation of this Bill and we are co-operating with the Federal Government on this. The Federal Government has a responsibility to provide some funding or some benefit in another area. This legislation will cost money which we can ill-afford so the Federal Government ought to compensate us in some way.

Although I intend to support the legislation, I am concerned about a number of parts of it and I will refer to them.

In the Minister's introductory speech he said—

For the purposes of the convention, dumping does not include disposal of wastes or other matter arising from or related to the exploration, exploitation, and associated offshore processing of sea bed mineral resources.

This causes me some concern, if not with exploration and associated offshore processing of sea bed mineral resources, then certainly with the exploitation of some resources, because considerable environmental damage can be done.

I draw members' attention to the number of oil spills that have occurred throughout the world. From my reading of the legislation, it seems that oil spillages like those which have occurred from such tankers as the *Torrey Canyon*, the *Oceanic Grandeur*, and the *Amoco Cadiz*, would not be covered under this legislation.

Massive amounts of oil have been spilled and massive damage has been done to the ocean environment by these spillages and with tankers foundering or aground.

No doubt we will experience oil well blowouts similar to those which have caused great damage in Santa Barbara, and Ekofisk in the North Sea. *Ixtoc 1* in the Gulf of Mexico caused great environmental damage and resulted in a massive problem over a considerable distance. The oil well blowout spread 950 kilometres north to Texas and that damage caused a 60 per cent drop in tourism. It also caused the death of birds, fish, and marine life.

It was responsible for great damage to the environment and the cleaning up after oil spillages created a massive cost. I am concerned that something like that, which has caused such massive environmental damage in other places in the world, is not covered by this legislation. It may be that those matters are covered somewhere else, but I believe this is the ideal legislation to cover such problems.

As one reads the Bill one finds there are poisonous substances which are either expressly prohibited or permitted in varying degrees with varying licences.

I am pleased to note that one of the prohibited substances is mercury. I am sure members in this House and members of the public would be well aware of the danger involved with mercury, so I am pleased it has been reflected in this legislation.

Minamata Bay in Japan experienced one of the most serious environmental problems in the world with mercury poisoning. The Japanese are well known as voracious eaters of marine life and the fish in Minamata Bay were contaminated with mercury. As a result, many people suffered acute mercury poisoning which they could not eliminate from their bodies. That disaster is so well known that mercury poisoning is often called the Minamata disease.

Information on the Minamata Bay poisoning for 1977 states that there were something like 1 067 certified victims of mercury poisoning and something like 3 000 victims had been registered for examination, and certification of that disease.

A prime example of mercury dumping—although not as serious as that in Minamata Bay—occurs less than 30 kilometres from Parliament House, in Cockburn Sound. The Chittleborough report on Cockburn Sound revealed that a number of industries surrounding the sound were disposing of waste products which contained unreasonable levels of mercury. Therefore, this Bill is a timely exercise in the control of such dumping.

Another substance expressly prohibited in the legislation is cadmium. An excellent example of cadmium poisoning is available for study. Unfortunately, again, it occurred in Japan; that country seems to lead the way in this field. Cadmium poisoning occurred in Toyama City. Companies disposed of massive amounts of cadmium and people who ate fish caught in the vicinity of the cadmium dumping ground contracted what they called "itai itai disease" which literally translated means "ouch ouch disease". When one realises that the people who contracted that disease suffered from bones so brittle that they cracked when the people lifted weights or walked and that in advanced cases, their bones crumbled, their hair fell out, and they died a painful death, one can well appreciate why it was called "ouch ouch disease".

One would think that the Western Australian Government would learn from such a world-renowned case of cadmium poisoning, and would

ensure it did not occur here. However, that is not the case.

As the Minister for Agriculture well knows, only 30 kilometres from Parliament House—again in Cockburn Sound—we have a situation where CSBP and Farmers Ltd has been dumping daily into Cockburn Sound 350 tonnes of gypsum, heavily impregnated with cadmium. The Chittleborough report revealed that massive amounts of cadmium had been found in Cockburn Sound and the cadmium was being ingested by fish feeding close to the gypsum deposits, and it recommended that the dumping of gypsum be stopped forthwith.

Fortunately, the Government and the company took action in this regard. The company now proposes to dump its gypsum spoil on land. However, that is not the end of the story. Where CSBP and Farmers formerly dumped 350 tonnes of gypsum a day straight into Cockburn Sound, it now proposes to dump 1 000 tonnes of gypsum each day—the same type of gypsum, similarly impregnated with cadmium—in a spot known locally as Pickles Swamp.

The Environmental Protection Authority describes the area as having an unsound base, and believes the gypsum and cadmium eventually will leach through to the water table. In its last annual report, the EPA drew the Government's attention to the situation and revealed that the water table flows directly from Pickles Swamp, under the fertiliser factory, and out into Cockburn Sound.

Mr O'Connor: Would you agree it is better to dump it on the land instead of straight into Cockburn Sound?

Mr BARNETT: I will answer the point in a moment. I noted the Honorary Minister Assisting the Minister for Industrial Development indicated he believed I am talking rubbish. Is that right?

Mr MacKinnon: Yes, it is.

Mr BARNETT: I am informing members, almost word for word, of what is in the last EPA report to the Government.

Mr MacKinnon: You are making an awful lot of assumptions on this issue.

Mr BARNETT: They are not my assumptions, but quotes from the EPA.

Mr MacKinnon: You agree they are assumptions?

Mr BARNETT: No, not at all.

Mr MacKinnon: You just said they were.

Mr BARNETT: The EPA is working with the benefit of expert knowledge. It has taken hydrographic surveys and it knows which way the

water flows. It knows from experience that the sort of weights involved in the gypsum waste will mean that the material will eventually seep into the groundwater.

Mr Grewar: The cadmium must be fixed in the soil. The fertiliser was taken from the islands and brought here.

Mr BARNETT: If that is the case, why has the gypsum dumped straight into Cockburn Sound leached cadmium to such an extent that the fish life in the area where the gypsum has been dumped has ingested so much cadmium that the report by Chittleborough—and he was appointed by the Government—recommended that cadmium dumping cease forthwith?

Mr Pearce: The point is that if it was locked into the gypsum on whatever island it was taken from, it could not leach into the food chain in the circumstances suggested by the member for Rockingham.

Mr O'Connor: Do you have any idea how much is likely to leach into the water table as a result of the land-dumping method, when compared with the dumping of gypsum in Cockburn Sound?

Mr BARNETT: No; I am simply pointing out that the EPA mentioned this matter in last year's report and I have no doubt it will raise the matter once more in its next report, which is due shortly.

The only reason I refer to the issue is that I am concerned as to whether the legislation will cover the situation of cadmium being dumped on land and returned to the ocean via the groundwater.

Mr O'Connor: I think the legislation covers anything which filters through to the ocean. However, I will check with the appropriate Minister and advise the member for Rockingham.

Mr BARNETT: I hope when the Bill returns to this place with the amendment we know is to be made, the situation can be explained in more detail and more information can be provided.

The Bill also expressly prohibits the dumping of persistent plastics and other persistent synthetic materials—for example, netting and robes—which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation, or other legitimate uses of the sea.

I raise this matter because on some of the beaches in the electorate I represent, particularly in the winter months, massive amounts of plastic packets and rope litter float in on the tide and create an eyesore on the beach. One cannot take more than two steps along the beach without coming into line with or stepping on plastic litter. I refer now not to Cockburn Sound, but to some

of the more ocean-oriented beaches. From my reading of annexe 1 it would seem that, as long as it did not represent a hazard to fishing or navigation, it would not be an offence to dump massive amounts of such litter so as to cause visual pollution and inconvenience to beachgoers. This provision may need tidying up or, at the least, some explanation.

The Minister stated in his second reading speech that a permit for the various other substances which will be allowed to be dumped under certain stringent conditions will not be issued without prior consultation with the Department of Conservation and Environment "on environmental matters". I believe this provision is not tight enough; there is no doubt that the dumping at sea of any material is an environmental matter. The department should be contacted first and foremost on such matters. That may well be the intent of the Bill; however, the matter should be clarified. We have a responsibility as legislators to make legislation as clear as we can possibly make it.

Finally, I am very pleased with some of the penalties provided for in the Bill; they range from \$2 000 to \$100 000. Much of the legislation we pass in this place provides for quite laughable penalties to corporate bodies. This legislation provides for separate penalties as between individuals and corporate bodies. I am sure that when a corporate body knows it may be liable to a fine of \$100 000, it will take far more care not to litter indiscriminately.

With those few remarks and questions, I indicate the Opposition supports the Bill.

MR JAMIESON (Welshpool) [5.25 p.m.]: I should like to know whether the Minister has been in consultation with other States and the Commonwealth in an effort to tighten the law of the sea to cover the discharge of plastic waste. The ocean has been a virtual sewer for all sorts of materials for far too long; it cannot cope with the dumping of such quantities of modern waste.

The member for Rockingham referred to plastic waste. When I was in the Cook Islands and Fiji recently I was rather appalled to see that no matter how far away one was from the normal sea routes, there was always plastic at the high water mark. That indicates plastic floats all the way around the world to such areas. Frequently the plastic I saw was of the clear, wrapping-type, but I also saw plastic containers and the like.

It appears a great deal of plastic is not biodegradable and an international law should be adopted in order to prohibit people dumping these

sorts of substances into the sea; people must dispose of them in the proper manner.

I ask the Minister in future consultation with other State Ministers and the Commonwealth Minister, to suggest measures be adopted to stop the excessive pollution which will take place in the future if we do not do something about it. Plastic as we know it today has been available for approximately three decades only; but no matter how far one travels, one finds plastic even in very remote areas, and it is clear it has great potential as a pollutant. If we do not arrive at international regulations, not only will our own beaches be polluted, but also beaches all around the world will suffer. I am sure the Minister would agree that, if it is possible to prevent this, we should do so.

With those remarks I support the Bill.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [5.32 p.m.]: I thank the two members opposite who have indicated general support for the Bill. In Western Australia we are fortunate to have probably the best coastline and beaches in the world. It is to our advantage to ensure they are kept in the best state possible.

The member for Rockingham referred to oil blowouts and indicated his concern regarding the one which occurred in Mexico when oil flowed to beaches in America, some 900 kilometres away. I was of the opinion that matter was covered by the 1973 marine convention; but on checking the position I discovered that was not the case.

Apart from this legislation which will be adopted in each State and by the Commonwealth, the international convention will look at the area of oil blowouts with a view to introducing legislation throughout the world. We are part of that convention and will participate in it in due course. I only hope it does not take too long for such laws to come into effect.

While we are all keen to have good oil wells around the coast of Western Australia, a blowout would not be to our advantage. I shall refer that matter to the Minister in the hope that it will be dealt with as soon as possible.

The member raised another point concerning Commonwealth involvement. As mentioned by the member for Rockingham, unless we pass this legislation, the Commonwealth will have control of the ocean up to the beaches here. Therefore, it is wise that we proclaim this Bill in order that we ourselves control the area, rather than allow it to fall into other hands. The State will have to meet certain costs in this area, although I understood the Commonwealth would assist with finance.

However, I shall confirm that with the Minister when he returns.

The members for Rockingham and Welshpool referred to plastics. There is certainly too much plastic on our beaches and around the coast, particularly in open areas where it can flow in from the ocean. Clause 5 covers this matter. It refers to the dumping of waste or other material into coastal or port waters from a vessel or aircraft and makes it an offence under the Bill. Where plastic is used for health purposes, there is an exception under the legislation; but the position generally is covered by the Bill.

Mr Jamieson: Plastic containers are very apparent around Jurien Bay.

Mr O'CONNOR: As the member points out, that is true and I have seen some of them there myself. If we want to keep our coastline in the proper condition, we must adopt strict provisions to cover the dumping of these sorts of materials. I am sure the Opposition, along with the Government, is very interested in ensuring we achieve this.

Mr Barnett: I am very concerned about that matter. Therefore, would you be kind enough to check it out?

Mr O'CONNOR: I certainly shall. I believe the Minister will be back tonight and I shall confer with him and inform the member accordingly.

Mr Barnett: We shall need to tighten up the position.

Mr O'CONNOR: I believe I have covered all the points referred to.

Mr Barnett: There was the matter of the leaching of cadmium from land sources into the ocean.

Mr O'CONNOR: I understand that is covered, because cadmium pollutes the water. Irrespective of whether cadmium is dumped into the sea or gets there in some other way, I believe it is covered by the legislation.

I recall speaking to the Minister for Transport last year regarding this matter and concern was expressed as to whether his department, through the port authorities or the Environmental Protection Authority ought to be responsible for materials which flow from the land into the sea. That matter was left in the hands of port authorities, and I believe it is covered adequately in the legislation.

I thank members for their co-operation and support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Sibson) in the Chair; Mr O'Connor (Deputy Premier) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Dumping of wastes or other matter—

Mr BARNETT: This clause allows for a situation where the owner of a vessel or aircraft and the person in charge of the vessel or aircraft which disposes of any of the waste products outlined in the legislation are eligible to be fined. In the second reading debate I outlined the fact that the fines are very considerable.

Under this clause, apart from the owner and person in charge of the vessel being liable, the person who owns the wastes which are being dumped also can be prosecuted. If the owner of the wastes wants to comply with the regulations and pays good money to ensure they are complied with, and the owner or captain of the vessel, unbeknown to the owner of the wastes, decides not to comply with the regulations, the owner of the wastes, even though he personally has not committed a crime, will, in fact, under this clause, be liable for a fine of up to \$100 000.

The clause should be left very much as it stands, but either slight changes should be made or regulations should be promulgated to cater for the protection of the person who or corporate body which wants to comply, but is not responsible for dumping wastes illegally. I indicate it is not my intention to oppose the clause. I want only to draw the Government's attention to that point.

Mr O'CONNOR: I thank the member for his comments in connection with the matter. I have been in touch with the Crown Law Department in connection with it and I was advised that department would take action against either or both the individuals, depending on the circumstances involved. It is rather important that we leave the legislation as it is, because of the arrangement between the States and the Commonwealth to have complementary legislation.

I do not believe that concerned the member, but rather he was worried as to whether the Bill contained the power to prosecute one individual or party only, if only one offended, rather than prosecute both. I am advised the Crown Law Department would take action against either or both, depending on the circumstances.

Clause put and passed.

Clauses 6 to 35 put and passed.

Schedules 1 to 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Deputy Premier), and transmitted to the Council.

BILLS (5): ASSENT

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

1. Motor Vehicle Dealers Amendment Bill.
2. Workers' Compensation and Assistance (Consequential Amendments) Bill.
3. Grain Marketing Amendment Bill (No. 2).
4. Legal Practitioners Amendment Bill.
5. Domicile Bill.

BILLS (3): RETURNED

1. Country Towns Sewerage Amendment Bill.
2. Road Traffic Amendment Bill (No. 4).
3. Acts Amendment (Traffic Board) Bill.

Bills returned from the Council without amendment.

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.15 to 7.30 p.m.

**NORTHERN DEVELOPMENTS PTY.
LIMITED AGREEMENT BILL***Second Reading*

Debate resumed from 19 November.

MR EVANS (Warren) [7.30 p.m.]: It is most remarkable that another Bill of considerable importance was introduced in the dying hours of the session. There are many unanswered questions about the Camballin project.

Mr O'Connor: The session isn't dying—it is just getting going.

MR EVANS: Good, because something needs to be done about this measure, and I hope that the Deputy Premier will be the one to do it.

The amendments in this Bill change the original agreement fairly considerably. While it

may be argued that the main thrust of the measure—the introduction of a change in the agreement that will permit an influx of additional capital in the order of \$20 million—is desirable, at the same time, in the five-year period it will enable the company to be granted the freehold title to the entire 50 000 acres. Straightaway we are looking at another Ord River situation, and I must say at the outset that the Opposition has supported and will continue to support the Ord River scheme. We showed our bona fides in this regard when the Liberal Federal Government cut the funding for cotton growing in this area and the Tonkin Government picked up the tab and enabled the scheme to continue for a further period until the growers were able to carry on.

The Opposition made its position clear then, and it continues to embrace the same view. However, it is a different situation to create another potential drain on the revenue of the taxpayers of Western Australia, and that could well be the case, I am afraid, unless the Minister can indicate some of the details of this project and tell us of at least one crop that can be grown there successfully.

I know the argument may be put forward that the scale of operation to enable such things as the growing of grain sorghum and the grazing of cattle to proceed on a viable basis is not possible. However, there is no record of any trials, and no indication of a feasibility study conducted by this Government.

Let us make no mistake about it; there is a commitment at the present time on the part of the people of Western Australia; it is an ongoing commitment, and it will increase. While the Ord River is an established fact, we must take some care before we proceed with another proposition which may have serious deficiencies. Already at Broome the construction of a terminal for the sorghum is proceeding and that will involve a considerable sum of money.

The query I wish to raise is about the organisation that will now become Northern Developments Pty. Limited. Are the principals of this company agronomists, or are they entrepreneurs? There is some indication that the latter may be the case.

Once 50 000 acres in that area is granted as a freehold, there is the probability—or certainly a good possibility—that the company will want to subdivide. The company will be in a position to do so, and we could see another influx of foreign capital by the sale of land involved in the Camballin project to overseas investors. We have been given no reassurance about this matter at all.

Before we go any further with this measure, we must ask some questions about matters which were not referred to in the Minister's second reading speech, and which someone must answer. Firstly, what is the capital investment called for on the part of the State? Reference is made to the Government's commitment for irrigation, and I presume that the irrigation would be of similar magnitude to that of the Ord River. Naturally an ongoing cost is implied in regard to this factor.

I have referred already to the fact that we have had no indication of the type of development which is expected to proceed, or indeed, any evidence that there is a viable opportunity for agriculture in that area. The problems of the Ord River project are manifest, and, of course, with the way the beef market has deteriorated, a large question mark hangs over the beef industry in general, and particularly in terms of world export. The failure of a series of crops both at Camballin and the Ord do not give any great reason for optimism at this stage.

Mr Coyne interjected.

Mr EVANS: I am saying there has been no indication of the type of development and whether it will be an ongoing project.

Is there any provision in the measure which will prevent the company from subdividing once freehold is granted? Presumably, once the Crown Grant is made, the land could be subdivided, and the resultant sales could lead to an influx of overseas money. At least the Bill should contain a provision that once a grant of Crown land is made, the company cannot sell off any of that land without Government approval. Something like that is necessary, and if there is no such provision in the Bill, we begin to suspect a speculative element in the development of this area.

Other queries relate to the actual suppliers of the finance, the extent to which the company consists of bona fide agronomists, and whether it intends to continue in that way. I point out the original agreement relating to experimental rice growing on the Fitzroy River in Camballin was signed back in 1957 so the experiment has been going on for approximately 25 years. In 1959, Mr Farley from the Eastern States, met with Mr Kim Durack of the Kimberley area who had been involved in the experimental growing of rice. Mr Durack had grown rice on behalf of Mr Farley under an agreement arrangement, and he was experimenting for at least six other companies which, in the main, were producers and distributors in the Eastern States.

In 1956, the year before the original Northern Developments Pty. Limited Agreements Act agreement was signed, Mr Durack had grown rice very successfully. From an area of 60 acres he had produced a yield of 3 tons 2 cwt—just over 2.25 tonnes of rice a year. This had to be regarded as an exceedingly good crop by any standard. The subsequent crops yielded far less—about 30 cwt per acre. The decrease was caused by the ravages of birds, in particular wild geese and galahs. At the same time the rice crops along the Murrumbidgee River were coming into full production and because of this the chances of selling rice grown on the Ord diminished considerably because it was much more economical to grow along the Murrumbidgee. In fact, the economics of rice growing throughout the whole country were affected; the transport costs alone of rice grown in the Ord area were prohibitive.

A further reason for the lower yield on the Ord was the fact that different varieties were still being tried in the Kimberley area. The varieties had not been locally acclimatised, and I suspect that when Mr Durack was replaced by Mr Gorey, as manager, some of the expertise that had been available was no longer present.

In the period 1957-1958, Northern Developments Pty. Limited purchased shares in Liveringa Station as part of its operation in this area. It gained the leasehold, and then expanded the total operation. The irrigation programme for the Camballin project started after the first subdivision in the area was granted by an Act of Parliament. Therefore, the company could proceed with the development—it had the right to subdivide freehold and developed areas. It could sell parcels of land if it so desired. Presumably that same situation exists, and if a Crown Grant of the entire area is obtained, the company could subdivide the land and sell it off. This is why we are concerned about speculative selling.

Irrigation is always an important point, and inevitably it leads to legal problems. Therefore, a board—similar to boards established in other places—was set up. The board was composed of a nominee of the Minister, a nominee of the company, and a nominee of the purchaser. These three members determined any irrigation problems which arose. The company was given the right to subdivide parcels of land as I have indicated, and, under the terms of the Act, a parcel of land was understood to be an area of 5 000 acres.

It is important to follow the history of the development of this area. It involved, and it still involves, the Government in expenditure. Already

it has run into millions of dollars. The Government has contributed in a number of ways, and that fact cannot be disregarded. Of course, the Government's contribution will increase. The total burden must be regarded in the same light as the burden in regard to the Ord River should have been, but at least we have the benefit of hindsight—a benefit which was not available at the time the Ord River project came to fruition.

Returning to the establishment part of the project, I should point out that thousands of dollars were spent by the company on the experimental growing of rice. In April 1969 concern was expressed about the economic capacity of the company. It had run into very difficult times, and it was eventually taken over from Northern Developments Pty. Limited. The underlying theme was, and still is, that any project aimed at promoting development in the north should have the full support of this House, always providing that the project is economic and viable.

These matters have to be demonstrated as fully and as practicably as possible so that members in this place can make a judgment before committing the State to indefinite expenditure and policies.

The amendment in 1969 allowed the growing of grain sorghum, whereas the original Act stipulated rice alone. Grain sorghum was seen as the crop most likely to succeed. The 1969 amendment allowed the company to take up irrigable land in lots of 10 000 acres, to the extent of 55 000 acres.

In 1969 it was pointed out that taxpayers' money of the order of \$3.25 million was involved at Camballin. That is one of the reasons we need to be concerned before making a full-blooded commitment of the magnitude confronting us.

If a levee is to be developed to protect the 55 000 acres from the Fitzroy floods, it will involve between 14 and 17 miles of levee banks. The cost of development and maintenance of the levee would be considerable when added to the outlay of \$3.25 million in 1969.

Mr Laurance: The required levee bank has been built by the company.

Mr Blaikie: That is a very significant project.

Mr EVANS: With the overheads involved, the commitment of the Government is not clear. One of the salient questions that needs to be answered is the total commitment.

In 1978 a further amendment to the Act entailed four points, and they changed the original agreement fairly significantly. Those four

matters dealt with the permission to select up to 55 000 acres—the first parcel of 4 820 acres. The pricing of the parcels in the amendment of August 1978 was updated. That was a sound move to ensure that the interests of the State were safeguarded. The amendment made reference to the selection of parcels, and it included certain requirements in connection with fencing—a discretionary power given to the Minister. The increase in the size of a parcel from 5 000 to 10 000 acres was a further matter.

The reason for the 1981 amendment is that it will enable additional capital to the tune of \$20 million to be introduced. By virtue of changing the existing arrangement whereby progressive parcels are developed before the Crown grant for the parcel can be given, that will no longer be required. Once the accelerated development that is anticipated has been completed, the total Crown grant will be allowed to issue.

Two American companies have become involved in this to the extent of 25 per cent of the interest of Northern Developments Pty. Limited in the proportions of 1 per cent and 24 per cent. That will enable the capital to be available for the accelerated development. As we are given to understand, this will make more palatable to the financiers the terms of the tenure that they will have, and upon which the finance will be made available. That is the reason we are debating this Bill.

I return to the problems about which we have not received a great deal of information. We have the risk. Accepting that risk—and I am anticipating the logic that the Minister will suggest as underlying that risk—the total development will become an economic and viable proposition. The Opposition and the taxpayers of Western Australia are entitled to ask the Minister what is invested in terms of the future of the area. It would be a disaster if it finished up as an area upon which the Crown grant is issued at some time in the future. It has been suggested that an entrepreneurial element is in the financing of this. There is no question that if the project is viable, buyers from all over Australia will come for the subdivision of land. We would finish up with settlement similar to that on the Ord.

It would have smaller holdings, but the problems would be confronted in the future. I cannot offer any solution to the problems on the Ord at present, and neither can anybody else.

Mr Coyne: Have you been to Camballin yourself?

Mr EVANS: Several times. It is probably a better proposition than the Ord. There is no

question that Camballin has the potential, but also it has the same problems as the Ord.

The Camballin area has the transportation and freight difficulties that are killing the Ord. The cost of moving the produce out is a problem; but every single item used has to be transported the tremendous distance to Camballin. Because of the distance and the isolation the cost structure has retarded the development of the Ord.

The Opposition sees the need to hang on, and try to develop markets. The Ord has to be retained and maintained to the stage at which it can operate viably.

Mr Coyne: With safeguards.

Mr EVANS: We have shown our bona fides in maintaining the Ord when called upon to do so.

The Minister should ensure that the people of Western Australia and the members of this House are assured that Camballin will be an economic venture. If it is true that the company has contracts for the supply of sorghum to markets of which we are not yet aware, that puts a different complexion on the matter. However, nobody has indicated that a viability study has been done.

What lies in the future? Nobody can say; nobody has told us; and the notes presented by the Minister are minimal in this regard. The development side of the project can go ahead with investment capital from overseas; but after that has been completed, what will happen?

No agricultural officer worthy of the name would stand by this proposal as being viable and economic. The transportation costs win hands down each time. As I say, unless a programme can be shown to be viable, the involvement of the State in additional millions of dollars has to be queried.

Country members on the other side of the House should keep in mind that the funds available for country areas are limited. If those funds are to be channelled into a particular project that has parallels to the Ord River development, the funds will not be available to be channelled into areas such as Esperance. Unfortunately, the member for Roe has eluded me; he is not in the Chamber. I was going to make that point, because development in the Esperance area could well be a more desirable alternative. Country members opposite should realise that for every \$1 million that becomes involved in a specific project in the north, that funding is not available elsewhere.

We have seen a cutback in many agricultural programmes. This Budget has tended to some fairly severe slicing. It is no good country

members turning around and saying, "It is unfortunate, but the financing of the projects we consider viable in the south are no longer possible because of the expenditure on a particular project that has not been fully and sufficiently researched".

Before this House has the right to commit the State to the spending of multi-millions of dollars, a feasibility study should be done. Nobody can deny that proposition. If a feasibility study has been conducted, let the Minister lay the results on the table where they may be evaluated and seen by those of us who have an interest.

The development of the project by foreign capital must involve the Government to the extent of some commitment which will be ongoing. Once a number of families ultimately settle in the area, the Government has the responsibility for maintaining them there, as happened at Kununurra. This is an expensive matter.

It is for that reason that I give notice of my intention to move that this Bill be referred to a Select Committee at the appropriate time.

Mr Old: Oh, no! National Party stuff!

Mr EVANS: Well, the Minister should have had a study made. The only way we are likely to have an indication of the feasibility of the project is to have a Select Committee which can investigate the company involved, to determine how reliable the project is.

I had better clear up this question before the Premier returns to the Chamber and accuses the Opposition of anti-development—

Mr Laurance: And rightly so!

Mr Old: It sounds a bit like it, on what you said a while ago.

Mr Laurance: No wonder you are worried about that.

Several members interjected.

Mr Laurance: We will see whether the member for Kimberley stands for it.

Mr EVANS: The Honorary Minister will be assured shortly—there will be no question about it.

Mr Old: Oh!

Mr EVANS: The Government cannot expect a project to receive support from this place if the research, detail, and feasibility studies are not available. That is the whole essence of the matter.

Mr Sibson: That's your opinion, but it's not necessarily so.

Mr EVANS: The Government argues that the \$20 million to be invested is from overseas sources and that the State will not be involved, but the

State will be committed. If the Government will not supply the appropriate information we seek, we would be irresponsible if we did not ask for the appointment of a committee to inquire into the feasibility of the total scheme. Therefore I give notice that at the appropriate time I will move for the appointment of a Select Committee to inquire into this project.

MR BRIDGE (Kimberley) [8.01 p.m.]: I was somewhat surprised by the reaction of the Government when the call was made for the appointment of a Select Committee to study this project.

Mr Old: It is a delaying tactic.

Mr Evans: You ought to put it aside for three months or tell us what we want to know.

Mr BRIDGE: We are not at all attempting to delay the programme. If one considers the racing form of a horse or looks at something either sideways or upside down, one must consider its track record. If we consider the track record of the company to be involved in this project we must do so to the satisfaction of everybody. It would not be bad to set up this inquiry.

The SPEAKER: Order! The member for Warren indicated he intends to move to refer the Bill to a Select Committee. It appears to me the member for Kimberley is embarking upon a discussion of that proposition. I suggest a more appropriate time will present itself and ask him to confine his remarks to the measure before the Chair.

Mr Old: Hear, hear!

Mr BRIDGE: I made those comments merely because I was amazed by the Government's reaction.

Mr Laurance: You don't have any regard for the capital involved or what will happen with the wet season. If you want to kiss the project goodbye, you say so right now.

Mr BRIDGE: That is not my intention.

Mr Laurance: We should get it clear.

Mr BRIDGE: A considerable amount of money has been made available and nothing will inhibit the infusion of those funds. That point should be made clear. For the company to say that the provision of money has been a problem is very questionable. A great deal of money has been invested in the Camballin project of which the people of the Kimberley are well aware.

We must realise that the Fitzroy Valley has the potential to be one of the most important agricultural areas in Western Australia. I have maintained always—I believe I am correct in this view—that the valley has a greater potential than

the Ord River in view of the different climatic conditions and the way the area presents itself in terms of size and available water.

Mr Coyne: And it's not so remote.

Mr Blaikie: Why didn't the Government go to the Fitzroy instead of the Ord?

Mr BRIDGE: I do not know; probably it was a decision taken by an office Johnny in Perth rather than by the people of the Kimberley.

Mr Stephens: It was a political decision.

Mr BRIDGE: The Ord is developing in a way about which most people are happy, and in that regard I support the project; however, the Fitzroy Valley presents great potential. If we want an area with great agricultural potential we should consider the Fitzroy Valley. Is it not fair and reasonable for the Opposition to call for a proper feasibility study in light of some areas of considerable doubt? Such an inquiry would not inhibit the project all that much. How would the establishment of a Select Committee inhibit the progress of the scheme? I do not know.

If we consider the operation of the company and its pastoral pursuits in the Kimberley we are left with considerable doubt as to the ability of that company. Some areas of the north have been developed without the developers being concerned about its feasibility. In view of problems which have occurred and the fact that the Fitzroy Valley is an important area to this State, we must consider what may or may not happen in the future, especially in regard to the subdivision.

Can the Government tell me what is wrong with a slight delay so that a study can be carried out to prove to us that the feasibility of the project is secure? I do not see anything wrong with a delay.

Mr Laurance: Everything is wrong with it, and you know it. We have a wet season coming up, and with it you can kiss the project goodbye. You either want it or don't want it. You have to commit yourself in this House.

Several members interjected.

The SPEAKER: Order!

Several members interjected.

The SPEAKER: Order! The House will come to order! The member for Kimberley.

Mr BRIDGE: I do not agree that a Select Committee would delay the project that much.

Mr Laurance: As I was saying before, there are not that many people in the House who would understand what a delay in the Kimberley would cause with the wet season coming up.

Mr Old: You ought to know.

Mr Stephens: Race in and cost the State millions.

Mr Barnett: You want another white elephant.

Mr BRIDGE: I am not suggesting the project would be a white elephant or anything else. I put the proposition that we should have a Select Committee to investigate the tremendous potential of the Fitzroy Valley. What is wrong with our having a proper feasibility study of a project in an area which has great potential? The Minister went on about what I should know or should not know. We should have one point clear: I have forgotten more about the Kimberley than the fellows on the other side have ever known. If the Honorary Minister can tonight give to this House information to show that the appropriate studies have been carried out, I will reverse my stand on the proposition of the setting up of a Select Committee.

Mr Laurance: You sit down, and I will.

Mr BRIDGE: Very well, I will give the Honorary Minister his opportunity shortly.

Mr Laurance: I am just waiting to reply.

Mr BRIDGE: If the Honorary Minister can inform this House that the information we seek, together with an appropriate feasibility study, is available, I would not support the call for a Select Committee. The Honorary Minister must satisfy us that all the aspects of this plan have been considered.

Mr Laurance: I feel competent I can satisfy you.

Mr BRIDGE: I have not been convinced so far by the other side that the measures proposed have been considered objectively. I agree with the member for Warren and support his appeal to the Government to give regard to the need for appropriate information to be made available to us. Surely one cannot read into that stand an intent to inhibit or stifle the development. We must have a clear understanding of the area and the total future planning of that area. I thought the smiling Honorary Minister for Tourism would understand that point. I hope he realises that my proposition is practical and would have relevance to the future development of the area. An inquiry would not necessarily stop the funding of the project; plenty of funds are available and will continue to be available. No doubt exists about that.

Mr Old: Where from?

Mr BRIDGE: Many millions of dollars have been spent at Camballin as the Minister darn well knows.

Mr Old: What logic!

Mr I. F. Taylor: Why don't you release a few of the reports from the agricultural people?

Mr Barnett: Silence from the other side!

Mr Old: If you knew anything about this matter, I would tell you.

Mr Barnett: You didn't give an answer.

Mr Laurance: He would make a good wet season crop, that bloke.

Mr Old: The original.

Mr BRIDGE: I want to know what the Government envisages will happen in regard to future subdivision. I want to know, if a decision is made by the Government to give freehold title to that fairly large piece of land, and if the land is subdivided or broken up in some way, who are the likely candidates to obtain the land? It is very important for us to know as Western Australians, and it is particularly important for the people of the Kimberley to know. I never hesitate to advance the proposition that the residents of the Kimberley—indeed, all Australians—always should be considered when such a project is contemplated.

Mr Laurance: You say you never hesitate, but you want to stall for three months.

Mr BRIDGE: I did not say that.

Mr Old: And the rest.

Mr Sibson interjected.

The SPEAKER: Order! I called order specifically to draw attention to the fact that I could barely hear the interjection from the member for Bunbury, and I am sure the *Hansard* reporter was not in a better position.

Mr Davies: I think you were lucky.

Mr BRIDGE: I have concern for any delay, but we must compare any delay with the advantages a feasibility study would give us. We must consider the total concept of the development; we must consider its long-term significance to the region. Those matters must have greater priority than a delay of three months or whatever. Previously projects have been delayed for three months, and any problems caused by the delays have been solved.

Mr Blaikie: You are not being your usual fair self when you say that.

Mr BRIDGE: Why?

Mr Blaikie: The problem the company had this year was a critical one.

Mr Jamieson: You have been listening too much to Fletcher.

Mr Blaikie: I don't listen to the rain merchants.

Mr Jamieson: You have been listening to Fletcher too much.

Mr BRIDGE: If the member for Vasse visited the Kimberley—

Mr Blaikie: I have been there.

Mr BRIDGE: —to look at the situation—

Mr Blaikie: I have had a look at it.

Mr BRIDGE: —he would agree that the dangers of a delay are not as critical as the long term—

Mr Jamieson: Damage.

Mr BRIDGE: Well, damage could occur, but I am really thinking about the application of the whole agricultural concept in the Fitzroy Valley—that concept is the main issue. The Fitzroy Valley is not a little-known shelf. When the Goddard project was established at Dunham River a great deal of money was invested, but a proper feasibility study was not conducted. Anyone who requested such a study would have been accused of stifling the development, but, because a proper feasibility study was not conducted, problems were encountered with that project. The Government should convince us that a feasibility project is not necessary.

Mr Laurance: I will do so very competently.

Mr BRIDGE: Until that occurs the call for a Select Committee is not one which ought to be seen as unfair, unreasonable, irresponsible, or an endeavour to inhibit the programme.

Mr Sibson: Who would you put on that committee to do the job?

Mr BRIDGE: I do not know; but perhaps the member for Vasse and the member for Kimberley will fix it!

In the light of the comments I have just made and the comments made by the member for Warren, the Government ought to look at this matter.

MR BLAIKIE (Vasse) [8.16 p.m.]: I believe this project is important to the State of Western Australia and to the development of agriculture in Australia. A development of this nature could well prove to be an important agricultural development project in the Southern Hemisphere.

It is all very well for members such as the member for Welshpool—

Mr Jamieson: Have you had a look at a few of these projects in Queensland and seen what has happened?

Mr BLAIKIE: It is all very well for members to make remarks such as this, but I have seen the projects in Queensland and Humpydoo.

Several members interjected.

Mr Davies: Buy him an atlas.

Mr BLAIE: It is important that members realise that those projects have failed and a great deal of development money has been lost. I have had a lifetime involvement in agriculture and I admire those people who are prepared to accept a challenge.

Several members interjected.

Mr BLAIE: They make an important contribution, irrespective of where they might be in Australia.

A few years ago a Dr Cullity was lampooned because he attempted to grow grapes in my electorate, and look how successful that project is today. The Northern Development company is being lampooned in the same way, but people do not realise that these people are prepared to risk their own capital and engage others to become involved in projects which require great courage and strength.

It is all very well for members in this House to have hindsight. If they all knew that the Packsaddle Plain was better than the Ord in the 1960s, why was it not developed? Why was not the Fitzroy region developed instead of the Ord River?

I ask members of the House to give greater consideration to the people who have the courage to take up and finish these projects. Great credit should go to people who are prepared to go to sub-tropical regions of Australia. It takes personal courage to do that and the member for Kimberley would be well aware of that fact when he considers the sparsity of population in his electorate.

We should consider the Ashton Joint Venturers and why the people are prepared to go to those areas; we realise it is because they can see reward. The people involved in the Northern Development company have a belief in agriculture and cropping in that area and I wish them well. I believe the member for Kimberley will wish them well, also.

We should also study the parallel between the Fitzroy and the Ord and what that prospect has cost the taxpayers of Western Australia. The Ord River scheme has cost Australian taxpayers a great deal, but if we consider what the development of the Fitzroy has cost taxpayers we realise that, by comparison, it is virtually nil.

Mr Skidmore: We do not want to make the same mistake.

Mr BLAIE: I do not believe a mistake was made in the first place.

Several members interjected.

Mr BLAIE: This proposed project requires new skill and I believe it will succeed. These people will develop new varieties of plants and new grain sorghum as well as new methods of plant breeding.

Mr Evans: They have been trying that for years.

Mr BLAIE: I support this project. In reply to those people who wish to have a Select Committee inquiry into this matter, I wish to make a point which the member for Kimberley would be aware of and that is that timing is important especially when we consider the dry season in the Kimberley. I also add that outside private investment has been encouraged to the Kimberley and the Fitzroy River area and that is a first for Australia; without that injection of new capital, the scheme would have been floundering.

Any seasonal delay could mean disaster. This is basically a project of huge injections of private capital with a miniscule involvement by the Government.

The member for Warren could well have asked for a Select Committee to inquire into the Manjimup canning factory.

Mr Skidmore: Why not?

Mr BLAIE: He could have asked also for a Select Committee to inquire into the Government's involvement in the apple tree pull scheme. I do not believe an inquiry into either of those projects would be worth while or warranted and I do not believe an inquiry into the Northern Development project would be warranted either.

I trust this scheme will prove to be a successful agricultural project and be recorded in the history of Australian agriculture.

MR I. F. TAYLOR (Kalgoorlie) [8.25 p.m.]: I hope the member for Vasse is right and this project does turn out to be successful, especially when we consider the money we have put into the scheme. It could amount to many, many millions of dollars which would go down the drain if it is not successful.

The member for Vasse referred to this as a new project and new development. The first legislation covering this was in 1957 and at that time the venture related to the growing of rice in the Fitzroy River. State Government assistance for the venture provided cheap land, a barrage on the bed of the Fitzroy River, cheap water, the Snake Creek Weir, roads, houses, and irrigation.

However, in the 1960s the project had some setbacks through floods, the difficulties with the strains of rice growing there, and also a shortage

of finance. In the 1980s they are trying to grow rice and grain sorghum.

During 1969 assistance continued and the Government was able to maintain the 17-mile dam, the Fitzroy barrage, and offtake works, as well as irrigation channels. In 1969 a road was built from Derby to Camballin. The Government also was involved in providing housing, cheap water, and cheap land.

In the second reading speech on this matter it was stated that the project is just getting off the ground, but in October 1969 an amending Bill was introduced relating to the introduction of grain sorghum as a crop. It was stated in that Bill as follows—

...sale of which is assured under firm contracts with overseas buyers.

The next Bill was introduced in 1978 by the then Minister for Lands and we were told that the company was given a right progressively to develop 50 000 acres of irrigable land.

The latest comment from the Premier said, "Work is well progressed towards the cultivation of the 20 000 hectares". This project was started in 1957 and now in 1981 the Premier is saying that the "work is well progressed". From 1957 to 1981 is a period of almost 25 years, yet the project has not gone very far.

I support the member for Warren's comments that there should be a Select Committee into this matter.

Mr Sibson: No successful project has taken less than 30 or 40 years to be properly established.

Several members interjected.

Mr I. F. TAYLOR: With this Bill the Government has agreed to take on additional financial responsibility for enlarging Uralla Creek offtake and Uralla Creek.

Since that responsibility was taken on, there have been two floods of the Fitzroy River and the Premier referred to "two full floods" of the river. I believe the land itself was flooded this year.

Mr Laurance: It was the levee bank and there were no problems there.

Mr I. F. TAYLOR: Was not there some flooding of the land?

Clause 10 of the agreement relates to a review of water charges. I note that the State Government will pay charges with regard to the operating and maintenance costs, but there is no mention of capital or cost of capital.

Mr Blaikie: As a Treasury officer you should know a little about the subject you are discussing.

Mr I. F. TAYLOR: In agreements such as this there is a responsibility in terms of the cost of capital; that is one of the costs involved. However, we are giving it away. Since 1957, millions of dollars have been poured into this venture and we have yet to receive \$1 from a crop.

Clause 15 relates to the modification of the Land Act. Once again, it is extremely generous. The modifications to the Land Act are as follows—

- (a) Deletion of requirement for advertisement in four gazettes of intention to grant a lease of term longer than 10 years—section 116.
- (b) Deletion of provisions relating to competitive applications for leases, and determination by Land Board—section 135.
- (c) Inclusion of a power to grant leases for terms and on conditions consistent with the agreement; for example, for a 25-year term, even though section 116 prescribes a maximum term of 21 years.

They are very generous provisions to an existing company.

Clause 21 relates to the repayments of stamp duty already paid. We have no indication of the amount of duty involved.

Mr Laurance: You know what happens with agreements such as this with regard to stamp duty. You were involved in this very area.

Mr I. F. TAYLOR: We normally provide exemptions for stamp duty, but it is highly unusual to make provision for the refund of stamp duty already paid. We have no idea how much money is involved.

Mr Laurance: Only the amount relating to establishment.

Mr I. F. TAYLOR: Can the Minister give us an idea how many thousands of dollars are involved? He has no idea.

Mr Laurance: It is the same as all the other agreements in which you were involved.

Mr I. F. TAYLOR: This agreement is not the same; it provides for the refund of duty already paid.

Mr Old: How will it cost more than the provision of an exemption of stamp duty from the inception of the project?

Mr I. F. TAYLOR: I am just making the point that it is an unusual procedure, and that the Minister has not told us how much money is

involved. It is becoming a habit of this Government to pass retrospective legislation.

Mr Laurance: So you are opposing it for that reason?

Mr I. F. TAYLOR: I do not disagree with the development; in fact, to some extent I admire the courage of the people involved; they have shown a great deal of courage. However, I would very much like to know how much the project has cost the State. If it was good enough for the Commonwealth and State Governments to be involved in contributing to the cost of getting the Ord River project off the ground, surely we are entitled to make sure we receive value for the money we have invested?

Mr Laurance: The ALP is leaving the member for Kimberley high and dry over this.

Mr I. F. TAYLOR: This project has been plagued by misfortune ever since its commencement in 1957, and millions of dollars have been involved. Last year, serious labour problems developed when it was discovered people were not being paid award wages, and the unions became involved.

I have already challenged the Minister for Agriculture to release some of the reports of the Department of Agriculture on the Camballin project, especially the report prepared by his officers in the area. He is strangely silent on that one; he intends to make sure the reports are not released.

Mr Old: You have seen them all and you have utilised information to which you should not have had access.

Mr I. F. TAYLOR: I have not said anything about what was in the reports; I have simply asked the Minister to release them.

Mr Old: I am not releasing any reports.

Mr Davies: The Minister has just confirmed they are not good reports.

Mr I. F. TAYLOR: Let us see what the Department of Agriculture thinks about this project.

Another aspect of the venture is the construction of the Broome Jetty. It is very important that the millions of dollars of Government money be backed up by some sort of guarantee by the company, even to the extent of directors' guarantees from the people involved. I believe it would be in the interests of the State to make sure the funds injected into the construction of the Broome Jetty are repaid. At the moment, with the doubt that hangs over this project, there is serious doubt as to whether the money can be repaid.

Mr Blaikie: Would you not apply precisely the same principle at Wyndham?

Mr Jamieson: Do not talk about Wyndham! The Premier has poured millions into that area.

Mr I. F. TAYLOR: There is no doubt in my mind that the Premier is looking after his friends. I do not disparage the courage shown by the people involved in this project; all I am saying is that the people of Western Australia are entitled to see some value for the money they have spent in the area.

For that reason, I believe the suggestion by the member for Warren that we should appoint some sort of committee to examine the costs involved in this venture is an excellent one, and I support it.

MR JAMIESON (Welshpool) [8.35 p.m.]: When I looked at the signatures on the agreement I immediately became suspicious; I believe I am justified in being suspicious because one of the signatories is a person who, of all the people I have met in this State and who have been associated with development projects, is the most ungrateful of the lot. I refer to Mr Jack M. Fletcher, who grizzles and complains from dawn until dusk. As a matter of fact, one can hear him complaining under three feet of Camballin mud. He gets in one's ear and goes on and on like a wailing wall. In the first place, he was going to grow rice, then he was going to grow sorghum; now, he intends to grow money trees in that he is going to subdivide the land and sell it off to his American partners. I understand they came from Connecticut.

Mr Coyne: Texas.

Mr JAMIESON: He has a mouth as big as Texas. However, the Aetna company is incorporated in Connecticut.

We do not know what these people are about; we do not know whether they are genuine in wanting development in the area and in seeking assistance for that purpose.

I recall getting into a lot of trouble with my ministerial colleagues when I pushed the Packsaddle development; they said I must be out of my mind. However, it turned out to be reasonably successful. They thought at the time I was taking rather a great risk in sponsoring the project; certainly, the advice from the Department of Agriculture was to the effect that I was crazy.

Mr Laurance: Do not tell me they opposed the Packsaddle development.

Mr JAMIESON: At that time, yes.

Mr Laurance: Obviously, the department was wrong. I am not sure whether your colleague from Kalgoorlie heard that.

Mr I. F. Taylor: I did not suggest that; I simply challenged the Minister to produce the report.

Mr Laurance: We have just been told the Department of Agriculture thought the member for Welshpool was crazy.

Mr JAMIESON: It looks as though some reports about these projects are a little smelly, which is why we must conduct an inquiry into the matter.

Several members interjected.

The SPEAKER: Order! This is very entertaining, but not very orderly.

Mr JAMIESON: I believe an inquiry could uncover information vital to the people of this State.

Mr Clarko: Surely Fletcher is having a go up there. It would be good if more people had a go in the far north of Western Australia.

Mr JAMIESON: The member for Karrinyup thinks we should pour more taxpayers' money into the area. All he wants to do is prop up the Liberal Party in the Kimberley. One needs only to think back to the case before the Court of Disputed Returns and read the letters presented to the court to know what type of person Fletcher is.

Mr Sibson: Now the truth is coming out.

Mr JAMIESON: Of course it is; that is why there is such a great deal of doubt on this project, and that is why members opposite, who normally sit back quietly, now are so vociferous.

Mr Laurance: Are you opposing it, too?

Mr JAMIESON: No.

Mr Laurance: You could have fooled me.

Mr JAMIESON: We want more information to support the proposed expenditure of this money. We cannot simply go on pouring money into projects, whether we are Western Australians, Queenslanders, or Territorians, in the fanciful hope some crop will come up out of the plains and get us out of the mire.

Mr Blaikie: Like the Manjimup canning factory.

Mr JAMIESON: Of course some projects are not much good. Many of the dairying industry proposals in the electorate of the member for Vasse were propped up in their early stages, and no doubt some of those proposals would not have stood very close examination.

Mr Blaikie: They have proved to be viable, and have made a contribution to the State. The member for Warren would agree with that.

Mr JAMIESON: Of course they have. If cows are placed in a paddock we know that under reasonable circumstances, they should produce milk, and milk can be turned into butter and cheese. However, we do not know about this project.

Mr Sibson: Butter cost more to produce then than it does today.

Mr JAMIESON: Go back to selling old cars with gearboxes full of sawdust!

Several members interjected.

The SPEAKER: Order! I ask the member for Welshpool to direct his remarks to the Chair, and to ignore interjections.

Mr Sibson: I have milked cows with mastitis.

The SPEAKER: Order! I prevail upon the member for Bunbury—a Deputy Chairman of Committees of this House—to at least wait for a while before starting to interject again.

Opposition members: Hear, hear!

Mr JAMIESON: The member for Bunbury has something on me; I have never milked a cow, let alone milked a cow with mastitis. He has that great advantage over me, if it means anything in this debate.

We need to know whether there is a positive indication that a crop will be produced from the area. We cannot continue with these fanciful ideas that this may happen or that that may happen, or that we might be able to grow feed grain for the magpie geese.

Mr Stephens: That could be another project for the area.

Mr JAMIESON: Yes, we may be able to develop that industry, kill the geese, and send them down to the Metropolitan Markets.

As the member for Kimberley said, we must consider these projects rationally. I am glad that the Ord River district has settled down a little. However, before we get into any more grand projects, we must carefully consider the situation and we must know what will be the return on our investment. Millions of dollars have been poured into the area around the Ord. If the money had been given to the people of the Kimberley to lift their standard of living, it might have represented a great achievement.

I can recall a time when they were going to produce bulk sorghum; great batteries of silos were installed, but not a grain of sorghum went into them. A huge loader has been installed at

Wyndham which, by the look of it probably could load onto the ships in about two hours all the sorghum grown in the area in a year. We should avoid becoming involved in these fanciful dreams. We must not think that if we install the equipment to handle the product, the product automatically will manifest itself, and everything will be all right.

The Goddard area on the Durham tributary is another example. I remember when the present Premier was the Minister for Industrial Development and he brought that agreement to us. It was going to be such a great development, but what has happened to it? It is just turned into another problem for the Government. The last I heard about it was that the people were trying to carve it into small plots to get out of their morass of financial problems.

We should consider what is happening with Jack Fletcher and his trips. It is like a circus, where people go from one trapeze to another. In this case the people go from one Minister to another. We have to be careful of these people who can talk under three feet of mud. They can be very convincing. They are the con artists of the world. They look after themselves.

Mr Laurance: That is a bit rough.

Mr JAMIESON: They never go without themselves, but the State has to pour in money all the time. Like a tin of jam produced in Manjimup, the money should be spread evenly. Everyone has to get a fair share. If money is poured into one area and we do not get a return from that area, we are not looking after the interests of the State as a whole. We need to know where we are going.

We should not stifle development, but if a development is not secure and is not of a continuing nature it is not really development; it is just a phase that is going to fail and fail again. Until we can expect to get something of a continuing nature it is desirable we have more information by way of an inquiry. I support this Bill with very limited feelings. I do not know how successful the project could really be.

MR LAURANCE (Gascoyne—Honorary Minister Assisting the Minister for Housing) [8.48 p.m.]: This Government is very strongly in favour of development in the north of the State. We make no apology for that or for bringing this Bill to the House.

Mr Davies: Development at any cost.

Mr LAURANCE: The reason for the agreement being before the House is to enable additional security to be provided so that funds of \$20 million can be put into the project. It is

amazing to hear from the other side of the House the very limited support for the Bill and in some cases the abuse of the operators, who were called con men. It is obvious that, in their hearts, members opposite do not support this project at all. I am surprised the member for Kimberley has such little support from his colleagues.

Several members interjected.

Mr LAURANCE: The member for Warren said that the Fitzroy Valley would be a drain on taxpayers. The only complimentary remarks originally were made about the tremendous potential of the Fitzroy Valley in this State. If we are to see what the potential can do for the State we have to give someone the opportunity to develop it. This company wants to develop this area and it has gone around the world to find people willing to provide finance. True, there has been a commitment on behalf of the taxpayers of this State, but the amount being committed by the State Government is very small in comparison with the total funds to be contributed by overseas interests.

Mr Pearce: How much will it be from the State Government?

Mr LAURANCE: It depends upon what dollars we are talking about.

Mr I. F. Taylor: Current value.

Mr LAURANCE: That is not relevant, because Governments of both political colours have been involved in this project and have thought it to be worth while, unlike members opposite tonight.

Mr Pearce: How much this year?

Mr LAURANCE: The member for Warren asked what crop would be planted. He would know that grain sorghum will be planted. Initially rice was tried. In fact, the member gave a history of the development.

In 1956 there were some very exciting figures given for the production of rice, but for a number of reasons, which the member enumerated and which are well known to members with a background to the project, those figures could not be sustained.

In 1969 an amendment came before the Parliament and sorghum became an approved crop. This agreement allows for the planting of rice and grain sorghum, or any other crop approved by the Minister for Lands in consultation with the Minister for Agriculture.

We are talking about an irrigation project. There is a tremendous demand for grain sorghum on world markets. Members opposite should know only very few countries are net exporters of

grains. That position is likely to be exaggerated in the future to the point where Australia has a tremendous capacity to provide for the export of grain, a capacity which few other countries can match.

Mr Evans: Why are we not doing it from the Ord?

Mr LAURANCE: The member spoke about the differences in the capacity of the two areas. He should not ask the question if he has already answered it.

I take strong exception to the comments the member for Warren who said he was not sure whether the people involved—Northern Developments and Camballin—were entrepreneurs or agronomists. They probably could be described as entrepreneurial agronomists, but they are agronomists first. A person who went into an area like this without some sort of entrepreneurial flare would be crazy. The member for Warren and I both know they would not be there if they did not have that entrepreneurial flare. But they also have tremendous agricultural expertise.

There has been a good deal of capital investment by the State, and in recent times that has mostly gone into port facilities at Broome for the handling of the grain sorghum crop. The agreement allows for the enlargement of the Uralla Creek area. This initially will be paid for by the State Government and the company will repay the Government.

Several members interjected.

The ACTING SPEAKER (Mr Sibson): Order!

Mr LAURANCE: The company eventually will recompense the State for its outlay. The facilities will not vanish; the potential will still be there.

Mr Skidmore: What will you use them for?

Mr LAURANCE: It is an asset that belongs to the State. Eventually it will be paid for by handling charges paid by the company. I ask the member for Kimberley: Is he happy to see those facilities provided at the Port of Broome?

Mr Bridge: I did not say I was not happy.

Mr LAURANCE: It is a pity he cannot convince his colleagues that it is not a waste of money.

The investment by the State, even going back to the Labor Government in 1957, has been substantial. This is a long-term investment for the State. Every member of the House should be aware of this.

Mr Davies: What has come out of it so far?

Mr LAURANCE: Let us consider the subdivision of the land. I point out to the member for Warren that as a previous Minister for Agriculture he, more than anyone else, should be supporting a measure which gives this company, which has the initial right to develop a very large tract of land, the opportunity to subdivide and allow smaller landowners the opportunity to enter the area. If the smaller concerns want to purchase land which has been proven by this large operator, they will have a viable operation. The company will not get a Crown grant of land unless it proves the area is viable. But there should be an opportunity for other people to go into the region. Does the Opposition not want the company to have the opportunity to sell land to other people?

Mr Evans: If that is their basic intention, it is not a good idea.

Mr LAURANCE: I refute the suggestion by Opposition members that this company mainly has speculative motives rather than developmental motives.

Mr Bryce: You would not concede it if you knew it, because you endorse speculation.

Mr LAURANCE: This agreement is to provide security to a major American investor to come in and provide the capital required. Because it is to do this it has been branded as a speculative move by the Opposition.

Several members interjected.

Mr Pearce: Your policy is to allow Americans to sell Western Australian land at inflated prices to Western Australians.

Several members interjected.

Mr LAURANCE: I have never seen people oppose a Bill so vigorously as members opposite have done while saying they support the Bill. It is really backhanded support.

Several members interjected.

Mr LAURANCE: The member for Warren mentioned some of the people involved in the development, going right back to the 1950s. He mentioned Kim Durack and Mr Farley who developed the early rice crop. Today we have Jack Fletcher of Camballin Farms and his manager, Mr Jim Berlin. No-one could deny that the people developing this project have tremendous agricultural expertise.

In fact one member of the project who has just returned to America has been honoured in that country as being one of the leading irrigator experts in the world. The company has brought top irrigation people from around the world to this project and this can only benefit development.

in the north. So opposition from members opposite is hard to understand.

Considering the difficulties these people have experienced, we must say they are tremendously dedicated people. These are the sorts of people we need. It is necessary to have these people if the development is to be successful.

Mr Skidmore: If they are so great, why are they having so much trouble?

Mr LAURANCE: Members opposite give the impression they do not want the project to be successful.

Mr Davies: We want to watch taxpayers' money.

Mr Bridge: How could you interpret my comments like that?

Several members interjected.

Mr LAURANCE: The company has to perform. We were given to believe by the member for Warren that this land was being handed over to the company. Under the terms of this agreement it has to perform before any Crown grant is issued to it. The member for Warren also mentioned a feasibility study. The Aetna Company, which has a minor interest in the project, has provided \$20 million of capital, and invests some \$400 million around the world in agricultural projects every year. It has taken a very bold step in providing funds for this project. It has done its own feasibility study and considers the grain sorghum crop will be successful.

We are being asked as a State to provide that company with some security for the additional investment it wants to inject into this project; that is the feasibility study the member for Warren was asking about. The company has done its sums on this and it warrants a major injection of capital.

I turn now to the Opposition's foreshadowed move for a Select Committee. If the Opposition intends to pursue that particular motion, it will delay the project to a point where it will be placed in jeopardy.

Mr Pearce: Rubbish! You say that if things can't be done tomorrow, the project will collapse entirely.

Mr Bryce: Just like the diamond Bill.

Mr LAURANCE: I would expect the member for Gosnells to know a lot about this.

Mr Brian Burke: You should worry about your position in Gascoyne.

Mr LAURANCE: The member for Kimberley is very quiet at the moment. He knows the timing of this project is critical. They have to get a wet

season crop in this year. A Select Committee would delay this agreement and the funds which the company needs. If we hold up the funds until after this session of Parliament, it will not be necessary to wait three months; it will, in fact, be 12 months until a wet season crop can be planted. The member for Kimberley knows that, to delay it, would put the kiss of death on the project. If the member for Kimberley supports the setting up of a Select Committee, he is delaying any move which will develop this area.

I should like to comment on the contribution made by the member for Vasse. He has seen the project and he has taken some interest in it. He has had a great deal of involvement in agriculture in his own district and he has visited most of the major agricultural areas around Australia. He spoke with considerable conviction and I thank him for his support.

Several members interjected.

Mr LAURANCE: I am disappointed members opposite did not see fit to do anything other than criticise, even to the point of calling the operators "con men".

Mr McIver: Does Fletcher still take Mr Bridge around the area as he took Allan Ridge around it?

Mr LAURANCE: With those few words, I shall conclude my remarks.

Question put and passed.

Bill read a second time.

Appointment of Select Committee

MR EVANS (Warren) [9.03 p.m.]: I move—

That this Bill be referred to a Select Committee of this House.

It is absolutely imperative, particularly after listening to the comments made by the Honorary Minister that the Bill be referred to a Select Committee. It was one of weakest replies members of this House have ever heard.

Several members interjected.

Mr EVANS: Rather than try to give an answer to the questions which are legitimate and essential to enable this House to determine the facts and the direction it should follow, the Honorary Minister indulged in personal abuse and invective.

Mr Laurance: Fair go! One of your members called them "con men".

Mr McIver: So they are.

Mr EVANS: When the Honorary Minister could not produce the various reports or give any indication of the feasibility, it was predictable he should state he was disappointed the Opposition

was critical of the measure. Not only are we entitled to ask for facts and figures, but also it is our responsibility to seek information as to the production achieved by the company.

We are entitled to ask what markets are involved and to obtain an indication of market prices which would reveal the viability of this project which has been in existence for a quarter of a century now.

If, over a period of a quarter of a century, it cannot be demonstrated the scheme is a goer, it must be open to question. It is the duty of this House to establish exactly the intent of the company. The Minister sounded quite hurt; indeed, he appeared almost outraged that members on this side of the House should suspect the reasons this company is seeking to carry out a subdivision in this area which would result in real profits to it on sale. These subdivisions are certainly the "money trees" as the member for Welshpool said.

Mr Davies: Do they have any other options?

Mr EVANS: There has been some reference to giant sunflowers and the prospect of an oil seed industry.

The Honorary Minister said that even after 25 years, the delay of three months could result in the project's being shelved for a further year. He claims that timing is critical. I do not see the Government really needs three months to carry out this investigation. If, as the Honorary Minister claims, the feasibility study has been carried out by the company, why is it not before us? Surely that can be handled in a very short period of time.

The Minister for Agriculture has not had a great deal to say, but it is rather enlightening that the comments of the member for Kalgoorlie touched on a raw nerve. There are some very good officers—

Mr Old: He just betrays a few confidences.

Mr I. F. Taylor: I betrayed no confidences and you know it.

Mr EVANS: He made a reference to something which the Honorary Minister is duty bound to provide to the Chamber. If the Agriculture Department is suspect the Minister is the person who should make it known; but what has he done?

Several members interjected.

Mr EVANS: Now that the member for Northam has raised it, I point out that NCP members opposite should watch the matter closely, because more research stations will be closed as money is injected into unproved projects.

Mr Old: You have seen the agreement. You know what is going on, but you will not be convinced. All you want to do is hold up this project for another year.

Mr Brian Burke: Rubbish! You are the worst Minister for Agriculture in history.

Mr EVANS: This House is entitled to know the feasibility of this project and the Minister should have provided that information.

Mr Old: I have provided it.

Mr EVANS: We have not heard one word from the Minister for Agriculture in support of the claim that the project should proceed. It is essential we know the viability of the project and the results of the experimentation referred to in a variety of articles. Experimentation was conducted in relation to grain sorghum and other crops. However, if grain sorghum is to be the great white saviour, why has it not been successful at the Ord and Denham Rivers? The latter was a classic situation, because the catchment area which provided the dam did not have the run-off to provide the water required for irrigation. That was a fundamental mistake and, coupled with the economics of the project, it was a most unfortunate undertaking.

We must be given evidence as to whether sorghum can be grown successfully and at competitive prices at Camballin. We must know where sorghum would be sold and whether the \$2.7 million works at Broome would be utilised for this purpose.

In an article in *The West Australian* of 24 June 1980, the following comment was made—

The Government will call tenders soon for a \$2.7 million development at the Broome jetty involving bulk-handling facilities for grain and a major storage shed.

It is essential we should know whether markets have been obtained by the company and what sort of prices are likely to be achieved. Will long-term contracts at reasonable prices be obtained? If the project reaches the final stage and the area receives a ground grant, the subdivision which will follow will attract a number of families. We would be looking at a situation comparable with that of the Ord River settlement. That would entail a continued commitment on the part of the State Government. If the Honorary Minister answers the questions raised and provides the figures requested, the concern of the Opposition will be resolved. The taxpayers of Western Australia are entitled to receive that sort of information to see just how responsible or irresponsible the Government is.

The Honorary Minister adopted the tactic of resorting to abuse which is no substitute for sound, logical argument and firm facts. It is for that reason that the Opposition, as it is charged with being a responsible Opposition, has tried to elicit some of the facts the people of this State should know.

MR LAURANCE (Gascoyne—Honorary Minister Assisting the Minister for Housing) [9.12 p.m.]: I just want to repeat, the Government will not in any way support the move. We are totally opposed to it. The timing of the project is critical as is known by members opposite, particularly the member for Kimberley. If we held up the project, it would be delayed until the next wet season. That is obviously what members opposite would like; but this Government wants the project to proceed. The company needs the security of the agreement to attract the necessary funds and, for that reason, we oppose the motion.

MR STEPHENS (Stirling) [9.13 p.m.]: I was very sorry to hear the Honorary Minister say the Government will have no part of this motion. He also said, "the member for Kimberley should know". I believe the member for Kimberley better than anyone in this House should know, and he has indicated already—

Several members interjected.

Mr STEPHENS: The sincerity shown in this House by the member for Kimberley has impressed most members, certainly those who make judgments with open minds. It is clear the member for Kimberley does not believe the short period required during which an inquiry would take place would be a disadvantage to an area he knows well.

I accept that, in any development, risks must be taken; but there is no need to increase those risks by embarking on a project without first conducting a full investigation into it.

The Select Committee suggested by the member for Warren would provide the opportunity for that inquiry to take place.

When looking back over the history of land schemes in this State the picture is not very bright. The Esperance land development scheme springs to mind and it is clear there are many weaknesses and criticisms can be made in that regard. I am not pointing the finger at any political party, because both the Labor and Liberal Parties have shared the blame for some of the mistakes which have occurred.

The Ord River scheme was mentioned earlier this evening and it is generally conceded the decision to undertake it was not based on viability, facts, or anything else. It was a political

decision in order to create a favourable political climate during a Senate election.

We are now debating this issue and in the Minister's second reading speech notes there was an indication that we had the agreement in 1969 which superseded the 1957 agreement. It was amended in 1969 and then in 1978, and here it is being amended in 1981. The fact that there have been four amendments in itself, would indicate that we should look at it closely. The member for Kalgoorlie gave a brief history of the problems that the Camballin scheme encountered as long ago as 1957.

It behoves each member of this House to take full precautions to ensure there is not another disaster or any serious losses which will incur expense to the taxpayers of this State. When the taxpayers have to fork out for losses which have not been allowed for, the money must come from somewhere and, as with the Ord scheme, the money comes out of research funds that properly could be given in the south of our State funds. Had the extra money been available, considerably increased production would have resulted there. We should not allow a situation to develop where people can go in and burn their fingers.

I recall that in Mandurah we had an erosion problem that took the beachfront away and threatened houses along the waterfront. The Government felt obliged to spend money to correct that problem because it had allowed the development to take place and, therefore, it felt it was, in part, responsible.

In my area, of course, settlers in the Unicup area have experienced tremendous problems. Once again the Government allowed or encouraged people to take up land in that area. The Government advertised it and put forward the proposition. People went in there and it was soon discovered that most of the blocks available were far too small to be a viable agricultural proposition. This did not cost the taxpayers any money but it caused great personal hardship. On that occasion I suggested that the Government should adopt the same attitude with regard to the settlers in the Unicup area that it had adopted in regard to the Mandurah land, but no such assistance was forthcoming.

We are all in favour of development, but it is in the best interests of this State that this development takes place in a successful manner and is without cost to the taxpayer.

Mr Brian Burke: And does not waste money! What a gross waste of money, and in the Minister's own electorate a ration has been put on

the amount of water to be taken from the Gascoyne River by plantation owners.

Mr O'Connor: In their own interests.

Mr Brian Burke: In their own interests, he says. It is limiting their ability to meet the market.

Sir Charles Court: It is also giving them security of tenure.

Mr Brian Burke: Why does the Government not employ some proper water storage and preservation measures? How long is it since the Premier has been to the Gascoyne?

The ACTING SPEAKER (Mr Watt): Order!

Mr STEPHENS: I have had a bad day today. Whenever I get up to speak on something everyone else wants to speak at the same time.

Mr Brian Burke: Carry on.

Mr STEPHENS: I do not deny members the right to be heard, but I know *Hansard* has a tremendous amount of difficulty in hearing what I am saying.

Mr Brian Burke: It usually does not matter much.

Mr STEPHENS: We are not difficult to hear because we are speaking quietly, but because of the noise that takes place. I fear there is a conspiracy to ensure we are not heard.

Several Government members interjected.

Mr STEPHENS: We also have tremendous difficulty in hearing the interjections. It appears they are loud enough to be heard down the other end of the House, but are not loud enough to be heard up here. We would like the opportunity to answer those interjections.

Mr Brian Burke: Nobody loves you.

Mr STEPHENS: I will accept that situation, but I will still continue to do my job as I see it.

Mr Brian Burke: Without fear or favour.

Mr STEPHENS: I will not be diverted from that course. If the member wants an interjection answered, he should speak up.

Mr I. F. Taylor: They are the biggest mumblers of all time.

Mr Brian Burke: Did you say "mumblers"?

Mr I. F. Taylor: Mumblers or whatever.

Mr STEPHENS: We support this motion. It has been pointed out that it need not take too long, so get to it and do the job properly and perhaps the scheme can go along in the best possible way and with a greater degree of conviction and success than in the past. Certainly my area has suffered because of the lack of finance available for the essential research that has been found necessary there. Many of the

citizens in the electorates I represent believe that money has not been forthcoming because of the extra funds that have been made available to try to justify the Ord River scheme and I do not want to see another project fail because it required additional funds which would reduce further the money which should be available to the southern areas of this State; so we support the motion.

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [9.21 p.m.]: I am absolutely amazed at the attitude that has been exhibited by the Minister handling this Bill because, as the member for Stirling has indicated, many parts of this State are suffering as a result of the deprivation of funds which are urgently needed to extend agricultural pursuits. If we look at the Minister's own electorate, we find there is a growing need for the application of, perhaps not substantial, but certainly significant, funds to relieve a situation that, from the mouths of his own constituents, is a very serious and inhibiting one for the plantation owners on the Gascoyne River. While the Minister proposes to throw good money after bad in a pursuit which is the central issue of this Bill, a 12-year limit has been placed on the water rations available to plantation owners working on the Gascoyne River.

Mr Rushton: The Government has a very proud record in the Gascoyne River, and you know it.

Mr BRIAN BURKE: Let us hear the Minister on that proposition.

Mr Rushton: They have greater security than ever before and the price of properties has escalated because of what we have done.

Mr BRIAN BURKE: The Minister measures success in the escalation of the prices of properties.

Sir Charles Court: He is not doing that at all.

Mr BRIAN BURKE: Of course he is doing it. The Premier should not try to deny his own Minister—

Sir Charles Court: He is just demonstrating to you—

Mr BRIAN BURKE:—that the prices of properties have escalated dramatically.

Sir Charles Court: He is demonstrating to you that the economic worth of plantation properties, because of the greater security they have had and the better profitability they have had through our policies, have gone up in value, and that makes good sense. Have a look at the Whitlam Government one that never came off.

Mr BRIAN BURKE: Why is the Premier so touchy on this issue? I wonder whether he is prepared tonight to give any commitment to these

plantation owners in respect of their future and the storage and capacity of water that is urgently needed in the Gascoyne River.

Sir Charles Court: The growers on the Gascoyne River have had greater security under this Government than they have ever had before and they know that that area will be progressively developed.

Mr BRIAN BURKE: The fact that there is in force a 12-year limit on the increase of any rations of water to be drawn from the Gascoyne River is the greatest guarantee that the Government plans to do nothing in that area, that it can possibly avoid.

Sir Charles Court: That is not correct.

Mr BRIAN BURKE: If it is not correct, what is the Government going to do?

Sir Charles Court: It is about time you got somebody to take you up and give you a lesson on the security of the aquifer. You would not be talking about it as you are if you knew the history.

Mr BRIAN BURKE: A week or so ago the plantation owners—these people whom the Premier implies are so happy because of the security of tenure he says his Government has brought them—were making exactly the same complaints to me. Both the organisations involved are most unhappy with this Government's decision to limit the water that they can draw from the Gascoyne River at a time when the demand for their produce is rising steadily.

Sir Charles Court: They were unhappy when we put meters on. We had to have policing of the meters until they got used to it. Today they would cut your throat if you tried to take them off. You need to know the history of the Gascoyne. Some of us have to live with it for a long long time.

Mr BRIAN BURKE: I cannot see, apart from the Premier's implication that the people on the Gascoyne are malcontents, dissatisfied with everything—

Point of Order

Mr SHALDERS: I do not believe the comments of the Leader of the Opposition are in any way concerned with the Bill before this House.

The ACTING SPEAKER (Mr Watt): I rule there is no point of order, but I will say to the Leader of the Opposition that he should confine his remarks to the matter before the House.

Debate (on motion) Resumed

Mr BRIAN BURKE: It is passing strange that the member for Murray is so wont to take points of order—

The ACTING SPEAKER (Mr Watt): Order! I direct that the Leader of the Opposition addresses his remarks to the matter before the House.

Mr BRIAN BURKE: It is obvious that if we are going to devote funds in the area that it is proposed should be the resting place of finance under this measure, we will deprive other areas of urgently needed funds.

Mr Bryce: Hear, hear!

Mr BRIAN BURKE: The point was made very effectively by the member for Stirling in respect of his own electorate and I am simply making it on behalf of the Minister in respect of his electorate because he is not willing to make the point himself and, as he seems unwilling to protect his own constituents, I will do it for him. I will tell him that unless the Government moves to provide the storage capacity that is so urgently needed, the member for Gascoyne will go, the way some of his predecessors have, at the next election because the planters in the Gascoyne River who are deprived of funds as a result of reckless decisions such as the one contained in this Bill are unhappy with his performance and will not tolerate it much longer. They are unhappy that the member for Gascoyne stands up in this place supporting legislation that will incur the expenditure of money on projects that will not show a return for more than 20 years. While his own area is deprived and while the Gascoyne pays the highest electricity tariffs of any regional centre in this State, the Minister proposes to spend money in this fashion.

While the member's own electorate has a half-finished sewerage scheme which will not be finished because the funds are not available because the charges are too expensive, the Minister suggests we spend money in this way. That is not a satisfactory manner for any member to represent his electorate.

Mr Rushton: I thought your speaker said you were supporting it.

Mr I. F. Taylor: We are not talking about the Bill.

Mr BRIAN BURKE: We are talking about the proposition that the matter be referred to a Select Committee.

Mr Old: You could have fooled us.

Mr BRIAN BURKE: It is passing strange that the Minister wants to accuse us of supporting or opposing the measure. Let it be on the record that

he supported the measure to the detriment of his own electorate.

Question put and a division taken with the following result—

Ayes 19	
Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Skidmore
Mr Terry Burke	Mr Stephens
Mr Cowan	Mr I. F. Taylor
Mr Davies	Mr Wilson
Mr Evans	Mr Bateman
Mr Hodge	

Noes 22	
Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

Pairs	
Ayes	Noes
Mr T. H. Jones	Mr Tubby
Mr Carr	Mr Young
Mr Tonkin	Mr Rushion
Mr A. D. Taylor	Mrs Craig
Mr Grill	Mr P. V. Jones
Mr Harman	Mr Crane

Question thus negatived.

In Committee, etc.

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

Third Reading

MR LAURANCE (Gascoyne—Honorary Minister Assisting the Minister for Housing, [9.32 p.m.]: I move—

That the Bill be now read a third time.

MR EVANS (Warren) [9.33 p.m.]: I would like to move an amendment to this motion so that the third reading of the Bill would not be passed until the first day of the 1982 parliamentary session. This would allow a delay of approximately three months. During that interval it would then be incumbent on the Government to ensure that the necessary research is carried out and it would give this House the answers which it should have been able to give tonight. I do not think the Opposition is being unreasonable in seeking the statistical data and the precise facts, as far as they can be identified, about the viability

of the Camballin operation. I have already canvassed the reasons for our belief that the Government has fallen short of its responsibilities in the presentation of the Bill. We are simply calling upon the Government to do what it should have done.

Amendment to Motion

Mr EVANS: Therefore, I move an amendment—

That the word "now" be deleted with a view to inserting the words "this day three months" after the word "time".

The Government has been deficient in meeting its responsibility. We are talking of a project that goes on into eternity. If the project does not live up to the Government's economic expectations, in the long term it will be the taxpayers of this State who will pay. If a mistake is made, at least it should be made in the light of all the facts it is possible to be placed before us. The Opposition would be lacking if it did not try to rectify the situation.

MR LAURANCE (Gascoyne—Honorary Minister Assisting the Minister for Housing) [9.36 p.m.]: I rise briefly, so that what I say can be recorded. The Opposition has moved to defeat the third reading of this particular measure.

Mr Bryce: Have you ever been honest in your life? Just say, "delay". You are a complete stranger to honesty.

Mr LAURANCE: The Opposition is seeking to delay and frustrate this project.

Several members interjected.

The **SPEAKER:** Order! The House will come to order! The Honorary Minister.

Mr LAURANCE: The Opposition—

Mr Bryce: Why don't you raise your standards?

Mr LAURANCE: —opposes this development in the Kimberley. The Opposition rejects the third reading.

MR STEPHENS (Stirling) [9.37 p.m.]: As we intend to support this amendment, I would like to record our reason for doing so. We are not endeavouring to frustrate the development in the Kimberley at all.

Mr Bryce: You are simply being responsible.

Mr STEPHENS: Our reason is to ensure that we do not waste the taxpayers' money.

Mr Bryce: A bit of a vested interest somewhere.

Mr STEPHENS: The member for Kimberley is very conversant with the area. Not only during his speech, but also while the division was being taken and the member spoke to us privately, he

indicated there was no way that a slight delay to make the inquiry suggested would affect the development.

Sir Charles Court: That is very nice—a private conversation! You had better not say things in private to the member for Stirling any more.

Mr STEPHENS: I am prepared to accept the comments of the member for Kimberley. This could mean a saving to the taxpayer.

Mr Blaikie: You are voting to defeat it.

Mr Bryce: Delay it.

Mr STEPHENS: I am quite happy to return here in February or March so that this Bill can be read a third time.

Mr Bryce: Oh no, we would rather waste time to come back to celebrate the 150th anniversary of that outmoded Chamber down the other end!

Mr STEPHENS: The member for Ascot has given me an idea.

Several members interjected.

Mr Bryce: Uriah!

Mr STEPHENS: We could hold a session of Parliament when we assemble for the celebrations and save the taxpayers' money.

Several members interjected.

Mr Bryce: I know what the word "mendacious" means—you don't fool me.

Mr STEPHENS: This would be a bit of good housekeeping when it comes to looking after the taxpayers' money.

Amendment put and a division taken with the following result—

Ayes 19

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Skidmore
Mr Terry Burke	Mr Stephens
Mr Cowan	Mr J. F. Taylor
Mr Davies	Mr Wilson
Mr Evans	Mr Bateman
Mr Hodge	

(Teller)

Noes 22

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Dr Dadour	Mr Sibson
Mr Grayden	Mr Soderman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr Laurance	Mr Williams
Mr McKinnon	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr T. H. Jones	Mr Tubby
Mr Carr	Mr Young
Mr Tonkin	Mr Rushton
Mr A. D. Taylor	Mrs Craig
Mr Grill	Mr P. V. Jones
Mr Harman	Mr Crane

Amendment thus negatived.

Question put and passed.

Bill read a third time and transmitted to the Council.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

In Committee

Resumed from 19 November. The Deputy Chairman of Committees (Mr Nanovich) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Progress was reported after division 65 was agreed to.

Division 66: Art Gallery of Western Australia, \$2 808 000—

The DEPUTY CHAIRMAN (Mr Nanovich): Division 66.

Mr PEARCE: I did not understand that we had actually dealt with Division 65—Aboriginal Cultural Materials Preservation Committee.

The DEPUTY CHAIRMAN: No, we had dealt with that.

Mr PEARCE: I will take your word for it, but I dealt with it last thing, and I made the break.

I notice that the Art Gallery has been given a marginal increase over its expenditure for last year, and that expenditure, members will recall, was relatively high in terms of the expenditure for cultural and artistic areas because the Art Gallery was in a new building and some additional expenditure was required. However, I think members will recall that over the last year or 18 months I had quite a bit to say about the administration of the Art Gallery which I said was pretty pathetic.

Although the situation appears to have quietened down somewhat this year, I must say that the operation of the Art Gallery still has a number of disturbing features. The main one is that a number of the major curatorial positions have remained vacant since people resigned or effectively were dismissed in the middle of last year. Our Art Gallery, which is receiving almost \$3 million this year, is still not staffed properly. The filling of positions has been most unsatisfactory, and the fact that several major

positions are not filled is even more unsatisfactory.

To some extent, the ambitions of certain members of the Art Gallery Board who have seen themselves as *de facto* curators have been curtailed since I have been pointing out publicly what those ambitions were. I understand that the operational system at the gallery is now somewhat better than it was when I first raised these matters.

The Art Gallery Board may have had a slight let off because a little over 15 months ago, as the shadow Minister for Cultural Affairs, I announced that it was my intention to sack all of the board as soon as the opportunity came my way. Now we have a new shadow Minister, who may well be our Minister for Cultural Affairs in 1983, and he may be more amenable—

Mr Grayden: It appears you have delusions of grandeur.

Mr PEARCE: The Minister may believe that; but I heard him during question time starting to deliver the first of the epitaphs for his Government, supported by the Premier who referred to the Leader of the Opposition in terms of when he attained the Premiership.

Sir Charles Court: I did not say that.

Mr Bryce: You did.

Sir Charles Court: Don't you start misquoting words like your leader does.

Mr PEARCE: I am not misquoting. The Premier will have to get to his *Hansard* proofs pretty quickly if he wants to prove that we have misquoted. All the members on this side of the Chamber heard him.

Mr Grayden: That would be the height of impossibility.

Mr MacKinnon: You were saying all the same things three years ago.

Mr PEARCE: Not at all. I made predictions about the percentage of the vote at the last Federal election, which turned out to be marginally wrong, but not for Western Australia.

Mr MacKinnon: At the last State election, you were saying you would be the next Government.

Mr PEARCE: We understood the task before us at the last State election.

Mr Bryce: Do you think your gerrymander will save you the next time?

Sir Charles Court: Have you heard about the latest charges in New South Wales?

Mr Bryce: Such as?

Mr PEARCE: I am unable to follow this conversation, Mr Deputy Chairman.

The DEPUTY CHAIRMAN (Mr Nanovich): I ask the member to continue with his speech.

Mr PEARCE: I am trying to. The subject changed with a rapidity with which not even I could cope.

Mr Clarko: That would not be very fast—dead stop!

Mr PEARCE: As far as this side of the Chamber is concerned the Art Gallery Board and the administration of the Art Gallery have a second chance with the new shadow Minister for Cultural Affairs.

I hope that the board will move rapidly to the filling of the important curatorial positions which are vacant. Then the Art Gallery will start to operate fully and properly with a good professional staff, and it will have the confidence, not only of the Western Australian community, but also of the art community throughout Australia, and wider.

Mr Grayden: The Art Galley is doing exceptionally well.

Mr PEARCE: Well, stand up and say so.

Mr Grayden: I have said it.

The DEPUTY CHAIRMAN (Mr Nanovich): When I called Division 66, I was questioned by the member for Gosnells. On Thursday, 19 November the last Division adopted was Division 65—Aboriginal Cultural Materials Preservation Committee, vote \$320 000, agreed to. On Division 66, Art Gallery of Western Australia, Mr Davies moved that progress be reported. I had some confidence that we were on Division 66. I ask the member for Gosnells, in future, to accept the Chairman's or Deputy Chairman's ruling rather than say, "I take your word for it". He should show a little more courtesy, not because I am in the Chair at the moment, but out of courtesy to the Committee. I was positive that we were on Division 66.

Mr PEARCE: I am sorry if I left that impression in your mind. My understanding was that when the Minister's portfolio Divisions were split into Education, Cultural Affairs, and Recreation, progress would be reported on Education, and my colleague the member for Victoria Park would move progress before moving into his area. I wished to speak on the Aboriginal Cultural Materials Preservation Committee. When I said I took your word for it, I meant it sincerely. I was quite prepared to accept your judgment on the matter, and I used the words with the greatest courtesy.

The DEPUTY CHAIRMAN: Thank you.

Division 66 put and passed.

Division 67: Library Board of Western Australia, \$6 925 000—

Mr DAVIES: I am disappointed, as are many other people, with the amount of money made available to the Library Board. It is very small. Speaking in round thousands, \$377 000 has been allowed for increases in staff costs, and an increase of \$382 000 for acquisition of books. That is practically nothing when inflation is taken into account. Indeed, it is a step backwards.

I claimed the other night that the hours at the State Library were to be limited; and the reduction in hours was announced recently. That is a matter for great concern, because the people who use the libraries are limited in the times in which they can use them.

While the hours at the State Library have been limited, a library in the City of Canning cannot obtain an allocation of books.

Sir Charles Court: I do not think that is correct.

Mr DAVIES: When did they receive an allocation?

Sir Charles Court: I know this has been raised before. My understanding is that no library has been held up in the allocation of books.

Mr DAVIES: The library was opened towards the end of last year, and it still has not been able to obtain books.

Sir Charles Court: Maybe somebody opened a library without proper consultation in co-operation with the Library Board. I am assured that everybody who has asked the Library Board has received a supply of books.

Mr DAVIES: I have to accept the Premier's assurance; but I will find out whether the reports in the local newspaper are correct.

Sir Charles Court: I heard something the other day—

Mr Pearce: The member for Victoria Park is perfectly accurate. The Queens Park Library was opened, and it has not been able to obtain any books.

Mr Grayden: Has it got the room to house the stock?

Mr DAVIES: It has an empty building there.

Mr Grayden: I cannot understand it, because the increase in the book fund should allow every library in the State—

Mr Pearce: Rubbish!

Mr DAVIES: The Minister cannot believe that the increase in the book fund will supply every library. The increase in the acquisition fund is only \$382 000.

I do not want to belabour this point, but that increase does not cope even with the rate of inflation.

Mr Grayden: I am assured by the Assistant State Librarian that that is the position.

Mr DAVIES: We are receiving a lot of assurances, Mr Deputy Chairman. You must have started them off this evening.

The fact remains that the State Library cannot open its doors at certain times, and libraries at which the doors can be opened have no books available. That is a matter of great concern to me. These aspects require attention, because of the very great importance of the libraries throughout the length and breadth of the State. The library report makes interesting reading. We should be able to do a lot better than we have done in the past.

This year we have been able to look at the accounting for the Library Board in a better manner than in the past. For about the tenth time during the discussion of the Estimates, I congratulate the Government for giving us greater detail on the statutory authorities than has been given in the past. We have the Academy of Performing Arts, the Hedland College, the Karratha College, the Aboriginal Cultural Materials Preservation Committee, the Art Gallery of Western Australia, the Library Board of Western Australia, the Museum of Western Australia, and the Perth Theatre Trust. All these items were one-liners in the previous Budgets. However, we now are receiving greater detail, but it is not possible to make an intelligent comparison because last year we had total figures only.

Next year we will be watching very closely to see what happens with the Estimates. We will be comparing them with the material we have before us now. We hope that the Government does not decide to change the format of the Budget papers again.

I congratulate the Government on the additional information that it is showing in these Divisions.

It is a matter of great concern that one of the most important links in our community life is being treated in this way by the Government. As I say, the increase for the acquisition of books is not really worth picking up.

Mr GRAYDEN: The Library Board was allocated an amount of \$6 925 000, which represents an increase of 11.2 per cent of the 1980-81 allocation. Taking into account the anticipated revenue from the board's activities, the gross increase in the allocation is actually 13 per cent. Funds have been provided for an increase to the *per capita* book stock for public libraries, rental of additional space, and an upgrading of the microfilming programme.

I am assured by the board that the increase in the book funds should allow it to raise the book stock *per capita* for those public libraries which have adequate library space to house the stock. I cannot go beyond the assurance given to me.

Mr PEARCE: I join my colleague, the member for Victoria Park, in condemning the allocation to the Library Board of Western Australia.

Members will recall last year the allocation to the Library Board was compressed artificially or diminished because in the small amount of funds available for the cultural area, a disproportionately high allocation was made to the Art Gallery because of its new building requirements. The Art Gallery's allocation was proportionately higher than before by comparison with the other cultural enterprises. In that squeeze, the library area was squeezed more than any other. There was a great outcry about that for some time, particularly with regard to the supply of books.

The member for Victoria Park is perfectly accurate in saying that a library was built in the area of the City of Canning, at Queens Park, for which no books were provided. The Library Board said that no books could be provided. That was in line with the general policy that was laid down. The situation with regard to the Queens Park library was that the cost was compressed, and it was not able to obtain any books within the foreseeable future.

When we look at the budget for the Library Board this year, we see only a marginal increase in the amount received last year, and that was on the basis of a retracted amount for funds for the other cultural institutions. This year one might have expected the Library Board to receive a proportionately greater increase.

Mr Grayden: What do you think it is?

Mr PEARCE: It is barely enough to cover inflation.

Mr Grayden: It is 11.2 per cent and it will be 13 per cent.

Mr PEARCE: Why will it be 13 per cent?

Mr Grayden: Because of certain activities the board is undertaking. It is selling books and taking various other actions.

Mr PEARCE: I am well aware of that; but one can hardly say the Library Board is getting an increased allocation of 13 per cent, because it is raising money for itself.

Mr Grayden: The 11.2 per cent increase will become 13 per cent when the board sells books, etc. It is a very large percentage compared with that received by other Government departments.

Mr PEARCE: The Minister should have a chat with some of the accountants on the Government benches.

Mr Grayden: Tell me any other department which is getting a 13 per cent increase.

Mr PEARCE: It is not getting a 13 per cent increase. The Minister is saying the board is receiving an 11.2 per cent increase in its allocation and it is making economies such that, if it received an increase in line with those economies, it would get a 13 per cent increase.

Mr MacKinnon: Isn't that what your leader calls for—efficiency in Government?

Mr PEARCE: The Honorary Minister is an accountant and this is an accounting measure we are discussing at the moment.

Mr MacKinnon: Your leader says we would save millions of dollars by having a more efficient Government.

Mr PEARCE: But we do not claim we would increase allocations by cutting back on costs, which is the claim the Minister for Cultural Affairs is making. I suppose it would be said that, if members of Parliament cut back their personal expenses by 10 per cent, that is the same as getting a 10 per cent increase in salaries, based on the Minister's logic. However, members should try telling that to their bank managers.

Mr Grayden: If you are spending money more effectively and cutting out waste, it is equivalent to an increased allocation.

Mr PEARCE: It cannot be said one is receiving an increase if one is cutting back on costs.

The Minister is saying the board is getting an 11.2 per cent increase, and it does not need a greater increase, because it is effecting savings in certain areas. He is saying the Library Board was wasting money prior to this year and he estimates that wastage at 1.8 per cent of the board's total allocation. I reject that proposition. Virtually the only way open to the Library Board to save money is to have fewer books and to open for shorter hours.

Mr Grayden: The Library Board regards its increase as being in the order of 13 per cent, because of its cash saving measures.

Mr PEARCE: I am astounded at the Minister's statement that the Library Board is happy with the increase, because I can assure the Minister the Library Board is most unhappy with the niggardly treatment that has been meted out by this Government over the last 10 years.

Sir Charles Court: That is not what they tell me. Don't you give any credit for the commitment we are making to the new building for the Library Board which is vital to the provision of a good service in the years ahead?

Mr Grayden: The first part will be opened next week.

Mr PEARCE: If that is the case, the WA Art Gallery last year required an increase in expenditure of approximately one-third, because it was going into a new building; but the Library Board had to suffer a considerable contraction of funds. Certainly the board was worse off compared with other cultural enterprises, including the WA Art Gallery, because there was such a channelling of funds to the Art Gallery in view of the fact that it was moving into a new building. That is exactly the reason the Treasurer gave last year, because he dealt with the matter then. The Minister for Cultural Affairs did not handle it at that stage. One would expect an increase of roughly the same amount this year in the allocation to the Library Board, based on the situation which obtained in respect of the WA Art Gallery last year.

Sir Charles Court: Don't talk rot! Haven't you looked at the Loan Estimates to see what is going into the building? It is a \$29 million programme to give it the facilities it needs, in addition to its normal Budget allocation.

Mr PEARCE: The Treasurer and I shall be discussing the Loan Estimates for the Library Board later, although God knows when it will be! It is 10.05 p.m. already and the Government is trying to finish tonight.

Sir Charles Court: I have not said that. I have heard it only from you people.

Mr PEARCE: Let us stop now then, because clearly we have half the Consolidated Revenue Estimates to go through and we have all the Loan Estimates to deal with.

The CHAIRMAN: Order! It would be more appropriate for the member to relate his remarks to the question before the Chair rather than debate that issue.

Mr PEARCE: The Treasurer raised the question of whether the expenses in the Loan Estimates bore on what we were discussing. Regardless of the expenditure on a new building, it is not possible to cut back on current costs.

Sir Charles Court: We have not cut back. They are over inflation.

Mr PEARCE: How much over inflation are they?

Sir Charles Court: The whole Budget was framed around 11.3 per cent and they have got over 13 per cent.

Mr PEARCE: The Treasurer was not listening to the Minister, because he said the board's cost increase was 11.2 per cent.

Sir Charles Court: The board's effective increase is 13 per cent.

Mr PEARCE: The board's effective increase, so-called, is only 13 per cent, because the Minister says it has cut back in some areas.

Mr Grayden: They are spending the money more effectively and, therefore, they have said their increase will be 13 per cent.

Mr PEARCE: The Treasurer has said the whole of the Budget is based on the premise that, on average, everybody will receive 11.3 per cent.

Sir Charles Court: That was the target figure, bearing in mind we had 7.1 per cent only for half of our Budget.

Mr PEARCE: The point is 11.3 per cent was the target. The Library Board has received 11.2 per cent. The Treasurer knows a new building requires a greater recurrent expenditure in order that it may be used effectively.

Sir Charles Court: The building has a long way to go before it is finished.

Mr PEARCE: The Minister said the building would be opened next week.

Mr Grayden: I was talking about the car park section.

Sir Charles Court: Don't be smart about it! The building has to be built. It will be finished in 1984.

Mr Grayden: I said, "the first portion of the building".

Mr PEARCE: Can I suggest I be allowed to speak on this for approximately five minutes without interruption during which time the Treasurer and the Minister for Cultural Affairs get their heads together and get their stories right, so we can find out whether the building is being opened next week, whether the increase is 11.2 per cent or 13 per cent, and on what sort of basis these things are being said. Clearly there is a lack

of communication between the Treasurer and the Minister for Cultural Affairs.

Sir Charles Court: We are giving you the same story in different keys, hoping one will be lucky enough to penetrate.

Mr PEARCE: The Minister and the Treasurer are picking on a set of facts and hoping I will not be able to discriminate between the diverse sets of facts thrown out.

Last year I dealt with the WA Art Gallery part of the Budget when it was a one-line allocation in the Premier's section. I protested strongly against that at the time and the Treasurer thanked me for raising the matter and informed the Chamber he was working on a brand new way of presenting the Budget. The net result is we can see where the money is going. The point about the WA Art Gallery is that last year the Treasurer defended an increased allocation of 33-1/3rd per cent for that organisation, which was well above the allocations made to the other areas of cultural affairs. The reason for that increased allocation for the Art Gallery was represented by the Treasurer as being that it was moving into a new building.

Sir Charles Court: There is nothing illogical about that. The Library Board buildings, as distinct from the part to which the Minister referred, are not due for completion until 1984.

Mr PEARCE: The Minister said the building was opening next week.

Sir Charles Court: He did not say that at all.

Mr Grayden: I said, "the first portion of the building".

Mr PEARCE: We all heard the Minister.

Mr Old: Check back through *Hansard*.

Mr PEARCE: One would nevertheless expect an increase for the Library Board—

Sir Charles Court: Why?

Mr PEARCE: Because it is going into a new building.

Sir Charles Court: The new building will not be opened until 1984.

Mr PEARCE: Why then has the Treasurer told us what a great thing he is doing for the Library Board, because it is providing it with a new building?

Sir Charles Court: We are doing that. The Library Board people are very excited about it.

Mr PEARCE: The board should be receiving a bigger increase between now and 1984. Of course the Library Board people are delighted about it and when we come to the Museum, we will discuss its new building.

The point which requires to be made is that last year the Library Board received an artificially small allocation on the grounds that other people were getting a new building. Now the Library Board is getting a new building, but its allocation has not increased. The member for Victoria Park is right to point to the increase provided for the acquisition of books. It is a miserable increase on last year's figure which will not even keep pace with the rate of inflation in relation to book prices.

Mr Grayden: That is absolute nonsense, because the board's revenue will increase.

Mr PEARCE: This is why we discuss the Budget and why figures come forward. For the information of the Minister I point out that, under the heading "Acquisition of books" the 1980-81 actual figure was \$2 311 523 which is to be compared with the 1981-82 estimate of \$2 694 000. That is an increase of a little over \$380 000. When one compares that increase with the magnitude of the figures we are discussing, one can see it does not represent a big increase given the escalation in prices. In actual terms, it probably represents a slight contraction in the number and quality of books which could be purchased in the previous year, and last year was a considerable contraction on the position of the year before. Therefore, we are getting fewer books in libraries each year.

I shall turn now to the cost savings. The Library Board is seeking to pass on some of its costs to shire councils and local authorities which own the libraries and, in many ways, use the library's stock of books. For example, these books, on a rotation basis, were delivered free once upon a time. Now local authorities are being asked to pay for the cost of delivering the books to their own particular libraries. That cost is being transferred from State Government to local government.

This is the revenue-raising measure of which the Minister is so proud. It is not a question of the Library Board raising funds on its own; it is charging local government where previously it did not.

The Library Board also now sells its surplus books whereas previously it gave them to worthy charities. Hospitals and charitable organisations would get cast-off library books for use in their institutions. Now these books are being sold for quite small sums in total terms; but against that fund-raising issue, these charitable institutions, hospitals, and old people's homes are being denied the books they once received free of charge. Therefore, they now have to raise funds to buy

comparable books or go without them. In actual fact, what probably happens is charitable institutions go to the Library Board book sales and buy books; so we are simply transferring State costs somewhere else and someone else has to find the money. That is not a good situation.

The people involved with the Library Board are very unhappy about the position in relation to the funding of libraries in Western Australia. Local authorities are also very unhappy about the situation. The irony of it is that, of all the cultural affairs functions we have in this State, the Library Board is the one closest to the people, because its services are used by most people.

Mr Grayden: It is a very cost-effective service.

Mr PEARCE: Of course, it is, because it hardly costs anything.

Mr Grayden: The more money you give it the better.

Mr PEARCE: I agree with the Minister that the more money we give it the better; but I just wish the Government would give it some more money.

Last year in the Budget the Library Board was treated very shabbily and this year when we might have looked to a more generous allocation, we see the board has an increase which not only barely matches the inflation rate, but also is actually 0.1 per cent worse than the budgetary average of other Government departments.

Mr Grayden: It is not; it is a 13 per cent increase.

Mr PEARCE: I notice all the accountants have fled the Chamber during the course of that exchange and I am not surprised. The Minister does not have any credibility on the opposite side of the Chamber in relation to his dealings with cultural affairs which affect many people. It is easy enough to make millions available for the Art Gallery so the Mosman Park blue rinse set can have their wine and cheese evenings. However, the Library Board needs a better deal. Libraries in this State need a better deal and unless the Government moves towards providing it, it will have the same sort of revolution of people in this area as it has in the area of education at the present time. Then the Minister could say he had managed totally to disaffect all the people in all the areas for which he is responsible.

Division 67 put and passed.

Division 68: Museum of Western Australia, \$3 778 000—

Mr DAVIES: At the university recently someone complained to me there was no history of

geology in this State reflected at the Museum. The person who mentioned this was associated closely with the department there and he said he was very surprised to find there was no mention of the history of geology at the Museum. I understand the Mines Department has a display of some sort at the Museum; but I do not know whether this is generally known to the public at large.

Mr Grayden: The Museum has a fantastic collection of specimens which it uses for display purposes. Because of a rearrangement at the present time they are being stored, but they are available for display and they would comprise the best collection in Western Australia.

Mr DAVIES: I am very pleased to hear that. The Minister is delighting me left, right, and centre tonight. The person, who was fairly well up in that field, was somewhat deflated when he went there to look for some displays and could not find any.

Mr Grayden: It used to be there, but it is not now.

Mr Pearce: It is not a history of geology at all. It is a collection of minerals and stones.

Mr DAVIES: In a State that relies on minerals, one would think the Museum would contain a fantastic collection of them and the people who come here would be able to enlighten themselves at the Museum.

Mr Grayden: They were waiting for an opportunity, I think, to visit them.

Mr DAVIES: If you were to take that back to the Museum and see if they could do something about it, it would be very grateful indeed, because something is amiss. There is certainly nothing on display that one can see. People come here, because of the association of this State with minerals and are unable to enlighten themselves at the museum.

Mr Grayden: I propose to improve it.

Mr PEARCE: I support the member for Victoria Park in this aspect as well. The Museum has not done well in this Budget, either. The reason the Museum does not display a lot of its stock is that there is nowhere to display it. The time for a new building for the Museum is long overdue. I can remember when the current or the latest of the Museum buildings—that seven or eight-storied strange-looking structure appended to the old Museum—was first constructed. Many Western Australians thought at long last steps towards a better Museum were being taken, but we discovered that only two floors were to be used for display, ironically—the bottom and the top

floors—and the rest were to be used for administration, storage, and other things to which the man in the street would not have access.

Indeed, the Museum now appears to display less in terms of its wares than it did when I used to go there as a child when one could have seen large displays of thousands of rocks and minerals. This does not constitute a display on the history of geology in this State in any sense. It is just a collection of rocks and minerals. As the member for Victoria Park has pointed out, there needs to be a co-ordinated attempt to demonstrate the way this State has developed in terms of its earlier geology through to the land forms that we now have and to the growth of animals from early times to the current time. If anyone has an interest in these matters, he should go to that museum in Sydney where they have such a display in terms of models and actual relics and facets of geological growth of the area from the earliest times through to present times, which is of considerable interest. In fact, the Eastern States museums generally are a good hope for what might happen in our own Museum.

Mr Grayden: The displays here are equal to those in any of the other States, and probably in all of the world.

Mr Davies: That is not so.

Mr PEARCE: The Minister is continually saying everything in Western Australia is better.

Mr Grayden: I have visited some of the biggest museums recently in the United States and I can assure—

Mr PEARCE: I am prepared to believe the Minister has visited every museum in the world, but I still say he is not qualified to make that comment because it is one thing to go to a museum and another thing to understand what one is seeing when one is there.

Mr Grayden: I would not be able to improve on some of the displays in the new Museum.

Mr PEARCE: They could be improved simply by providing more space for displays. When I was a child that Museum used to have displays in a very unco-ordinated way. In one room there was one thing, and in the next room there was another thing. There were glass cases with a series of unco-ordinated exhibits in them. Now the Aboriginal section of the Museum has tried to give an impression of the whole culture and lifestyle in the one area by using a combination of large wall figures. It has been done most effectively with regard to Aboriginal culture, and I do not deny it. It has meant that there are actually fewer Aboriginal artifacts on display in the Museum now than there used to be 20 years

ago, but the nature of the display is more effective.

The way in which the Museum in the old building has been renovated—for example, some of the old cells have been done up—is very attractive, but the trade-off for that degree of effectiveness is to limit the areas with which the Museum deals.

It is the new building which the Museum so desperately needs. The point I wish to make, not just because the member for Victoria Park canvassed that issue, is that some museums around the State—I am sorry my colleague, the member for Geraldton, is not here tonight to take this up—run by local government organisations or community groups, have actually attempted to establish special sections of the Museum.

Mr I. F. Taylor: In Kalgoorlie.

Mr PEARCE: And in Kalgoorlie. In the case of Geraldton those involved have ably renovated an old building, but it has nothing in it at all.

Mr Grayden: Again, unfortunately, it is lack of finance.

Mr PEARCE: "Unfortunately, it is lack of finance", says the Minister. As I am not aware of the situation there, perhaps the member for Kalgoorlie will outline it to us. In Geraldton the local community and local government have renovated a large building to provide a display for the people of Geraldton. It has been registered officially as a subbranch of the WA Museum, and has an empty building waiting for displays.

In Perth the Museum does not have enough display space, so this narrows the field of our ever receiving potential exhibits. We have nowhere to exhibit them. Members could ask why these things cannot be put together. We have a surplus of exhibits in Perth and an empty building in Geraldton. The answer is that there are no glass cases or display cases that can be made available. The people in Geraldton have exhausted their fund-raising supplies by providing the building, and the Museum cannot afford to supply the display cases, so exhibits sit locked in the dark in cellars in Perth and an expensive building lays open to vandals in Geraldton. That is not a very satisfactory situation, and the reason for it, as the Minister correctly points out, unfortunately is lack of finance. I interpreted that comment "lack of finance" to mean that the Museum, along with the Library Board, has had a shoddy deal—a bad financial deal—from this Government.

Mr I. F. TAYLOR: The member for Gosnells had demonstrated that one of the real problems facing the museums in Western Australia today is lack of finance. I want to speak on the situation

with respect to the Hainault Tourist Mine. The mine started from local initiative and received strong support from both the mining industry and from the service side of that industry. That support for the Hainault Tourist Mine meant significant displays for the mining industry in Kalgoorlie and the eastern goldfields as a whole. In 1975 the venture ran into financial trouble and as a result, an agreement was signed between the WA Museum and the Hainault Tourist Mine proprietors. The Museum became principally responsible for the surface workings of the mine, while the owners of the mine remained responsible for the underground workings. In fact, the Museum's responsibility extended to the head frame, ore bin, various service buildings, and associated mining equipment.

The agreement between the Museum and the tourist mine proprietors also states that the Museum will restore the assets. The Hainault Tourist Mine itself is responsible for the maintenance of those assets.

Since 1975, in terms of restoring the assets, the Museum has emptied an ore bin which was at that time almost full of ore, and has propped it up; it has painted externally a few buildings, has re-roofed the boiler room, partially restored the exterior of the old Lakewood Woodline office, and has also provided a few scripts and signs around the place for some of the equipment to tell people a little about what the surface workings mean.

The Museum, not so much because of a lack of willingness on its part, but certainly because of a lack of funds, has not been able to do what it should have done in respect of the surface workings of that mine.

The underground tourist facility provided by the mine proprietors is an excellent tourist facility that attracts a large number of visitors to Kalgoorlie and to the mine itself. In fact, in 1982 it is expected that something like 45 000 tourists will visit the mine.

It is something that is unique, both in Australia and probably throughout the world, and is certainly well worth a visit. Tourists would certainly be very disappointed to look at the surface workings of the mine which are not the responsibility of the proprietor, but of the WA Museum.

The operators have spent \$35 000 this year alone in providing a new audiovisual facility and a theatre, a restaurant, and a small Landrover-pulled train to take tourists around the mine site. Lack of funds has prevented the Museum from making any real worth-while progress in terms of renovating it and maintaining the large number of

surface facilities available at the mine. Also no progress whatsoever has been made in setting out displays so they are easy to look over.

The Museum has also been unable to take advantage of offers made to it, because of lack of funds. I refer to two offers in particular. One offer was from the GMK mining people who had a large shed which the Museum could use to store materials. The shed had to be transported to the site. Transportation costs meant that the Museum could not take advantage of that offer. In addition, the Kalgoorlie Mining Associates made a magnificent offer of a full-treatment circuit including circuit crushers, flotation cells, etc.

What it could have done was invite people to visit the mine and see how gold or the gold ore is processed in order to obtain that gold. As things stand at the moment, KMA has to put up with visitors wanting to know how the gold circuit works. If it had been able to build up an operation, tourists could have gone to the mine and seen how the ore was crushed and treated, how the gold was obtained, and how it was extracted—the entire workings of the goldmine.

The Museum has lost the opportunity to capitalise on a magnificent tourist venture and I would dearly like the Government to give some consideration to putting funds into that venture this financial year to give the people some return for the input that has been injected by the proprietors and the people of the eastern goldfields over recent years.

Division 68 put and passed.

Division 69: Perth Theatre Trust, \$132 000—

Mr DAVIES: I reflect some of the concern that has been expressed by the trust mostly in regard to the fact that it does not look after the Entertainment Centre. When the legislation was put through this Parliament I was of the opinion that the trust would look after the major outlets, including the Entertainment Centre, that there was a great desire on behalf of the Government to co-ordinate the activities at each of the venues, and that from time to time it was likely they would be given greater responsibility.

I believe the trust members were disturbed to find that the Premier had indicated that TVW Enterprises Ltd. had a further lease on the Entertainment Centre. I do not wish to be critical of Channel Seven because it has managed its activities there very well, but I would have thought that when the lease ran out the Perth Theatre Trust should have been advised of what was proposed. It would have been a matter of courtesy; but it seems that the lease was negotiated by the Premier's Department and

presented to the trust as a *fait accompli*. I do not know that Channel Seven is all that interested in running the Entertainment Centre because I believe it could be a headache and a great cost at times; however, by the same token a further lease has been taken and they are looking forward to placing a lot of bottoms on seats during that lease.

It is the job of the Perth Theatre Trust to co-ordinate activities related to theatres, and does so well in relation to the Perth Concert Hall and His Majesty's Theatre.

I must say that His Majesty's Theatre has worn well. We should have been critical of the Government because of the amount of money that was spent to restore it. The cost was approximately 100 per cent over the budget, but by the same token the people who go there are very charmed with the theatre; it certainly is a fine place. It is probably one of the best in Australia.

I express my disappointment that the Entertainment Centre has not been given to the trust to look after, because I think the trust has done a good job with the Concert Hall and His Majesty's Theatre. The expertise of the trust would have been helpful in co-ordinating the control of the live theatre outlets in Perth.

The Government has not treated the trust very well and although I do not wish to enter into any argument about the competence of Channel Seven to handle the Entertainment Centre, I do feel that there are other entrepreneurs in the city who might have wished to have the opportunity to place a bid for the Entertainment Centre if given the opportunity.

Mr. GRAYDEN: I think it was generally agreed that the Entertainment Centre would come within the ambit of the Perth Theatre Trust. Talks have taken place recently in respect of this matter at the Premier's instigation, and I believe the talks are progressing quite favourably. I know that the Perth City Council and the Perth Theatre Trust are very anxious that the aims be achieved.

Division 69 put and passed.

Division 70—Rural Youth Movement Council, \$248 000—put and passed.

Division 71: Western Australian Arts Council, \$2 234 000—

Mr PEARCE: Some members may be aware that the people involved with the arts magazine *Artlook* have started a campaign against the WA Arts Council and stated that the proportion of money spent on administration is increasing and the proportion of money spent on subsidies to groups promoting artistic endeavours is

decreasing. There is some truth in that statement although I do not associate myself with some of the rhetoric which has been used to put forward those points.

Of course when any bureaucracy is set up, expenditure is necessary for its proper administration, so money is required for that purpose; however, it is equally true to say that given that fact certain funds should go to groups for the development of their artistic endeavours.

I wish to make the point that in the art scene in Western Australia there does not appear to be much growth. Because the centre in Perth is small, there is a degree of infighting and bitchiness which is unfortunate and most damaging and it seems for that reason the *Artlook* magazine was not given a grant this year. This magazine is unique in its way and does a fair amount for the arts in Western Australia. It is a magazine which would be worthy of a grant, but it seems, from the allegations of the people involved, that they were denied a grant on personality grounds because they were critical of the WA Arts Council.

The magazine was critical of the Literary Fund which is doing its best to become as far removed from the Arts Council as possible. I suppose people like to go on their way so that they receive as little overview as possible. The Western Australian art scene is not healthy and in part the level of funding it receives is responsible for this.

The Australian council which is a much more professional organisation and has greater resources than the Western Australian Arts Council, is starting to move towards the withdrawal of funding from some of the Western Australian institutions which previously received funds from the WA Arts Council. One instance is the Hole in the Wall Theatre which was a very innovative theatre when it started and it has done a lot for the theatre scene in Perth. That theatre has existed in the past on the money it has raised from ticket sales, but it is simply not making its way because it has only 160 seats. On the grant it receives from the Western Australian Arts Council and from the Australian council it is able to employ a small number of professional actors and provide a high standard of theatre. Now the Australian council has withdrawn its funding altogether and the Western Australian Arts Council has agreed to the theatre spending its annual grant in the first six months to keep going, but after that it is curtains. That will be the case, unless something miraculous happens.

The Arts Council grants go to three or four large recipients which are entitled to those funds:

The ballet company, the opera company, the National Theatre, and the Playhouse. Those use up almost two-thirds of the total amount of funding which is available in this State for arts.

That degree of institutionalization is not good for Perth because there is very little encouragement or provision of facilities for artists who in a whole range of areas wish to make their marks. I made comments previously about the lack of incentive for film making. There is no incentive for writers because there is very little chance of publication or presentation of their works through theatres and films.

The talent of Western Australia is forced to go to the Eastern States or overseas and I think this talent drain is unfortunate. The Arts Council should set out to prevent that. The Australian Council was set up by the Whitlam Labor Government.

Mr Davies: It has been bastardised since then.

Mr PEARCE: The Australian council has changed since then; nevertheless, the Arts Council still does a job of sorts, but not as well as it might have done. There is a need for the Government to play a role with regard to arts in Western Australia.

I suppose the first question is: Should the Government have a role in the arts? That is a legitimate question because artists can become very dependent upon Government subsidies which may not produce an attitude which is good artistically. However, there is a need for some Government participation in arts to provide grants for facilities for artists, in order to allow them to bring out their own artistic expression.

For example, film making is very lucrative in Australia and throughout the world. Money should be made available to people who have the ability to write for films and television. Film making should be supported in Western Australia because it is an essential part of our State's cultural set-up. The Government ought to look at the provision of facilities to support these people. The Honorary Minister for Industrial Development and Commerce talked about film making in Western Australia and said that everyone knows that interested people go to Sydney.

Mr MacKinnon: I said that the film centre in Australia was Sydney and that that was well recognised.

Mr PEARCE: It is but the implication of the Minister's comment was that there was no sense in WA trying to compete. That is not the case because every Australian city has film-making studios; of course they are not of the status of the

Hollywood studios or those in London, because they do not have the necessary resources. Why cannot the Western Australian Government provide funds to build a large film studio? The cost would be approximately \$3 million to \$4 million, but when we consider the amount of money available for arts in Western Australia we realise that that is small compared with film makers throughout the world.

Mr MacKinnon: Are you saying we should reallocate the funds to this area?

Mr PEARCE: No.

Mr MacKinnon: Where do you suggest we find the \$3 million?

Mr PEARCE: I wonder whether the Honorary Minister understands the basis on which business operates. The Government should not concentrate on giving little handouts to the various areas of the arts. If such a studio were constructed, it could expect a return on its money.

Mr MacKinnon: Do you think people will come here and make films simply because we have a studio? You must be very naive.

Mr PEARCE: The Honorary Minister may be surprised if I told him the name of the gentleman who made that suggestion.

Mr MacKinnon: I know who suggested it; I have spoken with him on the matter.

Mr PEARCE: The man who made the suggestion is very competent, perhaps not in the area of film making, but in the funding of films. I am not simply popping up with a scheme which has not been considered by people involved in this area. A view is held in the industry that a large studio would attract film makers from all over Australia, and that would include the people involved in the industry in Western Australia.

Mr MacKinnon: If they thought they could get a return on investment, those people would build such a studio.

Mr PEARCE: Possibly so, but it is not always the case that businesses do things for themselves. I have already pointed out that film financing in Australia is not structured in such a way that it would permit individual film makers to build large studios. This Government is prepared to provide massive subsidies to industry in order to attract it to Western Australia. We have just spent at least an hour considering subsidies of the order of \$25 million to attract agriculture to the north-west.

For a capital outlay of about \$3 million, the Government can attract to Western Australia a large and well paying industry which would have as one of its clear offshoots the support and

involvement of many people within the arts in Western Australia. It is that combination of arts and business which must be considered; the obtaining of a return on the arts, rather than simply the provision of miniscule hand-outs to artistic groups, which grow to rely on them and which are devastated when, after the passage of a number of years, those grants are withdrawn in the name of economy. I note the Honorary Minister has withdrawn; I do not blame him.

Mr MacKinnon: I have not withdrawn; I am listening to you.

Mr PEARCE: He has withdrawn from the debate. His Government has been very shortsighted in this area. The construction of such a studio would be less costly than the Government's involvement in the Perth Entertainment Centre, in which it has a large interest.

Mr Davies: Which it owns.

Mr PEARCE: The Government did not seek to own it in the first place. In addition, a large film studio has the potential to provide not only a better return on investment, but also an industry which Western Australia needs.

Mr Davies: Is it a fact that the BBC-Channel Seven-Government enterprise has broken up because Channel Seven has withdrawn?

Mr PEARCE: I spoke to the BBC executive who had flown out here to conduct negotiations with the other two parties and he expressed considerable dissatisfaction at what was happening to the joint venture. The Western Australian Film Council seemed willing enough to spend its \$300 000—which did not surprise me because that money has been sitting in a trust account for the last 12 months—and the BBC was anxious to go ahead and had organised a script, directors, and everything else; however, Channel Seven was dragging its feet. I understand the discussions which were due to be held and which the BBC executive flew from London to attend did not come to fruition because the senior officials from Channel Seven did not attend.

Mr Davies: I thought they cried quits.

Mr PEARCE: I now hear from the member for Victoria Park that Channel Seven has pulled out of the project.

Mr MacKinnon: The member for Victoria Park knows more about it than I do; I do not believe that is the case.

Mr PEARCE: The member for Victoria Park is a lot closer to the truth than the Honorary Minister. If the plug has not actually been pulled

on that joint enterprise, it is about to come out unless something is settled rapidly.

Mr MacKinnon: It is like all joint ventures; the various partners must have discussions.

Mr PEARCE: One partner has pulled out. Indeed, if Channel Seven does not make up its mind, the BBC will pull out.

Mr MacKinnon: Are you saying that Channel Seven is pulling out?

Mr Davies: It has been fairly freely whispered in the bazaars that Channel Seven is out now.

Mr MacKinnon: You seem to have reliable sources of information within Channel Seven.

Mr Davies: It did not come from Channel Seven.

Mr MacKinnon: Like hell!

The DEPUTY CHAIRMAN (Mr Watt): Order! It would be a good idea if we concentrated on the Part. I have been quite tolerant with the member for Gosnells, because he has been talking about the film industry, which is connected with the arts. However, I would like him now to confine his remarks more closely to the Part under discussion.

Mr PEARCE: With a little creativity and imagination, and a different approach to the matter, the Government could provide Western Australia with an artistic industry which would actually pay for itself and provide our artists with a whole range of areas in which they could earn their livelihood which they do not currently have.

Year after year the Government doles out proportionately less money to individual areas of the arts, as the arts burgeon in Western Australia, which means we are doing a less and less satisfactory job for the arts. Either we make available significant amounts of money for allocation to the arts—which I am not particularly advocating—or we adopt a much more creative and productive approach, which I am advocating.

My challenge to the Western Australian Arts Council over the next 12 months is to grasp the nettle and instead of just doling out money in a bitchy, personality-orientated way, it should be painting a new canvas for the arts in Western Australia which would require less Government subsidy, but in fact would be in partnership with the Government and the people involved in the arts in this State and produce something which will be productive as well as artistic.

Mr DAVIES: In his peroration the member for Gosnells said exactly what I wanted to say. I hope the Western Australian Arts Council takes a broad view and makes the best possible use of the

limited funds at its disposal. After some 10 or 12 years of existence, the council has developed into something of an incestuous body and tends to look after one little clique to the exclusion of others.

It has not been generously treated in this Budget, with a total increase of only \$202 000. When we take away \$52 000 for the Literary Fund it leaves an increase of only \$150 000 for its activities during the year. Some \$24 000 of that amount is taken up in additional salary costs, \$15 000 of which will be paid in salary to the director over and above last year's figure.

I must congratulate the Arts Council on the appointment of Mr Bruce Lawson; for the first time we have a Western Australian in charge of the Arts Council. I have met him on a number of occasions and I think he is fitting into the picture very well. I am quite certain he will need to overcome some local antipathy towards him because the people who have been running the Arts Council for so long—I refer mainly to the other paid staff—no doubt feel that what they have been doing is the way such things should be done. Adjustments will need to be made in the future.

The council does not have a lot of money with which to play; it cannot go as far as it would like to go and it is regrettable the Government has not seen fit to allocate it more money.

We are very pleased with the standard of productions we see around Perth today. The current ballet production is as good as anything I have seen almost anywhere in the world and the WA Opera Society is putting on some exciting productions which are in world class. The company needs only one or two lead singers, which it generally imports, to have people flocking there in their thousands. In fact, I understand the last production created a record for the number of bottoms it put on seats. The company is to be congratulated.

The company does not rely only on Government funds; it obtains sponsorship for its productions. The Government need not puff out its chest and say, "Look at the wonderful job we are doing", because these people do a tremendous amount for themselves. However, if the Government did not make contributions to the Arts Council, people would be required to pay outrageous admission prices.

The Government has a great responsibility in this area. The money it allocates to the arts is not simply for people to indulge themselves, but to enable a high standard of production to be provided. There are many reasons that the Government should support the arts to a greater

degree. We have left behind the days of amateurish productions, when costumes looked as though they were cut from the dining room curtains. The standard now is very high indeed. I have seen better productions in Perth than in the Eastern States, and some overseas countries. For instance, the D'oyly Carte company which came out last year gave a very poor and lacklustre performance; it did not have the same enthusiasm of the local Gilbert and Sullivan company. The local companies must impress and put on a show if they are to attract people to their productions, whereas the visiting companies are here for only a couple of nights or a week, and move on.

The Arts Council certainly has not been very generously treated. I am pleased to say that the funding from the State Government is more than it is from the Australian Government through the Australian council.

When we consider its annual reports we see that, after taking inflation into account, it has been receiving practically the same amount for the past three years, from 1977 to 1980. When we take into account inflation we realise the situation this year will show no improvement. The graph shows there is a rise each year, but if we relate that to any real increase we find that, in fact, its funding has decreased. The Government should consider providing more money to the Arts Council, not just because it wants to have a pride in Western Australia and what this council is doing, but for the reasons enumerated in its 1979-80 annual report. I quote from that document as follows—

Government expenditure on the arts plays a significant part in:

- providing an enriching stimulus for satisfying leisure time activity while provoking enquiry and concern;
- generating jobs;
- attracting expenditure on transportation, food, hotels and service industries;
- encouraging tourism;
- enhancing social and community welfare, education and regional development;
- providing opportunities for personal satisfaction and a sense of achievement;
- encouraging a balanced growth between personal and material development;
- maintaining the quality of life in communities in remote areas;
- enhancing the prestige and standing of the State;
- overcoming the tyranny of distance and the State's isolation.

However, the Council is now concerned that the pressure placed upon it by increasing demand, by inflation and by declining federal funding has stretched its limited resources almost to breaking point.

Because of those side benefits, which are available to the community at large and not just to the few people who indulge themselves, the Government is making a very wise investment with every dollar it gives to the Arts Council.

This is particularly so when we consider employment. We are training some very fine people in WAIT and the college at Mt. Lawley. They have designed some marvellous sets and their costumes and choreography have been of a high standard. We have some talented local people, but they cannot go forward with limited funds. I would like to quote the following article about an interview with Dr Hadyn Williams, the Chairman of the WA Arts Council—

He said during the weekend that a three per cent reduction in real terms of the council's funding from the State Government, coupled with a 12 per cent reduction in real terms in federal funds to the Australian Council, put increased pressure on arts organisations already operating on minimal funding.

Many of these organisations endeavour to raise funds themselves and they are to be applauded for this. Nevertheless, because of the great benefits that can come to the Government for each dollar it invests in this area, it should try to do better than it has in allowing a 3 per cent reduction in the amount of funds made available to the council.

We could face the situation where many of our very fine theatres of various sizes will be closed for longer periods than they are closed now. The council has a very difficult job to do. It has to examine its own operations and ensure that it does not become incestuous. I am delighted that its new director is a Western Australian by birth who has returned from overseas to give us the benefits of his talents. I hope he receives the support for all that he proposes to do to improve the work of the Arts Council. I wish the Government could do better than it is doing at the present moment.

Mr GRAYDEN: I agree with the member for Victoria Park that it is a great pity more money is not spent on arts in Western Australia. I agree also that the Arts Council has been placing emphasis on sponsorship for local art groups. It has been trying to induce the various groups to seek a greater degree of sponsorship in order to augment their funds. The WA Ballet Company

has been particularly successful in obtaining sponsorship, as has the Art Gallery.

I agree also that the standard of production here is extremely high; it is professional in every respect, and is the equal of standards in many overseas countries.

The member for Gosnells cited certain figures which appeared in the *Artlook* magazine. The figures were quite false. They perturbed me and so I obtained the correct figures which show that the differences were quite startling. I had intended to circulate the figures, but I did not manage to do so. Nevertheless I have them here if any member is interested to see them.

Mr Pearce: Those figures were misleading, but do you accept their basic premise was accurate in that, proportionally, more is being spent on administration and less on grants?

Mr GRAYDEN: The figures might show that is slightly true. Last year individual grants numbered 208.

The Arts Council is very hard pressed for funds. It has certainly been subjected to some quite libellous allegations by *Artlook*. There are a huge number of groups seeking funds from the council. The Government has always taken the attitude that it should keep at arm's length from the council; it does not wish to intervene in the council's activities. The Government is satisfied that the council is making allocations in a very responsible way.

Division 71 put and passed.

Division 72: Youth, Sport and Recreation, \$3 711 000—

Mr WILSON: The Government's proposal to offload 50 per cent responsibility for funding recreation officers onto local government authorities as from next July has raised a number of concerns. Vague statements by the Minister will do nothing to disabuse those concerns, especially those held by people in local government areas who are anxiously looking at the Government's proposal. I refer to a statement in the *Daily News* of 17 November where it is reported that the Minister said—

The Government acknowledges that recreation officers provide a valuable service for the community at a local level. This is the precise reason why responsibility for their employment should be transferred to local government. This would not adversely affect the department's range of services to local government.

Such statements put out by the Government's public relations machine may mean something to

the Minister, but they mean nothing to the community at large. Worse still the impression they give is that, once again, people are being treated as though they are fools. Responsibility in these issues means nothing if it does not mean responsibility for funding.

Recreation officers employed by small local authorities that cannot even afford to employ shire engineers and which, after next July, will be forced to decide whether they can afford to fund half the cost of the services of a recreation officer, will be in a very serious situation.

We have already learned that a group of shires in the south-west have been forced into making such a decision. This has been confirmed by the shire clerks of Boyup Brook and Donnybrook-Balingup. Those shires decided they could not afford to continue the scheme under the Government's new proposed arrangements.

The total bill of \$10 000 incurred by those shires was more than they could afford and it is no use the Premier declaiming their action by saying they are jumping the gun and that if only they were prepared to wait a little longer something could be done.

The fact of the matter is that not only are those small local government authorities—and many are in the metropolitan area as well—having to face up to that situation, but also the recreation officers themselves are having to consider their future employment prospects. They are not all young men; many have families and cannot afford to be worrying about future employment prospects and cannot afford to be facing a situation where they will have to accept large reductions in salaries.

In view of some discussions that have taken place involving officers of the Public Service, it seems that these recreation officers might possibly be offered alternative employment in the Public Service. However, this will be only in the form of positions of C-IV clerks and they can expect to suffer decreases in salary of up to \$6 000 a year. How can any family man accept that situation?

Mr Grayden: I agree, it is quite unsatisfactory.

Mr WILSON: I am glad to hear the Minister agree. I hope the fact that he agrees means he and the rest of the Government will ensure the situation does not occur. I would be very much relieved, and I am sure the people concerned would be very much relieved, if they obtained a definite assurance at this stage from the Minister and the Premier that this situation will not occur. What those people need at this stage is a definite assurance about their future employment prospects. They do not need snarling and caustic

remarks from the Premier to the effect that he is not prepared at this stage to give an assurance.

Something always must be said about the impracticability of the proposals as local government authorities perceive them. The view of local government authorities in regard to funding arrangements for social welfare officers is that they have little or no confidence in the continuance of the funding arrangements shared by the Commonwealth Government and the State Government. For instance, funding for social welfare officers was first made available on the basis of \$2 for every \$1 provided by local authorities. That subsidy was cut subsequently to \$1 for \$1, and local government authorities are faced with the prospect of a further reduction to 25 per cent of the subsidy provided by the Commonwealth and State Governments. What confidence can these authorities have in the State Government's continuing its funding at 50 per cent for recreation officers attached to local authorities? Some comments have been made and certain reports given of a meeting held a few weeks ago involving representatives of the Public Service Board, the Department of Local Government, the Treasury, and the Department for Youth, Sport and Recreation.

The question of subsidies was raised and statements were made to the effect that the State Government's 50 per cent subsidy may operate for only another 12 months. Certainly I feel that the local government authorities and the recreation officers concerned are entitled to some assurance, but it has not been forthcoming. It is not satisfactory for the Premier and others in the Government to say, "Well, local government should be able to afford it; local government is now getting a greater share of Federal funds". The fact of the matter is that local government is, and always has been, the level of government hardest squeezed for funds. It is fatuous for the State Government to try to make a case along the lines of local government being able to afford to pay more.

Local government is pressed as tightly for funds as is the State Government; in fact, even more so. The areas it can look to for augmentation of its revenue are indeed restricted. The situation varies so much from one local government area to another that it is totally unjust to impose an across-the-board requirement. Many local government authorities no doubt could afford to take on a greater share of funding for recreation programmes; however, others if they are required to take on this greater share will be placed in desperate straits. They are the ones to which I have already referred and which will be forced to

forgo the services of recreation officers. We will be left with an uneven distribution of that service throughout the State. We will have a situation in which the local government authorities with a greater capacity to raise their revenue will go on being able to afford recreation officers, while others less able to do so—ones which cover areas in which the lower economic strata of the community exist—will have to forego their having recreation officers and will have to regard recreation officers as a luxury.

It is highly inappropriate for the State Government to withdraw from its responsibility to provide funding for recreation at a time when we hear about the increasing age of the population, an increasing number of people with more time on their hands, and more leisure time for other people in the community. It is the least appropriate time for the State Government to withdraw from the responsibility of funding for recreation officers.

Of course, it is the small authorities which stand to lose the most. For example, we do not have to look to the country to find small authorities in this situation. In the metropolitan area two local government authorities currently share a recreation officer. I refer to the Bassendean and the East Fremantle Town Councils which currently share one recreation officer although they are separated by some distance. I ask members to consider, for instance, the problems of the Bassendean Town Council which has responsibility for the Lockridge area—a State Housing Commission area; a low income area—which has a population of 10 000.

What will happen? How can that council increase its rates to provide the necessary funds to make up for the 50 per cent funding of a recreation officer now paid by the State Government? An area like Lockridge has more need of a recreation officer than others, but it will have to face the problem of going without a recreation officer whereas more affluent areas which are able to draw on deeper and wealthier resources will be able to continue to employ recreation officers.

It appears to me and other members of the Opposition that a greater degree of injustice is built into a system like that and moves such as the one to which I have referred.

It is high time the Government came out with a definite statement to show it will provide a greater measure of assistance to local authorities, particularly small local authorities, in relation to recreation officers so that these authorities have some hope on which they can plan for the future.

The present situation is totally unsatisfactory and one that should be not allowed to continue for much longer.

I will move from the area of recreation to the area of youth affairs which is a very much neglected area in the Estimates before us. To my mind this neglect is unwise. Coincidentally, last week a major report was issued by the Federal Government inquiry into the health of adolescents, a report which provides us with some disturbing information. It indicates there have been increases in suicide, drug abuse, abortions, pack rape, and a tendency amongst teenage girls to become pregnant so that they can qualify for welfare payments and thus gain independence from their families. These statements make grim reading.

In that context widespread reference has been made to unemployment as the target to determine a cause for the problems of youth. I do not think many people in the community, or members on either side of this Chamber, would deny that the level of youth unemployment is probably the major factor responsible for the present situation affecting so many of our young people. We need to take a much deeper look at the problems affecting that important segment of our population. These problems are appearing more and more, and they appear to be intractable. They are becoming the sort of problems that more and more adults in the community are not prepared to face; the sort of problems which more and more adults in the community are more and more afraid of; and the sort of problems which more and more adults in the community believe are without solution.

We hear all sorts of reasons to explain what is happening to young people, and we hear frequent reference to problems of alienation as being the description of experiences felt today by many young people. One analysis of the situation has put it this way—

... there is a well understood and identifiable teenage subculture. This is an international phenomenon, the reasons for which are complex. No longer is it a matter of children and adults except in fast disappearing primitive cultures. All over the world and in particular in the industrialised technological societies there is an in between stage and it is growing longer. Earlier puberty at one end and the need for further education and training at the other are stretching this no-man's land. There is a generation gap which is ideological as well as social. Young people are growing in an atmosphere of anomie (the absence of agreed norms in society)

which was not true for their parents. The segregation of the young (in school, youth centre, college) artificially separates and isolates them from the wider adult world to an alarming extent.

In the Australian context the situation was referred to in a report on youth needs and public policies which was published only a few years ago under the auspices of the Australian council for education and research. The report discusses the danger of excluding and underestimating the forces running counter to the active participation of youth in community life. It stresses the importance of providing opportunities for youth to feel needed by adult society by being given the chance to participate in activities which are recognisably socially useful, accompanied with the feelings of belonging and responsibility in regard to growing adult status. This phenomenon has taken many forms; it has taken the form of increasing youth homelessness in our community, and it has taken the form of what some youth workers describe as an alarming proportion of young people "hitting the streets".

Last night I attended a meeting of the Perth Inner City Youth Service Council at which a street youth worker gave an estimate of the high percentage of young people—youths in their adolescent years—who, in response to problems at school, at home and at work, are "hitting the streets".

Youths roam the streets at nights and at weekends. In fact this occurs not only in the inner city areas but also in the suburban areas. People from the suburbs will talk in very puzzled terms about the problem that exists. A large number of young people spend their time walking around the streets at all hours of the day and night, and particularly at night. This puzzles, confuses, and worries people. This is not only confined to the inner city, the housing commission suburbs, or any of the suburbs that have a marked social problem, but it also occurs in all suburbs, and even in those suburbs which people consider to be affluent. Many of these youths come from respectable homes.

Mr Davies: What is respectable?

Mr WILSON: The member for Victoria Park says "What is respectable". I use the term in its common sense way; I do not wish to make a judgment in my own terms about what might be respectable and what might not be. This is a phenomenon that is worrying people and unfortunately one they do not understand. It is the general belief in the community that these young people should be at home studying, doing

their homework, and engaging in—I use the term again—respectable activities. It is also considered they should be engaging in youth club activities or in some other acceptable form of activity, but what are they doing? They are hitting the streets.

Society, governments, government departments, and adults in general are very puzzled by this phenomenon, which results in high rates of vandalism and destruction to property—something that is worrying society and the authorities.

Vandalism, which often appears to be a mindless action carried out for no apparent reason, is a worrying problem to our community. There are many people who despair of any real solution to it. Vandalism becomes very costly and impinges on the rights of many people in our society. It appears to me that Governments and adult communities need to put a great deal more thought into what should be done.

Last night the same youth worker was describing his views about the community in a city such as Perth and in a State like Western Australia. He said that there was still time to do something about it and to put our minds to worthwhile solutions. When we look at what has occurred in the United Kingdom during the past year—the mindless violence which has resulted from demonstrations and riots—and compare it with the situation here, we find that nothing like it exists and we certainly hope that it never will.

There are youth workers in this community who believe that unless we examine the situation confronting youth in our society, in the very near future—in 10 years' or so—the events occurring in the United Kingdom will be repeated in our society. At that time the degree of alienation may be such that the young people here will reach breaking point, as has been seen in the U.K.

In some areas authorities are already giving attention to these problems. I mention, of course, the Perth Inner City Faith Fellowship which comprises a group of welfare workers, church workers, and social workers who have formed a coalition. This group has managed to contact many of the young who are wandering the streets of the city by setting up the Cave Drop-in Centre in Murray Street. The team of workers have sought to create an atmosphere which is attractive to young people, and they have had a large measure of success. However, they have to run largely on charity and their running costs are in the order of \$300 a month.

In terms of grants, the group receive from the Department for Youth, Sport and Recreation an amount of \$2 000 per annum which is

circumscribed; it is available only for administration expenses and not for salaries. The group is faced with the problem that the grant may not be extended. It is not much use having a grant like that when one is considering a long term project such as this.

The problem that we have in relation to our youth exists not only in the Perth metropolitan area but also in the country areas. Last year, a project set up in Cunderdin with an Outreach youth worker had a fair measure of success. A similar service will be set up in Kellerberrin and consideration is being given to funding a youth worker in Port Hedland next year. It is interesting to read the submission that has been prepared to show there is need for a youth worker in Port Hedland. A public meeting in Port Hedland found that the youths willing to be organised are sufficiently catered for by sport and youth groups.

Figures indicate that youth represent, at the most, 20 per cent of our population. For instance, it was found in the Shire of Wanneroo—which spent \$4 million on community recreation centres in one year—that community recreation centres were used by only 2 per cent of the population and the adolescent youths who used those centres represented only 5 per cent of that 2 per cent. Therefore we can certainly say that many of those resources are reaching a very small percentage of that segment of the population.

Mr Davies: Do you think the money is spent in the right direction?

Mr WILSON: If it is meeting the needs of such a small percentage of the population it appears that the situation should be investigated carefully. Certainly future expenditure and projects should be investigated in terms of services and facilities.

Mr Davies: It is hard to know how best to spend it.

Mr WILSON: I am talking about this year's Estimates.

I refer back to the situation which exists in Port Hedland. The public meeting established the further points—

unattached youth, that is, youth not willing to be organised, form a significant percentage of the youth in Port Hedland Shire;

vandalism against property is increasing;

unattached youth feel worthless and alienated from the community;

youth are mobile and hard to get close to;

the community and family support within new towns are minimal due to lack of extended family relationships; and

the future of many unattached youth is in precarious balance, with community attitude being the decider.

Certainly the Port Hedland Shire is taking the situation seriously; I understand, it has already committed itself to \$2 000 towards the funding of a street youth worker, and it will be looking towards funding an Outreach youth worker next year. The value of these Outreach youth workers has been recognised for a long time in the United Kingdom and also in Victoria. In Victoria a number of Outreach youth workers are employed through the State Department of Youth, Sport and Recreation. The value of Outreach youth workers has also been recognised in South Australia, where the department of youth services has encouraged community groups to become the management support for street youth workers in that State.

The scheme has also been recognised in Newcastle, New South Wales, where I understand four youth workers have been employed. In Brisbane four youth workers have been employed.

In the Perth metropolitan area I understand the only street youth worker is one who works in my own electorate—in the Balga, Girrawheen, and Koondoola areas—and who is funded by the Balga Presbyterian Church. He is a very dedicated young man and has had a great deal of success with the youth in that locality, not only with those who are homeless but also with those who have hit the streets for all sorts of reasons. Some of his work has been documented in a research project report known as "The Young and Homeless of Perth", in which it has been recorded that this person, Howard Sercombe, who resides and works in the areas I have referred to, has been able to develop a meaningful relationship with unattached youth who clearly identify him as an adult friend whom they can trust.

That is the sort of role being served by these street youth workers who are skilled. They are able to relate to young people, to be a resource to them, to refer them to the services they need; and, in the long run, they are the sort of enabling adult whom young people in those situations and with those problems really need.

It is high time that the Department for Youth, Sport and Recreation in Western Australia saw its way clear to having a serious look at the need for funding a number of street youth workers in this State—youth workers who can begin to come to grips with many of the problems to which I referred when I spoke earlier.

I know that the director of the department has been in contact with Mr Sercombe and has quite an understanding of the value of street youth workers. I hope that, as a result of the concern on his part, the Government and the Minister can be convinced that, in this year at least, some more thought and more funding can be made available to enable such a programme to be extended in Perth, in the suburbs of Perth, and in the regional centres throughout the State.

Mr GRAYDEN: The subject of youth is an extremely large one. Therefore, I will not deal with it except to say that I have listened with interest to many of the views expressed by the member for Dianella. I assure him that we will give them further consideration.

He mentioned earlier that considerable concern was being expressed by the recreation advisers. I realise this. There are a number of fairly unsatisfactory features of the present proposal. I assure the member that discussions are taking place in respect of the objectionable features of the present proposals. I hope that to obviate those objectionable features a scheme can be devised along the lines suggested.

I appreciate the concern of the recreation advisers. I hope they will not be unduly concerned. If they were, they would be jumping hurdles before they came to them. I assure them, through the member for Dianella, that the Government is treating the matter urgently. We hope to arrive at some sort of solution, if not next week, certainly the following week.

Division 72 put and passed.

Divisions 73 to 80—Lands and Surveys, \$15 051 000; Bush Fires Board, \$1 041 000; Kings Park Board, \$1 218 000; Zoological Gardens Board, \$976 000; Forests, \$22 876 000; Local Government, \$1 103 000; Keep Australia Beautiful Council, \$167 000; Town Planning, \$3 424 000—put and passed.

Division 81: Chief Secretary's Department, \$1 349 000—

Mr PARKER: This Division covers a multitude of sins, and I intend to deal with a number of them this evening; but I will try to keep my remarks relatively brief.

One of the areas of operation of the Chief Secretary and his department is that of censorship. Some time ago, considerable publicity was given to the fact that the Chief Secretary had banned in Western Australia the showing of the film *Caligula*.

In Western Australia we have an Act which gives the Chief Secretary the power to make a

decision with respect to a film which already has been allowed into Australia and which has been classified for viewing under one or other of the classifications by the Chief Film Censor. Of course, that is currently Lady Duckmanton. I would not imagine she is a person of lewd tastes. Indeed, she is a considerable person in the community, and is probably very highly regarded.

Mr Hassell: She is only one of a board.

Mr PARKER: She may be only one of a board, but she is the Chief Film Censor.

A large number of films come into Australia each year, and many of those films are given an "R" certificate by the Chief Film Censor. Some of them are given an "R" certificate without alteration, and others are cut before they are allowed to be shown with an "R" certificate.

The film *Caligula* was cut before it was allowed to be shown in other parts of this country. Indeed, the version which is being shown in other States is the version which was approved for release in Great Britain.

We see a tremendous inconsistency between the attitude of the Chief Secretary to this film and his attitude to other films. I am not able to explain the inconsistency, although a little later I might suggest a hypothesis as to why this attitude has been taken.

I took the trouble to refer to *The West Australian* of the last few weeks to learn the sorts of films that are being shown in Western Australia. I was not particularly concerned about those being shown in hard-top cinemas; I was looking at those being shown at drive-in theatres, because the drive-ins are places which are generally accessible.

One reason that the drive-ins are accessible is that people come in cars, and it is difficult to determine whether the people in the cars are over the age of 18 years. Of course, a requirement regarding an "R"-certificate film is that people must be 18 years old to be permitted to see it.

The first problem is that people may go into drive-ins when they are under the age of 18 years, as I am sure very many of them do. Secondly, many drive-in screens are able to be seen readily from the road. It is easy for anybody to drive past or park outside a drive-in and see the screen. As one goes along the road, one sees people parked outside the drive-ins watching the films from the roads. In the case of some of the "R"-certificate films, I would not imagine that not being able to hear anything would be a particularly great impediment to one's appreciation, if that is the word, of the film.

I wish to give a resume of the "R"-certificate films showing in the drive-ins in the Perth metropolitan area. I repeat that these are being shown at the drive-ins, not at the hard-top cinemas. The films include *Erotica*, which is described as "a film to set your fantasies on fire"; *Twenty Seconds*—"you explode"; *The world is full of married men*; *Vanessa*—"she starts where Emmanuelle left off"—

The DEPUTY CHAIRMAN (Mr Blaikie): I hope you can relate this to the Chief Secretary's department.

Mr PARKER: Very definitely. The Chief Secretary is in charge of film censorship.

The next film is *Can I do it till I need Glasses?* That has been approved by the Chief Secretary to be shown in a drive-in in Perth. Other films include *Naughty Nell* and *Big Dick* and *Blue Summer*. These are the films showing at the moment.

Last Saturday, the films *Young Lady Chatterley* and *High School Fantasies* were showing. Two or three weeks ago, "R"-certificate films showing included *Hitch-hike*, *Fantasies Pour Couples*—I suppose that is supposed to be French—*The Lustful Vicar*, *Swedish Nympho Slaves*, *Wild Honey*, *Legend of the Wolf Woman*, *Game of Death*, *Clockwork Bananas*, *Untamed Sex*, *Naked Teenager*, and *Love Camp*.

As I have said, the drive-ins are readily accessible to young people, and it is very difficult to police the people going into drive-ins. Indeed, I am not aware—and the Chief Secretary can correct me if I am wrong—of any prosecutions of under age people attending drive-ins. However, the Chief Secretary says that in no cinema in Western Australia can people see the film *Caligula*.

The reviews of that film which I have read in reputable international magazines such as *Time*, *The Guardian*, and various other publications of that nature, indicate that the film *Caligula* is not one that anybody in this Chamber would want to see. The report produced by the Chief Secretary, which was prepared by the State advisory committee on publications, indicates that those descriptions of the film are probably not inaccurate.

I say categorically that I have no desire to see the film *Caligula*. I am sure many other people in the community also would not have that desire. The point is the Chief Secretary is prohibiting anyone from seeing *Caligula*. In other words, the Chief Secretary is removing the basic right of

people to make a positive decision not to see the film. At the same time, he is allowing the films which I have just listed to be shown in drive-ins where they are readily accessible. Indeed, the names of some of the films, as we have just discovered, are hardly conducive to good morals, let alone the films themselves.

What is the reason for allowing a film which is called *Can I do it till I Need Glasses?* to be shown at a drive-in cinema, but not allowing a film like *Caligula* to be shown in a hard-top cinema?

It seems to the Opposition—on this matter I am speaking on behalf of the Opposition which has made a policy decision in this regard—that there are grounds for imposing the normal restrictions accorded by the censor on those films which can be shown in drive-in cinemas.

I would be more than happy if the Chief Secretary were to use the powers he has already in order to advise these film exhibitors that they are not allowed to show some of the films I have mentioned in drive-in cinemas, but rather that they be shown in hard-top cinemas.

It seems to me the decision needs to be made that, if the Commonwealth film censor has determined a film is suitable with the appropriate modifications to be shown as classified in Australia, that ought to be sufficient reason for the legislation to provide that film can be shown somewhere in the State and that it will not be banned totally. It must be remembered that film has been through the Commonwealth censorship process already.

The Opposition's policy on this matter is that if it were in Government some of the films which I have said are being shown in suburban drive-ins would not be allowed to be shown there, but there would be no film which had been passed by the Commonwealth film censor which would be banned completely from being shown in Western Australia.

In other words, our ban would be directed not at the showing of the film which could be shown at a hard-top cinema where it is easy for the proprietor to watch the people going in and out and there is no danger of someone driving or walking past and seeing what is going on on the screen—they have to pay their money and be vetted as they go in the door—but rather, if we were in Government, a film such as *Caligula* censored as it has been by the Commonwealth film censor, would be allowed to be shown, in a hard-top cinema.

However, neither *Caligula* nor some of the films I have mentioned which are being shown currently in drive-ins, would be allowed to be

shown in those drive-ins. That seems to be a much more sensible policy than that adopted by the Chief Secretary who has totally banned the showing of the film *Caligula*. If a film already has been through the Commonwealth censorship process, if it has been cut, certified as being suitable for one or other of the classifications of exhibition, and if it is here and exhibitors are wanting to show it, they should be told they can show it, but in a hard-top cinema and the police must do their job to ensure that the exhibitor prohibits people under the age of 18 years from entering the cinema.

I would hazard a guess far more harm is done when people go to see some of the films I have mentioned in a drive-in—and some of the people seeing those would be subject to far more harm than would people who make a positive decision to go to a hard-top cinema—than there would be if we followed the policy I am enunciating.

If we were in Government, all those films would be allowed to be shown, but they would be available in a place where, in order that a person might see them, he would have to make a positive decision. There would be no danger of a person who has not made a positive decision to see the film or a child under the age of 18, seeing the film by accident.

The Chief Secretary's policy on this matter is quite wrong. I endorse the editorial which appeared in *The West Australian* after the Chief Secretary announced his policy which indicated it was a very dangerous one upon which the Chief Secretary had embarked. It seems the fundamental policy which we are adopting is that people should be able to see the films of their choice, irrespective of what I might think, or what the Chief Secretary or his committee might think of them. The restrictions which need to be imposed are those which affect the place of viewing, so a positive decision has to be made by a person to go to see a film, and there is no chance of under-age people seeing it.

The Chief Secretary is being totally hypocritical in regard to this matter. The film *Caligula* has received a great deal of adverse international publicity. One of my favourite authors who originally did some work on the script, completely disowned the final product. I have no reason to doubt what he said about it. I am sure all that has been said about the film, in terms of what it contains, is quite correct and I do not argue that point.

I am simply arguing that it has been through the Commonwealth censorship process and it ought to be shown in this State as are all the other films which have been through that process. The

power of the Chief Secretary, either in terms of discretion or a change to the legislation, ought to be confined to a determination of the films to be shown in hard-top cinemas as opposed to those which are to be shown in drive-ins.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I suggest to the member for Fremantle, if he wishes to continue to speak to this Part, he should do so, but now he is starting to go over ground he has covered already, and I suggest he make progress.

Mr PARKER: I have finished that point and I am making progress. Perhaps in some ways it is hardly surprising the Chief Secretary would have chosen this film on which to exercise his censorial powers, because *Caligula* himself—the man about whom the film was made—has certain similarities to the Chief Secretary.

Caligula was not the real name of the emperor concerned. His name was Gaius Caesar Augustus Germanicus. However, as a small child he was nicknamed "*Caligula*" because, according to the various reference books in the Parliamentary Library, translated *Caligula* means "*Little Jack Boots*". The reason Master *Caligula* was given that name was because of his arrogance and the fact that, when he achieved a position of power, he misused it in a way which was to the detriment of the people with whom he was dealing and also to the detriment of the empire concerned.

We all know the end result for *Caligula* was not very satisfactory from his point of view. He was killed by some of his former supporters; but, in the meantime, he had demonstrated a complete contempt not only for his empire, but also for the people who put him in the position of power he held. It was he who had such contempt for the other senators and for the parliamentary process which was then in operation in Rome—the Senate—that he nominated his horse as a member of the Senate.

Mr Brian Burke: At least they elected a whole horse.

Mr PARKER: It was a whole horse rather than merely a portion of one. Nevertheless, the point I am making is that *Caligula* had a contempt for the parliamentary democratic processes which operated in Rome at the time he was emperor and prior to it. He did not have much to do with it after that; he was dead.

Perhaps it is not surprising the Chief Secretary would have chosen this particular film on which to exercise his censorial powers. It might have been somewhat embarrassing had the film been shown in the State of Western Australia.

While I am referring to the Chief Secretary's department, I should like to point out approaches have been made to me by quite legitimate, reputable newsagents operating in my electorate who have had experience with the Indecent Publications and Articles Act. One of the constituents with whom I have had discussions was prosecuted recently pursuant to section 11(5) of that Act for having on display, for the purpose of sale, restricted magazines. As I understand it, this constituent, and another newsagent in Fremantle, are the only ones who recently have been prosecuted for this offence, although many other newsagents have identical magazines on display.

No caution or warning was given to this newsagent by members of the Liquor and Gaming Squad before they seized the magazines and commenced proceedings against him. Some six weeks prior to the date of the particular offence—I can give the Chief Secretary the details if he wishes—members of the Liquor and Gaming Squad assured the newsagent concerned his premises were being conducted in accordance with the Act. In other words, they made an inspection and told him he was conducting his premises in accordance with the Act.

I understand the Chief Secretary's Department has a procedure whereby it has a list of publications classified under the Indecent Publications and Articles Act. I have volumes 3 and 4 of the list of publications so classified. Volume 3 operates from 1 January 1979 to 31 December 1979 and Volume 4 goes from 1 January 1980 to 31 December 1980. Apparently these publications are not a cumulative list of magazines which are banned or restricted. They are a list of such publications which are banned or restricted in any one year.

I have copies of the two volumes of lists concerned and the position is very unclear even on the face sheets. I do not have any argument about what is and is not classified, but the face sheets for which the newsagent, and others like him, pay approximately \$25 a year, do not make the position clear that the publications involved are indeed only those which have been classified in the year concerned.

I shall take the reasonably tame example of *Penthouse* magazine which has been banned. It contains a number of issues which includes those from prior years which have been banned or placed on restricted publication.

The newsagent concerned felt he was entitled to expect that the 1979 list or 1980 list—whichever

it was with which he was dealing at the time—was the list of those publications which he had to treat as though they were restricted. He did not realise he had to look through every volume and add them all together. In other words, he assumed it was a cumulative list, but it was not. It was only a list of those dealt with during the course of the year. The position on the face sheet of the publication sent out is very unclear. It is hardly surprising to me, looking at the volumes with which the newsagent has provided me, that he would be of that opinion. I am sure he was honestly of that opinion. The man concerned has been in the newsagency business for a number of years. I do not think there is any question that he consciously breached any law. In fact, he was concerned to make sure that he had been abiding by the law.

When the case concerned was heard, Stipendiary Magistrate Mulligan indicated that if he had a discretion in this matter he would not have imposed a penalty, but under the terms of section 11(5) of the Indecent Publications and Articles Act and section 669 of the Criminal Code, he could not use them to dismiss the charge. There still appears to be a deficiency in the Act, especially in the case of a person who is held to have been reputable over a period of time.

The man concerned is not worried about the \$30 fine that he paid, nor about the \$45.70 court costs he paid, but about the slur on his reputation and his record which has been caused by this conviction.

The other matter that the newsagent concerned brought to my attention was the need for him as a newsagent, particularly in a port city—Fremantle, of course, is one—to supply magazines of this nature. Many of his clients are sailors from all sorts of ships which come to port and they tend to select magazines of this nature from display counters. In many cases, they cannot speak English at all, or not particularly well, and are not in a position to make requests in the manner envisaged by the Indecent Publications and Articles Act.

I acknowledge there is a problem and a need for the Indecent Publications and Articles Act; indeed, the most recent amendments to it were made by the Tonkin Government, but the point is that the Act is in need of review. I understand the need to prevent minors from gaining access to publications of this nature. If one looks through volumes 3 and 4, which I have done in a cursory way, one will see precisely why it is necessary to restrict minors from seeing these publications or

being able to flip through them in the way they would be able to do if they were normally displayed on shelves. That does not overcome the problem that the newsagent has who does not want to turn his shop into a sex shop by having these freely available over the counter.

I understand the problem of infants browsing through magazines of this type is overcome in South Australia by a statutory requirement that such magazines be displayed for sale in a sealed plastic envelope. As I understand it, it is a semi-opaque envelope which is supplied with the magazine, as a wrapping around the magazine, by the very distributors who distribute the magazine in other States and in Western Australia. I would therefore assume that it would be easy indeed for the distributors to supply those magazines in the same way to the outlets in Western Australia as they do to those in South Australia because they obviously have some process which enables them to wrap these magazines in this way. They are wrapped in opaque plastic and the title only of the magazine is placed on some form of a sticker on the front of the plastic wrapper. It prevents the problems which are envisaged to be prevented by the Indecent Publications and Articles Act. In other words, children cannot look at them and people cannot browse through them. If people want to read them they must buy them. It does not allow the sort of anomaly to occur as happened with this constituent. I can supply the details of the situation to the Minister if he so desires.

Another thing the constituent advised is that there is a very inconsistent attitude towards the application of this Act. For example, one of the things the constituent newsagent had on sale and which he was told was restricted was a book by Alex Comfort called *The Joy of Sex*. Apparently this book was restricted and it was confiscated from his newsagency, and yet the same book was advertised in *The West Australian* newspaper as being available at a very large and reputable booksellers in the city of Perth. So there seems to be an inconsistency in the application of this law.

The newsagent concerned had done everything that he thought was correct in order to make sure that he was not breaching any law. He subscribed to the publication which the department put out and made sure that each year he looked at the publication and if any magazines came in which he thought were of a dubious nature, if they fell within the titles listed on the publications, he would sell them in a restricted way. He discovered this was not an exhaustive list and he got caught.

These are all matters which the Chief Secretary ought to take up, together with problems in the administration of the law as it currently stands.

One or two weeks ago when we were debating the Department of Labour and Industry estimates, I made some reference to the fact that the Minister's attitude towards industrial relations in regard to the fire brigades force was not one which was conducive to good attitudes within that force. I think it is mutually agreed and, indeed, the board has agreed, that morale within the force is at an all-time low. I do not know whether the Minister agrees with that statement, but to the extent that he does, he would no doubt attribute his agreement to the fact that the Fire Brigade Employees Industrial Union members have been involved in industrial action and that has attributed to their low morale.

Some time ago I asked questions of the Minister concerning a dispute or a State-wide stoppage. A meeting was held to consider the Government's attempt to abolish the long-standing and well-established nexus which existed with regard to the supplementary service pay as between State Government employees in this State and those in Victoria. Legislation was accepted for many years from about 1973 or 1974 and has never been disputed. It has never been disputed by the Government, either.

Before I came to this place, on one occasion I represented the TLC in asking for a larger amount than that which had been provided in Victoria before the commission and the Government advocates who were then appearing before the commission argued against that application on the basis that they wanted the nexus to be maintained with Victoria. There was a commission decision in regard to that which maintains that nexus.

So we have a situation where a dispute was caused by the fact that the Government wanted to abrogate a long-standing nexus. In that situation we had fire brigade officers who wanted to go to a meeting to discuss those claims. Of course, the Minister claimed that it was not really that the officers or employees wanted to go to the meeting, but rather that they were being instructed to go to the meeting by the extremists who were running the union. The Minister has never revealed who the extremists are whom he considers are running the Fire Brigade Employees Industrial Union and I would be very interested if the Minister in reply would indicate precisely whom he considers these extremists who have suddenly taken over the leadership of the union are, because the facts of the matter reveal that the union leadership,

virtually without exception, has not changed over a long period. The industrial relations situation has changed.

What has changed is the person of the Chief Secretary. It is also true to say that the secretary of the union has changed. If the Minister is trying to say that the relatively new secretary of the union (Mr Trainor) who comes from a conservative background as an employee of the Civil Service Association, has suddenly introduced some new note of extremism which was not there when Mr Bill Latter, who had been the secretary for many years prior to that, was there, I suggest that anyone who is involved in industrial relations and who knows both Mr Latter and Mr Trainor, would disagree.

If anyone knows both gentlemen he would know that probably, if anything, Mr Trainor is somewhat more conservative in his attitudes, including those in regard to industrial relations than was, or is, Mr Latter.

Mr Trainor has a very good reputation as an industrial advocate and a representative of the Civil Service, before he went to the fire brigade union. He has a considerable amount of confidence amongst his membership—despite a claim by the Minister with regard to a particular stoppage in question, that the members did not want to attend and were going only because they had been told to. In fact, when one looks at the attendance of that meeting the thing which will strike one is the huge number of fire brigade employees who were there. They could be identified because they were wearing their uniforms. Something like 650 firemen are employed in the metropolitan area of Perth, according to the annual report, and I would say there were at least 400 or 500 at that meeting at the oval. That is not an inconsiderable number, by any means, when one realises we always get a percentage of people who stop work and decide that there are other things they prefer to do than to attend a stop work meeting. That is not something which is unusual. It happens. In the case of the fire brigade employees, the majority of them did attend the meeting at the Perth Oval to consider their claims and also because they knew of the statements the Minister had made in this place. Those employees made a particular point of advising the meeting that they were there in support of the claims and because they wanted to be there. No-one actually made them go. The other areas represented there had nowhere near the proportion of workers who had actually stopped work and had gone to the meeting in comparison with the fire brigade employees.

In my speech on the Department of Labour and Industry estimates I have dealt already with the

question of the Minister's attitude to the influence on the Industrial Commission in this matter. We all know that the Minister has been described as a man who engages in cloak and dagger tactics. As the commission itself said, he is a man who has not got a lot of time for the commission. Indeed, we all know that in the Cabinet, this Minister, the Chief Secretary, held up for considerable time the appointment of the then senior commissioner to the vacant position of the Chief Industrial Commissioner. In fact, the decision was delayed for such a long period of time that certain very reputable and conservative people in the industry advised the Government that if a decision was not made very soon they would start making public statements about it.

Sir Charles Court: Who said that?

Mr PARKER: I can tell the Premier a few people who said it. Former industrial commissioners said it. A very senior officer of the Confederation of WA Industry made comments along those lines and it was only as a result of that a decision was made. Maybe it was coincidental, but certainly it was at the same time, that the appointment was announced and made. Of course, the person who was appointed, Chief Commissioner Kelly, is someone who has the highest respect of anyone who knows anything about industrial relations, which perhaps explains why the Chief Secretary has a different attitude towards him than that.

The Chief Secretary has not fared well at the hands of the Industrial Commission, but that is not because something is wrong with the commission. It is a bit like the union officials. They have changed, too. The Minister has changed and he regards the deterioration of industrial relations as the fault of the officials. The Industrial Commission has not changed; it still makes decisions in the way it always has done, but the Minister regards the fact that he has changed, therefore, not as something that is wrong with him or his case that he is putting, but rather as something which is inherently wrong with the system or perhaps with the industrial commissioners who are determining the issue.

I do not regard that as an acceptable attitude. If members look at the record they will note the deterioration in the industrial relations position of that instrumentality. It has occurred since the member for Cottesloe became the Chief Secretary and it is hardly surprising when we look at the prison service and the Police Force, and the attitudes they hold about that very same person. They are also concerned in respect of industrial

relations and the fact that this deterioration has taken place.

A considerable portion of the blame for the deterioration in industrial relations must be sheeted home directly to the Minister. Of course, other people make statements and do things which probably do not assist the position, but these actions arise because other statements have been made and because of the escalation of the situation which occurs.

I believe strongly that if the Minister had a conciliatory attitude towards his employees, as had many of his predecessors, including the former Deputy Premier (Sir Desmond O'Neill), these situations would not arise. Previous Chief Secretaries on both sides of the House dealt with the Fire Brigades Board and its employees in a conciliatory manner which enabled a good relationship to exist between them and the union. The fire brigades have a very active union organisation with an active membership. It could be said that the union in the past was regarded as a militant trade union and the secretary of the union (Mr Latter) I am sure would not flinch from the description given of him at that time when it was said that he was militant.

The situation has changed because the Minister has changed. For example, on the question of minimum manning, the department went back on a policy which had been adopted many years previously. The board had agreed that it was something which was appropriate to be discussed between the board and the union and it had been discussed for many years. Suddenly there was a situation where the board went back on that and said it was not the prerogative of the union, but was not an industrial matter. It said that the board and the Minister would make a decision with regard to minimum manning levels.

That, of course, contributed to the deterioration in relations between the board and the union.

I point out to the Minister and to the committee that all unions operate in this way and the membership makes its decision, but in the case of the fire brigades union, it is an extremely democratic union. I have been to a number of its meetings and the attendances were very good. Quite often the meetings are held on a Sunday, but a considerable proportion of union members attend and actively participate in the affairs of their union.

The Premier often has called for people to take a much greater interest in their unions and to pay more interest to its affairs and decision-making processes. It is a call with which I agree and the fire brigades employees appear to have heeded

that because they take an active interest in their union.

Employees of the fire brigade often have station meetings and because of the nature of their work they become involved in active discussions on matters relating to safety and industrial issues. At that level, the whole of the union membership is involved in decision making.

It is quite normal for the Minister to talk about extremists in the union and perhaps he could tell us who the extremists are. The Minister makes wild statements about them and says that they run the union. He is ignoring the fact that the membership of the union actively participates in its operation. From my observations of that membership, I say that even if extremists did gain a position at the top end of the union, they would not be able to take control. The reverse is the case.

At one particular meeting I attended, certain union members wished to deal with an individual in the force in a way which was considered to be strong, but the union leaders at the meeting made it clear that it was not an appropriate way to deal with the matter and that a much more moderate approach should be taken to achieve the same results. As I recall the situation that advice was heeded.

The Minister is like the man who thinks that everyone else in the battalion in which he is marching is out of step, and he is the only one who is in step. That is a view which is gaining increasing hold in the community and in the areas of employment which come under the control of his statutory or departmental authority.

The Western Mail, which, since its inception, has taken almost an idolatry attitude towards him, has, in its last issue, discovered that the Minister is unpopular. A great percentage of the people with whom he deals think there is very good reason for that statement made by Barry Humphries in his show referred to last night.

There should not be industrial disputation within the fire brigade service or the Police Force.

The Chief Secretary's predecessors managed quite effectively and capably to deal with the unions, although they did not always agree with the unions; I do not either. However, they were able to deal with them in a way which was sufficiently acceptable to the union. This Minister has changed that; he has changed the position with the prison officers, members of the Police Force, employees of the Department for Community Welfare, and almost every other area under his portfolio. It seems he is prepared to take

head on the people who have, for so many years, given service to this State and who want nothing more than to continue in that way.

The Minister is completely and totally out of step with these issues and with the realities of industrial relations. The Minister believes that problems concerning industrial relations are something which are black and white and require black and white answers. The Minister is not very deep or caring; he is someone who likes to lay down a formula and carries it out as if it were a mathematics examination. That simply does not work in the area of industrial relations; there is need for a more flexible attitude. Those who are most successful in the field of industrial relations are those who have a flexible attitude.

In one area where there has been considerable industrial disputation, one of the companies concerned in that industry has taken a flexible approach to the industrial relations question. That company—Goldsworthy—has sat down with its employees and trade union officials in an effort to work out a system which would meet with approval and it has virtually no industrial disputation. Other companies such as Hamersley Iron and Mount Newman Mining have had many problems in industrial relations because they confront their unions—

The DEPUTY CHAIRMAN (Mr Blaikie): I hope the member for Fremantle will not continue to make a speech about industrial relations in the Pilbara.

Mr PARKER: I am making a passing reference to them. Another company which has been involved in industrial relations is a company which is in the construction field and that company has a very good working relationship with its unions because from a policy point of view it is achieving the principle guidelines it has created in order to fulfil the wishes of its employees.

I suggest that there are many areas under the control of the Chief Secretary where he would be best advised to follow the lead which has been set by his predecessors rather than take the confrontationist approach which he has taken.

People are not stupid; they know this trouble has not suddenly started because a group of radicals has taken over the various unions. By and large, the officials running the Police Union, the Prison Officers' Union, and the WA Fire Brigade Employees Industrial Union have remained the same for many years. They have not changed; what has changed has been the Minister holding these portfolios.

Mr Cowan: Do you know that the day after tomorrow is Sunday?

Mr PARKER: The Government can adjourn the debate at any time. It is important that these matters be dealt with.

I would be remiss in any debate on the Chief Secretary's Department if I did not discuss the electoral gerrymander which exists in this State.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! Division 81 covers such items as the Real Estate Agents Supervisory Board, business brokers, etc., and the general question of the Fire Brigades Board. However, electoral matters are contained in Division 84 and it would be quite wrong for me as Deputy Chairman of this Committee to allow the member to proceed to discuss electoral matters while confining other members to Division 84. I am not prepared at this stage to allow him to continue that line of discussion.

Mr PARKER: I bow to your ruling, Mr Deputy Chairman, and will make those remarks on Division 84.

I draw one other matter to the attention of the Chief Secretary and the Treasurer. My understanding of the Standing Orders is that ministerial staff are required to be placed under one of the Minister's departments. The Chief Secretary represents a number of portfolios and has responsibility for a number of Divisions in the Budget, and his staff appear in this Division.

Similarly, the staff of the Minister for Transport appear under the Harbour and Light Department. This has the effect of distorting the vote for the various departments. They are not departmental staff; they are ministerial staff. If the Standing Orders require that procedure to be followed, in my view the Government or the Standing Orders Committee, or both, should give consideration to changing the Standing Orders so that a specific provision is made for ministerial staff. Ministerial staff should be separately identified and not included in various departments, where the practice has the effect of distorting the vote for those departments. It is an important question in terms of simple accuracy and in reflecting what is intended in the Estimates.

Mr HASSELL: If it were not necessary to put on the record some comments by way of correction of the misleading and inaccurate information given to the Committee by the member for Fremantle, I would not respond to him at all. Unfortunately, he appears to be running a competition with his friend and colleague in the upper House (the Hon. Peter

Dowding) as to just how far they can go and how extreme they can be in pursuing personal abuse and vilification in Parliament.

I think I have shown in my time in this place that I am prepared at any time to debate issues when they affect my responsibilities, and to deal with them fully. As I say, I would not be prepared to answer the member for Fremantle at all because of the senseless, unnecessary, and unsubstantiated abuse in which he engaged were it not necessary and appropriate that something be placed on the record to correct some of the things he said, which were without foundation of fact.

I start with his third point, which related to the industrial relations situation within the WA fire brigades. It was on that point he spent some three-quarters of an hour in tedious repetition referring to some alleged deficiency in my attitude to firemen, and their industrial activities.

Mr Bryce: Well known antipathy.

Mr HASSELL: What he did not do during the whole of that time was to tell the Committee and to put on record the attitude of the member for Fremantle and of the ALP to the industrial tactics which have been adopted over a long period by the Western Australian Fire Brigade Employees' Industrial Union. What he did not tell us or deal with at all in his lengthy remarks was the attitude of the Opposition to a group of men who walked out of their fire stations a few weeks ago to attend a meeting about service pay at which they could have been represented by the many firemen not on duty at the time.

Mr Bryce: Your understanding of industrial relations is—

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The Deputy Leader of the Opposition will keep order and will recall that while the member for Fremantle was speaking he was heard in virtual silence.

Mr Bryce: That is because everyone opposite was asleep.

The DEPUTY CHAIRMAN: Order! The Deputy Leader of the Opposition will not answer me back. He will keep order. I call the Minister.

Mr HASSELL: The member for Fremantle did not tell us of the attitude of the ALP or himself to the firemen who left 10 metropolitan fire stations completely and totally unmanned.

Mr Grewar: Shame!

Mr Bryce: Mr Deputy Chairman, you do not expect us to sit here and cop that sort of rubbish without making any sort of response, do you?

The DEPUTY CHAIRMAN: Order!

Mr HASSELL: The member for Fremantle did not tell us his attitude or the attitude of the Opposition to the firemen who, last year, went on strike for some 48 hours or more and left the whole of the city without any fire service coverage simply because they objected to a lawful process of discipline being applied to an officer. None of those matters was dealt with by the member for Fremantle. He did not have the courage to tell the Committee where he stood on those issues.

Mr Parker: That quite simply is untrue; I did deal with those issues.

Mr HASSELL: The honourable member did not tell the House of the attitude of the Opposition to those areas, and did not make a clean breast of his support for the industrial lawlessness the WA Fire Brigade Employees Industrial Union and some of its members—

Mr Jamieson: Only since you stirred it up.

Mr HASSELL: —have been following for many years.

Mr Jamieson: No they have not; you stirred them up.

Mr Bryce: You foment industrial problems and you and your ilk will destroy this society before you finish; you love it; you revel in it.

Mr HASSELL: I do not intend to canvass in any way the unfounded speculations of the member for Fremantle about what did or did not occur in Cabinet; that, of course, was a fabrication of speculation, invented by the member for Fremantle.

Mr Parker: That is not true. We have a very good idea of what happened in Cabinet in relation to that matter.

Mr HASSELL: I do not intend to go into it. Neither do I intend to canvass or deal with in any way the allegations made by the member for Fremantle as to my attitude to the Western Australian Industrial Commission. The Government of this State has consistently and totally complied with its legal obligations to uphold awards made by the commission, and to carry out orders made by the commission, whether or not those awards or orders were to our liking.

I only wish the member for Fremantle could tell us where that has occurred in relation to the WA Fire Brigade Employees Industrial Union or the Prison Officers' Union because, of course, the fact is that on occasions, neither of those unions has complied with the requirements of the commission and both have engaged in industrial action which is damaging to the service they provide to the community; not only are they

essential services but also, in the case of the WA fire brigades, they are emergency services.

I found one order made by the Industrial Commission in relation to firemen totally unacceptable. I refer to the order that a fire truck should be stationed at a strike meeting. I found it offensive to the authority of the Fire Brigades Board that it should be required to place equipment provided by the taxpayer of this State at the disposal of a group of men engaged in an unlawful strike.

Mr Parker: You can say something like that yet abuse me for some of my comments.

Mr Bryce: You are behaving like a real cold-blooded Tory.

Mr HASSELL: I find that order to be totally unacceptable. At the same time I made sure it was duly and properly carried out in accordance with the legal requirement to do so.

Mr Parker interjected.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The member for Fremantle will keep order.

Mr HASSELL: An appeal will be made against that decision and I can say that—

Mr Parker: There will be legislation to change the decision.

Mr HASSELL: —I hope the appeal succeeds.

I find it incredible that the member for Fremantle did not tell us his attitude to the union and some of its supporters. I repeat: So far as the great majority of firemen are concerned, they are decent and dedicated people.

Mr Parker: They are all decent and dedicated.

Mr HASSELL: They are serving the State well and would very much like to be able to serve it better without having to adhere, under pressures and vilifications, to unlawful and improper directives from the union.

Mr Parker: You know their mind better than they do—is that what you are telling us?

Mr HASSELL: The member for Fremantle did not tell us his or the Opposition's attitude to firemen who, as members of local authorities, join in loud and long complaints—

Mr Bryce: You hate firemen and community welfare people, and you suspect police officers. You have been lobbed with a pack of people you do not like.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The member for Ascot is obviously setting out deliberately to provoke me to take some action of a stern nature against him. I remind him and the member for Fremantle that while the

member for Fremantle was speaking to Division 81 he was able to do so virtually unchallenged and without any interjections. I remind the member for Fremantle that during his comments he made some fairly strong personal assertions.

Mr Parker: I do not object—

The DEPUTY CHAIRMAN: Order! The member will keep order when I am on my feet! I call on the member's decency to hear the Minister. He is obviously not intent on answering interjections at this hour of the night and he should be heard in the same manner as was the member for Fremantle.

Mr HASSELL: I refer to those firemen who, as members of the local authorities, have deliberately and consistently over several months provoked, supported, and put forward complaints against the levies required to be paid by local government for the funding of the Western Australian fire brigade services.

Mr Parker: Is there something wrong with that?

Mr HASSELL: At the same time, with total and utter hypocrisy, they have put forward wages claims and claims for additional benefits, the total cost of which has now reached a level of \$4 million a year and which would substantially increase the assessments and levies imposed on those local authorities which they purport to represent. The member for Fremantle did not tell us about the Opposition's attitude to that situation.

The member for Fremantle referred to minimum manning and alleged that there was some long-standing agreement on the subject.

Mr Parker: I said there was a long-standing agreement about the way it was determined.

Mr HASSELL: He did not tell us about the substantial technological advances in fire-fighting services in this State, provided at considerable expense to the taxpayers, which have allowed policies to be pursued which to some extent have reduced the very considerable cost burden of fire-fighting services by reducing the need to have men on duty all the time or to have men on duty in all stations when they can be deployed in a different way.

Mr Bryce: You spend a lot of time denigrating the work force in this State—a disproportionate amount of time.

Mr HASSELL: I do not. I have a great respect for the work force and particularly those people in the service industries who do a great deal of work for the community.

What is a great shame is the fact that a lot of decent Australian people are subjected to a system of industrial standover tactics which some unions employ in pursuing what are really the political policies of some of their leaders.

Mr Bryce: How old were you when someone first whispered that in your ear?

Mr HASSELL: The firemen who have fought the board for years trying to force it to employ more men on duty than are needed to be on duty, to incur more expenses that is needed to be incurred—

Mr Parker: You will not see the truth until someone dies because you do not have proper manning.

Mr HASSELL: How nicely the member for Fremantle has come in to make that point. The men who claim they are interested in safety are the self-same men who were prepared to walk out to attend a strike meeting and leave 10 metropolitan fire stations without one single officer on duty.

The CHAIRMAN: Order! The member for Fremantle has just tried three times to persist with the same interjection when the Minister has shown he has no intention to catch any interjections.

Mr Parker: I am surprised—

The CHAIRMAN: Order! The member will remain silent while I am in the midst of making my comments. That is a standard practice we have followed: If a person speaking does not wish to accept interjections, members should cease interjecting. I request that the member for Fremantle does just that.

Mr HASSELL: These men professing to be concerned about safety in the community are prepared to walk out to attend a strike meeting and leave 10 metropolitan fire stations with no manning at all—

Mr Parker: They had a truck at the meeting—which you said you opposed being there—so that as quickly as possible they could go to any fire that occurred.

Mr Bryce: No fire occurred, and is the Minister not unhappy about that!

Mr HASSELL: The men who profess to be concerned about minimum manning for safety reasons, who have no regard for the technological advances which have been made, and who have no regard for the enormity of the cost of fire services, are the same men who put themselves in jeopardy and create a real safety issue by indulging, as they have done over a period of many months, in continuous partial

strikes which completely break down the discipline required for safety in fire-fighting situations.

Mr Parker: That is untrue; there never has been any allegation about lack of discipline.

The CHAIRMAN: Order!

Mr HASSELL: The argument put by the member for Fremantle was a sham and one of which he should be ashamed, because he did not deal with one of the key issues relating to industrial relations in the fire services, which is what concerns me and about which I am trying to do something.

Mr Parker interjected.

The CHAIRMAN: Order! The Minister will resume his seat. I warn the member for Fremantle that his interjections must cease.

Mr HASSELL: One thing is clear: There is no incentive for men to resume their duties when they can carry out direct industrial action—which a partial strike is—and suffer no loss as a result of their doing so.

Mr Bryce: You dislike people so fundamentally, it is extraordinary you are in politics.

Mr HASSELL: It is clear we cannot accept partial strikes in the fire brigade services. It is clear we will not accept them, because they will destroy the service.

Mr Bryce: You pour out the hate on every department you administer.

Mr HASSELL: The ill-discipline which is created causes dangers for the firemen themselves and causes costs to increase.

The CHAIRMAN: Order! I call on the Deputy Leader of the Opposition to cease his continual interjections.

Mr Bryce: This is extraordinary, Mr Chairman.

Mr HASSELL: This causes damage to essential emergency services which owe to the community a duty of higher order and which the great majority of men in the service would be prepared to fulfill were it not for the directions of the union.

Mr Bryce: You said the same thing about the prison officers.

Mr HASSELL: And it is equally true.

Mr Bryce: And the same thing about everyone else in every department you administer.

Mr HASSELL: I have not mentioned anyone in another department.

What the members of the Opposition are upset about is the fact that I concede so very readily

what is being done by these people to damage and destroy essential services.

I conclude on this point by saying that I do not apologise now and I never will apologise—

Mr Bryce: For the venom and hate.

Mr HASSELL: —for the opposition I have to strikes and direct industrial action in essential public services for which I am responsible. There is absolutely no need for that action to be taken. There is an industrial relations system—a system of negotiations—and there is not one union in the departments for which I am responsible which can say it has not had access to me if it has asked for it—

Mr Bryce: Do you call yourself God like the Minister for Resources Development?

Mr HASSELL: —which could not say it does not have access to its departmental head—

Mr Bryce: That is not a solution.

Mr HASSELL: —or which could say we have refused to discuss or negotiate any issue with it. In passing, I mention that at my first meeting with members of the executive of the fire brigade union, the opening comment of, I think, the president, was that the union really did not like Liberal Ministers and did not know how far it could get with discussions.

Mr Davies: That would be mutual.

Mr HASSELL: That completely overlooked the fact—

Mr Bryce: Did you tell them you liked them and wanted to work with them?

Mr HASSELL: I will respond to the Deputy Leader of the Opposition on that point. When there was no current dispute, I invited the members of the union executive to my office for the purpose of discussing issues with them in the hope of establishing a better understanding. However, that to which I have referred was their opening gambit. I make the point that in making their statement, they completely overlooked the obligations they have to represent all their members in industrial matters, and to take a neutral political stance so that they can represent members of all political persuasions properly in the area for which they have responsibility, which is the area of industrial relations, not political matters.

I will deal briefly with the other points raised by the member for Fremantle. He said that there was an inconsistency in the decisions relating to the film *Caligula*. The whole matter of censorship, especially of films, is extremely difficult, and I do not think any easy answer is available. An easy temptation exists to respond to

the many attempts presently made in the community for a tightening up in the whole of the area. It would be easy to do so with a considerable degree of community support.

Mr Parker: It is the festival of darkness.

Mr HASSELL: It would not at all be the festival of darkness.

Mr Bryce: You would love to spearhead that, wouldn't you?

Mr HASSELL: If we were to do that we would end quickly the system of uniform censorship that we have supported for many years and which has operated for many years in this State and others. It is not our policy to do that.

What we have maintained—I will repeat this—is that the 1976 amendments to the Censorship of Films Act were passed deliberately to deal with extreme cases. It is not hard to identify which cases are the most extreme. The member for Fremantle read out a list of titles, and during the course of doing so he mentioned that the titles did not relate to one film. Perhaps he made the point that all the advice I received in relation to *Caligula* was that it represented all those things to which he referred put together in one film, and that is why that film was so totally condemned by the Government's advisers who viewed it.

Mr Parker: I am saying it was dealt with in the wrong way.

Mr HASSELL: I know the member is saying that; that is his view and he can have it. The public accepted the ban on *Caligula* and, to a large extent, welcomed it.

Mr Davies: Aren't the distributors trying to get you to change your mind so they can put it into a hard-top theatre?

Mr HASSELL: Some representations have been made to me in that regard. Off hand I do not recall whether they have been dealt with or finalised, but in view of the advice we have in relation to *Caligula* we are not likely to change the decision that was made deliberately.

The member for Fremantle referred to the problems encountered by one newsagent and stated that those problems relate to the provisions of the Indecent Publications and Articles Act. It would be appropriate for the member to refer the matter to me by letter and include the details of the situation for me to consider. Certainly difficulty arises under legislation relating to censorship; I do not deny that difficulties arise. The Indecent Publications and Articles Act was proclaimed and amended some years ago and has worked as well as any other legislation has worked

in this difficult area of censorship. I do not doubt difficulties arise for those who must live and work under the system, and I am perfectly prepared to consider the details of those problems, particularly in relation to the up-to-date lists and other things of which the member for Fremantle made mention.

If we can improve the administration of the Indecent Publications and Articles Act by making appropriate amendments, I am prepared to consider identifiable amendments put to me.

Mr DAVIES: Aren't you looking at a national council for publications?

Mr HASSELL: Discussions have been conducted in relation to such things, but I do not think they will obtain general approval because basic agreement between the States is at such a low level that we would have to lower our standards to join the other States.

Mr DAVIES: You sent Mr Neil Moore to a conference to represent you, and he came back very enthusiastic about the proposition.

Mr HASSELL: I am referring to the issues raised and I am stating what I think will be the outcome of various matters. The aspect of ministerial staff is a matter for the Treasurer; therefore I will not comment on it. I believe that apart from that aspect I have answered the questions put by the member for Fremantle.

Item 1: Salaries, Wages and Allowances—

Mr PARKER: The Minister misrepresented my remarks. I did not put the Opposition's case. In answer to all the issues raised the Minister could see things only in black and white. He did not understand the statements I made in relation to the Fire Brigade Employees Industrial Union and our attitude towards that union's industrial rights. Our statements clearly express our attitude—

The CHAIRMAN: Order! I do not find the member's remarks to be relevant to the Item. I ask him to confine his remarks to Item 1. The new Standing Orders are much more specific, and I ask him to do as I have requested.

Mr PARKER: I will endeavour to do so. Item 1 relates to the salaries, wages, and allowances paid to the Minister's staff. A major thing on which the Minister's staff spend a considerable portion of their time is drafting legislation that can be brought to this place to overturn the umpire's decision—the decisions of the Industrial Commission that the Minister does not like.

Mr O'Connor: Legislation is drafted by Crown Law.

Mr PARKER: It might be drafted by Crown Law, but I would not be surprised if there were an input from the clerks and typists of the Minister's office. When the present vacancy is filled, the appointee may well fulfil the role of legislation drafting. It seems extraordinary to me that the Minister will say to a union that it must obey the laws he makes—

The CHAIRMAN: Order! The member is not confining his remarks to Item 1.

Mr PARKER: I thought I was.

The CHAIRMAN: I advise the member that I believe he was not confining his remarks to Item 1. I ask him to confine his remarks to that Item.

Mr PARKER: I am attempting to do that by referring to the staff of the Minister.

The CHAIRMAN: I cannot accept that. The Standing Orders must be obeyed. The position is not the same as it was in previous years.

Mr PARKER: I will retain my thoughts until we reach Item 4.

Mr DAVIES: The Chief Secretary seems to have been able to achieve a remarkable reduction of approximately \$270 000 in the allocation for his staff, and that reduction seems to be reflected mainly in the provision for cleaners, tea ladies, etc. I wonder how he has been able to effect the total reduction in staff numbers of 136 compared with last year.

As I have said many times, it is difficult to make comparisons; however, if we consider that the expenditure for cleaners, tea ladies, etc., has decreased from the amount of \$362 000 spent last year to the estimated amount of \$96 000 to be spent this year, we must feel that this has come about because a great deal of the cleaning has been let out to contractors, or we can no longer afford tea.

Mr HASSELL: The reason for the reduction is an attempt to increase the rationalisation of the provision. The people concerned have been transferred to the Public Works Department.

Item 4: Services and Contracts—

Mr PARKER: One of the areas in regard to which the Chief Secretary's Department and the Minister in effect enter into contracts is that of determining the contractual obligations to exist between the Minister and his staff and authorities with which the department is involved. It is the Minister's policy not to enter into contracts which have been determined for him by bodies such as the Industrial Commission. The Minister makes it very clear when he does not accept a decision that he prefers to come to this Chamber to try to change that decision, although that is contrary to

the advice he gives unions. It is important that members do not accept, at face value, the sanctimonious performance of the Minister, or the view that he is a person who does things which are irrefutably right—absolutely right—and to which there can be no challenge. The Minister has an extreme political point of view which he puts—

The CHAIRMAN: I have listened carefully to the member's remarks. It is difficult for him and for me to determine exactly what the contracts cover, but for the life of me I cannot accept that his remarks relate to Item 4. To my mind the contracts referred to are those entered into with business enterprises and the like. Most likely it would be a cleaning contract or something of that sort which is not of the sort referred to by the member. I direct him to confine himself to services and contracts.

Mr PARKER: How one can confine oneself to something that no-one fully understands is beyond me, but, as it happens, I have made the points I wanted to make.

The CHAIRMAN: It concerned me that the member was attempting to make a point which I ruled earlier he could not make.

Division 81 put and passed.

Divisions 82 and 83—Registrar General's Office, \$843 000; Astronomical Services, \$442 000—put and passed.

Division 84: Electoral, \$788 000—

Mr PARKER: The member for Welshpool has pointed out frequently to this Chamber and to the public of this State the absurdity of the situation that only recently was reported in the Press. The Government is supposed to be saving money, but it has refused point blank to enter into a system of adopting an electoral registration process which would save money. It would be more efficient, and would result in a more democratic system because we would have a much greater coverage of the people on the roll. As we have demonstrated on many occasions a substantially greater number of people is listed on the Commonwealth electoral roll than is listed on the State electoral roll. Although some of that discrepancy can be explained by referring to this Government's deliberate intention to keep many people off the roll in order to preserve its tenuous position—

Several members interjected.

Mr PARKER: Nevertheless, the position cannot entirely be explained by that but it can be explained by the Government. Many more resources would be available to that department if its resources were combined with those of the Commonwealth Electoral Department. That

happens in every other State except Queensland. There would have been a considerable saving to the State—approximately three-quarters of the \$788 000 in a non-election year such as this. As well as that, a greater number of people would be on the roll.

Mr Bertram: Don't you think that it is desirable to protect the sovereignty?

Mr PARKER: I do not see how the maintenance of separate rolls maintains the sovereignty. If the Western Australian crest appeared above the Commonwealth crest, then perhaps the Minister would be happier with the situation. I find the blind adherence of members opposite to the question of sovereignty most disturbing and is not conducive to new Federalism. Unfortunately this does not exist at the moment because the Premier and the Prime Minister are fighting tooth and nail and I do not blame entirely the Premier for that. Nevertheless one would have to say that this is one area where there is no contention; either a person is on the roll or he is not. The information could be fed to a central computer, and simply by pressing a button one could find out the correct Commonwealth or State division. Our system is an anachronism.

Mr Davies: Don't forget that we have different qualifying conditions from those that exist in regard to the Federal roll whereby if you are enrolling for the first time you have to obtain the signature of a JP or a policeman.

Mr PARKER: I accept that that is the situation. The member for Victoria Park is quite correct in what he has said. It is quite absurd that the State Government deliberately changes the Electoral Act and the voting power of a great number of people in this State for no reason other than that of maintaining itself in office because it knows that there is no other way it can maintain it.

Mr Bertram: That's the action of responsible government.

Mr PARKER: We heard the sanctimonious words of the Chief Secretary this evening when he said he was not going to accept something even just tainted by impurity. He was not going to have industrial disputation, with the fire stations unmanned and the policemen imposing overtime bans or anything of that nature. Here we find the Minister is prepared to completely distort the system of enrolments in relation to the electoral system. He does this because he and his colleagues on the other side of the Chamber are maintaining themselves in office. There is no other reason or earthly justification for this decision than to justify the Government's desire to

stay in office in this State. Neither the Commonwealth Government nor the other State Governments have seen fit to introduce these provisions.

The Minister for Local Government in her amendments to the Local Government Act gave much more flexibility to the provisions for people to enrol on local government rolls. It is now permissible for people other than British subjects to vote in local government elections. In this situation we find that the Minister wants to retain power and so we have a distortion in this system. It is undemocratic for the Government to hold two-thirds of the seats in the upper House when it continues to get less than half the votes. This Division is unnecessary and is a burden on the taxpayers of this State. It is an extraordinary situation and it costs the people of this State \$750 000 to keep the State Government in office through this system. We do not have a good Government and it does not earn the respect that it should because everyone knows that this Parliament is rigged—

Mr Bertram: That will be the first item on the Cabinet agenda each week.

Mr PARKER: —in order to keep itself in office.

Mr Bertram: It is a lesson in how to rig the electoral laws.

Mr PARKER: One hesitates to know what other calumnies could be perpetrated on the electoral system. However, one never ceases to be amazed at what the Government can do in that respect.

In debating an earlier Division I was saying that we have almost reached the stage which exists in Britain, where a Mr Barrell is presently attempting to obtain the least possible number of votes. He is standing for the Monarchist Resident Democratic Party, Land, Air, and Sea which is probably the British equivalent to the Liberal Party in Australia. He currently holds the record for the seat of Warrington where he gained 14 votes only. It would be different in Western Australia—if he were standing for the Liberal Party as a member of the Legislative Council he would have been elected! This highlights the absurdities of the provisions which exist in this State. The fact is the extravagance continues—this Division ought to be known as the “Keeping the Court Government in Office Division”. I think this would be more appropriate and the Treasurer is misleading us by bringing this Division to the Chamber with the title he has applied to it.

Mr JAMIESON: As my colleague has just said, while this Government proceeds with the duplication of electoral activities, obviously it is not short of funds. Let us compare WA with other States that adopt a joint electoral system. In relation to salaries and wages, the South Australian Government allocated \$277 384 for this purpose, and we are proposing an amount of \$455 000. This is the same estimate as last year, but the actual expenditure was \$457 805. If we compare New South Wales with Western Australia, we should take the year 1980-81 because NSW has just had an election. The figure for that year was \$370 850, and that is for a State which has a much larger population than WA.

Mr Parker: It has a population of four or five million.

Mr JAMIESON: It is absurd that the Government continues with this nonsense—the public ought to rise up against it on this issue alone. It is absolutely stupid of the Minister to allow this type of thing to exist in this department.

Mr Brian Burke: Hear, hear!

Mr JAMIESON: Where was the razor gang when this matter was being discussed?

Mr Brian Burke: They are missing.

Mr JAMIESON: It had blunted the edge of its blade before it got to this! This is one area in which the razor gang could have reduced the allocation and yet we find that the allocation is not one cent less than it was last year.

The department is now going to employ people to canvass areas to enrol State electors because the numbers are down. This is quite absurd. Electoral officers have not been employed to carry out this type of work since 1954 because a considerable number of political canvassers of all persuasions used to do the work at no cost to the department. However, it was not satisfied with that. The Government even had an inquiry conducted into the Electoral Act and a remarkable “wise man from the east”, even though he could find no fault with the system, recommended a change. It was just an absurdity. The Government accepted that change which required that enrolment cards had to be witnessed by certain people. This put the State enrolment cards completely out of kilter with the Commonwealth enrolment cards, and it made it more difficult for people to enrol.

Mr Bertram: And with every other State.

Mr JAMIESON: When the last check was made, some 30 000 more people were on the Commonwealth roll in WA than on the State roll.

This absurdity should not be perpetuated by the Government. Some minor legislation would correct this position and the Government could save hundreds of thousands of dollars—but it is not interested. The Minister in charge is reading the newspaper; he is not interested in saving a few hundred thousand dollars, except at the expense of the teachers, the Fire Brigade officers, or the prison officers. He knows that the estimate should not appear at all under the present circumstances.

The Government keeps telling the people it is short of money but that is not so if it can afford to duplicate a Commonwealth service. This was one of the matters which the Grants Commission latched onto repeatedly and remarked about. It said that the State should not persist with its own electoral department which is costing the extra money. It continued to make that sort of remark in report after report.

Mr Parker: Do you think that could be one of the reasons the Grants Commission recommended less money?

Mr JAMIESON: Yes. However, it is not as severe now. We are not as subject to the Grants Commission as we were when we were a mendicant State. The Grants Commission used to penalise us at that time, because it could take those things into consideration. It realised that we have excesses, and it was entitled to take them into consideration. It is entitled to penalise us for having excesses.

If the Government wants to continue like that, I do not know what can be done. No provision is made in the vote this year for people to go out into the field, or for any additional assistance.

Last year some additional assistance was provided, and that showed in the estimate for that year. Despite the fact that the Government has said it will put people into the field, it will not use the departmental officers at present employed. One would be entitled to say that if they were so employed the officers could not be occupied at full capacity in the job that they have been doing. I am not prepared to say that.

It is difficult to say that sort of thing, because the clerical work is cumulative in many ways. The only thing about which I can complain is that this move is unnecessary. Why is it necessary to have two different departments keeping habitation indices on the population in this State? There is no reason except the foolish reason that the Government wants to keep a separate system. It wants to keep a separate system because it has a slightly different qualification for witnessing of signatures on the enrolment cards. What an absurd situation!

Mr Parker: They do not even check the signatures to see if they are justices of the peace, anyway.

Mr JAMIESON: One could write "Smith, PC", which is "police constable". Who would check that? Nobody! That is the absurdity of the situation.

Mr Davies: They also say to put the place of residence, but the policemen will not put their place of residence—and quite properly, too.

Mr JAMIESON: They are not allowed to put their place of residence. That is one of the absolute absurdities in our electoral system.

Mr Parker: The Minister does not care about that.

Mr Bertram: Political jobbery at its worst.

Mr JAMIESON: It is stupidity at its worst. It is throwing money down the drain for no other purpose than to make it difficult for Aboriginal persons to be enrolled.

It is not so bad in the metropolitan area; but, nevertheless, because of the nature of the people enrolling, if one says to the young people coming into the office that it cannot be done there, they become upset. Every electorate office used to be an unpaid Electoral Department agency until this change took place. We took the cards, helped the people to fill them in, checked to see that they had filled them in correctly, and all the rest of it. We do not do it now. We handle a few Commonwealth cards.

In relation to the State cards, we say to the people, "Now you have filled it in, take it away. Find a policeman, an electoral officer, or a justice of the peace."

Mr Parker: But they will not appoint justices of the peace in many areas.

Mr I. F. Taylor: Particularly Labor areas.

Mr JAMIESON: It is notable that the Government will not appoint justices of the peace in Labor areas.

Mr Parker: Millions of them in Nedlands. You can hardly move for them in Circe Circle.

Mr JAMIESON: One has to be a JP to buy a property in Circe Circle!

This is the sort of thing that the public of Western Australia has had foisted on it by the stupidity of this present Government. If it is prepared to do this with the Electoral Department, how many other departments has the "razor gang" looked at? It has not pruned a cent off this department.

Mr I. F. Taylor: What happened to the "razor gang", anyhow?

Mr JAMIESON: I suppose it was carved up because it was not doing very well. Probably they used the last blade of the razor to get rid of it.

Mr Parker: It probably went the same way as the Bread Bill—and probably just as well, too.

Mr JAMIESON: We are entitled to touch on these things in dealing with the Estimates when we know they are wrong, and when we know that another method could be adopted. It is only a matter of bringing in a few small Bills to alter the situation so that the Government can save this sort of money.

Our Electoral Act since 1918 has contained a provision that the Governor may negotiate with the Governor General for the purpose of establishing one enrolment card and one electoral roll. A few simple legal amendments put through this Chamber by mutual agreement—we would not object to it, but the Government would need to control its members—would give us legislation that reflected the most suitable arrangements for the community.

The people in the Kimberley or in the outback, particularly the Aborigines who are partly educated and who should be on the roll, have to find a policeman, a justice of the peace, or a clerk of courts. Probably they are the officers who have been hounding the Aborigines because of their habits and activities. They are the people with whom the Aborigines do not like to mix, so they are not likely to go near them so they can be placed on the roll.

It is a disgrace that we have prohibitions against a certain section of the community because of the actions of the Government. It should not be tolerated. We object to that sort of absurdity.

It is a pity that our own delegates to the United Nations do not advocate action against the Western Australian Government. That is what they should be doing because it has put into operation the system I have mentioned.

I complained bitterly about this decision. I wrote to the Press. I pointed out that the subject matter for which I was taken to task cost relatively little. The Government poured thousands of dollars down the drain, but it did not bother to follow up an issue like this. Hundreds of thousands of dollars are being wasted because of the stupidity of the Government.

Division 84 put and passed.

Division 85: Licensing \$515 000

Mr PARKER: I wish to make some brief comments on the raids made on suburban hotels during the weekend by members of the Police Force who were ensuring that the hotels observed certain conditions under the Liquor Act. I acknowledge that the residents who live close to these establishments have been complaining about the way in which some of them operate on Sundays. I recognise that it is the duty of the Police Force to ensure that the laws are obeyed. I applaud the Police Force for carrying out its duties. However, the manner of carrying out those raids is of great concern to me.

For some considerable time—in fact, for some years—the hotels have been operating in precisely the way they operated this weekend. The Minister can correct me if I am wrong, but suddenly, without warning, these places were raided by the police. Forms of drinking which had become the established norm, and which had become the custom in particular establishments, probably illegally, but which had been tolerated in the Government's policy of toleration and containment, became the object of the police raids.

I am not averse to the police ensuring that the law is upheld. However, this was the first occasion on which the police visited these establishments. The licensees could have been told that they were in breach of the law for allowing drinking in certain places, or for having a certain number of people present, and that if further transgressions occurred, prosecutions would be brought. However, that is not what happened on Sunday.

I believe that the licensees should obey the law as it stands. The people who drink in the licensed establishments ought also to obey the law. I know that people have an obligation to know what the law is, and to obey it. There is no obligation on the police to tell people what the law is.

In this case, however, the people would have been confident that what they were doing was not illegal or, if it was illegal, that it was being tolerated by the Government. Of course, that is a difficulty when this Government tolerates one thing, and does not tolerate another. One day it is tolerating gambling casinos, and another day it is raiding them. One day it is tolerating prostitution, and another day it is picking up the prostitutes. The same applies to the licensing procedures, so it is difficult for a person to know what the position is.

Recently a judge of the Supreme Court quashed a sentence imposed on a person who had engaged in an illegal gambling establishment. In this case, the police were enforcing the laws made under the Liquor Act.

I noticed that the Commissioner of Police quite correctly said that where licensees breached the law, they would be taken before the Licensing Court. What is incorrect is that people come to expect that certain practices are legal and appropriate and that certain places in which they drink are legal places; but suddenly, without any warning, they find that the Government has changed its mind, and that it is bent on enforcing the law in a different way. A judge reversed a magistrate's decision recently on the basis that he could not send a man to gaol for something which the Government tolerated and contained. In fact, he quashed the sentence completely.

Mr Stephens: Is that upholding the law?

Mr Jamieson: It is on the part of the judge, because the Administration has said that.

Mr PARKER: I would not like to be in the position of the judiciary in those circumstances. Nor would I like to be in the position of the police in this extraordinary application of the law.

The Minister is quite sanctimonious about the way in which the fire brigade employees work, and yet he is quite happy to have a whole range of laws under his jurisdiction breached every night of the week, and he does not do a thing about it.

Several members interjected.

Mr PARKER: The Minister concerned will certainly fall off his pedestal; I suggest he has gambled and lost, as he will discover at the next poll. It seems to me some warning ought to have been given to these people that something which they have grown to accept and which they were entitled to expect was a reasonable course of behaviour, would be tolerated no longer, rather than for the police to move in and break them up in the way they did.

Division 85 put and passed.

Division 86: Department of Corrections, \$33 176 000—put and passed.

Division 87: Police, \$61 949 000—

Mr STEPHENS: The member for Fremantle referred to the double standard and this is an issue I should like to mention with regard to the police in Western Australia. I believe they have been put in an impossible position by this

Government. I firmly support the concept that the law must be upheld, but we find these double standards exist.

Recently I attended a football windup in the small country town of Tambellup. It is a very conservative, law-abiding area. For the many years I have been a member of this Parliament I have attended the same football windup and it has always been well conducted and there has never been any trouble.

On this occasion it appears the application for the permit was submitted with only five days notice instead of seven days. This occurred, because the secretary of the football club had been transferred and he had to make arrangements by telephone. He suddenly realised the application had not been submitted and he had only five days within which to do it. He phoned the Clerk of Courts and explained the situation and was told, "Send in the application and I will consider it". The secretary then telephoned a person at Tambellup who made a 50-mile round trip to lodge the application. I should like to point out the application already had the approval of the local constabulary in Tambellup. Subsequently a reply was received by mail indicating the application had not been made within the required seven days and it had been refused.

I have made inquiries also and it is my information there is nothing to prevent an application being granted, notwithstanding that it was not submitted within the period of seven days normally required. There is an example of an overzealous Clerk of Courts who made a decision for reasons best known to himself.

However, the function proceeded. In the letter, the Clerk of the Courts said the application had been refused, it was pointed out this did not preclude members from taking their liquor and consuming it on the premises. On that basis, the football club decided the function would continue and, at the beginning of the function, the president of the club announced all the liquor which was to be consumed had been donated by the local publican, so there was no charge for it.

During the evening it was obvious something was going on and it turned out the liquor and gaming branch made an appearance at the function.

We have been told there are staffing problems in the Police Force and policemen are overworked; but what do we find? Four members

of the Police Force travelled from Albany to Tambellup—a round trip of 150 miles—in order to enforce the law, because a function appeared to be proceeding without a permit. It was proceeding in a very law-abiding way.

In addition to the policemen who came from Albany to investigate this heinous crime, one of the local constabulary was involved, so five policemen turned up at the function. They arrived at approximately midnight with a warrant to seize the liquor. They seized most of it, but left one 18-gallon keg, so it was rather a peculiar way to enforce the law.

Mr Davies: What are you complaining about?

Mr STEPHENS: In this situation four policemen travelled 150 miles, and were accompanied by one of the local police officers to uphold the law. However, under the policy of containment, the same police in Western Australia allow gambling and prostitution to proceed in Perth.

Mr Jamieson: Tolerance and containment!

Mr STEPHENS: That is a far more serious situation than a harmless social function in a small country town which, over a period of years, has never created any disturbance whatsoever. I feel sorry for the police in this situation. It is time the Government made up its mind that the law should be upheld. I made representations to the officer in charge in Albany about the situation. In fact I protested about it and I was told the decision was made by the liquor and gaming branch in Perth. I have contacted that branch also and have made known my views. In both discussions I referred to the double standard. In Albany I was told I was being unfair, because they did not apply the law in Perth and I suppose that was half true inasmuch as they were officers down in the Albany district. At the same time, however, they are law enforcement officers of the Police Force of Western Australia and I felt they should come under the same policy applied throughout Western Australia.

When I made reference to the situation in Perth I was told it was a matter of policy. It is high time something was done about this. In *The Western Mail* of 19-20 September 1981 there is a large article under the headline "An angry ex-policeman speaks his mind: The big-time criminals have arrived". A former policeman, Graham Lee, is referred to in that article and he makes the point, "It is clear to me from what is happening that some people are paying for protection".

The Minister for Police and Traffic has said he has heard all these comments and asks why people do not come forward and give him the facts. I think he knows full well the reason. We have seen one superintendent in this State who tried to do something about the matter and we know what happened to him.

Mr Davies: He was robbed of \$2 000 in pay.

Mr STEPHENS: At the time that was going on I was Chief Secretary and, in that capacity, I met various policemen. On two different occasions, sergeants of police said, "Superintendent Daniels is 100 per cent right, but look at what is happening to him. He is the superintendent—don't expect me to stick my neck on the line". The Minister knows that, but he says, "Why don't people who make these accusations come forward so that I can investigate the matter". It is up to the Minister to carry out the investigation and ascertain the position. He may get the information, but it will be difficult to do so. If the law were enforced on all occasions and we got rid of the idea of a policy of tolerance and containment—if the police were in the situation where at all times they upheld the law—this State would be a better place. It is high time the Government stopped hiding behind a cloak and grasped the nettle.

Mr HASSELL: I do not know the particulars of the case the member for Stirling referred to at Tambellup. I do not think he linked his argument very well with his general and wide-ranging attack on the law enforcement policies of the police. I can only say the more I hear people like the members for Stirling and Fremantle, and one or two others, display their complete lack of understanding in this area, their antagonism to the police, and their interest only in trying to secure political points, I realise how necessary it is that we should maintain the integrity of the system we have now, as is done by our Police Force.

Division 87 put and passed.

Division 88: Road Traffic Authority, \$28 860 000—

Progress

Progress reported and leave given to sit again, on motion by Mr Davies.

BILLS (5): RETURNED

1. Police Amendment Bill.
2. Diamond (Ashton Joint Venture) Agreement Bill.

3. Northern Developments Pty. Limited Agreement Amendment Bill.
4. Consumer Affairs Amendment Bill.
Bills returned from the Council without amendment.
5. Western Australian Marine (Sea Dumping) Bill.
Bill returned from the Council with an amendment.

ADJOURNMENT OF THE HOUSE:**SPECIAL**

SIR CHARLES COURT (Nedlands—Premier)
[2.16 a.m.]: I move—

That the House at its rising adjourn until
10.00 a.m. on Tuesday, 1 December.

House adjourned at 2.17 a.m. (Friday)

QUESTIONS ON NOTICE EDUCATION

Technical and Further Education Advisory Council

2746. Mr DAVIES, to the Minister for Education:

- (1) On how many occasions and on what dates has the technical and further education advisory council met since 20 March 1981?
- (2) Has any decision been made on the future of this council?
- (3) If so, what is proposed?

Mr GRAYDEN replied:

- (1) The council has not met since 20 March 1981.
- (2) No.
- (3) Not applicable.

WATER RESOURCES: DAMS

Lefroy Brook

2747. Mr EVANS, to the Minister for Water Resources:

- (1) Has a dam site been selected on the Lefroy Brook, south of Manjimup?
- (2) Is it proposed to construct a dam on the Lefroy Brook?
- (3) For what purpose will this dam be constructed?
- (4) Has a survey of the catchment area immediately above the Channybearup Road on the Lefroy Brook been carried out to determine the suitability and clarity of the water which it is anticipated will be contained in the dam?
- (5) Will the large area of cleared farming land which will provide the bulk of the catchment to such a dam be detrimental to the quality of water which it is proposed to hold?
- (6) Has any provision for water supply for irrigation and other purposes for farmers below the proposed dam, been made and if so would he give details?

Mr MENSAROS replied:

- (1) Yes.
- (2) No decision has been made. Environmental and engineering studies are being undertaken.
- (3) The prime purpose of the dam is to augment the water supply to Manjimup.

- (4) Extensive water sampling has been undertaken over many years.
- (5) This matter is still under extensive study.
- (6) The supply of irrigation water to farms downstream from the site is being considered in the study.

POLICE AND RTA

Boyup Brook

2748. Mr EVANS, to the Minister for Police and Traffic:

- (1) Adverting to my question 2279 of 1981, in which I asked if it was intended to reduce the police or road traffic strength of Boyup Brook, and if so by what number and when a reduction would take effect, and to which he replied, "At this time, neither the Road Traffic Authority nor the Police Department has intentions to reduce the number of officers stationed at Boyup Brook", can he reconcile the fact, or how does he reconcile the fact that an officer will leave Boyup Brook on permanent transfer this week?
- (2) Will this officer be replaced?

Mr HASSELL replied:

- (1) and (2) The Commissioner of Police advises that inquiries from the Road Traffic Authority reveal that the patrolman at Boyup Brook was normally to be transferred after Christmas 1981. However, owing to extenuating circumstances personally involving the officer and affecting the department, he was transferred earlier than normal. Applications are being called to replace this officer.
In the meantime, the Boyup Brook area will be covered by the patrolmen stationed at Collie, Donnybrook, and Bridgetown.

TELEVISION: PROGRAMME

ABC "Sportsnight"

2749. Mr CRANE, to the Premier:

- (1) Is he aware that—
 - (a) it is proposed to discontinue the ABC "Sportsnight" programme on Channel 2 which covers trotting on Friday nights;

- (b) this programme has one of the best ratings and caters for the need of country people, hospitalised patients, and others who would otherwise not be able to attend these race meetings and enjoy the sport of their choice;
 - (c) there will probably be a considerable loss of revenue to Western Australia through loss of revenue from the TAB if this "Sportsnight" programme is discontinued?
- (2) In view of these points and in the interests of country and disadvantaged people, will he make representation to the Prime Minister and the Minister for Communications to ensure that this high rating programme is continued without interruption?

Sir CHARLES COURT replied:

This is not a matter within our jurisdiction, but out of courtesy to the member I have made some inquiries which have elicited the following information—

- (1) (a) Recently the ABC announced that following a detailed review of its programming, it had decided to make major changes to its Friday schedules throughout Australia from the end of the year. The ABC has stated the decision was made in the interests of its total audience, a considerable proportion of which, it says, does not appreciate the time given to general sport and to trots on Friday nights. I am advised that the Friday night soccer programme will continue regardless after end-year, and, secondly, that the ABC will honour its agreement to cover trots on television until end-March unless the WATA arrange prior alternative coverage.

- (b) I am not aware of ratings, but if trotting had been of high rating I presume it would have been retained. Certainly it would be hoped that the new programme schedules would please the widest possible audience particularly those to which the member refers. Incidentally, to cater for trots fans, the ABC advises it will continue to broadcast trots on radio to the country after end-March, as it is doing at present. In Perth, 6PR broadcasts trots. The ABC also advises that it is looking at other possibilities for a television sports-magazine programme at another time during the week.
- (c) As the radio broadcasts are continuing, I do not see how this will be so.

- (2) On one channel, the ABC has to cater for a wide variety of audience needs, throughout the State. Control of programming is a matter for the ABC, in the light of its judgment of audience needs and reactions. However, I would be happy to write to the State Manager of the ABC, in the first instance, seeking the facts, figures, and rationales behind the decision, to ensure that the stated reasons justify the change.

ROADS

Two Rocks and Yanchep

2750. Mr CRANE, to the Minister representing the Minister for Lands:

- (1) Are all the roads in the towns of Yanchep and Two Rocks gazetted?
- (2) If not, what are the names of the roads not gazetted and in which towns?

Mrs CRAIG replied:

- (1) and (2) The information requested by the member would entail a considerable amount of research and the Minister is not prepared to allocate staff to obtain the information sought.

Details of each gazetted and dedicated road are available on public record at the Office of Titles and the Department of Lands and Surveys.

HOUSING: INTEREST RATES

Low

2751. Mr CRANE, to the Treasurer:

- (1) Is there any substance in the rumour that low interest loans are available in Western Australia through the Rural and Industries Bank to Vietnamese migrants?
- (2) If "Yes", at what percentage are these loans available?

Sir CHARLES COURT replied:

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

FISHERIES: JURIEBAY

Fishing Boat Harbour

2752. Mr CRANE, to the Minister for Works:

- (1) Have the investigations and studies at Jurie Bay for the establishment of a fishing boat harbour been completed?
- (2) If not, when is it expected that they will be completed?
- (3) Do the studies include the possibility of an inland harbour?
- (4) When is it anticipated work will commence on the construction of a fishing boat harbour and boat-launching facilities at Jurie Bay?

Mr MENSAROS replied:

- (1) No.
- (2) Towards the end of the 1982-83 financial year.
- (3) Yes.
- (4) Subject to the availability of funds, which is partially dependent on the priorities of other fishing industry facilities in the State, work could commence in the 1984-85 financial year.

HARVEY INLET AND PEEL INLET

Algae

2753. Mr SHALDERS, to the Minister representing the Minister for Conservation and the Environment:

- (1) Further to question 2687 of 1981 relevant to the waters of Peel Inlet and Harvey Estuary, would the Minister advise which four of the study recommendations referred to in his answer to part (5) (i) are to be implemented?
- (2) What is the expected implementation time for each of these?
- (3) What are the anticipated results and benefits from such implementation?

Mr O'CONNOR replied:

- (1) Refer to Department of Conservation and Environment Bulletin No. 88. The study report recommendations referred to in my reply to question 2687 were—
 - (i) Opportunistic Flood Study (Further Research, Recommendation No. 1).
 - (ii) Benthic algae (On-going Monitoring, Recommendation No. 1).
 - (iii) River flow (On-going Monitoring, Recommendation No. 3).
 - (iv) Urban sources of nutrients (On-going Monitoring, Recommendation No. 4).
- (2) (i) Undertaken during the period June-October 1981.
 - (ii) A quarterly sampling programme of bottom plants throughout the estuary commenced in July 1981.
 - (iii) A water level recorder was re-established on the Harvey River in April 1981.
 - (iv) A number of observation bores will be sunk in February to March 1982 in the older established urban areas at Coodanup, Falcon, and Dawesville. Bi-monthly sampling will be continued for the next few years.
- (3) (i) Will enable the prediction of the behaviour of nutrients under high flow conditions.
 - (ii) Will aid in the future identification of the nutrient load coming from the Harvey River and associated drains.

- (iii) Will enable a check to be made on seasonal changes; special composition and abundance of bottom living plants.
- (iv) Will provide information about the groundwater contribution to the estuarine waters of nutrients and pathogenic organisms from urban sources.

WATER RESOURCES

Boulder and Kalgoorlie

2754. Mr GRILL, to the Minister for Water Resources:

When was scheme water first reticulated to residences in Kalgoorlie and Boulder?

Mr MENSAROS replied:

The reticulation mains were constructed during 1903 with the work being completed in December of that year.

TIMBER: FELLING

Crown Land and Pastoral Leases

2755. Mr GRILL, to the Minister representing the Minister for Forests:

What restrictions are there on the felling of timber on—

- (a) vacant Crown land;
- (b) pastoral leases?

Mrs CRAIG replied:

- (a) Under the provisions of the Forests Act, the felling of timber on vacant Crown land is controlled by the issue of permits or licences which set out the restrictions relevant to each particular case.
- (b) The lessee may fell timber occurring on his lease, for domestic purposes and for the construction of buildings, fences, or other improvements to his leasehold. The felling of timber by other persons on a pastoral lease is subject to the same restrictions as set out in (a).

TIMBER: FELLING

Mining Tenements

2756. Mr GRILL, to the Minister for Mines:

What restrictions are there on the cutting of timber on mining tenements?

Mr P. V. JONES replied:

The holder of a mining tenement on Crown land, unless specifically precluded by a condition attached to the grant thereof, is generally authorised to remove live or dead timber for his personal use for mining purposes, subject to any applicable legislation relating to those lands.

Where those Crown lands comprise State forest, the condition—

Subject to the provisions of the Forest Act 1918 and the Regulations thereunder.

is imposed.

Where those Crown lands comprise a timber reserve, the condition—

Subject to no timber being cut on the lease or claim except by way of bona fide surface clearing

is imposed.

Where the mining tenement is located on private land, the consent of the owner and occupier is required before timber can be cut.

Where reserved land—other than Crown land—is involved, restrictive conditions are imposed after the controlling authority has been consulted.

MINING: TENEMENTS

Tailings and Slimes: Dumping

2757. Mr GRILL, to the Minister for Mines:

- (1) Are there any regulations governing the dumping of slimes and tailings on mining tenements?
- (2) If so, where are those regulations to be found?

Mr P. V. JONES replied:

- (1) and (2) The holder of a mining tenement has the right to dump slimes on his own tenement by virtue of, and within the limitations of, sections 42(1), 48(1), and 26(1).

Regulations 222, 84(d), and 87(3) also have application in some instances.

STRYCHNINE: SALES

Restrictions

2758. Mr GRILL, to the Minister for Health:

- (1) Are there any restrictions on the sale of strychnine to the general public?
- (2) If so, what are those restrictions?

Mr YOUNG replied:

- (1) Yes.
- (2) Sale of strychnine to the general public is restricted to—
 - (a) Grain baits containing 0.5 per cent or less of strychnine which are registered as pesticides. If the grain bait contains more than 0.2 per cent of strychnine the purchaser must sign a poisons register. The baits may be sold only by a seller licenced to sell sixth schedule poisons.
 - (b) Preparations for human therapeutic use which may only be sold by pharmacists or persons licensed to sell first schedule poisons.
 - (c) Supply on veterinary prescription for preparations containing 1.5 per cent or less of strychnine for the treatment of animals.

Strychnine in any other form may be sold or supplied to primary producers for use only by primary producers in accordance with the label registered under the pesticides regulations, or sold or supplied to officers of the Agriculture Protection Board.

AGRICULTURE PROTECTION BOARD

Dogs: Wild

2759. Mr GRILL, to the Minister for Agriculture:

- (1) When was baiting for wild dogs last carried out in the Kambalda area by the Agriculture Protection Board?
- (2) Were the baits dropped by air and in what area were they dropped?
- (3) What prior advice was given to the public of the baiting?
- (4) What type of bait and poisons were used?
- (5) For how long do these baits remain active?

Mr OLD replied:

- (1) to (5) Kalgoorlie-based officers of the APB are currently in the field and cannot be contacted.
Answers will be supplied as soon as possible.

PASTORAL LEASES: PUBLIC ENTRY

Rights

2760. Mr GRILL, to the Minister representing the Minister for Lands:

What rights do members of the general public have to enter and remain upon pastoral leases?

Mrs CRAIG replied:

A pastoral lessee has the right to the quiet enjoyment of his lease and is quite entitled to exclude the general public. Entry by a member of the public upon a pastoral lease without the lessee's specific permission, other than via a gazetted public road whether made or unmade, would constitute trespass unless the person concerned can produce an authorisation under a Statute such as the Mining Act.

SEWERAGE: SEWER

Wembley Downs: MWB Access

2761. Mr PARKER, to the Minister for Water Resources:

- (1) With respect to the property of Mr McInerheny of 74A Stockdale Avenue, Wembley Downs, has he or the Metropolitan Water Supply, Sewerage, and Drainage Board had representations from Mr McInerheny, or on his behalf, asking that the board purchase for \$5 000 land of his on which there is a sewer frequented by the board?
- (2) Is he aware that no less than 50 personnel of the board have visited Mr McInerheny's property to gain access to this sewer in recent times?
- (3) Is he aware that one of the last occasions on which access was requested was for the purpose of "televising the sewer"?
- (4) What is the point of so televising it?
- (5) What is his, or the board's response to Mr McInerheny's request?

Mr MENSAROS replied:

- (1) A phone call was received by my office requesting some monetary compensation.
- (2) The manhole in Mr McInerheny's property has been visited on 15 occasions by MWB staff over the past two years.
- (3) Yes.
- (4) To investigate the causes of the recurrent blockages in this particular sewer.
- (5) This manhole is part of the metropolitan sewerage system constructed in accordance with the provisions of the MWSS & D Act for access purposes, and its use by the MWB is not subject to compensation according to the Statute.

STOCK: CATTLE

Wild: Destruction

2762. Mr I. F. TAYLOR, to the Minister for Agriculture:

- (1) How many licences to shoot wild cattle are in existence?
- (2) Would such a licence allow a person to enter upon occupied pastoral leases and shoot unbranded cattle?
- (3) Could a licence holder legally muster and truck unbranded cattle instead of shooting?
- (4) If "Yes" to (3), would this apply to unbranded cattle on pastoral leases without the permission of pastoral holders?
- (5) If such a licence holder were able to operate on pastoral leases without permission of the lease holder would the lease holder be given prior knowledge?

Mr OLD replied:

- (1) Two. Both are senior rangers with the Metropolitan Water Board having licences to shoot wild cattle in the Metropolitan Water Board catchment areas.
- (2) Only with the written permission of the owner.
- (3) and (4) No.
- (5) Answered by (2).

HOUSING: SHC

Public Relations Officer: Statement

2763. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

- (1) Can he confirm that the public relations officer of the State Housing Commission told a reporter of *The West Australian* on 18 November 1981 that a family including six children living in a two-bedroomed house in Tower Street, Leederville, which was due for demolition by the Main Roads Department, had been allocated or pre-allocated a house in Balga on 12 November 1981, but for some unknown reason had not been made aware of that information?
- (2) Is he aware that an article appeared in *The West Australian* of 19 November 1981 indicating that the family had been made a definite offer of accommodation?
- (3) If "Yes" to (1) and (2), is this the same family about whom I was advised in a letter from the commission on 9 November 1981 that they were listed "wait-turn" for assistance?
- (4) How does he explain the apparent contradiction between these two communications?
- (5) Has the family concerned yet been contacted regarding the allocation of the house in Balga, and if not, why not?
- (6) Is this family still to be made a definite offer of accommodation?
- (7) If "Yes" to (6), what accommodation is to be offered and when will the offer be made?

Mr LAURANCE replied:

- (1) to (7) The information will take some time to collate and the member will be advised by letter.

QUESTIONS WITHOUT NOTICE

MINING: DIAMONDS

Companies Involved: Litigation

864. Mr BRIAN BURKE, to the Minister for Resources Development:

Can the Minister outline the basis on which he is able to claim that the legal action proposed by Afro-West was, in fact, a case of vexatious litigation?

Mr P. V. JONES replied:

I hardly think question time is the appropriate time to continue the debate on this Bill.

system of the SEC and through that on to the consumers.

EDUCATION: FOUR-YEAR-OLDS

Minister for Education: Attendance at Meeting

866. Mr PEARCE, to the Premier:

- (1) Does the item in tonight's *Daily News* that the Premier intends to chair a meeting between the Minister for Education, representatives of the Community Kindergarten Association, and Education Department officers signal an impending change in the Government's policy towards pre-school education for four-year-olds?
- (2) If "No", and it does not signal political change, what is the purpose of the meeting?

Sir CHARLES COURT replied:

- (1) and (2) I must admit it is quite refreshing for the member for Gosnells to ask whether it signals a change in our attitude because I was certain he was going to ask a question as to whether it signals a change in Minister, in which case I was going to say, "Definitely not".

Mr Pearce: I do not want any change. I am perfectly happy with the arrangement as it is.

Sir CHARLES COURT: The member will be sorry. My undertaking with the deputation that came to see me yesterday was that I would confer with the Minister and his officers and respond to its representations and, if need be, there would be a meeting between members of the deputation and the Minister and his officers and, if they felt it appropriate, I would be only too pleased to attend; but it was a matter of our demonstrating our good faith because there has been a lot of misinformation promulgated around the community and our main concern is, to ensure that everyone understands what it is all about.

TOWN PLANNING: MRPA

Resumptions

867. Mr NANOVIICH, to the Minister for Urban Development and Town Planning:

Has the Minister seen in tonight's *Daily News* the article that refers to changed

ALUMINIUM SMELTER: INDUSTRY

Rent Tax

865. Mr SHALDERS, to the Premier:

- (1) What is his reaction to the resources rent tax proposed by the Senate committee in its report on the aluminium industry?
- (2) What is his reaction to the comments made this morning by the Federal Labor member, Mr Keating?

Sir CHARLES COURT replied:

- (1) and (2) I must admit that when I saw that the Senate committee had made a recommendation for a resources rental tax or in some way had favoured it—

Mr Brian Burke: The Liberals and Labor alike.

Sir CHARLES COURT: —I was appalled, because I would have thought it is about time we got this out of our hair in the Federal scheme of things, particularly so far as the States like W.A. are concerned. That was bad enough, but what appalled me even more were the comments I heard from Mr Keating, the Federal Labor member, this morning when he said that the question of charges, royalties, rail freights, and the like should be taken out of the hands of the States and should be handled at Federal level. I must admit that he placed the greatest criticism on New South Wales, Victoria and Tasmania, but did not talk of Western Australia because the report itself has said that so far as Western Australia is concerned there is no evidence of a freight subsidy or for that matter, a subsidy on any other item. Certainly, there has not been a subsidy on electric power for the reasons that we have not got a smelter yet, and we have committed ourselves publicly to a policy that there will be no subsidy on power; in other words, no power for the smelter will be charged at less than our cost, and whatever we get above cost will be a contribution to the total grid system and the total supply

procedures for the notification of land acquisition by the MRPA?

Mrs CRAIG replied:

Yes, I have seen that article and, in fact I was further advised this morning by the chairman of the authority of that resolution that took place yesterday.

I want to take this opportunity to say that the authority has acted with great speed since the request was made of it—

Mr Pearce: Comparatively speaking.

Mrs CRAIG: —in advising people in relation to major amendments. The text of that resolution is that it will still fulfil the statutory obligations that have existed since 1965 and also will notify landowners in the area affected. The MRPA also will have a letter drop in the area affected and to people adjacent to the area, I understand. The Chairman of the Metropolitan Region Planning Authority will have the power to take any other action that he believes is necessary to ensure that people are properly notified.

POLICE AND RTA

Manjimup

868. Mr EVANS, to the Minister for Police and Traffic:

- (1) Is it intended that any RTA or police officers will be transferred from Manjimup in the next six months?
- (2) If "Yes" to (1)—
 - (a) how many officers will be transferred;
 - (b) when will they be transferred; and
 - (c) will they be replaced?

Mr HASSELL replied:

- (1) and (2) At this time the Commissioner of Police does not have responsibility for deployment of road traffic patrolmen. It is not envisaged that general duties police strength will be reduced.

The Chief Executive Officer, Road Traffic Authority, advises that there are no RTA plans to transfer a patrolman.

TOWN PLANNING: MRPA

Reserve: North Perimeter Highway

869. Mr HERZFELD, to the Minister for Urban Development and Town Planning:

- (1) What stage has the Metropolitan Region Planning Authority reached in its planning of the location of the reserve for the northern perimeter highway?
- (2) Are alternative routes being considered along the section from Great Northern Highway westwards?
- (3) Would she, in due course, provide me with a plan indicating details and include details of lot numbers and the location of homes?

Mrs CRAIG replied:

- (1) The north perimeter highway has been reserved in the metropolitan region scheme since 1963. An amendment to the metropolitan region scheme under the provisions of section 33A of the Metropolitan Region Town Planning Scheme Act, covering the section of the proposed north perimeter highway between the proposed Beechboro-Gosnells interchange and Great Northern Highway, was gazetted on 30 October 1981.
- (2) Alternative alignments were considered prior to finalisation of the above amendment.
- (3) Yes. I will ensure that the member is provided with a map containing all the information he has requested.

EDUCATION: FOUR-YEAR-OLDS

Community Kindergarten Association: Petition

870. Mr BARNETT, to the Premier:

My question relates to a meeting the Premier had yesterday with the Community Kindergarten Association. It is my understanding from some of the people who assembled outside Parliament yesterday that a petition consisting of in excess of 600 signatures and addressed to the Speaker of the Parliament was presented at that meeting on behalf of Rockingham people along with other petitions to the Premier for the purpose of presentation to the Parliament.

As today is possibly the last sitting day of Parliament for this year, would the Premier indicate—

(1) Did he receive that petition at the meeting yesterday?

(2) If so, where is it now?

Sir CHARLES COURT replied:

(1) and (2) When I met the deputation yesterday regarding the pre-school education system, it gave me a whole bundle of papers. Some of them were addressed to me, some to the Minister for Education, and some to other people and I undertook to distribute them. There were a number of rolls of things that could have been petitions, but I took them to my office to sort them out and forward them to the appropriate places. If one of them is a petition, I will see that it is presented by the appropriate member; however, no-one specifically mentioned a petition, but just gave me a dozen or more papers. There was one scroll which those involved told me was a series of diagrams, charts, and so on prepared by somebody from a certain kindergarten which they wanted studied by the Minister, myself, and the appropriate people, and that will be done. That was only one of the many, though. I assure the member that the papers are in the process of being distributed. If petitions are included, they will be distributed accordingly.

MEAT

Commission

871. Mr BLAICKIE, to the Minister for Agriculture:

Can the Minister explain the rationale which has led to the retrenchment of some salary and wages staff from the West Australian Meat Commission?

Mr OLD replied:

I am sure the member is aware that due to seasonal conditions and, in the case of beef, the market situation, there has been a diminution of supply of livestock to all abattoirs in Western Australia and, in the case of the WA Meat Commission, this has necessitated the retrenchment of a number of salaried staff.

A newspaper article this morning quoted Mr Payne as saying that the Australian Meat Industry Employees Union would give consideration to one slaughter team manning both the mutton and beef chains, provided there were retrenchments not only in the slaughter staff. It is with this in mind, together with the realisation that it will be some time before stock numbers return to normal, that the Meat Commission has reluctantly decided to retrench some salaried staff, some of whom have been with it for some time.

MEMBERS OF PARLIAMENT

Electorate Offices

872. Mr PARKER, to the Premier:

- (1) Has the Government, or a committee of the Government or Government parties, been giving consideration to the closure of all or some electorate offices or in any other way changing the way in which electorate offices are currently handled?
- (2) If the answer is "Yes", can he advise what consideration has been given, what stage has been reached, and when we can expect some answers on this matter?

Sir CHARLES COURT replied:

- (1) and (2) I know of no proposal to close the electorate offices; even though as Treasurer, I would love to do it, there is no such proposal and I cannot imagine that it would be promoted at this stage. However, I do know that there is a lot of concern on the part of members of this House about the abuse that has been made on some of the electorate offices both Federal and State.

Mr Parker: What sort of abuse?

Sir CHARLES COURT: The misuse and abuse of electorate offices for straightout party political propaganda.

Government members: Hear, hear!

Sir CHARLES COURT: It is no credit to the ALP. I am amazed that somebody with a bit of responsibility within the ALP and who respects these offices and wants them to be within the—

Several members interjected.

The SPEAKER: Order! I call upon members to maintain order!

Sir CHARLES COURT: I am quite surprised that some of the more responsible elements in the ALP have not intervened to stop—

Mr Pearce: Give us the names.

Sir CHARLES COURT: We will in good time. If we cannot get good sense to prevail, and I hope we can, and get people to see that this abuse should not be tolerated, the whole purpose of an electorate office is defeated.

STOCK: CATTLE

Beef

873. Mr STEPHENS, to the Minister for Agriculture:

- (1) In view of the disastrously low beef cattle prices which are approximately one-third lower than this time last year, will the Government undertake a referendum of producers for statutory marketing?
- (2) If the answer is "No", what plans does this Government have to assist cattle producers in view of these low prices?

Mr OLD replied:

- (1) and (2) No decision has been made at this stage to conduct a referendum of producers in regard to the statutory marketing of beef. I am aware, as the member would be, that the united beef breeders for some time have been endeavouring to negotiate with major retailers a scheme for a guaranteed price for grain-fed beef and until the outcome of that negotiation is known I doubt whether any further action will be taken.

HEALTH: NURSING HOME

Penn-Rose: Minister for Health

874. Mr B. T. BURKE to the Premier:

- (1) With reference to the Penn-Rose lodging house is the Premier aware that the Minister for Health said in this place, in answer to a question last night, that he

had received detailed allegations about the Penn-Rose nursing home that were addressed originally to the Premier, with a copy to himself, several weeks ago and he had advised the Premier after the receipt of the details to refer the papers to the Attorney General?

- (2) Bearing that in mind can he confirm that the Attorney General has said publicly that he has not yet received the papers, and whether the Premier can explain the delay of some weeks between the date on which the Minister for Health received the allegations and the date on which he referred them to the Attorney General?

Sir CHARLES COURT replied:

- (1) and (2) I would not claim to be so smart that I can remember every document that goes through my office—they go through in their dozens and sometimes in their hundreds. When the Minister for Health gave an undertaking to Parliament that the papers would be examined by the Attorney General and he would advise the Government of the appropriate action, I issued an instruction that the appropriate papers be obtained, not only from the Minister for Health, but also from every other department that would have some—I cannot think of any outside the Minister for Health—because I wanted to make a submission to the Attorney General immediately so that he could study the case as quickly as practicable. Beyond that I am not prepared to comment because I cannot recall receiving them earlier. I am not suggesting that they did not come in—

Mr Brian Burke: The Minister said they came with a copy to him several weeks ago and at that time he advised you to refer them to the Attorney General.

Sir CHARLES COURT: If the Leader of the Opposition will listen to me for a moment he will learn that these papers often come in in that way and even sometimes the original comes to me and a copy is given to the Leader of the Opposition.

Mr Pearce: As long as they do not send you a copy and the original to the Leader of the Opposition.

Sir CHARLES COURT: That has happened—the original of the document has been sent to the Leader of the Opposition and I have received a copy for my information. This happens from time to time in the despatch of mail. It is not unusual for matters like this to come in. One has to have the staff to deal with them and usually they deal with them quickly and forward documents to the Ministers concerned seeking advice so that the Premier can respond.

I do not know on what date the documents were received or when they were transferred from one department to the other. When I heard the Minister for Health give that commitment, I issued instructions to collate all papers and pass them on to the Attorney General without delay.

Mr Brian Burke: Are you saying that was the first time you heard that commitment?

Sir CHARLES COURT: To my knowledge yes.

Mr Brian Burke: The Minister said that he advised you two or three weeks ago.

Sir CHARLES COURT: I want to make the position clear so that if the Leader of the Opposition is in the Premier's position—

Mr Pearce: It will not be long.

Mr Blaikie: He will never be.

Sir CHARLES COURT: —or in the position of a Minister for that matter—he will realise that the volume of papers which go across one's desk from all sorts of quarters is tremendous. It comes in almost by the wheelbarrow load and no Premier in his right mind would examine all the mail. It is distributed, as it should be, to competent officers.

I will inquire whether the documents were received and forwarded to the Minister for Health and whether there was any delay or dereliction of duty on anyone's behalf in not transferring them to the correct department, and appropriate action will be taken against anyone who has transgressed.

PRISONS: PRISONERS

Prisoners' Action Group

875. Mr WATT to the Chief Secretary:

- (1) Has he received a letter from a group calling themselves the WA Prisoners' Group expressing some concern about the use of razor ribbon wire at Canning Vale prison?
- (2) If he has received such a letter what action does he propose in response to it?

Mr HASSELL replied:

- (1) and (2) I have received such a letter—I received it yesterday. It was from the Prisoners' Action Group represented by one Ms James who frequently ventures into this area.

Mr Bryce: Not Viv James?

Mr HASSELL: No, Ms James; she is meticulous about calling herself Ms James.

Mr Pearce: Are you opposed to that?

Mr HASSELL: She expressed on behalf of the WA Prisoners' Action Group an objection to the use of razor ribbon wire at all, and the ground of her objection was that the RSPCA had objected to the use of this wire for animal enclosures. I found that a bit mystifying.

The Ms James who wrote the letter is also one and the same person as the Ms James who does not in fact believe in imprisonment. She believes that all criminals should be dealt with in some other way which involves integration into the community. It was her action group which produced ludicrous cartoons used by a newspaper last weekend in relation to misrepresentation of the Prisons Bill. It is significant that this letter was forwarded at the time that the prisoner who attempted to escape from the Canning Vale Remand Centre and got caught in the razor ribbon wire, should have made representations to the same newspaper and alleged quite erroneously that he was deliberately left hanging in the razor ribbon wire when he attempted his escape. That is quite false and has been answered accordingly. Judging by the standard of the newspaper article last weekend no doubt that reply will qualify for a prominent position.

PARLIAMENT HOUSE: PAINTINGS

Nedlands City Council

876. Mr JAMIESON to the Premier:

I draw his attention to a question that I asked him on the opening day of Parliament last year, as follows—

In view of the fact that all local authorities except the Nedlands City Council have provided paintings typifying their local regions for the gallery of paintings at Parliament House, and as the City of Nedlands is within his electorate, will the Premier make representations to that council in an endeavour to complete the gallery?

His answer was in part "The matter will be taken up and, even if I have to pay for it myself, we will get one".

My question is the same and I ask it again because there appears to be some doubt whether I will have the opportunity to ask him this again. Has he followed this matter up and, if so, what are the results?

Sir CHARLES COURT replied:

In answer to the member for Welshpool I congratulate him on the way he has created some suspense and drama about this picture. There seems to be talk about this being the last sitting day of this session. If it is I am the only one who has not been told; but that is the way these things go.

Mr Brian Burke: We are not sitting tomorrow, and if we are you have gone back on your word.

Sir CHARLES COURT: The member for Welshpool will be pleased to know that as a result of representations I made, a picture has been produced and has been supplied together with the history of its background and the area it represents around Gallop House. It will be presented formally to the Speaker and the President so it can hang in the gallery and I will suggest that an

invitation be forwarded to the member for Welshpool for this occasion. I am as pleased as he is that we now have a painting.

EDUCATION: STUDENTS

Food Nutrition

877. Mr BLAIKIE, to the Minister for Education:

Can the Minister advise whether his department is taking any action to assist school children and parents with programmes of food values and food nutrition?

Mr GRAYDEN replied:

Yes. There can be no doubt that the public generally, and school children, have a poor knowledge of nutrition and this is evidenced by the fact that we receive constant reports of children taking to school a packet of biscuits and can of soft drink which constitutes their lunch.

Approximately 18 months ago I set up a committee known as the health education advisory committee and since that time it has been working on a curriculum which will be introduced for primary and secondary school children.

Immediately this programme is introduced, it will mean that every child who leaves a Government school, whether it be in the primary sector or the secondary sector, will have a knowledge of food values and nutrition.

I believe this is a tremendous initiative and if the Government does nothing else in the field of education during those years—

Several members interjected.

Mr GRAYDEN: —it is in office, then its term of office would be justified—

Several members interjected.

The SPEAKER: Order!

Mr GRAYDEN: —because every citizen of our State in future will have a sound knowledge of nutrition.

MINISTERS OF THE CROWN:
CHIEF SECRETARY

Barry Humphries' Show

878. Mr GRILL, to the Chief Secretary:

Is it correct, as alleged by Barry Humphries in his show last night, that the Chief Secretary is an old friend of Barry Humphries and that Barry used to know him back in the days when he was popular?

Mr HASSELL replied:

I must confess I have not been to the Barry Humphries show; however, I have been told of this—was it a joke?—

Several members interjected.

[Laughter.]

Mr HASSELL: —and I think it is in very poor taste.
