Legislative Assembly

Tuesday, 21 October 1980

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

BILLS (2): ASSENT

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

1. Rural Reconstruction and Rural Adjustment Schemes Amendment Bill.
2. Cancer Council of Western Australia Amendment Bill.

BILLS (8): INTRODUCTION AND FIRST READING

1. Dairy Industry Amendment Bill.
2. Rural Industries Assistance Amendment Bill.

   Bills introduced, on motions by Mr Old (Minister for Agriculture), and read a first time.
3. Mine Workers' Relief Amendment Bill.

   Bill introduced, on motion by Mr P. V. Jones (Minister for Mines), and read a first time.
4. Transport Amendment Bill.
5. Acts Amendment (Transport) Bill.

   Bills introduced, on motions by Mr Rushton (Minister for Transport), and read a first time.
6. Nurses Amendment Bill.
7. Pharmacy Amendment Bill.

   Bills introduced, on motions by Mr Young (Minister for Health), and read a first time.
8. Real Estate and Business Agents Amendment Bill.

   Bill introduced, on motion by Mr Hassell (Chief Secretary), and read a first time.

FIREARMS AMENDMENT BILL

Third Reading

MR HASSELL (Cottesloe—Minister for Police and Traffic) [4.39 p.m.]: I move—

That the Bill be now read a third time.

MR T. H. JONES (Collie) [4.40 p.m.]: The Minister indicated to me during the Committee stage that consideration would not be given to compensation in respect of firearms which are prohibited. I wonder whether he is firm on this point. He indicated regulations are to be drafted but he was not clear in respect of what they would contain. During the weekend shooters got in touch with me in respect of this matter. Will the Minister please make the position more plain?

MR HASSELL (Cottesloe—Minister for Police and Traffic) [4.41 p.m.]: I will attempt to make the position more clear. The proposed regulations have not been drafted, so what will be in them is not certain at this time.

In the second reading debate the member for Collie raised the question of compensation for people who lawfully had purchased firearms which are on the list of those it is intended to prohibit completely. At the same time, I have made it clear that it has never been our intention in this exercise to make the regulations which will be authorised under this Bill when it becomes an Act, work retrospectively. Therefore, we are setting out to establish a cut-off date at a future time when the specified firearms will no longer be able to be licensed.

I am not surprised that shooters have been in contact with the member for Collie, and perhaps other members have had that experience also, because naturally the people who have purchased these firearms have some concern about the matter. However, as we identified in the second reading speech, there is only one firearm on the list—that is, the .30 Mk I Carbine—in respect of which a significant number of people are licensed. From memory the number is about 130.

Mr T. H. Jones: It is 122.

Mr HASSELL: Yes. What I said in the debate was that the cut-off date for the future licensing of the firearms would be set having regard for the interests of those people who have the firearms, having obtained them lawfully.

In respect of the firearms on the list of which there are only one or two in existence which are not held privately, the cut-off date will be earlier because we want to work them out of the system as quickly as we can.

It is not proposed to pay compensation. What I was suggesting previously was that we would be looking to cut-off dates for all of these firearms at a time which would allow the substantial usefulness of the firearms to be exhausted. For instance, in relation to the Carbine, it may be that it will no longer be able to be relicensed after a period of, for example, five years; and in that time the value of the firearm will have declined because it will have been used to a large extent. It

may well be that the people concerned will not really have lost anything. In the case of all firearms, the owners will have an opportunity between now and the cut-off date to get rid of them lawfully, not in this State, but interstate or overseas, as the case may be. This was deliberately designed so that the people who have expended money in good faith will not be disadvantaged.

It is still my intention that so far as is reasonable and practical we will want to do that, because we are not aiming to get at these people but, rather, to work the firearms out of the system.

I will go through the list before the regulations are tabled with a view to making sure that we have regard for the interests of those people who have acted in good faith.

Question put and passed.

Bill read a third time and transmitted to the Council.

POLICE AMENDMENT BILL

Second Reading

Debate resumed from 16 October.

MR BATEMAN (Canning) [4.45 p.m.]: I rise very briefly to speak on this Bill, which has been discussed at considerable length by members on this side of the House. I rise mainly to support the remarks made by the member for Collie and to query the appointment of special constables by magistrates or justices of the peace.

The appointment of special constables could be a very dangerous pattern for us to follow. I can remember when I was a very small lad and the Kalgoorlie riots occurred. Special constables were appointed then; and many of them did a fantastic job. They were fairly rough and ready, because we were in the throes of a depression and these fellows were picked from anywhere. Some members in this Chamber may remember the great tragedies that occurred during the Kalgoorlie riots, when people were held over mine shafts and told, "Spill, you so-and-so on who split in respect of this." Particular ethnic groups operated in their own way to get jobs, and many problems arose which I do not want to discuss now because they have been aired time and time again.

However, I do not understand why the Minister wants to appoint special constables because I cannot see any reason now, in the near future, or in the distant future, that we should experience riots or problems of the kind which would require such constables.

When one stops and thinks about this, one realises special constables require special training. I am absolutely certain that if we in this State can afford to appoint special constables, we can afford to employ more police constables to undergo special training in the skills which are required in situations of stress. I doubt whether we will get to the stage of having riots, although we may reach the situation of people being rowdy, pushy, and unruly. I hope the riot situation never concerns us because I am sure none of us wants to see that type of situation occur.

The appointment of special constables could lead to all sorts of problems, and I wonder what is the real, underlying reason that the Minister wants this provision in the Police Act. As I said earlier, we do not have any real reason for their appointment, and I am sure the Police Force can look after our present situation. The police are doing a particularly good job; I have never been one to knock them, and no-one can say that I have. They look after us while we are all in bed asleep, and we know they experience many problems. No-one knows that better than I do.

However, they are the people appointed to do the job, and if we strike problems in this area we should appoint more policemen and have squads of specially trained men. We should not allow justices of the peace or magistrates to take someone off the street and appoint him a special constable under the jurisdiction of the Commissioner of Police. In my opinion that is not the right thing to do. We should give the matter a lot of thought before that is allowed.

I agree with my parliamentary colleague, the member for Collie, that we must oppose this issue. In relation to the question of trespass, until recently I did not realise that there was no such offence. I agree that this should be regarded as an offence because no-one should be able to invade my property or have the right to invade a party I may be having at my home, or at the home of anybody else, for that matter, and to disrupt it. It is reasonable for the Parliament to consider this question. However, I wonder whether there may be some ulterior motive, and whether the Minister has reasons for introducing this legislation to make trespass an offence. Probably this would embody the section 54B legislation; and I have always been diametrically opposed to such a thing.

If the Government of the day proposes the same sort of legislation as exists in South Australia, I am sure everyone on this side of the House would agree and support the Government. However, I cannot fathom why the Minister has introduced the legislation regarding the offence of

trespass. I would be delighted if he explains that later on.

As I said, the Bill has been discussed at great length by the member for Collie. The last point I want to make is that the Minister has not conferred with the Police Union. During the weekend, the Police Union criticised the Government for many things. It is good to have a good relationship with the Police Union, especially in a State which is fairly volatile at times. The Government relies on the co-operation of the Police Union in many instances. It would have been right and proper for the Minister to have contacted the Police Union in relation to this legislation.

It is all very well to adopt a dogged attitude—and members on this side of the House do it as much as Government members—but we should let common sense come into play, and have co-operation between the unions, the employers, and the employees. If that is done, I am sure we will not have the confrontation which we experienced in the past. The sooner we have co-operation, understanding, and communication, the better; and our State will be better off. If that is done, there will not be the conflict we have had from time to time.

I do not intend to speak at great length because everything that has to be said has been said. There is no way that we on this side of the House can support this Bill.

MR HASSELL (Cottesloe—Minister for Police and Traffic) [4.53 p.m.]: I am sorry I cannot thank the Opposition for its support of the measure, because it is clear it opposes it although the member for Canning has conceded that the proposition to include a trespass law may be well founded. I am glad he has said that, although he opposes the proposal in the Bill.

In all sincerity, I say to the member for Canning, the member for Collie, and other members of the Opposition, that the diabolical things which they have read into this legislation, even if they are capable of being put into effect by some malign person—a person of bad intent—are not intended.

Mr B. T. Burke: That is an awful way to legislate, is it not?

Mr HASSELL: We have many laws which, if they were in the hands of people who wanted to destroy the system, could do so. In response to the member for Balcatta, I give the following example: if Governments in this Parliament, of whatever political colour, wanted to use their numbers, they could eliminate all debate by the Opposition. They could always destroy the system.

We function on the basis that many of our laws and many of our institutions will survive on the goodwill of the people who enforce them. Within proper limits, which I support strongly, we cannot have all the legislation and all the safeguards which are required to protect us from people with wrong intentions.

I will go through the points made by the member for Collie, who spoke on behalf of the Opposition; and I will try to meet those points one by one. The first point was that there was a lack of full explanation. The member for Collie asked about the position in the other States, and he made comments about the drafting. The length of a second reading speech has to have a limit. It may be that every point has not been explained; but if particular issues arise during the Committee stage, I will give all the explanations possible on the points raised by the member for Collie.

The second point made by the member for Collie, which was taken up also by the member for Canning, was about the lack of consultation with the Police Union. That is an important point. It is not the proper function of an industrial union of workers to take up general issues in the community on behalf of the members of the union as though the union was, in some way, entitled or expected to represent its members on every issue. I ask the member for Collie why we would consult the Police Union about this amendment to the Police Act any more than we would consult the Police Union about an amendment to the Criminal Code, or an amendment to numerous other pieces of legislation including the Companies Act and the Securities Industry Act. One could go through a whole range of legislation. Why would we consult the Police Union on that legislation any more than we would on this? Why would we consult the Police Union and not other unions, because this legislation affects the community in the same way that it affects police officers?

It is true that policemen have the obligation to enforce the Police Act; but the Police Act is concerned with aspects of the criminal and quasi-criminal law. I make it absolutely clear that I do not resist the proposition that there ought to be proper consultation with trade unions in industrial matters; and as far as I am concerned I will always respond to the Police Union on industrial matters. In the same way, in relation to matters affecting the Department of Corrections, I will contact the Prison Officers' Union; and in the area of the fire brigades, I will contact the Fire

Brigade Employees' Union. However, the unions in those areas are slipping into the habit of thinking that they are entitled to be consulted on non-industrial issues.

It is of concern, in particular, in relation to the Police Union, because there must always be a question as to how far an employee in an essential service, such as the Police Force, the fire service, or prisons, can be directed by a union and how far he can go without breaching his fundamental obligation to the community he serves.

Obviously that question arises in the fire service and prisons area, because they are both essential services; but it arises even more particularly in the Police Force, because every policeman, as the member for Collie would know, has an independent, long, traditional statutory responsibility to serve the Crown and to carry out his duty to enforce the law independently of any outside interference, whether it be political interference of any kind or whether it be direction by his senior officers in certain cases.

I am concerned about what appears to be developing quite suddenly in relation to the Police Union, because the good relations which have existed and which, from the day I was appointed, I sought to continue, seem to be endangered by a new militancy on the part of the Police Union. This form of militancy will not serve our community well, particularly if the Police Union starts to operate in a manner similar to that of other militant unions. I hope that will never happen.

If the Police Union has something to say to us about industrial matters, I hope the situation can be dealt with by negotiation and that the Police Union will not adopt militant tactics. When we dealt with the union's pay claim on the basis of work value, we gave it every consideration possible.

Mr T. H. Jones: The union is dealing with you now about the payment of overtime for the Noonkanbah dispute, is it not?

Mr HASSELL: No, it is not. When dealing with the pay claim raised by the Police Union, we gave it every consideration possible within the limits of the controls we have to exercise. That was done willingly and not under pressure. It is as a result of some of the benefits policemen won for themselves that there is no money for the employment of more policemen this year. There has been an increase of 19 per cent in the budget of the Police Force this year. That is well ahead of inflation and the great proportion of the increase will be needed to meet the wage rises the Police Union has won for its members in the course of the last 12 months.

Mr B. T. Burke: An indexation rise, was it?

Mr HASSELL: It was in addition to indexation.

Mr B. T. Burke: Why does the Premier say he will pay only indexation rises?

Mr HASSELL: It was won in the Industrial Commission.

Mr Parker: It was a work value claim.

Mr HASSELL: I have just mentioned that it was a work value claim. We have no choice but to pay it. If we run out of money whilst paying those sorts of increases, we must reduce the number of people we employ; but we have not reduced the number of policemen and we have specifically authorised the Commissioner of Police to increase his establishment to replace any policemen who resign, retire, or leave the force.

Although there has not been an increase in the number of policemen this year, there has been a substantial increase in the money allocated to the Police Force. That money has, in the main, been used to meet the wage increases won by the Police Union. There has been a specific authorisation to maintain the establishment of the Police Force at the level which exists and there is no built-in reduction of numbers.

Mr Parker: Would you not agree the Police Union has a professional, as well as an industrial role to play?

Mr HASSELL: I hope the Police Union will pursue a professional role; but I do not believe it would be behaving in a professional manner if it became political. We do not want to see the Police Union or Police Force becoming political in any sense. I do not regard the running of campaigns in the newspaper about the number of policemen as being professional. I regard it as political.

Mr T. H. Jones: Perhaps they had no alternative but to go to the Press. Couldn't that be the case?

Mr HASSELL: That is not the case.

Mr H. D. Evans: Have you discussed that with the union?

Mr HASSELL: I have never declined to see the union and, as far as I know, the Treasurer has never declined to see the union either. To my knowledge, the union has not attempted to discuss with the Treasurer or myself the issue it has raised in the newspaper in regard to the manning of the Police Force.

Mr T. H. Jones: They have many other issues they want to see you about now, haven't they?

Mr HASSELL: The Treasurer took the trouble to point out to the union recently that it would do well to discuss these matters before turning them into political issues. In this case we have had to use the best judgment possible with no great joy. We see the need to provide more policemen where we can, but it is necessary to make choices. That is not easy.

Mr Parker: They presumably took the Budget limit as being your answer to their representations.

Mr HASSELL: As the member would be aware, all departments make representations to the Government in the context of framing the Budget. They make submissions as to their needs and this involves all departments.

As far as I know, the Police Union has a general policy designed to maintain manpower at a certain level. My recollection is that the union did not put forward a specific submission to the Government prior to the presentation of the Budget. In the past there has nearly always been an increase in police manpower and, if that policy can be continued in the future, it will be.

Mr B. T. Burke: Is your attitude towards the political nature of the union consistent with your attitude towards the political—sometimes highly political—comments of Mr Leitch?

Mr HASSELL: I do not believe the Commissioner of Police makes political comments.

Mr Bryce: Rubbish! Why don't you grow up and open your eyes?

Several members interjected.

The SPEAKER: Order! I should like to draw the attention of the member for Ascot to the fact that interjections are highly disorderly and interjections by members who are not in their places are extremely disorderly.

Mr Harman: A knee-jerk reaction from the member for Ascot!

Mr HASSELL: The Commissioner of Police does not question the fact that there is a very real need to maintain the Police Force in this State as a non-political body.

Mr T. H. Jones: He is pretty pro-Government now.

Mr HASSELL: I do not intend to enter into that kind of discussion, because I would not know whether or not the Commissioner of Police is "pretty pro-Government". I do not enter into discussions of that nature with the Commissioner of Police, nor do I do so with any other departmental head.

Mr B. T. Burke: I was thinking specifically of public comments in which the Commissioner of Police has been sharply critical and named the Labor Party.

Mr HASSELL: Let me respond to that interjection, because the matter referred to was raised by the Leader of the Opposition in a question without notice. He asked that it be specified when members of the Labor Party had been highly critical or critical of the Commissioner of Police and his operations.

Mr Davies: When I had been critical.

Mr HASSELL: That is not correct. The Leader of the Opposition asked a general question and then specified himself. He indicated he would put a question on notice to that effect so that I could give him the details. I can assure the House I have the details in my possession and when the Leader of the Opposition puts the question on notice, I shall provide those details of which there are many.

Mr B. T. Burke: I do not deny that. I am happy to go on record as being critical. I am in fact a member of a political party and I believe you are avoiding the question I asked, which is whether your attitude towards the non-political nature of the Police Force is consistent with the political nature of the comments made by the Commissioner of Police. He has been publicly reported as being critical of the Labor Party.

Mr HASSELL: Does it mean the Commissioner of Police is pro-Government if he is critical of attacks made on him in his independent office, frequently under parliamentary privilege?

Mr B. T. Burke: That is not true. If you remember back, you will recall when the Commissioner of Police spoke of Indonesia and the threat of the communist peril and that was not in response to anything.

Mr Bryce: He made a speech in regard to that.

Mr Parker: It is true also the commissioner has said no member of the Police Force should vote for the Labor Party. He has said that himself. Would you consider that to be political?

Mr HASSELL: I do not know of those statements.

Mr Pearce: You should not be defending him here, if you do not know what he has been saying.

Mr HASSELL: I did not mention the Commissioner of Police until members opposite started a barrage of interjections.

Mr B. T. Burke: I did not start a barrage of interjections. I just asked a question.

Mr HASSELL: Members opposite then joined in and got stuck into the Commissioner of Police once again. The point I was making is that it is in all our interests and the interests of the community that the Police Force should be non-political.

Mr B. T. Burke: And the commissioner!

Mr Bryce: And the commissioner!

Mr HASSELL: The commissioner is the head of the Police Force.

The SPEAKER: Order! It is inappropriate for members to interject simultaneously. On that occasion at least three members interjected on the Minister and I believe that is inappropriate.

Mr HASSELL: I should like to return to the Bill and the points made by the members for Collie and Canning. It is of concern to me if the Police Union enters into the political arena in the way that appears to be developing and I hope it will not develop in that way. It is of concern to me if the Police Union, in particular, and other unions as well, believes it has a right to a special place in consultation on or negotiation of non-industrial issues. I do not concede that right.

Mr T. H. Jones: It does happen, you know.

Mr HASSELL: I do not concede the union has a right to be consulted on non-industrial matters any more than the rest of the community has a right to be consulted. That does not mean we are not prepared to have regard for the views of the union.

Mr Parker: But did you not say you agreed they should be professional, as long as they are not political?

Mr HASSELL: That is right.

Mr Parker: Surely being professional means being consulted on the manning policy of the Police Force.

Mr HASSELL: Except that we are not talking about manning policies in the Police Force; we are talking about the amendments to the Act and the point raised by the Opposition spokesman. I am responding to that point.

I should like to turn to the next point raised and that is the Opposition is not happy that a magistrate or two justices of the peace should be able to appoint special constables. The amendment relates to section 34, dealing with the appointment of special constables in the case of a civil emergency.

Under section 35A, the Commissioner of Police has power now to appoint special constables.

Mr T. H. Jones: We are not arguing about him doing that.

Mr HASSELL: Is the member saying he does not mind the Commissioner of Police appointing special constables?

Mr T. H. Jones: That is right.

Mr HASSELL: But the member objects to a stipendiary magistrate or two or more justices of the peace appointing special constables, although it has to be done on the oath of a credible person in the case of any tumult, riot, felony, or civil emergency.

Mr T. H. Jones: That is what I said. I did not mention the power of the Commissioner of Police.

Mr HASSELL: That is right. I am only pointing out there is already power for the Commissioner of Police to do that. I fail to see why members opposite would be concerned if two or more justices of the peace or a stipendiary magistrate appointed special constables.

Mr T. H. Jones: Because the Commissioner of Police is a qualified person. He must be if he has attained that high office. However, the justices of the peace are laymen.

Mr HASSELL: But the power is contained already in section 34 for two or more justices to appoint special constables.

Mr T. H. Jones: Yes; but it has been extended, hasn't it?

Mr HASSELL: It is to be extended to civil emergencies.

Mr T. H. Jones: That is my argument.

Mr HASSELL: The member's main argument is in the case of civil emergencies.

Mr T. H. Jones: Yes. I want you to tell me how you define a "civil emergency", because you did not do so in your second reading speech on the Bill.

Mr HASSELL: The member has qualified the basis of his objection. It is not something the police officers have dreamed up for themselves. I refer members to the "Law Reform Commission of Western Australia, Project No. 29, Report on Special Constables" of 25 March 1975. One recommendation made was for the provision of the power to appoint constables. Some concern was expressed about this matter, particularly with respect to special constables in some areas. Page 7, paragraph 16 under the heading "Should the legal power to appoint special constables be retained?" reads—

> All commentators who discussed the question agreed that there is a need to retain the power in some circumstances, and the Commission agrees with this view. The real problem is to identify and define, out of a

> wide variety of law enforcement situations, those circumstances where some powers beyond those of an ordinary citizen are required, and which of those circumstances, if any, require the full powers of a constable. It is this problem upon which the Commission has focussed its attention.

Under question No. 2 of the report it states "In what circumstances should there be power to appoint special constables?" It reads—

(a) In emergencies

Mr T. H. Jones: You said emergency, not civil.

Mr HASSELL: I think they are referring to emergencies. What is the difference between calling them civil or emergencies? What is the difference?

Mr T. H. Jones: That is what I am trying to find out.

Mr HASSELL: Paragraph 18 states—

> The Commission suggested in its working paper that the power to appoint special constables should exist not only in circumstances of civil disturbance but also in other emergency situations, such as natural disasters. No commentator disagreed with this view, and the Commission accordingly recommends that the Police Act be amended so as to clarify that appointments may be made in all civil emergencies, not just those arising out of "tumult, riot or felony".

That is the origin of the amendment.

The member for Collie said that we do not have a definition of "civil emergency" in the Act. I can understand his point.

Mr T. H. Jones: Would not it be preferable to have it defined in the Act?

Mr HASSELL: I have considered the matter and I have taken up the point with the Crown Law Department, through the Police Department. I have been advised that it would be very difficult to define "civil emergency". It could be too wide a definition and therefore not satisfactory in that respect and it could be too narrow to be effective. There are certain cases where we would be better off by not defining the case and this may well be one.

Mr T. H. Jones: Surely people should know the Police Act and know their rights.

Mr HASSELL: Yes, they know their rights.

Mr T. H. Jones: They don't know what a civil emergency is.

Mr HASSELL: These powers are designed to affect rights of individual people. This legislation is to provide the right to appoint special constables in circumstances where there is some kind of emergency or some kind of a problem. We have had a long history in this State of not having emergency powers legislation.

When there is a cyclone we do not declare a state of emergency and put all sorts of powers into the hands of civilians, but there has been a degree of concern shown especially for circumstances which occurred during the Darwin disaster and the cyclone "Alby" disaster. We are concerned for the need to have certain powers so that people may be appointed to control certain situations.

Mr T. H. Jones: There is no need for special constables in those situations.

Mr HASSELL: The whole point of the amendment is to make provision for additional policemen in remote places or elsewhere—it is more likely to be remote places—where there are not enough ordinary police to handle the particular situation. Police officers will not be leaping to appoint special constables if they can handle the situation themselves. There has been no history of that being done in this State. I do not have any personal concern about this amendment.

Several members interjected.

Mr T. H. Jones: When it is defined, who will recommend their appointment, should there be a civil emergency?

Mr HASSELL: The Act will cater for it. All we are doing is amending section 34 which says that in all cases where it shall be made to appear to any police or resident magistrate or any two or more justices upon the oath of any credible person that any tumult, riot, or felony has taken place or may be reasonably apprehended in any place in the said State, and any such magistrate or justices shall be of opinion that the ordinary constables or officers appointed for preserving the peace, and so on.

Mr Parker: What about a situation such as that which occurred at Noonkanbah? Probably a number of justices in Derby might be very antagonistic towards the Aborigines at Noonkanbah. Who would be consulted to appoint a number of special constables in that situation? Surely that is a matter of concern. If it is not, what is?

Mr HASSELL: If a justice acted in such a way it would be obvious that he is acting outside the provisions of the law.

Mr T. H. Jones: Where is the evidence of a civil emergency?

Mr HASSELL: That is the kind of argument which is being raised—that it is not a civil emergency.

Mr T. H. Jones: It is a question I am asking.

Mr HASSELL: No-one appoints a special constable in a situation such as the one stated. I doubt that anyone could call the Noonkanbah situation a civil emergency.

Mr Pearce: It ought to have been.

Several members interjected.

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

Mr HASSELL: If someone wishes to misuse such powers in a situation such as that at Noonkanbah then he would have been just as well off to say there was likely to be a riot or tumult. There was more chance of a tumult than of a civil emergency.

Mr Pearce: No chance, despite your provocative actions.

Mr HASSELL: I do not wish to get into arguments of that kind; they are completely off the track and the issue at hand. Those points are not dealing with reality. As I have pointed out, the origin of this amendment was a recommendation made by the Law Reform Commission in 1975.

The police did not dream this up and the Government did not latch on to it to grasp, in some way, an incredible power to supress Aborigines at Noonkanbah. As I said during the Noonkanbah incident, the police acted with as much concern to protect the Aborigines as they would to protect any other persons or property. They acted properly.

I wish to make reference to the amendments to section 80 in clause 5. Section 80 of the Act provided that every person who wilfully or maliciously destroys or damages any article of personal property is guilty of an offence. The proposed amendment is to remove the words "wilfully or maliciously" from the section.

The Opposition is concerned about that because the member for Collie said "it is quite contrary to the criminal law that a man should be held responsible for his actions when he is drunk". He said it is already covered by the law. Such a situation as will be covered by this amendment arose when a man burned down a church and he was found not guilty because he was drunk at the time.

I expressed the same concern when this amendment was submitted to me. I raised the matter with the Attorney General and we had it investigated thoroughly. The advice we received was that section 80, as amended, will still be subject to the provisions of section 23 of the Criminal Code, which is the general section dealing with intention and motive. Section 23 says that subject to the express provisions of the Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

That section applies to all criminal and quasi-criminal legislation unless it is excluded, and it will not be excluded by the amendment to section 80. As it has been explained to me, if one has an intention to do the particular damage which is done, then one is guilty of the offence; if one has an intention to do what one did which produced the damage which has been done, then one could avoid criminal liability under section 23 of the Criminal Code.

Mr T. H. Jones: You are making it involved.

Mr HASSELL: It is an involved argument and I may not have conveyed it as clearly as I would like. I am assured that the amendment to section 80 will nevertheless allow a defence in appropriate cases and does not make a person absolutely responsible for damage which he does. So, if one runs off the road and damages something because of a car accident then one has not committed an offence under section 80.

Mr T. H. Jones: How would judges interpret the law?

Mr HASSELL: That is the best advice we have received and it has been checked by the Crown Law Department officers twice and I can act only on the advice which is given to me.

I now refer to clause 6 and the trespassing law and the proposal that trespassing be made an offence under certain circumstances. The member for Collie—perhaps it may have been the member for Swan—raised many fears and said that this section looked like section 54B and things of that nature.

The trespass provision is not intended to do that and in our view it does not do anything which is unreasonable towards people and their actions. The proposal is that a person will commit the offence of trespass if he remains on premises after he has been warned to leave by someone who is entitled to the possession of those premises. It is hard to imagine that anyone can really object to that.

Mr B. T. Burke: What has provoked it? We have gone on for 100 years or so without this provision.

Mr HASSELL: I do not know whether the member for Balcatta was here when I made my second reading speech. In that speech I gave two instances which illustrated what has provoked it. One was a private gate-crashing situation, and the member for Canning said he supported that provision.

Mr Bateman: I do too.

Mr B. T. Burke: Such actions are created an offence?

Mr HASSELL: No, they are not an offence. Such actions are not covered by the Criminal Code.

The other situation I referred to was the occurrence in Fremantle last year at the opening of an employment office.

Mr B. T. Burke: I heard both those examples actually, but I wondered why you did not mention the demonstration at Worsley. That was another example.

Mr HASSELL: I am sure there are many examples we could give where this provision could be used against people who have set out to disrupt lawful operations. Let us make it clear.

Mr B. T. Burke: You are making it clear.

Mr HASSELL: As far as I am concerned, if people want to demonstrate they are entitled to do so.

Mr Bryce: For how much longer?

Mr HASSELL: For all time as far as we are concerned. It might be different if the Opposition were in Government.

Mr B. T. Burke: Rubbish!

Mr HASSELL: It may well be different under the Opposition's type of Government, because with the Opposition's industrial laws, there would be all sorts of rights. In fact, industrial rights would go down the drain. Let us leave that aside.

Mr E. T. Evans: You are the Minister for industrial relations now, are you?

Mr Skidmore: Are you saying the police do not have the power to take care of a person who gate-crashes a party?

Mr HASSELL: The police do not have adequate powers in this area. Let us deal with one point at a time—Opposition members keep raising new points before I have dealt with one. If a group of gate-crashers invade a private party and the householder telephones the police, police officers will come to assist him—

Mr Skidmore: And they may well not, too.

Mr HASSELL: —or they may well refuse to come and assist, because no offence has been committed. However, if police officers do come to a householder's assistance and they remove the gate-crashers by reasonable force—which an owner is entitled to do himself—they are not acting in the course of their duties because gate-crashing is not an offence. Therefore, in such circumstances police officers do not have the protection they would have normally.

Mr H. D. Evans: What about the fact that gate-crashers are on the premises for unlawful purposes?

Mr HASSELL: They are not there for an unlawful purpose.

Mr H. D. Evans: But they are not there by invitation or to assist the owner in any way.

Mr B. T. Burke: But they could be charged with disorderly language or unlawful conduct. Traditionally such situations have been handled in this way for 100 years. What has happened is that the Worsley and Fremantle demonstrations have made you try to clamp down.

Mr HASSELL: I intend to answer completely the query raised by the member for Swan, and I will then come back to the matter of the demonstrations. I want to deal with the points raised one at a time.

If a householder calls in the police to deal with gate-crashers either police officers will refuse to come because no offence has been committed, or they will assist the householder as civilians, with none of the protection afforded to policemen. However, having put the gate-crashers off the property, the police officers cannot charge them. These people could return to the party straightaway, and nothing could be done about it.

Mr Skidmore: That is the point I raised.

Mr HASSELL: That is the legal position, and the legislation we are discussing will remedy the situation.

Let me now turn to the situation in regard to demonstrations. This matter was raised by the member for Collie and by the member for Balcatta. I will deal firstly with the point raised by the member for Collie. He said, "What happens if a demonstration takes place on private property?" I think he asked what would happen in the case of a demonstration outside a well-known church.

Mr T. H. Jones: Yes, I referred to a church in St. George's Terrace.

Mr HASSELL: The proprietor of the cathedral—if there is such a thing—may have no objection to the demonstration. Police officers can come along and remove the demonstrators because the proposed new section says that the

police can warn demonstrators to leave. This is covered under the proposed new section 82B which commences—

> "82B. (1) A person shall not, without lawful authority, remain on any premises after being warned to leave those premises—

If the demonstrators are on the premises with the consent of the owners of those premises, then they would have lawful authority and the police officers would have no basis upon which to act. It cannot be contemplated that police officers would be able to warn people to leave any property unless asked to do so by someone in charge of those premises—someone who wanted to get the demonstrators out.

Mr Barnett: Would they need the permission of the Government on Government property?

Mr HASSELL: No, I do not think they would need the permission of the Government. Looking at proposed section 82B(1)(a) it is clear that demonstrators would need the knowledge and consent of a person in charge of the premises because such premises would be public property.

Mr Barnett: So, for example, in the case of Worsley, the demonstrators would need the permission of the Forests Department.

Mr HASSELL: In the case of land under the control of the Forests Department, it would be the people in charge of those premises who would have to establish with the police officers the need to remove such people.

I want to return to the comments of the member for Balcatta. In no way am I running away from the points he made, and neither is the Government. We are now facing a new generation of demonstrators; many of these people are not demonstrators who simply want to express their view by demonstration. Nowadays people can undertake courses and become trained in civil disobedience. They can become trained to disrupt and to stop lawful operations.

Mr Bryce: Where are these courses conducted?

Mr HASSELL: Such courses have been advertised. I cannot produce any of the advertisements at the moment.

Sir Charles Court: Haven't you seen any of the advertisements? One of these places is down in Adelaide Terrace.

Mr Bryce: No, I have not seen these advertisements. I thought this was another example of the Minister's paranoia.

Sir Charles Court: You go and check it; you would be surprised at the number of places that have been advertised in the Press.

Mr HASSELL: Perhaps these courses are held at the Environment Centre in Wellington Street. These people have stated quite publicly that they are setting out to stop certain operations which are lawfully entitled to go forward. They have made this quite clear.

Several members interjected.

Mr HASSELL: Let me tell members—

Mr B. T. Burke: Paranoid, isn't he?

Mr Parker: What about the suffragette movement? There were worse demonstrations 50 to 100 years ago.

Mr HASSELL: And those demonstrations had to be dealt with.

Several members interjected.

Mr Bryce: There is the very essence of what we are saying.

Mr B. T. Burke: They were dealt with, and the suffragettes were given the vote.

Mr HASSELL: They were dealt with, and dealt with in a certain way. Do not be so puerile.

Mr Young: What can you do with intelligences like that?

Mr HASSELL: I have tried to answer the points raised intelligently by the member for Collie on behalf of the Opposition. The comments now being made are just nonsense. I am saying quite straightforwardly that we are prepared—

The ACTING SPEAKER (Mr Watt): Order! The Minister's time has expired.

Question put and passed.

Bill read a second time.

QUESTIONS

Questions were taken at this stage.

POLICE AMENDMENT BILL

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Hassell (Minister for Police and Traffic) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 34 amended—

Mr T. H. JONES: During the Minister's speech in reply he indicated that the provision in relation to civil emergency had found its way into the Act on the recommendation of the Law Reform Committee. He indicated that it was very difficult to explain what constituted a civil emergency. It is all very well for the Minister to say that, but it does not get him off the hook. The matter will have to go to members of the judiciary

who will have to determine what constitutes a civil emergency.

During my speech I asked the Minister to tell Parliament whether these words were used in any legislation in the other States. He did not answer me at the time and I do not know whether he has the information now. I am not being critical, because the Minister was sidetracked at the time. I asked the Minister whether this sort of reference was to be found in any other legislation in our State.

It is all very fine for the Law Reform Committee to say that the Government should place a provision covering civil emergency in the legislation; however, it is incumbent on the Government to define what a civil emergency is, because no-one knows and somewhere along the line someone will have to define what it is.

The Opposition is not happy with the situation and, as the member for Balcatta indicated by interjection, Opposition members wonder whether it is the Government's intention to use this clause in relation to demonstrations. We all know that the flourmillers dispute was handled under a different emergency section. On that occasion there was a certain gentleman involved in brick manufacturing, and well known to the trade unions in this State, who organised a number of workers to intervene in that dispute.

There was a nasty situation where a truck driver was stopped and told to go on his way on the advice of a police constable. He would not, but finally a police inspector was brought in and the driver went on his way. The problem is that this certain gentleman who has a hatred of trade unions can organise workers during a state of emergency. I just wonder how far the provisions contained in this clause will be used.

I might mention that in regard to the Noonkanbah situation the police involved have yet to be paid; they are still arguing about overtime. They performed their overtime, but a dispute exists between the Police Union and the Minister over payment for their services. The Minister can say at a later time whether I am right, but the situation has brought about discord between the Minister and the union. It would not be true to say that all things are rosy or that the Minister's relationship with the union is very good.

Mr Jamieson: They could not come out and ask for it. It might be illegal.

Mr T. H. JONES: I can recall the time when I was handling legislation on behalf of the Opposition in relation to section 54B when we were told the section would not be used for one thing or another; we were given assurances in this regard. However, we all know what has happened with respect to section 54B! Only time will tell what is the real intent of this amendment and whether it is to be used to cover demonstrations at refineries and so on.

I can recall debating a matter with Sir Desmond O'Neil when the Opposition had obtained legal opinions which differed considerably with the Crown Law Department opinion. Time was to prove that our legal opinion was correct and the same situation could apply in this instance.

I know the problems which are confronting the Minister, but we have a responsibility to ensure that the police and the average citizen in this State know what everyone's rights are. There should be a definition in the Act covering civil emergencies. We do not know what the Law Reform Committee had in mind; it certainly has not been in touch with us. It may have reasons for suggesting the inclusion of these words. However, in the final analysis it will be left to the judiciary to determine what a civil emergency is. There certainly is no definition in this legislation.

The Minister must agree that the Opposition has strong reasons for opposing this clause and we would like to know whether legislation in other States has a similar provision.

Mr HASSELL: I do not doubt that one could put up the argument which the member for Collie has raised about this provision and raise all sorts of questions about how it is going to be used. It might be as well to remember what Opposition members said when amendments to the Fuel, Energy and Power Resources Act were introduced. They said they were introduced for all sorts of reasons which have not materialised.

Mr T. H. Jones: They will.

Mr HASSELL: I cannot see how the Opposition is concerned about the effect of this clause on industrial situations. Suppose there were some kind of industrial dispute and special constables were appointed because the situation was considered to be a civil emergency; it has to be realised that these special constables would have no more power than normal police officers have; they would be subject to all the limitations.

Mr T. H. Jones: Who can co-opt their services?

Mr Parker: Who would have the responsibility if staff of the Assistance and Security Corporation were appointed?

Mr HASSELL: These types of comments are completely off-beam. The member for Fremantle spent a fair bit of time raising silly points while I

was replying to the debate. These sorts of questions are not worthy of a reply.

The CHAIRMAN: I ask those members engaging in cross-Chamber chatter to desist as it is highly disorderly. The Minister for Police and Traffic.

Mr HASSELL: Firstly, I cannot tell the member for Collie whether the expression referred to has been used in legislation in other States. Secondly, if I can find a satisfactory definition of "civil emergency", a definition which is realistic, I am prepared to recommend that it be included in the legislation by amendment in another place. I will not go into it any further than that.

Mr T. H. Jones: You certainly appreciate the problems we raised, though.

Mr HASSELL: I acknowledge that if we can find a definition which is realistic there is no reason for it not to be included. This would be desirable. As I said at the outset, this legislation has not been introduced to do any of the diabolical things suggested by the member's colleagues.

Mr Davies: What are the rules regarding the employment of and compensation for special constables?

Mr HASSELL: My understanding is that they are volunteers. I do not know all the laws on that subject.

Mr Davies: It is a bit rough asking them to be volunteers and putting them in dangerous situations.

Mr HASSELL: The power to appoint these people has been held by the Commissioner of Police for a long time; we can go back to the early part of the century. This provision is contained in section 34 of the Act and it has not been amended since the Act was introduced in 1892.

Mr Davies: They act as supervisors of police and citizens clubs, and they are paid.

Mr Jamieson: And by Charlie Carters.

Mr Davies: Can we clear up that point? Are they going to be asked to come out and do a job when they have no employment protection of any nature and it would be up to the generosity of the Government to assist if they were hurt?

Mr HASSELL: The situation will be exactly the same as it is now under section 34 of the Act.

Mr Davies: They are paid by special people for special jobs.

Mr HASSELL: I do not know whether the Leader of the Opposition has followed the course of this legislation, but I refer him to section 34 of the Act. All we are doing is amending that section to include another set of circumstances in which special constables may be appointed. We are not changing their terms of appointment or who may appoint them.

Mr Davies: There are two separate situations; one with respect to emergencies and one involving design and request.

Mr HASSELL: The deliberate design the Leader of the Opposition is speaking of involves appointments by the commissioner covered by section 35A. But there is already provision for the appointment of special constables under section 34 in cases of tumult, riot, and felony. All we are doing is adding a further category of civil emergency.

Mr Davies: We admit there is no difference in just adding another category; but you are still not able to tell us what the conditions are.

Mr HASSELL: Off the top of my head, I cannot.

Mr Davies: You might find that out for us.

Mr HASSELL: They are appointed as volunteers to help with the enforcement of law in emergency situations.

In reply to the member for Collie, my third point goes back to the issue of definition. One of my colleagues has been kind enough to draw my attention to the definition of the word "civil" and the word "emergency" contained in Webster's dictionary.

Mr T. H. Jones: That is not the Act.

Mr HASSELL: The dictionary can be referred to in cases where a definition is not included in an Act. One of the first sources to which a court turns is a reputable dictionary. The Webster's dictionary definition of "civil" is that it relates to the community. The word "emergency" is defined as a sudden, unusual, unexpected occasion or combination of things calling for immediate action.

Mr T. H. Jones: That is pretty broad.

Mr HASSELL: The section is broad as it stands.

Mr T. H. Jones: That is why we challenge its use.

Mr HASSELL: The Opposition does so for reasons I fail to comprehend. I believe I have answered the points raised by the member for Collie.

Mr PARKER: I take exception to the Minister's remarks about questions I asked him by way of interjection. Before coming here my understanding, after reading a great deal of the

principles of these types of places—and I see no reason to change that view—is that Parliament is a place for all sorts of questions to be asked and a place in which we are supposed to be scrutinising legislation. It is possible that some of the situations which have been raised are far-fetched, but we have come to learn that some of the questions which might at first have seemed to be far-fetched have been anything but that.

Sitting suspended from 6.15 to 7.30 p.m.

Mr PARKER: Before the tea suspension I was talking about clause 4. I said that I was concerned about it. The first point I made was that I was concerned about the comments made by the Minister for Police. It is my view that it is the duty of all of us when looking at legislation that comes before us to envisage situations which may occur. Of course, they may not occur. Certainly I hope the possibilities I mentioned by way of interjection during one of the Minister's addresses will not occur and are far-fetched. However, a number of possibilities I considered and I am sure other members in this Chamber considered some time ago to be far-fetched have in fact eventuated.

As we are talking about situations that may arise I am reminded, for example, of Noonkanbah. In June of this year the Commissioner of Police was reported in the papers as describing as a figment of a childish imagination the claim by a member for the North Province that an armed convoy would escort the drilling rig travelling from Eneabba to Noonkanbah. We know as a matter of history that such a convoy did escort the drilling rig.

I hope these matters I raise are somewhat far-fetched but unfortunately it increasingly appears to be the case that these situations are in fact coming to pass.

The main issue on which I rose to speak in relation to this clause is the question of what review is available of a decision by two justices or a magistrate that a civil emergency exists, thereby creating a situation in which they can appoint special constables.

We have had some debate about the definition of the term "special constables". The question I want the Minister to answer is whether the decision of those justices, or magistrates as the case may be, would be reviewable by way of appeal or able to be removed by a writ of certiorari. I am sure members would be aware of what I am talking about.

That writ would enable a review to be made by a higher court—presumably a judge of the Supreme Court—to determine whether a civil emergency did exist. In other words I want to know whether the procedure to challenge such an eventuality would be simply to appeal against the decision. Is that provided for in the Act, or would the procedure be to issue such a writ and have the matter as to whether or not the justice or magistrate was acting in accordance with the tenor of the legislation decided in another court?

Mr HASSELL: I wish to respond briefly to three points raised by the member for Fremantle. Firstly, it was not my intention to question in any way his right to debate the issues or to question his right to ask questions. I had the feeling towards the end of my second reading reply that a number of members of the Opposition did not want to debate serious points but to sidetrack the issues and to waste the time of the Chamber.

Mr Davies: That is quite unfair.

Mr HASSELL: I think in retrospect I was a bit slow in detecting the tactic that was pursued. However, that was the feeling I gained. If the member for Fremantle has serious points to make I am prepared to debate them at any time. In the reply to the second reading debate I tried to reply to members of the Opposition who had spoken. The members who spoke were the member for Collie and the member for Canning.

My approach was reasonable. If the member for Fremantle had any substantial points that he wanted to raise he could have spoken in that debate, but he did not. At the time I made the remarks to which he took offence he and the member for Balcatta and one or two other members were engaged in raucous laughter. I had responded to a question they put to me. So, it was obvious at that stage that members opposite were not taking the matter seriously.

The second point made by the member for Fremantle concerned fanciful things. To justify his argument that fanciful suppositions sometimes come true he said that an armed convoy went to Noonkanbah. I do not know what evidence he has that the convoy that went to Noonkanbah was armed.

Mr Parker: That was revealed by answers to questions which you gave.

Mr HASSELL: I do not think I ever answered in that way at all. What I said in answer to the question was that arms were available to policemen as required at police stations throughout the State.

Mr Parker: The arms were also at the camp which was set up. I cannot recall its name.

Mr HASSELL: I do not recall that either because I do not recall that we were made aware of arms existing at any place in connection with the Noonkanbah convoy. If there were arms at Calwynyarda, which I doubt, that would not mean that there was an armed convoy. I do not think the member for Fremantle should have used an inaccurate example to try to prove his point.

Mr Jamieson: They had more arms up there than were used in the war years.

Mr HASSELL: The third point the honourable member made concerned the appeal procedure and *certiorari* writs as an appeal procedure against the appointment of special constables under section 34 as amended. All I can say is that section 34 relates to emergency situations. It does not relate to quiet and ordered considerations of fine points by a court of law. Section 34 relates to a situation in which a community has a riot on its hands or a civil emergency such as a cyclone or a natural disaster—even an earthquake which is not unknown in this State.

In those situations it may be necessary to appoint special constables. It has nothing to do with any of the diabolical situations suggested, and it is purely to do with what should be done in a civil emergency. It concerns the necessity to appoint some special constables, usually in a remote place which does not have a sufficient number of police officers.

It is ridiculous for the honourable member opposite to suggest there should be an appeal procedure because by the time appeal documents were lodged the emergency would be over.

The other point is that if anyone tried to misuse this section by appointing special constables in circumstances where it were clear their appointment could not be justified, the actions of these special constables would be unlawful and the constables themselves would be running a great risk by purporting to exercise police powers. That is the real protection.

Mr Davies: Who is to determine whether a situation warrants the appointment? You are unable to define the situation.

Mr Parker: That is the point I was trying to make.

Mr HASSELL: I have given one definition from a dictionary. I said I would look at it further if one were available. The words "tumult" and "riot" are not defined and the word "felony" has gone into disuse in respect of many of our criminal offences, but maybe it is used sometimes.

Mr Davies: What prompted the need to amend the Act?

Mr HASSELL: I have already referred to the fact that it was a 1975 recommendation of the Law Reform Committee. That recommendation and others were considered at various times over a period, and when these amendments were drafted, this one was included.

Clause put and a division taken with the following result—

Ayes 26

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

(Teller)

Noes 18

Mr Barnett	Mr H. D. Evans
Mr Bertram	Mr Harman
Mr Bridge	Mr Hodge
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr McIver
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr E. T. Evans	Mr Parker

(Teller)

Pairs

Ayes	Noes
Mr Shalders	Mr Grill
Mr Trethowan	Mr Taylor
Mr Herzfeld	Mr Pearce
Mr Williams	Mr Bateman

Clause thus passed.

Clause 5: Section 80 amended—

Mr T. H. JONES: I rise only to note the remarks of the Minister. The Opposition has been concerned about the application of this clause and its effect on intoxicated people. We note that in his opinion they will be protected under section 23 of the Criminal Code.

I only hope that this will be the situation. As the Opposition sees the position, their protection will be up to our learned judges or the judiciary generally. We still are not happy with this clause but the assurances of the Minister have been noted by the Opposition.

Mr HASSELL: Very briefly, I will read to the member for Collie some of the extracts of the advice we have received on this. The first is—

> It is, therefore, clear that if the words "wilfully" or "maliciously" are removed as is proposed, then in relation to intoxication the result will be that the offence will no longer

> be one so defined that an intention to cause a specific result is an element of it and intoxication voluntarily self-induced becomes irrelevant.

That is the key to the situation. I know it is difficult, but as I understand it, it means that if a person causes the damage and he is voluntarily intoxicated or under the influence of drugs, then the prosecution will no longer need to prove that the person intended to cause the damage he did but it will be still a defence to say he did not intend to be intoxicated or in a position not to have willed the acts which caused the damage. The advice I have goes on as follows—

> Section 23 remaining applicable to the Police Act, section 80, will mean that the offence under section 80—

That is, section 80 as amended. To continue—

> —will be committed whenever the destruction or damage referred to by the section results from the defendant's deliberate or willed acts and while that destruction or damage can be said to be the non-accidental event following such acts, the law in this regard in relation to offenders under the Police Act, section 80 will be no different from that which applies generally to all offences against the statute law of WA. The offence will not be an offence of strict liability.

It will, in fact, be in the same position as the provision, for instance, of the traffic code which says that a person shall not exceed a certain speed when driving a vehicle. That is an offence of strict liability in a sense, but it is still open to prove that one did not have control over the action committed. That is not available very often, but it is an analogy with the situation which will exist when this section is amended.

Mr T. H. Jones: Are you quoting from a legal opinion?

Mr HASSELL: Yes, from a legal opinion.

Mr T. H. Jones: From Crown Law?

Mr HASSELL: Yes. I appreciate the member for Collie has already said that Crown Law opinions sometimes are disagreed with, but all opinions are subject to that risk.

Clause put and a division taken with the following result—

Ayes 25	
Sir Charles Court	Mr Mensaros
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr MacKinnon	Mr Blaikie
Mr McPharlin	*(Teller)*

Noes 18	
Mr Barnett	Mr H. D. Evans
Mr Bertram	Mr Harman
Mr Bridge	Mr Hodge
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr McIver
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr E. T. Evans	Mr Parker
	(Teller)

Pairs	
Ayes	Noes
Mr Shalders	Mr Grill
Mr Trethowan	Mr Taylor
Mr Williams	Mr Bateman
Mr Herzfeld	Mr Pearce
Mr Nanovich	Mr Skidmore

Clause thus passed.

Clause 6: Section 82B inserted—

Mr CRANE: In speaking to this clause I will ask the Minister for some clarification of a problem which has been brought to my attention. I have been approached—unfortunately, at a very late stage—by some people who are concerned that they have no way to control people who trespass on their properties when they are not permanently residing there. I refer to shooters, trailbike riders, and those people who enjoy gathering mushrooms.

Quite a number of people visit my property to collect mushrooms and, inevitably, they ask permission. I grant permission and tell them to leave the gates closed, and to keep away from the ewes and lambs.

Unfortunately, many people are not as kindly or thoughtful as those who visit my property. I have received some complaints and one, in particular, concerns a property alongside a national park. The owner of that property believes there should be provision for adequate notices to be placed on properties to draw attention to the provisions of the Act and, perhaps, act as a deterrent.

I assume that notices can be placed on properties under the present provisions of the Act, but I ask the Minister whether he has considered including in the legislation a provision which

would be an added deterrent to those people who trespass in the circumstances I have mentioned—shooting without permission; gathering mushrooms without permission; or riding trailbikes?

Mr HASSELL: In response to the member for Moore, I am aware of the problems to which he refers. It is one of those strange anomalies of our society that all over the place one sees signs, "trespassers will be prosecuted". The fact is that under the existing law trespassers cannot be prosecuted because trespassing does not constitute an offence. A trespasser can be sued at civil law only for damage proven to be done. Such a case might be won without any damages being awarded because of the trespass. Under the provisions of proposed new section 82B, the position will be that a trespasser who goes onto a property to collect mushrooms, to shoot, or to ride a trailbike without the permission of the owner of the property, or the person in charge of the property, or the person in occupation of the property—if he is warned and does not remove himself—will commit an offence. The hand of the property owner will be strengthened. With regard to trailbikes, I thought that matter had already been covered under the Control of Vehicles (Off-road areas) Act which we adopted last year. But, in the other cases the hand of the owner will be strengthened. However, the law as such does not solve problems; it is only the enforcement of the law that solves the problems.

When speaking previously about protestors I was cut off because my time expired. This Bill is not about stopping people from protesting; it is about stopping them from trespassing with the deliberate intention of preventing other people going about their lawful business on their property. Before an offence is committed a warning has to be given, and nobody seems to have noticed the provisions of subsection (2) of proposed new section 82B. The subsection is included clearly to provide an opportunity for people to be directed away from the particular area where the trouble is being caused by the trespass to another area which is still on the property where they can continue the activities they are pursuing, whether a protest or something else.

Nothing I could say would convince the Opposition this is not something obstructive and extraneous to the simple law of good government. I have said clearly this provision is aimed at protestors who want to carry on their protest in a way that amounts to unlawful or unreasonable obstruction. It is not about protestors; it is about people who have their business to carry out on their own land, or on land they are entitled to occupy in respect of which they have lawful authority to occupy.

Mr PARKER: When the Minister was cut off because his time had expired he was referring to the fact that a whole new era, or generation, or category of protesters were becoming apparent, and that those people were involved in activities not countenanced by protesters in previous times. That is not the case. Protesters have been with us for many years; at least for the whole of this century, if not, longer. Those protesters have sought their means by occupying premises which were not theirs, such as the British House of Commons or, in the case of India, in places which were subject to the control of the British Raj. They have protested in those places, and they have stayed there, against the behest of the owners of the properties. That is a very well-founded tradition of protesters, and one which has achieved much over the years as long as it has been carried out in a peaceful manner—which I emphasise.

I am sure the Minister for Police and Traffic would not want to denigrate a person such as Mahatma Gandhi who introduced such protests into South Africa initially, and then India. Those protests were non-violent, but were passive and restrained. That is the sort of thing directly outlawed by proposed new section 82B.

There is a whole gamut of Statutes already which prevent or restrict the rights of people to protest. I understand already there are offences relating to people unlawfully being on premises; offences relating to obstruction and public meetings, and other forms of meetings; and offences relating to riots. All sorts of provisions exist already which could be brought into force in a situation where people, seeking to protest, become unduly offensive.

In my view this provision is seeking to add another weapon to the armory of the Police Act in suppressing protestors in this State. The Police Force is already able to do that. So far as I am aware the absence of such a law has not prevented the owners of premises from ensuring that their premises are ultimately cleared at the time that becomes required.

The Minister made reference to a situation that occurred in Fremantle at the opening of the Commonwealth Employment Service job centre, and said it was not possible to prosecute some of the people concerned in the demonstration. The Minister for Employment and Youth Affairs invited the public to be present for the opening of the centre and those people were there

presumably in response to his invitation. I must admit it could be said the Minister did not intend that they act in that way when he invited them. However, apart from those facts I can recall vividly some of the protests that took place within the then Department of Labour and National Service in Western Australia in respect of the debate then existing over conscription.

Certainly it was very easy for the police, whether Commonwealth or State, to ensure the ultimate removal of people from those premises. I am not sure what provisions they used to do that; I think obstruction was one and being unlawfully on premises was another, and they were used dependent upon the nature of the activity. I do not think there was a situation in those times where it was found the police had wrongfully removed people from premises.

One of the things which concern me about proposed new section 82B in clause 6 is that because its provisions are so broad they could apply to people handing out leaflets at shopping centres. Many shopping centres are on private property. Big developments such as the Booragoon Shopping Centre, Phoenix Park Shopping Centre, and The Grove are private property in every sense of the word, yet they are private properties into which the public are invited and indeed encouraged for the purpose of shopping.

That is a different situation from that which used to prevail where shops were private properties and their frontages were part of the public domain. Indeed, the street in front of a shopping centre in many cases is not a public street but is private property, and portions of it are leased to various shopkeepers.

Under proposed section 82B a shopkeeper in such a situation could order off his premises someone who is actually in his shop and causing a disturbance. That is understandable, and I appreciate it; but also he could try to remove from the forecourt—for want of a better word—of the shopping centre a person who may be handing out leaflets, which is a lawful activity in any other place. In such a case the person concerned could be dealt with under proposed section 82B.

The Minister might say that under subsection (2) the owner of the shopping centre could delineate certain areas where people could hand out leaflets; and of course reasonable owners might very well take advantage of subsection (2) to do just that. However, an unreasonable owner might not do that, but might say that the entire shopping centre, from the boundary of the street right throughout the property, including the car park, is his private premises and that people may not hand out leaflets there. He may say that proposed section 82B will be used against them if they do not desist. That seems to me to be a very serious position and one which the Minister should consider.

Mr HASSELL: The provisions of the Act do not prevent the use of passive resistance and civil disobedience as a means of protest if people want to pursue that line of action. The provisions of the proposed new section protect private and public property from people who want to act unlawfully. There are no offences at present which cover the things covered by proposed section 82B; if there were, we would not introduce this provision.

I ask the question: Why is it that members of the Opposition are always defending the rights of law breakers?

Mr Davies: They do no such thing; they try to see you don't bring in snide legislation.

Mr HASSELL: The member for Fremantle referred to the incident at the opening of the Commonwealth Employment Service office in Fremantle. He said—and it was news to me—that the public were invited to the ceremony by the Federal Minister. However, the public were not invited to invade the area set aside for the use of invited guests after the opening, and yet that is what the protesters did. They went into that area and occupied it; they refused to move when asked to, and they were prosecuted. Those who had misbehaved and made offensive gestures or made a noise, or who did something active, were convicted. Those who simply remained passive were not convicted because they were mere civil trespassers.

Why is it that the Opposition thinks people have a right to behave like that? Why is it that members opposite think it is a human right to disrupt the proceedings of other people? Why is it that members opposite are not as concerned about that as the Government is? Why is it that they think it is reasonable that the owner of a shopping centre should not be able to tell people not to use his premises as a place for political protest or for handing out leaflets?

I have been subject to those rules in The Grove shopping centre, to which the member for Fremantle referred. During the 1977 election there were times when we were not permitted to hand out literature in that area because the owner said, "This is a shopping centre, not a place for political campaigning", as was his right. Why should members opposite object because we strengthen his hand in respect of enforcing his rights concerning his property? I do not mind

having those rights written into the law, because I think they are reasonable. If somebody wants to protest about the opening of an employment centre, let him do it in the proper place and in the proper manner; he is entitled to do that.

Why is it that we always have to be defensive of our efforts not to allow people to disrupt other people?

Mr T. H. JONES: I would like to know whether it is intended that this provision will be used against the trade union movement. I preface my remarks by saying that where an employer gives notice to a number of his employees, it is fairly common that sit-ins occur. We know that in this State and in eastern Australia workers have operated mines against the wishes of their employers. That is nothing new in the mining industry, and sit-ins are quite common where there are dismissals or some disputation occurs. They also occur in the case of redundancy. I want to know whether this clause is intended to be used under those circumstances.

Mr HASSELL: As far as I am concerned, the law applies to trade unions and trade unionists in the same way that it applies to everyone else. It always will, and it always should. There should not be any question that trade unionists who break the law should not be subject to the same rules as bosses who break the law.

Mr O'Connor: That is absolutely right.

Mr T. H. Jones: Then that is the intention?

Mr O'Connor: Are you above the law?

Mr Jamieson: This is where you fail in respect of your reconciliation. Instead of trying to negotiate you use a law like this against unions.

Mr HASSELL: Having said this as a matter of principle, I simply point out the provisions of the proposed section. If a sit-in or something of that nature occurs and an employer wants to remove workers involved in a sit-in, he is entitled to do so now if they are on his property.

Mr T. H. Jones: It has never been done.

Mr HASSELL: In that event, what makes members opposite think an employer will ask the police to do this under the proposed section?

Mr T. H. Jones: I wonder whether it is the intention behind the amendment.

Mr HASSELL: As far as I am concerned, that is not the intention. I have explained the intention several times. Until two minutes ago I had not thought of the situation postulated by the member for Collie.

Mr T. H. Jones: But it is possible?

Mr HASSELL: It is possible for the proposed section to be applied in such circumstances if the owner asks it to be applied, just as it would be possible without this amendment for the owner of premises in which a sit-in is occurring to engage any number of his friends to use reasonable force to remove the people sitting in. He is entitled to do that under the law as it stands.

Mr PARKER: I refer to proposed new section 82B(1)(b) in which the words "or by a member of the Police Force" appear. It appears to me that a person who owns premises might well be either unaware of an occupation of the sort referred to by the Minister, or might not object to it. I suppose in some circumstances he would be grateful that a police officer who became aware of an occupation should protect his premises. If an owner is away and someone is on his premises, he would like to feel that a policeman has the power to turf out that person.

Mr Hassell: We have already dealt with that issue because the member for Collie raised it in relation to a demonstration and asked what would be the case if the police removed demonstrators from a private property when the owner was quite happy for them to be there. All you have to do is read the opening words of the proposed section to see that if demonstrators or people sitting in are there with the consent of the owner, they are not there without lawful excuse.

Mr PARKER: I am raising a slightly different point. A situation could arise where people are on premises without the express authority of the owner, but also without his objection. If someone were handing out literature in a shopping centre, and the owner was not present and was not aware of the situation, and was not in any position to give or withhold his consent, what would happen if a police officer took it upon himself to say, "You must leave the premises"? Certainly there is no positive evidence of lawful authority; but on the other hand there is no denial of authority. I would imagine from reading the provision that a police officer could order people off premises in such circumstances.

Clause put and a division taken with the following result—

Ayes 25

Sir Charles Court	Mr Mensaros
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr MacKinnon	Mr Blaikie
Mr McPharlin	*(Teller)*

Noes 18

Mr Barnett	Mr H. D. Evans
Mr Bertram	Mr Harman
Mr Bridge	Mr Hodge
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr McIver
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr E. T. Evans	Mr Parker *(Teller)*

Pairs

Ayes	Noes
Mr Shalders	Mr Grill
Mr Trethowan	Mr Taylor
Mr Williams	Mr Bateman
Mr Herzfeld	Mr Pearce
Mr Nanovich	Mr Skidmore

Clause thus passed.

Clause 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

MEMBERS OF PARLIAMENT: OFFICES OF PROFIT

Inquiry by Joint Select Committee: Council's Concurrence, etc.

Message from the Council received and read notifying that it had considered the Assembly's resolution, and had resolved—

(1) To agree to the appointment of a Joint Select Committee of the Legislative Assembly and the Legislative Council in accordance with the terms of the Resolution transmitted to the Legislative Council by Message No. 38 of the Legislative Assembly.

(2) That the Resolution, so far as it is inconsistent with Standing Orders, have effect notwithstanding anything contained in the Standing Orders and that any member be entitled to sit on the Joint Select Committee notwithstanding the provisions of Standing Order 340.

(3) That the Legislative Council be represented on the Joint Select Committee by the following members, namely—

The Hon. N. E. Baxter,
The Hon. V. J. Ferry,
The Hon. R. Hetherington,
The Hon. N. McNeill,
The Hon. H. W. Olney.

(4) That the Hon. N. McNeill be the Chairman of the Joint Select Committee.

(5) That a message be sent to the Legislative Assembly acquainting it of this Resolution.

RURAL YOUTH MOVEMENT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

HIRE-PURCHASE AMENDMENT BILL

Second Reading

Debate resumed from 8 October.

MR B. T. BURKE (Balcatta) [8.19 p.m.]: The Opposition has no objection to a big part of this amending Bill, but it wants to make one or two comments about the subject matter of it.

I refer members to *Hansard* of Wednesday, 1 October 1980, when the disintegration or partial disintegration of society as we know it is well illustrated. On that day, I asked a question of the Minister for Consumer Affairs about his department's policy in respect of the granting of applications for suspension of hire-purchase repayments. During his answer to me, the Minister told of the number of applications that had been received, granted, and rejected during the past several years. Reference to just a few of those will show that there is tremendous pressure being put on the disadvantaged members of our community.

In 1978 there were 120 applications for relief from hire-purchase repayments. Of those, 79 were approved and 42 were rejected. In the next year, 1979, there were 740 appliations—a sixfold increase in the number of applications. Of those, 380 were approved, which is almost a sixfold increase in the number of approvals. During the financial year ended 30 June 1980, 751 applications were received—only a marginal increase, but still a very great increase on the figure for three years previously.

I might mention also that another part of that question asked the Minister whether, considering the unemployment situation, there were any plans to alter the present operation of and entitlement to these payment suspensions; and the Minister said, "No."

However, within a week or two weeks of the Minister's saying there were no plans to alter the operation—

Mr O'Connor: Because of unemployment.

Mr B. T. BURKE: In view of unemployment, were there any plans to alter the operation? I suppose if one wants to take a technical point, one could say that the alterations to the operation about which I was asking were alterations that referred only to unemployment. However, it might have been worth while to say at that time that some changes were planned, as it has been shown subsequently that changes must have been planned.

In general terms, the Opposition does not object to those parts of this amending Bill. Among other things, the Deputy Commissioner of Consumer Affairs shall have the authority to exercise the relief procedure. That does not seem a bad thing. It certainly seems to be something that will speed up the process. We hope that the process will be applied sympathetically; because we believe that the big increase in the number of applications is indicative of the great need for relief.

We say also that there is a need for accuracy—that is, people should not be allowed to give false information when providing statements of their financial situation. The pay-out figures should be as accurate as possible.

What the Opposition does not consider appropriate is that we should be now levelling upon these people what the amending Bill refers to as a "default charge". Someone seeking relief is granted relief because it is required. In the past year, of those who applied for relief, half were granted the relief; so it is not being granted willy-nilly. The people who are not worthy of receiving relief do not receive it. However, those who do receive it seem to be deserving of some special consideration. It does not seem appropriate to grant relief to someone and then to say, after the period for which the relief was granted, that he shall be liable to a default charge which could equal the amount of liability he has avoided. That would not be very great, in any case.

What we are saying is that the hire-purchase companies are more able than those who gain relief to bear the burden of that relief. We say that the people who are relieved of their obligations for worth-while reasons do not deserve to have thrust upon them an added burden of what the Government calls a "default charge".

Apart from opposing that part of this Bill, the Opposition does not intend to object to the amendments.

MR McPHARLIN (Mt. Marshall) [8.25 p.m.]: In his second reading speech, the Minister said there are moves amongst the States to introduce uniform credit legislation. The Attorney General of Western Australia was involved in discussions with the Attorneys General of the States and the Commonwealth some years ago in relation to uniform legislation. It is noted that it will be some time before that legislation comes before the Parliament of our State. That is something to which we must give careful consideration, because it is important and the legislation to make the laws apply equally throughout Australia will be involved and complex.

The point made by the previous speaker about those who, through sickness and unemployment, are seeking extensions of their contracts, is that the commissioner "may impose" an extension fee. The word "may" leaves it open for the commissioner to apply it. He may do it at the request of the provider of credit. It is not mandatory, and there is some flexibility.

When I first heard of this legislation, I was of the opinion it would be mandatory for that charge to be made; but it has been left open for the commissioner, or the deputy commissioner under the amendment, to charge the extension fee. That removes from my mind the objection I had. There is now flexibility.

The other parts of the proposal are agreeable. I have discussed the matter with representatives of the Australian Finance Conference; and they have advised me they agree with the proposed amendments. They could not see any objections to the amendments which impose requirements on them; and they agree with the measures proposed. That is a good thing.

The proposals before the House have the support of my party.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [8.27 p.m.]: First of all, I thank the Opposition, the member for Balcatta, and the member for Mt. Marshall for their general support of the Bill.

While there is consideration by the Attorneys General of uniform legislation throughout Australia, we felt we should not wait because it may be some time before the uniform legislation can be passed, as all the States have to agree.

Mr Harman: We have been waiting seven years now.

Mr O'CONNOR: That is one of the reasons we should not wait. The Bill is a realistic one, and it is quite reasonable.

In connection with the extension of hire-purchase agreements, the point made by the member for Mt. Marshall is relevant. A person who is in trouble and loses his job can go to a hire-purchase company and say, "I am in trouble. Will you extend my agreement?" In that case, the agreement and the terms are extended for a further period of time. If the man goes to the Commissioner of Consumer Affairs to seek an extension of the time, no interest is paid. It is felt that one should not obtain a benefit over and above the other.

The legislation is worded in such a way that the Commissioner of Consumer Affairs may allow certain charges to apply. That is reasonable.

I thank members for their general support, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 2 amended—

Mr B. T. BURKE: Clause 3 (b) deals with the insertion in the Act of the definitions and is the first part of the process by which an extension fee, which is here called a "default charge", is to be inserted in the Act.

The Opposition does not dispute that people should be treated equally; but it believes it is not now the time to insert in the Act a provision by which, if matters are not handled properly, existing hardship can be compounded and amplified. In fact, that is what this situation does.

If someone is sufficiently able to manage his or her own affairs, it is not considered likely he or she will be granted relief; but if someone is in a state of sufficient hardship to warrant or deserve relief, it is the Opposition's view that his or her situation should not be made worse by the fact that the relief is illusory in that it is subject to a default charge. Regardless of whether the commissioner or his deputy has the ability to defer or to not grant an extension fee or default charge, it is very likely that, when this Act comes into operation, the threat of the extension fee or default charge will be used to discourage people from applying for relief that is available to them now.

We are not talking about an amount of money which is substantial or significant; we are talking about three months or six months of interest and if members like to consider that interest to be at the end of the repayment period, it is an even less significant amount of money.

We all know finance companies and other lending institutions write into their budgets provisions for bad debts and allowances for those people who genuinely run into financial hardship. All I am saying—and I will not repeat myself except to divide on this clause and clause 10—is that it is not now the time to be imposing additional hardships on people who quite obviously by virtue of being granted relief, are unable to manage their present circumstances.

Mr O'CONNOR: Let me take an extreme case. An individual may enter into a hire-purchase agreement with an elderly lady who relies on that money for her income. As a result of sickness or injury, the agreement could be extended for six or 12 months, during which time the woman concerned would not receive any payments. That money may be her sole source of income.

Members should have sufficient knowledge of the Consumer Affairs Bureau to know that the commissioner is lenient in regard to these matters. If he feels an individual is in trouble and needs assistance, he will give it to him. However, the point I made earlier is relevant. A person who gets into trouble can go to the hire-purchase company and ask for an extension of his agreement. Payment can be deferred and charges are applied. If an individual goes to the Consumer Affairs Bureau at the moment with the same problem, the term can be extended without an additional charge. At the end of the repayment term, this person may have a job from which he receives an income of anything between $200 to $500 a week. He would be quite capable of paying the interest which he is morally obliged to pay.

This amendment does not make it obligatory for such a person to pay the amount, if the commissioner feels the person is unable to do so.

In all fairness to those concerned, if a person is granted an extension of an agreement and in the long term can pay the charges involved, he should do so. The commissioner has the power to waive the charges if a person is in real difficulty.

This is a fair clause and should be left as is.

Mr B. T. BURKE: I am heartened by the words of the Minister and, if the situation were as

he outlines it in all cases, there would not be a problem. If we could rely on everybody to be sympathetic, compassionate, understanding, fair, honest, good, moral, wise, and intelligent we would not need to be here.

Mr O'Connor: Including the hierarchy.

Mr B. T. BURKE: I should like to give members an example of what can happen. One of my constituents, by virtue of necessity, had to take out a second mortgage on his house. He did this with a finance company. The home was worth $28 000, and at the time he took out the second mortgage, his second mortgage liability covered an amount from $28 000 to $35 000; it was for $7 000.

Mr O'Connor: This was on hire purchase, was it?

Mr B. T. BURKE: This was a second mortgage on a repayment basis with a finance company. It was not strictly hire purchase.

Mr Bertram: They were pretty generous. They had no security.

Mr B. T. BURKE: The company had no security when it made the loan. When the gentleman concerned failed to make the payments, the company foreclosed on him. I telephoned the finance company concerned and explained that, if it did in fact foreclose, the house would be sold and the first mortgagee, which was a building society, would receive its money and the finance company would not receive anything.

I put a proposition to the finance company under which the person concerned could repay the second mortgage at a lower rate; but the company insisted on selling him up.

Mr O'Connor: Could this situation apply under the Act?

Mr B. T. BURKE: It may apply; but I am talking about a particular attitude. I cannot understand why the finance company would sell up this gentleman, because it stood to gain nothing. In fact, Home Building Society—the first mortgagee—had agreed to come to an arrangement about the repayments of the first mortgage; but Custom Credit, which is the name of the finance company concerned, would not listen to my proposition that the person should make some other arrangement with it.

In fact, the finance company lost out, the man lost his house, and Home Building Society, which was prepared to wait, received its money after the sale of the house.

Mr O'Connor: Under the situation we have with the Commissioner of Consumer Affairs, an individual in this position under a hire-purchase agreement would have a much better cover.

Mr B. T. BURKE: I agree with the Minister and I am pleased it is the case; but the better protection provided is the protection from the sort of attitude to which I have referred and which surfaces sometimes. The action taken against my constituent was completely unintelligent and irrational.

Subsequently I spoke to the SHC and the man concerned now occupies a three-bedroomed SHC home which somebody else might have been able to occupy. No doubt the bloody-minded man in Custom Credit goes home and kicks his dog each night. That is one of the attitudes that worries me from time to time.

Clause put and a division taken with the following result—

Ayes 25

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Blaikie
Mr MacKinnon	*(Teller)*

Noes 18

Mr Barnett	Mr H. D. Evans
Mr Bertram	Mr Harman
Mr Bridge	Mr Hodge
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr McIver
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr E. T. Evans	Mr Parker
	(Teller)

Pairs

Ayes	Noes
Mr Shalders	Mr Grill
Mr Trethowan	Mr Taylor
Mr Williams	Mr Pearce
Mr Herzfeld	Mr Skidmore
Mr Nanovich	Mr Bateman

Clause thus passed.

Clauses 4 to 9 put and passed.

Clause 10: Section 36A amended—

Mr B. T. BURKE: The Opposition opposes this part of the amending Bill, because it completes the process by which the default charge is installed in the Act.

Clause put and a division taken with the following result—

Ayes 25

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
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Mr P. V. Jones	Mr Young
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Mr MacKinnon	*(Teller)*

Noes 18

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Mr T. J. Burke	Mr McIver
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr E. T. Evans	Mr Parker *(Teller)*

Pairs

Ayes	Noes
Mr Shalders	Mr Grill
Mr Trethowan	Mr Taylor
Mr Williams	Mr Pearce
Mr Herzfeld	Mr Skidmore
Mr Nanovich	Mr Bateman

Clause thus passed.

Clauses 11 and 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RETURNED

1. Land Tax Assessment Amendment Bill.
2. Metropolitan Region Town Planning Scheme Amendment Bill.

Bills returned from the Council without amendment.

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

Second Reading

Debate resumed from 8 October.

MR T. H. JONES (Collie) [8.45 p.m.]: When introducing this Bill the Minister took a whole five minutes to explain it to the Parliament. During his brief remarks, he indicated that the legislation was necessary following the enactment of the Liquefied Petroleum Gas (Grants) Bill 1980 by the Commonwealth Parliament. He said that complementary legislation was necessary in this State.

In essence, the Bill provides that a subsidy of $80 per tonne may be made to registered distributors of gas. The Bill indicates that under the legislation the Treasurer's role will be straightforward and there will be no financial impact on the State.

The Opposition does not oppose this Bill, but it is necessary to indicate its purpose a little more than the Minister has because similar legislation was debated at great length in the Federal Parliament. I do not know whether the Minister read the Federal debate, but it was a cognate debate and with your permission, Mr Acting Speaker (Mr Crane), I will quote parts of that debate, because they spell out the situation a little more clearly and precisely especially with regard to pricing and other matters.

The legislation authorises the Minister to have certain powers to appoint agents. There is also provision for penalties to be invoked where people contravene the provisions of the Act. The Opposition does not argue with the penalties. Opposition members are aware that it is necessary to protect the industry and that fact was explained fully in the Bill.

The Federal shadow Minister for Fuel and Energy said that in essence theirs was a cognate debate covering two Bills. The Federal Excise Tariff Amendment Bill in effect was increasing the petrol prices whereas the Liquefied Petroleum Gas Bill, which the Federal Parliament was then debating had the effect of reducing the price of gas generally.

The Federal member went on to say that the price would be reduced by $50 to $100 per tonne less than it was at the time.

I refer to page 2095 of Federal *Hansard* where the shadow Minister for Fuel and Energy said in part—

> I turn now to liquefied petroleum gas because one Bill being debated in this cognate debate is the Liquefied Petroleum Gas (Grants) Bill. When we talk of liquefied petroleum gas we are talking essentially about butane and propane. These two products are produced at refineries in Australia and are also naturally occurring products in the Bass Strait oil producing areas. We produce roughly two million tonnes of LPG a year and we consume about 400 000 tonnes. The rest is exported to Japan. The Government, in the last 12 months, has dramatically increased the price of liquefied petroleum gas. About a

> year ago the price of liquefied petroleum gas was about $88 a tonne. It has now gone up to $252 a tonne. One may ask how this has happened. Essentially it has happened in this way: After the Iranian revolution there was a cutback in Iranian oil production and the glut of oil which had been evident in the world for a couple of years before that time disappeared. A premium was being paid in the spot market for oil and other petroleum products. The Organisation of Petroleum Exporting Countries seized that opportunity to give liquefied petroleum gas the status of a full commodity and to price it appropriately on its British thermal unit heat equivalent, or its energy component. A result was that the price of liquefied petroleum gas has increased dramatically in the last 15 to 18 months. The Fraser Government decided to price liquefied petroleum gas at export parity. It decided to charge Australians the price for which Esso-BHP paid for the export of LPG from Australia. Because Esso-BHP was selling into the world market by selling to Japan, the price it was receiving started to rise as the world market price rose. The result was that our domestic price rose with those increases.

I will not weary the House by reading the document further. There is reference to the sudden skyrocketing price of propane and butane. There is indication that the two Bills were combined, but I know that you, Mr Speaker, will not permit me to discuss the other Bill at this stage. It is not my intention to do so.

In essence, the Minister outlined that we merely will be agents, and that similar legislation will be introduced in the other State Parliaments. With those remarks I indicate the support of the Opposition for this measure.

MR McPHARLIN (Mt. Marshall) [8.53 p.m.]: The Bill before us is one we have been anticipating and waiting for. It will provide part of the subsidy that will be paid to distributors so that consumers will pay a reasonable price for LP gas.

A great deal of controversy emanated when the matter was first presented in the Federal Parliament. Press statements appeared to the effect that householders and the other users of LP gas were to be discouraged from using it, and there was to be encouragement to use an alternative source of energy, such as electric power or natural gas. As mentioned by the previous speaker, 80 per cent, or thereabouts, of the LP gas produced from the Bass Strait oilfields is exported. I believe the Federal Government has changed its attitude because of the situation in the Middle East. A great deal more promotion seems now to be given to encouraging motorists to convert their vehicles to use LP gas. Of necessity, greater effort will have to be made to find an alternative source of energy in order to preserve our oil. It will be some time before we can develop an alternative fuel for the motor industry.

Some confusion was caused by Federal members who did not understand the situation as clearly as they should have done. A Federal member of Parliament released a Press statement in which he stated that the consumers of the gas would have to be licensed. That matter was referred to me and I took it up with the Federal Minister. The Minister pointed out that the Federal member was in error, and that the licensing was to involve the distributors only. However, there was some confusion which has been cleared up now. People have a better understanding of what is intended.

The measure before us is one of which we approve. The sooner it is put into operation the better it will be for all concerned, and it has the support of the National Party.

MR P. V. JONES (Narrogin—Minister for Fuel and Energy) [8.55 p.m.]: I thank the two members who have spoken for their support. As has been indicated, this Bill will put into effect what the Commonwealth Government is seeking to do.

I re-emphasise one point: The member for Mt. Marshall said we had been waiting for some time for this measure. However, no-one will suffer any loss because the provisions will be backdated to March.

The member for Collie referred to the debate which took place in the Federal Parliament during April. However, I repeat there will be no problem because the measure will be backdated to 28 March. There is no suggestion that because we are passing the legislation now anybody will be out of pocket. I know the member for Collie is aware of that fact, but I want to make the position quite clear. I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

CHIROPRACTORS AMENDMENT BILL

Second Reading

Debate resumed from 30 September.

MR BERTRAM (Mt. Hawthorn) [8.59 p.m.]: Each year something like 1 300 Western

Australians die or, more correctly, are killed as a result of their having smoked cigarettes. The action by the Minister for Health to cope with this position—which certainly is not a laughing matter—was to bring in regulations to stop smoking in a few hospitals—among other things—and set up a committee—a bogus committee—to deal with this question. The committee currently meets once every 30 days, or once a month!

That is the level of activity of the Minister for Health on that question, or, if we like, the level of inactivity of the so-called Minister for Health on that question. Now let us look at his activity in regard to the Chiropractors Act.

Mr Young: Good heavens!

Mr BERTRAM: Having set the pace for himself in the manner to which I have referred already, the Minister is now seeking to emulate or exceed it in respect of the laws on chiropractic.

This State brought in the initial laws in regard to chiropractors back in 1964. That was a great breakthrough, and I mentioned it in my earlier remarks. Now our State virtually trails the field in regard to chiropractic legislation. This is a Bill to do with health, to do with life, to do with limb, particularly in so far as aspects of health are affected by procedures which we call chiropractic. So it is a very important Bill, and it is perfectly obvious from a quick reading of the 1964 parent Act, now to be amended, that the law in this State is in a very sad and thoroughly unsatisfactory state. There is no question about that—I do not think anyone has sought to question it. So what does the Minister do about it? He brings in this Bill which runs to about four pages, and obviously he is rather proud of his effort.

Mr Young: I wanted to keep it to a number of pages that you would be able to read.

Mr BERTRAM: That is a very sad contribution from the Minister. I have many more qualifications than the Minister himself is likely to have. However, we will cast that aside for the moment.

The Minister has brought in a Bill to deal with the keeping of accounts and the auditing of the accounts of the Chiropractors Board. That is the first significant contribution of the Bill. Another clause deals with the requirement that the board in this State—such as it is; it is not really a board, it is a disgrace really—shall consult with the Australasian Council on Chiropractic Education Ltd, which incidentally, I understand, is not situated in this State at all. It is situated on the other side of Australia—an example of centralism in its rankest form. Indeed, this is a company structured by chiropractors of a certain variety and in respect of which chiropractors of another variety are not heard; they are not even shareholders, let alone directors—a lopsided company.

The next thing we move on to in the Bill, if members are not impressed already with this "monumental" contribution, is that the penalties are to be increased. A fine which was previously $100 is to be increased to $1 000. As the member for Melville has pointed out, that is really not much of a contribution at all. In the nearly 20 years of operation of this legislation, there have been only four or five prosecutions. So the need to tamper with the amount of the fines barely assumes urgent proportions—it is barely necessary at all.

The next amendment has nothing at all to do with health or chiropractic. Clause 6 refers to a machinery to be established whereby persons aggrieved by decisions of the Chiropractors Board may appeal to the Local Court. Presumably such an appeal could be to do with the livelihood of a chiropractor, and I am told that these days some chiropractors gross $2 000 per day of operation. That is not a net figure, but the suggested net figure is fairly prodigious and therefore, it seems to me that to provide for an appeal to a Local Court magistrate is not fair or proper at all.

It is interesting to note that in certain of the other States that have more up-to-date legislation, and probably fairly satisfactory legislation, appeals do not go to Local Court magistrates whose ordinary jurisdiction is rather small. As we all know, the Local Court is the lowest echelon of civil courts. In the other States appeals go to the County Court—the equivalent of our District Court—or to the Supreme Court, and that is about where such appeals should go when we have regard for the importance of the matters involved.

So, Mr Speaker, you will observe from that fairly quick cursory glance at the measure that it is a very ordinary and unsatisfactory Bill. Of course it does attend to some matters which needed attention, and to that extent it has some virtue. However, we are supposed to be attending to matters of substance—not peripheral matters. It is not as though the Minister does not have plenty of evidence available to him from which he could work in order to bring forward decent legislation. Numerous inquiries have been conducted in Australia and elsewhere of modern times, and Victoria and New South Wales have

introduced some very modern and, I believe, satisfactory legislation. So with all that information available to him, it is completely incredible and beyond understanding that he should waste the time of this Parliament with a Bill which deals with such minutiae.

Mr Young: Can you tell me some of the amendments introduced in the other States arising from some of those reports?

Mr BERTRAM: I understand that in Western Australia today a leading accountant, or even the master budgeter of the State, could practise chiropractic.

Mr Young: Can you tell me some of the amendments made by some of those States in respect of some of those reports?

Mr BERTRAM: Such people could practise chiropractic in this State, even if they did not have the faintest notion of what chiropractic is about. That is what the legislation allows, and I remind members that this is Western Australia in 1980. What the law will not permit such people to do is to represent themselves to the public as chiropractors. Well, such a condition poses no complications at all.

It does not matter what the person calls himself; people come along and if they receive the treatment which they believe is chiropractic, there is no problem and the board does not reach out to that situation. But that is not so in other States, and it should not be so. In other States there is a proper mode of establishing who is a chiropractor. It is not just a question of what one calls oneself, but a question of what one really is; and that is what really matters.

Mr Young: What do they do in Victoria?

Mr BERTRAM: We have already discussed the matter of how this arose; because when this Act became law in Western Australia in 1964, it was a trail-blazing Statute and an attempt to get something started. To that extent it was a meritorious effort. Its limitations were well recognised at the time. However, it is no longer 1964; it is now 1980 and the law as it stands and as it will be amended by this Bill will be thoroughly unsatisfactory, thoroughly below standard, and simply will not measure up to what it should be. The Minister reflects no credit upon himself and really does not give much credit at all to the Parliament, because it is somewhat undignified to be discussing the Bill in its present shape.

Mr Young: Can you tell us what the other States are doing?

Mr Hodge: You are supposed to be expert in this matter.

Mr Young: I will tell him. First of all I would like him to tell the Parliament what he knows.

Mr BERTRAM: Perhaps I should ask the Minister through you, Mr Speaker—

Mr Young: I have asked you three times.

Mr BERTRAM: —whether the position in the law in Western Australia today is that, apart from the fact that one cannot call oneself a chiropractor, one can in fact practise chiropractic. Is that the situation?

Mr Young: It depends on what you call chiropractic, I guess.

Mr BERTRAM: The Minister knows there is a definition in the Act, but the public do not know that.

I will return to the point I was in the process of making; that is, that the law pertaining to who can practise chiropractic in Western Australia is in a disgraceful plight and does not protect the public. It is because of that the other States have taken action in a proper manner to see that only properly qualified and trained people should practise chiropractic.

Mr Young: What action have they taken?

Mr BERTRAM: I have already explained that.

Mr Young: No, you have not. I have asked you four times, and you have deliberately refused to say.

Mr BERTRAM: Have I?

Mr Young: Yes.

Mr BERTRAM: I have here an Act which shows the action taken by South Australia in 1979.

Mr Young: You are an embarrassment.

Mr BERTRAM: The Minister should know about that. I have another Act about which he should know; and I should not have to tell him about these things. He does not seem to know his job. I have a Bill for an Act which was introduced in New South Wales in 1978.

Mr Young: Gee, that is good. This is really edifying and heady stuff.

Mr Hodge: He knows more about it than the Minister.

Mr BERTRAM: As I said, the Minister does not seem to be very knowledgeable about this subject at all. I should not have to tell him what legislation has been enacted in other States. I think he should strive to bring himself up to date in this respect, and to bring himself up to the level

of the Labor spokesman on health matters, who quite clearly is knowledgeable in this area.

Mr Young: I was talking about you.

Mr Hodge: I offered to give the Minister a few pointers and to put him on the right track.

Mr BERTRAM: As I mentioned earlier, the Minister also is making errors in a number of directions; but he certainly made some rather monumental errors when he was discussing this Bill. He interjected at considerable length upon the Labor spokesman for health, as readers of *Hansard* will observe in the first column of page 2121. He gave three reasons that in his opinion certain chiropractors of certain training were superior to others. Before the member for Melville resumed his seat, the Minister had resiled from one of the three reasons. Then a day or so later the member for Melville asked question without notice 292 of the Minister for Health as follows—

> The Minister stated recently that a party of Government members had inspected the International College of Chiropractic, Preston, Victoria, and the Sydney College of Chiropractic, Sydney, New South Wales. Will the Minister advise me who the members were who visited the Sydney college and the date on which the visit occurred?

The Minister replied—

> I am sorry if I did in fact say to the member for Melville by way of a rather lengthy interjection that certain members of this Parliament visited the Sydney College of Chiropractic.

That is the second leg of his case thrown overboard. He then resiled from what he said. I continue to quote—

> If I did indeed say that at the time I interjected on him, I was incorrect in doing so.

Well, he did say it; there is no question about that because no doubt he read his comments in *Hansard*, and he answered this question on the day after he made the interjection. I continue to quote—

> I understand from my colleagues who were members of the parliamentary committee which visited the college in the Eastern States, that they visited the Preston college.

They did not visit both colleges at all; they visited only the college in Melbourne, and not the one in Sydney. So it will be seen that their assessment of the merits of both colleges was hardly the sort of assessment that any member of this Parliament would think a responsible Minister would take notice of.

Mr Hodge: An even-handed assessment!

Mr BERTRAM: I think the Minister has become caught up with the Premier's variety of even-handedness. I continue to quote the Minister's answer—

> The members who visited that college were: the Hon. Tom Knight, the Hon. Neil Oliver, and the member for Bunbury (Mr John Sibson).

Mr Carr: A powerful delegation!

Mr BERTRAM: The Minister concluded—

> However, I understand they did not visit the Sydney college.

This was the second proposition: He took advice from a self-appointed committee which studied the position in the Eastern States; and he assumed its advice was accurate. We now find, of course, that the advice, to use the old expression, was not worth two bob. The third leg of his justification of the assessment of the imports of the two competing varieties of chiropractor was departmental advice. I think it is reasonable to assume the departmental advice given to him would come from the Chiropractors Registration Board, which in this State is constituted in a thoroughly unsatisfactory and unacceptable manner. It is a lopsided board which tends to favour one variety of chiropractor to the almost complete and utter exclusion of the other.

So if one is trained at a certain college and one applies for registration with the Western Australian board of chiropractic, one is duly registered. However, if one is trained at a college in New South Wales with which the people of New South Wales are thoroughly satisfied, one would not be sensible in applying for registration in Western Australia because one has virtually no chance at all of being registered as a chiropractor. One should not read into my remarks that the variety of chiropractors who are practising in the main in Western Australia are not satisfactory chiropractors. Certainly, I am not advancing that; I am not equipped with sufficient knowledge to argue that point. Therefore, I hope the Minister will not put up that proposition.

What I am saying is that the other variety of chiropractors, who are trained at another college, should be admitted to practice chiropractic in this State. They come from a certain college and are up to a certain standard, and that should be adequate for the board.

It follows that the Chiropractors Registration Board needs revamping; more than revamping, it

needs total restructuring so that each side of the chiropractic profession is given a fair hearing and a fair go.

More importantly, coming out of all this is the fact that people receiving treatment from chiropractors will obtain the best level of professional skill available to them. That is really what this Bill should be about.

Earlier in my remarks, I suggested the Minister should withdraw this Bill and present a more worth-while measure. When all is said and done, it costs taxpayers' money to have us sitting here arguing about Bills which are unsatisfactory. It costs money for the Government to bring in a string of Bills, when one good Bill would do the job as well or better. However, the Minister has not been deterred. The Premier has told us he is a good Minister. The Premier explained to us recently that the Minister for Health was a good accountant, therefore he was about the last word in ministerial skills.

Mr Davies: Praise from the Premier is often the kiss of death.

Mr BERTRAM: I have never heard the Premier condemning any of his Ministers; it amounts to self-praise. The Premier specialises in this sort of behaviour, of course, whilst dishing it out to the peasants. I wish he would lay off us for a while. Even Hitler used to direct appropriate remarks to each forum.

I have already demonstrated tonight what the Minister for Health has not done in a certain regard. Here we are debating this most unsatisfactory Bill.

Mr Young: I would not actually call it "debate".

Mr BERTRAM: Members of the public who wonder why the Opposition does not seek to amend the Bill would know from reading *Hansard* that such a suggestion simply is not on. Opposition amendments in this Parliament very, very rarely receive acceptance. Therefore, there is really not a lot of point in the Opposition seeking to amend this Bill, any more than there is anything approaching common sense or sanity in our trying to amend other Government legislation. This is not new; the public should know about it. However, from time to time when discussing a Bill of this nature, it is as well to remind the public that what we are engaged in is a debating exercise, not a legislative exercise.

This Bill seeks to amend the 1964 Act and should in the Opposition's belief be something like uniform with similar Acts in other State. These days, there is a great deal of movement of people between States. It is very desirable that people coming here from the Eastern States and who require chiropractic treatment should be able to proceed on the basis that the law in Western Australia resembles in a substantial way the law of the States from which they come.

Mr Young: Which State would you like us to be like?

Mr BERTRAM: I am not talking about uniformity for uniformity's sake, but for the sake of fairness. I am talking about good government. I have not studied Eastern States legislation very thoroughly. As you would well know, Mr Speaker, it would make no difference in this Parliament if I did. However, I suggest that the Minister would do well to examine the Victorian or New South Wales legislation, and should make some attempt to make our legislation similar. He should keep in mind there are petty rivalries between those States, just as there are petty rivalries in the medical profession and between the various hospitals in this State. The Minister should chop away those petty aspects and make our legislation as uniform as possible with that applying in the Eastern States.

I endorse the remarks of the member for Melville that, quite clearly, this Bill is thoroughly unsatisfactory. A number of other points could have been made, notably concerning matters which are not in this Bill which should have been included. However, I leave it at that.

The Opposition opposes the Bill.

MR YOUNG (Scarborough—Minister for Health) [9.27 p.m.]: Since he has been in this Parliament the member for Melville has spent a considerable amount of time raising issues relating to the Chiropractors Registration Board, and in respect of what he believes—no doubt, based on a considerable amount of study—is necessary for the betterment of the chiropractic profession in Western Australia. I do not think he and I necessarily agree in any way about the manner in which the Government of the day should go about achieving that aim. However, at least he has done his homework.

The member for Melville spoke at great length on the shortcomings of the existing legislation. He did not spend very much time in praise of the Bill which I believe is likely to improve the legislation he told us had shortcomings. He also referred to the shortcomings of the Chiropractors Registration Board.

I am sure all members would agree that, until recently, the composition of the Chiropractors Registration Board gave the appearance of not being very democratic. To some extent, some of the allegations made by the member for Melville

have been rectified by the appointment in recent times of a person who is a member of the United Chiropractors' Association; he might perhaps provide some of the balance which the member for Melville is seeking. In fact, the member for Melville wrote to me and suggested the appointment of that particular person. It was perhaps lucky for both of us that I already had the recommended appointee in mind.

In this Parliament, we are also aware of the fact that the board does not have to report to the Minister or to the Parliament, and it does not have to lodge audited accounts with the Parliament. The Act does not contain any appeal rights. These things will be overcome by the legislation. However, the member for Melville says the Opposition intends to vote against the legislation, notwithstanding the very obvious improvements that have been introduced in the Bill in respect of those shortcomings. That is a fairly short-sighted attitude. One can always want more. One can always criticise, as the member for Melville has done, proposed legislation on the basis that it ought to have gone further. However, it may have been better for the member for Melville to convince his party that at least a vote for this Bill, whether it went far enough or not, was better than not having a Bill. Many of his colleagues have done that sort of thing in the past.

During his speech, the member criticised the fact I had released a Press statement some time ago, and it took quite a while before the amendments came before the House. I released that Press statement because I believed that as the Cabinet had reached a decision in respect of the legislation, and the Government of the day had agreed to proceed with the legislation, and as there was no good reason not to tell the public what we intended to do, we should tell them forthwith. That has happened in recent times in respect of amendments to the Mental Health Act. It is my policy on every occasion to keep the public informed on issues of interest and concern.

Mr Hodge: I was not criticising your making an announcement. I was criticising the length of time it has taken to come up with the minor amendments.

Mr YOUNG: I gathered the impression there was some degree of criticism—

Mr B. T. Burke: Political one-upmanship!

Mr YOUNG: Is that what the member was up to?

Mr B. T. Burke: You or him, I would have thought.

Mr YOUNG: The member for Melville also leaned fairly heavily on some statements to the effect that Western Australia had not implemented the recommendations of the Webb report, implying, perhaps deliberately and perhaps not, that all the other States had done so. In reality, notwithstanding the belief of some people in this place, the other States have not implemented any of the recommendations other than to register chiropractors.

Mr Hodge: That is not true.

Mr YOUNG: In the main, it is true as far as the Webb report is concerned. In respect of the important matters to which the member drew attention, the Webb report has not been embraced by the other States.

Mr Hodge: Most of the States have adopted most of the major recommendations of the Webb report. They have had equal representatives of members of the two major associations—

Mr YOUNG: That is the next point I was going to make.

Mr Hodge: None of them have recognised this company that you are going to recognise, which the Webb report says should not be recognised.

Mr YOUNG: The first point made was in respect of the Chiropractors Registration Board. A lot has been made by the member for Melville about that. During the course of last year, by interjection I pointed out to him the amount of money that he was costing the chiropractors of this State and the Chiropractors Registration Board in having to pay the registrar to research the questions the member had asked, sometimes rather facetiously, I thought. I suggested that he was being unfair in causing that expense. I cannot remember his exact words, but he said, more or less, "Well, it's a good thing too." That was the fixation the member for Melville had about the Chiropractors Registration Board.

Mr Hodge: It is not a fixation. I will keep campaigning until I see justice done.

Mr YOUNG: The situation with the Chiropractors Registration Board now is that there is an independent chairman, who is a barrister and solicitor; two members who are members of the Australian Chiropractic Association; one member who does not belong to either group; and one member, recently appointed, who is a member of the United Chiropractors Association. How could the member for Melville not call that a balanced board?

Mr Hodge: What the Webb report recommended is what I want.

Mr YOUNG: In other words, the member would remove the independent person and replace

him with another member of the UCA. He would then regard that as a completely balanced board?

Mr Hodge: I say what the Webb report said, that the names of the associations should not be included in the Act; that the Minister shall appoint the board and invite the two major associations to give him a list of names, and he should draw from those two lists in equal numbers. That is what I say should be done; and that is what should have been done.

Mr YOUNG: The member for Melville believes that if a report he has embraced says a particular thing, the Government should do what the report suggests. One could strike a balance in many ways. Having given the matter a good deal of thought, I want to tell the member and this House that there is no way in the world that the decision in respect of representation on the board was taken with any sense of bias. In fact, if it was boiled down to between myself and the member for Melville to decide which of the two of us was the most biased person in respect of chiropractors, it would be the member for Melville.

Mr Hodge: It is not bias. It is ignorance on your part.

Mr YOUNG: The record of the member for Melville indicates his bias.

Mr Hodge: Well, your record indicates your ignorance.

Mr YOUNG: My record indicates the decisions I have taken to try to maintain equality and balance within the profession.

Mr Hodge: When there are three overseas-trained chiropractors on the board and one Australian, is that balanced?

Mr YOUNG: Now we come to the proposition about which the member for Melville has harangued us constantly. The question of chiropractors who have qualified overseas has been raised on many occasions. In recent times, I have amended the regulations, which the member for Melville wants to re-amend, so that Australian-trained chiropractors are represented on the board. That has been done on the best advice that I can obtain.

Mr Hodge: We will get to your advice later on.

Mr YOUNG: I will deal with that in a moment. On the best advice, the college that provides the best chiropractic education in this country, and the educational body which can best provide the advice to the Chiropractors Registration Board of Western Australia in regard to qualifications are both Melbourne-based.

Mr Hodge: Who told you that?

Mr YOUNG: That is from multifarious sources.

Mr B. T. Burke: You mean "nefarious"?

Mr YOUNG: I do not intend to tell the member the source of the advice I received. If ever he is fortunate enough, or unfortunate enough, depending on the circumstances, to be the Minister for Health, he would not be forthcoming in respect of all his sources of advice, either.

Mr Hodge: Two out of three of your advices are wrong.

Mr YOUNG: I have recently amended the rules in respect of this Act to ensure that the Australian college becomes the standard for chiropractic education; and if anyone else wants registration, and can prove to the satisfaction of the board, or the Local Court on appeal, that his standard of education is equal to that body, he can be registered. I am referring to Australian-educated chiropractors; but the member refers constantly to these overseas graduates.

Mr Hodge: Why are you discriminating against the Sydney college? What have you got against it?

Mr YOUNG: I am trying to achieve some degree of balance, and trying to establish an Australian-educated base for chiropractors in this country.

In respect of the Sydney college, the member for Melville was probably disappointed about the fact that, when I interjected on him, I was not accurate when I said that certain Liberal parliamentary colleagues of mine had gone to the Sydney College of Chiropractic. I apologise to him for that. I admit that that was incorrect and I have made that statement in the House. If some people want to bring it up again, I suppose it is valid in this debate.

However, recently, representatives of the Chiropractors Registration Board in Western Australia were in Sydney for a conference. They wrote to the Sydney college asking whether they could visit it to make some sort of assessment of it. They were informed that such a visit would be inconvenient. They wrote again to the college and said that it did not matter but that they would still like to see over the college whether it would be convenient to them or to the college itself. I gather the tenor of the letter was not to cause any disruption. However, they were refused.

Mr Hodge: Can I tell you what really happened? Again you have been told only half the story. The Sydney college wrote back and said it was not convenient at that time. The Western Australian board wrote the second letter but it did

not arrive until the morning they turned up at the college, and the principal was not there. The staff were not authorised, in his absence, to let them in. They adopted a very aggressive and beligerent attitude to the staff of the college.

Mr YOUNG: So now the college claims that the members of the WA Chiropractors Registration Board adopted a very aggressive attitude to the staff at the college. I will leave it to the House to make its own determination.

The Chairman of the Chiropractors Registration Board in Western Australia is Mr Malcolm McCusker who is an eminent lawyer in this city and who had to be asked by me to take on the chairmanship of this board. I think he was reluctant to do so. I wanted someone of his stature to be on the board and he took on the job, I think with some degree of reluctance, to do a job, if members would like it put that way.

The suggestion from the member for Melville is that this person, who probably holds the balance of power on the board and is perhaps the most highly qualified of its members, although not in respect of chiropractic, would not have a reasonable attitude to what was fair and just. The member for Melville's suggestion is that the board, under this man's dominance, is so unfair and undemocratic that it is constantly looking for ways not to register people and is constantly looking for ways—in the member's overt suggestion—to ruin chiropractic in this State.

I believe that members of this Legislative Assembly and the people who are connected with chiropractic generally in this State would realise two things: Firstly, the fact that the member for Melville is probably a bit hung up about chiropractic.

Mr B. T. Burke: Rubbish!

Mr YOUNG: Secondly, he is a little bit biased. However, in conclusion, I will say that at least he read the Bill.

Question put and a division taken with the following result—

Ayes 26

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Cowan	Mr O'Connor
Mr Coyne,	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr MacKinnon	Mr Blaikie

(Teller)

Noes 18

Mr Barnett	Mr H. D. Evans
Mr Bertram	Mr Harman
Mr Bridge	Mr Hodge
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Parker
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr E. T. Evans	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Shalders	Mr Grill
Mr Trethowan	Mr Taylor
Mr Williams	Mr Pearce
Mr Herzfeld	Mr Skidmore
Mr Nanovich	Mr Jamieson

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Sections 16A and 16B inserted.

Mr HODGE: This clause requires the board to keep proper accounts of all receipts and payments and the reasons for each and that the accounts should be audited at least once a year. I notice that the auditor has to be approved by the board and the Minister.

It is incredible that this Act has existed since 1964 without such a basic and fundamental safeguard. It gives an indication of the neglect which has been evidenced all through the years relating to this profession, the board, and the Act. The fact that we are now, in 1980—16 years after the Act commenced operation—finally getting around to making such a fundamental change is almost unbelievable.

Mr Mensaros: You realise that your predecessor was on the Select Committee which suggested the drafting of the original legislation, so you are criticising him really.

Mr HODGE: I realise that only two of the five recommendations were adopted by the Liberal Government of the day. I have read the report and the debates, and I have quoted from both. The Minister was probably not listening to the criticism I mentioned which was made by Mr John Tonkin when the Bill was originally introduced.

Mr Mensaros: That was not in the recommendations.

Mr HODGE: Perhaps not, but the Minister's Government ignored three of the five

recommendations. Mr Tonkin was very critical of the Bill when it came to the House. He was spot-on, and the things he predicted have come about.

It is not before time that this board is being made accountable to the Minister and to the Parliament. For the 16 years of its existence, it has been left to run itself. The board has not been answerable to the Minister or the Parliament. It has not been subject to audit by the Auditor General; it has not been subject to the Ombudsman; indeed, it has not been subject to anyone. It has virtually been a power unto itself.

In a previous debate, Mr John Tonkin said this board would develop into a board of dictators and he was not far from the truth. When this provision is inserted, I hope the Minister will be a little more diligent about policing it than he has been in regard to policing other legislation under his control.

A few days ago I pointed out to the Minister the Cancer Council in this State has not tabled an annual report in Parliament for eight years, although it is required to do so annually.

I hope the Minister will take this matter a little more seriously and that he will monitor the situation each year to ensure the board lives up to the Statute.

Mr Young: Your leader must have been a naughty boy letting you get away with it.

Mr Davies: It is your responsibility to see it is there; it is not our responsibility to check it.

Mr Young: What about the three-year period during which you were Minister?

Mr HODGE: If we were attributing blame in this regard, the lion's share would go to the Minister for Health. The last report tabled in this House by the Cancer Council was in 1972.

For the last three or four years I have been endeavouring to make the Chiropractors Registration Board accountable to Parliament. I have written to the present Minister for Health, his predecessor, and the Premier. I have urged them to bring the board under the control of the Ombudsman, but I did not get far with that suggestion. At one stage I persuaded a former Minister for Health (Mr Ridge) to take an interest and, in a particular matter, he was forced to write and rebuke the board as a result of one of its practices which I shall mention. On one occasion, a person I know sought registration with the board. He completed an application form, enclosed a cheque for the prescribed amount, and sent it to the board. It was returned to him immediately and the cheque had not been cashed, because the board refused to register an Australian-trained chiropractor. That was a very bad practice and I hope it has been stopped.

I support this provision. As I said during the second reading stage of the Bill, I do not support the legislation in toto, because it is not a serious attempt to tackle problems facing the chiropractic profession. I do not agree with the Minister's claim that, because the Bill goes a little way along the road, it should be supported.

This legislation is superficial windowdressing which will not bring about a fundamental improvement. That is the reason we do not support the Bill as a whole. However, the provision contained in the clause before us is long overdue and I support it.

Clause put and passed.

Clause 4: Section 18 amended—

Mr HODGE: I take strong exception to this clause. The Minister has not attempted to justify or explain it. I have copies of every Act relating to chiropractors in this country and the provision with which we are dealing is not found in any of them.

The Webb report contained a recommendation which was completely contrary to this provision. The Minister has dismissed the Webb report; but it is the most authoritative report in relation to the chiropractic profession ever compiled in this country and, for that matter, throughout the world. The inquiry was carried out by a qualified committee of members under the chairmanship of Prof. Edwin Webb. The report took several years to compile and it comprised almost 1000 pages.

If the Minister is not prepared to accept this sort of expert advice, it makes me wonder where he obtains his advice. In a major recommendation on page 170 of the report, the following observation is made—

> The Australasian Council of Chiropractic Education, set up by the Australian Chiropractors' Association and the New Zealand Chiropractors' Association, should not be recognised by Government or Registration Boards as an accrediting agency for chiropractic colleges.

That is precisely what this clause is doing. It is totally opposed to the recommendation I have just read and yet the Minister has the cheek to tell us he does not take any notice of those sorts of expert comments. He takes his advice from his departmental advisers, from the Liberal Party back-bench committee, and the Radiological Council.

The Minister has admitted already he was incorrect in quoting the Radiological Council in the debate on the second reading stage of the Bill. He has admitted tonight he was incorrect in quoting the Liberal Party committee. That leaves the Minister with his departmental advisers who, of course, are the members of the Chiropractors Registration Board, which is dominated by the foreign-trained chiropractors who are members of the Australian Chiropractors' Association. Is it any wonder they give him this sort of advice? In fact the company we are recognising is an incorporated body registered in Victoria. It is not registered or recognised in any other State; it represents only one portion of the chiropractic profession.

The company does not include a representative from the Sydney College of Chiropractic, which is the largest and oldest college in Australia. It does not include a representative from the UCA. For a time, the company included a representative from UCA, but he resigned some time ago.

The company is funded by the Australian Chiropractors' Association and it is owned and operated by that body. It is not an independent or impartial body; it is a company.

We are saying a Government board in Western Australia must consult a company registered in Victoria and owned and operated by a private association before it can make a decision. It is an affront to Western Australia and this Parliament that we must consult this company before we can do anything.

I cannot understand why the Minister has chosen to insert this provision. To date he has not justified it. I hope he will do so in some detail.

Clause put and a division taken with the following result—

Ayes 24

Sir Charles Court	Mr Mensaros
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Dr. Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Blaikie

(Teller)

Noes 17

Mr Barnett	Mr H. D. Evans
Mr Bertram	Mr Harman
Mr Bridge	Mr Hodge
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Tonkin
Mr Carr	Mr Wilson
Mr Davies	Mr Parker
Mr E. T. Evans	

(Teller)

Pairs

Ayes	Noes
Mr Shalders	Mr Taylor
Mr Trethowan	Mr Grill
Mr Williams	Mr Pearce
Mr Herzfeld	Mr Skidmore
Mr Nanovich	Mr Jamieson
Mr Crane	Mr Bateman

Clause thus passed.

Clause 5: Section 19 amended—

Mr HODGE: Probably I should not persevere with this debate because the Minister made no attempt to answer any of the points I made. He is treating the Parliament with contempt by ignoring the Committee debate. He has made a farce of the whole debate. Nevertheless, I have some respect for this institution and I will continue to do my job and to point out the faults and failings as I see them in the Bill, even though the Minister obviously will sit here and ignore us.

Clause 5 seeks to delete the reference to a fine of $200 for a breach of the Act and to substitute that amount with a fine of $1 000. The clause also seeks to delete the daily fine for a breach of the Act from $10 to $50. If these fines were part of complete new legislation that did all the things that are required to bring the Chiropractors Act up to date and into line with other States then probably I would not quibble a great deal with these fines.

However, I still would tend to think that they are too high. I say that because I believe if we are to provide in the legislation for very severe fines we must have good reason for so doing. The Minister in his usual fashion made no attempt to justify our having such severe fines. I can find no evidence to support the imposition of such heavy penalties by this legislation.

As I pointed out in the second reading debate no evidence exists of any epidemic of law breaking. In fact, in the 16 years of operation of the Act there have been only two successful prosecutions for breaches of this Act and there have been three successful prosecutions for breaches of the rules. That is hardly reason, I think, to step up the penalty from $200 to $1 000.

If there were evidence that individuals were thumbing their noses at the Act and breaching it

daily or that members of the public were being taken down, hurt, or put in danger, that would be a different matter. We would then have to take a strong stand to ensure that people respected the law and abided by it, but the Minister has not produced one shred of evidence to substantiate any of those points.

He has not said there is an epidemic of lawlessness amongst the chiropractic profession. We have not heard evidence that people have been taken down, injured, or hurt in some way. In fact, the only shifty business I am aware of in the chiropractic profession in this State has emanated from the Chiropractors Registration Board by its shady and unsavoury practice of employing private detectives to go round the profession to act as agents provocateur. They have incited people to break the law. That is the lawlessness with which I am familiar in regard to this legislation.

That lawlessness has been brought about by the actions of the Australian Chiropractors' Association in collusion with the board. So, I do not regard the evidence as sufficient reason for this rather drastic increase in the fine.

As I said, if the Minister had brought in this increase as part of a package and a complete new Bill to upgrade the legislation to bring about a fair situation whereby there was equal representation on the board, and all sides had a fair hearing and a just chance to be registered, then the situation might be different.

Therefore for those reasons I cannot agree with the proposed fines. I think they are too high. The Minister made no attempt to convince me or the Committee that they should be so high. They seem to be far too high for the incidence of law breaking occurring in this profession.

Mr YOUNG: Section 19 of the parent Act is to be amended by this Bill. That section provides for a penalty of $200, an amount set in 1965, to be imposed upon a person who practises as a chiropractor but who is not registered as a chiropractor under the Act or holds a licence to operate as a chiropractor.

This amendment proposes to increase the fine from $200 to $1 000. I thought the member for Melville would have been one of the first people to believe that the use of the word "chiropractor" by someone who was not a chiropractor but who held himself out to be a chiropractor without good reason, would be a serious offence.

Mr Hodge: If it were happening all the time, but it is not.

Mr YOUNG: The member for Melville has made two very weak points.

Mr Hodge: They are better than the ones you made.

Mr YOUNG: The first point he made, and he will realise how silly it is at a later time, is that a penalty can be increased only if the penalty has been unsuccessful. In other words, if it has been so unsuccessful that it has not prevented anyone from breaking the law, then it can be increased. If it has been successful and has deterred people from breaking the law, then there is no reason whatsoever to increase it, notwithstanding that the offence is serious and that during the period over which the penalty has not been amended an increase of approximately 250 per cent has occurred in the rate of inflation.

The board and the Government consider that the sum of $200 is not a sufficient penalty for a person holding himself out to be a chiropractor when he is not registered as such. The member for Melville's proposition, which is as simple as the rest of his propositions, is, "If you do not do it my way, if it is not part of a package deal that I want, I will not like it." I hope he will not be too offended if I do not rise to my feet every time he makes such stupid remarks.

Mr HODGE: The point I tried to make was that the fine should act as a deterrent and it has at its present level because in 16 years there have been only two successful prosecutions. The present fine of $200 is a deterrent and no evidence has been submitted to indicate it should be increased to $1 000.

If there had been a rash of prosecutions because dozens of people were flouting the Act and saying that they would take the risk because the fine was only $200, I could understand the Minister's wanting to increase the penalty.

The Minister has not put forward that suggestion at all. He has not advanced any reason other than that he thinks there has been a 250 per cent increase in inflation. We are dealing with a 500 per cent increase. That figure is much higher than the one the Minister mentioned. It is not a matter of the Minister offending me, it is a matter of a slight on the Parliament. The Committee stage is supposed to provide an opportunity for the Minister to explain the legislation in more detail and when the Minister ignores the points which have been raised by the Opposition, it is not a slight on one speaker, it is a slight on all the members of this Chamber.

Clause put and passed.

Clause 6: Section 20A inserted—

Mr HODGE: This clause will provide for an avenue of appeal. This is obviously long overdue. The matter was raised by Mr John Tonkin in

1964 when he was dealing with the original Bill. He pointed out that some avenue of appeal was necessary. I have perused the *Hansard* copies of that time and Mr Tonkin's predictions have proved to be correct.

A board has been established with dictatorial powers. It has not been responsible to the Minister, Parliament, the Ombudsman, the Auditor-General, or anyone else. It has been run as a private organisation and an extension of the Australian Chiropractors' Association. Members of that board have the power to determine whether people can be registered. If an application is refused by the board the only avenue of appeal is back to the board. There was no avenue of appeal to anyone else, despite the fact that a Royal Commission in 1960 recommended that there should be an avenue of appeal to the Supreme Court.

Every other State of Australia has provided an avenue of appeal in its legislation, and it has been an appeal to a judge of the District Court or a judge in Chambers. Now, in this State, after 16 years, an avenue of appeal is to be provided. However, it is a half-hearted, superficial measure because the avenue of appeal is to a magistrate of a local court.

We are talking about a person's livelihood, a person who after a period of five years of study must appear before a board which will decide whether he can practise at his chosen profession. If a person wishes to appeal against a decision of the board he will have to refer his case to a magistrate of the Local Court. The recommendation of the Royal Commission was that there should be an avenue of appeal to a Supreme Court judge.

This is another example of the Minister not doing his job properly. He is grasping at the first thought that pops into his mind. I am not satisfied with this clause, and I am not satisfied with the Bill or the changes to the Act. I will continue to hassle this Minister, this Government, and the board until such time as justice is brought to the chiropractic profession in this State.

Clause put and passed.

Clause 7: Section 24 amended—

Mr HODGE: This clause increases the fine dramatically from $100 to $1 000. That is a rather hefty increase, and my remarks about the previous clause apply to this clause also.

As far as I am aware there has not been a single prosecution under this section of the Act. The increase is not warranted. If we had a rash of people breaching the Act, I could understand the Government's wish to provide a realistic deterrent. However, the fine is excessive.

Clause put and passed.

Clause 8 put and passed.

Title put and passed.

Report

Bill reported, without amended, and the report adopted.

SALARIES AND ALLOWANCES TRIBUNAL AMENDMENT BILL

Second Reading

Debate resumed from 9 October.

MR DAVIES (Victoria Park—Leader of the Opposition) [10.17 p.m.]: This is a short Bill and I do not think it should create any argument. It proposes two provisions because of the changes made to the Supreme Court Act which were explained by the Premier when he introduced the measure.

The Master of the Supreme Court will come under a different classification from the one previously stipulated. His entitlement to a salary determination will come under Section 7 of the Act where previously it was provided for under section 6 and dealt with by regulation.

Although the Bill has not yet made progress through Parliament, a paper was tabled tonight which indicated that the regulation has been amended already by deleting paragraph (w) of the regulations made under section 12 of the Act. Paragraph (w) refers to the office of the Master of the Supreme Court established by the Supreme Court Act of 1935.

We have not decided whether the Parliament is agreeable to the proposed procedure, but the Government has gone ahead and amended the regulation. I do not know what the position would be if Parliament should decide not to approve the provisions of the Bill.

However, there is no reason for us to do such a thing, and if members wish to know any further details of this particular clause, I refer them to the Premier's introductory speech which details quite clearly the procedure proposed.

The office of Master of the Supreme Court will come under section 7 as amended by the Bill. This section deals with remuneration for judges of the Supreme Court and judges of the District Court in Western Australia. The procedure to be followed with regard to the recommendations of the tribunal will be a little different from those specified under section 6.

The Opposition has no objection whatsoever to the changes proposed. Indeed, because of the policy changes to which the Premier referred, it is only logical that the proposal now before us should be agreed to.

The second part of the Bill adds a new section to what will be known as the Salaries and Allowances Act. The word "tribunal" is to be dropped and I think that is a tweedledum and tweedledee argument but we are happy to go along with it rather than debate the matter at length tonight.

The Bill introduces a completely new part IA, which sets out the right of the Treasurer of the State, from time to time, to make conditions regarding travel by members of Parliament and their families, and also to make conditions relating to allowances which can be paid to members of Parliament only, and not to their families. It is a fairly easy part to read because it is completely new, and it does not have to be related to the existing Act. It simply reads straight through as it is likely to appear in the Act.

I am pleased that under the new proposals one of the conditions is that the Treasurer may deal with the fares of members of Parliament, or the families of members of Parliament. I think possibly this provision will bring our Act into line with what obtains in some of the other States. For various reasons, and depending on the age and the health of a wife, it is not always easy for her to take up the options available to travel—limited as they are.

If my memory serves me correctly, in some States—and particularly, in the Northern Territory—members are able, with the permission I think of the chief administrative officer or some other suitable person in authority, to nominate a close relative, either a son or a daughter, as the case may be, to take the place of the wife. That is fairly reasonable, particularly in regard to Ministers who have to travel fairly widely and fairly often to special functions. It is not always possible for a wife to travel with a Minister. Unfortunately, we know that the wives of one or two Ministers at present are not enjoying good health and it is probable that a Minister in that position would want someone to accompany him, and he will be able to take his son or his daughter.

Under the provisions of this Bill the Treasurer will take unto himself the responsibility to set conditions whereby travel arrangements which are available to a wife can be made available to another member of the family. I applaud that provision and I do not intend to develop it any further.

No allowances will be paid for the members of families. Accommodation allowances or other expenses will be payable only to the member himself, and that is reasonable also.

Proposed new subsection (4) sets out that if a member is not to continue as a member of the Legislative Assembly, between the time of the dissolution or the expiry of Parliament and the date of the taking of the poll he still will be able to enjoy whatever benefits might be remaining to him by way of travel concessions. I notice that only a member of the Legislative Assembly is mentioned. I presume that is because the Legislative Council has fixed periods.

Sir Charles Court: Until 22 May. It is automatic.

Mr DAVIES: Yes, but I do not know whether there is likely to be any disagreement between those members going out at an election as distinct from those members who will continue their term.

Sir Charles Court: They are not mentioned because they are covered already. They remain members until 22 May. When we are elected we start a new term. We have not overlapped because if a Parliament met fairly soon after a general election we would have some Legislative Councillors in another place who would continue for only a few days.

Mr DAVIES: As that matter has been taken into consideration I do not want to query that aspect any further.

I do query subsection (5) of new section 11A which states that without limiting the generality of subsection (1), the Treasurer may place certain restrictions during an election period on the use of whatever travel rights are available. I can understand that provision because superficially it could be thought necessary to stop members from running around all over the country.

First of all, my long experience in this place has been that members want to stay in their own electorates during an election campaign, and they are reluctant to run all over the country. But, sometimes it is necessary as part of a campaign to journey far afield. If we are to have an imprest system, and a member has a credit balance in his account at election time, I do not think he should be precluded from using that balance during the election campaign. Certainly, a member will not waste his travel allowance because he will have to work hard for his own election.

Members of the Opposition—and I remind members once again that Governments

change—often have to travel during an election campaign. They are at a distinct disadvantage as compared with Government members because Ministers have unrestricted travel rights and to the credit of the Government, so does the Leader of the Opposition. However, the Government has more people than has the Opposition to call on and to use during an election campaign and they are able to travel at Government expense.

I can understand the argument to restrict Opposition members from travelling during an election campaign when it is a straightout call on Treasury funds. But, if there is to be budgeting, and a set amount fixed by way of imprest for members to use, and if a member has not used that allowance at an election time, I think it is grossly unfair that he should be stopped from using it.

As far as I have been able to ascertain, there are no restrictions on Federal members of Parliament travelling during the currency of a campaign. They are able to travel anywhere in Australia in line with their duties; there are no restrictions whatsoever. I do not imagine there would be any restriction on members of the Legislative Council, during an election campaign, using whatever travel rights they might have accumulated.

It is true the Treasurer will be able to make whatever rules he likes in regard to travel and the argument may come back to me that the Government will be generous and will let Opposition members travel. The Government may say that it will allow Opposition members to use up any balance they may have, and that it will use good sense and good judgment. But, I would rather not have that particular provision included.

If an imprest system is to make available a sum of money with very few restrictions regarding how that sum of money can be used—a member will be able to use it in the short term or over a period of three years—and if one member splurges his allowance and another member wants to use it at election time, I think it should be at the discretion of the member concerned. There should not be provision for the member to use his allowance as he likes during his three-year term, but not be able to use it during the six weeks leading up to an election. I do not think there is a tenable argument in favour of that provision, and I am quite certain some members from the Government side also will agree with what I am saying.

I want to point out, once again at the risk of being repetitive, that the Opposition is at a disadvantage. The Government has Ministers to send all around the State, and remembering once again, Governments can change, and at election times members of Parliament do not want to be running all over the State. Indeed, I am sure that, like myself, the Premier finds it very difficult to get members out of their own electorates at that time. So I do not think there would be a great wastage of public moneys. Members cannot spend more than has been budgeted for if and when the imprest system comes in.

I can only say that we agree with the proposed amendments right up to proposed subsection (5) of the proposed new section 11A. If the Treasurer could explain to us what these proposals are, or perhaps agree with us that the subsection should be deleted, then I do not think we would find anything to argue about.

MR BRYCE (Ascot) [10.31 p.m.]: I would like to support the comments of the Leader of the Opposition in respect of this amending Bill. I congratulate the Government on the initiative. I know we have discussed this subject in many different and successive appropriation debates during my time in this place. The introduction of this measure goes a very long way to bringing a little bit of maturity to the system of travel available to members of the most isolated provincial Parliament in the world.

Earlier this year I was overseas in North America—I was about as far away from this capital city as I could possibly get. I could not help reflecting on the complete isolation of Western Australia from the rest of the world.

Government Ministers and certainly the Treasurer complain very frequently to the national Government—irrespective of its political complexion—about the disadvantages the people of this State suffer through our isolation. I have never been able to understand why we have been prepared to apply the horse and buggy principle for so long to travel by members of Parliament, and the opportunity they have to visit other States and, more importantly, other countries.

On a previous occasion in this House I took the opportunity to point out that it is probably true to say that more than half, and perhaps as many as two-thirds, of the members of this House have never been to Japan, Indonesia, or the ASEAN countries which are very important trading partners of ours. The members of a very select small band of Ministers of the Crown dealing with the administration of this trade have had many trips to these places. In the past I could never understand why the Government of a community which is perhaps the most isolated in the world—and I encompass the Premier's

predecessor from this side of the House in my comments—has not been able to accept the idea that members of our Parliament should be able to travel to these other places.

I will come back to the specific provisions of the Bill. The Leader of the Opposition has put our point of view in respect of proposed subsection (5) quite clearly. Certainly I agree with my leader; I believe this proposed subsection should be deleted; it is just not necessary. I would like the Treasurer to indicate the sort of thinking that provided the foundation for the provision. We on this side of the House cannot understand what it could possibly be. We would like to ask him to consider seriously deleting this proposed new subsection. There are some valid reasons for doing so.

Currently all members of Parliament have in their possession a gold pass giving them access to travel on the Australian railway systems. Nobody would seriously suggest that that gold pass should be tarnished in the sense that we would not be eligible to use it once the writs for an election had been issued. Would anyone suggest for a minute that it would not be appropriate, feasible, or desirable for a metropolitan member to catch a train to Kalgoorlie during that period? However, I would not think a metropolitan member would want to absent himself from his own constituency during that vital period after the writs have been issued for an election.

I cannot see why the principle of the gold pass for the trains could not be transferred to aircraft. We are now in the 1980s, and it is strange that some people still think that it is glamorous and exiting for individuals to have access to air travel. I cannot imagine for a minute that any member of Parliament would abuse the use of air travel. No-one would want to put his backside on an aeroplane seat just for the fun of it. Air travel is not as enticing as that! The provision reflects a fairly old-fashioned approach on the part of the Treasury. Aeroplanes are as important to our way of life in the 1980s as the railways and the ships were in the 1920s and the 1930s.

If it is the Government's intention to restrict this particular form of travel, it ought to be spelt out plainly, rather than left to the discretion of the Treasurer. It should not be up to the Treasurer to determine when and where members of Parliament are able to use this facility during that four or five-week period.

I would like to conclude by again congratulating the Government on the initiative it has shown. My own personal point of view has always been that this facility should be available to all members of Parliament. I regret it has been such a long time coming. I hope sincerely that the facility always will be used sensibly and wisely. It can bring a great deal of good to this Parliament and its deliberations if we give members the opportunity to visit other communities which relate to us in so many ways.

MR T. J. BURKE (Perth) [10.39 p.m.]: My leader and the member for Ascot have canvassed the details of the legislation before us. I would like to comment on just a few matters.

As the Treasurer is aware, it has been a long hard struggle to get to this point. He knows full well he has kept a stranglehold on the availability of air travel. It concerns me a little that he may be tempted to retain as much control as possible.

I wonder why the Treasurer was not prepared to put this power in the hands of the tribunal. He has often commented on the expertise of the former Under Treasurer who heads the tribunal, and I believe Mr Cross from the Confederation of Western Australian Industry is the second appointee; obviously a man well experienced in such matters.

Recently the Premier appointed to the tribunal a person to whom he referred as a very highly respected and highly qualified member of the legal profession in Western Australia. As tribunal members have the responsibility of deciding from time to time the rights and privileges of members of Parliament, it seems to me that the matter of travel entitlements also should properly be placed within their jurisdiction. That would remove the temptation to politicise, and I suggest it would remove the problem to which the Leader of the Opposition and the member for Ascot referred.

The Premier might be tempted during elections to place restraints upon the travel entitlements of members of the Opposition, and at the same time allow Ministers to retain their travel entitlements.

That is the only matter I wish to raise. I would like the Premier to give consideration to it and to give an indication that, if not immediately, then at some stage in the future the tribunal will be given authority in this area.

MR WILSON (Dianella) [10.41 p.m.]: The main interest in this measure relates to the provision it makes for a statutory base for a new system of travel entitlements for members of Parliament. It is understandable that all members of Parliament should be interested in that, and it is significant that although in his second reading speech the Premier alluded to the subsequent introduction of an imprest system, this is the only opportunity Parliament will have and, in a sense, the community will have, to debate the matter

prior to the details of the system being revealed to the parties concerned.

We do not know at this stage what will be the details of that system; there is all sorts of conjecture about it, but the actual details are not known to us. However, it does seem to me that as this is the only opportunity the Parliament will have to look at the matter, then it is the only opportunity I will have to say that I have personal doubts about whether it is a matter of great priority at this time. I am aware that many members of this place who have been here longer than I have, have worked hard for this situation and see the importance of the introduction of this system.

It seems to me that the community does not look kindly at Prime Ministers or Premiers, or even State Ministers, undertaking trips overseas at the expense of taxpayers. The community feel such trips often do not bring about very great results. I know members of Parliament always feel these trips are valuable, and we have heard other members on this side of the House refer to the fact that they are of special value to Western Australian members of Parliament because of our isolation from other parts of Australia and other parts of the world. Other members on this side have said that to do our job properly we need to be in contact with other parts of Australia and other parts of the world, and to be aware of events occurring in those places.

I merely wish to raise a doubt about the priority given to this matter at the moment, because I believe we could be seen to be putting ourselves before other people in the community, and I am not sure that we are not doing that. At a time when surveys show that one person in every seven in Australia is stricken with poverty and lives at or below the poverty level, travel entitlements for members of Parliament could be seen to be not of high priority.

I can see the strength of the arguments raised about the need for members to travel from time to time in order to be aware of what is going on elsewhere, and so that we are not so isolated; I just wonder whether, taking everything else into consideration, it should be a matter of high priority at this time. I know that in this measure power is being given to the Premier to make decisions, and that once propositions are put to the political parties concerned, a decision will be made and the matter will not ultimately be in our hands. However, I believe, in spite of the fact that many members believe a desirable situation is being reached after a long time during which people have been concerned to bring about a rationalisation of travel entitlements, we could be seen to be getting our priorities wrong, and it could be said other needs in the community should be given greater priority.

If over a three-year period $500 000 is to be devoted to travel entitlements for members of Parliament, other people in the community could say that money could be spent in other areas of higher priority. It seems to me that in a time of great economic stringency when the Government is finding it hard to supplement the resources available to the Distressed Persons' Relief Fund, when it is saying it must prune its Budget, when it is saying it cannot increase the strength of the Police Force, and when it is saying public servants must restrict their wage demands, many people in the community may say that members of Parliament have not got their priorities wholly right if they give priority to their travel entitlements.

I just wish to raise my own doubts in that regard. I feel members on both sides of the House will welcome this proposal inasmuch as it establishes a new principle, and one which is a rational principle. I merely question whether it is appropriate, in terms of priority and in terms of the conditions under which many people in the community have to battle to survive, that priority should be given to this matter at the moment.

SIR CHARLES COURT (Nedlands—Treasurer) [10.49 p.m.]: I appreciate the comments of the members who have supported the measure. I can tell the member for Dianella that he can sleep easy and need not have any pangs of conscience about this, because he does not have to draw the entitlement that will be available under the imprest system. That is one of the great virtues of the scheme: A member can use precisely nothing of his entitlement.

There was a time when we had a system of parliamentary salary increases introduced into the Parliament under the Hawke Government. We were in Opposition and, due to comments similar to those just made by the member for Dianella, by arrangement with the Opposition, Premier Hawke made the salary increases optional. If a member wanted the increase, he was required to fill in a form, and request it.

Mr B. T. Burke: Did you fill in your form?

Sir CHARLES COURT: No, I did not.

Mr B. T. Burke: You are like the member for Dianella. Are you going to use the imprest account?

Sir CHARLES COURT: I had a different reason.

Mr B. T. Burke: You had enough money.

Sir CHARLES COURT: Three of us did not fill in our forms. Two of us had legitimate reasons but I think the member for Welshpool would be the only member here who would know why the third one did not fill in his form. That was one of the more humourous sides of the Parliament at that time.

No-one need have any qualms of conscience about this matter because, whether he uses the whole of it, part of it, or none of it, the matter will be entirely at his discretion.

Clause 7 of the Bill seeks to insert new section 11A into the principal Act. The reason for this clause is not in itself to implement the imprest system. This should be clearly understood. It could be that the imprest system—which has been studied, and which looks like being introduced—might not work out the way members think it will. After three years or more, members might be quite disenchanted with the way it has worked, and might want a different system altogether.

The legislation is so drafted that it would permit a variation of the system without having to bring another amendment to the Act before the Parliament. Whoever will be the Treasurer—and I will not be here forever—

Mr B. T. Burke: Come on—you are only 70!

Mr Davies: You are only saying that.

Sir CHARLES COURT: Members will have to put up with me for quite a while yet.

Mr B. T. Burke: The Deputy Premier's face just dropped!

Sir CHARLES COURT: I remind members this system is being introduced not only for today but also to cater for a continuing situation. I come back to the point that, after a period of years, members might not think the imprest system is all they thought it was going to be.

Somebody asked why we did not leave the matter with the tribunal; that could have been done. However, I can tell members it would be most unlikely the tribunal would agree to an imprest system being used. It would be more inclined to arrive at a system such as we have been using up to date; perhaps the tribunal would be a little more generous but, basically, it would be the same sort of system to which we have become accustomed.

In view of the fact that my understanding of what members were seeking was greater flexibility in this area, it was felt it would be best to tidy this up once and for all and place this particular part of the travelling and associated allowances of members in the hands of the Treasurer of the day.

An argument has been advanced as to whether the tribunal in its present form could not have given travelling allowances of a different nature—perhaps of a more generous nature. The member for Welshpool has some rather strong views on this point. However, up to date the tribunal has left this side of the travelling expenses and travelling allowances to the Government of the day. I believe it has some value and I think in future will continue, regardless of who is in office.

The conditions of the imprest system will not be determined in the final analysis by me. Immediately this Bill has passed through both Houses of Parliament, we will be submitting to the convenor—who, I understand by mutual arrangement has discussed this matter between the parties concerned—a suggested set of regulations based on what we understand is the intention and the desire of those who have been in consultation on the imprest system.

Mr Davies: I do not think the Opposition has been in on any discussion of rules and regulations.

Sir CHARLES COURT: No, I am referring to the study of the regulations drawn up by the Premier's Department and the Treasury which we understand interpret the wishes of those who have been discussing the matter. I am not suggesting they prepared these regulations. The point I make is that we had to get this matter codified so that members know what they are entitled to, and do not have to argue about entitlements with some public servant or an officer of the Parliament.

The whole basis of the scheme is that the method of spending, whether it be done in the first year, the third year, or spread over the entire period will be substantially in the hands of the member himself. It will be up to him whether he desires to travel within Australia, out of Australia, or intrastate. Again, it will be very much in accordance with his own programme, in the conduct of his parliamentary work and his desire for enlightenment of his understanding both of Australia and of other countries.

We will be distributing a set of regulations, which will then be discussed by all the parties. I think members will find the regulations interpret as far as is humanly possible the aims and aspirations of those who had the concept of the imprest system. If they do not find it acceptable, they will not hesitate to come back and put forward their alternative ideas.

These are not my ideas; they are the ideas which have been fed to me as being the wishes of members in connection with this scheme.

The scheme will contain built-in safeguards which I am sure members will want to see present.

Mr Bryce: Hear, hear!

Sir CHARLES COURT: We do not want a repetition of a situation which developed in Queensland, where members eventually finished up on the front pages of the local newspapers—and deservedly so—for abuses of the system. The system we propose will be well policed at the overall financial level, not by the Minister or the Treasurer, but by independent Treasury or other appropriate Public Service officers. This is how it should be. It will be substantially a matter between the member and the person who is placed in charge of the actual administration of warrants and the like.

This brings me back to the one remaining point; namely, the reason for proposed new section 11A(5). This proposed new subsection will give the Treasurer some powers to determine variations for the period between the issue of the writ and the actual conduct of the poll. I think on reflection members will understand there is a necessity to provide such a precaution. It is not new; we have had such a provision in the past. It is only a continuation in the legislation of what has been done administratively in the past—something which I thought had been accepted by all as a sensible restraint to be imposed. It does not have to be imposed; the word "may" is there. However, the Government felt it desirable in providing this authority to the Treasurer of the day to provide that it may be used if it was felt necessary at any particular time. I point out to members that it will apply for only a very restricted time. Apart from that, I think members will find the imprest system itself will interpret the wishes of members.

I reiterate that it could be that after a while, members do not like the system and find it is not quite as good as they thought it would be. They may want to change the syatem. The legislation has been so drafted that it will provide plenty of flexibility for changes to be made.

In conclusion, I refer to the contribution made by Mr Phil Adams, QC, who retired on account of age in September. Mr Adams is well known to most members of the Parliament. He has served the State and various Governments very well. He served not only this Government but also the Tonkin Government, and I think he goes back even further than that. He is an esteemed member of his profession.

It was fortunate that we had three people serving the Salaries and Allowances Tribunal in the persons of Mr Townsing, a former Under Treasurer; Mr Adams, who was well respected in the legal profession; and Mr Frank Cross, who was well respected in industrial circles.

Mr Davies: He was not the initial man, was he—Frank Cross?

Sir CHARLES COURT: He was a member of the tribunal set up under this Act. There was another tribunal before that one. It consisted of Sir Reginald Sholl, Frank Groom, and Sir Reginald Rushton. They were superseded when we brought in the new legislation.

The team of Townsing, Adams, and Cross was a well balanced team. That is one of the reasons—

Mr Davies: Not a workers' representative on there.

Sir CHARLES COURT: —we have not had the trouble we used to have every time the salaries were adjusted. They have handled the situation with delicacy and sensitivity; and they have endeavoured to keep in tune with the decisions and spirit of the Federal arbitration court in the national wage cases.

The new member of the tribunal is Mr Harry Lodge. All members will find him very approachable. He is another person who is well respected in his profession. It is desirable to have a senior member of the profession on the tribunal in view of the fact that it recommends the salaries of judges of the Supreme Court, District Court judges, magistrates, and the Master of the Supreme Court.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Heading and section 11A inserted—

Mr DAVIES: I am dealing with new subsection (5). I was disappointed with the explanation given by the Treasurer. He said we had always had these conditions, and that members were happy with them. On reflection, he thought we would be quite happy to have them remain. I have to disappoint him and say we are not happy.

The Treasurer did not answer the points we raised. At the time of an election, very few members, if any, have had travel rights available to them. Very few have had their annual trip to the north-west available to them. Most of the trips have been used up; and on the Opposition side it is left to the leader to have travel rights during an election campaign. This puts the Opposition at a distinct disadvantage compared with the Government. Ministers have unrestricted travel; and no-one queries that. No-one queries whether it is an election rally that they are attending. Nobody bothers to say, "Have they got any right to use Government funds to go there?"

While we are talking about Government funds, I indicate there will be some saving because the funds that the Government had made available for overseas trips for the Commonwealth Parliamentary Association will no longer be available. The existing travel rights will be made available within the limitations of the imprest account. It may mean that a member who has an overseas trip through the CPA may finish up going as far as the imprest account goes. There may be some balancing of the actual cost; and that may ease the consciences of some members.

It is quite odd that we can travel by train, using our gold passes, at any time up to the eve of an election. In fact, we can use them on an election day; and no-one says, "You cannot use that." There has never been any restriction on the use of the gold passes. In days gone by, it must have been a distinct advantage for members to travel around the State during election time. Now we have changed our mode of travel; but we still have the gold passes available to us.

Federal members of Parliament do not have any restriction placed on their travelling. I cannot see that members of the Legislative Council will have any restrictions. I suggest it would be grossly unfair if they had restrictions placed on them when they were not facing an election.

Under the imprest system, it is proposed that travel rights for members in and around their own electorates will continue as in the past. The members travelling to their electorates will not be disadvantaged.

Members will not be wanting to travel just for the hell of the plane ride, because I am sure the Treasurer has had the same trouble as I have in persuading members to leave their own electorates in an election campaign. That is understandable. Indeed, I am sure the Treasurer, who travels much more than I do, must be heartily sick of travelling.

Although I have unrestricted travel rights, provided I am on parliamentary business, I am lucky if I am able to make two trips out of the State in any one year. I think the position has been the same with former Leaders of the Opposition. I am sure many Ministers wish also they did not have to travel.

As the member for Ascot said, there is not great excitement or enjoyment in travelling. We should be able to use travel for the advancement of parliamentary purposes. That is the idea behind the imprest system, as I understand it. Because of this, we should be able to travel at election time also. No-one would receive a greater advantage than another if we were allowed to use our travel rights under the imprest system during the period of an election. Indeed, the only people who would be disadvantaged would be back-bench members; because the Ministers and the Leader of the Opposition will have travel rights over and above those of the back-benchers. I cannot see any need for this restriction to remain in the Act.

Governments change; and it is no good saying "It is a handy thing to have there to stop them travelling at election time." Whatever the Government might be, it might like to have that power, but there is no justice in it.

I believe it is grossly unfair, particularly to those members who might have saved their travel rights or some of the money that was available to them to use it at a particular time, only to find there was a snap election perhaps six or 12 months ahead of time which meant they were unable to use the money available. This perhaps is the only danger. Perhaps the Premier thinks that if there were an election ahead of time, in that six weeks everyone would want to use up the money he had left. There is not much fear of that happening, because members want to be in their electorates at such a time.

Because of the various reasons I have advanced, because the only reply given by the Premier was to the effect that it was always thus and that he did not think anyone had ever been unhappy about it, and that on reflection we would be prepared to let it continue, the Opposition will be voting against this proposed subsection.

Sir CHARLES COURT: I think the Leader of the Opposition has overlooked one vital factor—all the representations made to me by members were on the basis that they felt they were disadvantaged and deprived of opportunities that were possessed by members of other Parliaments in Australia and that they were denied the opportunity to know more about their State, their nation, and overseas countries. The

idea was represented to me very strongly on that basis.

One of the most telling arguments is that a member can be in the Parliament for a long period and never receive a study tour. There is a set of circumstances where a member can be just about ready to be nominated and something happens and his proposition cannot get through the party room. The Hon. Ron Leeson referred to this at today's CPA meeting. He commented that a member would have to be here 45 years to be sure of getting one study tour and this was not equitable.

The whole thrust of the argument put to me was for the purpose of allowing members to have freedom of travel, either intrastate, interstate, or internationally. Therefore, when we are talking about proposed subsection (5) we are speaking about something quite different and I do not think we want to get confused.

As far as Legislative Councillors are concerned, they will be subject to restrictions if they are imposed. The fact that they might run on to the statutory date—I think 22 May—is quite irrelevant when we relate that situation to this clause. It does not refer to one section of the Parliament only.

I hope members will go along with this. I do not want them to get confused between the two objectives. One was to give a sum of money of reasonable proportions to members so they could use it for their education about the State, the nation, or overseas countries. With the imprest system which will be brought forward there will be an accrual period of two terms, which was the request made. If members for their own private, political, or electoral reasons were prevented from using up all the imprest amount in one term, they would be able to accumulate it for two terms; they would always have it at their own choosing. Presumably, if they felt they would be safe at the next election, they might nominate not to use it all in the first three years; that would be their decision.

I do not want this to get confused with any member's internal travel between the issue of the writ and the declaration of the poll. The point the Leader of the Opposition made about the possibility of a different Government being in office from time to time is very pertinent, and the Government of the day can use this provision if it wants to; if it does not want to it can ignore it. The word "may" is there, and not the word "shall".

Mr DAVIES: If we want to vote against proposed subsection (5), would I have to move an amendment rather than attempt to defeat the whole of the clause?

The DEPUTY CHAIRMAN (Mr Watt): It is entirely up to you. If you want to delete subsection (5) you would need to move to delete those words.

Mr DAVIES: In that case, I move an amendment—

> Page 4—Delete subsection (5) of new section 11A.

I do this because the Premier made a very good argument for it. He said he wants members to use the system as they want to use it in whatever fashion they may choose; that is, to go to the Eastern States, or wherever, to educate themselves. Certainly I would like to be able to visit the United States of America to witness their presidential election. I would dearly love to spend a month there to see how their campaigns are run and to take part in the razzamatazz which goes on.

There may be other members of Parliament who feel they must spend the money available to them in a certain way at election time. It is true that they might be finishing their term and not coming back to Parliament after that six-week period; but it is also true they could well be coming back and whatever they learn at that time during that election period, when things are often a little different, could stand them in good stead when they return to Parliament.

The Opposition feels strongly about this, and it is true the Premier says the word "may" is there. It is true we may be able to talk to him between now and whenever the next election is held and he might desist; he might not want to impose any restrictions at all. But it is also true that he might. Because we believe it should not be there, irrespective of what Government is in power, I have moved this amendment.

Sir CHARLES COURT: I hope the Committee will not go along with this amendment which exposes a completely different line of thinking to what was intended. It was never intended that this imprest system would prevail for a form of travel for election purposes. It was put up and accepted in good faith by the Government as being a proposal whereby members could, over the life of a Parliament, and if necessary, to carry over into the next Parliament, have access to funds for the purpose

of improving their understanding of the State, the nation, or overseas countries.

If we remove this proposed subsection we are really saying that we did not mean that at all, and that it was only a means of talking the Government into this position so that if members want to use the whole of the imprest amount for electioneering, they should be entitled to do so. That was never the intention of the arrangement, and I sincerely hope the Committee does not go along with this amendment.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 11.20 p.m.

QUESTIONS ON NOTICE

NOONKANBAH STATION

Drilling: Cost

1122. Mr DAVIES, to the Minister for Mines:

(1) Has an amount been set aside within the Consolidated Revenue Fund for the costs of drilling at Noonkanbah Station?

(2) If so, under which item?

Mr P. V. JONES replied:

(1) and (2) No. As it has already been indicated, the Government will be making a statement relating to this matter in due course.

EMU BARRIER FENCE

Lake Moore

1123. Mr SKIDMORE, to the Minister representing the Minister for Lands:

Further to question 233 of 1980 relevant to reserves, asked in the Legislative Council—

(1) Has the Class "A" nature reserve yet been set aside in the Lake Moore area, as recommended by the Environmental Protection Authority and agreed by the Government on 9 February 1976?

(2) Does the Lake Moore emu barrier fence pass through the reserve, or the area subject to a biological survey, and in which the reserve will be set aside?

(3) Will the Minister or his department refer proposed land releases in this area to the Environmental Protection Authority?

Mrs CRAIG replied:

(1) No.

(2) Although the emu barrier fence does not pass through the proposed reserve, it may pass through the area the subject of the biological study.

(3) It is general practice, as in this case, for reference to be made to the Environmental Protection Authority.

QUARRYING

Limestone

1124. Mr SKIDMORE, to the Minister for Urban Development and Town Planning:

(1) What action is the Government taking in regard to the report on limestone quarries in the Joondalup area prepared for the Joondalup Development Corporation?

(2) What consideration has the Government given to having section 235 of the Local Government Act apply to all categories of land?

(3) (a) What consideration has the Minister given to the need for procedures for quarrying applications under the 1978 Mining Act to be consistent with the requirements for public notification and participation already provided under provisions of the Local Government Act;

(b) what are the views of the following concerning the draft regulations of the 1978 Mining Act concerning the retention of existing public notification of mining tenement applications—

(i) Town Planning Department;

(ii) Metropolitan Region Planning Authority;

(c) which of these views has been conveyed to the Minister for Mines or his department;

(d) has the Local Government Association and/or Country Shire Councils' Association contacted the Minister about the draft regulations for the 1978 Mining Act, and if so, what was the nature of the matters raised?

Mrs CRAIG replied:

(1) I assume the report referred to is the 1979 report of the Joondalup Development Corporation recently tabled by me. The question of limestone quarrying has been the subject of discussion with the corporation for some time and the Government has been considering measures which would protect the land from unco-ordinated quarrying but ensure that, where practicable, the economic supply of limestone could continue. Arrangements designed to accomplish these aims are expected to be completed shortly.

(2) None, as I am not aware of any difficulty arising from the operation of that provision of the Local Government Act.

(3) (a) The honorable member should direct this question to the Minister for Mines.

(b) (i) and (ii) The Town Planning Department and the Metropolitan Region Planning Authority have expressed no views on the draft regulations.

(c) Not applicable in view of 3 (b).

(d) Not to my knowledge.

EDUCATION: HIGH SCHOOL

Rockingham

1125. Mr BARNETT, to the Minister for Education:

Would he please advise details of money allowed for in this State Budget to establish a special remedial class at Rockingham High School, including a date on which it can be expected that the class will start?

Mr GRAYDEN replied:

The whole question of the establishment of special classes in secondary schools is determined by the budgetary restrictions imposed on the employment of teachers and the needs of all schools in the State.

Where such classes will be located in 1981 will be determined in the next two months.

STATE FORESTS

Maps

1126. Mr BARNETT, to the Minister representing the Minister for Forests:

Would the Minister please have the following maps tabled for the information of members—

80-chain maps showing the boundaries of the following management priority areas—

Dickson,
Iffley,
One Tree Bridge,
Brockman,
Dombakup,
Lindsay,
Johnston and O'Donnell,
Soho,
Beavis,
Strickland,
Giblett,
Hawke Treen,
Boorara,
Curtin,
Wattle,
Lower Shannon,
Mitchell Crossing,
Muirillup Rock,
Dalgarup,
Mt. Frankland?

Mrs CRAIG replied:

Maps at 80 chain scale, or their metric equivalent showing the boundaries of the areas listed are available for public inspection at the head office of the Forests Department.

It is both highly expensive and physically difficult to table such bulky plans, but if the House deems it necessary, then these maps may be tabled for a limited period between any Tuesday and Thursday but this will necessitate their not being available at the Forests Department to the public for this period.

EDUCATION: SCHOOL

Rockingham-Kwinana: Special

1127. Mr BARNETT, to the Minister for Education:

An article on the front page of a Rockingham paper recently indicated

that $50 000 was to be allocated for a special school in the Rockingham-Kwinana area: could he please provide information relative to the site and items which relate to this expenditure?

Mr GRAYDEN, replied:

The new special school will be located on the Education Department's site adjacent to the Safety Bay High School.

A start on the project, which will cost approximately $500 000, will be made towards the end of first term in 1981.

It is expected that $50 000 will have been expended on the new building by 30 June 1981.

LAND

Mitchell River

1128. Mr BARNETT, to the Minister representing the Minister for Lands:

(1) Have either—

(a) the Forests Department; or

(b) the Institute of Foresters,

made recommendations concerning land in the Mitchell River area?

(2) If so, what is the nature of the recommendations and when were they made?

Mrs CRAIG replied:

(1) (a) Over the years the Forests Department has made a number of recommendations concerning land in the Mitchell River area.

(b) The Minister for Forests is not aware of any recommendation made by the Institute of Foresters with respect to this area.

(2) The departmental reports on the area have covered a wide range of topics highlighting various forest aspects. Recommendations have been made at various times over the past 25 years.

LAND: AGRICULTURAL

Release

1129. Mr BARNETT, to the Minister representing the Minister for Lands:

Further to question 737 of 1980 relevant to land release, did the areas of land identified by the Land Release Review Committee include the following localities recommended as conservation areas by the Environmental Protection Authority in 1976—

(a) 5.7 Arrowsmith Lake area;

(b) 5.20 Coomallo reserves and vacant Crown land;

(c) 5.15 Beekeepers reserve;

(d) 5.16 Stockyard Gully;

(e) 5.17 Mt. Lesuer reserves?

Mrs CRAIG replied:

(a) to (e) As indicated in replies to previous questions and in Press announcements, the land was identified in broad terms by a Committee of Rural and Allied Industries Council and will be the subject of full investigation over a period by an interdepartmental committee as to suitability and environmental acceptability before any decision as to land release is made by the relevant Cabinet subcommittee.

WILDLIFE CONSERVATION ACT

Invertebrates

1130. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

(1) Do the provisions of the Wildlife Conservation Act provide for the protection of any specific species of invertebrates?

(2) If so, what species are involved and what is the nature of the protection given?

Mr O'CONNOR replied:

(1) Yes.

(2) Jewel beetles of the family *Hupnestidae.*

Ants of the genus known as *Nothomyrmecia.*

They are protected under subsection (2) of section 14 of the Wildlife Conservation Act.

WILDLIFE

Jewel Beetle

1131. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

(1) (a) Have inquiries or other approaches been made to the State Government concerning the need to reserve habitat for species of jewel beetle;

(b) if so, what are the details?

(2) (a) Is it fact that the Lake Cronin area of the South Yilgarn contains a high concentration of jewel beetles —probably the highest concentration in Australia;

(b) what progress has been made concerning the establishment of a Class "A" nature reserve in this area;

(c) what biological surveys have been undertaken in the area over the past five years, or are proposed within the next two years?

Mr O'CONNOR replied:

(1) (a) Yes.

(b) A letter from A. Sundholm of Guildford to the Premier.

A letter from the Royal Zoological Society of New South Wales to the Director, National Parks Authority.

(2) (a) Yes.

(b) "A"-class Reserve No. 36526 of 1016 hectares, including Lake Cronin, was gazetted on 29 February, 1980.

(c) As part of the biological survey of the eastern goldfields, staff of the WA Museum have made two major surveys and two less intensive surveys in the Lake Cronin area between 19 September 1978 and the present. One further major trip is proposed for early 1981. The adequacy of the existing reserve system will be reviewed at the conclusion of the biological survey of the eastern goldfields.

MINING

Hatters' Hill and Mt. Holland

1132. Mr BARNETT, to the Minister for Mines:

(1) What special conditions have been placed on mining tenements on and adjacent to Mt. Holland, North, South and Middle, Iron Cap and Hatters' Hill to protect the environment?

(2) (a) What special conditions have been placed on mining tenements that cover and surround Lake Cronin to provide maximum protection of the environment;

(b) has the geological survey yet carried out studies on Lake Cronin;

(c) if so, has a report been submitted to the Environmental Protection Authority;

(d) if studies have not been completed what progress has been made?

Mr P. V. JONES replied:

(1) Special conditions to protect the environment have not been placed upon approved mining tenements.

(2) (a) There are no current mining tenements over or surrounding Lake Cronin.

(b) Yes.

(c) Yes.

(d) Not applicable.

INDUSTRIAL DEVELOPMENT

Jervoise Bay

1133. Mr TAYLOR, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

(1) With respect to Government activity in redevelopment of the Jervoise Bay foreshore, is he aware that public toilet facilities on the south foreshore of Woodman Point have been or are to be removed?

(2) If "Yes", will he advise whether such facilities are to be resited and when likely to be constructed?

(3) If "No" will he enquire as to the future of the facilities and advise whether they will be available to the public this summer?

Mr MacKINNON replied:

(1) No.

(2) Not applicable.

(3) I am not aware of any facilities of the type mentioned on the south foreshore of Woodman Point.

However, if the question alludes to the existing toilet facilities at Clarence Rocks, I can give an assurance that these will continue to be available to the public during the coming summer.

INDUSTRIAL DEVELOPMENT

Jervoise Bay

1134. Mr TAYLOR, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

With respect to Government activity in redevelopment of the Jervoise Bay foreshore, what are its intentions and what timetable for re-establishment of the Cockburn Power Boats Association (Inc.) which incorporates the Cockburn Volunteer Sea Search and Rescue Group (Inc.)?

Mr MacKINNON replied:

The timetable for re-establishment is still to be determined. In the meantime access to the association's present facilities is being maintained.

EDUCATION: SCHOOL

Redcliffe

1135. Mr BRYCE, to the Minister for Education:

(1) With regard to the Main Roads Department plans to construct the Beechboro-Gosnells Highway in close proximity to the Redcliffe Primary School—

(a) is Education Department land involved in the road reserve for the highway;

(b) if so, approximately how much land is involved?

(2) How close is the nearest school building to the road reserve?

(3) Is there any prospect that the school will need to be closed as a result of the construction of the highway?

(4) Does the department anticipate "road noise" problems will result from the school being situated so close to a major highway?

Mr GRAYDEN replied:

(1) (a) and (b) A metropolitan region scheme does show that approximately 3 000 square metres may be required for the Beechboro-Gosnells Highway reserve but it is believed that this is under review and the Redcliffe Primary School site may not be affected.

(2) Until the Metropolitan Region Planning Authority advises the Education Department of its final plan, distance between the nearest school building and the new road is not available.

(3) and (4) Effects of the new highway on the ability of children to reach the school and noise effects on the school cannot be determined until traffic begins to use this road. There are no plans for re-locating the Redcliffe Primary School.

POLICE

East Perth Lockup: Complaints

1136. Mr T. H. JONES, to the Chief Secretary:

As a result of the complaints he received from W. Latter and also as a result of the recommendations he has, I believe, received from the Parliamentary Commissioner in connection with general conditions at the East Perth lockup, will he advise Parliament what changes and alterations will be made, and when?

Mr HASSELL replied:

No recommendations have been received from the Parliamentary Commissioner for Administrative Investigations in relation to current complaints. Complaints made to me are under investigation by the police. However, recent investigations and advice have all indicated to me that the East Perth lock-up, whilst not a choice place of residence, is well and properly conducted, and of a satisfactory overall standard when regard is had to—

(a) the very large number of persons who are temporarily accommodated over each annual period, and

(b) the state of health and cleanliness of many of those persons.

GRAIN

Pool

1137. Mr H. D. EVANS, to the Minister for Agriculture:

(1) What grains were handled by the Grain Pool in 1979-80?

(2) What was the quantity of each of these grains handled by the Grain Pool?

(3) What was the amount of disparity between the amount which growers of each of these grains received from the Grain Pool and the amount which the Grain Pool received from customers to whom the grain was sold in each case?

Mr OLD replied:

(1) Barley—2 row and 6 row
Oats
Lupins
Rapeseed
Linseed and Sunflowerseed.

	tonnes
(2) Two row barley	470 645
Six row barley	22 498
Oats	43 102
Lupins	8 057
Rapeseed	2 107
Linseed	121
Sunflowerseed	2 114

(3) Estimated disparities are attached. However, it should be borne in mind that 1979-80 season pools are not due for finalisation until early to mid-1981, with the exception of the sunflowerseed voluntary pool which was finalised on the 9 July 1980.
See table below.

SUMMARY OF ESTIMATED COSTS ASSOCIATED WITH 1979/80 SEASON POOLS
(per tonne)

EXPENSE ALLOCATION	2 ROW BARLEY $	6 ROW BARLEY $	OATS $	LUPINS $	RAPESEED $	LINSEED $	SUN-FLOWER-SEED $
Co-operative Bulk Handling Limited charge for storing and out-loading grain from C.B.H. facilities	14.27	14.27	17.83	11.90	14.30	14.30	Nil (C.B.H. not utilised)
Insurance on grain storage and internal movements	0.25	0.27	0.25	0.30	0.65	0.41	1.01
General expenses which include: Superintendence Wharfage Sampling Bagging etc	0.33	0.64	0.25	Nil	Nil	0.57	8.48
Railage incurred over and above railage recovered from growers in transporting grain/seed from C.B.H. facilities to buyers works and or suitable shipping outlets	0.75	0.05	0.10	11.80	10.40	6.10	Nil
Grain pool administration cost	1.30	1.30	1.30	1.30	1.30	1.30	1.49
Bank charges and overdraft expenses	1.94	1.77	2.63	3.50	6.85	6.97	1.17
TOTAL	18.84	18.30	22.36	28.80	33.50	29.65	12.15

1138. *This question was postponed.*

ROAD

Wimbledon Street

1139. Mr BATEMAN, to the Minister for Transport:

(1) In view of the possible traffic hazards in Albany Highway between Cannington and Maddington, will he advise if it is his intention to develop Wimbledon Street, Kenwick, in order to alleviate some of the congestion currently being experienced in Albany Highway?

(2) If "Yes", when is it anticipated that work will commence?

(3) If not, why not?

Mr RUSHTON replied:

(1) to (3) The metropolitan region scheme provides for a deviation of Albany Highway at Kenwick, part of which involves Wimbledon Street. This proposal is not likely to be undertaken in the foreseeable future.

At the present time the major congestion in Albany Highway is in the Cannington area—Nicholson Road to Leach Highway—which is north of the proposed Wimbledon Street deviation, and thus any funds which were available should desirably be directed to this area in preference.

HEALTH: CANCER

Hyperthermia

1140. Mr DAVIES, to the Minister for Health:

(1) What was the reply received from the National Health and Medical Research Council to its letter of 11 July 1979 in which the Sir Charles Gairdner Hospital Board asked for the collaboration of the research council "in the conduct of a clinical trial of the effect of heat as produced by the VHF equipment on the management of cancer"?

(2) On what date was the reply received?

(3) Has the Commissioner of Public Health had any response to his letter to the Secretary of the Medical Research Council conveying an invitation to the sub committee or a sub group of the sub-committee to visit Western Australia for an on the spot investigation regarding the Tronado machine and the use of hyperthermia generally?

(4) If so, what was the nature of the reply?

Mr YOUNG replied:

(1) The reply from the National Health and Medical Research Council was as follows—

> Thank you for your letter of 4th December, 1979 requesting some indication of when you can expect Council's advice on the Tronado equipment.
>
> As mentioned in our previous correspondence, Mr Stanford's report has been referred to Advisory Committees of the Council. Council will consider this question when the findings of these specialist committees are available.
>
> To give you some idea of the time scale for this process; the next meeting of Advisory Committees concerned, Radiation Health (Standing) Committee and the Medicine Advisory Committee will be held in May, while the next Council meeting is planned for 5th/6th June.
>
> I assure you that I will contact you as soon as the Council's views are known.

(2) 14 January 1980.

(3) and (4) Yes, the Commissioner of Public Health and Medical Services has spoken to the secretary of council. The Therapeutic Methods (Reference) Sub-Committee has met and considered the whole question of the Tronado and of the use of VHF in the treatment of cancer generally.

A preliminary study has apparently failed to reveal any experimental work with large animals or any clinical trials, but a working party has been set up to examine the world literature on the treatment of cancer by VHF. The committee thanked the Sir Charles Gairdner Hospital for the invitation to visit and it is likely that an expert group of the committee will come to Perth later.

GRAIN

Wheat: State Advisory Committee

1141. Mr COWAN, to the Minister for Agriculture:

(1) (a) Who are the members of the State Wheat Advisory Committee;
(b) what is their term of office;
(c) if members are appointed as representatives of the grain industry whom does each member represent?

(2) (a) Did the committee, at a recent meeting, discuss the $3 per tonne dockage it imposed upon the wheat varieties insignia and insignia 49;
(b) was any change made to the classification of these varieties which would allow growers in the eastern wheat belt to deliver them without dockage;
(c) what reasons are given in order to justify imposing a dockage on insignia 49 delivered to sidings in the eastern wheat belt?

(3) (a) As there is no grower accepted variety suitable to replace insignia or insignia 49 in eastern wheat belt areas will the committee allow these varieties to be produced in this area without dockage;
(b) what research is being conducted to find a variety that is acceptable to growers and which will replace insignia and insignia 49?

Mr OLD replied:

(1) (a) to (c) Trevor James Flugge, representing the interests of wheat growers;
Richard Benjamin Mouritz, representing the interests of wheat growers;
Kenneth John Lewis, representing the interests of wheat growers;
Robert Spencer Griffith, representing the interests of wheat growers;
Mathew David Padbury, representing the interests of flour millers;
Thomas Edward McDowell, representing the Department of Agriculture;
William John Toms, representing the Department of Agriculture;
Harry Millom Fisher, representing the Department of Agriculture;
Archibald Trevor Poustie, representing Co-Operative Bulk Handling Ltd;
William James Rodger Boyd, representing the University of Western Australia;
Robert Linton Cracknell, representing the Australian Wheat Board;
Ronald Pacey, representing the Australian Wheat Board.
Terms of office will expire with effect from September 30, 1983.

(2) (a) The committee does not impose dockages. It did discuss the $3 per tonne dockage for insignia wheat.

(b) No. The State Wheat Advisory Committee does not have the power to make such charges.

(c) The reasons are that insignia 49 and related varieties have not one quality which would enhance or maintain the quality of the ASW (WA) grade. If delivered into a separate grade and sold separately it is suggested that the dockage set by the market place would be substantially greater than $3 per tonne.

(3) (a) The committee does not have this power.

(b) One wheat breeder is now working solely on breeding wheats for low rainfall areas and the first results from his programme are expected in 1989. In the interim crossbreds from the previous breeding programme in medium rainfall areas will come forward for testing. This work is aimed at replacing all currently grown varieties. It is estimated that insignia and insignia 49 are grown on considerably less than 1 per cent of the area cropped to wheat in Western Australia.

FISHERIES

Boat Pen Fees

1142. Mr CRANE, to the Minister for Transport:

(1) Will the Minister please advise the boat pen fee rates to professional fishermen according to boat size applicable in the following fishing boat harbours or marinas—
(a) Fremantle;
(b) Two Rocks;
(c) Port Denison?

(2) (a) How are these fees established; and
(b) what increases in fees have occurred over the last two years?

(3) What increases are anticipated within the next 12 months?

Mr O'CONNOR replied:

(1) (a) Fremantle—$30 per annum plus $4.50 per metre length of vessel.
(b) Two Rocks—this is a private marina.
(c) Port Denison—no boat pens are yet provided.

(2) (a) Fremantle—pen rentals based on partial recovery of the servicing of the capital cost.
Two Rocks—this is a private marina.
(b) Fremantle—last increased 1.1.1978.
Two Rocks—this is a private marina.

(3) Fremantle—increased charges to $130 per annum plus $10 per metre length of vessel were approved in June, along with other port and marine charges.

However, because pen rentals are charged on the basis of a calendar year, the increases will not take effect until 1 January 1981.

MEMBER FOR MOORE

Threat to Personal Liberty

1143. Mr CRANE, to the Speaker:

(1) Is he aware of the comments in *The West Australian* of Thursday, 16 October 1980 which states the member for Subiaco has a key to the door of my office and was attempting to lock me in my office on 15 October to prevent my voting in Parliament, as is my democratic right and responsibility?

(2) As I consider this a serious threat to my personal liberty and as I do not have a key to the office myself, will he please advise me—

(a) how many keys are there to the door of my office;

(b) who holds these keys;

(c) how did the member for Subiaco obtain his key and will it be returned to the proper owners;

(d) what action can be taken to ensure that no member of Parliament can be forcibly detained or prevented in any way from attending Parliament, which I understand is his or her first responsibility;

(e) in view of the seriousness of the threat to my personal freedom, what action will be taken?

The SPEAKER replied:

(1) Yes.

(2) (a) to (c) Security at Parliament House is the responsibility of the Joint House Committee and I will refer this matter to the chairman of that committee.

(d) and (e) I have nothing further to add to the statement I made in the House on Thursday, 16 October.

QUESTIONS WITHOUT NOTICE

WAGE INDEXATION

Government Policy

308. Mr B. T. BURKE, to the Treasurer:

(1) Bearing in mind the allowances made in the State's Financial Statement for increases in wages according to indexation, would the Treasurer please tell the House whether his Government intends now not to oppose the current application for increases in line with indexation, and whether the Government will in fact support the adjournment of the application for increases in line with indexation?

(2) If the Government will not support the adjournment, can he say whether his Government now will support full indexation, having made allowance for that in the Budget?

(3) If not, why not?

Sir CHARLES COURT replied:

(1) to (3) The Government's position is clear. So far as the Budget is concerned, we have spelt it out. So far as we can obtain information of a suitable nature, we have endeavoured to estimate what is likely to be the incidence of increases arising from national wage cases. We cannot go beyond that because that is all that is provided for in the Budget. The member raised the point of a deferment of the case because of the problems arising from the 35-hour week case. The other part of his question referred to full or partial indexation. I think that precis of his question is correct.

Mr B. T. Burke: Except I am saying that you have made allowance in the Budget for a certain level of wage increase. Will you now support the claims that would amount to that wage increase?

Sir CHARLES COURT: We have made it clear that we have done our best to estimate the likely national wage case decision, and we have budgeted for that cost to the State Government. That does not mean necessarily full indexation.

So far as the suggested adjournment of this case is concerned, because of the problems that have arisen over the 35-hour week case, naturally we would join with the Commonwealth, as we have done in the past, if the case it is presenting was one we felt was fair and reasonable in all the circumstances. I would not be prepared to give a "blank cheque" in my answer to the member for Balcatta, and I suggest that if he wants a considered answer to his question, he should put it on the notice paper.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Act: Amendment

309. Mr DAVIES, to the Premier:

(1) Has legislation been drafted or is legislation currently in preparation to amend the Environmental Protection Act to remove the obligation on Ministers to inform the Environmental Protection Authority of any detrimental effect a project may have, and to remove from the EPA the task of assessing environmental review and management programmes?

(2) If no such legislation has been drafted or is in preparation, are such proposals currently before the Government in any other form? If so, in what form and what stage has the Government's consideration of them reached?

Sir CHARLES COURT replied:

(1) and (2) At the moment there is much conjecture in the community over possible amendments to the environmental protection legislation, and to the Environmental Protection Authority itself.

When representatives of the media have raised the matter with me, I have made it clear that this legislation, like many other pieces of legislation, is under review from time to time. It has to be realised that when the legislation was introduced to a certain extent it was experimental because environmental protection is a changing scene and it was only right and proper that the legislation should be reviewed in the light of experience.

So any discussion on this matter at the moment is all conjecture. I can say precisely that there is no Bill before the Cabinet at the moment so I could not hazard a guess as to the final content of any such amending legislation and whether or not it will be introduced in this session.

I must emphasise that the study made by the Minister was undertaken in the normal course of his ministerial responsibilities. No doubt when he has concluded his work he will come to the Cabinet with draft legislation as is the normal procedure.

DEPARTMENT OF AGRICULTURE

Denmark Research Station

310. Mr STEPHENS, to the Minister for Agriculture:

(1) Is the Minister aware of rumours in the Denmark area that the Denmark Research Station is to be closed and/or disposed of?

(2) Can the Minister give an assurance that there are no such plans?

(3) If "No" to the above, will the Minister give an outline of future plans for the research station?

Mr OLD replied:

(1) to (3) There is a need to examine continually the utilisation of the resources available to the Department of Agriculture to ensure that the rural community receives maximum benefit from the expenditure. Accordingly, the value of research stations is constantly under review. At present no decisions have been reached.

DEPARTMENT OF RESOURCES DEVELOPMENT

Environmental Review and Management Programmes

311. Mr H. D. EVANS, to the Minister for Resources Development:

What staff does the Department of Resources Development have with qualifications suitable for the assessment of environmental review and management programmes?

Mr P. V. JONES replied:

The qualifications of the staff of the Department of Resources Development are set out in the *Public Service List*. I am aware that as the Department of Industrial Development has been divided, there is no comparable list which would enable the honourable

member to know exactly which staff went to which department. If he cares to put the question on notice regarding the qualifications of the personnel who have been allocated to each department, I will provide him with an answer.

RECREATION

Busselton

312. Mr BLAIKIE, to the Minister for Works:

During his recent visit to Busselton, the Minister would have been made aware of the concern in the community over the delay in a proposed recreational project in that town.

Mr Davies: What about the jetty?

Mr BLAIKIE: Is the Minister in a position to advise the House whether any progress has been made to expedite this project? Can he advise the number of tenders his department has received and whether the tenders are for amounts less than the $450 000 which his departmental officers indicated would be the possible projected figure?

Mr MENSAROS replied:

I think the honourable member is referring to a proposed gymnasium-cum-recreational centre which the shire council seeks to construct at the Busselton High School on the basis of a 2:1 subsidy, the Education Department paying two parts and the shire council paying one part. As the honourable member said, this matter was raised when I was in Busselton recently talking to councillors and officers of the shire council. I was informed that $300 000 had been secured by the Education Department and that $150 000 would be allocated by the Busselton Shire Council. They were concerned that the project might cost in excess of $450 000 and asked me to make representations to have the Education Department subsidy increased.

The shire council officers also told me they were approached by building construction firms requesting that they be awarded a turn-key contract for $500 000, emphasising that the Public Works Department would never be able to do the job for that amount and that, anyhow, if the department did the job it would take too long, with long delays and overruns.

I persuaded them to try the Public Works Department to document the project and write out tenders so that local contractors might participate. They agreed to do this, and the appropriate documentation was prepared in five weeks. Tenders were written out and, from memory, some six or seven tenders were received, four or five from local firms. The prices ranged from $320 000-plus to $380 000-plus. The tenders have yet to be assessed, so I cannot inform the honourable member who has been awarded the contract. However, this clearly proves that the project can be completed for a great deal less than the amount for which it was believed the Public Works Department would not be able to do the job.

GRAIN

Rapeseed

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

Adverting to his answer to question 1073 in which he stated that the difference between the price paid to buyers for rapeseed purchased from the Grain Pool and payment by the Grain Pool to growers can be attributed to the costs, including freight, how is this reconciled when freight has already been deducted from the $195 per tonne received by growers, which means that freight forms no part of the $33.50 disparity to which he referred?

Mr OLD replied:

The freight deducted from the $195 per tonne is the freight calculated from the point of delivery—country silo—to the natural port terminal. However, if rapeseed is delivered to a port terminal such as Esperance or Albany no freight is deducted from those growers' payments.

Rapeseed is sold on a delivered capital city price and therefore the freight from the port Albany-Esperance to the capital city Perth is a cost against the pool and forms part of the $33.50 per tonne disparity. In fact, this "out-of-zone"

charge is estimated at $10.40 per tonne for the 1979-80 rapeseed pool.

I am sure that the member for Warren, who was Minister for Agriculture during the period of the Tonkin Government, is well aware of the answer to the question. I would also point out that rapeseed production declined from some 40 000 hectares in 1972-73 to 2 000 hectares last year because of a disease called blackleg—of which the honourable member is aware—and the only market for such a small crop of seed is in the metropolitan area. A new strain of rapeseed is being grown now and we are confident the crop will increase, at which time we will again be able to ship from regional ports.

FUEL AND ENERGY: SEC

Two-way Radios

314. Mr B. T. BURKE, to the Minister for Fuel and Energy:

Last Tuesday, I asked the following question without notice of the Minister—

(1) Is he aware that the frequency of certain SEC two-way radios was converted or changed during the weekend in the Geraldton area?

(2) Is he aware the task was subcontracted by a person whose name I have already given to the Minister?

(3) Is he also aware that this subcontract work was performed by off-duty Telecom employees who used Telecom equipment for at least part of the process?

(4) Is it his department's policy to direct work from SEC employees to subcontractors in these situations?

The Minister replied that he would answer the question as soon as he had the information. Does the Minister yet have the information to enable him to answer my question?

Mr P. V. JONES replied:

I have not yet received the full details surrounding this matter. I received some preliminary advice as to the way the matter was being handled at Geraldton, but I have asked for some more details. According to the preliminary information, the matter is not as the honourable member suggests; however, as soon as I have the full details, I will advise him.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Authority: Chairman

315. Mr DAVIES, to the Premier:

Does the Chairman of the Environmental Protection Authority (Mr Porter) have the confidence of the Government in that position?

Sir CHARLES COURT replied:

Neither I nor the Government know of any indication that we do not have confidence in Mr Porter's work. I do not know the relevance of the question, because the matter has not been an issue as far as I know—although I have noticed a lot of conjecture around the place. I come back to the fact that when the Bill is before Cabinet, we will know what is proposed by the Minister. Then, in due course, no doubt it will find its way to this place in whatever form is approved.

EDUCATION

Materials: Premier's Letter

316. Mr PEARCE, to the Premier:

Has the Premier written a letter to the Prime Minister (Mr Fraser) telling him that this State will not accept certain materials prepared by the Curriculum Development Centre in Canberra?

If so, will he explain to the House the basis on which he has exercised this form of censorship in Western Australian schools? Will the Premier inform the House why it is he and not the Minister for Education who is writing to the Prime Minister?

Sir CHARLES COURT replied:

Speaking from memory, the reason I wrote to the Prime Minister regarding a number of matters—which could include the matter referred to by the member for Gosnells—was that they related to issues which we believed were rightfully the province of the States and therefore,

not to be interfered with by the Commonwealth Government or by any instrumentality it established. However, I would like to make doubly certain about the matter to which he has referred because I notice something in *The Australian* newspaper about "protests" I had allegedly made to the Prime Minister about this particular issue.

If the honourable member cares to follow up the matter on notice, I will be only too pleased to provide him with a considered answer. Certainly, there was no conflict between the Premier and the Minister for Education over the issue, because it was a straightout question of the relationship between the Commonwealth Government and the Government of Western Australia over our respective spheres.

HOSPITALS

Overcrowding

317. Mr HODGE, to the Minister for Health:

Has the Minister's attention been drawn to an article on page 15 of this afternoon's issue of the *Daily News* which referred to spending cuts in Britain forcing people to participate in a lottery to secure a hospital bed? Has the Minister given similar consideration to such a move in Western Australia in view of the overcrowding in our hospitals and the long waiting periods involved? May I suggest to the Minister that he give consideration to allowing the Lotteries Commission or the TAB to conduct the procedure?

Mr YOUNG replied:

The light-hearted attitude the member for Melville adopts to our hospital system, the scare tactics he uses, and his stupid attitude to this whole area amply demonstrate to the people of Western Australia the views of the so-called Opposition spokesman on health matters relating to the hospital situation in Western Australia.

Mr Tonkin: You have done nothing about it.

Mr YOUNG: There is only one thing we need do in this country, and I have repeated it time and time again. For the edification of the member for Melville, I will repeat it once again: We need to return to the pre-Medibank system and allow the natural laws of supply and demand to operate in our hospital system. If we returned to such a system, the problems we are experiencing today no longer would exist.

REGIONAL ADMINISTRATION

Displays at Royal Show

318. Mr SODEMAN, to the Honorary Minister Assisting the Minister for Regional Administration and the North West:

(1) What is the level of financial assistance in the past three years given by the Office of Regional Administration and the North West towards setting up and operating the following regional displays at the Perth Royal Agricultural Society Shows—Kimberley; Pilbara; and, Gascoyne?

(2) To what extent has manpower been made available from regional and head office sources for setting up and operating the displays and how has such manpower been deployed between the three aforementioned regions?

Mr LAURANCE replied:

(1) The Office of Regional Administration and the North West has not given any direct financial assistance to any local committee for the preparation of Royal Agricultural Society district displays.

(2) To promote the north-west and other regions, staff have assisted in the preparation of district displays as appropriate.

An individual costing is not available in respect of this activity. In most instances, this work is done by local committees which are provided with financial assistance from the Royal Agricultural Society, shires, local firms and organisations.